

## **ADMINISTRATION OF THE 2019 NSW STATE ELECTION**

**Organisation:** National Party of Australia - NSW

**Date Received:** 9 October 2019



9<sup>th</sup> October 2019

Committee Secretary  
Joint Standing Committee on Electoral Matters  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

via email: [electoralmatters@parliament.nsw.gov.au](mailto:electoralmatters@parliament.nsw.gov.au)

Dear Committee Secretary,

**SUBMISSION TO THE JOINT STANDING COMMITTEE ON ELECTORAL MATTERS**  
***Inquiry into and report on the administration of the 2019 NSW State Election***

The National Party of Australia – NSW welcomes the opportunity to make a submission to the inquiry by the Joint Standing Committee on Electoral Matters into the 2019 NSW State Election.

The National Party of Australia – NSW ran 20 candidates for the Legislative Assembly and 5 candidates for the Legislative Council in New South Wales, successfully returning 13 Members and 3 Legislative Councillors to the 57<sup>th</sup> Parliament.

In respect of the inquiry's terms of reference the National Party of Australia – NSW wishes to raise the attached matters for the consideration of the Committee. We also welcome the opportunity to provide a further oral submission to the Committee on the matters contained therein, if you so desire.

Yours sincerely,



**BRAD VERMEER**  
Operations Director

***Attachment: National Party of Australia – NSW Submission to the Joint Standing Committee on Electoral Matters***



## SUBMISSION TO THE JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

### *Inquiry into and report on the administration of the 2019 NSW State Election*

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#### **SUMMARY OF RECOMMENDATIONS**

1. That the NSW Government investigate the development of expenditure caps that take into account the increased cost of campaigning in regional electorates.
2. That the higher cost of administration for regional based political parties be considered in any review of the Party Administration Fund, and that the claims process be reviewed.
3. That Section 57 of the *Electoral Funding Act 2018 (NSW)* be amended to increase the exception to aggregation for small donations at fundraising ventures to \$100, whilst also noting that the intended administrative benefits of the insertion of this provision have not been fully realised.
4. That the New South Wales Electoral Commission introduce an online system for disclosure requirements under the *Electoral Funding Act 2018 (NSW)*.
5. That the definition of 'liquor or gambling industry business entity' be reviewed.
6. That the Committee investigate adjusting the nomination timeframe to allow for more time between the close of nominations and the opening of early voting.
7. That the Committee note this item.
8. That the NSW Electoral Commission improve the stability and reliability of online systems used during early voting to prevent delays and closure of voting centres.
9. An online portal be developed for the submission and receipt of postal vote applications to promote accountability during the process.
10. That iVote continue to be improved to ensure voters have access to the system, particularly at peak periods.

11. A list of declared institutions be made available online prior to the opening of the polls, and a centralised way to provide electoral material to the institutions be developed.
12. An online portal be developed for the submission and acknowledgement of complaints under the *Electoral Act 2017 (NSW)*.
13. Discretion be given to Early Voting Centre Managers to enable them to consider arrangements for canvassing and posters within the six-metre area for Early Voting Centres, where such an arrangement will preclude disruption to surrounding areas and businesses, address safety concerns and is equitable to all candidates involved.
14. That a redundancy system or manual process be developed by the New South Wales Electoral Commission to ensure voters can cast their ballot if and when the normal electronic systems that are used at a Voting Centre are disrupted.
15. That consideration be given to the reduction in the geographical sizes of electorates to ensure that equity in representation is achieved, as this does not just equate to an equal number of voters per electorate, but also equal access to their elected representative.
16. That negative campaigning tactics should be legislatively prohibited.

# SUBMISSION

## 1. THE EFFECT OF EXPENDITURE CAPS IN REGIONAL ELECTORATES

The National Party of Australia – NSW (NSW Nationals) are a Party solely dedicated to representing regional, rural and remote electors in New South Wales. As such the Party faces a proportionally higher cost than those parties mainly based in metropolitan areas.

