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RADIO BROADCASTS

Broadcasts of proceedings of the Parliament can be heard on the following Parliamentary and News Network radio stations, in the areas identified.

- **CANBERRA** 103.9 FM
- **SYDNEY** 630 AM
- **NEWCASTLE** 1458 AM
- **GOSFORD** 98.1 FM
- **BRISBANE** 936 AM
- **GOLD COAST** 95.7 FM
- **MELBOURNE** 1026 AM
- **ADELAIDE** 972 AM
- **PERTH** 585 AM
- **HOBART** 747 AM
- **NORTHERN TASMANIA** 92.5 FM
- **DARWIN** 102.5 FM
FORTY-FIRST PARLIAMENT
FIRST SESSION—SIXTH PERIOD

Governor-General

His Excellency Major-General Michael Jeffery, Companion in the Order of Australia, Commander of the Royal Victorian Order, Military Cross

Senate Officeholders

President—Senator the Hon. Paul Henry Calvert
Deputy President and Chairman of Committees—Senator John Joseph Hogg
Leader of the Government in the Senate—Senator the Hon. Nicholas Hugh Minchin
Deputy Leader of the Government in the Senate—Senator the Hon. Helen Lloyd Coonan
Leader of the Opposition in the Senate—Senator Christopher Vaughan Evans
Deputy Leader of the Opposition in the Senate—Senator Stephen Michael Conroy
Manager of Government Business in the Senate—Senator the Hon. Christopher Martin Ellison
Manager of Opposition Business in the Senate—Senator Joseph William Ludwig

Senate Party Leaders and Whips

Leader of the Liberal Party of Australia—Senator the Hon. Nicholas Hugh Minchin
Deputy Leader of the Liberal Party of Australia—Senator the Hon. Helen Lloyd Coonan
Leader of The Nationals—Senator the Hon. Ronald Leslie Doyle Boswell
Deputy Leader of The Nationals—Senator the Hon. John Alexander Lindsay (Sandy) Macdonald
Leader of the Australian Labor Party—Senator Christopher Vaughan Evans
Deputy Leader of the Australian Labor Party—Senator Stephen Michael Conroy
Leader of the Australian Democrats—Senator Lynette Fay Allison
Leader of the Australian Greens—Senator Robert James Brown
Leader of the Family First Party—Senator Steve Fielding
Liberal Party of Australia Whips—Senators Jeannie Margaret Ferris and Alan Eggleston
Nationals Whip—Senator Nigel Gregory Scullion
Opposition Whips—Senators George Campbell, Linda Jean Kirk and Ruth Stephanie Webber
Australian Democrats Whip—Senator Andrew John Julian Bartlett
Australian Greens Whip—Senator Rachel Siewert

Printed by authority of the Senate
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(1) Chosen by the Parliament of Queensland to fill a casual vacancy vice Hon. John Joseph Herron, resigned.
(2) Chosen by the Parliament of Victoria to fill a casual vacancy vice Hon. Richard Kenneth Robert Alston, resigned.
(3) Term expires at close of day next preceding the polling day for the general election of members of the House of Representatives.
(4) Chosen by the Parliament of Tasmania to fill a casual vacancy vice Susan Mary Mackay, resigned.
(5) Chosen by the Parliament of South Australia to fill a casual vacancy vice Hon. Robert Murray Hill, resigned.

PARTY ABBREVIATIONS
AD—Australian Democrats; AG—Australian Greens; ALP—Australian Labor Party; CLP—Country Labor Party; FF—Family First Party; LP—Liberal Party of Australia; NATS—The Nationals

Heads of Parliamentary Departments
Clerk of the Senate—H Evans
Clerk of the House of Representatives—I C Harris
Secretary, Department of Parliamentary Services—H R Penfold QC
HOWARD MINISTRY

Prime Minister
Minister for Trade and Deputy Prime Minister
Treasurer
Minister for Transport and Regional Services
Minister for Defence
Minister for Foreign Affairs
Minister for Health and Ageing and Leader of the House
Attorney-General
Minister for Finance and Administration, Leader of the Government in the Senate and Vice-President of the Executive Council
Minister for Agriculture, Fisheries and Forestry and Deputy Leader of the House
Minister for Immigration and Multicultural Affairs
Minister for Education, Science and Training and Minister Assisting the Prime Minister for Women’s Issues
Minister for Families, Community Services and Indigenous Affairs
Minister Assisting the Prime Minister for Indigenous Affairs
Minister for Industry, Tourism and Resources
Minister for Employment and Workplace Relations and Minister Assisting the Prime Minister for the Public Service
Minister for Communications, Information Technology and the Arts and Deputy Leader of the Government in the Senate
Minister for the Environment and Heritage

The Hon. John Winston Howard MP
The Hon. Mark Anthony James Vaile MP
The Hon. Peter Howard Costello MP
The Hon. Warren Errol Truss MP
The Hon. Dr Brendan John Nelson MP
The Hon. Alexander John Gosse Downer MP
The Hon. Anthony John Abbott MP
The Hon. Philip Maxwell Ruddock MP
Senator the Hon. Nicholas Hugh Minchin
The Hon. Peter John McGauran MP
Senator the Hon. Amanda Eloise Vanstone
The Hon. Julie Isabel Bishop MP
The Hon. Malcolm Thomas Brough MP
The Hon. Ian Elgin Macfarlane MP
The Hon. Kevin James Andrews MP
Senator the Hon. Helen Lloyd Coonan
Senator the Hon. Ian Gordon Campbell

(The above ministers constitute the cabinet)
**HOWARD MINISTRY—continued**

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<td>Senator the Hon. Christopher Martin Ellison</td>
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<td>Minister for Fisheries, Forestry and Conservation</td>
<td>Senator the Hon. Eric Abetz</td>
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<td>Minister for the Arts and Sport</td>
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<tr>
<td>Minister for Human Services</td>
<td>The Hon. Joseph Benedict Hockey MP</td>
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<tr>
<td>Minister for Community Affairs</td>
<td>The Hon. John Kenneth Cobb MP</td>
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<tr>
<td>Minister for Revenue and Assistant Treasurer</td>
<td>The Hon. Peter Craig Dutton MP</td>
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<tr>
<td>Special Minister of State</td>
<td>The Hon. Gary Roy Nairn MP</td>
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<tr>
<td>Minister for Vocational and Technical Education and Minister Assisting the Prime Minister</td>
<td>The Hon. Gary Douglas Hardgrave MP</td>
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<td>Minister for Ageing</td>
<td>Senator the Hon. Santo Santoro</td>
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<td>Minister for Small Business and Tourism</td>
<td>The Hon. Frances Esther Bailey MP</td>
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<td>Minister for Local Government, Territories and Roads</td>
<td>The Hon. James Eric Lloyd MP</td>
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<tr>
<td>Minister for Veterans’ Affairs and Minister Assisting the Minister for Defence</td>
<td>The Hon. Bruce Frederick Billson MP</td>
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<tr>
<td>Minister for Workforce Participation</td>
<td>The Hon. Dr Sharman Nancy Stone MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Finance and Administration</td>
<td>Senator the Hon. Richard Mansell Colbeck</td>
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<td>The Hon. Gregory Andrew Hunt MP</td>
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<td>Parliamentary Secretary to the Minister for Agriculture, Fisheries and Forestry</td>
<td>The Hon. Sussan Penelope Ley MP</td>
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<tr>
<td>Parliamentary Secretary to the Minister for Education, Science and Training</td>
<td>The Hon. Patrick Francis Farmer MP</td>
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<tr>
<td>Parliamentary Secretary (Foreign Affairs)</td>
<td>The Hon. Teresa Gambaro MP</td>
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SHADOW MINISTRY

Leader of the Opposition
The Hon. Kim Christian Beazley MP

Deputy Leader of the Opposition and Shadow Minister for Education, Training, Science and Research
Jennifer Louise Macklin MP

Leader of the Opposition in the Senate, Shadow Minister for Indigenous Affairs and Shadow Minister for Family and Community Services
Senator Christopher Vaughan Evans

Deputy Leader of the Opposition in the Senate and Shadow Minister for Communications and Information Technology
Senator Stephen Michael Conroy

Shadow Minister for Health and Manager of Opposition Business in the House
Julia Eileen Gillard MP

Shadow Treasurer
Wayne Maxwell Swan MP

Shadow Attorney-General
Nicola Louise Roxon MP

Shadow Minister for Industry, Infrastructure and Industrial Relations
Stephen Francis Smith MP

Shadow Minister for Foreign Affairs and Trade and Shadow Minister for International Security
Kevin Michael Rudd MP

Shadow Minister for Defence
Robert Bruce McClelland MP

Shadow Minister for Regional Development
The Hon. Simon Findlay Crean MP

Shadow Minister for Primary Industries, Resources, Forestry and Tourism
Martin John Ferguson MP

Shadow Minister for Environment and Heritage, Shadow Minister for Water and Deputy Manager of Opposition Business in the House
Anthony Norman Albanese MP

Shadow Minister for Housing, Shadow Minister for Urban Development and Shadow Minister for Local Government and Territories
Senator Kim John Carr

Shadow Minister for Public Accountability and Shadow Minister for Human Services
Kelvin John Thomson MP

Shadow Minister for Finance
Lindsay James Tanner MP

Shadow Minister for Superannuation and Intergenerational Finance and Shadow Minister for Banking and Financial Services
Senator the Hon. Nicholas John Sherry

Shadow Minister for Child Care, Shadow Minister for Youth and Shadow Minister for Women
Tanya Joan Plibersek MP

Shadow Minister for Employment and Workforce Participation and Shadow Minister for Corporate Governance and Responsibility
Senator Penelope Ying Yen Wong

(The above are shadow cabinet ministers)
SHADOW MINISTRY—continued

Shadow Minister for Consumer Affairs and
Shadow Minister for Population Health and
Health Regulation
Laurie Donald Thomas Ferguson MP

Shadow Minister for Agriculture and Fisheries
Gavan Michael O’Connor MP
Shadow Assistant Treasurer, Shadow Minister for
Revenue and Shadow Minister for Small
Business and Competition
Joel Andrew Fitzgibbon MP

Shadow Minister for Transport
Senator Kerry Williams Kelso O’Brien
Shadow Minister for Sport and Recreation
Senator Kate Alexandra Lundy
Shadow Minister for Homeland Security and
Shadow Minister for Aviation and Transport
Security
The Hon. Archibald Ronald Bevis MP

Shadow Minister for Veterans’ Affairs and
Shadow Special Minister of State
Alan Peter Griffin MP

Shadow Minister for Defence Industry,
Procurement and Personnel
Senator Thomas Mark Bishop
Shadow Minister for Immigration
Anthony Stephen Burke MP
Shadow Minister for Ageing, Disabilities and
Carers
Senator Jan Elizabeth McLucas

Shadow Minister for Justice and Customs and
Manager of Opposition Business in the Senate
Senator Joseph William Ludwig
Shadow Minister for Overseas Aid and Pacific
Island Affairs
Robert Charles Grant Sercombe MP

Shadow Minister for Citizenship and Multicultural
Affairs
Senator Annette Hurley
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Reconciliation and the Arts
Peter Robert Garrett MP
Shadow Parliamentary Secretary to the Leader of
the Opposition
John Paul Murphy MP

Shadow Parliamentary Secretary for Defence and
Veterans’ Affairs
The Hon. Graham John Edwards MP
Shadow Parliamentary Secretary for Education
Kirsten Fiona Livermore MP
Shadow Parliamentary Secretary for Environment
and Heritage
Jennie George MP

Shadow Parliamentary Secretary for Industry,
Infrastructure and Industrial Relations
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Shadow Parliamentary Secretary for Immigration
Ann Kathleen Corcoran MP
Shadow Parliamentary Secretary for Treasury
Catherine Fiona King MP
Shadow Parliamentary Secretary for Science and
Water
Senator Ursula Mary Stephens

Shadow Parliamentary Secretary for Northern
Australia and Indigenous Affairs
The Hon. Warren Edward Snowdon MP
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The PRESIDENT (Senator the Hon. Paul Calvert) took the chair at 9.00 am and read prayers.

NOTICES
Presentation
Senator Forshaw to move on the next day of sitting:
That the following matter be referred to the Finance and Public Administration References Committee for inquiry and report by 19 October 2006:
The transparency and accountability to Parliament of Commonwealth public funding and expenditure, including:
(a) the impact on the Parliament’s ability to scrutinise, approve and monitor proposed and actual expenditure of:
   (i) outcome budget appropriations and reporting,
   (ii) multiple sources of funding including special appropriations, advances to the Minister for Finance, annual departmental carry-over surpluses, revenue retained under section 31 of the Financial Management and Accountability Act 1997, special accounts and goods and services tax appropriations, and
   (iii) the use of ordinary annual services to fund activities including non-annual services;
(b) options for improving the transparency and specificity of budget papers and related documents; and
(c) other measures to improve the Parliament’s oversight of proposed and actual Commonwealth funding and expenditure.

ELECTORAL AND REFERENDUM AMENDMENT (ELECTORAL INTEGRITY AND OTHER MEASURES) BILL 2006
Second Reading
Debate resumed from 13 June, on motion by Senator Kemp:
That this bill be now read a second time.
Senator CARR (Victoria) (9.01 am)—I move:
At the end of the motion, add “but the Senate is of the view that this bill should be withdrawn until undemocratic provisions that:
(a) reduce the period of time Australians have to enrol to vote and update their details on the electoral roll;
(b) introduce new proof of identity requirements;
(c) increase the disclosure of thresholds to $10,000; and
(d) increase the tax-deductibility of political donations, are removed”.
I wish to express the opposition’s very strong objection to the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006. The opposition’s opinion is that this bill should be entirely rejected. It should be withdrawn, and I have moved a second reading amendment to that effect. There are things about the Australian electoral system which make it unique in the world. The Australian electoral system makes us a symbol of what can be achieved in a democratic franchise. There are things about the Australian ballot that make us unique in our capacity to involve our citizens in the processes of government to a level which is pretty much unrivalled around the world.

Australia has a long and proud history of progressive electoral reform. As the minority report of the Joint Standing Committee on
Electoral Matters highlighted, this history dates back to the introduction of the secret ballot in Victoria in 1856. Voting rights for women were introduced in South Australia in 1894 and at a national level in 1902. The preferential voting system was introduced in 1918 and compulsory voting was introduced in 1924. Proportional representation in the Senate was introduced in 1949 and the right to vote was extended to 18-year-old citizens in 1973. It is fair to say that the responsibility for these quite substantial initiatives rests right across the political spectrum. All parties have participated, which has ensured that Australia enjoys probably one of the most democratic ballots in the world. The proposals before this chamber will bring that to an end. They will fundamentally change the nature of the Australian ballot in such a way as to seriously undermine our capacity to ensure that all Australian citizens have the opportunity to participate.

What we have with the proposals before us today are undertakings by this government to change the nature of our political system to make it increasingly difficult for ordinary citizens to participate. On this side of the chamber, we are very alarmed that the government is pursuing these reforms. There is no evidence to support the claims of the government or to justify what is in essence a pretty shabby attempt to take a narrow partisan advantage—short term at that. There is no evidence that the claims the government makes about the nature of electoral fraud in this country justify these sorts of draconian changes, which undermine the fundamental principles that make a real difference to the way in which our electoral system works.

This government seems to imply that fraud is widespread in the Australian electoral system. On the contrary, what makes us different from so many other countries that claim to be the harbingers of the democratic principle—take the United States as an example—is that Australia does not get the sorts of claims about rigged electoral systems that are seen in the United States, but this government is asserting that there is some sort of widespread electoral fraud in this country. We will come to that in some detail.

What this government is trying to do through this legislation is to make it more difficult for Australians to participate. That is my fundamental objection to these changes. The government is trying to restrict the capacity of Australians to participate in the electoral system and the governance of this country. This government is seeking to close the electoral roll earlier and to make it more difficult for people to get onto the roll. This government is making it more difficult for people to change their enrolment details so they can cast a vote. It is making it more difficult for voters to participate in the ballot, by forcing people to produce photographic or documentary identification before they are able to cast a provisional vote, and it is making it more difficult for voters to vote formally for the Senate.

We are seeing attempts being made through this legislation to fundamentally change the way in which our electoral system works. If you look at the nature of the changes that are also occurring with the donation system, you see that what this government is trying to do with these electoral bills is change the manner in which people contribute financially to the electoral system. It is the introduction of big, dirty-money politics into the Australian voting system.

What we are seeing here is the Americanisation of the Australian electoral system. What we are seeing through this is, like so many areas of public policy, a government that seems to take its model from overseas. And it is not the very best that America has to offer; it is some of the very worst aspects
of American political culture. Look at the way our Senate is put together. The fact is that there are some wealthy people here, but not that many. You do not have to be a millionaire to get elected to the Australian Senate. But in the case of the United States, where there are 100 senators, the latest information that I have shows that, of those 100 senators, 40 would consider themselves to be millionaires—40 per cent are millionaires. Those sorts of statistics are quite alien to the Australian electoral system.

What you have here is a cynical attempt to redefine and reshape the Australian electorate through a deliberate sequence of regressive and exclusionary measures. In doing so the government is seeking to marginalise and exclude some of Australia’s poorest and most disadvantaged citizens, the people who actually need government the most—the homeless, the poor, Indigenous Australians, migrant Australians, people who have trouble with English. These are the people who need the services of government. These are the people who benefit most from good governance. But these measures are aimed at excluding those people from participating in the political system.

After a century of political development, which has produced what I call the ‘Australian ballot’—one of the best in the world—measures are being introduced by this government to fundamentally undermine those principles. We have seen those principles open the doors to government by encouraging people to participate in the system and not trying to put barriers in their way. The fundamental principles of our electoral system are now being placed in jeopardy.

Through this legislation we see proposals aimed at closing the rolls early, making it more difficult to enrol, making it more difficult to cast a valid vote and changing the way you can contribute financially to the political system. You can now donate secretly, in such a manner as to avoid public scrutiny and public accountability. We see through these arrangements a smokescreen being established to claim that there is some form of widespread electoral fraud. And what is the evidence the government produces for this? The former minister, Senator Abetz, said that there have been 71 occasions since 1990 of people being identified as having tried to vote more than once—71 occasions since 1990. Think about all the people who have voted since 1990. Think how many times people in this chamber have voted since 1990. You will find that that is a rate of one example for every million votes cast. It is hardly what I would call widespread evidence of electoral fraud. There is simply no case to defend the government’s position on these issues.

We are seeing proposals that are aimed fair and square at narrow political advantage for what the government perceives to be its short-term benefit in these matters. The government proposals with regard to the electoral roll mean that the existing arrangements around the closure of the electoral roll after the election writs have been issued will be fundamentally changed. Currently, the legislation allows for a seven-day period after the electoral writs have been issued for people to get their affairs in order and update their electoral details. The government proposes to change the electoral rolls so that at 8 pm on the same day that the writs are issued people will not be able to enrol. The justification that the government claims is the need to maintain the integrity of the electoral roll. This is about electoral manipulation by the government, pure and simple, because the very people who do not keep their records up to date, who do not enrol judiciously, tend to be the people less engaged in the day-to-day political world. I have a concern that they are
essentially the people who need the services of government the most.

Following the 2001 federal election the AEC argued that an early closure of the rolls might mean that the rolls are in fact less accurate. That has been the traditional view of the Australian Electoral Commission. It said that electoral fraud was actually very rare. The statistics speak for themselves on that matter. The question of the electoral roll closure is really another one of those cynical red herrings being thrown across the trail in such a way as to divert public attention from what the government is intending to do. The number of submissions to the joint standing committee on the question of early closure of the rolls was very low. From my recollection, there were two submissions in favour of this proposal—one of course from the Liberal Party and one from the Festival of Light. These submissions were hardly what I would call compelling.

The figures produced by the AEC demonstrate that at the 2004 federal election there were 400,000 persons who enrolled, re-enrolled or changed their details in the seven days after the writs were issued. I think many of the people who do change their electoral details tend to be people who move regularly, renters, people who do not necessarily enjoy the same sorts of conditions that would encourage them to participate without these sorts of impediments being placed in their way. This will in fact reduce their level of involvement.

With regard to proof of identity there is, once again, no evidence or any suggestion that the identity question has led to any significant fraud being perpetrated on our electoral system. This is a regressive decision to discourage people from fronting up to an electoral polling station. It is another device to disenfranchise groups such as young Australians, the homeless and Indigenous Australians—people that the coalition believe are more likely to vote Labor.

When you look at the question of thresholds for political donations, you see the most dangerous aspect of this legislation. The government wants to increase the level of political donations that do not have to be revealed from $1,500 to $10,000. This government is trying to claim that it is a simple matter—that it is just a measure designed to deal with the effects of inflation. This far exceeds the inflation rate in this country. Going from $1,500 to $10,000 is way in excess of any inflation index you will find anywhere in this country. The amount of money that can actually be contributed under these measures without public declaration is not in fact $10,000, because individuals can contribute across the country at every state and territory level; the real figure is $80,000. That is what this government is seeking to allow as the minimum level at which one does not have to declare a contribution to a political party. What does that do to the transparency of the electoral system? It means that people with money can contribute in secret and in return can get all the political favours that come with secret political donations.

We see similar arrangements with regard to the receipt and disclosure of anonymous donations. The AEC has recognised that there is a need to tighten up on the question of financial disclosure, particularly when it comes to the question of associated entities. But again we see the example here of the Electoral Commission being ignored. I think it would be pretty much unchallenged that it is an organisation that enjoys a very high reputation for running a straight ballot. The same cannot be said of electoral officials around the world. You do not get the sorts of charges against our electoral officials that you get in other countries. But what do we have in these circumstances? The Electoral
Commission’s recommendations on so many of these matters are simply ignored by this government. And the reason? They do not suit the partisan objectives of this government.

The legislation we have before us does nothing to address the concerns of the AEC. In fact, it will make the situation so much worse when it comes to the question of financial accountability for political donations. The government does not share the view, obviously, of so many in this country that there needs to be a tightening up on the question of political accountability for financial contributions, especially when we look at the issue of so-called associated entities, devices by which you can launder political donations through the system. There needs to be a much firmer commitment to ensure that political parties come clean as to the sources of their donations. The argument is pretty straightforward: given the fact that we now contribute so much to political parties, public funding of elections being the main source of that financial support, the requirements on political parties should be all the greater—they should not be less—to explain where they get additional sources of money, how they run their affairs and how they participate in the political system. It imposes greater responsibility on political parties to come clean. But this government is providing a legislative framework where dirty, big-money politics can dominate the system in such a way as to provide services in secret for those donors. The questions that we are raising here point to the fact that this is a corrosion of the Australian ballot to such a point that this bill ought to be rejected outright.

Labor takes the view that the removal of prisoner voting rights is a further example of the way in which this government is seeking to reduce the right to vote. Currently only prisoners serving a custodial sentence of more than three years have their right to vote removed. Under this proposal there would be a further restriction on the rights of prisoners to vote. It was left to the Festival of Light—the other great supporter of the Liberal Party on these matters—to suggest that allowing prisoners serving sentences of less than three years to vote would encourage criminals to participate in the system. It is an amazing proposition—naive, offensive and ignorant. *(Time expired)*

**Senator MURRAY** (Western Australia) *(9.21 am)—In making my remarks on the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006, I would like to be on the record as stating that this bill represents yet another appalling outcome of coalition control of the Senate. It is a bill that in many respects blatantly seeks to advantage the coalition. From the words ‘electoral integrity’ in the title of this bill, one would assume its provisions are motivated by an intention to improve our representative democracy, to improve the democratic and electoral rights of Australians. Historically, these are rights to be proud of and surely worth building on. David Farrell and Ian McAllister, in their 2006 publication *The Australian Electoral System: Origins, Variations and Consequences*, certainly note this. They write with approval of our electoral history:

In the pantheon of representative democracy, Australia has its name stamped on many of the major advances in electoral system design as well as steps towards democratising electoral laws. Most of this bill runs contrary to this high regard. It is simply a bad bill, apart from one or two items. It does little to improve the integrity of our electoral system. In fact, it mounts an assault on it.

The Democrats feared this would happen when the Howard government took control of the Senate. We feared that part of its ideo-
logical agenda would be to bias Australia’s electoral system towards its own political advantage. We know that the government will have its way with this bill. It is pointless hoping that a few coalition senators will hold out for the integrity and betterment of our system rather than be captive to partisan political advantage. The Democrats will again be opposing contentious proposals of the bill. I say ‘again’, because they have been previously rejected by the Senate because of their untenability.

The content of the bill is as follows. Schedule 1 repeals existing voting rights for prisoners serving less than a three-year sentence. This is replaced with a universal voting exclusion for all persons serving a sentence of imprisonment. It reduces the present seven-day period after the writs for the closing of the rolls. The bill proposes that the rolls be closed on the day the election writs are issued. It increases nomination deposits for election candidates for both houses of parliament to $500 for House of Representatives candidates and $1,000 for Senate candidates. It introduces new identification requirements for enrolling to vote. Additionally, provisional enrolment is enabled for noncitizens who will be granted citizenship between the issue of the election writs and the date of the election. It allows access to the electoral roll to individuals and organisations that verify the identity of persons for the purposes of the Financial Transaction Reports Act 1988 and excludes such organisations or individuals from the commercial use prohibition clause in the Commonwealth Electoral Act 1918.

The bill inserts a new definition for associated entities. It broadens the extant definition of ‘associated entity’—which I suspect is aimed at the unions—to include an entity that is a financial member of a registered political party, an entity on whose behalf another person is a financial member of a registered political party, an entity that has voting rights in a registered political party and an entity on whose behalf another person has voting rights in a registered political party. It removes the requirements for broadcasters to lodge returns. It increases the disclosure threshold from $1,500 to $10,000. It introduces a new section which requires third parties to provide annual returns related to gifts received and expenditure incurred in amounts above $10,000. The disclosure of sponsor details for internet based political advertisements is governed, and the intention is to bring new media into line with old media disclosure requirements. It creates amendments to the Referendum (Machinery Provisions) Act 1984 consequential to the above amendments.

Schedule 2 makes changes to implement the $10,000 threshold, including indexation rules in line with inflation. Schedule 3 proposes the deregistration of all currently registered political parties six months after royal assent, except parties with federal parliamentary representation and/or past federal parliamentary representation. Schedule 4 introduces yet another new subdivision into the Income Tax Assessment Act 1997 to increase the tax deductibility for political donations from $100 to $1,500 for an income year.

The Senate Finance and Public Administration Legislation Committee reported on the provisions of the bill on 27 March 2006. The report was split into government versus non-government. Political analysts and academics support the Democrats’ approach. For instance, Joo-Cheong Tham from the University of Melbourne law school is concerned at the reduced transparency that will result from the changes to disclosure thresholds. He advocates a strengthening of reporting measures instead. Marian Sawyer, a well-known expert in the area, calls this bill the ‘hard to vote and easy to donate bill’. The Investment and Financial Services Associa-
tion supports the proposed changes to accessing the electoral roll.

Professor Williams from the Gilbert and Tobin Centre of Public Law at the University of New South Wales says that increasing the disclosure threshold will be harmful for our democracy. Reform is needed in greater transparency and not in less disclosure. He also indicates that, among other things, electoral law should be judged on its ability to enable the greatest number of people to partake in the voting process. The amendments contained in this bill fail in this regard. He also questions whether the disenfranchise-ment of prisoners is constitutionally valid, but I cannot see them marshalling up the money necessary to go to the High Court. The media is negative on this bill. But the coalition will power through in its determination to serve its electoral self-interest.

Apart from the worrying proposals for the early closure of the electoral roll and prisoner disenfranchise-ment, some of the most controversial elements of this bill relate to political finance. First is the bill’s proposal to boost the disclosure threshold from $1,500 to $10,000. The main rationale behind this increase is that the current threshold introduced two decades ago has been eroded by inflation and was originally too low anyway. Try advancing that argument with respect to indexing the tax thresholds, for instance. The government will not do it.

The Democrats will oppose this provision, as we are of the strong opinion that the current threshold of $1,500 is already a generous sum—and, I might add, it is regarded as a generous sum internationally—and it should remain. Given the regulatory gaps that already plague political finance disclosure, to raise the disclosure threshold can only exacerbate them. It cannot make our democracy fairer for all, something our parliament should be striving towards.

One of these gaps or loopholes is the financial gain achieved from the cumulative benefit of multiple donations. Presently, donors are able to write separate cheques of just under the threshold of $1,500 to each of the federal, state and territory divisions of the same political party. For instance, a donor who makes a donation of $1,499 to each of the nine branches of the Australian Labor Party can give a total of $13,491 without disclosure. Similarly, multiple donations to the eight branches of the Liberal Party allow for $11,992 to be donated without disclosure.

Should the level be raised to $10,000, as it will be when this bill passes, this would fa-cilitate multiple donations amounting to close on $90,000 for Labor and $80,000 for the Liberals without triggering the disclosure requirements. What is more, there is nothing to stop those donations being made every year. The Nationals could expect just on $60,000, undisclosed, flowing into their coffers from their six branches.

We will be moving an amendment that will make it an offence to make multiple dona-tions to one or more branches or divisions of a party that exceed in total the disclosure level. Labor must vote for this Democrat amendment or have their critical remarks shown to be posture, not principle. I say to the Labor members present: go back to your caucus and say you are going to vote for the Democrat amendment, because, if you are not going to, you are out here making critical remarks without any real intent to take action.

We will also be opposing the proposal to index the disclosure threshold to the CPI as that would allow for an approximate increase of two per cent to three per cent annually. Raising the threshold to $10,000 will also have the effect of further worsening the current lack of transparency in the categorisa-tion of receipts. Research shows that, under
the proposed increase, the average proportion of total receipts the coalition and Labor would disclose details of would actually decline. They would drop from three-quarters, or just over 74 per cent, to about two-thirds, or just over 64 per cent. Of course, I pick on those two groups because they are the largest receivers in the nation.

Mr Joo-Cheong Tham, a law lecturer and prominent academic in the area of political finance, rightly states that the present law already is:

... a leaky sieve that permits evasion of adequate disclosure.

Already, multimillions in political donations from overseas, clubs, trusts, foundations, fundraising dinners and private meetings with the Prime Minister and his ministers swell party coffers. These generic secret donations are already hard to track and they are set to become even harder. The already worrying perception of the link between money and politics is set to further marginalise ordinary Australians. Unless an individual or group has the money to buy influence, there is little hope of policy input. Recently in the Age Richard Baker posed the question, ‘Are our politicians for sale?’ He wrote:

Privately, MPs on both sides are increasingly worried about the pressure to raise funds. The capacity to generate money is being viewed as a greater quality than fresh ideas or policy acumen, they say.

He then goes on to cite the ruminations of a senior Victorian Liberal MP who spoke of how MPs are constantly told to attend functions with key business supporters because it just might lead to another $15,000 cheque. So the answer to the question of the journalist Mr Baker is about to become a resounding yes, especially with the new $10,000 threshold level. It is nothing more than a rort that will ensure greater secrecy and corruption around political donations and fundraising.

At least annual returns do survive, but they are not as well designed as they could be, so the Democrats will move amendments that will seek to achieve more transparency in the disclosure regime without altering the basic intent of the annual returns. Once again, if Labor do not support this integrity measure they will be shown as just critics and not reformers.

Additionally, the Democrats will be moving amendments to ban donations from foreign sources unless they are made by Australians living overseas. Our unequivocal position is that there should be no foreign influence in our domestic politics. Again, Labor’s stance on this amendment is a critical test. Why do I keep picking on Labor? Because they are the alternative government and if they are going to replace the Howard government they have to do so more than just on the back of opposing the IR changes. They have to be a party of greater integrity, greater accountability, better and higher standards and they have to show it by their legislative actions in this place.

Another worrying proposal of this bill is the plan to increase the tax deductibility of individual donations. At present, the Income Tax Assessment Act allows an individual who contributes $2 or more to a registered political party in any one income year to deduct up to $100 from their taxable income in that year. Companies or entities do not presently get this concession. The coalition propose to raise this amount to $1,500 and extend deductibility to companies. The argument is that the deductibility threshold cut-off amount is too low and that the increase reflects community expectations and standards. I know it reflects the Liberal community expectations and standards, but what community are they talking about? Is it the community of ordinary Australians? I think not. The Democrats agree that tax relief can encourage people to make contributions to
not-for-profit organisations, which include political parties; however, as a general rule, tax concessions should operate to general principles, not for special interests. We will be opposing this proposal.

Another controversial issue of this bill are the proposals that will in effect disenfranchise many voters. First is the provision to deny the vote to any persons serving a term of imprisonment. Persons released on parole and other similar release schemes will be entitled to vote, which makes it a little better than the American system where once you have been in prison you are disenfranchised forever. This proposal will repeal the current provision that allows prisoners serving sentences of less than three years to vote. The Democrats oppose this. We continue to hold our position that the Electoral Act should be amended to give all those imprisoned—except those convicted of treason or those who are of unsound mind—the right to vote. It is an essential right of citizenship. We will be moving an amendment to reflect this point of view. Although prisoners are deprived of their liberty while they serve their time, they do remain citizens. To disenfranchise them by removing their citizenship rights is to add an extra judicial penalty.

To complicate this further, there is no uniformity amongst the states, or between the states and the Commonwealth, as to what constitutes an offence punishable by imprisonment. For example, in my state of Western Australia, there is a scheme whereby defaulters lose their drivers licence rather than be imprisoned. In other states, they go to prison. So we would have a situation where a citizen in Western Australia who does not pay a fine and is not jailed retains the right to vote; however, a citizen elsewhere in Australia could be jailed for the same offence and lose the right to vote. Where is the equity in that? There is none. On this ground alone, this provision is on very shaky ground and therefore untenable.

Another provision of this bill that will result in the disenfranchisement of voters is the early closure of the electoral rolls. Currently, those who wish to register to vote—especially those who have turned 18 or need to change their address—have seven days to either enrol or update their details. These provisions are to be scrapped under this bill. Instead, rolls will close the day the election writs are issued. Shamefully, this will end 66 years of convention in this country whereby people were able to enrol in the first few days of an election campaign. The Democrats will oppose this amendment. We could only consider supporting such an amendment if federal elections were based on fixed terms. If they were, voters would know the election and cut-off dates in advance and be reasonably able to finalise their enrolment details.

