

Background Paper 1: Timeline of the Process Underlying the Electoral Finance Bill before the Select Committee

Prepared by Sustainable Future as at 17 September 2007

Date	Title	By	Number of Submissions by the Public	Recommendation / Excerpt	Comments
1986	<i>Royal Commission</i>	Parliament		<i>NZ Govt (1986). Report of the Royal Commission on the Electoral System.</i> Contained 71 Recommendations Retrieved 7 September 2007 from http://www.elections.org.nz/study/royal-commission-report-1986.html	An excellent strategic, transparent and principle based document.
	<i>Inquiry into the.... General Election</i>	<i>Justice and Electoral Committee</i>		Advocated an overhaul of both the Electoral Finance Act 1993 and the electoral administrative regime (from page 5 of the <i>Inquiry into the 2005 General Election</i>)	Committee did not want a piecemeal approach.
2001 - June	<i>Report of the Election Framework Taskforce</i>	Government's Election Framework Taskforce (Ministry of Justice)		Criticised the lack of progress in reviewing the electoral system and what was perceived to be a piecemeal approach to reform (from page 5 of the <i>Inquiry into the 2005 General Election</i>)	Committee did not want a piecemeal approach.
2005 Dec	<i>Peters v Clarkson HC TAU CIV-2005-470-000719</i>	Determination of the Court		[49] In our view the definition of "election activity" is deliberately narrowly drawn. There are four requirements of an election activity. These relate to the authorisation, nature, purpose, and timing of the activity. Parts (a) and (d) of the definition provide that the candidate must carry out or authorise the activity, and that it must occur in the three months before polling day. [50] Of greater relevance for present purposes are parts (b)	Proved court could review and reach a decision - in this case that the total was within the maximum level and the election was not void.

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				and (c), whereby election activity is confined to advertising and broadcasting as well as publishing, issuing, distributing or displaying specified items. Additionally, the defined activities must have as their purpose the promotion of the candidate in his or her capacity as an electorate candidate. http://www.vuw.ac.nz/staff/dean_knight/Peters_v_Clarkson.pdf	
2006-April		Cabinet		Agreed to a targeted review of the electoral finance regime (from page 2 of the Explanatory Note of the <i>Electoral Finance Bill</i>) – Could not find.	Cabinet decided on a piecemeal approach.
2006 - May	<i>Letter to the Justice and Electoral Committee on the Proposed Review of the Electoral Finance Act 1993</i>	From the Minister of Justice – Hon Mark Burton		Review will include: - Consideration of dual purpose advertising and third party advertising. - Further policy work needed to determine whether there is a case for further restrictions on third party advertising – need to balance a range of competing interests. Reference to an amendment Bill into the House in early 2007. (from Appendix D of the <i>Inquiry into the 2005 General Election</i>)	Recognised need to determine whether a case for restrictions on 3 rd party advertising existed.
2006 - Oct	<i>Advertising expenditure incurred by the Parliamentary Service in the three months before the 2005 General Election</i>	Office of the Auditor General		The total value of the breaches identified for the 2004-05 financial year was \$443,462 (including GST), and the total value of the breaches for 2005-06 financial year was \$730,136 (including GST). Overall, \$1,173,598 of unlawful expenditure was incurred. A number of advertisements and newsletters expressly solicited votes. However, even where no express soliciting of votes occurred, a large number of advertisements contained material that could only be described as election	Where in the Electoral Finance Bill is this prevented from re-occurring?