Contesting regional electorates can often entail broadcasting into one or more regional media markets for television and radio compared to metropolitan electorates which are often covered by a single large media market. This builds an expectation and requirement that individualised advertising is produced to cover different electorates, and often regions, within an electorate. This not only makes the distribution of these adverts difficult as media markets do not follow electorate boundaries, so in some cases there can be high levels of broadcast wastage, coupled with higher production costs. This is in comparison to mainly metropolitan based campaigns which will often produce a smaller number of generic campaign adverts to broadcast over one large media market covering multiple electorates. Due to these factors, the cost of broadcast advertising is disproportionately higher for parties contesting regional electorates compared to those contesting metropolitan electorates.

In addition, there is a higher cost for the distribution of printed material throughout electorates as there is often little or no availability of reliable distributors other than Australia Post in regional areas. In most, if not all the electorates the NSW Nationals contest, printed material can only be distributed by volunteers or Australia Post, with the former being difficult to achieve in geographically large electorates and the latter being relatively expensive. As such, the cost to deliver key election materials to ensure voters are fully informed comes at a premium in regional electorates, disproportionately impacting the expenditure cap available in an electorate compared to electorates in metropolitan areas.

Finally, the increased costs of travel are a necessary consequence of campaigning in regional electorates. As an example, the regional electorate of Barwon is 356,291.70km<sup>2</sup> whilst in comparison, the metropolitan electorate of Newtown is just 10.29km<sup>2</sup>. In fact, the electorate of Newtown can be fit into the electorate of Barwon over 34,625 times. This massive increase in geographical size has a proportional increase in the cost of travel to campaign across the electorate. Whilst a candidate contesting the seat of Newtown could drive the 7km across the electorate in just fifteen minutes, it would take a candidate nine hours to traverse the over 850km across the electorate of Barwon by road. As such, the extensive use of cars, planes and accommodation by candidates and campaign staff to move across a regional electorate has a disproportional impact on the expenditure cap compared with metropolitan counterparts.

### Recommendation

*That the NSW Government investigate the development of expenditure caps that take into account the increased cost of campaigning in regional electorates.*



## 2. PARTY ADMINISTRATION FUND

The membership of the NSW Nationals and all Nationals Members of Parliament are primarily based in rural and regional New South Wales. As such, this inherently adds significant extra costs to the undertaking of ordinary administrative activities of the Party, such as but not limited to;

- Conferences and Council meetings
- Branch meetings
- Community engagement
- Membership development
- Executive and Committee meetings

The cost of travel, accommodation, suitable venues and transport of necessary equipment is therefore disproportionately higher for the NSW Nationals than our metropolitan counterparts.

To streamline the submission of claims from the Fund, an itemised spreadsheet should be able to be lodged with the commission without invoices, and an advance should be paid based on this reconciled amount. An extended deadline after the claim is due should be sent for all invoice and materials with vouching, with the remainder of the amount claimable to be paid upon receipt.

There is also no mechanism to account for Party spending that is uneven between the quarters. For instance, if a large payment for insurances or a conference is paid during one quarter, but the total amount eligible to be claimed is not spent in another, there is no way to average this out over the year. Whilst the NSW Nationals maintain that claims should be made quarterly, the amount that a Party is eligible to claim should be able to be reconciled over an entire calendar year to account for this.

### Recommendation

*That the higher cost of administration for regional based political parties be considered in any review of the Party Administration Fund, and that the claims process be reviewed.*

## 3. EXCEPTION TO AGGREGATION FOR SMALL DONATIONS AT FUNDRAISING VENTURES AND FUNCTIONS

Whilst the NSW Nationals welcome the exception to aggregation for small donations at fundraising ventures and functions, we note that the requirement to ensure that such an individual is not a prohibited donor has somewhat negated the administrative benefit of this new provision. Section 57 of the *Electoral Funding Act 2018 (NSW)* states:

57     *Exception to aggregation for small donations at fundraising ventures and functions*