Another reason to oppose this change is the potential for confusion. Different regimes for the closure of electoral rolls in the states and territories will lead to uncertainty. The Democrats do not agree with the argument posed by the former Special Minister of State, Senator Abetz, that the early closure of rolls would minimise electoral fraud. As Professor Colin Hughes argues, it is implausible to suggest that there is any more potential for fraud in the seven-day period than in the weeks or months before an election.

There is no evidence of electoral fraud. I have sat on the Joint Standing Committee on Electoral Matters for 10 years. No evidence of systemic, widespread, influential or material electoral fraud has ever been put to the committee, including by the AEC. There have been occasional isolated instances of fraud. If there is no evidence of electoral fraud, what does the Australian National Audit Office say? In 2002 it concluded that:
... overall, the Australian electoral roll is one of high integrity, and ... can be relied on for electoral purposes.

So why attempt to find fault where there is none? Professor Brian Costar of Swinburne University wrote in the *Canberra Times* last December:

If there is a fault in the current Australian electoral procedures it is not rampant enrolment fraud but the very real perception of secretive influence peddling produced by the excessively free flow of political money.

Ultimately, early closure of the electoral rolls will make it more difficult for our young to register for the first time. Early closure could also result in registered voters being removed from the rolls before they are actually able to update their details. In fact, early closure could result in the disenfranchisement of hundreds of thousands of voters, and it is believed that the majority affected are expected to be Labor voters—because they are young, because they are disadvantaged. The figures bear this out. For instance, in the seven days after the writ was issued for the 2004 election, 78,000 people enrolled for the first time and 345,000 updated their details. After the seven-day grace period, a further 150,000 attempted to enrol. This surely suggests the period of grace should not be shortened.

There are, however, a few amendments in this bill worthy of support. These include the extension of the ‘associated entity’ definition. Under the new definition, an associated entity will include entities with financial membership and with voting rights in political parties. It will also extend to those whose financial membership or voting rights are held on their behalf by others. This is a step in the right direction, but there is still some way to go, as indicated in my extensive dissenting reports to the inquiry into this bill and the report of the Joint Standing Committee on Electoral Matters on the 2004 election. The inquiry into this bill was tabled in March of this year by the Senate Finance and Public Administration Legislation Committee.

Another step in the right direction is the bill’s proposal to strengthen the disclosure provisions for third parties by requiring they provide annual returns to the Australian Electoral Commission. Again, though, our view is that the regulatory system for third parties should be further strengthened. There needs to be a more coherent and principled framework and it also needs to be aligned with what exists for other entities under the Electoral Act.

Another not so controversial proposal of the bill is an elaborate scheme of deregistration and reregistration of political parties. It proposes that all current registered parties, with the exception of federal parliamentary parties and those with past federal representation, will need to reapply for registration. Primarily, this provision is to give effect to government concern over misleading party names or, more specifically, the name of the party ‘liberals for forests’. Referred to as ‘passing off’ in commercial law, this has long been an issue of concern to a number of Australian political parties and many members of the community, including the Democrats. However, the Democrats consider that such behaviour should be prohibited rather than changed by law because of the possible loss of presently valid party status by some parties.

In a similar way, while the Democrats support the proposal for more stringent proof of identity requirements on enrolment, our position is the same as it has always been: agreement from the states and territories is essential. This will ensure that the joint roll arrangements remain effective and integrated. Should the states and territories disagree, then further consultation would be
required. Regarding the proposal to increase nomination deposits for both houses of parliament to $500 for the House of Representatives and $1,000 for Senate candidates, the Democrats do not support this. There is no evidence to suggest that the current amounts are inappropriate. Nor do we consider them too low to deter frivolous candidates or so high that they deter the serious ones.

In no way does this bill measure up to its title of ‘electoral integrity’. The bill weakens funding and disclosure rules, disenfranchises disadvantaged voters and reduces accountability. We will oppose it.

Senator BOB BROWN (Tasmania—Leader of the Australian Greens) (9.41 am)—The Greens also oppose the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006, which is an invitation to corruption of the current political system and a move away from the probity and defensive integrity of the electoral system and from the right of 20 million Australians, most of them voters, to know that the democracy of this country is governed by the principle of one person, one vote, one value.

It is hard to know where to start on the criticism of this legislation. Many notable commentators have done a good job of that, but it has fallen on deaf ears. Even now, in this debate, we have two government members here in the chamber—including the minister involved—and they are talking to each other. There is just no note being taken of the very serious matters that are at hand here, because the government, in its arrogance, says it has the numbers. The debate being had and the arguments being put—not just by opposition and cross-bench senators but by experts right across the board; indeed, by everybody who appeared before the committee looking into this matter, except the Festival of Light and the Liberal Party—are ignored by an arrogant government which is taking this opportunity to benefit itself through this legislation. And isn’t that the hallmark of decay in a democratic system and in a government’s obligation to serve the people rather than itself?

This is a self-invested piece of legislative amendment to furnish benefit to the coalition and, in particular, to the big end of town against the ordinary Australian voter. How much better it would be if some of the shortcomings of our electoral system were really being addressed—and these are matters that have gone to post-election committees looking at our electoral system and been a matter of cross-party agreement, in some cases, over decades now.

Why is it that we do not have legislation to guarantee the right to stand for parliament for the millions of Australians whose Constitution forbids them from standing for parliament? Why is it that if you happen to have, along with your Australian passport, a passport from another country you are disqualified from standing for parliament? Ought we not to be putting before the people of Australia, through this legislation, the removal of any doubt that pensioners or public servants can stand for parliament? Should we not be making sure that the five million, six million or seven million voters of this country who cannot stand for parliament have that right given to them? It is a right that was taken away simply because the Constitution was written more than 100 years ago, when the world was a different place. No, the government is not looking at that.

Should we not be looking at integrity in advertising so that people are not misled on the way to the ballot box by unscrupulous advertisers in the heat of an election campaign? Let me cite one notable example affecting the Greens. Exclusive Brethren members advertising in the Tasmanian elec-
tion in March this year said to voters that the Greens had a policy, effectively, of distributing cannabis. But they left out the concluding phrase of that policy, which said ‘for medical purposes’—that is, for people dying in pain from cancer; cannabis is a remedy where many other drugs will not do. This is law in the United Kingdom, California and a lot of other places. The Exclusive Brethren lied to the people of Tasmania on the way to the ballot box. There is no remedy for that. Ought we not be tightening up on that sort of premeditated deception of voters? They have a right to know who is behind advertising like that and to be assured that they are not being told lies and deceived so that their vote can be wrongly affected.

Instead of that, this legislation will remove the high barrier to hiding the money that is being given to political parties in the form of donations, which is of course given not just for the purpose of support but also very often for the purpose of influence. Let us be clear about this: donations have a corrupting influence on the body politic. Huge donations are given with a huge anticipation of return. It is obvious that people who make a big donation to a political party hope that the political party will win office—because they will get some return for it. Moreover, they very often want the people in the political party to know about that donation. We now have an insidious process whereby you can pay the government parties $1,000 and sit at a table with a minister for 15 or 30 minutes. Through that donation process, you obviously hope to have your minute of influence on what the government does. This is insidious, it is corrupting and it should be stopped.

Instead of moving to end political donations, particularly from corporations, unions and influential entities in our society—as Canada has done; it has replaced political donations with public funding—this bill opens the door to manipulation by unscrupulous people through the secret funding of political parties. Whereas the unaccountable limit was $1,499, it will now go to $10,000. As Senator Carr pointed out earlier, that can mean $80,000—I think it might be $90,000—because you can donate to a party at the national level and, similarly, donate $10,000 to each of the states and territories without any of that being accounted for. How clever it is that this legislation is written so that, instead of making a $10,000 donation accountable, if you donate $10,000 you are okay but if you go over $10,000 it becomes accountable. Wealth’s ability to influence the body politic is insidious. But it becomes worse when it is done behind closed doors—when it is done secretly, when it is not accountable and when it cannot be spotted. The media cannot see it, the electorate cannot see it and political opponents cannot see it. It is a step in the wrong direction and the Greens will vehemently oppose it.

Why is this legislation not fixing three year terms of parliament? Why is it not removing the ability of governments to manipulate this in their favour? And, these days, this is always consequent upon tens of millions of dollars in taxpayers’ money being spent on advertising for the incumbent government. Why is that process not being shut down through this legislation? Why are we not getting three-year fixed terms, as the Constitution would provide, instead of providing the temptation for governments to go to an election at a time which is convenient to them?

There is so much that could be done to improve our electoral system but, instead of that, the government is going in the opposite direction. One of the matters that both Senator Carr and Senator Murray have pointed to is the move to refuse people late enrolment after an election is announced. At future elections, this may cut out 80,000 or 90,000
young voters who would otherwise go to enrol once an election is announced. When they realise they have not enrolled and want to have their first vote, they will find the door closed if this legislation goes through. What has Prime Minister Howard got against young Australians? This legislation can so easily curtail their right to vote, simply by ensuring the door is closed when they get to the electoral office after an election is called.

New Zealand allows late enrolment up to the day before the election. Canada allows it on the day of the election. Unless things have changed since I was in the Tasmanian parliament—and this followed moves by Lance Armstrong, the Greens member for Bass in the 1980s—late enrolment is possible there. In fact, you can do it on the day. You can certainly change your address and make sure that it is okay on the day. It has been argued by Senator Abetz, and therefore by the government, that this puts a strain on the electoral office. How about the government properly and adequately funding the Australian Electoral Commission so that it can easily meet this basic requirement that Australians should not be disenfranchised when an election is called simply because they have changed their address or have not yet enrolled?

Obviously, the best outcome would be people being able to be enrolled on the day if they have not done so before, because the hallmark of a healthy democracy is that no elector is disenfranchised through misadventure or the lack of a reasonable opportunity to ensure that she or he can vote. Instead of improving the situation, as it should be doing, this electoral bill is making it worse. The estimated number of 423,000 people who, after the calling of the last election, enrolled, changed their address or for some other reason made it known by putting their hand up that they needed to get a valid vote would potentially be cut down by this legislation. That is an enormous number of voters. It is more than five per cent of the voters in the Commonwealth potentially falling foul of these new electoral restrictions. And tell me that this has not been very carefully considered by the men and women in the back room of the Prime Minister’s office, weighing up what is going to be to the government’s electoral advantage and to the disadvantage of the other parties and of the Independents in this parliament. It is insidious and it is anti-democratic. One should expect better behaviour by a government running a wonderful democracy like Australia’s.

Going back to my earlier point, why doesn’t the electoral office have the ability to vet integrity in advertising? Instead of the government pulling on the electoral office’s purse strings, why don’t we have a special commission for electoral integrity so that after or in the run-up to elections people wishing to mislead voters can be brought under scrutiny? We have no such office of electoral integrity. Say you ask the Australian Electoral Commission, Australia’s electoral office, to look at a piece of misleading advertising against the simple test of whether a voter would be misled by what was being put before them—and that should be the rule for all advertising in the run-up to an election. The electoral office would say: ‘We have no power to look into that. We cannot judge whether people are being lied to or whether they are being deliberately misled on their way to the ballot box.’

In this age when tens of millions, if not hundreds of millions, of dollars go into trying to advantage all parties and candidates as voters are on their way to the ballot box, when—I have forgotten the figure—$30 million or $40 million of taxpayers’ money goes into public funding and when a bigger amount still, taken from taxpayers’ pockets, is spent by the government on influencing voters through projecting onto TV screens
and other things in the year preceding an election stating how good the government is, shouldn’t there be vetting of that process to make sure it is honest and not misleading? Shouldn’t we be in agreement on that to ensure that the government does not take that advantage? Of course we should be. Of course we should have integrity in these things. Of course it should not be left to political parties or candidates to say whatever they want to advantage themselves in this age when more and more attack advertising, negative advertising, is found to be productive and is being used by the political powers that be on voters as they head to the ballot box.

Where does this legislation get honesty and integrity into the voting process so that voters are protected from being misled by well-heeled opponents in the run-up to an election? Of course that is what we should be looking at today. Instead of that, here we have the government legislating to make the situation worse by allowing donations of $10,000, instead of $1,500, to go to political parties without any registration of those donations, without any publication of them and without people knowing where those moneys have come from. There is an exponential growth in the potential for corruption in this process. But the government has the numbers and control of the Senate, so it is going to get away with this unless somebody opposite has the integrity and honesty to say: ‘I’m not going to stand for that. I put the voters of Australia first and I don’t put this sort of insidious political legislation ahead of my obligations to Australia and the voters of Australia.’ I doubt we are going to see that today. But in the committee stage we will see the government grilled on these matters and it will be interesting to see what the response is. I hope there is a better attendance by government members when we get to that stage.

Tax deductibility, of course, is another matter available for change here. Where donations of up to $100 were tax deductible in the past in any given year for a political party or entity, that now has increased fifteenfold to $1,500. I will be interested to see the explanation for that. I would reckon that, in another term of government, we will see that increased again because it simply means that donors to the political arena are effectively subsidised by taxpayers to make those donations more effective. There are many worthier causes than political parties and political campaigners for tax deductibility in this country.

My colleagues will be speaking about other aspects of this legislation. It is unbecoming, to say the least, for the government to be presenting the Senate with legislation like this. It is negative in almost every aspect. It is against the voters’ interests, it is against this nation’s interests and it is undemocratic.

Senator MASON (Queensland) (10.01 am)—I must apologise for looking slightly worn and pale this morning. I was roused from my post-breakfast slumber by Senator Carr’s speech this morning—his stinging defence of liberal democracy, sounding more like Thomas Jefferson every day. One of the reasons I am so fond of Senator Carr is, as everyone knows, we both share a taste for irony. I sleep well at night in my bed knowing that Senator Carr is looking after liberal democracy and the principles that underpin it!

The Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006 introduces some of the most significant amendments to the Commonwealth Electoral Act in over two decades. These changes, many of which are long overdue, are designed to promote electoral integrity. Many of the—
Senator Carr—This is where you keep a straight face.

Senator MASON—changes in the bill flow from majority recommendations made by—

Senator Carr—No wonder you look pale!

The ACTING DEPUTY PRESIDENT (Senator Murray)—Order, Senator Carr! You were heard in silence. Allow Senator Mason to make his points.

Senator Carr—See, he can’t keep a straight face—

The ACTING DEPUTY PRESIDENT—Order, Senator Carr! You were heard in silence.

Senator Bob Brown—He wasn’t provocative.

Senator MASON—Senator Brown, I am never provocative. Everyone knows that. Many of the changes in the bill flow from majority recommendations made by the Joint Standing Committee on Electoral Matters as part of its inquiry into the 2004 election, chaired very ably by the member for Casey, Mr Smith. As you know, I am a member of that committee. The joint committee’s report confirmed that Australia has a very good electoral system but one that can and should be further improved. The bill was referred to the Senate Finance and Public Administration Legislation Committee, which I chair, and the committee reported on it in March. The committee’s inquiry into the bill received 52 submissions from members of the public and organisations and heard from 19 witnesses at a public hearing.

I want to cover five principal issues that my colleagues have mentioned this morning so far in this debate. First of all, there is the early closure of the electoral roll. A vital change to the electoral system is the bringing forward of the period for the closure of the electoral roll—a change that the government hopes will limit the scope for electoral fraud. Measures such as this, which are designed to strengthen and protect the integrity of the roll, are essential for upholding Australia’s democratic system or, indeed, people’s belief in Australia’s democratic system. The perception is important. This is axiomatic. While there are concerns—and I have heard the debate this morning—that people may forget to fulfil their obligations and register to vote, the Australian Electoral Commission has indicated it will conduct public awareness campaigns and remind people about electoral enrolment. This will go a long way to countering any possible unintended consequences of an earlier closure of the roll.

I usually do not read the Age, but I did read the clips earlier this week—

Senator Carr—Too right-wing for you these days?

Senator MASON—It is probably more supportive of you, Senator Carr, than it is of me. But I do respect Professor George Williams, who is the Anthony Mason Professor and Director of the Gilbert and Tobin Centre of Public Law at the University of New South Wales. Many senators will know that Professor Williams is a learned commentator on constitutional and public law matters. He said this:

For many first-time voters the calling of an election and the media attention it attracts are what prompts them to join the electoral roll. I think Senator Carr made that point this morning.

It is difficult enough to encourage some Australians to take part in elections, so it makes no sense to turn them away at the very time they are most motivated to take steps to vote.

Both the Joint Standing Committee on Electoral Matters and, indeed, the Senate Finance and Public Administration Legislation Committee heard evidence from the Austra-
lian Electoral Commission that they believe that, with sufficient public awareness campaigns, people would be far more likely to fulfil their obligations and enrol at the appropriate time. Sure, we are going to have to see how that works, but that was certainly the evidence that we received.

Secondly—and I must say this in Professor Williams's defence: as an honest academic, he does quote Senator Abetz who, of course, is the former Special Minister of State and who justified this change on the following basis. I quote Senator Abetz from the article:

... during the rush to enrol in the week following the announcement of a general election, incredible pressure is placed on the Australian Electoral Commission's ability to accurately check and assess the veracity of enrolment claims received. Even Professor Williams says this is a real issue, but—

Senator Hurley—But what did he say after that?

Senator MASON—I was going to mention that—but Professor Williams says that perhaps the Electoral Commission should be given greater funding to, in effect, check the veracity of those enrolments. The government has decided, and I think it is right, that people should enrol when they are entitled to enrol and that a government advertising program will assist in doing that and any sense that there will be fraud or a lack of capacity by the AEC to undertake its role will therefore be nullified.

The second issue is proof of identity requirements. This has been a bugbear of the Joint Standing Committee on Electoral Matters since I joined that committee when I first came to this place. The bill introduces a requirement for electors to provide proof of identification and address at the time of enrolment. This change is long overdue. The bill also strengthens the current processes for provisional voting by requiring electors casting provisional votes to provide proof of identification and address before these votes are accepted into the count. Evidence received by the Joint Standing Committee on Electoral Matters indicated that it is very difficult for the Australian Electoral Commission to check the veracity of these provisional votes and, in some electorates, as you know, Mr Acting Deputy President, those votes determine the outcome of an election. These changes are consistent with everyday proof of identity requirements that Australians face for things such as obtaining video library membership. It is not too much to ask that electors provide proof of identification and address at the time of their enrolment. Again, this will reduce the scope for electoral fraud and thereby strengthen the integrity of our electoral system.

The third issue is disclosure, again a matter raised by Senator Brown and Senator Carr. Australia's disclosure laws generally work well and provide the Australian public with a reasonable degree of transparency and accountability in relation to political donations. But the thresholds over which donations must be disclosed and at which tax deductibility ceases are far too low and have not been raised in more than a decade. This bill increases the amount over which donations must be disclosed to $10,000 and the amount at which tax deductibility ceases to $1,500. These limits are not inconsistent with similar laws in comparable Western countries. The new disclosure threshold will be inflation indexed each year to maintain its value on an annual basis. The bill also strengthens the disclosure provisions for third parties and will require them to furnish annual returns rather than simply election returns. This is a good thing and aligns treatment of third parties with that which exists for other entities under the Electoral Act. I suspect all senators will support this
measure. The changes to disclosure requirements will provide the strong level of transparency demanded by the Australian public and will be a more appropriate reflection of contemporary economic reality.

The fourth issue I would like to raise in this debate is the registration of political parties. This bill will enable the rules governing the registration of political parties to apply equally to all political parties. This measure will not discriminate against smaller parties, as has been contended this morning; on the contrary, it will create a level playing field for all parties. It will also resolve some of the confusion that has arisen in recent elections over party names. This change will ensure that voters are not misled into unintentionally voting for a political party on the basis of its having a name similar to or like that of another party. You may remember, Mr Acting Deputy President, that in the 2004 federal election Mr Larry Anthony lost the seat of Richmond on the North Coast of New South Wales because of the preference flow from Liberals for Forests. The Joint Standing Committee on Electoral Matters heard evidence that the Liberals for Forests how-to vote-cards and, indeed, their banner were very similar to those of the Liberal Party. Mr Anthony only lost by the narrowest of margins and I think it is fair to suggest that, without that misleading advertising, Mr Anthony would have held that seat. This is an important issue addressed in part by this bill.

The fifth and final issue I would like to discuss is prisoner voting. Currently, the law allows prisoners serving sentences of three years or less the right to vote. The government believes this sends mixed signals to prisoners and would-be offenders. Imprisonment is intended to deny offenders a range of liberties and entitlements in order to provide a disincentive to reoffend. Permitting some prisoners to vote undermines that disincentive and is contradictory. Removing the entitlement of all prisoners to vote sends a clear message that breaking the law and reoffending come at a high price for those who do.

Concerns that this measure will be detrimental to prisoner rehabilitation appear to me to be emotive and rather overblown. This measure in no way affects the ability of prisoners to access the rehabilitation programs that they currently enjoy while incarcerated. I refer to the distinguished Melbourne Age and an article on page 11 of the Tuesday, 13 June, edition. Mr Waleed Aly, who is a second-year solicitor at the Human Rights Law Resource Centre, argues—and this crystallizes a point made by some of my opposition colleagues:

Suddenly, to vote is not a right of the people from which government derives its legitimacy; it is a privilege to be conferred at Canberra's discretion.

This is the point that Senator Carr and Senator Brown made. Mr Aly argues:

The logical extension of this is to restrict the power to appoint the government to a government-authorised elite.

The article becomes emotive and overblown and a long bow is drawn. To my mind, imprisonment in 2006 is a very serious sanction, increasingly reserved only for those who commit serious crimes or crimes of violence.

Senator Carr—That's just not right.

Senator MASON—In my former life, Senator Carr, I was a criminologist, as you know.

Senator Carr—You should know better then!

Senator MASON—I know something about penology, crime and deviance.

Senator Carr—Deviants!

The ACTING DEPUTY PRESIDENT (Senator Murray)—Order! Senator Mason,
please do not respond to Senator Carr’s interjections, and address your remarks through the chair.

Senator MASON—it is very tempting, Mr Acting Deputy President. As you know, I love interjections.

The ACTING DEPUTY PRESIDENT—Don’t be tempted.

Senator MASON—at your direction, sir: I think it is fair to say that today imprisonment is a serious sanction, increasingly reserved for crimes of violence and serious offences. Believe me, just because you have not been jailed and you walk the streets of this country does not mean that you are part of a government authorised elite. Senator Carr walks this country, and he is not part of a government authorised elite.

In conclusion, I mentioned five points that this bill covers. It was exhaustively examined by the Joint Standing Committee on Electoral Matters and then again by the Senate Finance and Public Administration Committee. All these issues are important. They do make fairly significant changes to the Commonwealth Electoral Act—in particular, the proof of identity requirements should have happened a long time ago. This change and others in the bill make further improvements to Australia’s electoral laws, particularly in the areas of enrolment and political disclosure. The changes are entirely justified and, in many cases, were very much overdue. The bill will strengthen Australia’s electoral system and the underpinnings of our democracy.

Senator WEBBER (Western Australia) (10.16 am)—The Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006 demonstrates to the Australian people the cynical nature of the government. Now that the government find that they have control of both houses of parliament, they move to change our electoral laws.

Our electoral laws are the best in the world. Without any doubt, Australia has thrived as a democracy. There is no substance to claims of electoral fraud or vote rigging. It is true that after every election there are people who will tell anyone who is prepared to listen that large-scale fraud has taken place. They will tell you that there are numerous incidents of people voting more than once, the dead casting a ballot from beyond the grave, people voting who are not entitled to and so on. I know from personal experience, though, that we have a robust and strong electoral system, maintained by the hardworking and honest staff of the Australian Electoral Commission and supported by the people of Australia, because election results reflect the wishes of the Australian people—although, in more recent times, I would want that they had wished for a different outcome.

We as representatives of political parties, along with the members and supporters of our political parties, do not always like the results but nor do we seek to overturn them. Trust in this process is a two-way street. The Australian people trust us to ensure that our electoral laws and their administration are above the political fray. They are above the partisan nature of politics.

Politicians do not administer our electoral laws. They set the laws and then leave it up to officials of the Electoral Commission to run the process. It is a relationship that is remarkable for its robustness, for its strength and for its integrity—and it is respected around the world. How often are the Australian Electoral Commission approached by other countries for their advice on and assistance in establishing and running rigorous elections under the rule of law? The commission are especially approached by the newer
democracies both in our region and in the wider global community. I think most recently of Indonesia and Iraq. The Australian Electoral Commission quite proudly point to and report on the assistance that they have given to both of those countries.

It is interesting to see how disconnected we have become from the way Australia has led modern electoral law administration over the last 100 years or so. I would refer anyone who has not done so to visit the 'Enrolling the People' website. That website is the work of Peter Brent from ANU. It should be compulsory reading for anyone wanting to understand the importance of the Australian approach to electoral laws and the innovations that were pioneered here. Consider some of the world’s firsts that have taken place in this country: the first government-supplied ballot paper; the first jurisdiction where women could vote and run for office; the first implementation of the postal or absentee voting system; the first jurisdiction to abolish public nominations; and the first salaried electoral official.

All of these innovations took place before we actually became a country. In fact, during the late 19th century, Australian electoral voting processes were referred to elsewhere in the world as the ‘Australian ballot’. Many people have assumed that the important innovation referred to here was the secret ballot. However, secret ballots were not what made Australian electoral laws unique. What was different was that the ballot papers were printed by the government. They included all the candidates for a particular office and voters indicated their choice by placing a cross in the box next to their choice. Yes, Australian electoral laws had a secret ballot, but what made them unique was the only ballot papers that were counted were those printed by the government and issued by an independent electoral official in a polling place. In fact, the work that was pioneered in this country in respect of electoral laws, mostly by a South Australian, is honoured in the name of the electorate of Boothby.

The importance of the peculiarly Australian notion of fairness—the concept of a fair go—is made manifest in our electoral laws. Such a system has been amended, and rightly so, whenever deficiencies are found. We have not suffered in modern times from the blight of electoral fraud. We have a system that has prevented ballot stuffing, wholesale fraud, intimidation, coercion or other practices of electoral maladministration. This country is one of the greatest democracies in the world simply because our electoral laws have guaranteed fairness and equality during elections.

As one commentator, Robert Pastor, from the Center for Democracy and Election Management at the American University, noted on the American presidential election of 2004:

We didn’t have one election for president in 2004 … We didn’t have fifty elections. We actually had 13,000 elections run by 13,000 independent, quasi-sovereign counties and municipalities.

In the country that is supposedly the strongest democracy in the world, you have electoral laws that vary from state to state, from town to town and from polling official to polling official. Before I am accused of being anti-American, let it be said that I am simply using the example of the so-called strongest democracy in the world to demonstrate that it has achieved that reputation, even though its electoral laws are not the strongest in the world. In fact, American democracy succeeds, in spite of the impediments of electoral administration.

Electoral administration in the United States is not run by an independent electoral commission; rather, it is a politically partisan process conducted in a partisan way. The
Redistributions in the American electoral districts are controlled by the legislature. Redistricting is an art form in America and it is conducted in the most partisan of ways. Consider the difference here in Australia. The Australian legislature sets out the rules to guide the Electoral Commission in redistributions. The Electoral Commission seeks input from the public, considers their submissions and, based upon the law, makes the determination. The process is not run by politicians for political advantage. That is what makes this country the greatest democracy in the world. Our electoral administration is above party politics. It is fair and it is equal in its approach. No matter what complaints, no matter what conspiracies are theorised, it has stood the test of time and is supported by the people of this country. Yet we probably have one of the most relaxed set of rules concerning voter identification.

The Australian people do not need to produce identification papers before they are provided with their ballot papers. The Australian people are not required to dip their thumbs in indelible ink to show that they have already voted. We accept who they say they are. We do not mark their hands to show that they have voted, because Australians do not try to vote more than once. For the everyday citizen, consider this question: who would want to run the gauntlet of party supporters trying to give you how-to-vote cards each time you go into a polling place? Australians suffer it as a necessary evil, but it is not something, no matter how partisan they are, that they would want to go through again and again. Our electoral laws and the way in which elections are conducted are a reflection of the level of trust that we Australians have in each other. The Australian people know that their right to vote is respected, upheld and valued. They know that the trade-off for our relaxed voter identification is that our electoral officials trust the Australian people to do the right thing.

For the proclaimed reason of voter identification the proposed bill states that any Australian who wants to enrol or vary their enrolment will be required to provide their drivers licence number on their application form. If they do not have a drivers licence then they must supply a prescribed form of identification. If they do not have a form of identification then their application form must be signed by two electors who sign their name stating that they have known the applicant for at least a month. One cannot help wonder whether this is not a deliberate ploy to disenfranchise some of the remote and Indigenous members of our community—those who are not necessarily renowned for possessing a drivers licence or other forms of identification and whose friends are not necessarily renowned for being literate. In other laws in Australia we take into account the unique challenges that our Indigenous people face with the standard identification process. Yet, when it comes to their right to participate in the greatest democracy in the world, we do not seem to allow for those special circumstances.

One of the key strengths of the Australian electoral system is that we accept electors on their own say. It has stood the test of time and it works. In fact, this amendment will create two classes of electors in our country. New electors and anyone who changes their electoral details will have to prove their identity.

The government proposes that anyone who wishes to cast a provisional ballot on election day will also have to prove their identity. So, again, we will end up with two classes of voters. Anyone who casts a provisional vote will have to prove their identity and anyone who does not cast a provisional vote will not have to prove their identity. We
end up in the stupid situation where people on election day will be asked for different standards of identity, depending on how they are going to vote. We already have measures in place that determine whether provisional votes are counted. They are rigorous, they are robust, they have stood the test of time and they work. Requiring a person who wishes to cast a provisional vote to prove their identity does not add to electoral integrity; rather, it complicates it.

The next cherished conservative notion in this bill is to close the rolls within three days of the writs being issued. The conservative parties are always interested in reducing the franchise in this country and this bill is no different. Again, this change is about that trait of the Australian voter who says that their electoral enrolment does not enter into their thoughts until such time as an election is called, and what is wrong with that? For those of us who work in politics we should not be at all surprised that our fellow Australians have a somewhat more lax approach to politics. For many years Australians have seen it as their right to wait until an election is called before they seek to enrol or update their enrolment. Why is that a problem?

The Australian Electoral Commission has dealt with that problem for many years and does not seem to have any serious issues with that Australian approach. It is part of our Australian approach to life, after all. It is an acceptable part of our character, and the Electoral Commission runs public information campaigns to address that issue. The current system is fair to all electors. It does not disadvantage anyone and it does not affect electoral results. However, these changes may result in fewer people being on the electoral roll than are entitled to be there. That does not improve electoral integrity; it reduces it.

One of the key strengths of our electoral laws is that we do not restrict the franchise—in fact until now we have always sought to do the opposite. We encourage people to enrol; we encourage our fellow Australians to have their say. Reducing the time that people have to enrol or update their enrolment reduces the franchise, and that is not a desirable outcome. It is particularly not a desirable outcome for the remote and Indigenous communities in my home state of Western Australia.

We have a government that cannot deliver decent telecommunications facilities—Perth is a black spot for broadband access—so how can people in remote and regional Western Australia be expected to enrol as soon as an election is called? You are effectively saying to them that they must enrol three or four days before the government calls the election. You are dealing with communities that have weekly postal services. They do not have access to other forms of communication and so they cannot access information in other ways. This legislation effectively disenfranchises a large sector—geographically if not in population—of my state and a lot of the original inhabitants of this country.

Likewise, the changes in this bill to the voting rights of people serving prison sentences are about reducing the franchise. We already have rules about this, and I find no compelling reason to change the current law. We have a system of penalties under the law for those who have committed offences. Our electoral laws are about how elections are conducted. They should not be used to apply additional sanctions over and above those prescribed by the current and relevant legal system.

I know that there are many other matters covered in this amendment bill. Time does not allow me to canvass them adequately. I also know that there are other members of...
my party who can far more eloquently deal with some of the other challenges proposed by this legislation. However, I say to those who support this bill: we should be proud of the current Australian electoral laws. We should be very proud of the administration of the Australian electoral laws. What we should be about is coming up with innovative ways to conduct elections to make it easier and simpler for our fellow Australians to participate. We should accept that Australian electoral law and practice is what makes us a great democracy, and we should therefore resist the urge to amend those laws for no good reason.

Our strength as a nation is built on the trust that we place in those who elect us to this parliament and the trust that they place in us to work for the national interest. Independent electoral administration of world-leading electoral laws is the most important part of that relationship. All of us here should be especially careful not to place restrictions on our fellow Australians that do not apply to all. We should not be about creating different rules for different groups of voters. All Australians should be treated the same under electoral law to ensure that our greatest strength—fair, open and just electoral administration—is not diminished. If it is diminished, we as a strong democracy are diminished.

Senator MILNE (Tasmania) (10.34 am)—I rise today to express my grave concerns about the legislation before the house. I have listened carefully to the contributions of previous speakers, and I am afraid that my experience of the Australian electoral system has not been as positive as that of some who have spoken. In particular, my concerns about the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006 go to the heart of the concern I have about the values that the Australian government—the Howard government—is trying to impose on and inculcate in the Australian community.

First of all, there is the issue of political equality. This bill will create an unequal system—and I will go to the heart of that in discussions about disclosures and the increased threshold for donations. It also goes to the heart of inclusiveness. Australia has always had a culture of inclusiveness, but we have seen the Howard government try to inculcate exclusiveness in Australia—exclusiveness when it comes to people trying to come to our country, and particularly in relation to refugees; exclusiveness, as we saw yesterday, when it comes to equality under the law with regard to civil unions; and now that same exclusiveness in relation to electoral laws, with some 80,000 new voters now likely to be excluded, not included, as a result of this particular legislation.

We are supposed to have free and fair elections, and yet elections in Australia are no longer fair because of the influence of market forces and, in particular, corporate identity. Yes, you can argue that no ballot boxes have been stolen, that ads are duly authorised and that no major irregularities have occurred. But the electoral process is in fact being subverted by the market economy. Commercial investment in election outcomes is rapidly becoming the order of the day. That is the point I want to talk to. I would like some clarification from the government with regard to the issue of third parties. That is what I want to spend most of my time speaking about today.

When I was first elected to the Tasmanian parliament, I too had a view that Australian elections were free, fair, inclusive and equal. I soon had a dose of reality in the 1989 state election. Following the election, the Concerned Citizens for Tasmania appeared from nowhere to place duly authorised advertisements in newspapers calling for a second
election. They purported to be from concerned citizens who did not want to see a Labor-Green accord. They wanted a second election so that the Liberal Party could be reinstated as the majority government in Tasmania.

