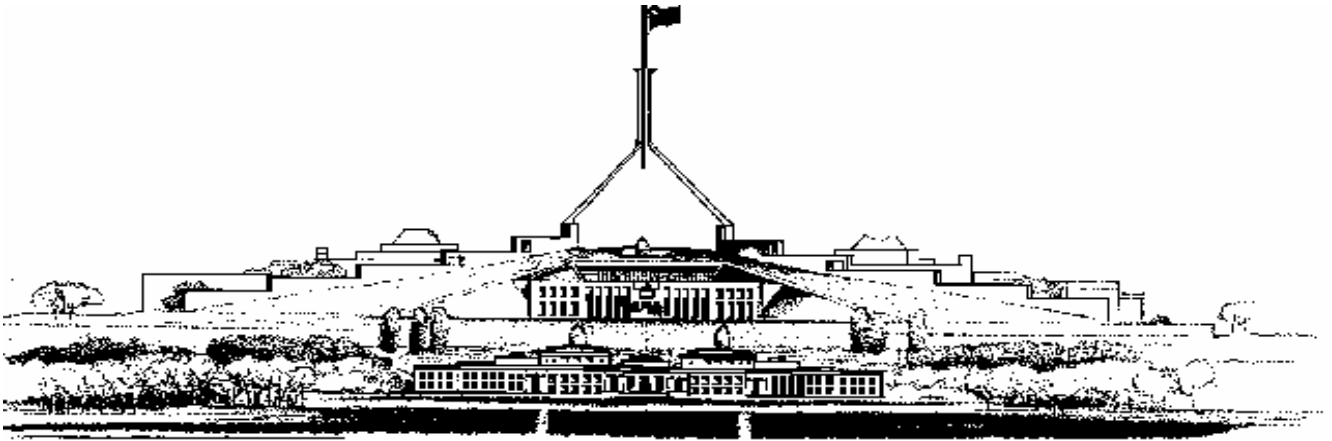




COMMONWEALTH OF AUSTRALIA

PARLIAMENTARY DEBATES



House of Representatives

Official Hansard

No. 21, 2005

Thursday, 8 December 2005

FORTY-FIRST PARLIAMENT
FIRST SESSION—FOURTH PERIOD

BY AUTHORITY OF THE HOUSE OF REPRESENTATIVES

to a person because of special circumstances arising out of employment by the Commonwealth, is not provided in these acts. The appropriation authority would generally be an agency's annual appropriation, providing the payment relates to some matter that has arisen in the course of an agency's administration.

Schedule 4 of the bill proposes the repeal of two acts, the Employment Services Act 1994 and the Loan Act 1977. With the commencement of the employment services market in 1998, the case management system set up by the Employment Services Act is no longer required and the Employment Services Regulatory Authority, which is established in that act, has become non-operational. The Employment Services Act is, therefore, now redundant. The Loan Act is also redundant. It authorises the Treasurer to borrow a specified amount of money during the financial year ended 30 June 1978.

This proposed law will update, clarify and align or integrate a wide range of financial management provisions applying to Commonwealth entities and thereby enhance the financial management framework of the Australian government generally. The bill largely proposes a continuation of the types of amendments made in the FFLA Act. I present the explanatory memorandum to the bill and commend the bill to the House.

Debate (on motion by **Mr Griffin**) adjourned.

**ELECTORAL AND REFERENDUM
AMENDMENT (ELECTORAL
INTEGRITY AND OTHER MEASURES)
BILL 2005**

First Reading

Bill presented by **Dr Stone**, and read a first time.

Second Reading

Dr STONE (Murray—Parliamentary Secretary to the Minister for Finance and Administration) (10.29 am)—I move:

That this bill be now read a second time.

The Electoral Referendum Amendment (Electoral Integrity and Other Measures) Bill 2005 contains reform measures arising from some of the government supported recommendations of the Joint Standing Committee on Electoral Matters' report on the 2004 federal election, which was tabled in the parliament in October 2005, and additional reform measures considered a priority by the government. The bill makes amendments to the Commonwealth Electoral Act 1918, the Referendum (Machinery Provisions) Act 1984 and the Income Tax Assessment Act 1997.