(1) *This section applies to a political donation that:*

(a) *is of an amount of \$50 or less, and*

- (b) *was made by a person at a fundraising venture or function, and\*
- (c) *was the only such donation made by that person at that venture or function.*
- (2) *The provisions of sections 6 and 23 relating to the aggregation of political donations:*
  - (a) *Do not apply in relation to the acceptance of a political donation to which this section applies by a party, elected member, group, candidate, associated entity or third-party campaigner, and*
  - (b) *Do apply in relation to the making of a political donation to which this section applies.*

The intended organisational streamlining of the original reform has unfortunately not been realised, as s 57 of the *Electoral Funding Act 2018 (NSW)* has not been amended to allow any person to make a donation of \$50 or less at a fundraising venture and/or function, as long as it is the only contribution they are making at such a function. As such, the administrative requirements to ensure that an individual is not a prohibited donor still exist.

Given the recent announcement of the NSW Government to limit donations in cash to \$100, the NSW Nationals submit that the provisions of s 57 of the *Electoral Funding Act 2018 (NSW)* should be amended to increase the exception from \$50 to \$100 for the purposes of this section. As a number of these donations at fundraising ventures and functions would often be made in cash, such an amendment would provide a synergy between both legislative requirements and make administration of these provisions simpler.

## **Recommendation**

*That Section 57 of the Electoral Funding Act 2018 (NSW) be amended to increase the exception to aggregation for small donations at fundraising ventures to \$100, whilst also noting that the intended administrative benefits of the insertion of this provision have not been fully realised.*

## **4. DISCLOSURE OF POLITICAL DONATIONS**

As per previous submissions to this Committee, the NSW Nationals support the move away from paper based or electronic spreadsheet lodgement of forms which is still in use by the New South Wales Electoral Commission (NSWEC). These forms often difficult to complete and cumbersome and the NSW Nationals submit there is no compelling reason as to why all disclosure requirements cannot be fulfilled through the introduction of an online system or portal.

## **Recommendation**

*That the New South Wales Electoral Commission introduce an online system for disclosure requirements under the Electoral Funding Act 2018 (NSW).*

## **5. ELECTORAL FUNDING ACT**

As mentioned in the 2015 report submitted by the NSW Nationals to the Committee, the definition of “liquor or gambling industry business entity” includes only entities that operate for the “ultimate purpose of making a profit”. This means that organisations that control the poker machine industry can donate, however owners of small local pubs and vineyards cannot. This defies the purpose of the section to prevent corruption in Government. There is also a potential loophole in this definition, as partnerships and other business structures that are not corporations are able to donate.

### **Recommendation**

*That the definition of ‘liquor or gambling industry business entity’ be reviewed.*

## **6. NOMINATION TIMEFRAME**

As with the 2015 election, pre-poll voting began the Monday after the close of nominations at 12pm Wednesday 6 March. To meet print deadlines for election material to be registered, delivered, and distributed to polling places, there was little time for preparation of these materials. This is particularly relevant to The Nationals, who have to contend with huge distances and unreliable postal services. This issue could be alleviated by adjusting the election calendar to move the Legislative Assembly expiry earlier or moving the start of pre-poll voting to later in the week.

### **Recommendation**

*That the Committee investigate adjusting the nomination timeframe to allow for more time between the close of nominations and the opening of early voting.*

## **7. NOMINATIONS PROCESS**

The NSW Nationals believe the new online nominations (NOMS) system through the NSWEC’s portal is a significant improvement over the lodgement of nominations in previous elections. The Commission offered detailed and personalised training systems on how to use the system and were helpful with any questions the Party had.

### **Recommendation**

*That the Committee note this item.*

## **8. EARLY VOTING METHODS**

The popularity of early or pre-poll voting has continued to increase with constituents



around the state. Whilst the operation of early voting centres was generally good, there were a number of reports that at several locations such as that the NSWEC's system went down in number of early voting locations, particularly on the 12<sup>th</sup> and 13<sup>th</sup> March, resulting in voters being turned away or directed to iVote (which was also down due to technical issues). During the period of early voting, there should be no circumstance where electors who attend a polling centre cannot place a vote. In regional and rural areas in particular, visiting an early voting centre on a specific day may be the only opportunity for an elector to cast a vote.