A royal commission ensued following revelations of a bribery attempt. In that royal commission it was revealed that the advertisement was a deception. I am reading now from the Tasmanian royal commission report. It said:

The drawing and placement of it in newspapers circulating throughout the whole state was directed by Gray—that is, former Premier Robin Gray—organised within his office and the process was executed by Tronson—and that is referring to Darcy Tronson, who was his main adviser at that time. The report of the Carter royal commission into the bribery attempt in Tasmania said:

The deception which attended the placement of the ad and the petition was deliberate. The statement that it had been organised and paid for by Concerned Citizens for Tasmania, who were concerned for the future of the state, and that persons should sign the petition and return it to the organisation’s secretary by 20 June 1989 was deliberately designed to mislead the community into believing that a group of well-meaning and concerned people had come together spontaneously to express their concern and invite others to join them in voicing their protest about the Labor-Green accord in a form which would be acceptable to the Speaker of the House of Assembly.

In truth, the plan for it was conceived by Gray, executed by his chief officer Tronson. The deliberate intention was to obscure the true facts by giving a false message to the community so that those who might be prompted to respond would not and could not know that it had its origins in the Premier’s office and in the parliamentary Liberal Party. It was simply another mechanism for helping to assist in undermining the accord and generating support for another election.

That was my first experience of fair, equal and inclusive elections.

What I am now seeing with these third party provisions is that that is increasingly the case. In the last federal election, in which I was a candidate for the Senate, I was attacked by brochures appearing in the media which were authorised with a single name and address in Sydney. We were unable to establish even whether that person lived at the address. Even if we had, we could not have known at that time that the person concerned represented the Exclusive Brethren. They paid for extensive print advertising which misrepresented entirely the views of the Greens in that election. We then discovered that exactly the same pamphlet, just changed from ‘Australia’ to ‘New Zealand’, was used to try to discredit the Clark government and the Greens in New Zealand. It has been used throughout the country. What we later discovered was, of course, that the Exclusive Brethren had had meetings with the Liberal Party in the context of that election. None of that will turn up in the political disclosures.

Senator Minchin, in relation to these third party provisions, has said here that it will be necessary for third party requirements to apply to associated entities as these entities can be actively involved in the political process. The definition of ‘associated entities’ is to include entities with financial membership of a registered political party—and, of course, these religious groups will not be registered members of a political party—and, secondly, entities on whose behalf a person is exercising voting rights in a registered political party. How are you ever going to know that an entity is using their influence and that a person voting in a political party has been influenced by these third party entities?

It is really important that we get that clarification, because I come now to the last
Tasmanian state election. Following the election, the chief electoral officer, Bruce Taylor, on ABC Radio on 27 March this year, said:

The second problem appears to be with these—

that is in relation to disclosure from third parties—

that it is hard to actually pinpoint the real source of the fund. They can certainly be channelled through various organisations and it may still be difficult to prove exactly where the money came from.

What he is pointing out there is in relation to the campaign run in Tasmania by Tasmanians for a Better Future. This is the way that I believe the market will get around these third party disclosure laws. Tasmanians for a Better Future is not a registered entity. All its ads, TV and print, were placed by Tony Harrison from Corporate Communications Tasmania, which is a public relations company. That public relations company then refused to disclose who had funded the ad campaign. The requirements just say that it has to be properly authorised. Okay, Tasmanians for a Better Future had a name and address: Tony Harrison, Corporate Communications.

The Public Relations Institute of Australia says in their code of conduct that public relations companies are obligated to reveal who is actually putting the money up. It says:

Members shall be prepared to identify the source of funding of any public communication they initiate or for which they act as a conduit.

Tony Harrison utterly and absolutely has refused to this day to say who funded this hugely successful and expensive advertising campaign in Tasmania against the Greens. Why would they have done that? We had one person come forward as a result of that to say that he had invested money in it. That was Michael Kent. Michael Kent—surprise, surprise!—is the President of the Tasmanian Chamber of Commerce and Industry. But he said he was not doing it on behalf of the chamber of commerce; he was doing it of his own volition. Who is going to put in the return—the chamber of commerce? Or do we accept his word that he is a private entity? How will he end up reporting here and how do we find out who the Tasmanians for a Better Future are? They were reported to be 20 or 30 leading businesspeople. What deals have gone down that mean that you can spend just a relatively small amount of money in the national context in a state like Tasmania and you can change votes?

Corporate Communications now have a very clear business model for anyone trying to influence the outcome of a vote in Tasmania. They can, on a confidential basis, show clients, but not the Australian community or the Electoral Commission, how much was invested in the ad campaign and how many votes they changed. They went for saturation advertising, and the polling shows that they significantly influenced the vote. I would like to know, Senator Minchin, how the third party disclosure laws are going to address that issue.

Then we had another situation where there were full-page ads purported to be from an individual in Launceston, a Mr Dean Cocker. Then we found out that Mr Dean Cocker is in fact the managing director of JAC Group, the company of his grandfather, Mr Joe Chromy. And, after the election, after the full-page ads appeared everywhere, we found out that the messages were all carefully synchronised. We had Tasmanians for a Better Future, we had the Chromy campaign and we had the Exclusive Brethren campaign, and the messages were all carefully synchronised in saying: return a majority government. And, in the Tasmanian context, the only people who could be the majority government were those in Paul Lennon’s Labor Party.
After the election, on Friday 24 March, we discovered in the Examiner that now the election was over the final papers could be settled for the Chromy group, because they would be taking over—the last documents in a huge paper trail that resulted in the signing over of the former Launceston General Hospital building from state government ownership to the ownership of northern businessman Joe Chromy seemed to be on their final journey.

So we had full-page ads from an individual from a private address who happens to be the managing director of a company. When the electoral returns go in, they presumably show a citizen; and at least in this case we could establish who he is and what his relationship with Joe Chromy and the state government is. In the case of Michael Kent, we know that he acts for the large supermarkets, and we know that there is a push on in Tasmania for deregulation of alcohol sales into supermarkets and other outlets. We will see what happens with the Lennon government in Tasmania as a result of the return of a majority government. I am really keen to watch the outcome in relation to that particular advertising.

But the point remains: we still do not have transparency in the whole electoral system. As a result of the Public Relations Institute of Australia’s abandonment of its own code, which requires its members to say who is backing any campaign they are running, we now have a perfect business model that can operate across Australia and not be captured within the electoral laws. And that is what we are going to see. In the Tasmanian context, a mere $100,000 well placed in Tasmania’s fairly narrow media is sufficient to alter the outcome of elections. I would like to know, Senator Minchin, how that kind of thing is going to be captured—like Tasmanians for a Better Future and using a public relations company to front for a series of donors so that they never have to be revealed. How is that going to be captured by the third party provisions?

I want to know how a religious group is going to be caught by these provisions. How are we going to know, unless we do our own investigation, how much money and with which entity they are associated? Certainly, the person running the Tasmanian Liberal Party campaign, Mr Mantac, admitted that he had talks with the Exclusive Brethren. And we know that before the last federal election the Prime Minister had had talks with both the Exclusive Brethren and the backers of Family First. Again, we have a situation whereby there are large business entities offering loans—not donations. Does a loan which may never be paid back in our lifetimes constitute a donation for the purposes of disclosure? If I make a $1 million loan from my company to a political party, is that a donation for the purposes of disclosure?

We know that the Prime Minister met with Peter Harris of Family First before the election. Media reports said that Mr Harris would provide $1 million for an advertising campaign to attack the Greens, and that preferences would be exchanged between Family First and the Liberal Party. Apparently, that is fine in Australia, and we are not going to be able find out precisely what has gone on. That is why I am arguing that, whilst in theory we might have free and fair elections in Australia, we are not going to third parties where there is no way that the community can find out who is backing whom and which groups are behind advertisements and what they stand to gain. We cannot know who they are; therefore, after elections, you cannot look at the deals that were done to establish those things.

I was very interested to see that the Exclusive Brethren got a particularly specific mention in the regulations pertaining to industrial
relations which exempted them from having unions in their workplace. Isn’t that an interesting thing? One religious group gets a specific regulation in that legislation, brought in by the Howard government, that exempts them from having to have unions in their workplace. It might just be a strange coincidence that that could have occurred.

I am arguing that we are meant to have a comprehensive enrolment and an accurate roll. I am arguing that this legislation is narrowing that comprehensiveness. Unlike, say, New Zealand and the UK, which have quite a different view, we are going to have only 86 per cent of the current adult population of Australia enrolled to vote because voting will be specifically for Australian citizens and not for people with permanent residency. So, whilst we have compulsory voting, we do not have comprehensiveness. And now we are going to narrow the roll even further with the requirement to close the rolls virtually straightaway. That is my first objection: I believe the bill makes the system not inclusive but exclusive. I believe it is inequitable; it goes against the principle of equality because of the increased threshold of donations and the third party provisions, which are meaningless with the advent of the Public Relations Institute of Australia’s approach.

When I made a formal complaint to the institute, I got a two-line reply saying that they had looked at Mr Harrison and Corporate Communications and found there was no case to answer, in spite of the fact there could be nothing plainer in their code of conduct than them saying that members are required to disclose who is funding their campaigns. So we have a situation where the Howard government is once again promoting the values of inequality, exclusiveness and unfairness in elections. That is why I am strongly opposing this legislation.

We should be making our electoral laws more inclusive, not less. We should be making our elections more fair, not less. And we should make sure that there is real equality in Australia and not a situation whereby the rich get richer and have greater influence the more money they spend. The more donations they can give, the more access they can get by buying themselves seats at the relevant tables, while the poor stay out in the suburbs unable to take advantage of the access that delivers results. They are the values that underpin this legislation. They are not the values of progressive politics. On this side of the chamber we want equality, inclusiveness, freedom and fairness. I would argue that just about everything that the government has brought in since I have been here undermines those values.

The ACTING DEPUTY PRESIDENT (Senator Murray)—Senator Milne, three times, I think, you directed questions directly to the minister; I remind you that you should always direct them through the chair.

Senator WEBBER (Western Australia) (10.53 am)—I seek leave to incorporate Senator Crossin’s speech.

Leave granted.

Senator CROSSIN (Northern Territory) (10.53 am)—The incorporated speech read as follows—

The Electoral and Referendum Amendment (Enrolment Integrity and other Measures) Bill 2005 will, if passed, severely disadvantage thousands of Australians in terms of enrolling and voting, especially those in rural and remote areas such as in my own electorate of the Northern Territory.

This bill, far from following recommendations made by the minority members on the Joint Standing Committee on Electoral Matters after the last election, goes hard against them, and of course follows closely the recommendations made by the government members.

This bill proposes to make regulations that will make it far harder for people to enrol or change
enrolment details. It will make regulations requiring proof of identity or address for applicants for enrolment or changes.

It will close the rolls for new electors at 6pm on the day on which writs for an election are issued and 3 days after writs for enrolment amendments; enrolment will include sex and date of birth on the certified list as a further check on identity when voting.

Senator Faulkner and others have estimated this bill would disenfranchise 80,000 new enrollees and some 200,000 would be unable to change their details to new addresses.

This bill will make it easier to donate to political parties without public disclosure.

Norm Kelly, writing in The Canberra Times of 21st March 2006 points out that “In a healthy democracy voters make their decisions based on representations from a diversity of parties and candidates. To make an informed decision it is important they are aware of who is funding those parties and candidates.”

Marion Sawyer, writing in The Public Sector Informer of 6th June 2006 says “Australia has fallen well behind comparable democracies in regulating political donations and Electoral Act changes will see it fall further behind in enrolment procedures.”

This bill will ensure that voters are kept increasingly in the dark about who is bankrolling whom.

The Government argues that the increase in the disclosure threshold is needed to bring us into line with other countries. Again more than just a tad misleading—the threshold in the USA is $1,400.

The new Government in Canada is further tightening their regulations on political donations, introducing a limit of Canadian $1,000 on the amount any individual can donate to a political party in any year, and actually moving to BAN contributions by corporations, trade unions or associations.

So under this bill, parties and candidates will be able to pull in the funds at under $10,000 per donation, keep it quiet and spend up big—there will be a far higher chance of someone with enough money being able to unduly influence an election—along way from the claimed “integrity” purpose of this bill indeed.

Figures provided in Political Financial disclosure under current and proposed thresholds (DPL research note 24 March 2006) show that under the present threshold in 2004/05 the ALP disclosed donations of $13,930,195 and the government coalition a total of $19,206,952.

If this bill goes through under the new disclosure requirements the coalition would have been required to disclose only just over $14 million (some $5 million undisclosed) as against ALP of nearly $11 million (about $3 million undisclosed).

In raising the threshold it can only mean more donations to a party are hidden, and we can only assume that is absolutely what the government intends to happen, for they have never shown any inclination to be transparent on donations.

So this bill will simply make it harder to enrol and vote, but easier to donate to and influence political parties without disclosing it.

This bill will impose identity requirements on those attempting to get enrolled—again adversely affecting those in rural and remote areas the most—they cannot just stroll down to a photographer for ID photos, or even find anyone to certify photos or documents.

This bill will further include a number of amendments such as who can assist voters and also restrict scrutineer activities in relation to assisted voting. This would clearly disadvantage Indigenous voters who required help in the polling booth.

Clearly all these changes proposed will make it harder for rural and remote voters to enrol, change enrolment details or to get assistance in voting at the polling booths. This will affect the NT very much, and Indigenous people more than most.

Evidently these changes are aimed at disenfranchising as many Indigenous Australians as possible. Not satisfied with taking away their elected representative bodies to reduce their say in Aboriginal Affairs, this government now intends to make it harder for Indigenous Australians to get to vote too.
Remember that until the Howard Government abolished it, there was also an Indigenous Electoral Information program. This program was well run and of great assistance in helping remote Indigenous Australians to enrol. They took little time after gaining power in 1996 to abolish this program.

This bill would also disadvantage young people enrolling for the first time. Michael Danby, writing in the *Herald Sun* back on 27th May 2005 (Page 20) said that in 2001, some 83,000 first time voters enrolled in the existing seven day period. If this bill were passed, these people would simply miss out. How this bill can be seen or called anything to do with enrolment INTEGRITY is beyond me.

It would also completely remove the voting rights of all prisoners serving any sentence of full time detention, however long or short.

Similar moves to disenfranchise groups of people have been made and failed in the past. This government may now have the numbers to get this legislation through but Labor will not support it.

The previously mentioned JSC on Electoral Matters found, based on information from the AEC that electoral fraud is a fairly minor problem in Australia, so this bill is not seriously aiming at overcoming that. There is no justification for doing anything, for our electoral system is already fair, just and honest.

What was found was that under enrolment of certain groups was much more of a problem and these under enrolled groups certainly included the young and people in remote areas of our nation.

So what does the Government now try to do to these people?? Just make it even harder for people in these groups to get enrolled to vote! Typical of this arrogant and out of touch government who are quite simply and ruthlessly making life harder and harder for the average Australian.

Of course, this government does not really understand rural and remote areas—they cannot see that if the rolls will close at 6pm on the day an election is called that rural and remote residents cannot pop down to the post office or electoral office and get an enrolment form as they could in Canberra or Sydney. Or if they DO know that then this bill becomes an even more cynical act of political disenfranchisement.

Turning back to my own electorate where just under half the voters are Indigenous. As has been pointed out by my NT colleague in the other place, one of the first things the Howard Government did in 1996 was to abolish the Aboriginal and Torres Strait Islander Electoral Information Service.

The AEC held this program in high regard, and it was a vital part of updating Indigenous enrolments. Without it there was a drop off in Indigenous enrolments. Not that the Howard Government cared—these votes never went their way anyway.

Now they try to make it even harder for Indigenous people to enrol and vote. No wonder the Social Justice Report finds this government lacking in real efforts at reconciliation! Why do they have to play cynical political games—why can’t they be honest and say they don’t really care about the problems and barriers faced by our Indigenous people.

Of course, prisoners also lose the vote under this bill, and again a disproportionate number of prisoners are Indigenous.

But this bill goes beyond that in denying all prisoners a vote. As has been pointed out by Bob McMullan such a denial is in breach of our obligations under the U.N. International Covenant on Civil and Political Rights as well as the U.N. Universal Declaration on Human Rights, re-signed by this government in 1999. Again one could be cynical and say that this government signs such treaties with no intention of being bound by them.

This bill proposes changes to voter assistance regulations. At present if a voter has a problem—sight impairment or illiteracy for example, that voter has the say in who helps them. They can chose someone they know and trust to help them
vote in secret, and this surely is how it should be for an important moment like voting.

Again though this bill proposes change that would go far from this ideal. This bill would give the person requiring assistance no say in who helps them. This bill would have the booth Presiding Officer mark the paper with scrutineers free to observe in some circumstances. It would remove the trust and secrecy. It would remove the ability to chose a helper who could cross language and cultural barriers.

There would be several people, probably unknown to the voter, in or close enough to the voter to see his vote, to remove all secrecy. The voters privacy is grossly intruded upon.

Neither the Opposition nor the AEC support such changes, and both believe the current system is totally acceptable. It is workable, it is fair, it is manageable. There is no fraud, neither in the history of Australian elections has there been.

This government tries all it can to enforce very secret ballots in other areas of our lives, when it suits them in the workplace for example, but NOT in casting a vote in an election—again one can only see this bill as a cynical political move with an ulterior motive.

In conclusion, the Opposition believe that the integrity of electoral enrolment can only be assured if all Australians can easily get their names on the rolls. We believe that the rolls must be secure and voting occur without fraud.

However, the proposals in the Electoral and Referendum Amendment (Enrolment Integrity and other Measures) Bill 2005 do nothing to ensure this. Indeed they will reduce the integrity of the rolls, reduce the franchise especially for those already disadvantaged, cause confusion at the polling booths through a great increase in the demand for Declaration Votes, and this will increase the time needed to declare results.

Labor certainly does not support the Electoral and Referendum Amendment Bill, which we believe reduces the franchise and makes political parties less accountable, and neither of these are acceptable.

We do not believe that preventing people from enrolling on the same day as writs are issued will do anything to improve the integrity of the rolls. Neither do we believe the additional identity requirements will do so.

The government claims otherwise, but as outlined in the Minority Report of the JSCEM Report on the 2004 Federal Election, these claims are totally unsubstantiated.

The only real justification for these changes is that the Government believes they will gain advantage in future elections.

We believe that all Australian citizens should be actively encouraged to participate in their democracy, and this bill runs counter to that belief.

We believe that raising the threshold for political donations to be made public up to $10,000 is a huge jump, and will enable massive sums of money to go into party coffers without the public knowing or indeed being in any way aware of these donations.

The government justification for this legislation is flawed and dishonest. There is neither evidence nor history of electoral fraud in Australia.

Senator Abetz has agreed that there is not and never has been evidence of fraud in the outcomes of any election in our country. (Media Release Alan Griffith 8th Dec 2005). He has even admitted that this bill is largely a response to changes made by Labor over 20 years ago.

All this legislation will achieve is to make it easier for donations to influence the democratic process, but a lot harder for the ordinary people, especially in rural and remote areas, to exercise their democratic right.

This is just yet another example of the arrogant Howard Government using control of the Senate numbers in a totally irresponsible, undemocratic, un-Australian way to ram through yet more of their blinkered ideological agenda to the disadvantage of a huge number of Australians.

Senator HURLEY (South Australia) (10.54 am)—The Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006 makes it harder for some Australians to vote, and it does this by changing the enrolment time lines. A number of commentators have noted that, effectively, the close of rolls will be on the day that writs
are issued and that this change will disadvan-
tage a number of people in particular. This
includes young people, people of non-
English-speaking backgrounds, people who
are renting and changing homes, and Indige-
nous people.

The interesting thing is that this is a move
that has been made against the specific ad-
vice of the experts in the field, the Australian
Electoral Commission. In its submission to
the Joint Standing Committee on Electoral
Matters, the Electoral Commission specifi-
cally said:
The AEC is on record repeatedly expressing its
concern at suggestions to abolish or shorten the
period between the issue of the writs and the
close of the rolls. That period clearly serves a
useful purpose for many electors, whether to
permit them to enrol for the first time (tens of
thousands of electors), or to correct their enrol-
ment to their current address so that they can vote
in the appropriate electoral contest (hundreds of
thousands of electors). The AEC considers it
would be a backward step to repeal the provision
which guarantees electors this seven day period in
which to correct their enrolment.

Against the absolutely clear advice of the
AEC, the government chooses to bring in
this change, which will disadvantage a num-er of voters and ensure that a number of
them will not vote.

Like many people in this parliament, I
have a long history in my party as a volun-
teer or a worker, for a mercifully brief pe-
riod, in the party office. I was out there in
many instances trying to encourage people to
enrol to vote. It was a particularly difficult
job. Many people are reluctant to vote and
take part in the democratic system, even
though a lot of those people are the ones that
could benefit most by having a say in the
government and the system of government
they live under. While I was out there during
election campaigns or in between trying to
encourage people to enrol—certainly during
campaigns—I spoke to many people from
other parties. I did note that a lot of the Lib-
eral Party campaign workers seemed to be
very ready to indulge in conspiracy theories
about people voting twice or dead people
voting. They seemed convinced that the La-
bor Party was rorting the rolls and getting
electoral advantage.

This was not true. As I said, I was in-
volved in many campaigns and I never saw
any evidence of that. And, I have to say, I
never saw any evidence of other parties in-
dulging in that kind of exercise either. It
seemed to be a tenet of faith among the Lib-
eral Party that this was occurring and that the
Labor Party were better at it than they were.

Today, this bill is going through to fulfil the
wishes of Liberal Party people in the same
way that the student union legislation went
through. There is a myth within the Liberal
Party that it disadvantaged them to a great
extent.

It does disadvantage a lot of people who
should be on the roll and who should be vot-
ing. Both the change in the enrolment time
lines and the requirement for proof of iden-
tity will affect a lot of people. The new pro-
vision 99B will mean, for example, that pro-
visional voting enrolment for noncitizens
who will be granted citizenship between the
issue of the election writ and the date of the
election will be possible, but it will be a pro-
visional enrolment which will require proof
of identity at the polling booth. This means
that young people and new migrants—often
people who have spent the statutory two
years in this country and are still not familiar
with the systems—will be required to front
up to the polling booth, go to the provisional-
polling counter and produce their papers be-
fore they can even vote. This will cause dif-
ficulty and embarrassment to a lot of those
people, to such an extent that they will be
deterred from voting. For many people com-
ing from countries where the proof of iden-
tity is something that was used by military and totalitarian regimes, that will be especially difficult.

So this bill will be particularly difficult for those from migrant and ethnic communities and non-English speaking backgrounds, and I, as the shadow minister in that area, find this particularly difficult and offensive. There is a paper which talks about the multicultural and ethnic vote, and I think this harks backs to the conspiracy theory where the Liberal Party are looking at ways that they believe that they are disadvantaged and are trying to remedy it through this bill. There is a paper called ‘Labor’s shrinking constituency’ by Bob Birrell, Ernest Healy and Lyle Allen which talks about non-English speaking background voters, particularly in the Melbourne-Sydney area, and looks at voting patterns compared to the percentage of people of a non-English speaking background. They say at one point:

The blue-collar vote in Australia, particularly in Melbourne and Sydney, has been split on birthplace lines. In 2001, those born in Australia, the United Kingdom and other English-speaking countries gave majority support to the Coalition, while those born in NESB countries supported Labor—by a wide margin. This division is of particular significance in Sydney and Melbourne because of the high concentration of blue-collar NESB-born voters in these cities. Their strong support for Labor, as well as their concentration in Sydney’s western and south-western suburbs, was sufficient to account for most of the seats Labor held in Sydney in 2001.

I believe that that kind of research—and, quite probably, there is similar research for young people and other renters who move around quite frequently—shows the Liberal Party that they are on the right track in ensuring that it is much more difficult for those kinds of people to vote. The other group that is disenfranchised by this bill are prisoners who are serving a less than three-year term. Again, I think this is a particular example where it might indeed be that the Liberal Party believe that the majority of people in prison under those circumstances would not vote for them.

I find that very disappointing, coming from a state like South Australia, which, as Senator Webber described, had a particularly strong role in widening the franchise in Australia and South Australia. It was the state which first gave the franchise to women and allowed women to stand for parliament, and it was very active in other areas of widening the franchise. So it is disappointing for me personally to come from a state parliament where that was celebrated to the federal parliament and have to watch while a bill is presented to the parliament—and will no doubt go through, given the government’s numbers—that actually decreases the franchise of Australians.

It is very interesting that this is a government that talks often about the value of democracy and uses that now as a justification for going to war in a Middle Eastern country—a government that talks so much about the idea and value of democracy, which we would all certainly agree with in this place—but then in these details is willing to sacrifice democratic principles for a reason that I do not think we have had clearly explained to us. Going against the expert advice of the Electoral Commission has not been clearly identified by the government in its explanation of making the electoral system a bit more robust. There has not been clear evidence of any fraud against the electoral system and no real justification by the government for the reason it has done this. So I think it throws itself open to my accusation that it is doing it for straight electoral advantage, and I think it is a very sad day when this occurs.

In the United States, I think it is fairly clearly documented that it is the poorer
group in that country—the black people and the migrants—who do not vote under their voluntary voting system. I think this current bill serves to start off in a small, but very significant, way that kind of process in Australia, where those people who are poor, homeless or come from a disadvantaged background are also deterred from voting. I think it sends a fairly clear signal to the people I look after in my shadow portfolio—the people from a multicultural community—that their vote is not being facilitated either, that their vote is not wanted by the current government.

I will leave it to other people to go into detail about the financial provisions of this bill, but I want to say that I too am opposed to the changes in the political donation system that are outlined in this bill. The transparency of our current system should be continued. The increasing of the donation level that will happen as a result of the passing of this bill will mean that our system will be less transparent and we will not be able to see who is donating—and that will clearly advantage the party that has the wealthiest donors. Again, we have heard many times from the Liberal Party that they believe that the Labor Party is advantaged by having the union donors. I can tell you that a lot of people in the Labor Party think that the Liberal Party are advantaged by having a much wealthier constituency than the Labor Party. Again, I think we see a lot of the wish list of Liberal Party members fulfilled in this bill, and I will be strongly opposing it.

Senator CAROL BROWN (Tasmania) (11.07 am)—It has been said that Australia is a nation that was founded through the ballot box. Indeed, this country has a fine democratic tradition marked by an exemplary record of developing and maintaining democratic institutions and of ensuring the integrity of the electoral system that underpins them. If you look into our past, you will see the constant evolution of the franchise—a constant quest to ensure that every Australian has a vote to cast. By the late 19th century we saw that all enrolled adult males were allowed to vote. By the early 20th century the franchise was extended to women and Australia was leading the world with democratic reform. By 1962 we had a franchise that truly extended to all Australians, with the rightful removal of the shameful preclusion of Aboriginal Australians from voting. In 1973, we cut the qualifying age for enrolment and voting from 21 years to 18 years. Those moves form part of the fine democratic history that we own as a nation. That history also extends to the independence, fairness and rigour of our electoral system.

As Professor Marian Sawer has noted, along with other prominent academics:

Australia has long been a source of best practice in terms of non-partisan professionalism in electoral governance.

This proud history will be slighted by the bill before this chamber. The purpose of the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006 is to put in place the government’s reform measures for our electoral system. Those measures were championed by the former Special Minister of State, Senator Eric Abetz, and comprise his narrow vision for our democratic society. In basic terms, under these changes that vision translates to making it harder to vote but easier to donate to political parties. That is some vision for Australia’s future!

I was fortunate to be a member of the Senate Finance and Public Administration Legislation Committee inquiry into this bill. I had the privilege of reading the many submissions from eminent experts on our electoral system, political disclosure and civil liberties. The conclusion I drew from this inquiry and its hearings was clear: this bill

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does a disservice to Australia’s international reputation as a champion of democracy and enfranchisement. It does a disservice to our quest for transparency and openness in the political process, particularly as it relates to the disclosure of political donations. It is a bill built on flimsy premises; it is poorly justified and devised with partisan intent.

The Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006 amends aspects of the Commonwealth Electoral Act 1918 and the Referendum Machinery Provisions Act 1984. In particular, it deals with the closure of electoral rolls, the disclosure of political donations, disclosure requirements in non-election periods for third parties, prisoner voting rights, proof of identity requirements for enrolment and provisional voting, access to and the use of the electoral roll, deregistering and reregistering political parties, the deposits required for candidate nominations at elections, the definition of an associated entity, the abandonment of requirements for broadcasters and publishers to provide returns, paid electoral advertising on the internet, the location of Australian Electoral Commission divisional offices, and the AEC’s powers to demand information. In addition to those amendments to the electoral and referendum acts, this bill also amends the Income Tax Assessment Act 1997 to increase the tax deductibility of political donations. If some of those areas sound familiar to senators, they should. Many of the changes proposed in this bill have been knocked back by this chamber in the past.

I will now address the major concerns that I have about this bill’s core intentions and its likely effect. Chief among those concerns is the changes it proposes for disclosure requirements, making it easier and less transparent to plough dollars into our political parties. This bill proposes increasing the threshold for disclosing donations to political parties from its current level of $1,500 to a whopping $10,000. From the point of this increase, that amount will be indexed to CPI and will continue to increase at the rate of inflation. The substantive argument advanced in favour of this change is that the original figure had been devalued by inflation, but the government’s argument is spurious. It says that the sensible and logical way to do so would be to apply the rate of inflation to the original amount and calculate the new disclosure threshold on that basis. But does $10,000 at today’s value equal $1,000 or $1,500 in 1983? No. As one submission to the Senate Finance and Public Administration Legislation Committee inquiry into the bill argued, according to ABS time series data that amount is worth $3,404 in today’s money—nowhere near $10,000.

The former Special Minister of State, Senator Eric Abetz, suggested:

The arguments in favour of lifting this threshold are clear and unassailable.

He went on to say:

Put simply, this threshold has at a minimum been eroded by inflation, and was much too low when originally set. It adds nothing to Australia’s democracy other than unnecessary red tape.

I could not agree less with the sentiments Senator Abetz expressed in this speech to the Sydney Institute in October last year. However, between the arguments he advanced in this speech there was a grain of truth. Although appearing as a somewhat innocuous paragraph in the middle of a flimsy tirade on the need for an increase to disclosure thresholds, Senator Abetz said:

... when it is known which political party individuals or organizations, particularly small businesses have donated to, anecdotal evidence suggests that they are subject to pressure and intimidation.

To me, it is clear what Senator Abetz was saying. It need not take a paragraph for him
to say it. He was saying that the moves in this bill will make it easier to donate in secret. The result is that these moves will make it easier for political parties to fundraise in secret, because no-one will know if you have kicked the company can for $10,000; you will be promised secrecy, whereas transparency exists at the moment. While the story of the development of the secret ballot in this country is a great one, the tale of the development of the secret donation is a sorry one indeed.

Unlike Senator Abetz, I believe the disclosure of political donations does a lot for our democracy. It demonstrates the transparency and independence of the system we use to produce our elected governments. We all have the right to know who is donating to whom and how much they are giving. In fact, beginning disclosure at a relatively low level is a real and effective counter to perceptions of influence being bought or traded for political donations. In short, it is in all our interests to have it.

Some submissions to the Finance and Public Administration Legislation Committee’s inquiry went so far as to highlight flaws in the current system that would be exacerbated through these changes. Joo-Cheong Tham, from the University of Melbourne Law School, highlighted an existing flaw within the disclosure system. Under current provisions, disclosure thresholds apply separately to each registered political party. As Mr Tham points out, that means that each branch of the Liberal Party, or for that matter the Labor Party, is treated as a separate registered political party and has its own disclosure threshold for the purposes of the act. Mr Tham revealed that, under the current system, a company could donate $1,499 to each state and territory branch of a political party without the identity of the donor being revealed. The cumulative effect of this for a party with one branch in each state and territory and a national office would be $13,491 before disclosure is required.

Under these proposals, however, that figure would rise to $90,000—a significant amount that would only continue to increase through indexation. As Mr Tham puts it:

Increasing the disclosure threshold to more than $10,000 will create such a gap in the disclosure scheme that describing this as a ‘loophole’ seems almost laughable.

He goes on:

Having such a high threshold in practice can only mean more secret donations.

Senator Abetz and his replacement, Mr Nairn, have both supported arguments for the changes to disclosure requirements based on the practice in the United Kingdom and New Zealand. Here they cite disclosure thresholds in line with the ones they are proposing for Australia. In his speech to the Sydney Institute in October last year, Senator Abetz argued:

Neither is a $10,000 threshold too high by international standards.

In the United Kingdom, the disclosure limit is 5,000 pounds - or about $A12,000. And in New Zealand, it is $10,000 New Zealand dollars - or about $A9,350.

There is of course no democratic deficit asserted in those countries.

But let us look at these arguments. As Joo-Cheong Tham points out, this is:

... a weak and decontextualised argument.

While there is a crude similarity in the figures involved, that is where the comparison begins and ends. The transparent and rigorous features of the UK disclosure scheme bear no resemblance to the ones we see before us in this chamber. In the UK, unlike Australia, parties lodge quarterly returns. During election campaigns this requirement is increased to weekly. Auditors’ statements, too, are required in support of these reports.
There are checks and balances to ensure transparency. None of these protections sit alongside these arbitrary proposals to raise disclosure thresholds in this country.

As we look at these proposals we get an opportunity to consider the future of Australia’s democracy under the Howard regime. We need to ask: is it a future of transparency in process, openness in policy debate and honesty and rigour in accountability processes, or will we continue to see public accountability retreat even further up the corridors of Howard government power? With these moves on the financial disclosure of political donations, we have to assume the latter. The sad fact for our democracy is that the changes this bill proposes will hide from public scrutiny the overwhelming majority of those who donate to John Howard’s government. Indeed, some estimates suggest that as many as 80 per cent of the coalition’s donors will slip from public view through these changes. Whilst it might be easier to raise funds under the cover of darkness, it is in the interests of neither the Australian people nor our democracy that donations to political parties be hidden from the public eye.

As I have said before on many occasions, disclosure as it stands is a useful check and balance on the activities of all political parties. It helps inform public debate and breaks down the velvet curtain surrounding party fundraising activities. The public has a right to know who is contributing to politicians and political parties. My message on the changes to disclosure proposed in this bill is simple: if you raise the threshold, you hide the dollar; and if you hide the dollar, transparency is lost. We should not be taking this step in this chamber. The existing threshold is appropriate and should be maintained.

