

Submission
No 7

**INQUIRY INTO PROVISIONS OF THE ELECTION
FUNDING, EXPENDITURE AND DISCLOSURES BILL
2011**

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HDHC INC.

Draft Submission to Parliamentary Inquiry on Election Funding, Expenditure and Disclosures Amendment Bill 2011

Prepared by: Hunter District Hunting Club Inc.

The parliamentary Committee Inquiring on the Election Funding Bill 2011 has called for submissions on the content, general impact and working of the Bill and finally on the legality of the Bill.

This submission is being made by the Hunter District Hunting Club Inc (HDHC) – a Club that has a relatively short history but some 3,500 members in the Cessnock and Hunter area of NSW.

The HDHC has an interest in the current Committee as the HDHC has, as one of its major objectives, the protection of firearm owners' rights generally as well as the rights of the Club's members.

Our comments to the Committee relate to individual donations and the blanket prohibition on donations to a political party from Corporations (parts a and b of the Explanatory note to the Bill) – these being reflected in Section 96D (1) and (2) of the Bill and in general the whole operation of funding legislation.

As a sporting and enthusiast club we have neither the resources nor specialist legal skills to provide a detailed critique of election funding and disclosure laws in NSW. Our resources do not allow for anything like that. We can only provide the Committee with our generalist view of these matters.

It seems to us that the whole operation of this amendment bill is to further provide advantage to major political parties at the expense of other contestants for parliament and especially those smaller groups that are gaining in representative strength the further the support base is eroded for the major parties.

From our perspective it is worthwhile to note that we see the Parliament of NSW as a place where representatives of the people and groupings of NSW meet to govern the State. Over many decades

the Parliament has been the preserve of the ALP and Liberal/National coalition parties as those parties represented the interests of the groups and people of NSW.

The Amendment Bill which is the subject of this Inquiry is, we believe, in breach of that basic standard and is aimed at securing an advantage to major political groups while limiting the ability of emerging political interests to fairly contest elections on behalf of their supporters.

Firearm owners generally have suffered greatly from the legislative burdens placed upon them by Governments of both ALP and Liberal/National compositions. In both cases legislative restrictions were driven by a perceived advantage in attacking firearms owners. Undoubtedly both parties would allege they maintain high principles and public support for their legislative restrictions and attacks but this is neither the understanding nor perception of firearm owners generally. Meanwhile firearm owners are now being joined by other groups of Australians whose pastimes or sport are being targeted for perceived gain by a major party.

The malicious legislative history has forced firearm owners to become politically active, deserting both major parties and creating their own political party to support their sport and interests.

We also note that over recent electoral history firearm owners have been joined by fishers, off-road vehicle owners and other groups who have also been the subject of political and legislative attack, again for the perceived advantage of the major parties.

There seems to be a historical trend in this. Media comment would have it that the major parties are less relevant to what were their original core supporters. The ALP is now perceived to have little impact on working people while the Liberals are seen to represent big business or bankers – as is the ALP!

This media commentary may be flawed and argued but it remains a case that the Liberals won a Federal election on the back of working class mortgage holders (Howard's battlers) and then lost an election after forgetting this and starting Work Choices. A simplification for sure but one that contains critical truth.

The problem with forgetting who you represent is that you begin to act impulsively to try and gain support on the back of current issues not longer term principles. The foundation of the Shooters Party is a direct result of this, and the expansion of the party to include fishers and outdoor people generally is a further development as they also began to be targeted in this opportunistic attempt to gain support from the unknown public.

This amendment bill is a further convoluted attempt to manage election funding and disclosure while at the same time exempting the major players and hiding sources of funding. With so many goals it is inevitable that only a legislative mess will ensue and those with the money for lawyers (which would not be subject to the legislation) will find a way to circumvent the provisions. The main Bill is discriminatory as it has caps on spending that relate to seats and elections contested – which vests an advantage to major parties and it further allows special affiliated group exemptions.

The Inquiry Committee sought comment on the risks of a successful constitutional challenge.

As mentioned previously our Club has neither the legal expertise to make such an expert comment, nor do we desire to spend the inordinate amount of money that would be required, but we would make a general comment.

It is a fundamental tenet of all democratic elections, and one demanded as an international standard for the developing world, that for an election to be democratic all would-be participants and candidates must have equal access to the election process. The right of any group or person to stand individually or as a group of candidates and promote their political view can not be limited artificially, and in ways not applying to other contestant groups. We would suggest that the way funding laws operate to advantage the major parties would be perilously close to failing this test.

From our memory the High Court of Australia imputed freedom of speech on political matters as a necessary test for a free election. We can easily see the High Court striking down legislation that favoured one or more parties while limiting the ability of minor parties to contest elections. It could also be imagined that many groups that have been subject to legislative attack in one form or another would be unwilling to leave the political contest just because a major party wanted them to go away and created a perverse and tortured piece of legislation to make that happen.

This Bill would not, we suggest, meet any equitable standards for an election.

To conclude our submission we would like to make clear that firearm owners have reluctantly been forced into the political arena by the actions of both major parties in pursuing perceived advantage. Having organised and contested elections with continuing and expanding success we would not accept being marginalised, having our representation affected by laws obviously designed to harm parties created by ill-intentioned and cynical actions of the major parties.

Firearm owners have now been joined by fishers and off road vehicle owners who have also been cynically dealt with by the major parties. The defence of their life style, sport and activity by discrete groups is changing parliament, to the detriment of the old parties which are struggling to find a base. This is likely to continue and those groups are most unlikely to accept strangulation or political sleight of hand to defeat their representation in Parliament.

This Bill is an attack on Parliament itself. We would finish our submission with the 3 following points;

1. This Bill prevents us from directly supporting our Parliamentary representatives. There is little that is more an attack on the Parliamentary system.
2. The rights of groups to support parties that represent them should not be infringed.
3. This Bill should be rejected in total and the whole issue of political party funding and the disclosure of that funding reviewed to make it a totally transparent matter with any limitations not being based on quotas or artificial caps that advantage anyone.

Yours faithfully

David Avery (Hon. Secretary HDHC Inc.) 06 January 2012

Please note:

I would like to represent the Hunter District Hunting Club Inc. at the Parliamentary Inquiry.

Yours faithfully,

David Avery (Hon. Secretary HDHC Inc.)

06 January 2012