

REPORT ON PROCEEDINGS BEFORE

**JOINT STANDING COMMITTEE ON ELECTORAL
MATTERS**

**DISPLAY OF ELECTORAL POSTERS AND OTHER ELECTORAL
SIGNAGE AT VOTING CENTRES**

At Jubilee Room, Parliament House, Sydney, on Thursday 23 April 2026

The Committee met at 9:30.

PRESENT

The Hon. Peter Primrose (Chair)

Legislative Assembly

Legislative Council

The Hon. Robert Borsak (Deputy Chair)

The Hon. Bob Nanva

The Hon. Nichole Overall

The Hon. Chris Rath

PRESENT VIA VIDEOCONFERENCE

Legislative Assembly

Legislative Council

Ms Karen McKeown

Ms Cate Faehrmann

The CHAIR: Welcome to this hearing of the Joint Standing Committee on Electoral Matters inquiry into the display of posters and other electoral signage at voting centres. Before we start, I would like to acknowledge the Gadigal people, who are the traditional custodians of the land we're meeting on here at Parliament. I also pay my respects to Elders past and present, and extend that respect to other Aboriginal and Torres Strait Islander people who may be present here or watching proceedings online. My name is Peter Primrose and I am the Chair of the Committee. I am joined by my colleagues the Hon. Robert Borsak, Deputy Chair; Ms Cate Faehrmann, who will be coming in later; the Hon. Bob Nanva; the Hon. Nichole Overall; and Ms Karen McKeown, who is online. The Hon. Chris Rath will also be joining us later. Mr Nathan Hagarty will be online and Ms Sally Quinnell will also be joining a little bit later. We thank the witnesses who are appearing before us today and the stakeholders who have made written submissions. We appreciate your input into this inquiry.

Mr TIM DIXON, Deputy State Director, NSW Nationals, affirmed and examined

The CHAIR: I welcome our first witness. Thank you for appearing before the Committee today to give evidence. Please note that Committee staff will be taking photos and videos during the hearing. The photos and videos may be used for social media and public engagement purposes on the Legislative Assembly's social media pages, website and public communications materials. Please inform Committee staff if you object to having photos and videos taken. Before we start, can you please confirm that you've been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

TIM DIXON: I can confirm that, yes.

The CHAIR: Do you have any questions about this information?

TIM DIXON: No.

The CHAIR: Would you like to make a short opening statement before we begin the questions?

TIM DIXON: Yes, I will, just because you don't have our submission in front of you. I will give a quick overview of the NSW Nationals position, and then I'm very happy to answer any questions. The NSW Nationals are open to the idea of limiting signage near polling booths. However, we need to make sure that this is fair and does not offer any partisan advantage to any candidate over any other candidate. Any position apart from this, we would oppose. We have looked at this from many angles and we believe that the only way to do this is to allow an equal number of signs for candidates and/or parties within that same cap and to exclude third-party campaigners.

We understand that this is not a position which would initially be viewed favourably by the High Court; however, we see that this is a necessary and practical step which would be proportionate to the circumvention actions which could be taken to get around the—or to use third-party campaigners to give partisan advantage to candidates. As for the McCloy High Court case, we believe that this could be within it. Anything which allows third-party campaigners, we believe, has the potential to transfer what has been described in some submissions as an arms race of posters to becoming an arms race of third-party campaigners and posters if the current rules allowing collusion between third-party campaigners and candidates stay in effect.

Just to very briefly answer the specific questions, we are open to limiting signage to parties and candidates. We believe parties and candidates should be the only ones to have signs within this exclusion zone. This is not because we do not like third-party campaigners; we believe all voices are welcome in the democracy. However, for this very narrow part of the voting centre, where it's very fast moving and electoral officials will be called on to make rulings and to take down signs, we see that allowing third-party campaigners just opens a very large can of worms.

We believe that this Committee, if they look through how third-party campaigners could be used to game the rules or to circumvent the rules, or the intent of the rules—we hope that the Committee would agree with us. Regarding the number of signs, I note the previous legislation had an 8,000-square-centimetre limit. That would be fine, from our point of view, or the standard corflute size as a maximum. Our point is that it should be equal for each party. We have no position on local government elections apart from a general principle that it should be broadly consistent with New South Wales State elections. We see this limit as being in effect on voting day, with possibly a narrower and smaller exclusion zone for pre-polling.

Regarding the implied freedom of political communication, the High Court has said that measures which are introduced to prevent circumvention of other valid measures are an allowable burden on the implied freedom of political communication, as long as that result is proportionate and other alternatives have been explored. I see the work of this Committee as exploring those other measures. We cannot see any setting which allows third-party campaigners which wouldn't then be used to give partisan advantage to some candidates over another, or couldn't be exploited in the future to do so. If there are rules for signage, obviously the electoral officials need to be empowered to remove signs. There are current provisions which could be expanded. We would be very concerned that this is enforced uniformly across the State and not enforced in different ways in different polling centres. That's a broad overview. I'm happy to answer any questions.

The CHAIR: Do you have any comments on how the quota on sign numbers or size limits have worked in relation to Queensland and Victorian elections, which have similar provisions in their legislation to those being proposed here?

TIM DIXON: I don't have that information in front of me. I understand that they exclude third-party campaigners and, at least at this point in time, have not been challenged before the High Court.

The CHAIR: In terms of the operation of the constitutional—of placing a burden on political communications, what is your opinion that limiting the display of posters outside voting centres could, in fact, be argued to actually improve political communications by essentially getting rid of the corflute wars that take place?

TIM DIXON: I think that's certainly an argument that people could present. I don't know if that's how the High Court would see it, but I certainly can see that point of view. Certainly, from the many submissions to your Committee, many had the point of view that limiting the poster wars might improve the voter experience and make it a more stable and orderly voting experience. That is why the NSW Nationals are open to the idea, but our emphasis is that it is fair and equal to each candidate, and it can't be circumvented.

The Hon. ROBERT BORSAK: Thanks very much for coming. You mentioned in your opening statement that you had an objection to third-party campaigners. Can you elucidate on that, please?