Another area of this bill that causes me great concern is its moves to close the electoral rolls early. Currently, section 155 of the Commonwealth Electoral Act 1918 specifies that rolls are to close seven days after the election writ is issued. Schedule 1 of this bill reduces this period for new enrolments and re-enrolments to 8 pm on the day the writ is issued. Generally this is the day after an election is called. Similar changes will be made to the referendum act through this bill. Although there are some minor exceptions to the new roll closure provisions, the overwhelming effect is to disenfranchise a large percentage of the Australian voting public. As Dr Brian Costar pointed out in his submission to the Finance and Public Administration Legislation Committee inquiry, these changes have:

... the capacity to effectively disenfranchise some 300,000 people on dubious grounds.

And who are these people? They are those in our community who already have the greatest difficulty accessing decision makers; who already have a silenced voice in our democracy. As Labor has pointed out in its minority report for the Finance and Public Administration Legislation Committee’s inquiry, we are talking here about young Australians, Australians from non-English-speaking backgrounds, Indigenous Australians and the homeless. We know from the AEC’s own figures that in the one-week period from the writs being issued in the 2004 federal election, 423,000 Australians either enrolled or changed their enrolment details. Of these, 78,908 were new voters registering for the first time.

The arguments advanced for this change are again spurious. Best articulated once again by Senator Abetz, they represent an increased workload on the AEC as a result of the one-week grace period, leading to potential errors and fraud escaping detection. His argument is that the rolls close early in Tasmania and New South Wales and other states and territories, so why not nationally? He also argues that it was the system that was
used for the first 83 years of Federation and we should return to it.

But, perhaps unsurprisingly, this is not the complete picture. As several submissions to the Finance and Public Administration Legislation Committee inquiry into the bill point out, the AEC has stated on many occasions that it applies its processes and procedures with the same degree of rigour during the seven-day grace period as it does on every other day of the year. In fact, until recently, the AEC has argued that cutting the grace period could result in a less accurate roll. As it stated in its submission to the Joint Standing Committee on Electoral Matters inquiry into the integrity of the electoral roll in 2000:

Expert opinion within the AEC is that the early close of rolls will not improve the accuracy of the rolls for an election, simply because the need for field checking or any other kind of checking will be eliminated, or because the potential for enrolment fraud has been closed off. In fact, the expectation is that the rolls for the election will be less accurate, because less time will be available for existing electors to correct their enrolments and for new enrolments to be received.

Beyond that, it is impossible to believe that an organisation that can arrange 7,700-plus polling booths and recruit 65,000-plus polling officials for a national election is going to struggle with a bit of paperwork processing. But, even if you accept the government’s argument, no matter how flimsy, would an open and transparent government seek to remove Australians’ right to vote? No, of course not. You would expect that they would properly fund and properly resource the AEC to do its job.

As for the arguments based on the early closure of the roll in New South Wales, Tasmania and other states and territories, again it is not the full picture. As Professor Marian Sawer points out:

... NSW, Victoria and the ACT all have fixed-term elections, so there is plenty of notice of an approaching election.

She goes on:

In Tasmania the Electoral Act (s. 63) requires there to be between five and ten days between the proclamation dissolving parliament and the issuing of the writs. This year it was six days. So there is a statutory period of time between the calling of the election and the closing of the roll for new voters, unlike the current federal proposal.

How do these moves compare with international trends? Sawer points out that Canada closes its roll on polling day, New Zealand the day before and in the UK rolls stay open until 11 days prior to polling day.

The third argument advanced by Senator Abetz and now Special Minister of State Mr Nairn is that it was always this way but, again, that is not quite right. Senator Abetz has argued that the seven-day grace period was introduced as part of changes made to the Electoral Act in 1984. He has even attempted to suggest that this was done to advantage Labor. But, as Emeritus Professor Colin Hughes, a former Australian Electoral Commissioner, argued in his submission to the Finance and Public Administration Legislation Committee inquiry into the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2005:

... the statutory period set in 1983 did no more than regularise what had previously been unchallenged practice.

Prior to 1983 there was always a period of some days, usually more than 7, between the announcement of polling day and the close of rolls at 6pm on the day writs were issued.

In other words, it established in law what had been the longstanding convention of our electoral system.

Having read this bill and participated in the Finance and Public Administration Legis-
lating Committee inquiry into it, my view is that there is little benefit to be derived from making these changes and that, through making them, the potential exists for us to cause considerable damage to our democracy. It is almost impossible to see any rationale for this approach, other than for the advantage of the government, and we should oppose these changes accordingly.

In concluding my contribution to the debate on this bill, I would like to touch on another area that causes me concern and also puts Australia at odds with trends in other nations—that is, the area of prisoner voting. This bill would disenfranchise all people serving a custodial prison sentence in Australia, regardless of its length. Currently, prisoners serving a sentence of less than three years can vote in federal elections. As a result, following enactment of the bill, these changes will deny a vote to more than 25,000 people. As the Justice Action Group points out in its submission to the inquiry on this bill, more than half of the prisoners represented in this number are expected to serve sentences of less than two years. In other words, as the group puts it, these are ‘people who are likely to be released within a political term’.

To me, this move smacks of populist politics and flies again in the face of the rich tradition of democratic reform and strong electoral administration we enjoy in this country. As Marian Sawer argues, it is also contrary to moves being made internationally in this area. She points out that in 2002 the Canadian Supreme Court found that the disenfranchisement of prisoners under Canada’s Elections Act violated the Canadian Charter of Rights and Freedoms. Similarly, the European Court of Human Rights found the UK’s restriction of voting rights for prisoners was in breach of the European Convention on Human Rights. Yet this draconian and populist path is the one we are taking today with our own electoral and referendum acts. What a disservice to a fine democratic legacy. What a short-term, blinkered, unprincipled and illogical path to take us down. (Time expired)

Senator HOGG (Queensland) (11.27 am)—The Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006 is the result of the government’s response to the report of the Joint Standing Committee on Electoral Matters inquiry into the 2004 federal election, where it chose selectively from the formal recommendation contained in the majority report and some additional measures that meet the government’s ideological self-interests. The government of course denies that there is any self-interest or impure motivation in these changes; rather, it tries to sell them as important and necessary changes to stop what it perceives as widespread electoral rorts and fraud.

The claim that the legislation is designed to combat electoral fraud in this country is contradicted by the simple fact that Australia has no history of widespread electoral fraud. The real basis for this legislation appears to be that the government believes it will gain a partisan advantage at future elections as a result of the reforms. The dissenting report by my colleagues Senator Forshaw and Senator Carol Brown on the Senate Finance and Public Administration Legislation Committee inquiry into the provisions of this bill states, at 1.22 on page 38:

“…the proposition that large scale fraud has occurred, or could occur, has been previously refuted by the AEC.”

They go on to quote from the Australian Electoral Commission’s |Electoral Backgrounder 14: Electoral Fraud and Multiple Voting, of 24 October 2001, which said:

“It has been concluded by every parliamentary and judicial inquiry into the conduct of federal elec—
tions, since the AEC was established as an independent statutory authority in 1984, that there has been no widespread or organised attempt to defraud the electoral system ... and that the level of fraudulent enrolment and voting is not sufficient to have overturned the result in any Division in Australia.

I would like to provide a more up-to-date statement of the AEC’s views on this matter but, unfortunately, they have in recent times been extremely reluctant to offer any view on this or any other matters that are a subject of this piece of legislation. This is obviously another example of this government shutting down access to any information or advice that may challenge its preferred position.

This debate is supposed to be about the integrity of the electoral processes in this country, but maybe we should start debating the integrity of the political processes in this place since the government got the numbers in this chamber. It is my view that the integrity of the political processes is in need of more urgent reform than that of our electoral systems. I have little doubt that any such debate would be shut down very quickly, so I will return to the bill before us.

In their dissenting report, Senator Forshaw and Senator Carol Brown rightly acknowledge that Labor is particularly concerned about sections of the bill which provide for the earlier closure of the electoral roll, reduce the amount of time a voter has to change their existing details on the electoral roll, introduce a new proof of identity requirement for people enrolling or updating their enrolment, establish a proof of identity requirement for provisional voting, increase a number of the disclosure thresholds to above $10,000, increase the size and scope of the tax deductibility of political donations and further restrict the electoral rights of prisoners. The ALP committee members also expressed some concern about the possible impact of changes to the reporting obligations of third parties on charities and community groups.

I will now turn to each of these provisions and Labor’s concerns in more detail. We are concerned with the early closures of the roll and the new proof of identity requirement for people enrolling or updating their enrolment. The bill proposes that for all new enrollees or those that have been taken off the roll, the electoral rolls will effectively close at 8 pm on the day writs for an election are issued, with an exception for 17-year-olds who will turn 18 between the issue of the writs and election day and for those granted citizenship between those times. For those people who need to update their enrolment details, the rolls will close at 8 pm on the third day after the issue of the writs.

The constituents most affected by these proposed changes to the closure of the rolls and voter enrolment regimes will be young people, people with lower levels of education, Indigenous Australians, Australians from non-English-speaking backgrounds and people with no fixed address. All of these groups already suffer a degree of disadvantage in making their individual voices heard in the political process. Although sometimes these groups may have others that purport to speak on their behalf, the ability to express their own choice directly through exercising their vote at the ballot box is often the only opportunity for them to actively participate in their democracy. These changes will place another significant barrier between them and direct participation in the selection of the people who should represent them.

For young people in particular, who may be on the threshold of taking up their franchise to fully participate in our democracy, these changes provide new difficulties to their enrolment or the maintenance of correct enrolment to vote. Where under current arrangements they would have seven days after
the issue of writs to enrol or update their enrolment, now they will only have until 8 pm on the day writs are issued—unless they are turning 18 between the issue of the writs and the election day, and then, very big heartedly, the government will give them until 8 pm on the third day after the issue of writs. Further, they will, under these proposals, need to provide a prescribed form of identity which must be certified by two others who cannot be their parents or a relative.

Contrary to the delusions that some on the other side of the chamber may hold—like the Minister for Employment and Workplace Relations, Mr Kevin Andrews, who suggested during the debate on the Work Choices legislation that if young people felt uncomfortable negotiating with their employer they could have their solicitor or accountant do it for them—young people generally do not have an army of advisers and assistants to complete these tasks for them. They have to do it for themselves. Most young people at this age also have study and work commitments that they have to meet which further eat into their time.

As Senator Forshaw so rightly noted in his report into the provisions of this bill:

The Government has provided little, if any, justification for these changes which will seriously impact upon the opportunity for various groups or persons to enrol or update their enrolment details once an election is called. There is nothing in the Explanatory Memorandum or in the Minister’s Second Reading Speech to support the proposed reduction.

He went on to note:

The AEC informed the committee that at the 2004 Federal Election around 423,000 persons enrolled, re-enrolled or changed their enrolment details in the 7 days after the issue of the writs. This figure included 78,908 new enrolments and 78,494 re-enrolments—that is, persons who had previously been on the roll but had been removed. A further 255,000 persons changed their enrolment details.

The AEC also informed the committee that approximately 130,000 of the total number came in on the last day before the rolls closed and a further 150,000 sought to enrol or change their details after the 7 day period.

The only submissions to the inquiry supporting the early closure of the electoral roll were made by the Liberal and National Parties and the Festival of Light.

Isn’t that a surprise! Senator Forshaw continued:

They argued that due to the alleged heavy workload of the AEC the current 7 day period provides a potential for fraudulent enrolment to occur—on such a large scale that it could affect the outcome of an election. It is asserted, by the proponents of these changes, that large numbers of persons can be moved on and off the roll in specific electorates during this 7 day period.

The report went on to state:

These arguments lack both evidence and credibility. No evidence that this has ever occurred, or even been attempted in previous elections, was presented to the committee.

So without evidence, without any rationale whatsoever, the government have gone down the path that they have done. The report from Senator Forshaw continued:

In contrast, there is substantial historical and expert evidence that the electoral roll and the conduct of elections by the AEC in Australia are of the highest integrity.

I think that is important for the people out there in voter land to remember. We run a relatively clean system. We are not dealing with a system that is bankrupt. We are not dealing with a system that is corrupt. It is a system in which the conduct of the elections has the highest integrity. Senator Forshaw’s comments went on:

The AEC has an enviable record of maintaining the integrity of the electoral roll over many years.
In 2001/02 the Australian National Audit Office (ANAO) conducted a performance audit of the integrity of the electoral roll. The ANAO found that the roll is one of high integrity.

The ANAO is an organisation that I have enormous respect for. One cannot underestimate the value of that report from the ANAO in finding that the roll is one of high integrity. Senator Forshaw’s comments went on:

The ANAO concluded that the electoral roll was likely to be 95 per cent accurate.

Given that high praise, it is not unexpected that our Australian Electoral Commission are invited by a number of our neighbours to assist them in their electoral processes. Being given the clean bill of health by the ANAO is one of the highest credit ratings that one can have in electoral terms.

It seems clear that these measures will not improve the integrity of the electoral roll or relieve the pressure on AEC officers during the period after the calling of an election. On the contrary, they have the potential to disenfranchise a significant number of voters and to compress the normally high voter contact after the announcement of an election from seven days into three.

I now turn to schedule 1, items 17 to 19, 21 to 23, 25 to 27, 29 to 35, and 100 and 101 of the bill. Those items establish a new proof of identity regime for those enrolling to vote or updating their details on the electoral roll. The new regime will require the person to provide their driver’s licence or, if they do not have a driver’s licence, show another acceptable form of identification—for example, a passport or birth certificate—that is witnessed by an appropriately enrolled attester, and that person cannot be related to or live with the applicant.

In schedule 1, items 47 to 49, 71, 72, 90, 91, 112, 113, 131 and 132 establish a proof of identity regime for provisional voting. The elector must either show a satisfactory form of identification, a driver’s licence or other prescribed identification document at the time of casting a vote or must present the abovementioned identification to an officer before the close of business on the Friday following the polling day. My colleagues on the Senate Finance and Public Administration Legislation Committee inquiry into the provisions of the bill have concisely set out the problems these measures can produce. I will quote from page 41 of the committee report where, on proof of identity for enrolment purposes, they said in paragraph 1.35:

The ALP committee members contend that this change to the Act will make it more difficult for people to enrol or to update their enrolment, and will have the effect of increasing the number of people who are unable to vote. Those least likely to be able to comply with these requirements will once again be:

- young Australians;
- Australians from non-English speaking backgrounds;
- indigenous Australians; and
- the homeless.

Surprise, surprise! At paragraph 1.36 of the report, my colleagues stated:

We point out that in all states and territories between 10 and 20 per cent of adults do not have a driver’s licence, and that many of these will also lack other forms of documentation.

On that point, consider access to birth certificates as one form of ID. Imagine the problems for someone living in Cairns, in beautiful North Queensland, in my state, who was born in Western Australia. Imagine the difficulties in securing a copy of their birth certificate in the next to no time frame given by the government under this legislation. Remember that election dates are often a very tightly guarded secret. I am yet to find a government of any political persuasion that advertises the election date, although from time to time they might try to leak it for some advantage—but that seldom happens.
So what hope do you think a person would have of getting a birth certificate issued and then finding two people who could certify their identity within, at best, three days but in most cases in a matter of 24 hours? It would be between zero and none. We have many more isolated communities than Cairns—and if you think Cairns is easy to get to, try and get a flight there—as do Western Australia and the Northern Territory. What hope will people in those areas have to ensure their right to vote?

To return to the report: my colleagues rightly pointed out at 1.37:
Such disadvantageous changes could only be justified if it were to be shown that the current system for enrolment and re-enrolment allowed a significant level of false enrolments or other kinds of electoral fraud. No convincing evidence in support of these claims was shown to the inquiry.

At 1.38 their report goes on:
ALP committee members also point out that the extra time which would be required for the AEC to process applications substantiated with a range of verifying documentation would create a backlog of applications in the period prior to the closing of the rolls, particularly when considered in conjunction with provisions of the bill to close the rolls on the day of the issuing of the writs. In sum, the effects of this legislation may lead to an unnecessary and unacceptable increase in the workload of the AEC.

The point my colleagues make here is worthy of further comment. It is the sum of all of the measures in relation to enrolment in this bill that needs to be considered. Australians as a whole remain a very mobile population, frequently changing address. Unfortunately, often one of the last things they get around to doing is updating their electoral enrolment—and for many young people getting on the roll in the first place is difficult. This is borne out by the figures from the AEC for the 2004 election that I have quoted previously: 78,908 new enrolments and 78,494 re-enrolments—that is, persons who had previously been on the roll but had been removed. A further 255,000 persons changed their enrolment details. That is not insignificant. And that was over a seven-day period with less prescriptive proof of identity requirements.

The significant factor to note here is that 255,000 people made the effort to ensure that they were eligible to vote in their current electorate, not in an electorate where they may have previously lived. Under this legislation, that volume of new enrolments, re-enrolments and change of details must now be dealt with in a maximum of three days after the issue of writs for an election—the key motivating event for many people to see to their enrolment. Simply put, this bill is not addressing any issue other than the whims and the fancies of the government to shut out legitimately a number of Australian people who deserve to have their voices heard. The Australian people should recognise that that is the sole intent of this legislation.

Senator McEWEN (South Australia) (11.47 am)—I also wish to speak about the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006, a bill which clearly demonstrates yet again how this arrogant, out-of-control government is using its Senate majority with complete contempt for the Australian people. Labor believes that all Australians should have the optimum ability to participate in their democracy, but the government’s view, as demonstrated in this bill, is that great numbers of Australians should be disenfranchised.

Here we have a bill that shows the government does not want to maximise participation in the electoral process; it just wants to marginalise and disenfranchise those
groups of voters who it believes will not vote for them. Members and senators have spoken before me about how this bill will disenfranchise our Indigenous Australians. I will say a little bit more about that in the future. However, I wish to first of all speak about how this bill will further marginalise another important group of Australians: our young people.

Of course, this government already has an appalling record when it comes to young Australians. It has cut funding and scrapped programs and neglected Australia’s youth. We have seen 300,000 people turned away from TAFE colleges at a time when the nation is facing a skills crisis. This year 150,000 people were denied university places in areas of critical skills shortages. This year’s budget decision to cut funding to programs that assist young people in rural and regional areas to gain apprenticeships is yet another example of the government failing our young people. Of course, the icing on the cake as the latest and probably greatest example of the government’s failure to deliver for our young people is the completely botched introduction of the Australian technical colleges, with only four colleges open and fewer than 300 students enrolled.

Australian youth face many great challenges. For a start, we have the highest youth suicide rate in the Western world. The skills crisis, to which I have referred, was created through the Howard government’s 10-year neglect of Australian youth. We also face the problems of childhood obesity and the massive HECS burden with which our young people leave their tertiary education. And we now have the government’s so-called Work Choices regime, which will force vulnerable young workers to try to negotiate working conditions with their employers. So young people have many challenges and they need to be part of the solution to those challenges that they are trying to cope with. One very good way to enable them to be part of the solution is to enable them to participate in the democratic process. They understand these problems better than most of us because they are the ones that are living them.

But what have the government done to encourage people to participate in the democratic processes? In 1998 they abolished funding for the Australian Youth Policy and Action Coalition, which ended 40 years of bipartisan Commonwealth government support for a peak body which researched and advocated youth issues. In 2004 the government abolished the position of minister for youth affairs, which gave the clearest signal yet to young people that the federal government do not care about them. And in 2005 the government halved the number of new representatives on the National Youth Roundtable from 50 to 25, another blow to the youth sector, which was trying to engage more young people in the political process and to get them involved in their solutions to their problems.

Now the government wants to make it as hard as possible for young Australians to exercise one of their most basic rights: the right to vote, the right outlined in article 25 of the International Covenant on Civil and Political Rights. At a time when we should be engaging with young people and involving them in our political process, this bill seeks to cut them out of that process. The government wants to close the electoral roll at eight o’clock on the day the writs are issued. According to the Australian Electoral Commission, a total of 423,975 enrolment cards were received in the week between the announcement of the 2004 election and the close of the rolls. Of this number, 78,816 were new enrolments. If this government’s legislation had been in place, those people would not have been able to vote at the last election, and we know that many of them were young people. If this bill passes, as it
probably will, a similar number will not be able to vote at the next election.

It is a shocking statistic, a shocking fact, that almost half a million Australians could miss out on voting or be forced to vote in the wrong electorate if this bill passes without amendments. In my state of South Australia in the 2004 federal election nearly 50,000 people updated their enrolment details and 9,613 enrolled as first-time voters during the period this bill seeks to cut out. That is nearly 10,000 voters, most of them young people, that the government now wants to exclude.

It is important to understand the ramifications of this bill, as they are significant. Our system of government relies on an informed citizenry for the effective and legitimate functioning of administration. Without active, knowledgeable citizens, our system of government does not work. Without vigilant, informed citizens, there is no check on potential tyranny. It is all too often forgotten how fragile our democracy can be. But as we have seen in other legislation that has gone through this place, including the so-called Work Choices legislation, this government is not averse to throwing out the window long-held values and institutions based on the principle of a fair go. Here we see the government doing it again.

To return to the issue of engaging young people in the political process: the 2004 Youth electoral study conducted by Sydney’s Centre for Research and Teaching in Civics revealed some disturbing statistics. The survey reported that at that time over 300,000 young Australians between the ages of 17 and 24 were not enrolled to vote. Even more alarming, their interest in civics was dwindling along with their desire to vote. More than half of the young people surveyed said that, given the choice, they would not vote. This should be an alarming revelation, no matter what side of the chamber you sit on. But, alas, the government does not seem to care that young people are not enrolling to vote. In fact, this bill is seeking to make it even harder for them to enrol to vote.

On this side of the chamber, we have a lot of sympathy for young people who have become disenchanted with the political process in Australia. Many young people say they do not trust politicians—an observation that can only be reinforced by the actions of this government, which claimed there were weapons of mass destruction in Iraq when in fact there were not and which claimed that children were thrown overboard when that was not true either.

The Youth electoral study, to which I earlier referred, also calls into question the extent to which Australia’s democratic system of government can be truly representative when such large sections of Australia’s youth are excluding themselves from the most fundamental aspect of the democratic system: voting. While it is a concern to Labor, it is obvious that it is not a concern to the government because they are doing exactly the opposite of what is required to engage those young people in the system.

Government members justify this bill with the pathetically weak argument that they are seeking to fix the integrity of the electoral roll. Senator Hogg went to great lengths to say that Australia’s democratic system is not in danger, that in fact it is an excellent system and it has been reported as such by many independent authorities. It is amazing that government senators can stand in this place and say that this bill is about electoral integrity. The way to protect the integrity of the electoral roll is to ensure that the Electoral Commission is truly independent and has the resources to maintain an accurate and up-to-date roll at all times. Another way to protect the integrity of the electoral roll is to listen to
what the independent Australian Electoral Commission is saying. In its submission to the parliamentary inquiry into the conduct of the 2004 federal election, as we have heard from other speakers, the AEC expressed no concern whatsoever about the workload it faces at each election during the seven days grace voters are currently given to enrol or update their enrolments.

And the Electoral Commission has not supported the argument repeatedly made by the government that last-minute enrolments create opportunities for electoral fraud. Indeed, not only did the AEC disagree with the government’s assertion; it actively opposed that view, arguing in its submission to the Joint Standing Committee on Electoral Matters in 2002:

The AEC is on record repeatedly expressing its concern at suggestions to abolish or shorten the period between the issue of the writs and the close of the rolls. That period clearly serves a useful purpose for many electors, whether to permit them to enrol for the first time (tens of thousands of electors), or to correct their enrolment to their current address so that they can vote in the appropriate electoral contest (hundreds of thousands of electors). The AEC considers it would be a backward step to repeal the provision which guarantees electors this seven day period in which to correct their enrolment.

Despite its title, this bill is not about the integrity of the electoral roll. On the contrary, it is about undermining the integrity of the Australian democratic system. It is all about fixing the electoral system to suit this extremist government. Indeed, the strategy of the bill seems to be to create problems where there currently are none.

Apart from disenfranchising Australia’s youth, this bill also disenfranchises those Australians who are unfortunately in prison for terms of three years or less, ostensibly there for the purposes of rehabilitation. Disenfranchising prisoners is bad penal policy.

The basis of a contemporary and progressive penal policy is ultimately rehabilitation rather than punishment. But here, clearly, the government wants to punish people. It proposes to take away prisoners’ rights, rights that again are prescribed under article 25 of the International Covenant on Civil and Political Rights, which says citizens should have the right to vote. Regardless of what people have been sent to prison for, they are targeted by this legislation. It is a throwback to the archaic penal system of the days of Australian settlement and it sets a terrible precedent. What class of Australians will be the next to be disenfranchised by this government? Will it be whomsoever the government of the day deems to be unworthy? I said before this bill is sinister and I think in that precedent it is certainly chilling.

As I mentioned earlier, this bill is also particularly discriminatory to our Indigenous Australians. Unfortunately, Indigenous Australians make up a disproportionate percentage of Australians in incarceration. For example, in my state of South Australia they make up less than one per cent of the population but more than 10 per cent of the prison population. It does not take a rocket scientist to figure out that Indigenous Australians will be disproportionately affected by this bill, not only because of incarceration rates but because, as other speakers have pointed out, the procedures necessary to become enrolled are particularly difficult to access because these people live in remote communities.

But we should not be surprised about the government’s attitude towards Indigenous Australians. It is probably even more appalling than their record with youth—far more appalling when you recognise that, after 10 years of the Howard government, Indigenous life expectancy is 17 years less than that for other Australians and the infant mortality rate for Indigenous Australians is three times
as high as that of non-Indigenous Australians.

Yet what is this government doing to help Indigenous Australians participate in the democratic processes that may assist them overcome their problems? It is making it harder for them to participate. Indeed, one of the first actions this government took when elected in 1996 was to cut the AEC’s Aboriginal and Torres Strait Islander Electoral Education Service. The effect of that was to reduce the number of field officers employed by the AEC, who provided invaluable education programs to encourage Indigenous participation in the democratic process.

One final element of this legislation that Labor opposes vehemently is the proposal to change laws relating to the disclosure of political donations. It is a truism and a cliche, but I will say it: corruption flourishes in the dark and the best way to deal with corruption is to shine a spotlight on it. That is why the Australian Labor Party brought in election disclosure laws designed to introduce a base level of transparency into the campaign funding process. We do not want a political system in this country that is susceptible to corruption and where the cost of elections can give rise to a heightened possibility that political parties and their candidates will become beholden to those who contribute to their campaign funds. Indeed, the recent corruption scandals in the United States point to the need to be strengthening and making more transparent our disclosure laws, not weakening them.

The attacks on accountability in Australian democracy that the provisions of this bill represent will in time allow ministers and government members of parliament of any government to hand out contracts and favourable policy decisions in exchange for campaign donations. This is Americanisation of the Australian electoral system, and we oppose it. What the government is proposing to do in this bill will lead to the deterioration and weakening of Australian democracy at a time when it most needs to be strengthened. Labor believes in the principle of one person, one vote and not one dollar, one vote—and that is the path that this legislation takes us down. We oppose donations to political parties or to candidates being made in secret and behind closed doors.

What the government is trying to do is absolutely the wrong way for Australia to go—but that is nothing new for this government. Labor recognises that our current laws have not been perfect and that people have worked to try to get around them, but it seems from this bill that the people working hardest to get around our current electoral laws are those currently in government.

The argument has simply not been made for the disclosure threshold to be increased from $1,500 to $10,000. The government argues that the amount needs to be changed to keep pace with inflation, but that is misleading—and it is not just misleading; it is blatantly wrong. The disclosure amount was set at $1,500 in 1983 and, according to the Australian Bureau of Statistics, that amount is now worth approximately $3,500. That is nowhere near $10,000. The current disclosure levels are entirely appropriate, and no evidence was presented to any of the inquiries held into electoral matters that suggested that those amounts should be increased.

While the government argues that these changes will bring Australia into line with other comparable countries, that is not true, either. The proposed threshold is comparable with that in New Zealand, which is $A8,500, and that in Britain, which is at $A12,200, but it is well above the limit in Canada and the limit in the United States, which is still $A1,400. What the government does not say is that these otherwise comparable coun-
tries—New Zealand and Britain—both place campaign spending limits on parties and candidates, unlike in Australia. When you add all of that together, we end up with a proposal from this government that has the potential to turn Australia’s system into one of the most rortable and weakest systems of political funding in the Western world.

Before the last federal election, the Prime Minister claimed that he would govern for all Australians. This bill represents the exact opposite of those words. It is about disenfranchising voters and about removing from the roll people who this government does not believe will vote for it. It is an insult to an open, democratic and accountable society. It is another example of how this government looks after itself and its mates, at the expense of hard-working ordinary Australians.

The facts about this bill are that it disenfranchises young people and Indigenous people, undermines the integrity of the electoral roll, undermines the rehabilitation of persons in prison and throws open the door to the roting of political donations and to the corruption of our democracy. If the senators in this chamber have any sense of civic duty and commitment to Australian democracy, they will vote against this bill.

Senator HUTCHINS (New South Wales) (12.06 pm)—I want to take issue with a number of points in the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006, but the first thing I want to take issue with is the bill’s name—calling this an ‘electoral integrity’ bill when indeed it is not that at all. Since I have been a member of the Senate, every time the government has some sort of rot that it is about to play on the Australian people, it has fancied it up with a different name—‘Work Choices’, for example. Anything to do with industrial relations, social security or health, whereby the government is going to deprive the majority of the population of some right or privilege or benefit, has some Orwellian name attached to it.

I do not know if it started under the Labor government, but I think it should stop. I think it is wrong, because it implies entirely the opposite to what the bills are intending to do. Historians will have an opportunity, when looking back at the Howard government, to look clearly at the bills that have all those strange titles—as I said, like ‘Work Choices’, ‘Welfare to Work’ and whatever else you want to nominate. They will be able to isolate straight from there what the government’s ideological agenda was—to target those areas they believed were the Labor Party support base, or because they were ideologically opposed to trade unions, or to target people who are Unfortunately on welfare, or because they believed they were going to deprive them of something.

The other aspect that I think historians are going to have difficulty with will be when looking at the names of the ordinary bills. If we have a look at the names of the bills that are going to come after this, we see the exercise laws amendment bills, which is pretty standard language, and the Fuel Tax Bill, which is standard language. All of the non-controversial bills that we dealt with last night were in standard language. That should be the language that is used for legislation that is presented before this parliament, rather than this Orwellian language being used at the moment.

When we look at some of the bills that are going to hit us in the next week or so, some of the things that are encapsulated in those bills are indeed significant rip-offs of the Australian community. If we are going to be fair dinkum about the names of these bills, maybe there should be a bill sometime next week called something along the lines of ‘Superannuation (Rich Old Bastards Relief)
Bill’ or something like that for any of the other things where we are going to provide some sort of tax or financial benefit to the top end of town. You should be honest and consistent rather than dishonest, as you are in this proposed bill before us this afternoon.

The government proclaims that this bill will defend the integrity of the system, but what it is about is disenfranchising Australian voters by the early closing of the electoral rolls and increasing the political donation disclosure thresholds. Indeed, in the end, it does very little to defend the robust nature of our democracy. I want to go first to the closing of the electoral roll. The government has claimed, in fact, contrary to the evidence before it, that the seven-day grace period currently provided to electors to enrol makes the system vulnerable to fraud. The Australian Electoral Commission does not support this view. It provided evidence to this effect to the Joint Standing Committee on Electoral Matters in 2002. It stated:

The AEC considers it would be a backward step to repeal the provision which guarantees electors this seven day period in which to correct their enrolment.

‘A backward step,’ says the Electoral Commission. But the government are not listening. They are walking, whether it is backwards or otherwise, in step with their own tune and in the process ignoring the evidence before them and ignoring the ramifications this bill will have for voters.

Let us have a look at the figures available to us. As Senator McEwen said, at the 2004 federal election 78,816 new enrolments were registered in the seven-day grace period. Under this piece of legislation, those 78,000 odd voters would have only until 8 pm of the day of the issue of the writs to enrol to vote. Time is precious. Mums and dads dropping their kids off to child care and then rushing to work know this. Australian workers having their weekends, public holidays and even their rest breaks taken away from them under this government’s IR laws are particularly aware of this precious time. But, indeed, maybe they are the people that this legislation is targeted at.

The seven-day grace period under the current system affords Australians that time to get their applications in so they can make their important contributions to the process. Yet this bill before us will restrict the opportunity of Australians to vote by cutting the time they have to enrol. Theoretically, once you turn 18 or become eligible through citizenship, you should be registering on the electoral roll immediately. I would say that the majority of electors do just that. However, there are those who have put it off or simply forgotten to do so. The calling of an election provides an imperative for them to get their names on the roll and have a say in the running of this country. But to these people the government is saying, ‘Too bad—you don’t get to have your say.’ The number of 78,816 people enrolling to vote after the calling of the 2004 election is not one to sniff at. This is almost the size of some electorates. If this legislation had been in place before the 2004 election, it would be fair to say that a sizeable chunk of these people would have been excluded from exercising their right to vote as Australian citizens.

While they are at it, the government wants to add to the disenfranchised heap by excluding all serving prisoners, no matter what the length of their sentences are, as I understand it. At the last count there were 19,236 people. This will invariably target Indigenous Australians due to their overrepresentation in the prison population. In the UK, where they have tried a similar system of prisoner disenfranchisement, it was found that the law violated the European Convention on Human Rights. As noted in the judgment of the
European Court of Human Rights, where the UK law was challenged:

... removal of the vote in fact runs counter to the rehabilitation of the offender as a law-abiding member of the community and undermines the authority of the law as derived from a legislature which the community as a whole votes into power.

Clearly, Australia is not a signatory to the European convention, but it follows that the same questions on legitimacy of the government are raised in that government is seeking to remove a citizen’s right to vote. There should be a concern in the Liberal Party about this. I am not sure about how often, in the eastern suburbs set in Sydney, Ray Williams, Rodney Adler and a lot of other white-collar criminals used to frequent the cocktail parties—and probably Liberal Party fundraisers. Maybe Senator Forshaw, in his contribution, might be able to tell me.

Senator Forshaw—Rodney Adler was a Liberal Party fundraiser!

