

## Submission to the review of the *Electoral Act 2004*

I submit that:

The relevant sections of the Electoral Act 2004 should be modified to include online communications. Specifically, these modifications should address the following.

1. Ensuring privacy. During the last Tasmanian election I was interested in attending public meetings of various candidates. While it was possible to find out what events had occurred, future 'events' were not publicised on the websites of various political parties. This is understandable as a particular party would not want an 'event' gate-crashed by followers of some other party.

I would have had to contact this or that particular political party to find out about upcoming events. However on examining a number of websites, none had any information about how they would protect or use my contact details. It is likely that those people who contacted the political parties during the last Tasmanian election will be 'robo-emailed' during the next Federal election.

All materials used in online communications websites created by or associated with political parties should be required to provide statements about the management and use of all relevant contact details provided by members of the public. The provision of this information to third parties should be prohibited.

Where a case of misuse of private data is proven, the penalty should consist of two parts – the costs involved in gaining sufficient evidence and a fine. The fine should be large enough that incurring a fine would not be considered 'part of doing business'.

The quality of these communications is an issue of equal importance. This issue applies to current communications as well as future activities. This is especially important given the increasing presidential style of campaign. This belies the simple fact that the electors do not elect the premier. This presidential style has removed much of the examination of individual candidates and their communications.

This is an example of misinformation. This is common practice by all political parties at the state and national level.

Requiring greater honesty and accuracy in political materials of all kinds should be addressed when addressing online communications. It is rather a pointless exercise regulating the breadth of the distribution of electoral communications if the quality of those communications remains low.

2. Provisions addressing disclosures should be introduced. As a search of the *Electoral Act 2004* for the word *donation* produces one results (Section 188 –Electoral treating), there are some basic questions that need to be answered. These are:

- *What constitutes a donation?* The answer is that donations are both financial and in-kind;
- *Who should be allowed to donate?* As an overall restriction, some consideration could be given to restricting donations to Tasmanian resident and businesses and private organisations registered in Tasmania;
- *Who should receive donations?* As Tasmanian's democracy is based on the election of individuals in individual electorates, donations should be restricted to elected members and, when an election is called, candidates for that election;
- *Is the donation for any specific purpose?* Some donations would be of a general nature. However, if a donation is for a specific purpose, that purpose must be stated. This would apply to both financial and in-kind donations;
- *Who made the donation?* The person(s) or organisation making the donation must be disclosed.

Information about donation should be made within five working days of their receipt. This information should include the type of donation. If monetary, the amount should be specified. Monetary donations under five percent of Tasmanian's median wage, determined from Australian Bureau of Statistics' data, would not require reporting. Similarly, this limit would apply to in-kind donations.

Methods for estimating the value of in-kind donations would be developed for use by elected members and candidates. While this may appear burdensome, once the practice has been implemented, it will become an everyday part activities carried out in an elected member's office.

3. Any regulation affecting the activities of third parties must apply to the activities of political parties.

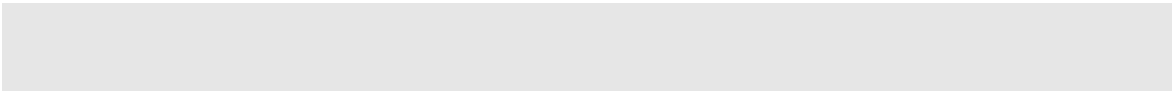
Many third parties are private organisations, their rules, practice and administration decided by their members. In essence, they are no different from political parties which are private organisations controlled by their members.

It is questionable whether or not the activities of third parties should be restricted when a particular third party is acting on behalf of its members. It must be remembered that many of these third parties have a greater membership the political parties.

It must be acknowledged that political parties are *sponsors* of candidates for political office. This *sponsorship* is a collective of various monetary and in-kind donations. Once elected, this sponsorship continues with the relevant political party expecting a high degree of 'loyalty' for their sponsorship 'dollar'.

The review must explain why specific private organisations (political parties) are given more 'rights' in Tasmania's democratic process (individuals elected in individual electorates) than other private organisations.

If it is deemed necessary to regulate third parties, it will be necessary to include the role of political parties in supporting the creation of 'third parties' in the world of electronic communications. In this day and age, it is not difficult or expensive to create a website.



This practice requires greater scrutiny and should include the activities of members of political parties. The last state election provides an example where an adviser to the premier used electronic media to 'promote' the re-election of a Liberal government. This does illustrate the need to clearly define what is meant by 'third party' – a member of a political party, acting on their own, is a third party.

The review of the *Electoral Act 2004* should address the matters above.

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