TIM DIXON: We do not have an objection to third-party campaigners at all; they have a valuable role to play in our democracy, and we value their voices in the elections and between elections. We welcome their contribution. It's just for this one very narrow part of the exclusion zone around polling centres where we believe that they should be excluded, not because of they themselves, but because they will then allow circumvention of the rules of an equal number of posters per candidate. Currently there are no rules against collusion with third-party campaigners and parties and candidates. Right now, candidates like having lots and lots of posters at polling booths.

The Hon. ROBERT BORSAK: Just to draw you back to third-party campaigners, you're saying that there's something wrong with third-party campaigners campaigning to support any particular candidate or party?

TIM DIXON: No, absolutely not. That's welcome in our democracy. What I'm saying is that this would incentivise parties and candidates to enlist the support or encourage the establishment of more third-party campaigners in order to get more signs at polling booths.

The Hon. ROBERT BORSAK: But those third-party campaigners, in my view, actually should be registered before they can do that. Not just anyone should be able to turn up. Do you agree with that?

TIM DIXON: Absolutely. But registering is what I'm sure parties and candidates would push to do, to register third-party campaigners before the—

The Hon. ROBERT BORSAK: All registered parties and candidates would have the ability to do that, so what specifically disables the National Party from doing that, and National Party candidates?

TIM DIXON: Absolutely nothing, but what it would result in is what I've said before: Instead of an arms race for posters, we would have an arms race on how many third-party campaigners and posters you have at polling booths. If the goal is to limit posters in the exclusion zone, then this would essentially just be a workaround and there would still be numerous posters in polling booths.

The Hon. ROBERT BORSAK: Surely that's happening already.

TIM DIXON: Yes, it's happening already, and this would just happen with a bit more red tape.

The Hon. ROBERT BORSAK: But if we were to throw out third-party campaigners, I'm sure the first thing the Labor Party or the Liberal Party would do is take us to the High Court and it would get knocked over, surely, for limiting discourse.

TIM DIXON: Once again, absolutely not limiting third-party campaigners, and we welcome their role in the democracy, and we understand that the position might be vulnerable to a High Court challenge—however, we think that this is a narrow and proportionate rule which would be necessary to enable the valid restriction we see in each candidate having an equal number of posters.

The Hon. ROBERT BORSAK: You didn't mention it in your opening statement but do you have any views in relation to signage size, the number of signs, where they could be located, whether it's 100 metres or 200 metres? Have you got any thoughts in relation to that you'd like to share?

TIM DIXON: Not specifically. Our main focus would be on ensuring that each candidate has an equal number of signs, whether it's 100 metres or 200 metres—

The Hon. ROBERT BORSAK: But that goes without saying. I heard you say that in your opening statement. It goes without saying that everyone will have the same law applying to them. I just thought you may have some specific ideas in relation to that.

TIM DIXON: Regarding the maximum size of signs, we would be certainly open to the 8,000 square centimetres which was previously referenced, or standard corflute sizes.

The CHAIR: Mr Dixon, I was remiss in not reaffirming if you wish to take any items on notice, please do so, and then there will be time to consider them later on. My apologies for not reinforcing that earlier.

The Hon. NICHOLE OVERALL: Mr Dixon, very nice to see you. What about things like bunting wrap et cetera that's also been put forward? What's the party's view on the additional material and its use?

TIM DIXON: If it's within the exclusion zone, then as long as there is a cap and it is equal for each candidate, we—that is our primary concern. If there is an limit on signage, I believe it would be unlikely that bunting wrap will be allowed within that exclusion zone. So we're not against bunting wrap per se; however, our emphasis would be on making sure that each candidate has an equal cap and that it is not easily circumvented.

The Hon. NICHOLE OVERALL: So when it comes to that as well. Briefly coming back to the third-party campaigners and mentioning about them potentially being registered et cetera, would one of the potential ways of addressing some of the potential concerns, as you've mentioned, like collusion, be stricter rules around third-party campaigners—what constitutes a third-party campaigner, how they may interact, whether they would also be restricted by caps et cetera? Could that be one pathway that might address it, as opposed to just not being able to participate within that narrow exclusion area?

TIM DIXON: We would certainly welcome any moves to enhance and strengthen the integrity of the third-party campaigners and to strengthen the definition, and also to enforce the third-party nature of it, as in they're not colluding with a first party, if that makes sense, or they're not essentially just an arm of or working very closely with other parties. Some kind of anti-collision mechanism would definitely get around our objections—that would be vastly preferable—however we still believe that this would open it up to people trying to circumvent the rules. Instead of just trying to put up as many posters as possible, they'll be trying to establish or get others to establish or to find or to enlist more groups to enlist as third-party campaigners so that they can put up more posters.

The Hon. NICHOLE OVERALL: Then it also becomes an issue of monitoring, oversight and how it's actually enforced as well. Would that be a concern?

TIM DIXON: Absolutely. I think that from the Electoral Commission's perspective—they will give you their perspective—I imagine it's easier for them to say, "Put up as many posters as you want here, but not within six metres," rather than checking, say, six posters per candidate and four posters per third-party campaigner and counting them at each polling booth and double-checking each one. I note that the Committee also asked about possible grouping of posters—as in, if a third-party campaigner had a poster in favour of a candidate, then maybe that could come within the candidate's cap as a potential way to lessen the advantage or remove the advantage.

But I think that that's also just unworkable in practice unless the candidate has absolute discretion as to which posters come within its cap. Otherwise the candidate is essentially having some of his or her space taken away for a third-party campaigner and the message that the third-party campaigner has on their material may not be what the candidate wants. It might be suboptimal from the candidate's perspective. We can't see how third-party campaigners can be allowed posters within this narrow zone without it resulting in, essentially, a whole lot more third-party campaigners eventually been registered, particularly to get around or to circumvent or to participate in our democracy via putting posters within the exclusion zone.

