

AUSTRALIAN SEX PARTY NSW

Andrew Patterson
Registered Officer
PO Box A1364
Sydney South
NSW 1235

21 August 2012

Via email

The Hon Trevor Kahn MLC
The Chair
Joint Standing Committee on Electoral Matters
Parliament House
Macquarie Street
Sydney
NSW 2000

Dear Chair and Committee Members,

**Re: Review of the *Parliamentary Electorates and Elections Act 1912* and the
*Election Funding, Expenditure and Disclosures Act 1981***

Response to supplementary questions from the Committee

I write in response to your letter dated 26 July 2012 which contained a number of supplementary questions following my appearance before the Committee on 29 June 2012 on behalf of the Australian Sex Party NSW (ASP NSW).

Again I would like to thank you for the opportunity to participate in the Committee's enquiry, and also for the extension of time granted for this response.

Our responses to the nine (9) supplementary questions are as follows:

Responses to Supplementary Questions

Question 1:

The ASP NSW was not registered for the purposes of the NSW State election in 2011. This was primarily because of the stringent legislation in NSW around the registration of new political parties. Given that our State Branch was only formed during 2010, the requirement to be registered 15 months before an election meant that we would not have been able to register in time, even if we had mustered the 750 members by that time, which we hadn't. It remains our strong view that the

registration requirements for NSW should be the same as the Commonwealth and other major States, namely 500 members and no 15 month beforehand requirement.

Question 2:

We believe that all small parties would be affected by this provision. We define “small parties” as all parties except the Liberal & National Coalition parties, the ALP, and the Greens.

It is our position that many of the small parties currently registered gained this status prior to the major changes post the 1999 “tablecloth ballot”, and have simply remained registered due to, what is in our view, an inadequate process. That is to say, these parties gained registration with only 200 members, and yet would be unable to get registration if they were applying today under the new rules. We regard this as inherently inequitable.

Our view is that all parties should have to be subject to the verification of the required membership (currently 750, although we submit it should be 500) at the last annual return (June) for the parties prior to the following State election. So, with the next State election in or around March 2015, all parties should have to verify their credentials, and be fully audited for compliance, when they submit their June 2014 annual returns.

Question 3:

The online processes are indeed improving. The one exception we have noted recently is that there is a difference between the NSWEC forms and the NSW EFA forms. The NSWEC forms are available as pdf documents that can have typed entries made into them, and then be printed off, thus making them easily legible etc. The EFA forms, however, cannot be completed in their pdf format, and must be printed off blank and then handwritten. We believe this is an area for improvement.

Question 4:

There are two aspects to this question.

In relation to the distribution of public money, we do not advocate any change from the current system, as long as suitable checks and balances are in place.

In relation to compliance costs, our submission (as per our previous evidence) is that candidates/parties who spend very small amounts of money on a campaign (e.g. less than say \$20,000) should not be subjected to the same rigorous compliance requirements as those who spend larger sums of money.

Question 5:

The legislation requires that the auditors used are of the highest corporate level that exists, namely a registered company auditor. This means that most auditors eligible are not interested in performing this sort of low level work, for a candidate/party with minimal campaign expenditure. So, whilst our accounts required minimal actual

auditing work, the way the legislation is drafted means that we had much difficulty in finding an eligible auditor and accordingly the costs were not really negotiable.

Question 6:

Yes, the other State/Territory branches of the Australian Sex Party can accept funding from the Federal Australian Sex Party.

NSW is the only State which has prohibitions in this regard.

Question 7:

This is a complicated area, as we do agree that there need to be rules around political donations.

In relation to fledgling parties, our view is that it would be fairer, in the interests of encouraging democratic development of parties, to perhaps remove some of the donation restrictions until the party has gained elected representation in the NSW Parliament, or for the period of the sitting Parliament (i.e. until the next election), or until the party ceases to exist in NSW.

We would submit that the reportability provisions should remain, regardless of any other changes.

Question 8:

We agree in principle with this approach.

We would add that there needs to be a robust and comprehensive complaints, review, and enforcement framework to support the legislative intent.

Question 9:

We do not have any views on this point.

In conclusion, I would like to thank you again for providing us the opportunity to participate in this Inquiry. The Australian Sex Party NSW is quite happy for these responses to be made public and does not request that any aspect of them be kept confidential. Should the Committee require any further clarification on any of the points discussed, I would be more than happy to assist.

Yours sincerely,

Andrew Patterson
Registered Officer
Australian Sex Party NSW