

**Submission
No 17**

INQUIRY INTO THE 2015 NSW STATE ELECTION

Organisation: Shooters and Fishers Party
Name: Mr Tim Horan
Position: State Director
Date Received: 25/08/2015



Jai Rowell
Chairman – Electoral Matters Committee
NSW Parliament
Macquarie Street
SYDNEY NSW 2000

Dear Mr. Rowell,

The Shooters and Fishers Party would firstly like to thank you for the opportunity to make a submission to the NSW Parliament's Electoral Matters Committee in relation to the March 28th, 2015 NSW State Election.

We would also like to publicly recognise the staff at the NSW Electoral Commission who ran an excellent election, and were always available to answer any questions or concerns we raised with them.

There are a number of matters we would like to raise for the Committee's consideration:

- Timing of Ballot Draw and registration of Electoral Material with NSW Electoral Commission
- Nominations of candidates
- I-Vote
- Non-traditional election advertising
- Party membership subscriptions
- Timing of lodgement for annual Electoral Disclosure
- Double checking of Election Disclosure
- Increased compliance costs

1. The Ballot Draw and registration of Electoral Material

The Shooters and Fishers Party cannot understand why, given the fixed nature of NSW Elections, why the Ballot Draw was only held two weeks before Election Day, thus causing parties to rush to have their How to Vote (HTV) material designed, printed and distributed around the State.

Notwithstanding the fact that larger parties have more material to print, they can also utilise local printers and distribution networks to ensure timely delivery of material. Minor parties are far more likely to use one printer and then distribute material from a central location.

In our own experience, the Shooters and Fishers Party relied heavily on volunteers to personally deliver material across the State.

The Shooters and Fishers Party call for the Ballot Draw and registration of Electoral Material to occur no fewer than twenty one (21) days before a State Election.

2. Nomination of candidates

The current requirement for each candidate to personally sign the same Legislative Council nomination form is time consuming and diverts much needed resources. In our own example, the Shooters and Fishers Party had staff members personally visit each of our candidates to sign the nomination documents.

As a party with strong regional representation, this involved driving from Finley on the Victorian border, to Parkes in the Central West, throughout Sydney, the Central Coast and Hunter Valley, up to Port Macquarie and into Grafton in far Northern NSW.

The Shooters and Fishers Party submit that the NSW Electoral Commission should investigate the possibility of providing each Party with a unique internet log-in that each candidate can access, confirm their position on the ballot paper and provide an electronic signature.

The system could then confirm their eligibility to stand as a candidate for election by checking enrolment details. This would also expedite the nomination process, allowing the ballot draw to be moved forward.

Candidates could also submit their background check documents online.

After all candidates have provided an electronic signature the Registered Officer of the Party could also electronically sign and submit the document to the NSW Electoral Commission in person.

3. I-Vote

The Shooters and Fishers Party are concerned about problems raised in regards to the use of I-Vote at the March 2015 election.

We submit that the NSW Electoral Commission must ensure that all voting carried out on mobile or other electronic devices is accurately recorded and submitted securely with the provision of a complete audit trail to enable full scrutineering. Further we request that the NSW Electoral Commission provide assurances to all Parties that the I-Vote system has full connectivity at all times as is required.

The failure of the 2015 NSW Election to display two parties contesting the Legislative Council elections is not good enough and raises serious questions about the security and accuracy of these systems.

4. Non-traditional election advertising

Having just completed our NSW Election Return, the Shooters and Fishers Party submit that the NSW Electoral Commission review their position on non-traditional advertising that parties may take out in the lead up to an election.

This includes social media advertising and podcasts as there are currently no specific provisions made.

For instance, the requirement to submit every Facebook post or Tweet that was 'promoted' during the election period is, we submit, entirely unnecessary.

It should be noted that when the Shooters and Fishers Party questioned this matter with the NSW Electoral Commission that it was evident no clear guidelines existed on social media advertising.

5. Membership subscriptions

While this may fall outside the NSW Parliament Electoral Matters Committee's jurisdiction, the Shooters and Fishers Party believe it is important to raise nonetheless.

We feel that the current requirement that all membership subscriptions must not be used in an Election Campaign is a restriction on the rights of our members to have their generous contribution of membership fees used in the way that best supports the Party.

Our members expect that their annual subscription should be available to be used in the promotion of the Party during election periods, however the current restriction on placing membership subscriptions into our Campaign Fund means this is not possible.

The Shooters and Fishers Party strongly believe that all membership subscriptions should be available to be used at the discretion of the Party during an Election Campaign, in so far as they comply with all NSW Electoral Commission guidelines.

6. Lodgement date for Election Disclosure (22nd September)

The Shooters and Fishers Party submit that the lodgment date for our Election Return, which includes our audited accounts, is out of step with that of general reporting requirements in Australia. For example, listed companies are given until the 30th September, unlisted companies have until October 31st to file audited accounts with regulators and Federal Parties who have until October 20th.

Recognising that smaller political parties do not have the resources of a listed company, the Shooters and Fishers Party believe consideration should be given to making the lodgment of Election Returns in line with Federal Parties and due on October 20th.

7. Doubling of resources on Election Return

Under the Act, the Shooters and Fishers Party are required to have external auditors complete an audit of our Administration Funding Return, Election Funding Return and Electoral Disclosure. Following this the NSW Electoral Commission also undertakes a full check of all three returns, and require our Party to answer any questions that they have during the process which can involve significant amounts of time and resources. The full checking makes the audit redundant.

The Shooters and Fishers Party submit that the NSW Electoral Commission do 100% checking of returns. The Electoral Commission does not apply any concept of materiality, with adjustments to the cent being put forward which would not appear good use of their resources nor ours. We submit that if the auditing and then 100% checking is to continue the Electoral Commission apply materiality to achieve better use of resources.

8. Increased compliance costs

The Shooters and Fishers Party would point out the large increase in compliance costs both from a dollar and time point of view.

Our external accountants and auditors are engaged by the Party to perform this work during the peak time of year which attracts higher costs. At the same time the Government has legislated that Parties provide an additional Electoral Funding return that has not been required in the past.

It would also be of assistance that the Commission, following major changes to the legislation and regulation as happened in October 2014, hold timely information sessions (similar to that held for the state election) to assist smaller parties with compliance. This should include the Commission's interpretation and application of legislative and regulatory changes.

Changes to the electoral legislation and regulation in NSW has been rapid and frequent and the volume of transactions/information flow for a minor party has also been increasing with a greater demand of information from constituents. The systems of the Shooters and Fisher Party date from the 1980s and are heavily paper based requiring multiple handling to meet reporting requirements. These systems are badly in need of upgrade to ensure continued compliance. This is a costly exercise given the electoral legislation in NSW is very distinct from other jurisdictions thus requiring specifically designed systems.

I would be pleased to speak to each of these points during any public hearings the Committee may hold in relation to the March 2015 NSW Election.

Sincerely,

A black rectangular redaction box covering the signature of Grant Layland.

Grant Layland
Registered Officer
Shooters and Fishers Party