The Hon. BOB NANVA: Thank you for your evidence this morning. If I can take you to some of the third-party campaigners that registered for the 2023 general election, they include organisations like the NSW Farmers Association; the New South Wales Wine Industry Association; the Greyhound Breeders, Owners and Trainers Association; and the Registered Clubs Association. The only registered third-party campaigner for the 2027 election, currently, is the NSW Minerals Council. You'd have to appreciate and respect their right to participate in the democratic process, wouldn't you?

TIM DIXON: I strongly support their right to participate in the democratic process.

The Hon. BOB NANVA: That would include participating and taking part on election day?

TIM DIXON: Absolutely. They can participate and take part on election day. Just for the very narrow purpose of putting posters within the exclusion zone at a polling centre, if the goal is to limit posters to allow for more stable and orderly voting, then we believe this will not be effective because people will circumvent it.

The Hon. BOB NANVA: But you'd be supportive of these organisations or organisations of this nature taking part in the democratic process by also putting posters up on election day, or you're not supportive of organisations like these participating that way on election day itself?

TIM DIXON: I'm supportive of every organisation taking part in our democracy. Purely for the very, very narrow purposes of an exclusion zone around a polling centre, if the goal is to limit posters then it should be

limited to parties and candidates, because what you'll see is a whole lot of new third-party groups set up to enable more posters.

The Hon. BOB NANVA: If we can focus on legitimate third parties—I do take your point about faux third parties that are created to try and circumvent restrictions. But in terms of genuine, legitimate, registered third parties, you're supportive of them having the same rights to put up posters that apply to parties and candidates—if the same restrictions apply to them in terms of quantity and size—as part of their right to take part in the democratic process?

TIM DIXON: Once again, we believe parties and candidates should have that right. As soon as you allow it to third-party campaigners, excellent participants in our democracy as they are, you will open the system up to circumvention and you will offer partisan advantage to one candidate or another. Therefore, our position is that either they're excluded—in which case they should all be excluded, even ones who are more supportive of the NSW Nationals' positions on issues—or if they're not excluded then we should not have the exclusion zone.

The Hon. BOB NANVA: Would your concerns around third parties be alleviated if there were protections in place to ensure parties and candidates couldn't deliberately seek to circumvent the restrictions around exclusion zones? If there were prohibitions in place that effectively stopped parties and candidates from gaming the system, would you then support legitimate, registered third parties participating on election day by displaying their posters in the same way political parties and candidates can? It's a legitimate point you're raising around parties gaming the system. I take that point. But if there were restrictions to stop them from circumventing the restrictions in the Act, would that alleviate the concerns you've got?

TIM DIXON: It would alleviate the concerns. It would be broadly welcomed. But our position is we would like to see those first before we say that this would alleviate our concerns. But, yes, we would strongly welcome rules to enhance and strengthen the structure of third-party campaigners, to raise the threshold and to increase transparency into their decision-making processes and decision-makers. That would definitely be welcomed by the NSW Nationals. But our starting position is that allowing them will incentivise the creation of third-party campaigners and result in parties and candidates seeking to register ones which are not at arm's length.

The CHAIR: Unfortunately, I think the clock is beating us. Thank you very much for appearing before us today. You'll be provided with a copy of the transcript of your evidence for corrections. Committee staff will also email any questions. I don't think you did take any on notice, but the Committee will be in touch.

(The witness withdrew.)

Mr DOMINIC OFNER, General Secretary, Australian Labor Party, New South Wales Branch, sworn and examined

The CHAIR: I welcome our next witness. Thank you for appearing before the Committee today to give evidence. Please note the Committee staff will be taking photos and videos during the hearing. The photos and videos may be used for social media and public engagement purposes on the Legislative Assembly social media pages, website and public communication materials. Please inform Committee staff if you object to having photos and videos taken. Before we start, can you please confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

DOMINIC OFNER: I have.

The CHAIR: Do you have any questions about this information?

DOMINIC OFNER: No.

The CHAIR: Would you like to make a short opening statement before we begin with questions?

DOMINIC OFNER: Thank you for the opportunity to appear this morning on the subject matter of this inquiry. I would say that over 20 years of taking part in election campaigns for the Labor Party, I've observed that the number of signs, posters, bunting and other materials displayed at booths on election day and at early voting centres has increased to, frankly, absurd levels. I think that this has come to a head in the most recent State and Federal election cycles. I have here, if I can show the Committee, an image of pre-poll voting centre in the Federal electorate of Bennelong, where there are just so many signs. It is frankly quite embarrassing for the political process.

This competition for limited space I think has created a level of tension and animosity at voting centres, which has been very difficult to regulate because, understandably, the commission's role is what takes place within the six metres of the polling centre, not outside the six metres. The competition for limited space has also seen volunteers and party workers setting up earlier and earlier. We saw again at the last Federal election and at the last State election booths that were not at schools. Volunteers or party workers were setting up those booths on the Friday morning before election day, and much to the disgust of, in one instance, the local minister of the church where that was being set up.

I'm well aware of instances where parents are trying to get their schoolkids out of school on a Friday afternoon and having to navigate their way through some very overenthusiastic booth workers and party volunteers. It comes down to a point where we would like to think that common sense would prevail but, in those 24 hours before election day, I think we can all draw from our experience that common sense isn't very common when it comes to these kinds of things. Therefore, there does need to be some level of regulation about what is taking place in terms of signage and the setting up of signage.

There are obvious environmental considerations that we've come to a point as a society we can no longer look past in terms of single-use plastic, especially for those candidates that may be unsuccessful. Again, there are significant mobility challenges caused for voters who are trying to get through the over-the-top display of material, posters—and past A-frames in particular. Of particular concern to me, as a party secretary and as someone with a duty of care to our volunteers and our party members, is the fact that this material is being set up the morning or afternoon before election day. It therefore needs to be watched and guarded overnight. That puts particularly younger people in a situation where—I am aware of an instance where a young woman has had a knife pulled out towards her, and the police were involved in that. That's the kind of thing where young people are in those positions because of this arms race when it comes to setting up and protecting material overnight.

