



NEW ZEALAND

Affiliated with the International Federation of Business & Professional Women

BPW
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New Zealand Federation of Business
and Professional Women Incorporated

P O Box 28 326

Remuera

Auckland 1136

New Zealand

Email: legislation@bpwnz.org.nz

Telephone : 04 2399-037

Facsimile : 09 521 0013

Mobile: 0274 83 8863

Website: www.bpwnz.org.nz

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SUBMISSION

To: Ministry of Justice.

Re: Electoral Finance Reform

Introduction

1. This submission is from the New Zealand Federation of Business and Professional Women Inc.

Our organisation

2. Our organisation's aims are to link professional and businesswomen throughout the world, to provide support, to lobby for change and to promote the ongoing advancement of women. We work for equal opportunities and status for all women in economic, civil and political life and the removal of discrimination in all countries. We promote our aims and organise our operating structure without distinction as to race, language or religion.

Our membership is approximately 750.

Our structure is comprised of a National Executive, 30 branches located nationwide between Kaitaia and Southland, with a number of individual members in areas where there is no branch. We are a non political organisation.

Our interest in this bill is because we are a women's group who are committed to ensure equality for all working women through advocacy, education and mentoring.

We are pleased to submit our views on towards this review as we had concerns regarding the passing of the Bill in 2007; those concerns were mainly about freedom of speech.

The following are opinions on the questions asked throughout the review.

1 - Principles

Q 1.1 Do you agree to the six principles guiding the development of the new legislation? Is there any other principles you think are important?

Answer BPW NZ agrees with the six principles outlined, other principles are implied within the explanations for the six principles.

Q 1.2 Are any principles more important than others? Do any of the principles conflict? If so how do you think a balance can be achieved?

Answer All six principles are equally important as each balances the other.

Q 1.3 Should a statement of these principles be included in the new legislation?

Answer BPW NZ believes the principles should be included as the principles are clear and concise. They state what the New Zealand Public expect from their possible elected representatives when campaigning for election.

2 - Funding

Q 2.1 Should direct anonymous donations be permitted to constituency candidates and/or political parties? If so is the current threshold appropriate?

Answer The threshold for an individual anonymous donor is currently \$1,000. This is quite low in today's economy and could possibly be reviewed to be tied to inflation rates. However BPW NZ also believes that an individual should have a limit on the donations a donor can make within a specified time limit, regardless of the amount i.e. perhaps a limit of 1 donation in a 3 month period (quarterly) could be considered.

Q 2.2 Should there continue to be a disclosure requirement for indirect anonymous donations (for example, through intermediaries such as trusts) to constituency candidates and/or to political parties? If so, is the current threshold (\$1,000) appropriate?

Answer Yes. The disclosure requirement should remain as transparency is essential for political parties and candidates to maintain the New Zealand Public's trust. BPW NZ believes the threshold should be reviewed as per our answer to Q2.1

Q 2.3 Should the protected disclosure scheme for donations to political parties be retained?

Answer BPW NZ would like to see this retained as it ensures transparency which is one of the principles.

Disclosure Thresholds

Q 2.4 Should the name and address of donors who donate above a certain threshold be disclosed (that is made publicly available)?

Answer Transparency and Accountability are essential therefore the name and address of donors must be disclosed.

- Q 2.5 Should disclosure levels be left as they are? Raised or lowered? If so, to what level?
- Answer Disclosures levels should be the same as those on anonymous donations to make things simpler
- Q 2.6 Should the same disclosure threshold apply to donations made to constituency candidates, and to donations to political parties (including donations made through intermediaries, such as trusts)?
- Answer Yes
- Q 2.7 Should the disclosure threshold for political parties (currently set at \$10,000) be the same as the limit on anonymous donations (currently set at \$1,000) to reflect the equivalent regime that exists for candidates?
- Answer Refer to answer on Q 2.5
- Q 2.8 Should there be a limit on donations from a single source? If so, what should it be? Should it be inflation adjusted?
- Answer BPW NZ believes there should be a limit on total donations from a single source that is inflation adjusted annually. This limit could be \$25,000 for a candidate and \$100,000 for a political party.
- Q 2.9 Should there be a prohibition on donations from certain sources (for example, overseas individuals, or corporate or unincorporated identities)?
- Answer BPW NZ believes only New Zealand Citizens and New Zealand Companies based overseas should be allowed to make contributions to candidates and political parties.
- Q 2.10 Are current limits on overseas donations appropriate?
- Answer Yes
- Q 2.11 Should other sources of donations be banned? If so, which ones?
- Answer -
- Q 2.12 Should legal entities (for example, companies, trade unions or special interest groups) be treated differently from individuals?
- Answer BPW NZ would like to see restrictions such as gaining specific approval from shareholders of companies and approval from a majority of members for trade unions that are published with details of all donations in their annual report.
- Q 2.13 Should constituency candidates and political parties be solely reliant on private funding or should they receive additional public funding?
- Answer BPW NZ believes a mix of private and public funding is the fairest method of funding.
- Q 2.14 If the public funding system in New Zealand is changed or increased, how do we make constituency candidates and political parties accountable for how they spend public money?

