The Executive Officer
Electoral Matters Committee
Parliament House
Spring Street
Melbourne Vic 3002

Dear Sir,

Submission to the Electoral Matters Committee
Conduct of the 2006 Victorian State Election

I prepared another submission on the problems and my disappointment over the registration of that corrupt political party PEOPLE POWER.

This submission will take a different approach.

I will discuss the Commissioners conformation process when he forms his opinion as to register a political party and whether that process should be enshrined in legislation.

POINT 1
There appears to be no rules/legislation in how the Commissioner determines that a political party that has applied for registration may be registered [Section 50]

This section does not give the Commissioner any discretion as to putting conditions on the approval.

Yet S60 gives the power to take the Commissioners decision to VCAT

Recommendation

Section 50 be altered to the effect that the registration under S50 does not come into effect until the expiration of the time mentioned in S60 or the proceedings in VCAT have been finalized.

In my other submission I have explained the possible consequences to the election if this is not done.

But can an applicant or other person take the commissioners decision to another court?

That also needs looking at.
POINT 2

The Commissioner relies on the fact that if he receives over 500 confirmations then it is ok to register political parties.

This does not seem to have been set in legislation and is part of the check to see if a bonefide application has been made.

Can a party which has complied with the application Section 45(e) and Section 45(f) be denied registration if less than 500 members reply?

Could there be a legal challenge. In the case of People Power No. But for a bonefide party with genuine memberships it has complied with the Act.

Which takes precedence the Act or the commissionrs decision?

POINT 3

The Confirmation Letter. Appendix [1]

Part [A]
By signing this letter stating no is the person committing an offence.

The letter asks 3 questions but only has one answer square.

Thus to tell the Commissioner that they are not a member means that they also tell the Commissioner they are not enrolled to vote on the Victorian Electoral Roll.

Does the person who replies No – get
[a] Prosecuted for false declaration
or
[b] Get deleted off the Electoral Roll

This is a possibility as the first question is:
ARE YOU;
Enrolled to Vote on the Victorian Electoral Roll;
PART [B]

On para 3, of the Letter of Confirmation as a member states [Appendix [1]]

"Please note that if the Victorian Electoral Commission does not receive a response by Thursday 26 April, 2007, it will be assumed that you are not a member and you will not be counted for the purposes of establishing whether People Power has sufficient members to remain eligible for registration"

Section 52 of the Act gives the commissioner the power to review a registration if a party does not get more than 4% of the vote. [Appendix[2]]

People Power could not object against this but could a bonefide Party?

The Commissioner asks a person to sign a dubious statement [part [A] above and if they can’t because they do not like making false declarations then they are not a member for Electoral confirmation purposes.

Can the Commissioner make a decision assuming that people who are legal members of a party but do not return his form ARE NOT MEMBERS?

This is an interesting question.

PART [C]

The Commissioner at the bottom of the form should provide a space for comments.
POINT 4

Full disclosure of the directors/office holders of a political party.

Now that the information age is amongst us why does the Commissioner not have on his WEB site a list of registered Parties and their respective office holders.

They are in receipt of public money [some hopefully] and as such the public should be able to see who is behind the party.

There should be annual returns which show the changes to the party office holders.

Note the only people the commissioner records is the registered officer and deputy registered officer. He does not even ask who the office holders are.

It will require Legislative change for this but I feel the Public confidence in the Political system will be improved.

Recommendation

That the above be implemented.

POINT 5

The never ending membership.

In my other submission I show that People Power altered its rules [illegally] to remove the annual renewal of memberships.

This to me is really serious as the normal checks and balances on memberships is removed.

Could the situation arise that a party is either refused registration or removed because not enough people reply. [500 members]?

Does the Party with these perpetual members then have the right to go to VCAT or some other court and say well the members have not resigned so they are legal members under the rules?

People Power could not object against this but could a bonafide Party?

I feel the committee must look at this problem and I hope ban any party from having perpetual members.

I left a political party in 1983 and I hope I am still not a member.
POINT 6

Do we give the Commissioner the power to BAN people from being office holders of political parties if their conduct is of a nature that they are not a fit and proper person to hold such responsible public position.

ASIC the federal watchdog of Corporations is able to ban people, then why cannot the commissioner?

Conclusion

My whole approach in pursuing this project has been to improve the electoral system. Unfortunately as with most public servants it is seen as an attack on their domain.

The People Power debacle has brought to the surface many problems and I do look forward to presenting a paper one day on the poor treatment of Children with ASD [AUTISM SPECTRUM DISORDER] because that is what made me become involved in the electoral system.

I thank the committee for the opportunity to present my experiences and suggestions

William Hackett CPA
PO Box 5030
Laburnum 3130
12 September 2007
29 March 2007

Our ref: 9304

Patricia MacDowall
14 Karan Crt
NOBLE PARK VIC 3174

Dear Sir/Madam

Eligibility of People Power to remain a registered political party

The membership of People Power is currently being contacted to determine the party’s eligibility to remain a registered political party.

To be eligible for registration, a political party must have at least 500 members who are enrolled Victorian electors.

As part of the review, I am writing to the people whose names were on the membership list provided to me by People Power. Your response will help determine if the party has enough members to remain eligible for registration.

I would be grateful if you would complete the attached form and return it in the enclosed reply-paid envelope by Thursday, 26 April 2007.

Yours sincerely

Steve Tully
Electoral Commissioner
PARTY MEMBERSHIP
of
People Power

The Victorian Electoral Commission is reviewing the eligibility of People Power to remain a registered political party in Victoria. The party has given your name as a party member.

Please complete this form and return it in the reply-paid envelope provided by Thursday, 26 April 2007.

Please note that if the Victorian Electoral Commission does not receive a response by Thursday, 26 April 2007, it will be assumed that you are not a member and you will not be counted for the purposes of establishing whether People Power has sufficient members to remain eligible for registration.

DIRECTIONS

Answer the question below by placing a tick (✓) in the correct box.
Print your full name, address and date, sign and return the form to the VEC in the reply-paid envelope provided.

ARE YOU:

- Enrolled to vote on the Victorian electoral roll;
- A Member of a political party called People Power in accordance with the rules of the party; and
- A Member of only this party and no other?

YES [ ] NO [✓]

________________________
Name
(Block letters please)

________________________
Address

________________________
Signature

________________________
Date

30-03-2007

Please note that I do not want to be associated with this political party - namely People Power.

________________________
P. MacDonnell
The Act

52 Commission to review registration of political parties

(1) The Commission—

(a) may review the registration of a political party from time to time; and

(b) must review the registration of a political party as soon as practicable after an election if the political party obtained an average of less than 4% of the first preference votes over all electorates contested by the political party.

(2) For the purposes of reviewing the registration of a political party under subsection (1), the Commission may require a political party to provide the Commission with up to date information and documents of the kind referred to in section 45(2) within 30 days.