Australia: Electoral bill blocks registration of new parties

A new assault on democratic rights

By Mike Head
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Behind the backs of the Australian population—without any mention in the mass media or serious opposition in parliament—the Howard government has introduced sweeping new electoral laws that aim to suppress any electoral challenge to the mainstream political parties.

The cynically titled Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006 automatically de-registers all non-parliamentary parties and blocks the registration of new ones, while systematically disenfranchising hundreds of thousands of ordinary voters. At the same time, it shields the rich and powerful from scrutiny as they dominate the finances and dictate the policies of the major parliamentary parties.

Over the past two decades, millions of people have become increasingly dissatisfied with, and alienated from, the Labor, Liberal and National parties, as well as from the Democrats and Greens, which have all collaborated in imposing the "free market" agenda dictated by the corporate elite. Now these parties have come together to try to shore up their parliamentary positions by blocking the registration of alternative parties.

The new laws were pushed through in June without any publicity, public discussion or debate. In one fell swoop, they will remove 20 parties from the official register. All parties not currently represented in parliament will be automatically deregistered at the end of this year, six months after the legislation commenced. The only exemption will be for parties, such as the right-wing One Nation and the anti-communist Democratic Labor Party, that have previously had representation in federal parliament. In the meantime, the register has been frozen, stopping any new registrations before January 2007.

Moreover, if the next federal election is called before June 2007, the register will revert to what it was in June 2006, preventing any new party from registering for that election. In other words, were Prime Minister John Howard to call an early snap election—an increasingly likely event given the deteriorating economy and the growing crisis of his government—all new challengers would be disqualified.

Without official registration, parties are denied the basic right to stand candidates in their name. Their members can nominate, but only as "Independents" or with no affiliation next to their names on the ballot paper. This deprives voters of the elementary right to identify the political allegiance and platform of the various candidates. Non-registered parties are also barred from running "above the line" on the Senate voting ticket—an option available to registered parties that eliminates the confusing task of putting consecutive numbers beside the names of every state-wide candidate in order to cast a valid ballot.

The entire parliamentary establishment—the Coalition government, Labor, the Democrats and Greens—backed the purging of the party register. While certain other features of the electoral bill attracted criticism during the perfunctory parliamentary debates, there was no opposition whatsoever to the de-registration provisions. Democrats Senator Andrew Murray described them as "not so controversial".

Over the past decade, the Democrats and Greens have already joined hands with Labor and the Liberals to introduce restrictive measures against new parties in many states, including in New South Wales, where 750 members must hand over their names to the electoral authorities for a non-parliamentary party to appear on the ballot.

Despite these measures, new parties and "independent" candidates have proliferated since the mid-1980s as disgust towards the old parties and their attacks on jobs, democratic rights and public services, such as health, education, housing and welfare has intensified.

The Howard government has claimed that the wholesale removal of non-parliamentary parties from the register was necessary to stop the use of misleading party names, such as Liberals for Forests. But the Australian Electoral Commission (AEC) already had the power to refuse registration to a name that would confuse voters. In any case, no evidence has been produced to show that any of the other 20 or so parties to be de-registered are in any way bogus.

The party registration regime was first introduced by a federal Labor government in 1984. Its only purpose has been to bolster the position and finances of the major parties. Registered parties can apply for public funding, at a rate of about $1.80 per vote. For the 2004 election, Howard's Liberals and the Labor opposition picked up nearly $35 million between them, with millions also going to the Greens and Democrats.

To register, parties without a representative in parliament must hand over to the electoral authorities signed membership application forms and personal details—names, addresses, telephone numbers and dates of birth—of 500 members. By requiring rank-and-file members to publicly identify their political persuasion, this requirement directly infringes their privacy and exposes them to surveillance and harassment by government agencies, including the intelligence services.

These requirements are profoundly anti-democratic. They violate the essential principle that all citizens and parties should have equal ballot access. To block parties that have not contested previous elections, or that failed to win seats when they did, makes a mockery

of the electoral process, since the purpose of holding an election is to allow parties and individuals to campaign for support against the incumbents.