We are all aware of instances—and I believe our party included some video footage of this in our submission—of competing political parties or volunteers for those parties tearing down material overnight, which is just totally unacceptable. It's disrespectful and undermines democracy. I don't think that's the responsibility of the party leadership, but if common sense isn't going to be applied then I think we have an obligation to make sure that there is a level of regulation. I do dread the day or the night before an election or the early hours of the morning of an election, when I may receive a phone call to say that something has happened to one of our volunteers in that period of booth set-up and guarding of booths. That's why I'm keen to see some action arise from this Committee, from this hearing and from this inquiry to make sure that's not something that I or anyone who comes to this role after me, from whatever political party, ever has to experience.

The CHAIR: Before we begin questions from members, I'd like to inform you that you may wish to take a question on notice and provide the Committee with an answer in writing should you choose to do so. I'll just begin with two quick questions. One is on the issue that has been raised in some submissions relating to this

measure being a burden on political communication. I am wondering how you would respond to the suggestion that limiting the display of posters outside voting centres may, in fact, improve political communication. Could I have your comments in relation to that?

DOMINIC OFNER: On the first point of is it a burden, I think the same logic and principles apply to the fact that there are caps on donations and expenditure; therefore, strict limits on signage is consistent with the principles of our election framework over the past now 16 years. In terms of the improvement of political communication, I agree. Going back to that image of Bennelong, no-one would have the slightest clue what was on any of those signs, because it was all blurred. Fewer signs mean that the communication conveyed in those messages is more likely to be identified and consumed by voters.

The CHAIR: Can I ask, then, a more general question: Where the quota on sign numbers already exists in Queensland and Victoria, do you have any comments on any difficulties that they may have experienced or, alternatively, where that may have been a positive measure?

DOMINIC OFNER: I obviously regularly communicate with my counterparts from the Victorian and Queensland branches. In the case of Victoria, this year's election will be the third State election where those restrictions have applied. The consensus within the party is that it has worked very well, precisely because it has addressed some of the concerns that I outlined in my opening statement. Likewise with Queensland. They're different sets of rules in the two jurisdictions, but they are broadly very happy with how that has gone. I'd make the point, as well, that the Queensland campaign that we just had was, I understand, the first election with those restrictions. The Queensland Labor Party lost. The Victorian Labor Party has won the two elections prior to this year where those restrictions have been in place. No-one can make the point that somehow these rules favour one political party over another based on the experience there.

The Hon. ROBERT BORSAK: Mr Ofner, I see your final recommendations relate to basically six signs, I suppose: two candidate, two regional candidates—I guess that's upper House—and then two party related ones. How do you deal with the situation where you might have multiple entry points to one polling place? How are you going to spread those signs? It's a matter of how you think you could do it, but there are some that have two; some even have three entry places and some have informal entry places. How are you going to enforce that?

DOMINIC OFNER: I'm just looking at the recommendations. I'm not sure our recommendations specify an exact number of signs.

The Hon. ROBERT BORSAK: No, it doesn't, but you quote the Victorian example up above, which talks in those terms.

DOMINIC OFNER: We also quote the Queensland example, which has a different number. We're not coming here with a specific number, precisely because of the point you raised, Mr Borsak, about the number of entrances. In terms of any specific number that we look at as a jurisdiction here in New South Wales, we should apply the fact that most booths have more than one entrance. Even where there's one entrance, like a primary school, there's obviously a very big—the school grounds—

The Hon. ROBERT BORSAK: Would it be more useful in applying these rules to restrict every polling place to have one entry and one exit?

DOMINIC OFNER: I think that would be very welcome news to people who are working out booth rosters. Whatever the limits are on signage, the setting up of booths—that would be welcome. I suppose there'd be a fair bit of working out what that entrance would be and having that clearly communicated to volunteers and parties prior to election day.

The Hon. ROBERT BORSAK: You would have experienced where you go to a polling place and you find that you think this is where it has traditionally been, and then everyone sets up there, and then you find when the place opens they're actually somewhere else around the corner or further down the lane or something along those lines.

DOMINIC OFNER: Yes.

The Hon. ROBERT BORSAK: Do you have any specific ideas in relation to the signage size that you favour?

DOMINIC OFNER: The standard sign I've seen, particularly those portrait corflutes, is the 600 by 900. I think that would be a very straightforward and acceptable size limit. There are oversized corflutes as well. I think Queensland specify a set of dimensions. There should be some scope for some oversized, within a limited number obviously. But I would think that there should be two specific sizes. Certainly bunting and wrap material should not—we should return to the pre-2019 ruling.

The Hon. ROBERT BORSAK: Do you have any view in relation to changing the area or the limit in relation to the closest you can get to the opening of the polling place, the entry to the polling place?

DOMINIC OFNER: The six-metre rule is longstanding; it applies Federal and State. We should keep that consistency. My concern about the six-metre rule is that anything that goes beyond there, in terms of behaviour of volunteers for the polling officials, is not their duty. I understand that, but I don't think that is consistent with, certainly, WHS responsibilities and community expectations. The 100-metre limit which was informed by Victoria, which a number of submissions draw on, is sensible. It seems from the submissions there's a fair bit of consensus across political parties about that.

The Hon. ROBERT BORSAK: That's really the way you're looking at it: That's an enforcement zone. Is that what you're saying?

DOMINIC OFNER: For the issue of if there were to be a limit on signage, absolutely, yes.

The Hon. ROBERT BORSAK: Do you agree that mobile billboards should be excluded?

DOMINIC OFNER: I think, if we are going to look at that, it's consistent with the limit on signage. I think mobile billboards would have a role, but if we're applying restrictions on signage on election day and at early voting centres then there would be limits on that. But there certainly should be a role for mobile billboards in other parts of the electorate that don't affect that.

The Hon. ROBERT BORSAK: In your recommendations you talk about a 6.00 a.m. start on the day. In other words, no-one can put their signs out until 6.00 a.m. Is that what you're saying?

DOMINIC OFNER: Yes. That's in response to my concern that we have people in, frankly, unsafe situations setting up in the middle of the night, but that is primarily because of the arms race to set up in limited space. If there are restrictions on the number of signs then I'm less concerned about that time, but I think that if there is not a restriction on signs out of this inquiry then we do need to limit that.

