

Q1: Were your concerns about the behaviour by landlords of premises used for polling booths, reported to the NSW Electoral Commissioner?

Our concerns about the behaviour by landlords of premises used for polling booths were reported to the Officers in Charge of those booths, but not, as far as I am aware, subsequently to the NSW Electoral Commissioner, other than in our submission to the current inquiries.

Q2: Out of the 93 seats what was the average spend that you spent in each electorate?

It remains difficult to come to an exact answer on the average amount spent in each electorate, but we believe that around \$10,000 would be a first approximation. The bulk of seats were below that amount, but a handful were substantially above. This average does not include amounts spent directly on our upper house statewide campaign such as employment of staff at our campaign office and advertising reaching a broad audience.

Q3: Have you received official advice from anyone to the effect that membership fees amounting to less than \$1,000 can only be provided by people who are on the electoral roll? Has the Electoral Commission or the Election Funding Authority advised you of that?

We have not sought official advice regarding whether it is lawful to accept donations less than \$1,000 (including membership fees) from persons not on the electoral roll. It is our view, supported by the opinions of members with legal qualifications that the provision in the Act clearly prohibits such donations. We note that the Electoral Commissioner appears to confirm this view in his evidence to the Committee.

Q4: When did you lodge your applications for payment with the Electoral Funding Authority?

The vast bulk of our candidate returns and payment claims were made prior to the deadline. A small number were granted extensions of time.

Q5: Have you received your administration funding from the Election Funding Authority for 2011?

We have received our administration funding from the EFA for 2011.

Additional questions

Q6: You state in your submission that the amendments to the *Election Funding, Expenditure and Disclosures Act in 2012* imposed unreasonable compliance burdens for candidates and parties engaged in traditional forms of fundraising. Can you expand on this issue and how it affects your party?

The compliance burdens for traditional forms of fundraising, at least for The Greens, are to do with the need to validate the enrolment status of every donor, regardless of the amount of their donation. For example, a fundraising activity such as a raffle or trivia night would require all participants to provide name and address details, and for these to be checked against the roll. We

believe this to be unnecessary and impractical when the amounts involved are less than \$100 and cumulative amounts from any individual are less than the disclosure threshold.

Q7: The Commission has argued in its report on the 2011 Election (pp190-193) that ideally primary legislation should set out the essential electoral principles - leaving the more detailed operational matters to the Commission and as necessary subordinate legislation.

What are your thoughts on this approach?

We have some sympathy for the position of the Electoral Commission but are not sure that it is feasible. By removing some of the more technical operational details from legislation there is a risk of increased uncertainty for candidates and parties as to how those aspects will be managed by the Commission. Any change to the Acts to transfer this kind of rule setting to the Commission would need to have strong safeguards of procedural fairness, extensive and genuine consultation prior to any rule changes and an effective way to appeal for amendment of operational rules which might work against the principles established in the Acts and common law.

Q8: In its report on the 2011 Election, the Commission suggests the processes for the Court of Disputed returns should be modernised. Do you have any views on this?

Reform of the processes for the Court of Disputed Returns is a very complex area. The circumstances of the 2011 challenges seem to be exceptional and it is difficult to imagine ways to handle such things in a systematic way. The Greens continue to argue for matters related to deliberately false and misleading conduct during the campaign to be subject to appeal to the court as well as the more technical grounds which apply at present.