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**Submission to the Justice and Electoral Select Committee
on the Electoral Finance Bill**

NCWNZ is an umbrella organisation representing 46 Nationally Organised Societies and National Members. It has 28 Branches throughout the country attended by representatives of those societies and some 150 other societies. It also has three satellite groups and three regional consultation groups. NCWNZ is representative of approximately 350,000 women, via its affiliated bodies. The Council's functions are to serve women, the family and the community at local, national and international levels through research, study, discussion and action. NCWNZ welcomes the opportunity to consider this Bill. This response has been prepared by the Public Issues Standing Committee following circulation of the questions to NCWNZ members.

General Statement

Members are unclear and very concerned whether and in what way the extent of this Bill will impact upon the customary activities of NCWNZ.

The NCWNZ Umbrella status means that the membership comprises Nationally Organised Societies and National Members of all persuasions from the Royal New Zealand Plunket Society to Altrusa International, religious fellowships to Women's International League for Peace and Freedom (Aotearoa Section). All have a keen interest in matters which affect the lives of their constituent members and the wider community, matters which inevitably come under the legislative purview. Also, these matters are discussed and reported upon in their various publications which are then widely disseminated, often more widely than their membership.

NCWNZ is apolitical, yet counts amongst its membership three political parties with widely differing perspectives. NCWNZ encourages its members to participate in local and general elections but does not promote one party above another. NCWNZ does not spend money on party political activities.

NCWNZ, in its monthly newsletter *The Circular*, carries information from government agencies; it has published tables showing the comparative policies of all political parties. In future it would like to carry up-dated information about the Woman's Action Plan, which is a Labour Government initiative.

All Nationally Organised Societies and National Members are encouraged to write articles for *The Circular*. NCWNZ is concerned that should it publish one from a political party, or as happens currently, publish a response from a Member of Parliament of whatever party, that, within the prescribed timeframe, it would be counted as political advertising under this Bill.

NCWNZ seeks to influence legislation by promoting the policies of NCWNZ to all political parties. It matters not to NCWNZ which party accepts those policies if the outcome is the betterment of the lives of women and families.

In an election year many NCWNZ Branches host a 'Meet the Candidates' meeting.

Members have asked whether the activities mentioned above, and similar others, constitute political advertising/promotion under the new Bill and therefore not be able to happen in the eleven months leading up to an election unless registered as a Third Party.

NCWNZ and some of our member organisations are concerned that it might be considered a part of election advertising, to ascertain from candidates for election their stance on a particular issue by way of a circulated postcard or questionnaire. Also if NCWNZ or an affiliated organisation wished to support a particular party or candidate because of specific policy related to their work, for example on health, violence to women or childcare it appears that they would have to register as a third party.

Another issue is that of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). NCWNZ produces press releases on issues that need to be addressed during the time when the report is presented to the CEDAW Committee, and our representatives' report back in many ways, including through radio interviews. If CEDAW coincides with an election year, NCWNZ is concerned that this would be considered political advertising.

Specific Comments

Part 1 Preliminary provisions

4 Interpretation

As mentioned above, our Branches host 'Meet the Candidate meetings' that are advertised and then reported to the wider membership through mechanisms such as *The Circular*. There is concern that this might technically be classified as activity by a "promoter". The definition of 'promoter' needs to be more explicit in its intent.

5 Meaning of election advertisement

Whilst NCWNZ does not direct people to vote in a particular way, it provides information about the policies of the political parties and what policies NCWNZ members have adopted through its resolutions at National Meetings. NCWNZ also writes letters to the various political parties on these resolutions and other policy issues, which are published, with any responses, in *The Circular*.

The distribution of *The Circular*, the primary communications mechanism of NCWNZ, is wider than the membership. There are subscribers (who are not members); it is sent to other NGOs as a reciprocal arrangement, and it is sent to organisations such as Contours gyms as part of cross-promotional arrangements.

The definition of advertising as outlined in 5 needs to be clarified, particularly in 5(1)(a), 5(c) and 5(f).

Part 2

Subpart 4 Disclosure of third party donations

The requirements regarding the appointment of a financial agent by any third party who spends more than \$5000 over the 11 month regulated period is very restrictive.

42 (2) Where an anonymous donation exceeds the specified amount, the whole donation, or the amount of its value must be paid to the Chief Electoral Officer.

It is very restrictive that third parties must forfeit anonymous donations over \$500 when they are also required to declare these donations. However, it is noted that the Bill seeks to increase transparency, particularly with a view to ensuring the public are aware of which organisations and individuals are financially supporting political parties.

44 (4) That a donor fails to comply...commits an offence and is liable to summary conviction to a fine not exceeding \$40,000. Members felt that the level of this fine seems very high, but did not nominate an alternative figure.

Subpart 5 General rules governing election advertisements

The requirement that any third party spending more than \$5000 on advertising over the 11 month period must register as a third party will make it very difficult for organisations, such as some of NCWNZ's affiliate bodies, to make comments or spend any money promoting a particular candidate's policies which may be important for their work.

In NCWNZ's case, filing a statutory declaration when less than \$5000 will be spent on 'election advertising' is particularly problematic.

The definition of advertising is too widely defined in that an advertisement may constitute an election activity even though it does not expressly mention the name of a party or candidate.

Conclusion.

NCWNZ has many questions about this Bill which need to be clarified. For more than 110 years NCWNZ has raised issues of concern with whatever agencies, including Parliament, are deemed to be appropriate to influence change – nowadays this process is called lobbying. But these efforts are not political party specific. NCWNZ guards its apolitical status jealously and assiduously. Members fear that the passing of this Bill in its current form will diminish the democratic process and could be a breach of the human right of freedom of expression.

Taking into account all the types of activity noted earlier, it would appear that NCWNZ could qualify as a Third Party, a status not welcomed by this, the largest women's NGO in New Zealand.

This Bill is far too restrictive and wide-ranging for third parties and changes need to be made to allow for public involvement in the election process, without so many restrictions and harsh penalties.

The intent of the Bill, to have more transparency in the system is good but it needs to be balanced against the right of the public to question candidates without being penalised.

There is also the concern that the disclosure of large anonymous donations to political parties has not been included in the Bill.

Finally the current Bill is capturing groups which were never the target. This is always the danger when creating laws to combat a single issue. It is recognised that the Bill will undergo substantial redrafting and NCWNZ is supportive of this if the specific concerns raised are addressed:

- a) That the Select Committee remove the requirement for groups having to make a statutory declaration if they are spending less than \$5000 on election advertisements. This would be unnecessarily onerous, and while NCWNZ does not spend any money on what would be traditionally viewed as election advertising, the breadth of the current description of advertising would wrongfully capture NCWNZ's routine activities, such as *The Circular*.
- b) That a definition of advertising/advertisements needs to be determined by the Court. Again, the current description listed in the Bill is too broad and unnecessarily restrictive.

- c) That the definition of election activities needs to be changed, so that routine activities such as those practiced by NCWNZ, which occur irrespective of whether it is an election year, are not included in the Bill. The production of NCWNZ's *The Circular* and the writing of lobbying letters are not election activities which fit alongside direct marketing leaflet drops, erection of billboards and media advertisements or advertorials.

Thank you for the opportunity to comment.



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