

ANSWER TO SUPPLEMENTARY QUESTION

1. *In a broad sense, speaking to principles, what is your view on possible reform to the Electoral Act section 209 (and 209(4) specifically)?*

I do not have the expertise to offer a view on a reform of s 209 generally: there are practical aspects of that which would ideally be dealt with by our (excellent) Electoral Commission.

I do note, however, that any statute dealing with the conduct and funding of elections should be treated as a perpetual work in progress – like a taxing Act, when anomalies and loopholes are identified, remedial legislation is necessary.

On the specific issue of s 209(4) I do not believe that it should be amended to try to correct what I saw as problems in this particular grants scheme. Section 209 is dealing with the specific and serious offence of political bribery and conduct which falls within s 209(4) should be regarded as outside the offence. It would be wrong to criminalise campaign conduct. The kind of conduct under the scrutiny of the Committee is not of a criminal character and politicians should not live under such a threat.

If the Parliament wishes to control or correct conduct which occurred here it would better be achieved other methods:

- (a) Legislation dealing with truth in political advertising;
- (b) Legislation setting statutory guardrails for all grants schemes;
- (c) Some bipartisan agreement regarding an approach to campaign time promises.

I believe that, while neither is easy, (a) and (b) are achievable. There are presently bills tabled federally dealing with each of (a) and (b). The South Australian experience with (a) is a guide.

And as to (c) – Well I can only hope and dream.

Thank you for the opportunity to appear before this Committee.

Geoffrey Watson