The Hon. ROBERT BORSAK: You're not proposing to restrict or you wouldn't agree with restrictions on where democracy sausages could be sold?

DOMINIC OFNER: Absolutely not.

The Hon. NICHOLE OVERALL: Mr Ofner, in talking about the arms race and the level of tension preceding election day, along with the restrictions on when material may go up—if you're talking about avoiding some of that—your submission also specifically references "overwhelming volumes of campaigners" or volunteers. You specifically mention the brethren, but unions are also often a part of that during election day as well. Doesn't that also potentially contribute to some of the confusion and the congestion that's being experienced on election day itself? If we're talking about less signs and we go down that route, and we have more people turning up in election T-shirts and in other ways in which to advertise election material, how do we address that? At what point does it become unmanageable or not enforceable?

DOMINIC OFNER: On the issue of the number of volunteers, if there was to be a view to limit that, I think we do get into a realm where there's potential burden on the implied right for political communication. I also think it is unmanageable for political parties to be counting, at any particular point, however many people. That is from the lived experience during the Eden-Monaro by-election, where there was initially a proposal by the AEC, informed by NSW Health, to have limits on the number of volunteers. You'd remember that that was during the early days of the COVID pandemic, and it was clear in working through that that it would just not be manageable. Why did we make the point? Because we anticipated that that point would be raised, again because of the perspective of Labor volunteers at the last Federal election. I am very aware of issues that have been raised by your side of politics, but I don't think the solution is limiting volunteers. I think that the actual issue that can be addressed and fixed, in a commonsense, straightforward way that is easy to manage, is the volume of signage.

The Hon. NICHOLE OVERALL: Leading on from that, if we're talking about limiting the number of signs and corflutes et cetera, one of the other points that emerges in almost all of the submissions is the size of the signage. But Guide Dogs, in their submission, has suggested that bigger signage and bigger text is actually significantly important for low-vision and vision-impaired people. What's your view on limiting signs, potentially, but also the option of needing bigger signage to assist those who have accessibility issues?

DOMINIC OFNER: I haven't seen their submission, but I think that's a valid point. But it's all the more reason why there does need to be a restriction on the number of signs—for the very reasons that that issue has been raised. If we continue with the status quo, that signage would just simply not be seen.

The Hon. NICHOLE OVERALL: Again, it comes back to that—limit the signage. But, potentially, the size of that corflute as we have as the standard now may not address, as you say, the very valid point that they've raised, so that might be something that the Committee needs to look at and consider as well.

DOMINIC OFNER: Yes.

The Hon. NICHOLE OVERALL: The EC, in their submission, has also talked about how the implementation of what we're discussing here could cost as much as \$2 million. Are you suggesting, as the Labor Party is suggesting, that additional funding should be provided in order to undertake this and have this carried out?

DOMINIC OFNER: Our in-principle position is that we would always support additional funding for the Electoral Commission to be able to fulfil its duties under the Electoral Act and the Electoral Funding Act and, whether it's on this or other matters, to ensure the smooth flowing of elections and confidence in the election system. In principle, we would always be supportive of proposals to increase their funding.

Ms KAREN McKEOWN: Good morning, Mr Ofner. Can you elaborate on how the misalignment between local and State enforcement is creating difficulties and conflict for political parties? Could I just get your perspective on that, please?

DOMINIC OFNER: Yes. This is an issue that—our experience is it doesn't relate so much to polling day, but it could. That is, the way that councils enforce the display of signs—A-frames in particular, signage on telegraph poles and signs along roads—is often different between councils. For understandable reasons, the Electoral Commission and the various electoral legislation at Federal and State doesn't canvass, but that inconsistency across local government areas is an ongoing issue for campaigns. Often those local by-laws are changed between election and election and, to be frank, are often applied inconsistently within those LGAs because of the political flavour of those local councils. I think that, while not specifically about polling day signage, it is about election signage. It could affect polling day signage and early voting signage, especially if we're looking at a 100-metre zone, which will be out in public space and footpaths et cetera. That will need to be addressed and should be addressed.

The Hon. BOB NANVA: Would you agree, Mr Ofner, that the use of posters on election day is less about political communication these days but more about flooding the zone?

DOMINIC OFNER: I think that, even if that was not the intention, that is what has become the result. It's just simply flooded with material. I don't see how any voter can consume the message. Whether that's deliberate or not, that is what's happening.

The Hon. BOB NANVA: That's the net effect of what has happened. I'm not seeking a legal perspective from you with respect to political communication and implied freedom but, in your perspective just as a political strategist, would these restrictions enhance political communication on election day, if political parties and candidates were actually compelled to get the messaging right, given the limited means available to them?

DOMINIC OFNER: With the limited resources available to convey your message—in this case, a limit on signs—if your political party wanted to make the most of those limited resources, it would make sure that it was the most effective message and conveyed in the most effective way possible. I also just make the point that, because of the nature of the arms race and because of the capped nature of our expenditure rules, it's almost now seen as a need to have. But I just think there are better ways for political parties and candidates to be spending the limited money that's available to them within their cap.

The CHAIR: I might jump in. I asked the first question and I might ask the last one. Should the proposed 100-metre voting centre perimeter be determined from the entrance to the voting centre building, the building itself or the entrance to the grounds, such as the school gate? How could this be set out in legislation to ensure it's consistent across different polling places? Please feel free to take this on notice, if you wish.

DOMINIC OFNER: This is a very important question because, right now, the six-metre rule is not enforced consistently across booths and is very much at the discretion of the local booth returning officer.

The CHAIR: As we all know.

DOMINIC OFNER: My view is that it is the entrance to the actual voting centre itself. If that's a school, it's not the gate; it's the school hall, say, or the room in which the voting is taking place. It's six metres from the entrance to that. That would be my view about the 100 metres as well. In terms of ensuring that is clear and captured, I think that is important not just because of the 100-metre proposal that we support but also because of the longstanding six-metre zone that is applied inconsistently.