The highly technical membership requirements for registered parties can also become a vehicle for state provocation. This is what happened in 2003, when two leaders of One Nation, Pauline Hanson and David Ettridge, were jailed for "electoral fraud" in relation to the party's registration. Their subsequent acquittal by the Queensland Supreme Court confirmed that they were victims of a political witchhunt, backed by a series of legal travesties.

The new electoral laws flagrantly attack the most fundamental democratic right—the right to vote. The electoral rolls will be closed on the same day that an election is called, instantaneously disenfranchising all voters—about half a million at the 2004 federal election—who have changed address or failed to enrol.

Those most affected will be the young, recently-arrived migrants, the poor and workers—those who became eligible to vote after the previous election, or moved house, often living in rental accommodation or employed in insecure or casual jobs. New voters—those turning 18 or due to be sworn in as citizens before the election—will have only three days, half the present seven-day period of grace, to enrol.

Secondly, in order to enrol, and vote at each election, voters will either have to present a form of photo-ID, such as a driver's licence or passport, or statements from two enrolled voters. These requirements are also likely to strip voting rights from low-income and young people, particularly those who cannot afford to drive or travel overseas.

Thirdly, all prisoners will be denied the right to vote. Previously only prisoners serving sentences of more than three years were disenfranchised. This measure will again particularly target the poor and disadvantaged, because most longer-term inmates come from the ranks of the unemployed, poorly-educated, mentally-ill or indigenous.

The new legislation represents a major reversal of the steady expansion of the franchise that developed before World War I—beginning with secret ballots, then votes for women and postal voting—as a result of significant political struggles. In 1967 Aboriginal people finally won voting rights after an overwhelming "yes" vote in a national referendum and in 1973, the voting age was lowered from 21 to 18, largely in response to the mass movement against conscription and the Vietnam War.

The government claimed the new restrictions were needed to stop enrolment fraud. Electoral statistics, however, show that since 1990 more than 66 million votes have been cast for the House of Representatives, yet just 71 attempts at multiple voting have been detected. This negligible rate—about one in a million—could not possibly have affected any election outcome. When the Australian National Audit Office conducted a review of the electoral roll in 2001, it described it as being of "high integrity".

The government also asserted that the electoral commission could not adequately check all enrolment forms to guard against fraud. But the AEC opposed the proposal, describing it as a "backward step" that would reduce the accuracy of the electoral rolls. In one survey, the AEC found that 11 percent of electors were enrolled at an old address. They could now all be barred from voting under the new rule.

The Act also makes it more difficult for working people to stand for election, by increasing election candidates' deposits by almost 50 percent, from $350 to $500 for the House of Representatives and from $700 to $1,000 for the Senate.

At the same time, the legislation has made it easier for corporations and rich individuals to keep their political patronage secret. It increased the disclosure threshold for political donations from $1,500 to $10,000, with an annual upward adjustment in line with the cost of living index. In effect, donors can contribute $90,000 a year without public disclosure, if they donate $10,000 to each of their preferred party's eight state and territory branches, as well as to a federal division.

The tax deductibility level for political donations has also increased 15-fold from $100 to $1,500 per year, and the tax breaks have been extended to companies as well as individuals.

Just months before the legislation passed, AEC statistics confirmed that both major parties were heavily reliant on huge sums from wealthy donors in the 2004 election. Officially-recorded donations for 2004-05 showed that $48.6 million flowed into Liberal Party coffers and $48.1 million into Labor's, a total of almost $100 million. No doubt other contributions remained camouflaged by a complex array of trusts and foundations.

In another provision aimed at stifling dissent, the bill forces anyone who spends more than $10,000 a year on a "political purpose," which includes expressing views on political parties, to lodge an annual financial disclosure form. Previously, this requirement was confined to election campaign spending. Any group that actively engages in political commentary and activity, whether it is contesting an election or not, can now be subjected to highly-intrusive and widely-publicised financial investigations by the electoral authorities and federal police.

The new legislation is part of a sustained onslaught by the Howard government, with full support from the Labor opposition, on political and civil rights over the past five years. This includes the introduction of indefinite detention without trial for asylum seekers, draconian "anti-terrorist" laws and powers to call out the military on domestic soil.

The virtual silence in the political and media establishment underscores the advanced state of decay of Australian democracy. The most elementary legal and political rights are being repudiated, and vicious anti-democratic measures introduced, with hardly a murmur of dissent.