

Administration of the 2011 NSW election and related matters

Organisation: Australian Sex Party NSW

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Partially Confidential

AUSTRALIAN SEX PARTY NSW

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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: Inquiry into the Administration of the 2011 NSW State Election and
Related Matters**

The Australian Sex Party NSW (hereinafter “the Sex Party”) would like to sincerely thank you for your invitation to make a submission to this Inquiry, and I write in response to that invitation.

Whilst our Party is not yet registered for State election purposes in NSW, we did contest the 2011 State election through the endorsement of two Party members standing as independent candidates, one for the Legislative Assembly seat of Sydney, and one for the Legislative Council. Hence our Party did actively experience the 2011 election and we therefore believe we have some valid input for the purposes of the Inquiry. We are now registered in NSW for the purposes of local government elections. Our submission is as follows below.

SUBMISSION

1. Registration Issues:

- 1.1 The Sex Party recognizes that there need to be rules around the registration of political parties, however, our view is that the rules in NSW are overly onerous, unfair, and inhibiting of the development of fresh political groups, thereby damaging the democratic process.

- 1.2 The requirement to have 750 members, all of who have returned forms to the Electoral Commission, is well above the comparable Federal requirements and those of other States. Since the requirement for Federal registration is only 500 members, it is our submission that this should be reflected in the NSW legislation, as it is in the majority of States.
- 1.3 We believe that the same rules around registration should apply across the board for all political parties. Whilst new parties trying to register do face the same rules, those parties who were registered before the requirement for 750 members seem to be able to retain their registration regardless of actual verifiable membership.
- 1.4 Our submission is that all parties should be subjected to the same registration verification procedures prior to each State election. In short, all political parties should have to have the requisite number of members (in our view the number being 500) confirm their membership to the Electoral Commission prior to an election. The current system, whereby existing registered parties only have to submit an annual return affirming they are still eligible for registration, means that existing parties can maintain their registration for election purposes regardless of verifiable membership, whereas new parties cannot gain registration because they are not being measured by the same standards.
- 1.5 We also submit that the communication methods for the registration process need to be updated to reflect contemporary society and its commonly used technology. Currently, most registration paperwork for the Electoral Commission is required by traditional mail. It is our submission that the Electoral Commission should equally allow electronic forms of communication for registration purposes, given how many citizens now conduct the majority of their administrative business via an e-platform.
- 1.6 It is our view that the current registration rules are unnecessarily stifling the emergence of legitimate new political parties. The arrival of new parties when there is support for them amongst thousands of citizens is a feature that any healthy democracy should laud and encourage. Instead in NSW we have a regulatory system which actively inhibits such democratic evolution.

2. Polling Booths & Church Interference:

- 2.1 The Sex Party is committed to the position that Australia is a secular society, and that the political system should respect all citizens irrespective of their religious beliefs. It is our position that religion and churches should have no active role in the administration of our political and electoral systems.
- 2.2 There was an incident at a polling booth in [REDACTED] during the 2011 State election which impacted on the Sex Party. At the polling booth being conducted at the [REDACTED] our Party volunteers were instructed [REDACTED] to remove our election posters from the fence outside the hall. All parties had posters

affixed to the fences, and yet it was only our Party who was told to remove our posters. This was a clear interference in the election process by a religious representative, who clearly did not agree with our Party's views. Whilst we fully acknowledge [REDACTED] right to disagree with our political views, what we cannot accept is [REDACTED] interference in the conduct of an election. Given that the churches are paid, effectively by the taxpayer, to host polling booths, on the basis that the premises are being leased out for electoral purposes, they should have no say in how those polling booths are conducted.

2.3 Our submission is that, ideally, in our secular society, election polling booths should be conducted in secular settings, and church premises are not appropriate for this purpose. In the logistical event that church halls are deemed essential to provide sufficient polling booths, then the Electoral Commission has a responsibility to ensure that no political party or candidate is disadvantaged by virtue of a priest imposing his non-secular views on the electoral process.

2.4 It is also our understanding from media reports that the Greens Party had a similar issue [REDACTED] at a polling booth at [REDACTED] interfering with their right to mount electoral posters outside a polling booth – they were told to take them down according to the reports. This incident underscores the point we have raised in relation to our experience at the [REDACTED] polling booth.

3. Financial reporting requirements:

3.1 The Sex Party recognizes that there need to be rules around the financial arrangements for political parties, however, it is our view that the current provisions are unfair, particularly in respect to unregistered parties and independent candidates.

3.2 The current financial rules appear to have been devised to deal with major political parties and their financial arrangements, and the Sex Party has no problem with this situation. However, the same rules are applied to unregistered parties and independent candidates, as our experience of the 2011 election has shown us. It is our submission that it is unfair to apply the same very onerous rules to unregistered parties and independent candidates, when they don't enjoy the electoral benefits of the registered parties, and they don't have anywhere near the financial machinery or cash flow of the registered parties.

3.3 In the same vein, it is unreasonably onerous to require unregistered parties and independent candidates to have a company auditor carry out an official audit of their election accounts. In our Party's case, both our independent candidates were charged \$440 each for their audits, where one candidate spent less than \$10,000 and the other candidate spent nothing other than his nomination fee. Even our unregistered Party had to spend \$440 on an audit, in order to comply with the electoral rules.

3.4 It is our view that the current financial regulatory framework equally serves to inhibit the emergence of new political parties, as discussed above in our comments on registration.

4. Residency of candidates for Legislative Assembly seats:

4.1 It is the view of the Sex Party that representative democracy should be just that, representative. A candidate who stands for election in a given seat (Legislative Assembly) should be a resident of that seat in order to properly represent the seat.

4.2 The 2011 State election showed, as have previous elections, that parties can import candidates to stand for seats with which they have no residential connection. It is our view that this does not serve the foundation upon which representative democracy is built.

4.3 It is our submission that the electoral legislation should require that candidates for Legislative Assembly seats should have to actually be resident in the relevant electoral area. This rule is currently applied to local government in NSW, and we do not see why it should not be equally be applied to State Parliament.

I make the following two points to conclude this submission:

- Should the Committee deem it useful for the purposes of this Inquiry, then the Sex Party would be very happy to provide an Executive official to appear before any public hearings held by the Committee.
- The Sex Party is quite happy for this submission to be made public and does not request that any aspect of it be kept confidential.

I thank you again for providing us the opportunity to participate in this Inquiry.

Yours sincerely,



**Andrew Patterson
Registered Officer
Australian Sex Party NSW**