ref:jointstandingcomm.doc

liberals
for
forests

the environment party

5 July 2005

Committee Secretary
Joint Standing Committee on Electoral Matters
Parliament House
CANBERRA   ACT   2600

Dear Sir/Madam

re: **The Inquiry into the Conduct of the 2004 Federal Election.**

I have been made aware of several submissions to your Committee (38, 92 and 429) that refer to *liberals for forests* candidates in the seats of Richmond and McArthur. They raised the issues of the name *liberals for forests* and the activities of poll workers.

- *liberals for forests* was registered as a political party after the 2001 State election following an appeal to the Administrative Appeals Tribunal (Woollard and Australian Electoral Commission and Liberal Party of Australia (WA division) Inc [2001] AATA 166) against the decision by the AEC to refuse registration for the purposes of the Commonwealth Electoral Act 1918. The case was heard by three Federal court judges. They set aside the decision of the Australian Electoral Commission and substituted a decision to register *liberals for forests* as a political party.

Many of the arguments made by the National Party are similar to those lead during this case by the Liberal Party.

The recommendation 6a from Mr Hall asks for steps to be taken to prevent non affiliated parties from using components of the name of an existing political party, or former party.

The Commonwealth Electoral Act 1918 (s129) does now contain a requirement preventing registration if a reasonable person would think that the name suggests a connection or relationship exists between the party and a previously registered party, if that relationship does not in fact exist. This requirement does not apply retrospectively to *liberals for forests*. Whether the courts would find that parties that do share a word in their name fall foul of this requirement, remains to be seen.

The Australian Democrats and the Democratic Labor Party share a component. Curtin Labor Alliance, Progressive Labor Party, the Democratic Labor Party and the Australian Labor Party all share the word labor. Retrospective (and prospective) application of this requirement about names could be difficult.

The Nationals real concern is the loss of the seat of Richmond by their candidate Larry Anthony. It is likely that the presence of a *liberals for forests* candidate did have an effect on the votes cast. The Greens also substantially increased their vote. These results might have partly been related to the reduced vote for the Democrat candidate with like minded voters seeking another appropriate place to place their vote. It should be noted that the forests were important at the last election with the decision by John Howard to continue logging of the Tasmanian old growth forests.
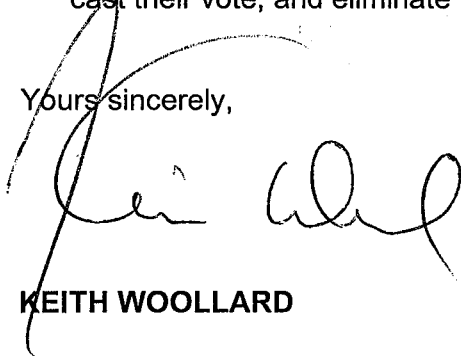
The most important point is that in the House of Representatives, voters actively nominate where their preferences will flow. Voters wanting to support Larry Anthony could have placed him second.

- There was considerable comment from the National Party about the poll workers supporting the *liberals for forests* candidate. There is no substantiation of their allegations. It seems unclear why their recommendation 6b should apply. Placing restrictions on who can hand out materials to influence voters on polling day seems bizarre. Recommendation 6c should include all the activities of political party supporters in the vicinity of polling booths.

As someone who has had a close involvement in a number of elections, I agree that the behaviour of a small proportion of these people leaves a lot to be desired. Our supporters have been subject to personal abuse and physical violence.

Perhaps the time has come to ban distribution and display of election material within a broad radius of polling booths, say 200-300 metres, to protect the voting public from the barrage of unsolicited material that confronts them when trying to cast their vote, and eliminate the need for poll workers.

Yours sincerely,

KEITH WOOLLARD