Senator Hutchins—He was a Liberal Party fundraiser, I am advised. I am not sure whether Rodney is feeling all that happy about what you are going to put through, depriving him of the ability to vote for Malcolm Turnbull. But I am sure there are people in the Liberal Party of New South Wales that regularly visit Rodney and they can probably commiserate with him.

This bit of legislation specifically aims to strip Australians of their right to vote. It is bloody-minded ideology, and I hope that we have an opportunity in the committee stage to put it straight on the government as to what the justification for it is. But, as I said earlier, the point is that the government seems to have a view that there is some massive electoral rorting out there that occurs after the calling of the nominations for the election and during the seven-day period. As I said, 78,816 people enrolled after the calling of the election in 2004.

The implication is that we in the Labor Party—and I suppose that is what this is all about—have a massive electoral rorting unit out there that moves silently around all the various electorates throughout the country and enrols people to vote. I would suggest to you, Mr Acting Deputy President Ferguson, that I was not a member of any electoral rorting unit. I do not think Senator Campbell was. Senator McEwen was not. Certainly, Senator Forshaw was not. But maybe you can ask some of your ex-Labor Party colleagues who are now Liberal Party cabinet ministers. Maybe you should go and ask Dr Nelson what electoral rorting unit he was a member of when he was in the Labor Party. He might be able to tell you. I am sorry to see that Senator Coonan has left the chamber. I understand she was a member of Labor Lawyers; she might have been in the inner-city electoral rorting unit in Sydney.

Clearly, there is no such rorting, and it is paranoia on the government’s part to think that it is going on within the Australian community. People, for whatever reason, do have a problem enrolling on time. That was clearly demonstrated at the last election, where 78,000-odd people enrolled in the last seven days. As I said, that would be the size of some electorates in this country. In fact, in 2002, the National Audit Office said that there was 96 per cent accuracy of the roll, which rose to 99 per cent when compared to Medicare data.

So it is not exactly the case that there is rorting; but, talking about shenanigans, there are a few examples I would like to mention. Of course, we would not be talking about shenanigans if we did not mention the Liberals in the federal seat of Lindsay. The 1999 Penrith local government election comes to mind, and I have highlighted this before. As I
recall it, under the watch of the member for Lindsay, who was the chair of the Penrith Liberal Party’s local government committee at the time, we had two shonky Liberal Party fronts operating: one was called the Marijuana Smokers Rights Party and the other was called the No Badgerys Creek Airport Party. The candidates for those parties enrolled at a residence co-owned by the niece of the member’s former staffer and Liberal councillor, Steve Simat. So, in talking about shenanigans, I would point out to you, Mr Acting Deputy President, that so far the only ones we can highlight have been the Liberals’. As I said, the bill is a paranoid overreaction to what has been going on, and there is no difficulty with the current roll or the current system.

I am also greatly concerned that the additional requirements placed on applicants to establish their identities for enrolment will make it more difficult for them to vote. Protecting the integrity of the roll is essential, but adding to the red tape for ordinary Australians applying for enrolment is unnecessary and works counter to the support they should receive in registering to vote. I am concerned by the requirements set out in the bill. To enrol, an applicant must present a driver’s licence number or have a prescribed identity document, like a birth certificate, verified by another elector. In the event they do not possess either a driver’s licence or a prescribed identity document, the applicant’s identity must be verified by two other electors, who must possess driver’s licences.

How will that affect Indigenous voters? What about people living in remote and regional communities? How will it affect older Australians, who already struggle with providing photographic identification? What about non-provisional voters who specifically request not to be identified for their own personal reasons? Just to enrol, an applicant might have to pay $52 to the Office of Births, Deaths and Marriages and wait a couple of days for their birth certificate to arrive. How much red tape are we adding to their problems unnecessarily? Even an AWA can be lodged with just a signature. These identification requirements do not encourage integrity of the roll; they simply discourage people from lodging applications.

I also find it disgraceful that the government is moving to increase the disclosure threshold for political donations from $1,500 to $10,000. In a speech to the Sydney Institute, Senator Abetz’s argument for this change was, quite ironically, that the lower threshold ‘adds nothing to Australia’s democracy other than unnecessary red tape’. So, while Senator Abetz is unloading on red tape from political donors, he is busy heaping it onto voters simply trying to exercise their fundamental rights as Australians. The senator goes on to say:

Furthermore, when it is known which political party individuals or organizations, particularly small businesses have donated to, anecdotal evidence suggests that they are subject to pressure and intimidation.

Senator Abetz said the evidence is anecdotal, and I would say that that is about all he could say. No evidence has ever been presented that people are pressured to vote one way or the other.

My concern about the disclosure threshold is not so much for the major parties. I think we all know who votes for and contributes to the Liberal Party, and I think we all know who votes for and contributes to the Labor Party. Together at the last election, I think we probably got about between 75 per cent and 80 per cent of the primary vote. My concern about this bill is for the minor parties. Some of them are ideologically bent, and some of them are opportunistic and unprincipled. They think that the end justifies the means, and we have seen that time and time again in this place. This gives them the opportunity to
report the system if they see that the end justifies the means. I think that is something that the government should think about. The government knows who we get our money off; we know who they get it off. We know the towns, the cities, the various businessmen and whoever that contribute to our and the government’s campaign coffers. But that does not mean that there is any intimidation or pressure put on them not to. I say to the government that it is not the Labor Party it should be worried about; the disclosure threshold will be a problem from the minor parties, if you proceed with it.

On the point of disclosure, I think it is important to make mention of a complete lack of disclosure, again by the Liberals in Lindsay. I refer to a concerted effort by a group of Liberal Party members, no doubt under the guidance of Miss Kelly, to railroad the electoral boundary redistribution process currently before the Australian Electoral Commission. Thirty-four public comments were received by the commission in response to submissions made regarding the redistribution. Nine of these letters referred to the changes to the boundaries of Lindsay and Chifley as outlined in the ALP’s submission to the AEC. In a great coincidence of timing, most were written on the same day and received by the AEC at almost the same time; and I would not be surprised if they were all sent to the commission from the same fax number.

Three of these submissions were from Liberal Party members. Public comment No. 14 was from Stuart Ayres, who stood as a candidate for the Libs in the 1999 Penrith Council elections and who is a regular of Jackie Kelly’s campaigns. Public comment No. 31 was from Patricia Hitchen, who has been preselected as the Liberal candidate for the state seat of Penrith. Public comment No. 30 was from Chris Pittaway, who was tipped to be standing for the seat of Penrith but withdrew. Public comment No. 10 was from Troy Craig, secretary of the Glenmore Park Action Group, who coincidentally shares the same name as a Troy Craig thanked by the Liberal member for Macquarie in his maiden speech in 1996.

None of these letter writers declared their political affiliation, yet they did not hesitate to openly attack the ALP’s proposal. Why did they write to the commission? I would have hoped it was as diligent participants in the democratic process, but it appears their submissions are serving a purely political purpose. I hope the AEC takes note of that. Were these letters written under the instruction of Miss Kelly? If so, then this is a hijacking of the democratic process.

Bear in mind that Labor’s submission to the commission seeks to retain the seats of Lindsay and Chifley as divisions based around the Penrith local government area. The Liberal submission wants to split Lindsay across four LGAs: Penrith, Blue Mountains, Wollondilly and Liverpool. Another submission to the commission, public submission No. 12 by a Mr Warren Grzic, proposes to abolish entirely the division of Lindsay, yet neither of these submissions were targeted by the nine who chose to send their comments to the commission.

I also note the concern that submissions from two organisations claiming to represent their memberships were in fact done without consultation. Public comment No. 26 is from the Penrith Valley Chamber of Commerce and is signed by the chief executive officer, Yvonne Howie. Ms Howie did not bother to consult the chamber’s board of directors or its general membership before electing to put forward an opinion she falsely claimed represented over 530 businesses in Penrith. Public comment No. 10 from the Glenmore Park Action Group was again signed by the secretary, Troy Craig, who also said it represented...
170 members. When a number of people who are members of this group were questioned they said they were not aware that this submission had been put in on their behalf. This bill should be opposed. History tells us that once mistrust and paranoia seep into the organs of government it is not for the consolidation of power but for its loss.

Senator FORSHAW (New South Wales) (12.26 pm)—I rise to speak in this debate on, and particularly to direct my remarks to the report of the Finance and Public Administration Legislation Committee which examined the provisions of, the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006. I was a member of that committee, along with my colleague Senator Carol Brown, and we produced a minority report. I intend to refer in some detail to that report, because it was tabled in the Senate earlier in the year without the opportunity for members of the committee to speak.

This legislation is insidious. I do not think there is any other word for it. It is an insidious piece of legislation. The very title of the legislation, referring to the words ‘electoral integrity’, is a misnomer. This legislation does nothing at all to improve the integrity of the electoral roll or the integrity of the election processes in Australia. The electoral system in Australia is regarded as one of the best in the world, if not the best in the world. It has compulsory voting. We also have the Australian Electoral Commission, which has always carried out its functions, conducting elections and maintaining the electoral roll in this country, to the absolute highest of standards. We are looked upon by other countries and other electoral commissions around the world as being world’s best practice when it comes to ensuring free and fair elections.

This legislation does nothing to improve electoral integrity; rather, its proposed changes—particularly relating to the period for the closure of the electoral rolls once an election is called and the measures in relation to financial disclosure—could well undermine the integrity of the electoral roll and the electoral process. There is potential, if these measures are carried, for the integrity of the electoral roll and the electoral system itself to be seriously undermined. I will come to that in some detail.

You have to ask yourself at the outset: why is the government putting forward this legislation? Why is it proposing to make changes which reduce the period of time available for persons to put themselves on the roll or to regularise their enrolment once an election is called? Why is the government proposing to increase, by anywhere up to 10 times, the level of financial donations below which you do not have to disclose the name of the donor? Why is it proposing to take away the right of prisoners to vote? Why is it increasing the requirements on proof of identify for persons to cast a vote on polling day? The answer is that it is doing it because it can, because it now has an absolute majority in this chamber.

I recall again the oft-quoted words of Lord Acton:

Power tends to corrupt and absolute power corrupts absolutely.

It is one of the features of governments run by tyrants and dictators around the world that, in order to entrench themselves in power, they change the electoral system to suit themselves. Not for one moment do I compare this government to some of those tyrants and dictators, but the measures that are being used here are clearly designed to assist the Liberal and National parties to remain office. I ask myself, ‘Why do they need to do this?’ After all, they have won the last four federal elections—three of them quite convincingly. In 1998, the Labor Party actu-
ally received a majority of the votes but did not win a majority of the seats. But that is the electoral system that we have, and we accepted the outcome, as we have accepted the outcome of every other election. That is the great thing about our democracy. However, there is no mandate for this government to implement these changes. Clearly what we have is a tired government, which has been in office for 10 years, recognising that its days are numbered, so it is starting to skew the electoral system to its own advantage.

Let me go to some of the key features of this legislation. Firstly, there is the issue of the changes to the period of time that will be allowed for people to enrol or to regularise their enrolment once an election is called. I am indebted to my colleagues who have spoken before me, and particularly Senator Hogg, who quoted extensively from our minority report. I will not quote those same passages all over again, but I will still need to quote some of them to stress the point that these changes are both unnecessary and unfair.

The first point is, as I said, that the Australian electoral system is of the highest integrity and, in relation to the electoral roll, that has been demonstrated time and time again. Report after report of the Australian Electoral Commission and the Australian National Audit Office in its report in 2001-02, entitled Integrity of the electoral roll, have confirmed it. Indeed, the Australian National Audit Office in that report—and of course we all know that the Australian National Audit Office is an independent body of the highest standards—found that the electoral roll in this country was 95 per cent accurate. That is a very high standard. Human nature being what it is, you cannot get 100 per cent accuracy. People change their addresses but do not necessarily get around to changing their enrolment details at the same time. People become eligible to put themselves on the electoral roll because either they turn 18 or they become an Australian citizen, but they may not do it straightaway. So at any one point in time there will be entries on the roll that need to be updated.

What happens is that, when an election is called, people’s minds are brought to attention that they will be voting in a few weeks time, and many Australians go and either enrol for the first time or fix up their enrolment. Under the current arrangements you have seven days in which to do that once the writs are issued. This government proposes to remove that seven-day period. The only exceptions will be for people who happen to turn 18 during the election campaign period or get citizenship during that period. They will be able to go and put themselves on the roll, but only within the first three working days after the writs are issued. Further, persons who are already on the roll will have three working days from the day the writs are issued to update their details—that is, to notify the commission about a change of address. The government has reduced it from seven days to three days, but for all other categories the rolls close the day the writs are issued.

During the inquiry, I asked both the Electoral Commissioner and the representative from the Department of Finance and Administration to give me the reasons for these changes, to demonstrate how this would improve the integrity of the electoral roll. The Electoral Commissioner said that it was not a matter for him, it was a matter of government policy. I then asked Mr Hutson, the general manager of the corporate division of the Department of Finance and Administration—and I quote from the Hansard:

If I can put it another way, is there something about a three-day cut-off that is more conducive to improving the accuracy of the roll than a seven-day cut-off?
He replied:

I am not sure, given the debate here, that I have a lot to add to the question. ... I am not sure that I am in a position to give you any rationale in detail beyond that.

The fact of the matter is that there is no evidence at all to support this proposed change. No evidence has been put to the Joint Standing Committee on Electoral Matters, which has considered this issue on previous occasions when it reports after each federal election. No evidence was put to the Senate legislation committee to support these changes. In fact, the only organisations that made submissions in support of this change were the coalition parties—the Liberal Party and the National Party—and the Festival of Light. What was the basis of their submission? Crystallising it down to a very simple proposition, because that is all it is: there is potential for fraud. The argument was put that, once an election is called, there could be hundreds of thousands of Australians surreptitiously being moved from one address to another in order to get them all onto the roll in certain key marginal seats to affect the outcome of the election. Of course, there is no evidence that that happens. It has never happened. It is a nonsensical proposition.

One of the reasons why it could never happen is that we have a system of compulsory voting and we also have a very rigid system to check the electoral roll. This is a spurious, nonsensical proposition to try and prop up an argument that says you should reduce the period for which people can get themselves on the roll once an election has been called. The Electoral Commission and the Audit Office have said that that proposition is spurious. It was also put forward by the Liberal Party, the National Party and the Festival of Light that the Electoral Commission might be too busy and they do not have time during this period to check the new enrollees. In previous evidence to the Joint Standing Committee on Electoral Matters, the Electoral Commission are on record as refuting that. They have made it very clear that they can handle the workload during that time.

The other obvious point to make is that, if anybody ever had the capacity, or if any organisation or political party thought it had the capacity to try and perpetrate some massive fraud on the electoral roll, the very last thing they would do is to try and do it once the election is called. When everybody has focused their attention on the election campaign, why would anybody be stupid enough to try it then? What is being put forward is just absolute rubbish.

Senator Faulkner interjecting—

Senator FORSHAW—That is right—it has never been tried. But, of course, they have to scratch around and find an argument. The real reason is to make it harder for certain groups—who the government think might vote against them or might vote for the Labor Party or some minor party—to get on the roll. For instance, I refer to young people who have turned 18 and are eligible to go on the electoral roll. It is a fact that they do not automatically, on the day they turn 18, go down to the electoral office and get themselves on the roll. Campaigns are run and information is provided to schools to draw young people’s attention to the fact that they will be entitled to get on the electoral roll. But most of those 18-year-olds are probably in their last year of school, working towards their Higher School Certificate, and they have a lot of other things on their mind.

It is also a fact that, for a number of years, federal elections are held in the latter part of the year, September, October, November—the very time when those students are focused on their exams. The government’s view is that, if they do not get themselves on
the roll the day before the election is called, then bad luck: ‘You shouldn’t participate in the process. You shouldn’t have the seven days that you currently have to get yourself on the roll.’ What sort of message does that send to the young people of Australia? That is not at all encouraging them to vote.

The other problem that I see with this—and we point this out in our report—is that, by reducing the number of days that are available once an election is called for people to regularise their enrolment, such as notifying a change of address, the real potential is that on election day you end up with an electoral roll with a lot of people still at the wrong address. The figures that were provided to us during the inquiry after the last election showed that, of the 423,000 changes to the electoral roll in the period after the election was called, the overwhelming majority—255,000—were people fixing their electoral roll address, or regularising their enrolment.

My time is running short and so many other things in this legislation are so fundamentally flawed that we could spend hours debating it, but I want to turn to the issue of the disclosure thresholds. In the current legislation, the thresholds provided beyond which disclosure is required range from $200 to $1,500—$200 in relation to donations to individuals and $1,500 with regard to a political party. The government’s legislation proposes that those limits be increased to $10,000. That is a massive increase. What is their argument for that? They say, ‘The limits haven’t been increased for some time and they should be adjusted, such as for inflation.’

In the inquiry, it was demonstrated quite clearly that an increase of some 10 times, or 1,000 per cent, is well beyond the inflationary impact since the last time those amounts were adjusted. The other point to make is that, again, there is no evidence to demonstrate that those figures should be increased and that they are some impediment to the electoral process. The only organisations that supported the changes in financial disclosure limits were, again, the Liberal Party and the National Party—that is all. Of course, who stands to benefit from the changes? Obviously the political parties, but I would put forward that it is particularly the government political parties.

It means that people who would make individual donations, or businesses that would make donations, to political parties will now be able to donate anywhere up to $80,000 or $90,000 without having to disclose it; rather than the $1,500 limit that currently applies. This proposal means that you can make a $10,000 donation to each state division of a political party as a separate donation without having to disclose the fact that you have donated it, and the candidate does not have to disclose that they have received it or from whom they received it.

This is just hypocrisy by the government. On the one hand they allege, without any evidence, that there is a potential for massive fraud in the electoral roll, and they take away the opportunity for people to get themselves on the roll or regularise their enrolment so as to exercise their democratic rights to vote. Then, on the other hand, they jack up the limits on financial disclosure, where the result will be many more donations made secretly to political parties. That goes to the heart of the issue of electoral integrity. If this government had any idea of what electoral integrity means, they would withdraw this bill. (Time expired)

Senator FAULKNER (New South Wales) (12.46 pm)—The authority of different forms of government rests on different foundations. Dictatorships are founded by force; democracies stand on suffrage. A de-
mocratic government’s moral authority to pass laws and levy taxes rests on citizens’ participation in the democratic process. The more limited and partial that participation the more limited and partial is the government’s authority, for sovereignty comes from the people.

Today the Senate is debating a bill, the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006, which has at its core the deliberate intention of limiting the franchise in Australia. This bill makes it more difficult to vote. This bill makes it more difficult to enrol to vote. But at the same time this bill massively reduces the transparency both of political parties and of the political process. This bill allows massive donations to political parties to be covered up. This bill allows large donations to political parties from individuals to be tax deductible, and this bill extends tax deductibility of such donations to companies. I believe that this bill corrupts our electoral system. This bill makes it much harder to cast a vote, but so much easier to secretly funnel huge amounts of money to political parties. This bill reduces participation in the electoral process in Australia; it reduces it from a right to a privilege, but a privilege only for some and only to be bestowed by the Howard government.

In 2004, in the most recent federal election, 520,086 enrolment transactions were actioned by the AEC in the seven days available after the issue of the writs. Why? Why does that flurry of activity occur? Because the calling of an election triggers action from new enrollees and those who need to update their electoral enrolment. It has ever been thus. These people are not crooks. They are not rorters. They are not trying to manipulate the electoral system. They are ordinary Australians—perhaps less obsessed with politics than the people who sit in this chamber—who want to vote. They want to cast their votes for the political party or candidate of their choice at an election. In this bill the seven-day period between the issue of the writs and the close of the roll is removed. New enrollees will have no time at all after the issue of the writs to enrol—none at all. People who are already on the roll will have not the seven days but only three days. So, as a result of the passage of this bill, many tens of thousands of people who would otherwise have voted will not get to vote at all. And many, many other tens of thousands of people will vote in the wrong electorate as a result of the passage of this bill.

Ask yourself this question: are there any winners? Yes, the Liberal Party is a winner. What is the motivation? It is partisan. It is just base partisan politics. No justification for these measures has been provided by the responsible minister, publicly, in the second reading speech or in the explanatory memorandum for this bill. The Electoral Commissioner could not justify these changes when he appeared before the Senate Finance and Public Administration Legislation Committee. When asked for justification or the rationale, he said:

I do not think that is a matter for the commission to answer.

These sorts of changes have never been supported before by the Australian Electoral Commission, but one thing the AEC could say is that 423,000 people enrolled, re-enrolled or changed enrolment in the seven days before the 2004 election. That figure included 78,908 new enrolments, 78,494 re-enrolments and a further 255,000 people who changed their enrolment details. So we know that. We also know—and I will speak more about this in the committee stage debate—that, in the 1983 federal election, which was announced on 3 February 1983, an attempted trick by the then Prime Minister, Malcolm Fraser, was to close the rolls on 4 February 1983. In the history of the Commonwealth of
Australia it was an unprecedented one day that the rolls remained open. What did we have? We had an utter fiasco at the polling booths all around this country—complete pandemonium right across the length and breadth of Australia—because Malcolm Fraser made the partisan political decision to close the rolls early.

I was interested to remind myself of the Australian Electoral Commission’s submission to the Joint Standing Committee on Electoral Matters, which did an assessment of these changes in 1993—10 years after the event. This is what the Electoral Commission said at the time:

The closing of the rolls in 1983 only one day after the announcement of the election represented a major departure from the practice which had prevailed until then, and it was for that reason that the matter became one of public debate.

That is very true. It became a matter of public debate also because of what occurred at polling booths. What was the assessment of the AEC? What did they say about the changes that occurred after that debacle in 1983—the seven-day period between the issue of the writs and the close of the rolls? This is what they said about those important, positive changes to electoral law in this country:

It has guaranteed the franchise to large numbers of people who might otherwise have missed out on their votes, and has ensured more accurate rolls by guaranteeing people the opportunity to correct their enrolment details. Its elimination would reopen the door to sudden roll closes such as that of 1983, which cause the retention on the roll of a large number of out-of-date enrolments, and tend to force a large number of people to vote for Divisions in which they no longer reside.

That is not the Labor Party’s view or my view; that was the Australian Electoral Commission’s view as it examined the experiences of the decade following the 1983 federal election.

Not only will the time available to enrol be reduced but also, for those who manage to newly enrol or change enrolment before an election, the enrolment process is being made deliberately more difficult. This bill amends the current legislation to require that people enrolling to vote or updating their details have to provide one of two forms of identification—a drivers licence, or they can show a prescribed identity document to a person who is in a prescribed class of electors and who can attest to their identity—and, of course, they must have their application for enrolment signed by two referees who they are not related to, who have known them for one month and who can provide a drivers licence number.

We know from evidence before the Senate Finance and Public Administration Legislation Committee that somewhere between 10 and 20 per cent of adults in Australia do not have a drivers licence. But, of course, these new provisions are deliberately designed to be an impediment to enrolling and to voting. Similar stringent requirements are going to be placed on people trying to cast a provisional vote on polling day. They will have to produce a drivers licence or another type of prescribed identity document at the polling booth. If they cannot do that, they will need to provide such identification to the Australian Electoral Commission before the end of the week after polling day. That does not mean it has to be sent by the Friday after polling day; under this legislation, it has to be in the hands of the divisional returning officer by the Friday after polling day.

All these provisions have a clear partisan and political motive. All these measures are aimed at making it harder for Australians to vote. They are about limiting the franchise in this country and they are targeted at the most marginalised people in the community and at young Australians. Bad luck if you are from a non-English-speaking background. Bad
luck if you are Aboriginal. Bad luck if you are homeless. Bad luck if you are 18 or 19 years old. Bad luck if you do not have a drivers licence. Bad luck if you want to vote. Bad luck if you want to participate in the democratic process in this country.

But good luck if you are from Liberal Party and good luck if you are a Liberal Party candidate in a marginal seat. After all, you do not want those people to vote, do you? You sure want them excluded from the political process, because if you are from the Liberal Party you think they are far more likely to vote Labor than they are for the Liberal Party. So your Liberal Party government passes legislation like this to stop those people voting altogether. How contemptible! How contemptible this legislation is.

But just to make sure that Australia’s electoral laws are completely politically biased and partisan, completely lacking in transparency, what else does the government of John Howard do? It does not stop at making it harder to vote. No, it proposes changes to legislation to pervert the disclosure provisions of the Commonwealth Electoral Act. This bill provides for all disclosure thresholds for political donations to be increased to $10,000. Currently some of the thresholds are $200, some are $1,000 and some are $1,500—all will become $10,000. Transparency, accountability and scrutiny of political parties and their actions will all be massively reduced as a result of these changes. These changes are absolutely indefensible.

No justification has been provided by anyone in government for these changes, so I have to take the responsibility of explaining to the Senate why it is being done. Why are these disclosure provisions being changed? To cover up donations from Liberal Party mates; to ensure that sleazy deals between the Howard government and Liberal Party donors will be impossible to track down; to create a system where a clever corporate entity can donate $90,000 to the Liberal Party and no-one will ever know. How do you do it? Six states, $10,000 in each state, two lots of $10,000 in the territories and another $10,000 to the national entity of the Liberal Party. That is $90,000 to a political party and no-one will ever know. This is sordid politics. It is inevitably going to lead to a real stench in Australian politics, which we have been very free from up to now.

Then there is the icing on the cake. That is not enough. This legislation enables tax deductible contributions to parties and candidates to be extended from $100 a year to $1,500 a year. And, of course, it is also being extended from individuals to include corporations as well. So now quite significant donations to political parties will actually be subsidised by the taxpayer—just another favour to the rich mates of the Liberal Party.

This bill is not about electoral law; it is about politics. It is about political advantage. It is about rigging the electoral laws to favour the Liberal Party. It is about narrowing the franchise in this country. It is about money—dirty money and lots of it—in the coffers of the Liberal Party, and it is about making sure that no-one knows where that dirty money is coming from.

This bill will undermine our electoral system. This bill will debase the political process. There you have it: electoral laws of the Howard government, electoral laws by the Howard government, electoral laws for the Howard government. The Howard government are prepared to sacrifice anything to win elections. You have seen their behaviour. You know what they are like. They have sacrificed honesty, they have sacrificed decency, they have sacrificed humanity, they have sacrificed integrity, they have sacrificed good governance and now, with this legisla-
tion, the Howard government will sacrifice our democratic processes themselves.

I want to conclude my contribution by answering a question that is often asked. This question is often asked by the public and the media, even sometimes in parliament—the age-old question: what price democracy? Answer: a sleazy, underhand, unethical, rotten, stinking, covered up $10,000 donation to the Liberal Party. That is the price of democracy in this country.

Senator STEPHENS (New South Wales) (1.05 pm)—I rise to make a contribution to this debate on the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006 and thank Senator Faulkner for bringing to the debate today some historic perspective in terms of the experience that occurred in 1983 and the lessons that the government has refused to learn from that debacle. I am with Senator Faulkner: this bill serves two important purposes. First of all, it is an attempt by the Howard government to disenfranchise those who do not normally vote for them; and, secondly, it is an attempt to create an environment where the political process in this country can be distorted and obscured by raising the disclosure threshold and increasing and extending the terms of tax deductibility for political donations. As you are well aware, Mr Acting Deputy President Brandis, Labor strongly opposes this bill and we strongly oppose any attempts by the Liberal-National coalition to use an electoral device to secure political advantage this way.

The Commonwealth Electoral Act was designed to enfranchise all the citizens of Australia—not, as the Howard government is trying to do with this bill, to disenfranchise some of them. It is about citizens of this great country exercising their democratic right—a right that the Prime Minister seeks to revoke, a right that Senator Minchin would have not as compulsory under an act of parliament but as something that people could opt in or opt out of. Thankfully, the bill does not go this far. It is to the detriment of Australia’s electoral system that the Howard government is seeking to undermine the principles of fairness, transparency, access and accountability of that system.

The Prime Minister might not believe in these ideals, but Labor does. Labor supports reform which closes loopholes in the Electoral Act. Labor supports reform of loopholes that allow for secret political donations because Labor believes that political parties should provide full disclosure of their incomes. Labor believes in four-year fixed terms for both the House of Representatives and the Senate. With fixed terms, no government could manipulate the electoral cycle for its own political gain. With fixed terms, the quality of our government would be improved, and that has got to be good for our democracy. So, instead of the ridiculous debate that ensues every three years about when an election might be held, a fixed four-year term for both houses would allow the Australian people to judge their governments over a defined time period. Fixed four-year terms for the Senate would mean that every election would be in effect a double dissolution election. As such, the Australian people would have the final say on any legislation blocked by the Senate—and that has to be an extremely democratic method of resolving deadlocks.

But the Prime Minister would like the Australian public to believe that the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006 is only about ensuring the integrity of the electoral process. I have a lot of faith in the people of Australia, and they will see right through this shameful attempt by the government to marginalise those Australians it knows would never vote for it. This bill is a shameful at-
tempt by the government to violate a fundamental right that accompanies citizenship of Australia: the right to participate in the democratic process. By removing the right to vote for people serving full-time sentences in Australian prisons, the government is removing a fundamental right that all citizens of this country should have. In a fair and just society all citizens, including prisoners, should be able to vote. I have serious doubts about the constitutional validity of this bill and, if it is enacted, there is little doubt it would be susceptible to a High Court challenge.

Significantly, and as is now quite usually the case, there is no explanation from the government as to the rationale behind this measure of the bill. Nowhere in the explanatory memorandum or in the minister’s second reading speech is there an explanation of the purpose of this aspect of the bill. It is typical arrogance from the Prime Minister to provide the Australian people with no explanation whatsoever of what is an important aspect of the bill. The government believes that denying the right to vote to prisoners will be educative and a deterrent to crime. I would have thought that the democratic opportunity to vote would assist a prisoner with his or her rehabilitation. Denying a fundamental right to any citizen, prisoners included, is counterintuitive to the aims of rehabilitation.

In reality, this measure of the bill is aimed at Indigenous Australians, because there are currently over 5,000 Indigenous Australians in prisons, representing 22 per cent of the total Indigenous population of Australia. All Australians should be ashamed to learn that in 2003 the Australian Bureau of Statistics estimated that Indigenous persons were 16 times more likely to be in prison than non-Indigenous people. The bill will also affect people with mental illnesses and people with intellectual disabilities—two groups of people overrepresented in Australia’s prison population. Can I endorse the words of Justice Michael Kirby during the 2004 High Court case of Muir v the Queen when he said:

Prisoners are human beings. In most cases they are also citizens of this country, ‘subjects of the Queen’ and ‘electors’ under the Constitution. They should, so far as the law can allow, ordinarily have the same rights as all other persons before the Court. They have lost their liberty while they are in prison. However, so far as I am concerned, they have not lost their human dignity or their right to equality before the law.

The European Court of Human Rights, the Canadian Supreme Court and the Constitutional Court of South Africa have all found that it is unconstitutional to deny prisoners their political right to vote. This government is hell-bent on eradicating the voice of anyone who it knows will not vote for it, and this bill is another aspect of that agenda.

I am particularly concerned about the dual components of this bill which serve to raise the disclosure limit on political donations and make changes to the deductibility of donations to political parties. One of the most significant threats facing Australia’s democracy is the potential for political parties to become beholden to those who have made the financial contributions to their campaign. It was the Labor Party who introduced electoral disclosure laws to restore transparency to campaign funding. Labor does not believe in secret, behind-closed-doors donations to political parties or candidates. Such an environment can lead only to corruption. But what the government of Australia is hoping to achieve with this bill is utterly disgraceful. It is nothing more than an invitation for corrupt practices and it undermines the very fabric of democracy in Australia.

With this bill, the Howard government continues to abuse its Senate majority. It continues to abuse the very integrity of Aus-
tralia’s democracy. In Australia it is the very fact that political donations must be disclosed that prevents people or organisations buying political influence. The Howard government would rather conduct secret back-room deals in return for favourable policy decisions than support and encourage democracy in Australia. Rather than support measures that ensure fundraising bodies working for political parties, politicians or candidates disclose their accounts in full, the Howard government prefers to advantage itself at the expense of political integrity. By allowing donations of up to $10,000 to remain completely anonymous, the potential for rorting is very significant. So the bill is nothing more than shameless self-interest from the Liberal Party.

If this bill is passed, the Australian people will no longer have the right to know how much money someone donated to the Liberal Party before being appointed to a plum position—like the Reserve Bank board, for example. It is no secret that the Liberal-National Party coalition will be a major beneficiary of this legislation, with increased donations from wealthy Australians and corporations. This means that more than 80 per cent of all the current donors to the Liberal Party will no longer have to disclose their interests in our political processes. It is certainly telling that the Howard government, when presented with the opportunity to reform the electoral process, chooses not to strengthen the transparency of the political process but rather prefers to create an environment of secrecy and corruption. Labor supports more effective and more frequent disclosure of political donations.

With this bill, the Howard government also seeks to deliver a whopping tax break to those people who donate to campaigns, by increasing the amount that can be claimed as a tax deduction from $100 to $1,500. It beggars belief that someone should get a tax break for making a donation to a political party. Why isn’t the government abolishing tax deductability for political donations, rather than increasing it? Political parties are not charities. It is not reasonable—and the Australian people will agree with me that it is not reasonable—for political parties to be able to claim the same status. There is a very good reason for this. Political parties receive public funding that is based on their primary vote at elections, and it is unfair for any political party to be able to receive both public funding and tax deductibility of donations. This is nothing more than another shameless attempt by the Liberal Party to put its own interests ahead of the national interest.

Not only does this bill seek to raise the tax deductibility for donors from $100 to $1,500; it will also allow companies to claim deductibility where previously only individual donors could claim it. When you combine that with the $10,000 disclosure limit, it is clear that in the future this measure will be used to buy political influence without any disclosure at all and with the bonus that it will be tax deductible as well. Labor supports measures to tighten the laws governing political donations, not measures that corrupt the integrity of the electoral system.

The value of this bill should be determined by asking whether it contributes to increasing the number of eligible Australians who get to have their say on election day. Sadly, this bill fails disgracefully in that regard. At a time when there is already a great deal of cynicism and a lack of interest in the political process in Australia, the government should be seeking to reinforce democratic values, not erode and undermine them. People lead busy lives today, and they are becoming less and less interested in politics. If ever there is a time that someone is likely to be motivated to play their part in the political process, it is at the time that an election is called. Instead, the Howard government fur-
ther disenfranchises them by denying them their say.