The CHAIR: Thank you very much for appearing before us today. You will be provided with a copy of the transcript of your evidence for corrections. Committee staff will also email any questions that may have been taken on notice. I don't think there were any. Thank you very much for appearing today.

(The witness withdrew.)

(Short adjournment)

Mr GRANT LAYLAND, Treasurer, Shooters, Fishers and Farmers Party NSW, sworn and examined

Mr ROBERT CZESLAW BORSAK, State Director, Shooters, Fishers and Farmers Party NSW, sworn and examined

The CHAIR: I welcome our next witnesses. Thank you for appearing before the Committee today to give evidence. Please note that the Committee staff will be taking photos and videos during the hearing. The photos and videos may be used for social media and public engagement purposes on the Legislative Assembly social media pages, the website and public communications materials. Please inform Committee staff if you object to having photos and videos taken. Before we start, can you please confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

ROBERT CZESLAW BORSAK: Yes, we got those in advance.

The CHAIR: Do you have any questions about that information?

ROBERT CZESLAW BORSAK: Not from me.

GRANT LAYLAND: No.

The CHAIR: Before we begin, would either of you like to make a short opening statement?

ROBERT CZESLAW BORSAK: I have one. Thank you, Chair, and thank you to the Committee for the opportunity to appear today. The core issue here is simple. At the moment, elections at polling booths are no longer a contest of ideas; they are a contest of scale. What we see across New South Wales is excessive signage, fence saturation and visual crowding that favours those with the largest budgets and logistics operations. That is not good for candidates but, more importantly, it is not good for voters. Voters deserve a polling place environment that is clear, orderly and accessible. They should be able to engage with information, not be overwhelmed by it.

Our position is straightforward. We are not seeking to restrict political communication. We are seeking to standardise it. The model we have proposed is moderate and that's deliberate. It draws on existing approaches in Queensland and Victoria but avoids the extremes of both. It allows signage but limits excess. It allows campaigning but removes the arms race. It ensures that every candidate has a fair opportunity to be seen, without allowing any one campaign to dominate the physical space. Importantly, it equally applies to pre-poll, which now represents a substantial proportion of votes cast. Without that, any reform will simply be bypassed. This is a practical, enforceable model that improves fairness while preserving democratic—we would encourage the Committee to adopt a similar balanced approach.

The CHAIR: Thank you. Mr Layland, would you like to make any comments?

GRANT LAYLAND: No.

The CHAIR: We'll now proceed to questions. If I can just begin, one issue that has been raised in a number of submissions relates to looking at the issue about the potential constitutional burden on political communications that any change may make. The suggestion is that limiting the display of posters outside voting centres may in fact improve political communications by setting a more even playing field. I was wondering if you'd like to—I know you've referred to that already, but would either of you like to comment on that?

ROBERT CZESLAW BORSAK: Yes, I think it definitely will. As has been said before, the Victorian changes have been done and they've been observed. The feedback that we have from our counterparts in Victoria is that election day is a better experience down there. If this is not about the voters, then what's it about? If we can do anything to improve that visual pollution on election day, I think that's a positive, including pre-poll. But we're really talking mainly about election day, because that's where the big signage, those big fence wraps and the litany of A-frames that are all over the road—and even stickers on the ground, I saw in Kiama. We need to have some sort of regulation around that. It would definitely not limit communication; it would make it standardised, as we said.

The CHAIR: Have you had any feedback about the Queensland experience?

ROBERT CZESLAW BORSAK: Queensland is a different one. We don't have people on the ground there, but they don't have the same—so Victoria is very stark: "Two signs, keep it clean." If any third parties join in, they go with those two signs. In Queensland they have more, and their sizes are different. They can go a bit larger. So the Queensland perspective, not in reality—I haven't seen any feedback on that. But they did get rid of super large signage, those fence wraps and things like that. With those gone, I would say the experience would

improve, because that's a "fastest finger first", first person to get it up gets the spot sort of thing. When you don't have that, the playing field is already levelled more. I can imagine the Queensland experience is a lot better.

The Hon. ROBERT BORSAK: You talk in terms of the other States, and that's fine. But it does occur to me—and I asked this question before—do you think including a restriction on the number of entry points to a polling place would be useful?

ROBERT CZESLAW BORSAK: Yes, I think that's important. These rules are great if we bring them in, but if we don't think how it's going to work in practical terms, there's no point. If you have a limit of signs, that's fine, but if every polling booth or polling place isn't standardised as well then it all falls over. That would be a sensible solution. We've all shown up in one place before thinking, "This is the spot"—because we've all talked amongst ourselves, amongst our volunteers—and then the AEC booth boss comes out and tells you, "No, it's over there." Then you all have to race over there and carry on again because you have to get a better spot, and you're all going crazy. But if it's one standardised area, that would make things very black and white. You know exactly where you stand, literally, and you know exactly where your signage or your set number would be maximised. One entry would be a great, commonsense solution.

The Hon. ROBERT BORSAK: In relation to mobile billboards, there seems to be a bit of consensus that they should be restricted. What about if someone lives across the road from the school and they've got, say, as you always see, either Liberal or Labor Party signs stuck in the ground? How would they be treated? They're not officially part of the campaign and they are, for example, within the 100-metre radius.

ROBERT CZESLAW BORSAK: If we're using, in the hypothetical or the proposed situation, that we have the 100-metre exclusion zone as in Victoria, for example, Victoria says any corflutes that are clearly political signage within that 100 metres count to that party's cap. In Victoria, if someone across the road or down the street within the 100 metres had their sign up saying, "Vote Greens", "Vote Liberal", "Vote Labor", "Vote Shooters" or whatever, then that person has to have their sign included with the party. It's within the party's interest not to—because that's an easy way to game it, and we want to avoid the gaming. That's what Victoria learnt, so they include it that way.

The Hon. ROBERT BORSAK: So you're saying that they wouldn't be included within the, in your submission, six-sign cap if they—

ROBERT CZESLAW BORSAK: Yes.

The Hon. ROBERT BORSAK: In other words, they would have to come under the control of the party concerned to make sure that those signs within the 100 metres, I suppose, aren't displayed if they want to maximise it.

