
From: Geoffrey Watson
Sent: Tuesday, 5 September 2023 11:33 AM
To: Portfolio Committee 1
Subject: RE: Electoral Funding Amendment Bill 2023 - Post-hearing responses - 30 August 2023

I will provide answers to the supplementary questions. In doing so I acknowledge that I am bound by the affirmation which I gave at the oral hearing.

Question One

There is no need or reason to extend the election fund payments to third party campaigners.

The rationale for the payments is to enhance democratic processes by encouraging wider participation, protecting potential candidates from the burden of necessary costs associated with the nomination process, and to assist in complying with the demands of a campaign. The payments are an important component in redressing some of the incumbency advantage – it might not be entirely successful in that respect, but it can be monitored and redesigned better to achieve that. I also note the scheme is designed in a way so that it does not encourage patently frivolous nominations.

Third party campaigners are in a totally different position: they choose to campaign outside the nomination/candidacy/party regime. There is nothing at all wrong with that – it is just that as it involves a choice (maybe by an organisation, maybe by an individual) and I just cannot see any good reason why the public should be contributing to the cost of that choice.

Also, it is not immediately apparent how such a scheme would be implemented – it might involve making substantial payments to comparatively wealthy organisations.

Question Two

I see no risk to the democratic process through the proposed third party caps; instead, I think the proposal actually enhances the democratic process by introducing a control over third party campaigners preventing them from drowning out the voice of the actual candidates.

On the whole the proposal is well-designed and would, in my view, easily pass the tests applied by the High Court when invalidating the restrictions in Unions No 3.

As I said in oral evidence, I personally feel the caps permit too much to be spent by third party campaigners, but that is merely a question of preference or degree. The Electoral Commission should, of course, be asked to report upon the matter once we have some experience of the caps after a by-election or, preferably, after a general election.