The amendments cover a number of broad areas, including enrolment and timing of the close of rolls, provisional voting, financial disclosure requirements in non-election periods, access to the electoral roll and its use, political party registration and the disclosure of political donations. The most notable amendments in the bill include those that will:

- increase a number of the disclosure thresholds to above \$10,000, with legislated consumer price index increases, with effect from the date of the introduction of this bill;
- reduce the close of rolls period to provide that, in general, the roll will close at 8 pm on the third working day after the issue of the writ. However, persons who are not on the roll, with two exceptions set out below, will not be added to the roll in the period between 8 pm on the day of the issue of the writ and polling day. The exceptions are for persons who are not on the roll who are: either 17-year-olds who will turn 18 between the day the writ is issued and polling day; or

- people who will be granted citizenship between the issue of the writ and polling day. Persons in these categories can apply for enrolment up until the close of rolls at 8 pm three working days after the day on which the writ is issued;
- introduce a proof of identity requirement for people enrolling or updating their enrolment by requiring that they provide their driver's licence number on their enrolment application. If they do not have a driver's licence, the elector can show a prescribed identity document to a person who is in a prescribed class of electors and who can attest to the identity of the applicant. If an elector does not have a driver's licence or a prescribed identity document, then they must have their enrolment application signed by two referees who are not related to the applicant, who have known the applicant for at least one month and who must provide their driver's licence number;
 - establish a proof of identity requirement for provisional voting. An elector, other than a silent elector, who wants to cast a provisional vote on polling day will need to show either their driver's licence or a prescribed identity document, of the same type required for enrolment proof of identity, to an officer either at the time of casting the provisional vote or by close of business on the Friday following polling day. If the elector cannot show the document in person, they may post, fax or email an attested copy to the AEC. Ballot papers will only be admitted to the count if the provisional voter has provided suitable identification and, if they were not enrolled, if their omission from the roll was the result of an AEC error;
 - abolish the requirement for broadcasters and publishers returns;
 - require that paid electoral advertising on the internet be authorised in the same manner as printed electoral advertisements;
 - require that third parties—people other than registered political parties, candidates, Senate groups and donors—must complete annual disclosure returns if they incurred expenditure for a political purpose or received gifts over the disclosure threshold which enabled them to incur expenditure for a political purpose during a financial year;
 - increase nomination deposits for election candidates to \$500 for candidates for the House of Representatives and \$1,000 for Senate candidates, with the threshold for returning the nomination deposit remaining at four per cent;
 - provide for access to the roll by persons and organisations that verify, or contribute to the verification of, the identity of persons for the purposes of the Financial Transaction Reports Act 1988 and provide that such use is not subject to the commercial use prohibition;
 - require that, in the future, divisional offices must be located within divisional boundaries unless otherwise authorised by the minister;
 - provide for the automatic deregistration of all currently registered political parties six months after royal assent, with exceptions for parliamentary parties and parties with past representation in the federal parliament. Any political party that is deregistered will be required to reapply for registration and must comply with the current requirements in the Electoral Act, including the existing naming provisions. Political parties that reapply for registration within 12 months of deregistration under this scheme will

not be required to pay the \$500 application fee;

- extend the definition of ‘associated entity’ to include entities with financial membership of a registered political party and entities on whose behalf a person exercises voting rights in a registered political party;
- amend the voting entitlement provisions so that all prisoners serving a sentence of full-time detention will not be entitled to vote but may remain on the roll or, if not enrolled, apply for enrolment. Those serving alternative sentences such as periodic or home detention, as well as those serving a non-custodial sentence or released on parole, will still be eligible to enrol and vote;
- expand the AEC’s demand power in section 92(1) of the Electoral Act to enable access to information held by state and territory government agencies for the purpose of preparing, maintaining and revising the rolls; and
- amend the Income Tax Assessment Act 1997 to increase the level of tax deductible contributions, whether from an individual or corporation, to political parties and independent candidates from \$100 to \$1,500 in any income year.

The bill will amend the Electoral Act to increase the declarable limit for disclosure of all political donations from \$1,500 to amounts above \$10,000, and this threshold will be indexed to the consumer price index, the CPI.