- Answer The existing rules of declaring receipts and documentation to show how monies have been spent should be upheld and the Electoral Commission must be able to audit expenditure at any time to ensure that rules are being followed.
- Q 2.15 If there are to be changes to the public funding of political parties, should public funding be restricted to parties that are represented in Parliament, or alternatively, should it continue to be available more broadly to a wider group of political parties?
- Answer Funding should be available to all political parties regardless of whether they have Parliamentary representation.
- Q 2.16 Do you have any suggestions to make about the appropriate level of funding?
- Answer -
- Q 2.17 Are the rules sufficiently clear that Parliamentary Service funding cannot be used for election expenses? If not, what do you think would make the rules clearer?
- Answer BPW NZ believes the rules concerning Parliamentary Service funds are quite clear.
- Q 2.18 If there is public funding, do you have any suggestions about the kind of model that might be suitable to adopt?
- Answer BPW NZ would like to see the existing broadcasting funding remain with a review to possibly include other types of advertising/promotion included (e.g. the costs of one public meeting/forum per candidate).
- Q 2.19 Should there continue to be an allocation of public funding to allow political parties to advertise on radio and television? Should it decrease? Increase?
- Answer The allocation of public funding should continue and be tied in to be inflation adjusted.
- Q 2.20 Should there be a change in criteria if the current allocation process is retained?
- Answer An increase in public funding should be allocated only if there is a change in the criteria – refer to Answer to Q 2.18
- Q 2.21 If the allocation of public funding for radio and television is abolished should there be a proportionate increase in political parties' spending limits?
- Answer Yes
- Q 2.22 Should the broadcast allocation be restricted to buying radio and television advertising, or should political parties be able to use it for other purposes?
- Answer This should be reviewed as technology has progressed opening up other means to advertise/promote messages.
- Q 2.23 If political parties are given greater freedom to choose how to spend the broadcast allocation, should criteria for approved spending be developed? If so, what spending do you consider should be approved.

- Answer BPW NZ agrees that criteria for approve spending should be developed as the privacy laws could be seriously breached if some criteria were not laid out. Specifically, in the area of email and texting.
- Q 2.24 Should political parties who receive a share of the broadcasting allocation of time and money be able to spend additional money on broadcasting advertising within their expenditure limits?
- Answer Yes
- Q 2.25 Should political parties that do not receive a share of the broadcasting allocation of time and money be able to spend their own money on broadcasting advertising?
- Answer Yes – provided they stay within the expenditure limits.
- Q 2.26 If political parties are allowed to spend their own money on broadcasting advertising, should restrictions apply? If so, what restrictions?
- Answer No
- Q 2.27 Should parallel campaigners be able to campaign on radio and television?
- Answer No
- Q 2.28 Should restrictions on radio and television advertising by parallel campaigners be removed if there is a limit on spending?
- Answer No
- Q 2.29 Should Television NZ and Radio NZ National be required to provide free air time for political party broadcasts?
- Answer Yes
- Q 2.30 Should a minimum amount of time for free campaign advertising by political parties be mandated in legislation for the state broadcasters?
- Answer Yes
- Q 2.31 If there is an increase or decrease in public funding should there be a change to the current rules on private funding?
- Answer Only where it affects the spending limit.
- Q 2.32 Should the change to the donations regime in the Electoral Finance Act 2007 have resulted in changes to the public funding regime?
- Answer No
- Q 2.33 If there are more restrictions placed on private funding, should there be a change to the current rules on public funding?
- Answer Refer to previous answers.

3 - Campaign Spending Limits

Q 3.1 Should there be limits on campaign spending for constituency candidates and political parties

Answer Yes

Q 3.2 If there are campaign spending limits should the current limit for constituency candidates (\$20,000) and political parties (a maximum of \$2.4 million, if all electorates are contested) be retained or adjusted?

