

17 June 2010

S10.17

Submission to the Electoral Legislation Committee on the Electoral (Finance Reform and Advance Voting) Amendment Bill

Introduction

The National Council of Women of New Zealand is an umbrella organisation representing 46 nationally organised societies. It has 26 branches throughout the country attended by representatives of those societies and some 150 other societies as well as individual members. The Council's function is to serve women, the family and the community at local, national and international levels through research, study, discussion and action.

This submission has been prepared by the Parliamentary Watch Committee of the National Council of Women of New Zealand (NCWNZ). It has been reviewed by the NCWNZ Board. It is based on NCWNZ policy and discussion amongst members of the committee and the Board.

Introduction

NCWNZ considers that transparency and fairness are priority features in all legislation and particularly in relation to our electoral system. To the extent that this Bill promotes these features we welcome its introduction.

As an apolitical organisation, NCWNZ encourages its members to participate in local and general elections, to compare and debate the policies of all political parties, to influence the policy making of government and to critique proposed legislation. The Council seeks to educate the membership of NCWNZ and the wider public so they can make their democratic choices from an informed position. These activities take place irrespective of whether it is an election year or not, but have a special significance during the election period.

Specific Comments

Part 1

Amendments to principal Act

Clause 5. New Section 3A (1) (d) Meaning of election advertisement

In new Section 3A, the definition of “election advertisement” includes, amongst other matters, the encouragement or persuasion of voters “not” to vote for candidates and/or parties.

NCWNZ notes the new definition provides no restrictions on this negative campaigning. NCWNZ raised concern in a 2003 Submission (S03.24) to the *Inquiry into the 2002 General Election*, where we indicated election broadcasts should, “restrict advertising to policies and eliminate personal attacks on rivals.” We remain concerned that this definition may encourage candidates to target opponents inappropriately rather than to discuss the policies that are being presented.

Clause 5. New Section 3A (2) and (3) Meaning of election advertisement

NCWNZ is pleased the government has excluded periodicals from the definition of election advertisements where the proposed legislation defines periodical as:

- “**3A 3** (a) was established for purposes unrelated to election campaigns; and
(b) since its establishment has been –
(i) published at regular intervals; and
(ii) generally available to members of the public.”

We interpret these definitions to mean that the NCWNZ’s monthly newsletter, *The Circular*, will not be considered an election advertisement if it publishes information relating to the policies of political parties and to the elections.

We raised concerns in regards to this in a 2007 Submission (S07.40) on the *Electoral Finance Bill*, where we stated:

“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.

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 (2007 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.”

NCWNZ is a strong advocate for public participation in the political process. The United Nations Human Rights Committee has observed that “*free communication of information and ideas about public and political issues between citizens, candidates and elected representatives is essential*”. Our members welcome these sections of this Bill which confirm the right to encourage thought and action by publicising ideas that emerge during an election without the constriction of advertising regulations.

Clause 5. 3B Meaning of Regulated Period

NCWNZ supports the three month duration of the regulated period. From the experience of members who have been involved in previous electoral campaigns we were assured that this provides a realistic time frame for election activities.

Conclusion

NCWNZ supports the intent of this Bill. We are pleased that our newsletter, *The Circular*, will not be considered an election advertisement. However, we are concerned there is no restriction on the negative encouragement or persuasion of voters in order to prevent personal attacks on rival candidates. A three month regulated period seems adequate to our members. While we accept that donations are a necessary part of our political system we applaud the measures in this Bill which seek to improve the transparency of the process and to provide some limitation on donations from overseas.

Thank you for the opportunity to comment on this proposed change in legislation.

Elizabeth Bang
National President

Members
Parliamentary Watch Committee