The NSW Nationals recommend enhancing the durability and stability of any online systems used by the Commission during early voting to limit the disruption to voters.

## **Recommendation**

*That the NSW Electoral Commission improve the stability and reliability of online systems used during early voting to prevent delays and closure of voting centres.*

## **9. POSTAL VOTING**

The receipt and issuing of postal vote applications is a significant issue with the current electoral process.

The NSW Nationals received numerous complaints from campaign officers and constituents across the state regarding postal ballots not being received in time for election day. This ranged from constituents from large urban areas such as Port Macquarie, to isolated rural towns and localities in the West of the state. In all cases, postal vote applications had been submitted in a timely manner to the Electoral Commission.

The distribution of postal votes began on Monday 11 March, only 12 days before election day. This results in an extremely short turn-around period for the Commission to print and distribute postal votes to those who have applied. The issue of missing postal votes was found state-wide, with reports in the electorates of Murray, Lismore, Myall Lakes, and Barwon being the most common.

Many remote areas only receive a mail service once a week, and there was great distress for constituents whose ballot papers had not arrived by the week of election day as the nearest polling booth was a considerable (and impractical) distance away. Unfortunately, the same electors that face issues with mail services, often face similar barriers as to the iVote system or assisted voting over the phone, as reception and internet may be limited to satellite connection.

The NSW Nationals are aware that electors in certain remote locations were contacted in early 2019 by the NSWEC regarding their options as remote electors. There is still a general reliance in these areas on the postal vote, and the current return deadline may result in electors being unable to cast a vote in the election, when mail is only picked up on certain days of the week. This problem will continue to be exacerbated as postal

services to the far-west of the state are rolled back and should be considered before the next election.

Some of those constituents who had completed a Nationals postal vote application form and did not receive the vote blamed Nationals staff and volunteers for this, despite submissions being made on time.

Another issue was the transparency and the accountability of the Commission in the postal vote process. There was more than one instance in the electorates of Myall Lakes and Upper Hunter where a postal vote application was sent to the application for two people, however only one person received their ballot papers. This issue cannot be explained by issues with regional and rural post, as the document must have been received and processed for the single elector (often a couple) whilst missing the partner's application entirely. It is suggested that an online portal for the uploading of postal votes is created to ensure applications can be tracked and viewed by those who submit the application and the Commission to promote accountability in the process.

### **Recommendation**

*An online portal be developed for the submission and receipt of postal vote applications to promote accountability during the process.*

## **10. iVOTE**

The iVote system worked well for most constituents as a convenient way to vote. However, it was disappointing to see a large number of full system outages during peak periods of voting. It was especially concerning and distressing for voters who had not received postal votes, to be directed to an online system that was not working. Delays on the phone to the iVote registration and assisted voting line reached over an hour. The iVote system should be significantly upgraded to be able to cope with periods of peak demand.

### **Recommendation**

*That iVote continue to be improved to ensure voters have access to the system, particularly at peak periods.*

## **11. DECLARED INSTITUTIONS**

The NSW Nationals suggest that lists of declared institutions per electorate, along with the dates they will be visited, are published online prior to the early voting period. There should be a centralised mechanism through an online portal for Parties to submit approved election material to be made available at all declared institutions in a particular electorate. There was little information available to constituents as to which institutions would be in operation, and the information provided across different electorates varied.

Some campaign staff and volunteers were given detailed information, and in other electorates no information was provided.

In some major centres such as Bathurst, the private hospital was a declared institution and the public hospital was not. It is recommended that more major health and aged care centres are added to the declared institution list to lessen the burden on vulnerable members of the community who may not have access to the internet during their stay.