Senator Abetz justified this measure in the bill by claiming that it will decrease the workload of the AEC once an election is called. Rather than providing the AEC with the necessary funding and resources to work efficiently, the Howard government prefers to take away the rights of some Australians. Dr Brian Costar, Professor of Victorian State Parliamentary Democracy at Swinburne University of Technology, wrote in his submission to the Senate inquiry on this bill:

... the decision to close the roll at 8pm the day the writs are issued ... has the capacity to effectively disenfranchise some 300,000 people on dubious grounds.

Dr Costar believes—and I agree with him on this—that the current seven-day grace period should be retained. The reality is that, for many of the reasons I have already outlined, there are a lot of people who do not give any thought to an election until the media scrutiny begins, once the election is called. Allowing seven days after the writs are issued gives people time to enrol to vote or to update their information on the electoral roll.

According to the AEC, in the seven days between the issuing of the writs and the closing of the roll, 240,000 people enrolled to vote for the last federal election. Given that the Howard government now wants that roll to close on the same day that the writs are issued, it is not difficult to anticipate, as Dr Costar did, that hundreds of thousands of people will be denied a significant democratic right. Not least will be young people, the homeless and Indigenous Australians, who are all significantly underenrolled.

Instead of removing a democratic right of Australian citizens, this government should be funding the AEC adequately so that it can provide programs that encourage Indigenous enrolment. It should also be funding a significant electoral education program in the lead-up to the next federal election.

The right to vote is a fundamental human right. Article 25(b) of the International Covenant on Civil and Political Rights, of which Australia is a signatory, provides that all citizens have the right to vote. The United Nations Human Rights Committee also recognises that access to the right to vote is a fundamental part of civil and political rights. Article 2 of the International Covenant on Civil and Political Rights imposes a number of obligations on Australia regarding civil and political rights. Australia has ratified the covenant and is bound by it.

Not even the body charged with scrutinising the identity of new electors—that is, the Australian Electoral Commission—supports the government’s bill. In its submission to the Senate inquiry, the AEC had this to say:

The AEC is on record repeatedly expressing its concern at suggestions to abolish or shorten the period between the issue of the writs and the close of the rolls. That period clearly serves a useful purpose for many electors, whether to permit them to enrol for the first time (tens of thousands of electors), or to correct their enrolment to their current address so that they can vote in the appropriate electoral contest (hundreds of thousands of electors). The AEC considers it would be a backward step to repeal the provision which guarantees electors this seven day period in which to correct their enrolment.

Despite the fact that Senator Abetz believes this bill will reduce the workload of the AEC once an election is called, even the AEC believes the potential could exist for hundreds of thousands of people to become disenfranchised if the government succeeds in ramming this bill through the parliament. As Senator Faulkner so rightly pointed out, this is exactly what happened in 1983. He described very clearly the stress that was caused to the AEC in dealing with the deba-
 Cle of that event, and it was reported very clearly by the AEC.

The United Nations Human Rights Committee’s General Comment 25 has the following to say about the right to vote:

States must take effective measures to ensure that all persons entitled to vote are able to exercise that right. Where registration of voters is required, it should be facilitated and obstacles to such registration should not be imposed. If residence requirements apply to registration, they must be reasonable, and should not be imposed in such a way as to exclude the homeless from the right to vote. Voter education and registration campaigns are necessary to ensure the effective exercise of ... rights by an informed community.

I think it is telling that this bill—either in part or in its entirety—is opposed by such organisations as the Human Rights and Equal Opportunity Commission, the New South Wales Council for Civil Liberties, the Gilbert and Tobin Centre of Public Law and the Human Rights Law Resource Centre. This bill is nothing more than the Liberal Party attempting to entrench its dominance in the federal elections. It is the Howard government once again abusing its Senate majority to amend the Commonwealth Electoral Act in a way that is not in the national interest. It is about a government that is not governing for all of us; it is governing for it. Labor opposes this bill.

Senator GEORGE CAMPBELL (New South Wales) (1.24 pm)—I commence my remarks by echoing a comment made this morning by Senator Hutchins in respect of the title of this bill and to again point out the consistent use by this government of Orwel-lian doublespeak in order to describe what it is doing or what it is not doing. This bill is entitled the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006. When you look at the bill you will see the one thing that it does not contain in any shape or form is integrity.

There is no integrity in this bill. It is not about making voting easier, fairer, simpler or transparent or about ensuring that the public are able to maximise—to the extent that they can—their democratic rights. It is in fact about the opposite. It is about making voting more difficult and making it more difficult to enrol. It is about taking away the transparency of electoral donations so that people can donate in secret and not be identified when they make donations to political parties. So in fact what is said in the bill is the opposite of its intention.

Any changes to our electoral system should seek at their heart to promote the inclusion of ordinary Australians in the democratic process. In fact, if you look at our electoral system you will see that it is already too disenfranchising. That was clear at the last federal election when there were over one million informal ballots cast. That was one million people who were effectively disenfranchised from having a say in who should be the government of this country. It is true that many people do not fully understand the inner workings of the electoral system; they do not get as much information about or access to government, political parties and the political system as they could. Information is not clearly expressed in order to ensure that we minimise the number of informal votes that are cast and maximise the value of the vote that is in the hand of every Australian who is registered on the electoral roll.

Australia is a representative democracy and, as elected representatives, we are delegates of the Australian people. We have a responsibility to be answerable and accountable to the people who put us into this house. It is for those reasons that I absolutely reject these electoral amendments. After all, how can anyone who has been elected by the people stand here and vote to make their electoral system less transparent and more difficult for them to operate within and to
understand? How could I vote for changes to our electoral system that will make it harder for ordinary people to vote and much easier for business in particular to buy political clout? That is what these amendments do. They prioritise big business over individuals, whom this government claims to value so dearly. They further limit the already limited direct participation by ordinary Australians in their political process.

Let us look at the issue of financial disclosure and tax deductibility. The current threshold sits at $1,500. We know big business contributes to political parties. If you look at the donations of businesses that are disclosed, you will see that they are usually to both political parties and in similar amounts. But we also know that they are constantly looking for ways and means of making donations that cannot be put out into the public arena so that they can pick the political party they think will best favour their interests and promote them to ensure that they have a better-than-even-money opportunity of winning elections. That is what the changes that are promoted in this bill are about. They are about establishing a framework—as a number of speakers have said—which will allow businesses or individuals to be able to donate upwards of $90,000 to political parties without the risk that any of that money will be disclosed publicly.

The Australian public should be uneasy; they are being confronted with a situation where they will have governments elected without knowing whose interests those governments are working for. They will not be able to identify the people who are providing the financial clout to have those governments elected. And it is shameful in the extreme that this government has proposed changes that will diminish rather than enhance financial transparency in our electoral system.

The Australian people have a right to know who is paying for political access, because we all know that in politics he who pays the piper calls the tune. Raising the disclosure threshold is an absolutely self-serving action by this government that does nothing to promote accountability and, more importantly, does nothing to enhance and ensure democracy within our political system. In fact, it is explicitly designed, as I said, to do the reverse. You do not have to take my word for it. The minister who was responsible for having this bill drafted and brought before this parliament, Senator Abetz, said it would be a return to, ‘the good old days when people used to donate to the Liberal Party via lawyers’ trust accounts’, via a circuitous route. Raising the disclosure threshold is not about democracy at all. It is, in fact, about making those sorts of structures easier to access for individuals and companies so that they can keep silent the donations that they make to the political party of their choice.

It also raises fundamental questions about the influence that donors will have on the policies and decisions of government. It restores the old mentality of ‘You scratch my back and I’ll scratch yours.’ One senior Victorian Liberal MP, for example, was recently quoted in the *Age* as saying:

We’ve caught the American disease ... we’ve got a fund-raise or perish mentality ... MPs are directed by party headquarters to attend coffees with key business supporters just because it might lock in our next $15,000 cheque.

We have to question whether, if this bill were passed, we would be heading down the American path where, to get yourself elected to the Senate, or to get yourself elected to the principal office, that of President in the United States, you virtually have to be a millionaire 10 times over. And we all know, because it has been clearly stated, that it is the oil companies that run the White House in
the United States these days. They are the business with the greatest influence over the American government because that is where most of the funding comes from.

Do we want to create a situation in this country where the only way a person can play a political role, can be a representative of the community, is to have substantial wealth behind them before they even start along the road? That is not, I would suggest, the sort of democracy this country started out to be or should be.

But maybe it has already started. We saw an episode in one electorate in the last election where one Liberal Party candidate, a former merchant banker, spent substantial sums of his own money, first of all to get himself preselected through the Liberal Party machine and then to get himself elected as the representative for the electorate of Wentworth in New South Wales.

Our public funding system for elections was established and designed to encourage participation in politics by those individuals who could not necessarily afford to bankroll a campaign themselves—to ensure that our houses of parliament, both the Senate and the House of Representatives, broadly reflected the membership of our community. And that is the way it ought to remain.

Senator Ferris—What about trade unions?

Senator GEORGE CAMPBELL—Senator Ferris, you make a claim about trade unions; you made it yesterday, in question time. But I started off as a shipwright. I worked in a shipyard, I worked on the Sydney waterfront, and I built naval ships at Williamstown in Victoria before I ever came into this place. So do not point the finger at me and say that somehow or other I have had privileged access into this chamber. And that is the same for other people within this chamber.

Senator Ferris interjecting—

Senator GEORGE CAMPBELL—Of course we are all members of the trade union movement. We are proud members of the trade union movement. Every person on the Labor side of politics is a member of the trade union movement and proud to be so. If you look at your side of politics, you are in one of the best closed shops that the trade union movement has ever devised—the legal societies. They are closed shops. They control the access into those closed shops. They always have. They are the best closed shops there are in the trade union system.

Senator Ferris—I’ve never been in a closed shop yet, George.

Senator GEORGE CAMPBELL—I didn’t know that you had a legal background, Jeannie. I never accused you of that. But there are quite substantial numbers on your side who are.

The ACTING DEPUTY PRESIDENT (Senator Brandis)—Order! Senator Ferris! Senator Campbell!

Senator Ferris—But it’s fun.

The ACTING DEPUTY PRESIDENT—I know it’s fun, but we have to maintain the appropriate level of decorum. Senator George Campbell will be heard in silence.

Senator GEORGE CAMPBELL—One important issue that has often been overlooked in this debate is the removal of the requirement for media outlets to provide annual returns to the Electoral Commission. This makes it possible for companies that wish to make donations to the Liberal Party without having them made public to simply buy a series of advertisements or pay for air time or print space instead. Media companies will no longer have to inform the Electoral Commission of who paid for what. The Liberals have said that providing such returns is a burden on media companies. The media
companies have not said that, but the coalition are saying that. That is their excuse for removing the requirement that media companies must report on who has paid for media during an election.

The coalition did not even bother to explain in the explanatory memorandum why they are removing the requirement for media companies to furnish the AEC with returns on electoral advertising. That is because there is no reason—other than that they are pulling the veil of secrecy tightly around themselves while trying as hard as possible to exclude the public. The reality is that most businesses do not donate money unless they think it is going to get them something in return. That is the hard reality of political life. The public needs to know, and should demand to know, who is paying to try and secure political power in this country. The greater the transparency of political donations, the more secure our democratic processes will be in the long term.

I will now turn to the early closure of the rolls. There is no doubt that this legislation is going to make it much more difficult for ordinary people to vote. The Liberal Party has expressed concerns about provisional votes being counted in the last election and those voters not qualifying for the electoral roll. According to Senator Abetz in a speech last year, this involved some 27,000 people. Compare that with the 423,000 people who changed their electoral details in the week preceding the closure of the rolls at the last election. Under this system, almost half a million people would have been disenfranchised—excluded from participating in the electoral process—and that could have significantly changed the outcome of the last election. Under this system, those 423,000 people, or roughly three per cent of the voting population, would have lost their voting rights.

Let us quickly look at what happens with roll closures in other countries. In New Zealand, the rolls close a day before polling. In the UK, the rolls close 11 days prior to an election. In Canada, voters can enrol on the day of voting. The reality is that closing the rolls early does not ensure electoral integrity. In fact, the opposite is true. It potentially disenfranchises a significant number of voters who should be able to cast a vote in an election if they meet all the other qualifying factors. It could leave hundreds of thousands of people incorrectly enrolled or not enrolled at all. The people who are most likely to be disenfranchised by these changes are young people, who often do not enrol until an election is called; people from culturally and linguistically diverse backgrounds, who may recently have become citizens or do not fully understand the system; and families who have moved house but have not yet updated all their details.

*Senator Webber interjecting—*

**Senator GEORGE CAMPBELL**—Senator Webber, it was quite different when I was in Ireland. We voted early and often! The shortened time frame for changing details or enrolling also poses a problem for people from regional Australia. These people may have had the postboxes stripped from their towns, making it much harder to even get a form to the AEC. The government has claimed that the Australian Electoral Commission is placed under too much strain prior to elections, due to the large volume of enrolment forms that flood in. However, the AEC refuted this in its submission to the Joint Standing Committee on Electoral Matters in 2002. I think Senator Stephens quoted the section of that submission that goes to that point, so I will not bother repeating it.

It is interesting that these impediments are being put in the way of ensuring that people can enrol. Under the new industrial relations
laws, this government is content to see the Office of the Employment Advocate flooded with AWAs that are not even reviewed before being approved. But, when it comes to people’s democratic rights, this government is only too keen to increase the identification requirements and make changes that will stop hundreds of thousands of people from voting.

The Australian National Audit Office has not been able to find evidence of people enrolling in marginal seats to affect the outcome of the vote. I could go on with a lot of other examples of how people will be disenfranchised as a result of this legislation. Let me conclude by saying that this government is prepared to send Australian troops to war in the name of democracy yet, at home, it is determined to make the voting system as undemocratic as possible. These changes are undemocratic and seek to limit public knowledge about political party funding. (Time expired)

Senator WORTLEY (South Australia) (1.44 pm)—The Labor Party does not support the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006. Labor believes that all Australian citizens should be actively encouraged to participate in our democracy and this legislation clearly interferes with the ability of thousands of Australians to participate in federal elections. The contents of this bill are perplexing alterations to the electoral system and it is difficult to find qualities within them that could be said to strengthen the principles of democracy and openness in the Australian population. Whenever there are proposed changes to the electoral process, it is highly important that we pay close attention to why the changes are necessary and who will benefit. After all, this is the very system that facilitates the government of the day and this is the very system that presides over who steers the nation and who makes and amends our laws. The electoral system is the cornerstone of our democracy, yet this bill treats it with the utmost contempt.

One must pay close attention to the motives behind this bill and see it for what it is. Behind all of the window-dressing and rhetoric, the motives are very clear. This bill is about making it harder to vote but easier to donate to political parties. This bill is the government’s attempt to manoeuvre the way Australians vote to their own advantage. The government’s contempt is so great that they would not even grant a proper debate when this bill was in the lower house. After a series of divisions which included numerous gag motions, the bill was sent across to this chamber so that it could be rammed through the Senate. There are countless flaws in this bill and I wish to take a few minutes to review some areas, to highlight them and to expose the motives behind the frosted glass.

The proposal to close the electoral roll for most new enrolees on the same day that the writs are issued is dubious and calculating in its intentions. By doing this, the government will significantly limit the time in which Australian citizens have to ensure they are properly enrolled. Based on figures from the federal election in 2004, this would see up to 80,000 Australians not able to vote and a further 280,000 Australians who may not be eligible to vote due to indiscretions with their enrolment. Incidentally, this pitch was proposed in the Senate less than two years ago and was rejected. A quick head count will tell you why it has resurfaced. At the time, the then Special Minister of State, Senator Abetz, claimed that the Australian Electoral Commission was under ‘incredible pressure’—I think that was the term he used—to accurately check and assess the number of inward claims being made. However, the assertion by the Australian Electoral Commission on this very issue is in stark contrast to the minister’s claim. During a committee
hearing in 2002, the commission expressed deep concern about this type of proposal, saying that this was in fact a very important time in the electoral cycle for many voters. During the hearing it was suggested that this period serves as a useful time for people to assess whether or not they are listed at the correct address or whether or not they can enrol for the first time due to their age. The Australian Electoral Commission, which lives, breathes and administers this system of ours, saw the move to cut off registration to enrol on the day the writs were issued as a backward step. The assertion by the commission is that the calling of an election by the respective Prime Minister of the day is the ‘alarm bell’ for most people to assess their eligibility and circumstances—and, as Senator Hurley mentioned, the position of the commission is very clear.

This sentiment was highlighted too by Professor Brian Costar during the inquiry of the Senate Finance and Public Administration Legislation Committee into this bill. Professor Costar remarked that the Australian Electoral Commission was very good at educating the population as to their obligations to vote and to correct any anomalies that may exist. He asserted that, although we are very good in this area, we are still not hitting the target. He candidly remarked that, even though he has been an observer of politics and public policy most of his life, he needed to sit his 19-year-old son down and:

... force him to fill out that enrolment card, despite the fact that he had been at high school and had done the VCE and legal studies at school.

Following this he said:

For a lot of young people, it is just not on their radar and they are not listening.

In other words, young people are too busy being young people to tune in to every piece of legislation that passes through this great parliament. This does not mean that they take the process lightly. It just means that they are focused on other things. We as legislators should understand this and afford them the time they need to embrace the honour of voting in a great nation like ours.

So it is evident that the Australian Electoral Commission tries very hard to reach everyone, and it should be congratulated for this. Yet, despite this, history shows that the calling of an election is the time when most people react. So what does the government have to gain from this bill? What is their motivation for the changes? Is it to make it more difficult for people, especially young people, to vote? Let us say hypothetically that the minister is correct, that there is too much strain on the Australian Electoral Commission during this period. If this is the case, the answer is not in this bill. It is not the way a progressive and just government would deal with the problem. The government should be listening to the commission and taking its expert word on this issue. In other words, the government should strengthen the position of the Australian Electoral Commission by giving it more resources to function properly, not just by cutting people off denying them the right to vote in an election.

It is claimed that the purpose of this bill is to reduce the administrative burden on the AEC, yet the proposal of greater identity checks of the electoral roll will have the opposite effect. The bill proposes that applicants to the electoral roll, both first time voters and those amending details, should provide a drivers licence, yet in 2004 a minority report from the Joint Standing Committee on Electoral Matters indicated that between 10 and 20 per cent of Australian adults do not hold a drivers licence. If you do not hold a drivers licence, what must you do to meet identity requirements? The bill requires that a person without a licence show a prescribed identity document to a person who is in a prescribed class of electors and can attest to
the identity of the person or have their application for enrolment signed by two referees who are not related to the applicant, have known them for one month and can provide drivers licences. This will make it more difficult to get on the electoral roll and cast a valid vote on election day.

Those who cast a provisional ballot will be denied the right to have their vote included unless they satisfy additional proof of identity requirements. In the 2004 federal election, the over 180,000 Australians who cast provisional votes would have been affected had this legislation been in place. The processing of these applications would surely take a considerably longer time than it currently does. Aside from this, the government is closing the door and locking thousands of Australian citizens out of their right to vote. So, on one hand, you will have less time to get on the roll and, on the other hand, the Australian Electoral Commission will be clogged with applicants who have to go to considerable lengths to prove their identity.

The government claims that this legislation will curb false enrolment and other forms of electoral fraud. Australia has no history of electoral fraud. Put simply, the system is not broken, so one needs to question why the government is trying to fix it. The wash-up is that enrolment will be much harder and there will be less time for people to organise it. These two changes virtually contradict each other. It seems baffling to me that, without evidence of real electoral fraud in Australia, the government wants to make it significantly more difficult for people to exercise their most basic democratic freedom. Why does the government want to do this? The answer is very simple and has nothing to do with electoral security. The government knows full well that these reforms will further disadvantage the already disadvantaged in our society—young Australians, Indigenous Australians, Australians from non-English-speaking backgrounds and Australians with no fixed address. These groups are already the most disadvantaged in Australian society. The proposed changes will marginalise them even further. I suggest that, if the government wants to capture the vote of the disadvantaged in our society, it should not tamper with basic democratic rights but rather do more for these people.

Although this is a recycled piece of legislation that was previously rejected by this parliament, this time around it seems to coincide nicely with all of the government’s other extreme legislative changes. Maybe the government have gauged the impact that the changes introduced through their extreme industrial relations agenda have had on public sentiment and the only way they can combat it at the polls is to shift the goalposts. Why would they go down this path? Because the coalition government believe that they will gain partisan advantage by amending electoral time lines for those enrolling to vote and updating their details. It costs taxpayers millions of dollars every time there is an election in this country. We need to ensure that the results are an actual reflection of public sentiment by providing every opportunity for all of our citizens to participate in the voting process.

The proposal to reduce the rights of prisoners to vote is also something that we do not support. The existing laws are more than adequate and are in line with the electoral cycle. The rationale is that a prisoner may be released during the three years of a government’s term and, as part of their rehabilitation back into society, they should have a democratic say in who holds government at that time. Today I have heard some coalition senators saying that the proposed changes will not hinder the rehabilitation process. It would be fair to say that the legislation as it stands today does not hinder the rehabilitation process. Again, we see a marginalised
group in the community being further removed from the democratic process under this legislation.

The bill will make it harder for people to vote, but things are getting easier for some. Under this bill, if you want to donate a large sum of money to a political party without any public accountability, you can. This bill increases the declarable limit of political donations by almost seven times. This would see over $12 million across the board vanish from the public eye. Additionally, this legislation diminishes the accountability of the media by removing the requirement that they declare their part in the process. Currently, publishers and broadcasters are required to disclose details of pre-election political advertising, including the identity of the advertiser, the authority, the time of print or broadcast and the amount charged. We should be concerned. The bill also increases the tax deductibility of donations from $100 to $1,500. As is outlined in the explanatory memorandum, this would cost Australian taxpayers almost $5 million at the next election. Again, the motives behind this are less than well intentioned. They are simply a mechanism for the Liberal Party of Australia to attract more donations. This is exacerbated further by the limit of $1,500 on corporate offerings being increased to $10,000.

I do not accept that just because these changes to donations can be used by all political parties we should condone them. Is this how far we have come in the years since Federation? The government with their blurred sense of responsibility want to make it harder to vote. Of all the things that they could be doing to improve the integrity and accountability that is so essential in public office this is what they have come up with. They would not think to address the accountability surrounding advertising or any of the real issues surrounding the evolution of free elections. You cannot tell me that the Prime Minister and his cabinet are doing this without realising what they have to gain from it.

In all the controversy surrounding different pieces of legislation this week, these proposed changes and their impact have been seriously overlooked by the Australian media. The proposed reforms are regressive and threaten to disenfranchise thousands of voters and make the electoral system less transparent. The Howard government is intent on making it easier to donate to influence the democratic process, while at the same time making it harder to actually exercise the democratic right to participate in the voting procedure.

What we see in this legislation is just another example of an arrogant government out of touch with the Australian people—a government prepared to do whatever it can to get up its own ideological agenda. In this instance that agenda is to give the coalition government a political and financial advantage at future federal elections. This bill should be rejected in its entirety because it does little more than restrict the capacity of Australians to participate in the electoral system and the governance of our country, and it moves towards a political donation process which will lead us along the path to an Americanisation of the Australian voting system.

**Senator MOORE (Queensland) (2.01 pm)—**The right to vote is something that is really important to all of us, and possibly those of us in this place understand the system as well as we should and we study it and it is of deep importance to all of us. I know from listening to the speeches we have heard today that there is a great deal of understanding about the way the system operates and also, I think, about the history of the democratic practice in our country. It is so valuable that we, as community members, can understand the history of democracy in Australia.
and the struggles that went to achieve the right to vote. I know that a couple of years ago in this place we talked at length about the amazing struggle to obtain the right to vote for women and about the joy and celebration with which people received that vote and actively used it.

Our system that protects our right to vote is also important to all of us. We have heard in this place today about how well regarded the Australian electoral system is, both at home and abroad, and about how our people are applauded for their efficiency and dynamic role in developing practices in the electoral process and are also valued as international observers. People from Australian electoral systems are invited—in fact, encouraged—to share their knowledge overseas and to work to encourage people to be involved in democratic practices and make sure that their voting systems are open, transparent and free.

An integral part of this whole process is a genuine review of electoral processes. After each major federal election we have an intensive review of the way the system operated and suggestions for how it can change and an agreement that this is a dynamic system. It cannot stay untouched; it must be reviewed, taking into account changes in community knowledge, community activity and also technology. Certainly we have heard much about the increase in the role of technology in the electoral processes in the last few years, and that is valuable.

People will not always agree on the best way that the electoral system should operate and we see that in the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006. I am very unhappy with some of the changes that are being pushed forward in this legislation. I do value the fact that we have the opportunity to debate these processes in this place. It would make me particularly happy if we felt that any of this volatile debate could lead to some changes in the result—but I think we have already heard that that is unlikely at best. Nonetheless, the fact that we have a genuine interest in the system and that people are able to put forward what they believe is the best practice must be celebrated. A lot of the responsibility for that must go to the Australian Electoral Commission. I have had the pleasure and the honour to meet many people who have worked in the Australian Electoral Commission over many years. I have worked with them in the public sector and I know the responsibility, the commitment and the enthusiasm that so many of those staff members have for their job and for their system. I know that they work extremely hard and that they have an absolute knowledge of the best and most effective ways for the electoral system to be practised in this country.

On that basis, when I look at some of the things that are being pushed forward in this legislation I find it difficult to understand why, under the guise of workload pressures for the Australian Electoral Commission, the government is pushing through what is probably one of the most frightening aspects of this compendium legislation before us today, which—as has been noted by many senators on this side of the chamber during the debate today—is the change which effectively closes the rolls on the day that the election is determined.

We hear of that in the media; we all wait for that in our processes in Australia. It is very rare that there is a snap election in the Australian system. We know, we feel and we are told through the media that a election is probably coming up. In fact, nowadays you probably get more leaks about what is going to happen in the future than ever before. So it is unlikely that people will be suddenly surprised that there is going to be an election tomorrow. However, in terms of the current
knowledge of and confidence in the system of Australians across the board, what we find—and it has been clearly documented, election after election—is that a lot of Australians are not on the roll for their current address and with the details needed to exercise their vote.

We also have documented that when the election is called, when the media responds to the call from Government House that the election is on, people flock to sign up to the roll. They do not run away from that responsibility. We have the numbers—we have heard them in the House today—of how many people are reminded of that once an election is called. There is that sudden pressure. I will not use the language that possibly would be used at the time, but they say, ‘I’ve got to go and get the roll fixed up so that I can vote.’ It is positive; people do it. That is one of the more exciting elements of our democracy. No matter how much we may be disappointed with the complaints and the whingeing that sometimes occur when people realise they will have to vote again, the large majority of Australians accept the responsibilities that come with the wonderful chance we have to be part of our democratic system and they are stimulated to fix up their enrolment so that they can vote.

We have heard people who have worked in the system for many years—people like Senator Faulkner and Senator Carr—talk about historical perspectives, about times when rolls have closed early and the impact that has had on the voting public. We know, simply on the data from the last three elections, that hundreds of thousands of people in Australia update their electoral enrolment after the election is called. That process has been part of the way we operate; it is an entrenched practice. We also know that there is an understanding when you sign the little piece of paper to get on the roll that you will advise the Australian Electoral Commission as soon as you can of any change and get your roll details up to date. Possibly as politicians we are even more aware of that because of historical circumstances surrounding some of our predecessors who may not have had that process effectively done and who have found out the hard way about the penalties of not fulfilling their enrolment requirements.

Nonetheless, the message is not as clear as we would hope across the rest of the community. That is not the fault of the people who work at the Australian Electoral Commission. They have identified the need for greater community education programs for many years. One of the most successful parts of the Electoral Commission process is their education program. But it should be and must be much greater. In terms of the changes that are in the legislation before us today, when it gets through—when the vote is finally taken and government has its way—I want to at least make sure that there will be a resultant upgrade in education processes by the Australian Electoral Commission for all the other elements of our society to ensure that people understand what these changes mean.

One of the saddest things that could happen when the next election is called—regardless of your political position—would be that Australian citizens will not have their right to vote. That, to me, defeats the whole concept of democracy as we know it. The numbers roll off the tongue: hundreds of thousands of people in the last election had either not enrolled for the first time—they would normally be young voters—or had not made their address changes, so they were effectively disenfranchised for the area in which they live. Those people are not necessarily those who do not want to vote. The kind of work that we have done in the past was going through enrolment campaigns. Those people are genuinely regretful that
they overlooked the issue and, in most cases, as soon as they have the opportunity they make the change. That leeway will not be offered be in future.

When you add the further complication of the proof of identity issue, you have a double whammy for people who need to enrol and, if they only have that short period, to enrol quickly. We have heard it explained earlier today, but the thing I find most offensive about this legislation is that the people who will be damaged by it most are those whom we should be most actively seeking to include in the process. There is no doubt that people who do not have standard housing arrangements, who move a lot, who perhaps are not as well educated as others and, in some cases, people from Indigenous communities will be those who will be most excluded by these changes.

As I have said, I worked with people from the AEC over many years. One of the programs that I enjoyed most, which was in place for many years, was one in which identified officers in the commission worked exclusively with Aboriginal communities to raise awareness of the whole electoral system and encourage people from those communities to take part in the process and enrol. There was a dedicated program for that until 1996, when that program was canned. I find it difficult when I think that there was a program in place that worked with people who may not have been comfortable with our system but had every right to be part of it. So there was a program to respond directly to those needs but it does not exist anymore. When you look at it clearly—as has been done by a number of people who gave evidence to the Senate committee looking specifically at this legislation and also through various community consultation on the process—you see that people have come forward and identified who would be most likely to be excluded from our democratic process by the changes to the enrolment processes.

I think it is simplistic to indicate that one group of people who will support one side of politics will be more affected than others. I have heard that argument and I think it is very difficult anywhere now to presume which way people will vote. I have personally never been asked which way I vote. People probably know now! But in the days when people would do polling after the event, no-one ever asked me how I voted. However, the AEC has told me that it is something people often keep very quiet about. They go in and fulfil their responsibility as community members but do not often come out and proclaim which way they voted, so an analysis that says, ‘People in this group will be more likely to vote this way than others,’ is probably a little simplistic. So the government’s push to make these changes to disenfranchise people who do not have their electoral details accurate or who may be in a mobile situation may not translate as easily to their advantage as some may hope.

We hope for some genuine understanding on both sides of this place that it is just bad policy. Doing anything to make it more difficult for people to take part in our democracy does not bring honour to any parliament. Our role must be to encourage people to be part of our democratic system. I find it so ironic that at the time the government is pushing through changes to make it more difficult for people to vote it has killed an education program that was most effective in our country. It trained and educated young people in our democratic practices. The Discovering Democracy program that was at work in schools across this country—which worked with young people to tell them how our system worked, how electoral systems worked and how parliament operated and gave them a chance to learn more about their community
and the way that politics was a natural part of the community and not something that could be dismissed easily—was defunded.

So if there were a genuine commitment from the government in pushing through tighter regulation for how to become enrolled and the time it took, based on the premise that if you had been an effective citizen then you would have all those details accurate, I would have thought it would be effective to have this kind of training and understanding in schools so that, as people were working through their education programs, a practical knowledge of the system was in place. But, no, that is not there and it is not planned to be returned. So you change the system without giving people the education and the confidence to work best with it. That again does not bring honour to anyone pushing through these changes. One of the previous speakers in this debate said: ‘Where do you start talking about the things you have trouble with in this legislation?’ I will not cover all the topics that worry me. But I will say that I do not like this legislation.

One other point I want to make in the time I have is the issue of taking away the voting rights for people who are in prison. We heard from one senator, with whom I normally agree on many things to do with the system process, that the responses to the removal of this right have been emotive, that they possibly have not been based in realism. For those people who feel that, I want to quote from a good friend of mine who does extensive work with people who are in prison in Queensland. Debbie Kilroy works with Sisters Inside. I have spoken with Debbie over many years about women who are imprisoned, about how they feel and about making sure that they are not completely removed from their role in society, so that they feel as though they still have lives and families and are able to come back out and pick up their lives. When I spoke with Deb about these changes she said: ‘Removing voting rights from prisoners just further disenfranchises the most disadvantaged and makes them more invisible. This is just another attempt to make the most marginalised more distant. It makes them the other, separate from us, further punishing them for our own purposes.’

I am not sure why the government is so keen to bring in this system of disenfranchising people in jail. As with so many other changes in this legislation, the justification does not seem to be strong. It is an opinion from the government, reinforced by only one submission to the Senate inquiry, that for these people it should be part of their punishment that they should not be able to take part in our electoral processes. What that shows is their assessment. It certainly does not reflect the views of many Australians. It reinforces the distancing and the labelling of people who are Australians, who are on the roll—or have been on the roll up until now—and who should have the right, as with all other Australians, to take part in our democratic practice.

Once again, though, we label and we distance. One of the previous speakers talked about the Americanisation of the process, which has been picked up in some of the donation elements about how much money people can donate now to particular political parties without having it made public. But, as for the Americanisation process of the voting system, in most American states prisoners do not have the right to vote. This is yet another piece of evidence about how we are following what I think are the less valuable elements of the American culture. While there are so many that are good, we seem to concentrate on those which are not.

Where we go next is that these changes will be pushed through and we will find out in the next campaign that there will be a number of people who will be disenfran-
chised. But there is another thing that I am concerned about. You have heard that I have been asking for community awareness programs for education so that people can understand where they fit and for some attempt to ensure that people will make sure that their enrolment details are accurate, that they know where they are going to be on election day and all those sorts of things so that they can choose to be part of our democracy. What I fear will happen is that there will be another burst of government advertising that will happen leading up to the next election. It will be justified on the basis that this is an education campaign to ensure that all Australians know their rights and can take part in the electoral process. But I think it will be very difficult to totally divorce the elements of education from a promotion campaign in government advertising. In terms of the way that will operate leading into a campaign we will have yet more taxpayers’ money being spent for particular purposes that were not the intent of the people who developed the Australian electoral system.

To the people who are working in the AEC: good luck in implementing the changes that will be put before you. I do note that some part of this legislation indicates that, where possible, divisional returning officers will be in the appropriate divisional electorate. That is something that many of us have been talking about for a long time. I note that the minister has the ability to override that as well, that ministerial approval can be used to say that you can have a divisional office in another place. I know that many AEC staff have been saying for many years now that the divisional office of the AEC should be in each federal electorate. I think that is part of the education process, the identity process, that should be celebrated.

