

**INQUIRY INTO ADMINISTRATION OF THE 2007 NSW  
ELECTION AND RELATED MATTERS**

**Organisation:** Liberal Party of Australia - NSW Division

**Name:** Mr Martin Lavery

**Telephone:** 83560300

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25<sup>th</sup> February, 2008

Ms Cherie Burton MP  
Chair  
Joint Standing Committee on Electoral Matters  
Parliament House  
Macquarie Street  
Sydney NSW 2000

Dear Ms Burton,

**Re: Inquiry into the Administration of the 2007 election and related matters**

Thank you for the opportunity to provide a submission to the Joint Standing Committee on Electoral Matters' inquiry into the administration of the 2007 NSW election and related matters.

Below are suggestions from the New South Wales Liberal Party which may be of assistance in your deliberations.

1. Extension of the issuing of writs

The period of time between the issuing of writs and polling day is only three weeks. This amount of time ensures that there are substantial logistical difficulties both for political parties and the State Electoral Office. This period, it should be noted, is the shortest time period for any state election in Australia.

The State Electoral Office is currently placed under unreasonable pressure and do not know when they are able to call for nominations, even though New South Wales maintains fixed parliamentary terms.

The Liberal Party strongly supports change being made in this area. We see no reason why the writ could not be issued on the same day that the resolution to dissolve the parliament is signed. We would support the writs being issued on the Friday before the first Saturday in March - the day the parliament expires.

In line with this suggestion, the Liberal Party also believes that the Parliamentary Electorates and Elections Act should be amended to bring forward the commencement of pre-poll, postal and mobile voting along with the date for the closure of nominations.

## 2. Abuse of taxpayer-funded advertising

There was an enormous increase in the Labor Government's taxpayer-funded advertising during the financial year 2006-07, spent almost exclusively prior to the March 2007 election. In these advertisements, political achievements and policies were promoted under the guise of community messages and information campaigns.

In the last financial year, Government agencies spent \$111.7 million on advertising, an increase of 21 percent on the previous year. While slightly more than a quarter of this expenditure was on routine advertising for job vacancies and tenders, \$81.5 million was spent on specific advertising campaigns such as the State Plan advertisements, which alone cost \$4.4 million.

The 2007 Auditor General's report on government advertising noted that the cost of such advertising had steadily increased by a total of 37 percent over the three years since 2003-04. The report commented, "It is common for government advertising campaigns to be seasonal or cyclical however we found a change in the quantum of government campaign advertising prior to the election."

The Auditor-General concluded that "the current guidelines are not adequate to prevent the use of public funds for party political purposes" because they "do not require decision makers to judge if advertising campaigns contain material that is party political."

The Liberal Party strongly recommends that this blatant abuse and misuse of government advertising be stopped by giving the Auditor-General a formal role in reviewing and approving government advertising.

## 3. Bulk nomination

The New South Wales Liberal Party feels that the new procedures for the lodgement of bulk nomination forms that were introduced for the 2007 State election worked well.

Forms were checked by the State Electoral Office (SEO) in advance, errors were able to be corrected and there were much fewer logistical difficulties than when then forms needed to be lodged individually with District Returning Officers. The Liberal Party would like this system to be continued.

## 4. Finalisation of polling booths

It would be helpful if the SEO finalised the complete list of polling booths earlier to ensure adequate preparation for polling day.

There were new booths added and other booths deleted from the booth list in some seats in the last fortnight before the election. This meant that difficulties were encountered in logistics and preparation for polling day. The Liberal Party recommends that all polling booth locations are finalised at least two months before the election date.

## 5. Campaign material at polling booths

The Liberal Party has two concerns about the display of campaign material at polling booths.

First, there was substantial confusion, and differing interpretations and rulings both centrally and locally, about whether posters were allowed to be tied to school fences and where posters were able to be located at a polling booth.

We would argue that election material should not be allowed to be affixed to crown property for the duration of the election campaign, except for polling day itself.

It is deeply ingrained in Australian political tradition that candidates tie posters to school fences and display them at polling booths. The community expects and is comfortable with this tradition. This tradition should continue.

More importantly, whatever decision is determined on this issue, it should be clearly and consistently stated by all election officials from the Commissioner to polling booth attendants.

It should be advised well in advance of polling day to allow candidates to make other preparations if necessary.

Second, our understanding of the rules for display of materials as they currently stand is as follows:

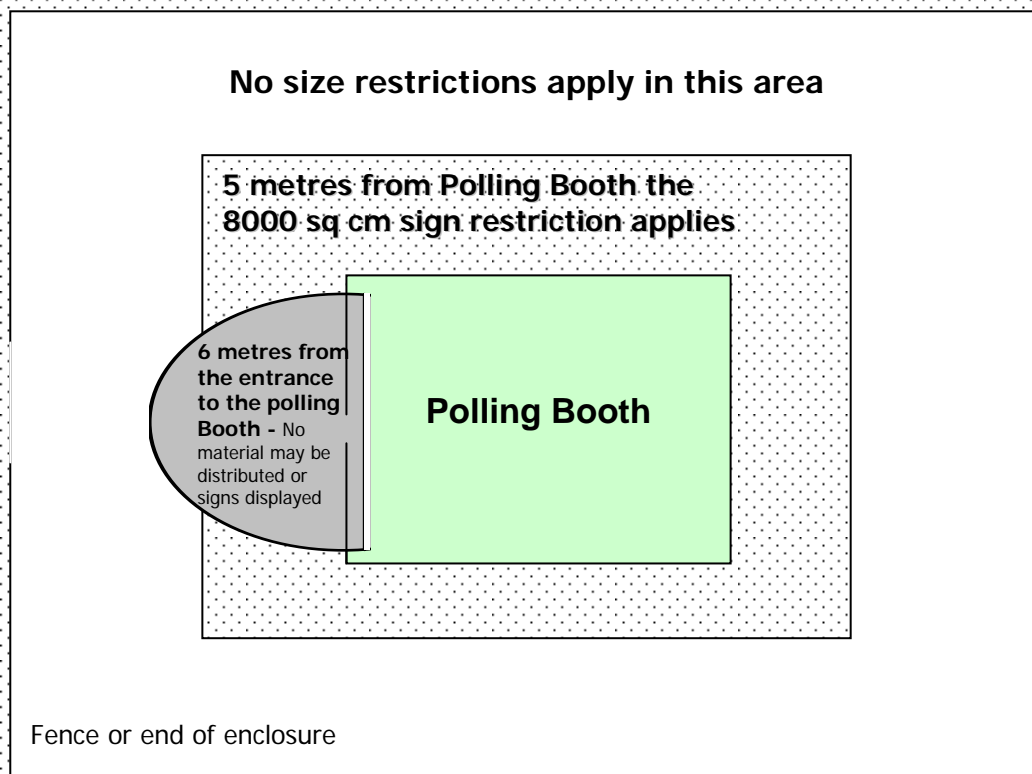
- no material may be displayed or distributed within 6 metres of the entrance or doorway to a polling booth;
- only 'standard size' posters (up to 8,000 square centimetres) can be displayed within the area 5 metres from the polling booth (and outside the 6 metre area outlined above); and,
- only 'standard size' posters (up to 8,000 square centimetres) can be displayed within 5 metres from the fence or grounds of an enclosure where a polling booth is situated.

Our understanding is that this means that under the changes to the law, large signs and wrap can be used in certain areas.

A pictorial representation is shown over the page:

**No size restrictions apply in this area**

**5 metres from the fence or enclosure the 8000 sq cm sign restriction applies**



These rules are complex and were not uniformly applied across electorates and polling booths.

The NSW Liberal Party suggests that these rules need to be clearly related to and understood by both polling officials and candidates well before polling day.

They should also be consistently enforced in polling booths throughout New South Wales.

#### 6. Political participation by members of the NSW Police Force

Concern has been raised with the NSW Liberal Party that members of the New South Wales police force are precluded from being involved in election campaigns in their own private time. This would include being unable to work on a polling booth on election day.

This concern should be investigated.

## 7. Interpretation of ballot paper numbering

During the counting of votes for the state electorate of Port Stephens, an issue arose over whether a ballot paper numbered with roman numerals would be accepted as a formal vote. The returning officer declared that it could not – relying on a relatively trivial legal case to do so.

The NSW Liberal Party believes that using roman numerals on ballot paper constitutes a valid ballot as the squares are numbered and the voter's intention is clear.

This system of numbering should be allowed for future elections.

Further, the ruling ensured that there were numerous arguments about the validity of votes and, in fact, what actually constituted a roman numeral in the first place.

It reached the absurd stage that a vertical line with a smaller horizontal line on both the top and bottom was excluded (even though this was often the only mark on the ballot paper and clearly showed the voter's intention) but a vertical line with a horizontal line on the bottom and a very slightly angled vertical line on the top was accepted.

This ruling is ripe for abuse in future elections and must be rectified.

The SEO should have as its fundamental aim the enfranchisement of voters – not the reverse.

## 8. Disclosure laws

A number of issues have emerged in complying with the Election Funding Act 1981 and constructing the EFA Political Party and Candidates' returns that are lodged after every by-election and state general election.

Although the requirements for vouching and categorising political expenditure to claim for public funding are complex and difficult to comply with, the Liberal Party believes that they are reasonable given these requirements are used to ensure public funding is correctly paid.

However, the legislative requirements to comply with the Election Funding Act 1981 for political contributions are not reasonable and almost impossible for any political party to fully comply with.

The Liberal Party has a number of major concerns regarding these issues including, but not limited to:

- The definition of 'political contribution' is vague and open to interpretation;
- The period of disclosure, being four years, is too long and should be reduced;
- The EFA (unlike the AEC) currently requires all transactions to be itemised and all receipts provided, which, due to the volume of transactions, is next to impossible; and,

- Full details for all functions, held by any party entity over the four year period, presently need to be provided. This is extremely difficult logistically and should be brought into line with the more reasonable requirements of the AEC.

The NSW Liberal Party sees this entire issue as one of critical importance to ensure full, sensible and transparent reporting of political expenditure into the future.

### Conclusion

Thank you for the opportunity to provide this submission to your inquiry.

If you require any further information or would like to speak to me personally, you are welcome to contact me at any time on 02 8356 0300 or by email at [director@nsw.liberal.org.au](mailto:director@nsw.liberal.org.au).

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Martin Laverty', with a stylized, flowing script.

**Martin Laverty**  
Interim State Director  
NSW Liberal Party