Answer BPW NZ believes the limits for both candidates and political parties be adjusted.

Q 3.3 Should campaign spending limits be adjusted regularly in line with inflation? If not should spending limits be regularly reviewed? Who should have responsibility for the review (for example, a parliamentary committee or an independent body)?

Answer BPW NZ believes the limits be regularly adjusted in line with inflation. We believe an independent body should review the rates.

Q 3.4 When should the regulated campaign period start?

Answer BPW NZ believes the 3 month period to be adequate and should not be extended as it could infringe on bodies such as ours when supporting legislation or not as it goes through the house by inferring we support a political party depending on the stance we may take, thereby restricting our right to freedom of speech during an election year.

Q 3.5 How long should the regulated campaign spending period be?

Answer Regulated spending should be 3 months as any longer makes it difficult for the public to express views on issues without appearing to support a political party.

Q 3.6 If the length of the regulated campaign spending period is decreased or increased, should there be a corresponding decrease or increase in overall spending limits?

Answer As we believe the regulated spending time remain as is, we do not believe there should be a change in the spending limits (except as per answers to Q2.14 and 3.3)

4 - Advertising

Q 4.1 Should New Zealand retain its current approach to the regulation of election advertising, or should a revised definition of “advertising” be adopted?

Answer A revision is required.

Q 4.2 How should ‘election advertisement’ be defined? Should it be broad or narrow? Should there be exceptions and if so, what should they be?

Answer The definition should be broad.

Q 4.3 Should rules on publication be media neutral, so that new communication technologies that are developed fall within them?

Answer The rules should be media neutral however must not infringe on individuals right to privacy – therefore rules about emails to private email address's and texting to private telephones and telephone calls must be introduced.

Q 4.4 Should there be a requirement for persons who publish an election advertisement to include their name and contact address?

Answer Yes

Q 4.5 If so, are the existing rules adequate, or should they be changed in some way? Do you have any suggestions for change?

Answer The rules need to be more rigorous so that misleading addresses and names are easy to detect and difficult to use.

5 - Parallel Campaigning

Q 5.1 Should there be any regulation of individuals and groups who participate in election campaigns but are standing for election?

Answer Yes

Q 5.2 Should negative or attack advertising by parallel campaigners be regulated?

Answer Negative or attack advertising should have the same restrictions as positive advertising.

Q 5.3 Should there be restrictions placed on the people or groups who are allowed to engage in election campaigning?

Answer Yes, but only in limiting them to people or groups who are either NZ citizens or groups who are originate in NZ.

Q 5.4 Should there be tighter rules around government department publications in the period before an election?

Answer No the rules are clear enough.

Q 5.5 Should there be any restrictions on election campaigning by persons or groups closely associated with a constituency candidate or political party?

Answer The rules should be same as those for raffles – i.e. where a candidate's immediate family or immediate family of a person working for a political party is unable to campaign because it may be influenced by the candidate or person working for a political party thereby "getting around the rules".

Q 5.6 If parallel campaigners should be regulated, is disclosure of their name and address on advertising that they promote sufficient?

Answer For the people who are under the limit of \$1,000 or whatever amount the review decides is the limit all that should be required is their name and address.

Q 5.7 Alternatively, should individuals who spend over a certain amount be required to register on a public list?

Answer If a group or person wished to spend more than the limit then they should be required to register.

Q 5.8 If there is to be a public list of parallel campaigners, who should be required to register? Should there be a monetary threshold for registration? If so, how much should the threshold be?

Answer Refer to answers to Q5.6 and 5.7.

Q 5.9 Should spending by parallel campaigners be limited?

Answer Yes

Q 5.10 If a spending limit is imposed, what do you think the limit should be?

Answer refer to answer to Q 5.2.

6 - Monitoring and Compliance

Q 6.1 Based on your answers to questions in the previous chapters, do you have any views on how constituency candidate's and political parties' compliance with the electoral finance rules should be monitored and enforced.

Answer The existing laws on who is responsible for running elections, administering the law, and administering the electoral roll are clear. The problem arises in that the declarations of donations and expenditure by candidates and political parties are not required to be available until 70 working days after the election. BPW NZ would like to see a requirement whereby the political parties are required to disclose donations and expenditure every 14 working days for the 3 months of the campaign period prior to the election and would like the final disclosure to be a maximum of 50 working days after the election.