Currently section 155 of the Electoral Act provides for the rolls to close seven days after the writs for an election have been issued. The proposed amendments provide that the date for the close of rolls shall be:

- for people who are currently enrolled but who need to update their details, 8 pm

three working days after the day on which the writs are issued (that is, if the writ were issued on a Monday, the rolls would close for such people at 8 pm on the Thursday); and

- for new enrolments and re-enrolments (that is, persons who are not currently on the roll, irrespective of whether they have been enrolled previously), 8 pm on the day on which the writs are issued.

There are two exceptions to the close of rolls date for new enrolments, as mentioned before:

- for people who have yet to enrol but will turn 18 between the day on which the writs are issued and polling day; and
- for people who have yet to enrol but are eligible to be granted a certificate of Australian citizenship between the day on which the writs are issued and the polling day.

The roll will close at 8 pm three working days after the day on which the writs are issued. Note that working days do not include weekends or a day on which there is a public holiday in any state or territory.

The bill proposes a proof of identity requirement for electoral enrolment, and provides for regulations to be made to implement the proof of identity scheme.

Currently, all claims for enrolment (including transfer of enrolment) must: be in the approved form; be signed by the claimant (with one exception in subsection 98(3) for people who are physically unable to sign their own enrolment form); and be attested by an elector or a person entitled to enrolment, who shall sign the claim as a witness in his or her own handwriting. The witness attests that he/she has satisfied himself or herself, by inquiry from the claimant or otherwise, that the statements contained in the claim are true.

The new scheme will provide that all claims for enrolment (including transfer of enrolment) will be subject to proof of identity requirements. The proof of identity requirement will remove the need for a witness. Instead, persons enrolling to vote or updating their enrolment must provide:

- (i) their driver's licence number; or
- (ii) if they do not have a driver's licence, a copy of their ID (such as birth certificate or passport) which must be attested to by an enrolled elector in a prescribed class; or
- (iii) if they do not have a driver's licence or ID, attestations by two enrolled electors claiming to have known the elector for more than one month and providing their own driver's licence numbers.

The current witness requirement will no longer apply once the new proof of identity scheme comes into effect.

Currently, prisoners serving a full-time sentence of three years or longer are not entitled to enrol or vote. These persons are removed from the roll by objection following receipt of information from the prison authorities. Prisoners not currently on the roll who are serving a sentence of less than three years are entitled to apply for enrolment and to vote in federal elections.

The proposed amendments will apply such that all prisoners serving a sentence of full-time detention will not be entitled to vote, but may remain on the roll or enrol if they are not currently enrolled. Those serving alternative sentences such as periodic or home detention, as well as those serving a non-custodial sentence or released on parole, will still be eligible to enrol and vote.

Under current law, a taxpayer cannot claim a tax deduction for more than \$100 of contributions to political parties registered under part XI of the Electoral Act. The proposed amendment to the Income Tax Assessment Act 1997 will increase the tax de-

ductibility value of contributions from an individual or a corporation to registered political parties and independent candidates or members, in relation to Commonwealth, state or territory elections, from \$100 to \$1,500 in any income year. The proposed amendments will commence on royal assent. I commend the bill to the House and present the explanatory memorandum.

Debate (on motion by **Mr Griffin**) adjourned.

MINISTERS OF STATE AMENDMENT BILL 2005

First Reading

Bill presented by **Dr Stone**, and read a first time.

Second Reading

Dr STONE (Murray—Parliamentary Secretary to the Minister for Finance and Administration) (10.41 am)—I move:

That this bill be now read a second time.

Section 66 of the Constitution prescribes the maximum annual pool of funds from which salaries of ministers can be paid, unless the parliament provides otherwise.

The Ministers of State Act 1952 is the mechanism by which parliament adjusts the pool of funds available for this purpose. Amendments to the Ministers of State Act are therefore required from time to time to cover changes in the level of ministerial salaries.

Senators' and members' base salaries are determined by the reference point of the Principal Executive Officer band A, in Remuneration Tribunal Determination 15 of 1999, as amended from time to time.

In 1999 this government adopted the recommendation of the Remuneration Tribunal that the additional salary of ministers be tied to the Principal Executive Officer band as a percentage of base salary.