

5. Questions on Notice

Below are responses to those Questions on Notice that arose out of CDP's previous appearance before the Electoral Matters Committee on 29 June 2012:

5.1 Percentage of Costs expended to comply with the administrative burdens under the new legislation

Estimated total cost - \$18,686 comprising Audit (\$6,632), Staff & Honoraria (\$12,054) costs.

This estimate does not include any stationery or photocopying costs. The staff component of this cost would easily increase by at least \$20,000 if the task had to be performed by someone on staff rates rather than honoraria rates.

Percentage of Non-Election Funds Raised – 7.8%

Percentage of Non-Election Funds Expended – 6.3%

5.2 Audit Fees for CDP Candidates

Of the estimated total disclosure Audit Fee above (\$6,632), there has been no specific breakdown by the Auditor related to individual candidates but it would be reasonable to say that approximately \$4,000 related to the candidate component of the cost.

5.3 Candidates over Expenditure Threshold

There were 26 of our 86 Legislative Candidates who received a vote greater than 4% and were thus entitled to a refund of expenditure.

5.4 Electoral Legislation v Operational Matters

I agree with the Commissioner that the electoral legislation should not try to cover the intimate detail of how elections should be run: the Commission should have the flexibility to introduce processes that facilitate the running of elections provided those processes are not in contravention of electoral legislation or reduce the safeguards required to ensure the transparency, openness and honesty demanded for elections.

5.5 Modernisation of Court of Disputed Returns

It would appear that there are very few submissions to the Court of Disputed Returns that actually succeed. The expense involved in the whole process is usually exorbitant, especially when other parties declare an interest and start involving additional legal teams.

Without wanting to open the process to frivolous actions, there needs to be a system whereby the expense involved (in what can largely be a lottery) does not deter valid submissions and can ideally be minimised.

Also, having only a single judge residing over a decision can leave the process open to the suggestion of bias. Our suggestion would be that some independent arbitration mechanism comprising a qualified expert or experts be established that could be used to accept introductory submissions and produce a non-binding ruling on the validity of a claim. If a party or parties wanted to take the issue further contrary to the expert(s)'s ruling then they would do so knowing that they may be burdened with substantial costs should they ultimately lose the dispute.

If the dispute is ultimately taken to Court, then there should be more than one judge residing on the case.