

postal returns, in earlier over the legitimacy of postal votes distributed and collected by the ALP.

With the numbers in the House of Representatives so finely balanced, the prospect of the courts ruling against Labor in any case would be catastrophic to the government's grip on power.

However, a Federal Court judgment earlier this year appears to have given the government confidence that the challenges will fail.

Four petitions to the Court of Disputed Returns have been filed in the High Court. The court has in turn informed Parliament that the election results in the NSW seats of Robertson, Lindsay and Banks, and in the NSW Senate, are being challenged by the Christian Democratic Party candidates who contested them.

At issue is the practice of political parties distributing and collecting

Senator Conroy faced questioning yesterday at the weekly caucus meeting from MPs particularly concerned about the future of AFL and soccer games on free to air television.

He told them that leaving the current anti-siphoning list - which lists 1300 events in 12 sports that must be shown on free to air television - was not an option and that the list needed to be tweaked.

The caucus questions to Senator

cabinet with his detailed proposal on what to do about the future of the anti-siphoning list - which expires on December 31 - as soon as possible.

The matter is expected to be considered by cabinet next Monday, but the Greens have suggested that if a proposal does not emerge by the end of this week they will seek to legislate the existing list.

The minister has been working on a new structure designed to deliver more sport to pay television while

for all broadcasters, none are entirely happy with the proposals to date.

The combination of sports included in the anti-siphoning list would also change considerably and Senator Conroy would aim to ensure free to air broadcasters were compelled to show live major sports for which they had broadcast rights.

The Greens have also suggested they may seek parliamentary control over broadcasting of individual events.

Laura Tingle

number of ways, including sending out letters offering help with postal votes in envelopes bearing the commonwealth Coat of Arms, implying the material came from the commonwealth government.

In his judgment, Justice Michael Moore dismissed the complaint, saying that the crucial test was whether the material sent out was misleading or deceptive, which might affect the process of casting a vote.

The relevant part of the Electoral Act, he said, "concerns conduct which might, for example, lead a voter either to fail to record a valid vote or to record a valid vote but not for the candidate or candidates of the voter's choice".

He said that this would not be the impact of the material sent out.

The High Court is yet to set a date to hear the four petitions.

postal votes on behalf of voters who cannot make it to polling booths on election day.

Both major parties now lock in a large number of votes - particularly from older voters - by facilitating their access to postal votes.

Letters are sent to voters asking if

they need a postal vote and offering to provide the relevant form and to collect and return it to the Electoral Commission.

Sitting MPs fund, from their parliamentary allowances, the mail-out of forms asking voters if they wish to receive a postal vote.

The CDP candidate in Robertson, Andrew Green, said the party's court action was "based on our considered belief that there has been manipulation in the postal voting of each of the disputed elections".

A similar action was brought in the Federal Court in August against

## WA franchise law gets Liberal knock

Peter Kerr

The West Australian government avoided a damaging stoush with the national franchise industry after the Liberal Party refused to back legislation, introduced by one of its backbenchers, to strengthen the rights of franchisees.

State Liberal backbencher Peter Abetz introduced the private member's bill last month and won the support of the state's National and Labor parties, triggering consternation among his pro-market Liberal colleagues.

The legislation sought to add to recent federal laws by specifying that renegotiation of franchise agreements in the state be in favour of existing business owners and that the parties must negotiate in "good faith".

Penalties for breaches would have been up to \$100,000 per act for a company. Franchisees would have been able to claim for personal

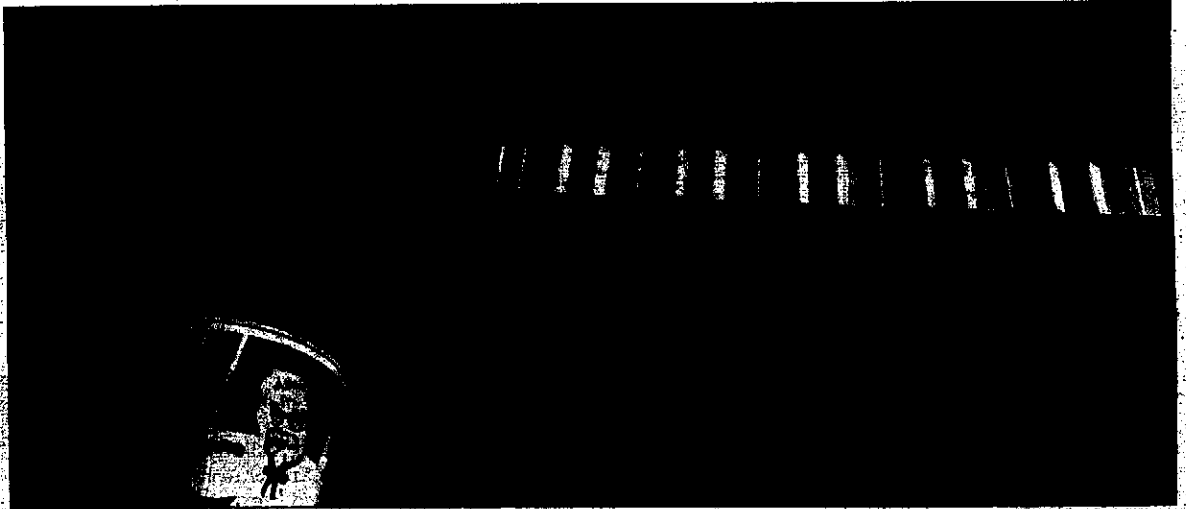
damages, including from mental impairment and economic loss.

The draft law sparked furor from the nation's peak lobby group, the Franchise Council of Australia, which argued franchisors should be able to replace underperforming operators.

Executive director Steve Wright yesterday said that the West Australian-based franchising success story Snap Printing would consider relocating its head office interstate if the bill became law.

Mr Abetz told *The Australian Financial Review* this week that with the support of Labor and the government's coalition partner, the Nationals, he had enough support to get the law passed, but would not do so without the backing of his Liberal colleagues.

Mr Abetz declined to comment on yesterday's decision by Liberal MPs because they are under strict instruction not to discuss party room meetings with the media.



The draft law has sparked furor from the nation's peak lobby group, the Franchise Council of Australia. Photo: GLENN CAMPBELL

He said the draft law might be referred to a parliamentary committee for consideration, meaning that it faced opposition but had not been dumped.

A source said that Mr Abetz was handed the "political equivalent of a stoning" when the matter was raised in the party room yesterday.

There was lingering bad blood towards Mr Abetz who had discussions two months ago with Labor and the Nationals to broker support without raising the matter

with his Liberal Party colleagues.

The state's Commerce Minister, Bill Marmion, opposed the bill, which Mr Abetz said was necessary to stop franchisees having profitable businesses taken away from them once their leases expire.

Mr Abetz said he was alerted to the situation by a battle between Jack Cowin - the founder of Hungry Jacks - and Yum Foods International. Mr Cowin is also a owner of a large number of KFC

franchises. When he resisted a Yum buyout in 2007, he was told they would not renew his franchises as they had expired.

Mr Abetz said the issue was affecting many franchise operators who are being preyed on by rogue franchisors.

The legislation would put Western Australia at odds with the rest of the country.

The federal government has said its laws, reviewed in July, are appropriate to deal with the matter.

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