ROBERT CZESLAW BORSAK: Exactly. The way you could game it is you could just talk to everyone.

The Hon. ROBERT BORSAK: And outside the 100 metres?

ROBERT CZESLAW BORSAK: Outside the 100 metres, it's play on.

The Hon. ROBERT BORSAK: Anyone can do anything?

ROBERT CZESLAW BORSAK: Whatever the council rules are, obviously, because the councils have certain rules. Some councils might say, "No signs on trees", "Limit of so many signs per yard". Whatever the council rules are, that's the council rules.

The Hon. ROBERT BORSAK: The National Party earlier in the hearing talked about limiting the number of third-party campaigners. Do you have a view on that? I don't think you mentioned it in your submission.

ROBERT CZESLAW BORSAK: It's a tricky one because if there's clear signage that is by a third party but it's influencing someone to vote for another party, in Victoria they count that as part of that party. But if it's a bit more unambiguous, that's where—

The Hon. ROBERT BORSAK: No, a bit more ambiguous.

ROBERT CZESLAW BORSAK: Sorry, ambiguous. That's where you'd need to be very careful. Do we want to put limits on—because, again, how can they game it? Do we want the parties to have limits, but everybody else no limits? Then the third parties are just going to flood it with signs. Or do we say that any political messaging—you have your normal checks, has to be authorised by, and all that sort of stuff—

The Hon. ROBERT BORSAK: But wouldn't it make more sense if you were going to have third-party campaigners have the same limitations, or a lesser limitation?

ROBERT CZESLAW BORSAK: Look, if it was definitely a third party—I'm thinking, for example, if it's a local area, let's say it's Goulburn's election.

The Hon. ROBERT BORSAK: Let's cut to the chase. What the National Party is talking about are Labor unions.

ROBERT CZESLAW BORSAK: Okay. If there's clear signage that you can see, and if it's clear it's influencing a vote towards one party or against another party that's pretty clear, then that's obviously going to go with that party. You can tell that that would be joined in. But if it's a local issue—I'm thinking of someone that wouldn't run. Maybe they didn't have a candidate that they wanted to put up local issues, or something, on there, then that's different. They would have their own cap.

The Hon. CHRIS RATH: I suppose the difficulty for the Committee in our recommendations is what's the magic number? I'll come to wrap in a sec as well, but what do you think the magic number should be? How did you come to that conclusion?

ROBERT CZESLAW BORSAK: As we said, I think the Victorian one is pretty extreme—just two. Bang, just two—that's it. But something that Victoria do is they have, for a general election, that's actually two elections because you have two ballot papers. You have your local candidates—they get two—and then you have your upper House, they get two. It's two in the legislation; but in practicality, it's four. That's where our something in the middle was Queensland is more; Queensland is four each. I thought, similarly, if we're going to take a definition that for every single election it's three—a by-election is three; a general election, it's six. Does that make sense?

The Hon. CHRIS RATH: Yes.

ROBERT CZESLAW BORSAK: It lets you have your candidate. That lets you have your party issues, and then you have your upper House issues.

The Hon. CHRIS RATH: That would be standard size.

ROBERT CZESLAW BORSAK: And then we get into sizes, yes.

The Hon. CHRIS RATH: There are also major parties—and I don't particularly like it—that use wrap where you can sort of wrap things higher, like a polling booth, in that crappy plastic that nobody seems to really like. That sort of hogs the entire space. You would have to rule that out. You're saying you're setting a cap per party.

ROBERT CZESLAW BORSAK: Within the exclusion zone, yes. If they want to have the billboard down the road that's outside 100 metres, that's fine; but they can't have a billboard size, wrapped around a school that is the polling place. In terms of the sizes, again, I think it's fair to say they're all working in these terms now. The standard corflute, six by nine, I think we can all agree. There's something in our submission where we talked about A-frames we would count as one sign because that's fair. It's a single sign, so a double-sided A-frame is one sign. If someone wants to put something on a stake and it's a double-sided poster, then that's one because it's a single standing thing just like a single A-frame.

The Hon. CHRIS RATH: Some polling booths don't have much bench space, or any, so you do have to use stakes and A-frames.

ROBERT CZESLAW BORSAK: Yes, it's very common. I don't think it's unreasonable to say — because we are dropping down the numbers from infinity to a certain set of numbers—it is fair to say that one stake double-sided is one, and one A-frame is one.

The Hon. CHRIS RATH: How would you handle third-party campaigners? I take your point about each of the political parties getting a set number. What type of restrictions would you have on third parties? Could that mean that you could have an influx, potentially, of new entrants, new third parties, that could try to get around the restrictions. That's a concern if we move to a more regulated model as well.

ROBERT CZESLAW BORSAK: Yes, it is a concern. Again, if the signage is clearly—using the working example—by the unions, and it's pro-Labor, that's pretty obviously going to go under Labor's cap. It's pretty obvious. If it's a third party that's talking about local issues, and it's not clear and it's clearly someone who wants to put up the genuine local issue and they want to say, "Remember this?", or, "Stop the incinerator", or, "More roads for us", or whatever, that's clearly not telling you to vote for either party. But they'll need to be registered political organisations. The men's shed down the road can't just put a sign up.

The Hon. CHRIS RATH: It can't direct a vote. If it's issues-based signage from a third party, it wouldn't count towards a party's cap. But if it was a third party directing a vote behind one political party or candidate or another, then it would be in that political party's cap, essentially.

ROBERT CZESLAW BORSAK: Yes, and this is the tricky bit because it sounds subjective, but in practicality when you see these signs, it's clearly objective.

The Hon. BOB NANVA: Related to this, I have a follow-up question. There's just the practicality of something like that. There are obviously the constitutional implications, and none of us are constitutional lawyers, but experts can cast an opinion on that. But I suppose the practical difficulty I've got is that, if you've got a third party that is advancing a vote for Labor hypothetically, and that is to count under this regime towards the Labor Party's cap, I, as the secretary of the party, may not like their messaging. I might not like their poster, and it just wouldn't seem fair for that to count towards our party's cap in that particular booth.