We have opportunities as Australians to take up the honour, the responsibility, of taking part in our system and using our vote. We as a parliament must ensure that every Australian can do this with confidence, knows how the system operates and has their right to vote for the party whom they choose either on election day or during the process that is put in place to allow them, because of distance, to vote elsewhere.

Senator CHRIS EVANS (Western Australia—Leader of the Opposition in the Senate) (2.21 pm)—I have pleasure in joining this debate on the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006 because I think this is one of the most important bills we have before us in this session. It is important because of the impact it will have on people seeking to exercise their democratic rights and also because of what it says about the government. This is a classic case of a government measure serving its interests, not the interests of the electors or the Australian community. It is a principle bill. It is based on the principle of self-interest.

I certainly do not accuse the government and the Liberal and National parties of inconsistency in this. They have been totally consistent. A lot of the measures in these bills have been measures they have been seeking to have given effect over a long period of time in both the state and the Commonwealth jurisdictions. Unfortunately the change in the balance of power in the Senate has given them the opportunity to do that. Last year we saw them rush through all sorts of very contentious legislation, which I think is bad legislation, such as the sale of Telstra and the Welfare to Work changes. What we are seeing here today is the icing on the cake as far as the government are concerned. It is their chance to change the electoral laws to suit their self-interest.

I think you can make a respectable case that politicians should not be in charge of the electoral laws. I have always thought that we...
ought not to be in charge of our pay and conditions. I think it is a good principle that somebody else sets people’s pay and conditions. That is just as applicable to politicians as it is to anybody else. I think it has always been the case that we have not accepted people setting their own rules in terms of their behaviour and, whether it be the police or business, we have set up mechanisms whereby other people regulate the rules under which they operate.

I think you can mount, as I say, a very respectable case that someone other than politicians ought to draw up the electoral laws because clearly we are players in that game. We have the capacity to work out what is in our own self-interest and, in bringing our views and our contributions to the debates about those things, we, like all people, sometimes have difficulty in divorcing ourselves from our personal interest in the broader community interest. That has been a criticism of both sides of politics on various occasions over the years. I accept Labor has had its episodes where that has been the case and some episodes that I am not particularly proud of.

We have made progress in these matters through the Joint Standing Committee on Electoral Matters. That has been a very good process for the parliament. It has allowed transparency in the debate on each federal election and we have got some quite good process from it. But this is a clear case of a government who has power making sure that it uses and abuses that power.

The measures contained in this bill seek to implement a number of principles that the Liberal Party have been pursuing for many years in both state and federal elections. The first is their attempt to reduce the number of Australians eligible to cast a vote in elections. This is not a general approach of theirs; it is quite specific. There are groups in the community who they would prefer to see not exercising their vote. Those are young people, Aboriginal people, poor people and people in prison. This has been a consistent theme across the years from the Liberal Party. The reason for this is that they are perceived by the Liberal Party and the government as not voting for them. The government’s motivation on this is self-interest. They are seeking to exclude from eligibility to vote sections of the community who they believe do not support them. To be fair, there is some evidence that those groups do not support them. We can argue about that. But it has been a long-held position of the Liberal Party to reduce the numbers of Australians who are eligible to cast a vote or to make particular groups ineligible, and I will come back to this in a minute. There is a long history of this.

The second element to the approach is the Liberal Party’s long-held belief that one should be able to make electoral donations to political parties without that information being made public. They have long encouraged the practice of political donations being kept secret. They have a view, I think well founded, that they will benefit from that system—that public disclosure will somehow reduce the number of donations that they can receive and that they will benefit from donations not being publicly disclosable. We see in this bill measures that seek to achieve that end.

As I say, these have been very consistent themes from the Liberal Party over my political experience. People like Senator Ray go back further than I do, but I got active in politics in the 1970s. This is the same agenda we saw from the Court government in the 1970s. I give the government credit—they have been consistent in their attempts to reduce the number of people who are eligible to vote and to keep political donations secret. Those two themes run through some of the
measures in this bill to which the Labor Party strongly objects.

The other theme among some members, of course, has been compulsory voting. There has been much dispute inside the Liberal Party over many years about that. It is advocated very strongly by people like Senator Minchin, again for the same reasons: they think it would benefit them if compulsory voting was abolished. They think more low-income people and young people would fail to register and fail to vote and that that would advantage them. That is another stream to modern conservative thought in Australia. I understand it was considered for being part of this package but in the end they baulked. Maybe they thought the reaction to it would be too strong.

The public reaction to this ought to be strong because this is a government with absolute power in this parliament changing the rules to suit itself. It is fundamentally threatening to the way the electoral system works, it fundamentally disenfranchises people from being able to vote and it fundamentally encourages the influence of money and political donations in Australian politics. They are both bad things—things that this parliament ought not to endorse and that the Australian people should be very worried about.

As I said, these questions are questions upon which the Liberal Party have been consistent. The measures in this bill that look to strengthen the identification provisions of voters are the sorts of things that the Liberal Party have pursued over many years. They are not based in fact. They try and hide behind an argument about electoral fraud and about how people falsely register and falsely vote. All the evidence in this country points to the fact that there is no significant fraud in our electoral systems. There is no evidentiary base for these approaches. What this is about is increasing the hurdles that people have to jump in order to get on the electoral roll and increasing the complexity of getting onto the electoral roll, and therefore preventing people from getting onto the electoral roll.

The identification measures are part of that. If you look at the tests that apply in terms of a driver’s licence and how, if you do not have one of those, you are required to have two other persons with ID to verify your registration et cetera, I know who that is directed at. That is directed at Aboriginal people in this country. They know that those questions of ID will effectively rule out thousands of Indigenous people from registering. That is what those measures are about. Those requirements—which have never been found to be necessary in the past, for which there is no evidentiary base, for which the AEC has never found any need in the past and which all the inquiries have recommended against—have been introduced because they will act as a bar on a lot of people, including a lot of Indigenous people, enrolling to vote.

I go back to the Liberal Party attempts in the late 1970s to stop Indigenous people voting in the Kimberley. There was the famous Court of Disputed Returns case between Ernie Bridge, the Labor candidate, and Ridge, the Liberal candidate—Bridge v Ridge—where the Liberal Party sought to disenfranchise Indigenous voters. They sent lots of young lawyers—and I would not be surprised if a couple of members of this current parliament were part of that—who bullied Electoral Commission staff in order to disenfranchise as many Indigenous people as was possible to prevent them from voting. They used every tactic available to them. As a result, a lot of Indigenous people were disenfranchised. The election was overturned in the Court of Disputed Returns. So we saw a deliberate attempt to stop people voting because the Liberal Party thought that it was in
their electoral interests for Indigenous people not to vote.

We saw a range of measures introduced to make sure that Indigenous people did not get to register. One of those, which was introduced in the 1970s, was a requirement for the application to be signed by a JP. You had to find a JP to sign your enrolment form before it could be accepted. There were not a lot of JPs in the Kimberly, and there were not a lot of JPs who had a lot to do with Indigenous people—unless the Indigenous people were coming before them and being jailed. It was a very effective mechanism for preventing Indigenous people from being enrolled.

It was a very effective mechanism for stopping other Australians from being enrolled as well. Senator Ray might remember the state campaigns in Bunbury and Mitchell in 1983, which were a large part of the election of the Labor government in that year. I was the campaign manager and 90 per cent of my effort went on getting people on the electoral roll.

Senator Robert Ray—A top job you did, too.

Senator CHRIS EVANS—It was. It was one of my few successes, Senator Ray. You know what we had to do? We spent most of our time trying to get people on the roll, because the rules at that time effectively prevented people from easily getting on the roll. You had to have a JP, so I had to bus a JP around to people’s homes to allow them to get on the electoral roll.

Senator Chapman—Liberals, were they?

Senator CHRIS EVANS—I do not know what they were. I put in all the cards. We did not ask them how they voted. We worked on the basis that if they were right-thinking people they would vote the right way. That is just another example of measures designed to stop people getting on the roll. As I said, it is driven purely by self-interest. It is driven by a desire to disenfranchise certain groups in the community. All the evidence shows that these measures prevent Indigenous people, young people, poor people and homeless people from enrolling. They are hurdles over which they will not get, and the ID measures introduced in this bill will work very effectively in reducing the number of Australians who can enrol and vote.

That is true for the closure of the rolls provision. Large numbers of young people enrol late. We hear evidence that maybe up to 280,000 people at the last election would have had their enrolment affected by the early closure of the rolls. There is no argument in terms of democratic principles or integrity of the electoral system that says you ought to close the roll seven days earlier, as is proposed here. It is purely about self-interest. It is purely about the political advantage that the conservatives and this government think will accrue to them. It is totally unprincipled, it is against all the democratic aspirations of this country and it ought to be opposed.

The other major aspect of this bill is the measure relating to lifting the thresholds on declarable donations. This has again been a very consistent theme from the Liberal Party. They have never liked disclosure. They have never liked the fact that measures have been taken to increase the transparency in the role of donations in Australian politics. We have always argued that part of the defence against corruption in the political process is to provide transparency about the money that comes in to support political parties.

We have supported measures which try and ensure that large political donations are declared, are traceable and are transparent so that people know where the money that is donated to political parties comes from—just as we have the registers of senators’ and members’ interests, which let people know
where the income of parliamentarians comes from to provide transparency and confidence that money, inducements and financial interests are not playing a role in decision making. The same principles apply in terms of donations to political parties. These measures by the government seek to increase the thresholds and increase the ability for people to make large political donations to political parties without any transparency and any disclosure.

There are all sorts of spurious arguments advanced by people like Senator Abetz in support of those propositions, but basically what this measure does is increase the influence of money over political parties. It increases the secrecy of those transactions. I defy anyone to argue that that is good for democracy. The transparency and the disclosure allow for a stronger and healthier democracy. People know what money flows and they can make their own judgments about what influence that brings. But, without that transparency and disclosure, people are not able to make those judgments.

I think you can mount respectable arguments about limiting or ending the influence of money in funding political parties. Part of the reason for measures about public funding was to take the pressure off political parties that comes from the need to raise funds for their operation and campaigning. But measures that seek to increase the secrecy and cloud the transparency of the role of money and donations in politics is a regressive move. It is a move designed to advance the interests of the government. They think they will benefit from this, therefore they support it. As I say, on any independent assessment, such measures cannot be supported.

The Liberals have been consistent in this. They have consistently sought to reduce the capacity of certain groups in society to vote. They have consistently sought to make political donations more secret. Those principles are reflected in a number of measures in these bills. I think they are highly dangerous for democracy. They take us back and undermine the integrity of our electoral system. Surely the principle ought to be that we ought to encourage every eligible Australian citizen to partake in this democracy and exercise their right to vote. Surely we should endorse a principle which seeks to make transparent any funding of political parties that participate in our democracy. Those two principles are seriously undermined by this bill, and they are seriously undermined for one reason only. The principle the government espouses is one of self-interest. That is the core reason for these changes. It is the only rationale for measures which otherwise are clearly against the progression and integrity of democracy in this country.

It is a sad day when we see this legislation before the parliament knowing that it will pass. But people have to understand why. This is not legislation the government has a mandate for. It is not legislation they have persisted with in previous parliaments. Why? Because they knew they could not win an argument in this chamber. They could not convince the minors, the Independents or the Labor Party that it was a good thing and that it would strengthen our democracy or accountability in Australian politics. They bring it in now because they have the numbers. They bring it in now because it serves their self-interest. They bring it in now because they seek to abuse their power. And it is not just the Labor Party saying this—it is the Greens, the Democrats, the Labor Party and Independents.

People should ask themselves, whatever their politics: why is it that only the Liberal-National coalition think this is a good idea? There is a reason for that: it serves their own self-interest. It does not serve the parliament, it does not serve democracy and it does not
serve the Australian community. It serves the self-interest and the narrow political interest of the coalition partners. For that reason people ought to be very sceptical and very concerned that this bill should pass. Labor will oppose this here and oppose it in the community. We will reverse the measures, when we get the opportunity, contained in this bill, because this bill is bad for democracy. People need to recognise that this is one of the unfortunate outcomes of the government gaining control of the balance of power in the Senate. This is the abuse of power that comes from an unchecked power. (Time expired)

Senator ROBERT RAY (Victoria) (2.41 pm)—When it comes to developing sophisticated electoral systems, Australia has always been regarded as a world leader. Indeed, in the late 19th and early 20th centuries we were well in advance of the rest of the world, partly because we were a New World country and partly because we were determined to throw off the hierarchical nature of the mother country and actually pioneer a real democracy in this country. For instance, we were one of the first ever to introduce universal suffrage. With the exception of the legislative councils in South Australia and Victoria, which kept property qualifications up until around 1960, the rest of our democracy was universal franchise—along with New Zealand, which was the first to give women the vote. The last state in Australia to finally succumb was Victoria in 1906.

We pioneered the secret ballot. We pioneered the concept of compulsory enrolment. We were one of the first countries to pay members of parliament and we introduced sophisticated postal and absentee voting systems—all before 1913. These were all in place in our country. Even late into the 20th century, various states of the United States referred to the secret ballot system as the ‘Australian ballot’. What better compliment could this country get than to have our secret ballot system referred to as the Australian ballot in one of the great democracies of the world, the United States.

There were other changes that came in. Compulsory attendance at the polling booths came in the 1920s. That was erroneously referred to by Senator Evans as compulsory voting. We have never had compulsory voting, but we have had compulsory attendance at the polling booth. None of us knows what people do when they pull the curtain behind them. Also, in 1949, we introduced proportional representation to this Senate. That is still not necessarily universally applauded, but it changed the nature of this Senate, which, on some previous occasions, had 35 members from one political party and one from another. It is now one of the finest parliamentary institutions in the world, even with the excesses and restrictions placed on it by a majority Liberal-National coalition over the last year.

But, once the Menzies government was entrenched, we had the dark ages of electoral matters in Australia. There was no attention given to it and no concern whatsoever. The worst aspect, of course, was the 1962 redistribution, which would have rebalanced electoral boundaries, given the massive urban growth that was occurring in major metropolitan cities. When the then Country Party objected to that redistribution, Menzies threw it in the bin because, remember, at that point in time you could reject redistributions in the parliament. And what did that lead to? It led to the worst malapportionment in the federal parliament’s history.

Take my state of Victoria. At the 1966 election, both the electorate of Bruce and the electorate of Lalor had over 140,000 electors in them; the electorate of Isaacs, around about the Faulkner area, and the electorate of Scullin had fewer than 30,000 members. A
massive malapportionment was allowed to occur under the Menzies government, and its successors could not have cared less. That somewhat changed with the election of the Whitlam government, when the concept of one vote, one value was entrenched. But many of the other electoral reforms were knocked off by a recalcitrant Senate.

And now I come to the Fraser era. Most of you would not recognise that name—it is now ‘Saint Malcolm of High Principle’. What was one of the first acts of Malcolm Fraser? It was to introduce the 5,000 square kilometre rort, which re-entrenched malapportionment in the electoral system. That couldn’t be the same person as the one that goes around today as the successor to Mother Teresa, could it?

Senator Chris Evans—He saw the light!

Senator ROBERT RAY—He may have seen the light but, by gee, did he reap the benefits of rorting the electoral boundaries in 1977! The Liberal Party’s other great contribution, of course, was that, when they did have the redistribution and it did not go well enough, Reg Withers put the fix in and had to be thrown out of the ministry because he was caught.

And so electoral reform from 1949 to 1983 was a non-event. But the election of the Hawke government saw the most radical overhaul of the Electoral Act in over 70 or 80 years. We set up the Joint Select Committee on Electoral Reform, now known as the Joint Standing Committee on Electoral Matters. Having reported to government within four months of having vigorous public hearings, what did we come up with? First of all, we instituted the fairest redistribution system in the world. We instituted the overs and unders system, so that on average every seven years electorates would be of equal size—no malapportionment at all. We introduced independent redistribution commissioners to avoid gerrymandering. Auditors-general, surveyors general and independent electoral officials were the ones who did redistributions, which then became final after appeal. They could not be rejected or altered in the parliament of Australia for partisan reasons.

We introduced ticket voting for the Senate, party designation on ballot papers and reduced the Senate informal vote rate from one in 10 to about two per cent, thereby enfranchising far more people across the electorate. We altered the size of parliament, which in turn prevented House of Representatives seats from being oversized. We brought in disclosure of donations and, I tell you what, it was five yards and a bucket of blood against the Liberal Party—they fought it trench by trench. They never wanted disclosure. They always opposed it and, to this day, they oppose it. They do not want anyone to know who donates to their cause—that is secret Liberal Party business.

We introduced public funding to lower the political parties’ dependence on donations, and the Liberal Party did not just oppose it—they said it was ‘morally repugnant’. And then, after the 1984 election, they took the money. The old aardvark snouts of the Liberal Party soaked up every public dollar available. If they had had any principles at the time, they would have rejected it because, according to them, it was morally repugnant.

We introduced draws for positions on the ballot paper to eliminate the donkey vote. We introduced mobile booths, especially in nursing homes. And, finally, we introduced an independent electoral commission. Under that Labor government of 13 years, three electoral commissioners reigned and I never once heard a criticism about their partiality—not once. That is a tribute to the Hawke and Keating governments as to who they appointed.
What did we see when the Howard government was elected? Their very first act in the electoral area in 1996 was to take $2 million off the Electoral Commission and tell them to cancel Aboriginal electoral education. The commissioner said: ‘I’m sorry about that; we really wanted that $2 million. I will find savings somewhere else because I would like to continue funding that scheme.’ The answer from the Liberal government was: ‘When you find that $2 million, we will take it off you again. And, every time you find that $2 million, we will take it off you.’ So much for their commitment to democracy—they did not favour having Indigenous Australians educated in the voting system.

When it comes to the independence of the Electoral Commission, what do we find the Howard government did? When they needed to appoint a deputy electoral commissioner, there was a list of seven candidates. Six were recommended; one was not recommended. Guess who got up? It was the not recommended one, from Senator Minchin’s home state. And when a few years later we had to appoint an electoral commissioner, there was a similar list, divided into ‘highly recommended’ and ‘recommended’ candidates. The one who was highly recommended hit the fence. Of the two that were recommended, one was by a two to one majority and the other, universally, three to nil. It was the two to one majority person that cabinet picked out to be the electoral commissioner. I am saying not that that electoral commissioner was biased but that it was the expectation of the government he would be.

Then, just a couple of years ago, we saw the most unseemly piece of legislation ever introduced into this chamber—the one we call the ‘dash for cash’ bill. The Liberal Party of Australia has its name written into the Electoral Act 33 times so it can centralise its public funding. Here we have a national parliament required to do the factional dirty work of the federal secretariat up at Robert Menzies House. It is entrenched in legislation to the total shame of the Democrats, who were internally divided at the time and who, although most of them opposed it, went along with their spokesman because they did not want to rock the boat. And so that piece of legislation went through. It has now had the unfortunate effect that many state Liberal branches are broke; and for that particular circumstance those branches blame that piece of legislation. We have had several attempts to amend the Electoral Act since, but it is only now, with its Senate majority, that the government is proceeding with this bill—the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006.

We still have the reputation of having a top electoral system. Compare it with the British system that is run by local government. I witnessed the 2001 shambles in Great Britain—their general election. It is amateur hour compared with us. We know that the United States system is amateur hour; we only have to look to Florida where local parish areas run the election. There is no continuity or consistency in the American electoral system. I will tell you something else: the very first time the United Nations got involved in peacekeeping and there had to be an election, which country did they turn to for electoral help from their electoral commission? It was Australia, as they turn to us still because we remain the best.

But the new regime proposed in this bill—and I love the word ‘integrity’ in the title—comes from lag central up at Sir Robert Gordon Menzies House. That is where the instructions come from. I am sick of the other side saying that we accept instructions from the trade union movement. For the record, I have never once had a union secretary ring me and tell me what to do—never once. But they have been given their orders from
up at Robert Menzies House to introduce these changes for electoral advantage.

Let me give you the history of the early close of the rolls. In 1983, Malcolm Fraser decided to ambush the Labor Party when it was in midstream of changing its leadership. It did not work; history says it did not work. But it meant the rolls were closed early. It meant that 90,000 new enrollee missed out. It meant that many other tens of thousands of people were trapped in the wrong electorate without being able to change their records. It meant that election day in 1983 was a shambles. We looked at that straight after the election. We also looked at fixed minimum election times. But it was not the Labor Party that insisted on the 33-day rule. The 33-day rule came in at the insistence of one of the greatest senators ever to be in this place, and that was Sir John Carrick. He argued strongly on the electoral committee that the rolls needed to be kept open for seven days so that 1983 did not occur again. Here we have the godfather of the New South Wales branch of the Liberal Party, an absolute prince amongst politicians, insisting on it, and in my view he is being dishonoured today by this piece of legislation.

We looked at this issue again in 2001 when I rejoined the electoral committee, chaired by Petro Georgiou. Why don’t those opposite go back and read the unanimous report that rejected closing the rolls straight away and recommended maintaining the seven-day rule? In fact, it was signed off by Liberal Party senators, including Senator Brandis and Senator Mason, who put their names to it. Ms Sophie Panopoulos from the other place signed it off. Mr Petro Georgiou signed it off. John Forrest signed it off. Basically, we are trying to close the lid on this issue by saying, ‘Let’s introduce some requirement for identity for enrolment and just shove these other issues out.’ What has changed? The only thing that has changed is 39 to 37 in the voting—which occurred because the Liberal Party in Queensland got preferences from Pauline Hanson and One Nation. That is the author of this piece of legislation—those few votes drifting to the Queensland Liberal Party candidates in Queensland mean this legislation will go through this chamber.

It should be remembered that we do not have fixed terms, and that makes this an even more severe problem, because people do get ambushed. With a fixed term, as you have in several states, at least people have some notice of when to get on the roll and when to change their enrolment. As for transferees, in the next federal election a couple of hundred thousand people will not have transferred from one electorate to another and they will vote in the electorate where they do not live. That is what will happen. It happens a bit now, but it will happen in a magnified way. Just remember, any court of disputed returns cannot use the accuracy of the roll to turn over an election. So we could well get distorted election results coming from this.

At the same time, they decide to complicate provisional voting because they do not win it. Which means that, when those 200,000 people who are in the wrong electorate try to vote in another one they will have to get a provisional enrolment and then have to bring their driver’s licence down or revisit the electoral office. There will be disenfranchisement everywhere. That, of course, absolutely suits our political opponents.

In the short time available to me, let me go to three other issues. First is the question of prisoners voting. Many years ago we came up with the five-year period. I believe that is now down to three years. This government is saying that if you are in prison you cannot vote—double jeopardy. What about this situation? You are put into prison
for assault for 2½ years. You go into prison one month after the last federal election and get out five months before the next. Terrific! You can vote. But if you get pulled up for a more minor offence and you get sentenced to a month and it happens to coincide with the election period, you cannot vote. Where is the equity in that? We often try to avoid double jeopardy in legislation. What about the rights of citizens?

People have gone to the question of disclosure—$10,000 as opposed to $1,500. That is not inflation; that is about three times the rate of inflation from when this legislation was carried until today. Even worse than that, the tax deductibility provisions have gone up 15-fold. Why should the taxpayer be stung even more than public funding? That is exactly what they have done.

I have sat in this chamber over the last 25 years and from time to time I hear some Liberal senator get up and espouse the liberal philosophy. There is always an allusion to John Stuart Mill. Alfred Deakin gets the big rap-up—or some obscure Czech or Hungarian social democrat that has written Cold War propaganda gets eulogised in this chamber. I think: these people love individual liberty; these people respect human rights; what great individualists they are. Yet, really, when you look at this legislation, all gets revealed. What we are looking at over there are third rate ward-heelers. Tammany Hall is not here yet but you can see it coming. You can see the practitioners over there bringing it about.

The worst thing I ever hear from those opposite—and I have heard it plenty of times in this chamber; we often hear the Liberal Party mention this—is that they eulogise Edmund Burke and his letter to his constituents where he said that his individual conscience was more important and, if he had to lose his seat, he would do so out of his conscience. Most people do not know the postscript to this. Yes, he did lose his seat. He then wrote an absolutely obsequious letter to his lordship and was rewarded with a rotten borough seat for the rest of his life. Exactly the same form of double standards and hypocrisy rest on this other side. It is no longer easy to enrol or vote. Take the money off the corporates and do not have it disclosed. Take the tax deductibility and flood your coffers. Do not allow prisoners to vote, knock off young people from voting wherever you can and create mass confusion.

The ultimate paranoia of this Liberal-National Party derives from the fact that they can never conceive they were beaten on their own merits. After every election defeat it has to be ascribed to electoral fraud or something like it, because how could the electorate in their right minds not choose those of the calibre of the people opposite? How could they choose the scruffy socialists opposite? That is their choice, and they should be given the choice. Everyone in this country should be encouraged to and should exercise a vote, and we should respect the result. But there is no respect shown for enfranchisement over there. There will be no respect shown for the result.

Senator STERLE (Western Australia) (3.01 pm) — I rise today to speak against the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006 and to support the Labor Party’s amendments. This bill was rammed through the House of Representatives on 11 May 2006 after minimal debate and three gags. That is typical of the abuse of parliamentary processes we have seen from the arrogant Howard government since it gained control of both houses of parliament.

I have spoken before about the shameless and comical way the Howard government names its bills. In recent months I have spo-
ken against the so-called regional telecommunications services bill, which should have more accurately been called the ‘used Telstra shares fire sale bill’. I have spoken against the so-called Work Choices bill, which should have been called the ‘two choices bill’ or the ‘take it or leave it bill’. I have spoken against the Welfare to Work bill, which should really have been called the ‘social insecurity bill’. But I have to say that the title of this bill really does take the cake. Anyone who is across the detail of what the Howard government is proposing in this bill would be at a loss to understand what this bill has to do with integrity.

It is clear to me that a more accurate name for this bill would have to be the ‘harder to vote, easier to donate bill’, because that is exactly what this bill is about. And I have not found a single word of opinion from the commentators that suggests otherwise. Not even the dancing bears have come out in support of the government on this bill. Maybe the likes of Ackerman, Albrechtsen and Bolt have some shame—or at least more shame than the government where this bill is concerned.

This bill has two main aims. The first aim is to hide large donations to political parties from the public and the media. The second aim is to make it harder for people who would be eligible to vote from being able to vote. I will deal with these two aims separately and in turn. Labor is opposed to hiding large donations from the public, because that is exactly what this bill is about. And I have not found a single word of opinion from the commentators that suggests otherwise. Not even the dancing bears have come out in support of the government on this bill. Maybe the likes of Ackerman, Albrechtsen and Bolt have some shame—or at least more shame than the government where this bill is concerned.

The acting deputy president (Senator Moore)—Senator, I ask you to be careful with your adjectives.

Senator Sterle—Little? Senator Abetz was, for a while, the minister responsible for this bill. When asked by Sydney’s Sun-Herald for the reasons why the Howard government wanted to raise the threshold for reporting political donations, Senator Abetz was quoted as saying:

... in the good old days people used to donate to the Liberal Party via lawyers’ trust accounts ...

Which good old days were those? Were they the bottom of the harbour good old days? Are they the days that Senator Abetz misses so much? We can only guess. With this bill, the Howard government is inviting suspicion that influence can be bought. Perhaps this is the case.

In an article on page 15 of the Age on 24 May 2006, a former Howard government adviser claimed that corporate money does have an impact on the operation of the executive when he said:

Staff and MPs are encouraged to engage with donors. Not a week would go by without hearing the phrase, ‘They are a good supporter,’ ...
This is totally unacceptable, and begs the question: just how much access and engagement does being a ‘good supporter’ of the Howard government get a person, a company or some other vested interest? Australia’s political system must be open and honest and also appear open and honest to the public if democracy is going to work. Yet I have not heard one single argument from the Liberal senators opposite as to how democracy or the public is served by having less transparency and less scrutiny of donations of money to political parties.

I can only imagine that Senator Abetz and his Liberal Party cronies think that there is some untapped market of people out there who have a lazy 10 grand to throw around and would give it to the Liberal Party if only no-one knew about it. It is easy to understand why someone would be ashamed of wanting to give money to the likes of Senator Abetz and his cronies. It is easy to understand why someone would want to keep it a dirty little secret, away from public scrutiny. Before Senator Abetz lost ministerial control of this bill—

Senator Abetz—Lost?

Senator STERLE—he gave an address to the Sydney Institute where he presented his wish list for what this bill would contain. Senator Abetz, I welcome you into the chamber. I did not think it would be long. I raised my voice to make sure you did not miss it. In his address, he quoted at length from former senator Graham Richardson’s book, Whatever It Takes, where Richo wrote an anecdote about his role in the Hawke government’s changes to the Commonwealth Electoral Act in 1984. Senator Abetz thought he was terribly clever when he quoted Richo’s take on the reason why Labor made the changes to the Commonwealth Electoral Act:

... that Labor could embrace power as a right and make the task of anyone trying to take it from us as difficult as we could.

Senator Abetz went on to say that the changes Labor made in 1984 were to introduce prescriptive disclosure laws and extend the grace period to seven days after an election is called before the rolls are closed. Through you, Madam Acting Deputy President: Senator Abetz, you should think long and hard about this. Sure, you might think it clever to highlight Richo’s comments in order to portray Labor as acting only in its own interest, but the truth is that Labor’s changes were to create greater transparency and scrutiny of political donations and to make it easier for eligible people to be able to enrol to vote.

If creating greater transparency of political donations and making it easier for eligible people to vote help Labor to gain and to hold on to power then I think that says a great deal more about the moral bankruptcy of the Liberal Party than it does about the motivations of the Labor Party. If Senator Abetz was saying that it was self-serving of the Labor Party and that the Labor Party was advantaged by more scrutiny of political donations and more people being able to vote then, conversely, the Liberal Party must be advantaged by less scrutiny and fewer people being able to vote.

The Liberal Party would ram this disgusting bill through parliament and has the hide to say that it is about integrity. When this bill becomes law—as we know it will, unfortunately—around 80 per cent of donations that go into party coffers will disappear from public scrutiny. If these laws had applied to the 2003-04 financial year then over $12 million across the major parties would have vanished from public view. That is the first major reason why I oppose this bill.
The second major reason I oppose this bill is that, while the Howard government has been weakening the requirements for disclosure of political donations, it has been tightening up enrolment procedures, making it harder for Australians to get on the electoral roll. When this bill does become law, the Howard government will close the electoral roll to new enrollees on the day the election is called, some 33 days before polling day, and will reduce the time available for enrolled voters to change their details from a week to just three days. If we compare that to other English-speaking Western democracies, in Britain the roll closes 11 days before polling day, in New Zealand the roll closes the day before polling day, and in Canada voters can enrol at the polling booth on election day.

The only reason the Howard government has given for making it harder to get on the electoral roll is that it will make life easier for the Australian Electoral Commission, the AEC. But this is at odds with the AEC’s longstanding view about the early closure of the rolls in an election period. In their submission to a parliamentary inquiry in 2000, the AEC stated:

... the early close of rolls will not improve the accuracy of the rolls for an election ... In fact, the expectation is that the ... election will be less accurate, because less time will be available for existing electors to correct their enrolments and for new enrolments to be received.

Apparently it is more important to the Howard government to make life procedurally easier for the new Electoral Commissioner than it is to have an accurate electorate roll and, therefore, an accurate election result. This seems to suggest that either the Howard government believes that the new Electoral Commissioner is less competent than the last one or that the AEC is being under-resourced.

Neither of those reasons is a good reason to axe the grace period. The period of grace is a longstanding feature of our electoral system. Since 1940, the average gap between the calling of the election and the closing of the rolls has been more than 19 days, and John Howard wants to reduce this gap to less than one day. If this change had been implemented for the last election, up to 80,000 Australians may have been unable to enrol to vote and up to 280,000 would have had the wrong address on the electoral roll. The Howard government’s agenda is very clear: the Howard government will make it easier for you to donate to influence the political process but a lot harder for you to exercise your democratic rights.

I would like to bring a seat in my home state of Western Australia to the Senate’s attention. It is a marginal seat and it is held by government by, I think, 1.8 per cent. In that seat there is an airport with a lot of land, and the Federal Airports Commission have the land available for lease. There is a major donator to the Liberal Party: Mr Len Buckridge. Maybe that is why the Howard government wants to push this legislation through—I do not know; we will find out anyway. The big problem we have is that Mr Len Buckridge wants to put a brickworks on the airport site. He has been offered land north of Perth by the state Labor Party, but he wants the brickworks right in suburbia. It is a lot cheaper for him for transport costs and so on. Do not worry about the pollution problems!

But you can understand that the state Liberal Party would be profusely supporting this bill, because it is broke. I heard Senator Ray mention the ‘dash-for-cash’ legislation, and the state Liberal parties are blaming that legislation for their being broke, but I think it goes deeper. The Western Australian party is broke; it is moribund. I will tell you how broke it is, Madam Acting Deputy President: it is that broke that the president of the party sent out a canvassing letter saying, ‘Please
donate money. We need money; we’re poor and we’re broke. We’ve got to fight elections and we’ve got nothing.’ Big business must have deserted them. I know that for a fact because the Deputy Premier of Western Australia, Mr Eric Ripper, got a copy. I am proud to say that he did not donate to it.

Not only are they broke and desperate but they are seriously devoid of any talent. I am sure this is how far they would be pushing this bill so they can get some finances. In fact, they could not even run a chook raffle. So they will be rubbing their hands together. This is how I see this bill. If this bill passes, there will be an interesting scenario in the seat of Hasluck. Once the Howard government have put out a few bushfires—and by the time Senator Vanstone has knocked over the rebel backbenchers who are causing a bit of heartburn at the moment—they will check the polls, see how the IR is going, and check on fuel prices going up and where interest rates are heading, and maybe they will sit back in a few months time and realise that Australia is starting to wake up and realise that not everything that is being said by the Howard government is the truth.

