

Submission

No 14

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

Organisation: Liberal Democratic Party

Name: Mr David Leyonhjelm

Position: Registered Officer

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Submission to the Electoral Matters Committee

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

Recommendations

NSW should save NSW taxpayers a lot of money by automatically registering political parties that are registered federally.

Party Registration

In the 2010 federal election, 21 political parties nominated candidates for the Senate in NSW. In the 2011 NSW state election, just 14 parties nominated candidates for the Legislative Council.

Based on the potential for success, these numbers should have been reversed. Even with a double dissolution, winning a seat in the Senate is substantially more difficult than winning a seat in the Legislative Council.

The reason there are fewer political parties in NSW state elections is the extraordinarily difficult process of registering them, far harder than any other state. NSW is fast becoming a closed shop for existing political parties.

NSW's political rules have not created a more democratic or less corrupt environment than jurisdictions with less onerous rules, federal or state. The previous Labor government, with its sex offenders and misuse of allowances, was proof of that.

The current situation is a result of a major over-reaction to the tablecloth ballot paper.

Prior to 2000 a political party in NSW needed just 200 members and a constitution to be registered. Party preferences were also allocated by the parties via a group voting ticket.

This encouraged the registration of large numbers of parties, leading to the infamous tablecloth ballot paper in 1999 in which there were 80 political parties. The preference system allowed one candidate, Malcolm Jones, to be elected with just 7,264 primary votes.

Following that election the Act was amended to ensure there was no repeat. Political parties seeking registration were required to have at least 750 members on the electoral roll, pay a \$2000 registration fee and be registered one year ahead of an election.

The process was further complicated by a requirement for party members to complete a NSW-specific membership form, and for the NSW Electoral Commission to then write to each member

asking they write back confirming their membership. 750 responses have to be received for registration to be granted.

Although those who join political parties are less apathetic about politics than most people in the community, many clearly find it absurd to confirm what is obvious from their membership form and do not respond. In practical terms, parties require far more than 750 members to achieve registration.

By contrast, already registered parties simply need to ensure that once a year they have at least 750 members. There is also no fee for continuing registration. In other words, incumbency has enormous benefits.

As a means of preventing a repeat of the 1999 ballot paper, a far more significant change was to eliminate group voting tickets and make preferences optional. This alone would have prevented a repeat. Election outcomes are now rarely determined by preferences irrespective of the number of political parties that participate.

Many parties that participate in federal elections are unable to participate in NSW elections. Those who vote for such parties in federal elections but cannot vote for them in the state election inevitably contribute to the hundreds of thousands of informal votes. With no party representing their views, that seems to be a logical response.

The complex process of registering political parties is not only unnecessary in terms of preventing a repeat of the 1999 ballot paper, it costs NSW taxpayers money.

The NSW Electoral Commission requires complex, expensive computer facilities to enable political parties to maintain their membership registers. Other states, and the Australian Electoral Commission, have no such need.

The NSW Commission commits substantial resources writing to every member of a new political party, including a Reply Paid envelope, and collating the responses. Follow up letters are often needed too.

It would save NSW taxpayers millions of dollars if party registration in the state was automatic as a consequence of federal registration, as is the case in the Northern Territory. The current cost to NSW would be almost entirely avoided, while the Australian Electoral Commission would incur the cost of conducting the tests necessary to ensure parties were genuine.

Contact

David Leyonhjelm
Registered Officer

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