### **Recommendation**

*A list of declared institutions be made available online prior to the opening of the polls, and a centralised way to provide electoral material to the institutions be developed.*

## **12. ENFORCEMENT OF ELECTORAL ACT**

Throughout the election period the NSW Nationals lodged several notifications of incorrectly authorised or otherwise non-compliant electoral material to the Commission via email (see *Appendix 1*). The response time for acknowledgement of receipt of email was approximately one week. Considering the election period is short, this response time is unacceptable. The responses that were received were haphazard, with some being provided via post after being submitted via email and others returned via email. Whilst response times seemed to improve towards election day, staff and officials should be in a position to respond to complaints from close of nominations to ensure the election is conducted fairly.

On polling day in particular, there is little opportunity to inform the NSWEC about infringements of the *Electoral Act 2017* in a timely manner, which is concerning as the majority of constituents vote on this day. The NSW Nationals suggest that an online complaints portal be created whereby complaints can be lodged and categorised based on the subject matter. The current system of forwarding all complaints, from those that are booth specific to those of state-wide importance to a single complaints email inbox leads to unnecessary delays and a lack of accountability. Returning Officers and other officials on the ground should have a training and understanding of election day issues surrounding material and conduct and should have the authority to make a determination that can be reviewed.

### **Recommendation**

*An online portal be developed for the submission and acknowledgement of complaints under the Electoral Act 2017 (NSW).*

## **13. DISPLAY OF POSTERS AND CANVASSING ON EARLY VOTING DAYS AT EARLY VOTING CENTRES**

The NSW Nationals submit that the prohibition on the display of posters and canvassing



within six metres of the entrance to an Early Voting Centre on an Early Voting day is problematic at some regional locations. A specific example of such a scenario occurred at the Early Voting Centre in Lismore, which created access issues for volunteers, voters, pedestrians and local businesses.

S191 *Electoral Act 2017 (NSW)* states:

191 *Display of posters on early voting days at early voting centres*

*A person must not display, or cause to be displayed, any poster of any size:*

- (a) within an early voting centre, or*
- (b) within 6 metres of an entrance to an early voting centre, or*
- (c) on the exterior of a building used as an early voting centre,*

*on any day on which early voting is conducted at the early voting centre.*

*Maximum penalty:*

- (a) in the case of a corporation—50 penalty units, or*
- (b) in any other case—10 penalty units.*

192 *Canvassing on early voting days at early voting centres*

*(1) Canvassing in early voting centre*

*A person must not:*

- (a) canvass for votes, or*
- (b) solicit the vote of any elector, or*
- (c) induce any elector not to vote for any particular candidate or group of candidates, or*
- (d) induce any elector not to vote at the election,*

*within an early voting centre or within 6 metres of an entrance to an early voting centre on any day on which early voting is conducted at the early voting centre.*

*Maximum penalty: 20 penalty units.*

As a consequence of these provisions, posters and volunteers canvassing are in some cases required to stand in an awkward position, often obstructing the frontage of an adjacent business. In order to minimise disruption to businesses surrounding Early Voting Centres, the NSW Nationals suggest that a provision be inserted into the Act that would give the Voting Centre Manager or their delegate the discretion to consider other arrangements (such as allowing one a-frame sign per candidate within the 6 metre area if it will preclude disruption to surrounding areas or for safety reasons and would be fair to all parties involved).

The NSW Nationals are aware that such an arrangement was put in place at an Early Voting Centre in regional New South Wales with positive effect.

## **Recommendation**

*Discretion be given to Early Voting Centre Managers to enable them to consider arrangements for canvassing and posters within the six-metre area for Early Voting Centres, where such an arrangement will preclude disruption to surrounding areas and businesses, address safety concerns and is equitable to all candidates involved.*

## **14. REDUNDANCY PROCESS FOR EARLY VOTING CENTRES WHEN ELECTRONIC SYSTEMS ARE DISRUPTED**

During the 2019 State Election, the NSW Nationals are aware of an example in the electorate of Ballina where the computer systems of the New South Wales Electoral Commission were disrupted during the early period of early voting. As a result of this technical malfunction, voters intending to vote at this Early Voting Centre at that time were turned away and advised to return at another time, access a Postal Vote Application or iVote or vote on polling day. This is clearly unacceptable as this may have prevented an individual from casting their vote if they were unable to attend a Voting Centre at another time or access one of the other services, which would essentially result in them being disenfranchised. To prevent such a situation from occurring again, the NSW Nationals submit that the New South Wales Electoral Commission should develop some kind of redundancy system or manual process to ensure voters can access a polling centre and cast their ballot regardless of the technical capabilities of the New South Wales Electoral Commission or the Voting Centre at the time.