Then they are going to be faced with a problem: do they look after a major donor to the Western Australian Liberal Party and grant him his land to put his brickworks on—or do they sit back and think: ‘Crikey, we’re really not looking that good. The electorate is waking up to us. The electorate has finally realised that it’s not as rosy as we’ve painted it. They’ve finally realised we don’t have any skilled labourers here in Australia because we’ve cut out funding and TAFE positions, and all we’ve tried to do is look after big business and put a bandaid on it.’ So what are they going to do? I will tell you what is going to happen. I am going to watch this with great interest, because there will probably be a bidding war between the member for Hasluck and a Liberal Party mate—through you, Madam Acting Deputy President Moore—and I wonder who will be able to come up with the most money. The bidding war will be for two reasons: for one person wanting his brickworks, who will cut off his funding to the Liberal Party—it could happen—or for the other one trying to save his marginal seat.

Senator NETTLE (New South Wales) (3.17 pm)—Yesterday, in the Canberra Times, Waleed Aly wrote:

The quality of a democracy can be gauged by the extent to which its electoral process is inclusive of maligned sectors of society. Democracy may be inherently majoritarian in nature, but if its core concept is that government derives legitimacy from the consent of its people, that legitimacy depends on every constituent, however peripheral or unsavoury, having the opportunity to speak through the ballot box. A democracy with iniquitous electoral laws is unworthy of the name.

That is what this legislation, the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006, seeks to do. It does so by attacking the rights of some of the most vulnerable members of our community to involve themselves in that democratic process. Young people, new migrants, Indigenous Australians, prisoners and the homeless will all have their democratic right to be involved in society silenced by this bill. Many of these people are the very people who are most disillusioned with governments and with involving themselves in politics and the processes of the day. But instead of encouraging these people to get involved in the democratic processes and decision-making going on around them, this government is making it harder for these people to involve themselves in decision-making. It is a blatant attack on some of the most disadvantaged members of our community, and it is also a blatant manipulation
of the electoral system by the Liberal government.

It annoys me to see this government trampling on the rights of vulnerable members of our community, but it annoys me even more when it is doing it for its own advantage. The only government senator who has sought to defend this legislation today came in here acting like the whole thing was a joke. Well, it is not a joke to take away the rights of people and it is certainly not a joke to take away the rights of people in order to advantage yourself—especially when that disadvantages people. But that is the message. That is the only justification we have had for this legislation. He came in here saying that this was something that he could laugh and be chirpy and smiley about—manipulating the process to improve advantages for his own political party. We have heard Minister Abetz do it in public before, and the only person who came in here to represent the government’s position did the same thing: crow about how this is going to help their party stay in government.

Let us look at the ways in which they are seeking to do this. First, there is the early closure of the electoral roll. The announcement of an election date is a significant and obvious trigger for people to update their electoral details and make sure they are enrolled. It is commonsense. People respond when an election is called by doing this. For people who have recently become citizens, young people who have just obtained the right to vote and people who have just returned to Australia, it is an obvious trigger for them to make sure that their details are updated. But this bill seeks to take away that capacity. Last time this was proposed, Simon Castles wrote in the *Age* that the only thing surprising about the government’s plan to close the electoral roll as soon as the next election is called, and thus prevent tens of thousands of Australians from voting, is that someone in government actually remembered that young people do vote in this country, because young people are one of the groups in our community that will be significantly disadvantaged by this legislation.

Senator Abetz—And they mainly vote for us.

Senator NETTLE—I will get on to who they vote for in a moment, Senator Abetz. But first let me say that, currently, 18- to 24-year-olds have the lowest enrolment rate of any age group eligible to vote. According to the Australian Electoral Commission, only about 60 per cent of 18-year-olds are enrolled to vote. But this changes after an election is called. Unsurprisingly, young people who are voting for the first time do not know all the rules and are focused on trying to get a job, trying to get into university, trying to find somewhere to live or whatever else it may be. It is hardly surprising that enrolling to vote is not at the top of their to-do list.

The provisions in this bill unfairly target young people and restrict their capacity to express their political choice. In the seven days before the close of rolls before the last election, 423,000 people enrolled for the first time or changed their details—79,000 of them would have been young people. With the laws that we had at the last election, 150,000 people missed out on getting onto the electoral roll because the cut-off date had already passed. More people will be disadvantaged under this legislation.

The government claim that they need to do this because of the pressures on the Australian Electoral Commission. The Electoral Commission does not agree. As others have said, the Electoral Commission said in their submission to the committee looking at this legislation that it would be a backward step to repeal the provision which guarantees electors seven days in which to correct their
enrolment. There is no burden on the Election Commission according to them and, even if there was a burden, the way to relieve it is not to take away people’s right to vote; it is to ensure that the Electoral Commission have the resources to do their job properly. Instead of spending the money on tax cuts and slashing services at the same time, the government could put those resources into the Australian Electoral Commission if they need it. But here the commission are saying to us that they are doing all right. In fact, they are saying that it would be a backward step for the government to go ahead with this legislation.

The reality is that the government fear young people getting themselves onto the electoral roll because they know that young people do not agree with the policies of this government. Rather than removing the right of young people to vote, the government could consider doing something for young people. Continual increases to HECS debts for young people—we see people with $200,000 HECS debts as a result of their degrees—the illegal invasion of Iraq and the backing of the fossil fuel industry are things that young people care about for the future. These are the sorts of things the government could do if they genuinely wanted to get the vote of young people. Instead, they make changes to electoral laws to ensure that young people do not get the opportunity to vote, because they know that young people do not vote for the Liberal Party.

Young people are not the only people targeted by this bill. Many first-time voters enrolling to vote after an election has been called are new migrants—people who have just become citizens of Australia. According to the last census, 86,289 people became citizens of Australia in the year 2001-02. If this bill had been in force after an election had been called, many of them would have been prevented from enrolling and having their say in the democracy of their new country.

Another group of people disadvantaged by this legislation is homeless people. The requirement for a voter’s details to be tied to an address rather than an electorate has an impact on homeless people. The Joint Standing Committee on Electoral Matters said that 80,000 homeless people, who may have been eligible to vote in the 2001 election, did not do so because of registration requirements that were in place then. They have been further restricted since then and they will be restricted again under this legislation.

But perhaps the most appalling and draconian proposal in this legislation is to take away the right to vote from all prisoners. It is an ongoing campaign by the Liberal Party to remove the rights of one section of people within our community. When I first came to parliament, prisoners serving sentences of five years or more were prevented from voting in federal elections. The Greens opposed that law when it was brought in, because it prevented 11,000 citizens from voting in elections. Then there were changes two years ago to remove the right to vote from a further 7,000 citizens in our democracy, and this piece of legislation will take away the right to vote from another 10,000 citizens in our democracy.

The government do not believe that prisoners should have the right to vote. In 1998 they sought to do what they are doing today—that is, taking away the right to vote from all prisoners. I pay tribute to the campaign in 1998 run by Justice Action, for whom I worked before I came into this parliament. People like Brett Collins, Kilty O’Gorman and Stacey Scheff were all trying to ensure that prisoners, regardless of their crime, were treated as citizens and that they had their rights respected both in prison and under electoral laws. The Greens will con-
continue to be proud to stand up to ensure that these citizens get the right to vote.

It is a fundamental right for all citizens. It is outlined in the International Covenant on Civil and Political Rights, to which Australia is a signatory, which says that every citizen is entitled to vote. We know what Minister Abetz thinks about international agreements—that they should be ignored, like in the migration legislation that is being debated at the moment. But Australia sign onto those things because they think they are important, and yet we have before us a piece of legislation that completely dismisses commitments that we have made in the past to accept that all citizens get a vote.

The European Court of Human Rights found that provisions such as those contained in this bill impose:

... a blanket restriction on all convicted prisoners. It applies automatically to all such prisoners, irrespective of the length of their sentence and irrespective of the nature or gravity of their offence. As pointed out in the Canadian courts, the actual effect on an individual prisoner’s right to vote will depend, somewhat arbitrarily, on the period during which he happens to serve his sentence. A prisoner sentenced to a week’s imprisonment for a minor infraction may lose the right to vote if detained over election day whereas a prisoner serving several years for a more serious crime may, by chance, avoid missing an election.

That is a comment from seven judges in the European Court of Human Rights.

Denying penitentiary inmates the right to vote is more likely to send messages that undermine respect for the law and democracy than messages that enhance those values.

The whole basis of respect for the rule of law rests on the participation of citizens through the democratic selection of their representatives who then make the law that they are asked to abide by. How can prisoners be subjected to this feudal concept of ‘civil death’? How can they be expected to have respect for the law if they are banned from participating in its formation? How does this bill reconcile with the importance of rehabilitation that is at the heart of any enlightened prison system? It was recognised in the past by Justice Nagle, whose 1978 royal commission helped to transform the corrupt and repressive New South Wales prison system for the better. He said:

A citizen’s right to vote should depend only on his ability to make a rational choice. Loss of voting rights is an archaic leftover from the concepts of ‘attainer’ and ‘civiliter mortuus’ and has no place within a penal system whose reform policies aim to encourage the prisoner’s identification with, rather than his alienation from, the community at large. All prisoners should be entitled to vote at State and Federal elections. Necessary facilities should be provided for them to exercise their franchise.

The government disagree with this commonsense principle of democracy. They maintain a fantasy that by removing a prisoner’s right to vote they will somehow deter people from committing a crime. Surely losing the right to vote would not be the first thing in somebody’s mind that would stop them if they intended to commit a crime. What kind of a deterrent does the government believe that it is? With the length of sentences increased at every election, people’s freedoms removed and people being removed from their families, their friends and their jobs and locked up often for 20 hours or more a day in a cell, surely the right to vote is not at the front of the mind of a would-be law breaker.

The government’s argument on this is ridiculous and does not stand up at all. It is further evidence, I suggest, that the real purpose of this section of the bill, like many other parts of the bill, is more about removing the rights of a group of people less likely to vote for the government than attempting to
deter crime. So where next? Will the government move to permanently disfranchise those convicted of a crime, not just those in prison? Will they follow the direction in the United States where one-third of black men living in Florida were prevented from voting in the crucial poll that led to the appointment of George W Bush as President of the United States?

One group of people that we know will be targeted by this legislation is Indigenous Australians. Need I remind senators of the shameless statistic that Indigenous persons are 16 times more likely to be in prison than non-Indigenous Australians? It is a reflection of the racism that still pervades our criminal justice system and the history of ongoing dispossession of Indigenous peoples in this country. This bill is another attack on the rights of Aboriginal and Torres Strait Islander people and should be seen in the same light as the scrapping of ATSIC. The scrapping of ATSIC, supported by the government and the opposition, took away the right of Indigenous people to vote for their own representatives for their national voice. Now the government is proposing to go further by stealing the right to vote in federal elections from large numbers of Aboriginal and Torres Strait Islander people, who make up a disproportionate percentage of our prison population in this country. It is a discriminatory and racist policy from this government.

But it does not end there. Not content with removing the right to vote from disadvantaged members of our community, the government also wishes to avoid accountability through raising the required disclosure limit on political donations. The Greens have campaigned strongly against corporate donations that contribute to the ‘cash for policy’ approach that we see from so many political parties. Greens campaigners have exposed the way that developers and big business have sought to buy influence by donating to political parties. In this bill the government seeks to hide such influence from public view by raising the disclosure threshold to $10,000—an enormous leap from the $1,500 threshold that currently exists and a shameless exercise in preventing the public from following the money trail.

Senator Mason, the only senator to come in and seek to defend this legislation, sought to justify this grab for cash from the Liberal Party by saying, ‘Other countries do it.’ It was like a little boy trying to justify stealing toys in the sandpit: ‘The other kids are doing it so we can do it.’ That is the justification we got from the government. I have heard the government in here before making all sorts of arguments about electoral rorts being carried out in other countries. I have heard Senator Mason, Senator Brandis and probably even Senator Abetz talking about the electoral rorts they have seen in countries like Iraq under Saddam Hussein. I do not question that those rorts occurred, but it is hardly a justification for invading a country. And using those kinds of examples—that other countries do it—to say it is all right to rort our electoral laws here is preposterous.

Simply because other countries rort their electoral laws is not a justification for this government to do so. But that is what we heard from the only government senator who was prepared to come in here and argue on this piece of legislation. Look at a country like Indonesia. In 1969 West Papua became a part of Indonesia in an election in which the Indonesian government got to choose who could vote. Australia should not be following that example, of choosing who gets to vote, but that is what this legislation is about here today. In the Canberra Times yesterday we saw it described this way:

There’s a paradigm shift here. Suddenly, to vote is not a right of the people from which government derives its legitimacy; it is a privilege to be con-
ferred at Canberra’s discretion. That is the very opposite of democracy.

Here we have a government which likes to stake its legitimacy on the people who vote for it deciding who gets to vote for whether or not it can be elected. That is the opposite of a democracy—a government choosing who gets to vote to put it in place. That is exactly what this piece of legislation does.

The Greens support real electoral reform that gives power to individuals and to people to vote and does not take it away like this legislation does. That is why we support electoral reforms like bringing proportional representation into the House of Representatives, like giving 16-year-olds the option to vote and like putting in place fixed terms for federal elections so people get to know when the election is, rather than the Prime Minister just using it to his advantage. (Time expired)

Senator FIELDING (Victoria—Leader of the Family First Party) (3.37 pm)—Family First believes the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006 contains some reasonable measures but also some measures which are not reasonable. Family First’s main concerns are the special treatment given to politicians and political parties by giving us tax deductibility status for donations and the push to increase the tax deductible amount from $100 to $1,500—a staggering 1,500 per cent increase. Family First opposes this special treatment for politicians and political parties. It is no more than a money grab by politicians and political parties feathering their own nests. Family First will move an amendment to abolish tax deductibility status for political parties.

Charities enjoy tax deductibility status, and so they should. The Australian community supports this. However, political parties are not charities. They are self-interested organisations pushing their own agendas. Community groups and lobby groups that push political agendas are not eligible for tax deductibility status. I note that last year the government warned environmental groups that their tax deductibility status was at risk because they had embraced political activities. That is fair enough, but let’s be fair dinkum and apply the same rules to the community groups we call political parties.

Why should politicians and political parties be treated differently? There is the argument that a higher threshold would encourage people to participate in the democratic process. Family First understands that donations are important to political parties—we all need them. But a cynic would say that the increase in the tax deductible amount is simply about filling the coffers rather than increasing participation. Family First believes this is yet another example of hypocrisy: one rule for us politicians and political parties, and another one for everyone else.

The government also wants to increase the threshold for disclosing political donations from $1,500 to more than $10,000. That makes it more likely that donations will remain secret and hidden from public knowledge. It will also protect the identity of people who are trying to influence the nation’s political agenda via their donations. This lack of transparency and accountability is not acceptable. If people or organisations want to influence the political agenda, their donations should be made public.

Many of us took an interest in the recent change of government in Canada, and I understand members of the Liberal Party helped the Conservatives to win the election. That is why it is so interesting to note that the Conservative government in Canada is actually tightening up its electoral laws, not weakening them as proposed in this bill. The Canadian government has reduced the amount individuals can contribute to a can-
didate each year from $Can5,000 to $Can1,000. The Canadian government will also ban corporations, associations and trade unions from making any contributions. Family First will be moving an amendment to keep the disclosure threshold at the current level.

There are a range of other measures in this bill, some of which, as I said, are reasonable and some of which are not. Family First supports the government’s move to require people to prove their identity when they enrol to vote. I have been surprised myself when enrolling that these requirements are not already in place, as they make sense. The bill will also allow commercial organisations such as banks to use name and address details from the electoral roll to help them verify identities under the Financial Transaction Reports Act. I can understand organisations wanting this information, but the electoral roll was not created for that reason and those on the roll have not provided their personal information for that purpose. The roll’s primary function is to assist elections, and I have concerns about its broader use.

Family First’s main concerns are with the special treatment given to political parties and politicians through tax deductibility status and the increased threshold for disclosing political donations. For those reasons, Family First cannot support the bill.

Senator O’BRIEN (Tasmania) (3.42 pm)—It is interesting to follow Senator Fielding’s contribution. One of the provisions of the explanatory memorandum which I draw to senators’ attention in speaking on the Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2006 is a requirement that relates to the enrolment of new voters and the changing of the details of existing enrolled voters. This provision changes the identification that is required by those voters, and I think I caught a partial reference to it in Senator Fielding’s contribution. It is rather amazing that we see here a provision which, frankly, excludes members of the potential voter’s family from attesting that that person is the person they claim to be when they seek to enrol to vote or to change their enrolment. I find it amazing that a party—that is, the Liberal Party—which claims to be a party that upholds family values is saying that when a young voter seeks to enrol to vote for the first time they cannot use members of their family, people who live the same household, people who are related, to attest that they are the person they claim to be when they put their name down on the electoral roll.

Senator Ian Macdonald interjecting—

Senator O’BRIEN—It is very interesting that we have not heard from government senators in this debate but we are hearing interjections. I hear that the government have told their senators that they cannot speak in this debate, so we are getting interjections of frustration from senators opposite. I do understand why Senator Ian Macdonald is frustrated.

Debate interrupted.

ADJOURNMENT

The PRESIDENT—Order! It being 3.45 pm, I propose the question:

That the Senate do now adjourn.

Queensland: Infrastructure

Senator IAN MACDONALD (Queensland) (3.45 pm)—If I am frustrated, as Senator O’Brien says, it is from hearing the same speech by 20 different Labor people today! The unions have obviously stirred them up for this because they see that the huge electoral advantage that the Labor Party and the unions have had for so long is under some threat from a fair set of electoral laws. My interjection was not out of frustration; it was just reminding Senator O’Brien about
the number of Labor people who have ended up in jail through rorting the electoral system. You do not have to go much further back than my own home city of Townsville just a few years ago to see a Labor apparatchik end up in jail because of rorts of the electoral system.

But that was not the reason I got to my feet on this adjournment debate. I wanted to again highlight the exceptional contribution that the Howard government has made to infrastructure in my home state of Queensland. Infrastructure in Queensland is generally in a parlous state. The south-east corner of our state is the fastest-growing area of Australia. There are huge increases in the number of people arriving into Queensland every week. The infrastructure simply has not kept pace with that. Most of this infrastructure is the responsibility of the Queensland state government. But naturally in Queensland these days we have given up on any expectation that the Queensland Labor government will do anything when it comes to wise spending of money, be it for infrastructure or for hospitals.

The Queensland hospital system, once the best in the nation, is now synonymous with mismanagement and featherbedding of public servants. The Beattie Labor government has, typically for Labor governments, turned into an art form the spending of money on more bureaucrats and less money on the purpose for which the organisation in there—in the case of health, for helping sick people in Queensland. Our hospital system is creaking and groaning and it is falling over. There are some desperate measures being made by the Queensland Labor government to try to overcome that, but these will be to no avail because the Queensland government continues to put money into bureaucracies and penpushing and not put enough into where it really counts—that is, with the doctors and nurses, who do a fabulous job in difficult circumstances but who in recent months have just given up and have left the system in droves. This has brought all sorts of problems and put more imposition on the private system, and to try to get it back Mr Beattie has given huge increases to nurses to try to keep them in the public system. This of course means now that the private sector will have to meet those wage increases, which means that nothing will advance in the system.

But, as bad as they are at health management, the same applies to infrastructure management in Queensland. The last great road-building exercise in Queensland was under the Borbidge-Sheldon government, when the Gold Coast Highway was substantially upgraded. Sure, the ribbon was cut by Mr Beattie, but the hard decisions were taken by the Borbidge-Sheldon government when they were regrettably all too briefly in power a few years ago.

The Queensland government is responsible for a lot of roads. It never puts money into the roads. In fact, out in western Queensland there are roads that are designated as state roads but the Queensland government spends no money on them because there are no votes out there; it is a bit of ‘out of sight, out of mind’. What happens is that local councils, using federal money, are actually having to do work on state roads.

In the recent budget the Howard government provided, and the Treasurer proudly announced, an additional commitment of upwards of $220 million for upgrading the Bruce Highway between Townsville and Cairns. As a Townsville based senator and as one who spends a lot of time in North Queensland, I was delighted with that commitment. Before 30 June, that money will actually be paid to the Queensland government. They will then have three years to spend it. Between now and 30 June, the
Queensland government will be entering into an MOU with the Commonwealth government on where that money is to be spent. An amount in addition to that $220 million is going to the Tully flood plain project to flood-proof the road around Tully and Innisfail. It is a commitment which we made in the last budget, actually, and provided quite a deal of money. Additional money has been put into that particular project on the Bruce Highway out of this budget.

The $220 million that is actually being paid to the Queensland government before 30 June this year—that is in a couple of weeks time—is to be spent on priority projects. I am not sure what the Queensland government’s priorities are. Usually they are politically projected and very often, when this happens, with the way the system is, they are not done in the right areas. But I would certainly hope that that money will be spent at least in part on the Mount Low Parkway intersection in Thuringowa City. This is an intersection which is very dangerous. It is an intersection with the main Bruce Highway. The main Bruce Highway is four-lane up until just before the intersection and it then becomes a two-lane highway. The intersection crosses a railway line. It is a real mess and very difficult. It needs a lot of money spent on it. I would certainly hope that that project is one of the priorities that the Queensland government puts forward in its funding bid with the Commonwealth.

Just this week I hosted the Mayor of Thuringowa City Council, Les Tyrell, in a meeting with the honourable Jim Lloyd, the Minister for Local Government, Territories and Roads, and with representatives of Mr Truss’s office to make sure that the spending of money on that project was being very closely looked at. The Mount Low Parkway intersection serves a lot of new areas of Thuringowa city, a very rapidly growing area in the northern part of the Townsville region.

The other project I would like to see given some consideration is the Cardwell Range road upgrade. That road, particularly on the northern approach to the range—the southern approach has been fixed up over a number of years—is very dangerous. There are very often tragic deaths there, the most recent earlier this year, when a young fellow lost control of his vehicle on the range because of its difficult nature. That road needs a lot of work.

About 18 months ago, in April of last year, the Commonwealth gave the Queensland government $1 million to do the planning and costing work for the Cardwell Range road upgrade. When I made some inquiries about this a couple of months ago, I found that the Queensland government had not spent one cent of the $1 million that the Commonwealth had given to Queensland to do the planning and costing work for that roadway. This is the difficulty the Commonwealth is in with roads infrastructure—we do not have engineers or project managers; we provide the money and we rely on the states to do the project, planning and costing work. Unfortunately, as is the case with the Cardwell Range—an instance which is repeated right around Australia—the work is simply not done by the state governments.

I am distressed about the Mount Low Parkway, which I mentioned. When I first became involved in this in February this year I was told by Queensland government officials that they would have the costing and design by 30 June this year. That is in two weeks time. I then heard a couple of weeks ago that it was not going to be ready until the end of this calendar year. Fortunately, when I made a furore about that on the local radio station, the local Labor state member got up and said, ‘We’re going to have it by September.’ I was pleased to hear that. I am going to hold him to that and I hope that that work is done.
These are the difficulties we encounter in dealing with state governments. The Queensland government, as I say, is one of the worst. The Commonwealth is providing lots of money. Queensland, I learnt at estimates, is supposed to contribute to the national highways these days. I was not aware of that; I thought it was all the Commonwealth’s responsibility. I understand that, under AusLink, Queensland have to put in money as well, but you can bet your last dollar that Queensland will not be putting much money into many of these major infrastructure projects, because they are simply not interested in them, particularly when they are in rural and regional Queensland. I congratulate Peter Costello, Jim Lloyd and Warren Truss for their commitment to roads in Queensland. We look forward to getting the infrastructure done eventually. (Time expired)

Immigration Policy

Senator HURLEY (South Australia) (3.55 pm)—I rise today to speak about a significant remembrance ceremony which is held annually on 14 June and the way it relates to multiculturalism in Australian society today. An event to mark this important date was held on Saturday, 10 June at the Migration Museum in Adelaide, and I was honoured to attend. Between 1940 and 1949, Joseph Stalin ordered the forced removal of approximately 200,000 Lithuanians, Latvians and Estonians to Siberia and central Asia. The reasons for the deportations ranged from suspicion of collaboration with the Nazi regime and threats to national security to plain ethnic cleansing. As a result, it had a major effect on the cultural make-up of the then Soviet Union.

Approximately 1.9 million people, from 17 different ethnic backgrounds, were forcibly removed by Stalin before, during and after World War II. Tragically, a large percentage of those people did not survive their deportation. At the remembrance ceremony I attended, it was stated that approximately 60 per cent of the 200,000 people deported from the Baltic states died as a result of brutality, starvation and extreme weather conditions. Despite the barbaric cause of Australia being the recipient of a wide range of refugees and migrants from those states, it has led to the vibrant multicultural society we are living in today.

Unfortunately, history is prone to repeating itself and we are continually seeing worldwide events similar to those of Stalin’s Soviet Union. Whether it be the genocide in the Balkans and Rwanda and that currently occurring in Sudan or oppressive dictatorships in Afghanistan, Iraq and Myanmar, Australia has rightly received a United Nations agreed intake of refugees. I think that has been widely supported by Australians generally. These refugees almost instantaneously become proud Aussies, and the skills and experiences they bring add greatly to this country’s multicultural diversity.

It is important that we look closely at our migrant history to ensure that future policies are suitable and that they adequately address our previous mistakes and oversights. Examples of these oversights include the lack of support networks which were provided for Vietnamese refugees on and after their arrival 30 years ago this year. I have also been to a number of ceremonies to commemorate those 30 years.

Support services are certainly better now than they have been in previous times, but this does not mean they are as good as they should be in an affluent country such as Australia. The IHSS services have been put in place but have been subject to some criticism around the country. Other government policies have been criticised as well. A prime example was the removal of core funding for migrant resource centres and other NGOs.
previously under the Community Settlement Services Scheme. Another example of government failure is the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006 which is currently under consideration in this parliament.

I want to talk in more detail about the migrant resource centres. They play a vital and, more often than not, underrated role throughout Australia in developing and promoting multicultural harmony in this country. The passion and commitment with which these organisations carry out their duties would be impossible to match in any government department. This should be recognised by the current government, but it is not. The Howard government chooses to recognise their services by stripping away these groups’ core funding. As discussed in the May 2006 estimates hearings of the Senate Legal and Constitutional Legislation Committee, this government has also chosen to add further insult to these wonderful organisations by only today revealing the specifics of their new funding future post 1 July 2006—which is a mere two weeks away. So they have to wait until the final two weeks of the financial year before knowing whether or not they have funding for next year.

Make no mistakes about it: MRCs and the many other NGOs throughout Australia are some of the major catalysts needed to pave the way to a successful and harmonious multicultural Australia. This is evident through the diverse range of newly arrived communities currently settling here in Australia. I admire the dynamic way in which these organisations are continuing to adapt and cater to the needs of these emerging communities. The government has a responsibility to respect this fact, but, through the removal of core funding and the failure to clearly indicate future fiscal commitment via the New Settlement Grants Program, it is failing to do so.

The Australian Labor Party does not believe in obligatory handouts to NGOs with a core business in multiculturalism or to individual multicultural groups. We believe in funding on a needs basis and we support appropriate funding on the basis of outcomes. What is clear, though, is that the current Minister for Immigration and Multicultural Affairs, Senator Amanda Vanstone, and her parliamentary secretary, Mr Andrew Robb, have not sat down with these organisations to allow them to freely articulate what their needs are. Whether it be a well-established Greek, Italian or Chinese community needing a small amount of funding for a weekly social club for aged members or a newly arrived Sudanese or Sierra Leone group requiring assistance in job seeking, the Howard government and its minister and parliamentary secretary are not listening.

I cannot talk about a multicultural community without talking about the Migration Amendment (Designated Unauthorised Arrivals) Bill 2006, which should be seen as an insult to the many existing and established Australian refugee and migrant communities, such as the survivors of Stalin’s Baltic deportations and their family members. Imagine if such a bill had become an act during the time when Australia accepted Lithuanian, Latvian and Estonian refugees from that deplorable event. The survivors of that shameful episode in history would have been processed offshore and settled in a third country, and then the wonderful contributions that they and their second and third generation families have made to Australian society would have been lost.

The same can be said for our most recent refugee arrivals and those which will result from ongoing and future global conflicts. As refugees, they arrive here under extreme circumstances but the unprecedented loyalty displayed by them for being accepted by us will greatly benefit our nation. As I said pre-
viously, I was also disappointed to see that, under the proposed electoral changes, enrolling to vote and the voting procedure will also be made a lot more difficult for those citizens.

Last Sunday, I witnessed a coming together of three generations from the Baltic states as the result of a great tragedy and shocking events. The first generation are quite often only just coming to terms with their past, the second are keen to talk more about those dark times and the third wishes to continue its family’s traditions with great passion and exuberance. It was wonderful to see some of those grandchildren in traditional costumes helping their parents and grandparents to commemorate that occasion.

With the current funding and legislative trends of the Howard government, important events such as these are being put at risk, along with the formation of such communities among the new refugee arrivals—such as those from Africa. These emerging communities are supported by migrant resource centres, and it is important for the long-term wellbeing of these communities that they be encouraged to get together to commemorate these events as well as to become members of the Australian society and community through getting jobs and learning English and becoming citizens.

Sri Lanka: Tamil Tigers

Senator HUTCHINS (New South Wales) (4.04 pm)—I rise this afternoon to make some remarks about the Liberation Tigers of Tamil Eelam and the civil conflict occurring in Sri Lanka. This separatist Tamil movement sparked a bloody civil war that has carried on for the last 23 years. It is estimated that, in those two decades of fighting, some 64,000 people have been killed, and a further one million people have been displaced. This conflict has been characterised by brutal terrorism that has targeted innocent civilians.

The tragedy of the situation is highlighted even more by the fact that the combatants have mostly been ordinary people, many of them women and children, caught up in this net of fanaticism.

The Tigers were formed in 1976 as a response to ethnic tensions between the minority Tamils, who make up about 18 per cent of the Sri Lankan population, and the majority Sinhalese. The Tigers led the armed civil conflict that erupted in 1983 and that has continued to this day. It has been a ruthless organisation, eliminating not only its enemies in the Sri Lankan government but also rival Tamil groups, eventually taking complete control of the Tamil areas in the country’s north and east.

During the two decades of fighting, there have been hopes for peace. In 2002, Sri Lanka and the Tigers sat down and brokered a ceasefire agreement with the assistance of Norway. This was undoubtedly the most promising development in the history of the conflict, with Sri Lanka going so far as to remove its proscription of the Tigers, and the Tamil rebels beginning to decommission their weapons. However, this ceasefire was not the first. Even as far back as 1985, two years after the first outbreak of hostilities, the Sri Lankan government and the Tigers sat down at the peace table. They again attempted to make peace in 1995.

I have received a number of representations from the Sri Lankan community in my electorate, a number of them members of the ALP, who are concerned at the fact that the Tamil Tigers are not demonstrating a clear resolve to continue in the peace talks. As I have said, so far the talks seem to be failing. Since the last ceasefire there has been a suicide bomb blast in the capital, Colombo, in 2004; the assassination of the foreign minister in 2005; and the horrible escalation of violence in the first half of this year, with
bomb attacks on military targets. An April attack in Trincomalee, an area with an equal mixture of the three ethnic groups in Sri Lanka, left 16 people dead, many of them civilians. Only yesterday an LTTE claymore mine attack was conducted in Sri Lanka. At latest count 68 people were killed, 15 of them children and a number of them pregnant women who were on a bus going to a prenatal care clinic. What may have begun as an independence movement has now just debased itself into thuggery, and it should be condemned in all quarters.

The issue that is very disturbing, of course, is the use of child soldiers. The Tamil Tigers have a conscription policy where you join or die. Families must provide a child to the movement. If those families do not, they are harassed or threatened. Once the children join, they are allowed no further contact with their families. They are subjected to brutal training within the Tamil Tiger regime. One case that has been brought to my attention is that of a 12-year-old lad who refused to join the Tamil Tigers. He made it clear that he wanted to be a 12-year-old lad. He was then harassed by the Tamil Tigers. They hunted him down to where he had taken refuge in his grandmother’s house. They shot him dead at the front of her house in her presence.

This happened despite the fact that the Sri Lankan government and the Tamil Tigers have signed an agreement to put an end to using child combatants. UNICEF still receives reports of children being recruited by the Tamil Tigers. In just the first months of 2004, it received 160 reports of children being forced into armed service by the rebels. In 2004, UNICEF estimated that there were still more than 1,000 children forcibly enlisted in the LTTE army, and at least 44 per cent of these were girls.

These actions are not the actions of a group seriously attempting to consolidate peace; these are the actions of cold-blooded killers who are not interested in bringing to a conclusion the conflict that is tearing their country apart. If they were serious, there would be no child soldiers, no suicide bomb attacks on civilians and no assassinations of members of the government. It is little wonder, then, that they have attracted the condemnation of the international community. The LTTE has been listed as a proscribed terrorist organisation by the United States, Canada, India, Britain and Germany. Most recently, the EU agreed in May to also proscribe the LTTE. What this means is that any level of participation in, or support for, the organisation is an offence.

In 2001 in Australia, the Tamil Tigers were included on the consolidated list of terrorist organisations for the purposes of this country’s terrorist asset-freezing program. Under this regime, it is an offence to provide or even possess any asset belonging to a listed terrorist group or individual, of which there are currently 540, and this offence is punishable by up to five years imprisonment. It is one of a number of measures that are essential in stemming the flow of funds to organisations like the Tamil Tigers, who use the funds to arm their child soldiers and their suicide bombers.

There is scope, however, for Australia to go further—to follow the examples of the EU and North America and proscribe the Tamil Tigers. There are currently 19 proscribed terrorist organisations, including al-Qaeda, Hezbollah and Jemaah Islamiah. These are without doubt the most brutal terrorist organisations in the world and they deserve their proscriptions. So, too, I am sure you will agree, do the Tamil Tigers. This is particularly pertinent in light of the reports of the LTTE attempting to raise funds from its worldwide Tamil diaspora for its final war.
Human Rights Watch reported this year that ethnic Tamil residents in countries like Canada and the United Kingdom were being routinely harassed and threatened with violence if they did not pay Tamil Tiger organisers. Just prior to the inclusion of the Tamil Tigers on Australia’s consolidated list of terrorists, similar moves had been attempted here in Australia, with a Hindu temple in Perth being used by LTTE agents as a fundraising base.

I am told there will be a rally outside this place next Monday morning by members of the Australian Sri Lankan community to lobby the government to clamp down on the Tamil Tigers. It is important to maintain the pressure on this group to show them that these terrorist activities will not be tolerated and that they should return to the peace table.

**Senate adjourned at 4.12 pm**