

**Standing Committee on Finance and Public Administration**

ANSWER TO QUESTION ON NOTICE

Supplementary Budget Estimates Hearing – October 2009

Department of Finance and Deregulation

Finance and Deregulation Portfolio

**Outcome 3, Program 3.1**

**Topic: How to vote material and the printing and communications entitlement**

**Question reference number: F64**

**Type of Question: Hansard F&PA 82, 20 October 2009**

**Date set by the committee for the return of answer: 4 December 2009**

**Number of Pages: 2**

**Senator Eric Abetz asked:**

You can have within this country referenda that are completely non-political such as the last republic referendum where there were Liberals writing out and saying 'vote yes', other Liberals saying 'vote no' and similarly on the Labor side of politics. It was clearly not party political at all, and you would be denying them in those circumstances, even where the parties do not have a fixed position. What gives here? I thought we were in a democracy with freedom of speech. Why has the government set up a regulatory framework that denies individual members of parliament to advocate a vote one way or the other on an issue that is clearly not party political or non-partisan?

**Answer:**

Subregulation 3AA(3) of the *Parliamentary Entitlements Regulations 1997* (the Regulations) relevantly states that the printing and communications entitlement:

*...must only be used for parliamentary or electorate purposes and must not be used for party, electioneering, personal or commercial purposes, **or for the production of how-to-vote material. (emphasis added)***

The reference to 'how-to-vote material' in the Regulations is broad and there is no definition of this term in the Regulations that narrows its application. Therefore, it is not permissible to use the printing and communications allowance to print and distribute any how to vote material, including in relation to how to vote material for a referendum.

Material, other than 'how-to-vote material', that comments on a referendum and is for *parliamentary or electorate purposes* and not *for party, electioneering, personal or commercial purposes*, may be within the parameters of the printing and communications entitlement.

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Senators and Members have a choice as to how and when to use their publicly funded entitlements, but when they choose to do so, their use must be in accordance with the parameters of the entitlements. There is no question of censorship.