## **Recommendation**

*That a redundancy system or manual process be developed by the New South Wales Electoral Commission to ensure voters can cast their ballot if and when the normal electronic systems that are used at a Voting Centre are disrupted.*

## **15. GEOGRAPHICAL SIZES OF LEGISLATIVE ASSEMBLY ELECTORAL DISTRICTS**

As previously mentioned in this submission, the geographical sizes of Legislative Assembly Electoral Districts vary greatly throughout New South Wales. For example, the electorate of Barwon covers forty-four per cent of the geographical landmass of the state. Geographically, this electorate is approximately the same size as the Federal Republic of Germany, whilst the next largest electorate of Murray is approximately the same size as The Netherlands and Denmark combined. Compare this to the electorate of Newtown at just 10.29km<sup>2</sup> which can fit into the electorate of Barwon over 34,625 times.

In fact, you could combine the metropolitan electorates of Cabramatta, Oatley, Manly, Granville, Lakemba, Strathfield, Willoughby, Rockdale, Canterbury, Drummoyne, Kogarah, North Shore, Summer Hill, Vacluse, Coogee, Balmain, Sydney and Newtown,



and still would not be able to fill the geographical size of the electorate of Barwon. Combined, these metropolitan electorates contain over one million voters, where the electorate of Barwon contains just 55,000. That means that whilst the population density of the metropolitan electorate of Newtown is approximately 5,526.9 people per square kilometre, it's just 0.16 people per square kilometre in the electorate of Barwon.

Whilst the electorate of North Shore has five public schools, one SES station, one public hospital and a couple of hundred kilometres of road, the electorate of Barwon has 69 schools, 28 hospitals, 16 SES stations and over 4,000km of road, but just one elected state representative.

These are but a few examples of the substantial differences that exist in the geographical size and services offered between metropolitan and regional electorates. This can best be highlighted by the fact that a single representative can represent an electorate which can be traversed in 15 minutes or an electorate that takes 9 hours to drive from end-to-end. Often constituents in a metropolitan electorate can catch a bus or a train or even walk to meet with their elected representative, whereas constituents in regional electorates may have to drive hours to access the same service.

As such, the NSW Nationals submit that equity in representation of voters in electorates across the state of New South Wales should not just equate to similar numbers of voters per electorate, but also equal access by voters to their elected representative.

## **Recommendation**

*That consideration be given to the reduction in the geographical sizes of electorates to ensure that equity in representation is achieved, as this does not just equate to an equal number of voters per electorate, but also equal access to their elected representative.*

## **16. NEGATIVE CAMPAIGNING**

The NSW Nationals submit that the use of negative campaigning tactics should be legislatively prohibited. In the current political climate, often political parties and candidates will engage in negative campaigning against a competitor in an attempt to achieve victory. Whilst in some cases, such criticism may be fair due to past performance or issues of a particular candidate, often such tactics are responded to in-kind and often become a 'race to the bottom'. As such, the prohibition of negative campaigning would provide a more civil debate, create a more level playing field for candidates and likely encourage more individuals to seek election to office without having to consider their reputation being damaged through such tactics.

Whilst such tactics remain open to use, all political parties and candidates will continue to engage in them to achieve victory and no one side in a contest will withdraw from such campaigning as it would leave them at a competitive disadvantage. However; if such negative campaigning tactics were legislative prohibited, all candidates and parties would suspend such activities, resulting in a higher level of political debate during election campaigns.

## **Recommendation**

*That negative campaigning tactics should be legislatively prohibited.*