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				platforms and promises. The Parliamentary Service has not correctly interpreted the scope of the relevant appropriations as they apply to advertising expenditure. I am concerned that the Service does not satisfy itself, before expenditure is incurred, that advertising proposed by MPs and parliamentary parties is for purposes consistent with the relevant appropriations. It is the Service's responsibility to ensure that expenditure is within the authority provided by Parliament. I do not accept that the authorisation of advertising expenditure by an MP or parliamentary party staff member absolves the Service of this responsibility. http://www.oag.govt.nz/2006/election-spending/	
2006 - Sept	<i>Inquiry into the 2005 General Election</i>	Justice and Electoral Committee	17	<p>Considered an electoral law review was necessary,</p> <ul style="list-style-type: none"> -that would require a major commitment of resources -thorough as current piecemeal approach to law reform is no longer sustainable - comprehensive <p>Was a priority for the Minister of Justice</p> <ul style="list-style-type: none"> - any reform of electoral law should be preceded by consultation with the public and the committee 	Recognised size (as in resources necessary), complexity, comprehensive and need for public consultation before becoming a Bill.
2006 or 2007 ?	The Review		Nil		<p>There is no public report on the review which resulted in the Bill but that one does exist – as indicated by the Ministry of Justice Annual Report 2006 which states:</p> <p style="text-align: right;">REVIEW OF ELECTORAL</p>

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					<p>FINANCING REGIME In the 2005/06 financial year, we commenced a review of the electoral financing regime with the aim of amending the Electoral Act 1993 before the next general election. http://www.justice.govt.nz/pubs/reports/2006/annual-report-2006/highlights.html</p> <p>I have requested a copy from the Ministry of Justice and Hon Mark Burton's office, but currently I understand it was never made public.</p>
2007 - July	First Reading of Bill	Hansard		http://www.parliament.nz/en-NZ/PB/Debates/Debates/b/d/2/48HansD_20070726_00000789-Electoral-Finance-Bill-First-Reading.htm	<p>Errors and inaccuracies without substance or references are a key concern. See Background Paper 2.</p>
2007 - July	<i>Electoral Finance Bill</i>	Justice and Electoral Committee	Over 600	http://www.parliament.nz/NR/rdonlyres/CAAFE6BD-AFAF-4D8A-8EB5-05573289B12C/63039/DBHOH_BILL_8029_52891.pdf	<p>What was delivered was:</p> <ol style="list-style-type: none"> 1. Another piecemeal approach; 2. No review document being made public; 3. No public consultation before being made a Bill; and 4. Over 600 submissions on a proposed solution (a significant reaction) to a

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					regime that only received 17 – just over 12 months earlier – indicating the solution is a much bigger problem than the problem identified.
2007 -July	<i>Electoral Finance proposals announced</i>	Hon Mark Burton		<p>"The Government has consulted with a number of parties to develop a package that deals with the most pressing reforms, for the Parliament and the wider public to debate.</p> <hr/> <p>The Government has also proposed an independent review of a number of aspects of electoral reform that warrant further consideration. This will include the structure and organisation of the electoral agencies, and the broader question of how political parties are funded, including donations and the associated issue of state funding.</p> <p>"Broader issues relating to the structure of the electoral system and the nature of how parties are funded require further consideration, and the government believes an independent review is the best approach for looking at these areas. Mr Burton said. http://www.beehive.govt.nz/ViewDocument.aspx?DocumentID=30117</p>	<p>The public has not been informed as to whom these consulted parties are. Are these only political parties?</p> <hr/> <p>The public has not been informed on the terms of reference or what form this will take – is it a Royal Commission?</p> <p>What is so special about the Bill? Why is it so urgent, and would it not be best to be reviewed as a package?</p>
2007 - August	<i>Third party regulation – comparison with UK and</i>	Hon Mark Burton to the Media – 2 pages			This document was not available on the website for the public, but on request was emailed to me.

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	<i>Canada</i>				
2008 - Dec (proposed)	<i>A review of electoral administration and political party funding</i>			From 26 July Hansard http://www.parliament.nz/en-NZ/PB/Debates/Debates/b/d/2/48HansD_20070726_00000789-Electoral-Finance-Bill-First-Reading.htm	Will this be a public report inviting public consultation? Why not leave the piecemeal approach and do the whole review together?