ROBERT CZESLAW BORSAK: Yes.

The Hon. BOB NANVA: I suppose I understand the policy problem we're trying to resolve here, but I don't know that that in practicality would work if a party is being forced to swallow another third party's messaging as part of their poster cap. It's just a practical question. But in terms of the policy problem we're trying to resolve—and that is, I suppose, the potential influx of third parties ostensibly to get around these caps, would it alleviate your concerns if there were a mechanism within the Act as part of these reforms that would prohibit, I suppose, a scheme to try to undermine the new restrictions that are put in place around the number of posters that might go up within an exclusion zone?

ROBERT CZESLAW BORSAK: Yes, putting provisions in there about certain checks they have to have, as in the signs must be authorised by, et cetera—because they would need approval anyway by the EC, and then having them as registered political organisations with the EC as well. But I think, in practical terms, it would mean the parties need to get their act together. You can't have someone just chiming in. I can tell you from our side there are going to be many, many firearms groups that are going to want to have their own political signage and things. It's going to be up to you to make sure everyone's complying.

The Hon. BOB NANVA: Within a different context, the Act currently has a section which makes it an offence for anyone or for a political party or organisation to come up with a scheme to try to circumvent a restriction within the Act.

ROBERT CZESLAW BORSAK: Yes.

The Hon. BOB NANVA: I suppose if there were an analogous provision to that—

ROBERT CZESLAW BORSAK: I see what you're saying.

The Hon. BOB NANVA: —but in the context of posters, if a political party deliberately went around sourcing third-party campaigners—registered third-party campaigners, encouraged individuals—to put up posters in a means to circumvent these caps, having a provision that would explicitly outlaw that.

ROBERT CZESLAW BORSAK: Definitely. If we don't have something like that, the whole thing falls over. So definitely.

The Hon. ROBERT BORSAK: What about if third-party campaigners were limited to a cap for themselves—say, two signs?

ROBERT CZESLAW BORSAK: They would be subject to the same cap.

The Hon. ROBERT BORSAK: Your cap was six signs.

ROBERT CZESLAW BORSAK: Three signs per election. If they're not running a candidate, then they only get—oh, sorry, I see what you're saying. They're not running a candidate, so they don't—

The Hon. ROBERT BORSAK: So they should have a separate cap.

ROBERT CZESLAW BORSAK: Yes, of three.

The Hon. ROBERT BORSAK: Two or three or whatever. Is that what you're saying?

The Hon. BOB NANVA: You could do it in proportion to their campaign expenditure limits. There are ways of doing that, I suppose.

The Hon. ROBERT BORSAK: But isn't it also—and it applies to any party. Apropos of what Mr Nanva's saying, how does a party control what the third-party messaging is going to be? You can't coordinate

that. It'd be like us trying to tell the SSAA what their messaging is going to be. They're going to tell us to go and jump. It wouldn't matter who it is.

ROBERT CZESLAW BORSAK: I agree, but if you have a situation where they're saying, "Vote Labor," and they know that's going to damage Labor—the people that they're trying to support—why would they act against their own interests?

The Hon. ROBERT BORSAK: The interests of unions, for example, and Labor are not always the same. That's the reality.

ROBERT CZESLAW BORSAK: Yes, so if you want to damage the party you're trying to support, you can do that.

The Hon. ROBERT BORSAK: That would apply to every special interest group.

The Hon. BOB NANVA: There have been circumstances where I've known for a registered third party to advocate a Labor vote but I have recoiled at their messaging. They do it in a way that I certainly wouldn't support. For me it would be problematic if, in a scenario like that, their poster was to count towards my cap. There's a legitimate problem around, as Mr Rath has said, a potential influx of third-party campaigners being registered to get around all of this. I just wonder if there is another way to—

ROBERT CZESLAW BORSAK: The Victorians have gone through that, so if you like, I could—I'm sure you guys could too—take it on notice and do my research as to how the Victorians are getting around that, avoiding the third-party gaming.

The CHAIR: That would be valuable, I think. One of the issues we're facing is the third-party gaming, but there's also the other extraneous material. I won't have time to ask you about this, but maybe take it on notice. There are things like not only the private residences, which we've spoken about, but the how-to-vote cards, the clothing worn by people, car stickers, lapel buttons, badges, fridge magnets, pens. There's a whole plethora of things which we will need to have a look at in terms of exemptions. If you could take—

ROBERT CZESLAW BORSAK: I think clothing is absolutely fine. If people want to wear pins or if they want to carry around a pen within the 100 metres, that's fine. Anything on their body is fine. Obviously things like sandwich boards are obviously corflute signs, because that's what we're talking about—signage. Those things aren't signage; they're clothing. Certain credentials and all those sorts of things—clothing. If someone's wearing a hat, that's obviously clothing. That sort of stuff you would leave alone.

The CHAIR: They'd be exempt, you'd recommend?

ROBERT CZESLAW BORSAK: Yes, but something else that was in our submission that wasn't previously in there that we wanted to add in there—and I mentioned it—is about Kiama. Currently in the legislation it talks about no markings on the ground—paintings, chalk or any of that sort of stuff—but there were stickers. That's clearly a signage that's been placed on the ground. So broadening that—because that's a bit cheeky—makes sense. Under the current system, when a voter goes through the gauntlet, as it is, on voting day or on pre-poll, they don't want to make eye contact with anyone. The visuals are so intense, they put their heads down, so you show them a sticker on the ground.

If we have a scenario where we put all these things in place—we have the 100 metres, we have the caps, we have size limits and all that sort of stuff—the voter experience will improve, I think, a lot. For some of these schools or community clubs or wherever the polling booth is, it's a big day for them. If they can get more voter engagement on the day—because they miss out. Pre-poll is bouncing around 40 per cent of the vote now. That's 40 per cent of traffic that these people miss out on now because of pre-poll, so if they can get those back, any election day becomes more positive and becomes more of a celebration of democracy, rather than "Oh my goodness, I have to fight the crowd again. This is too much for me. I want to get in and I want to get out." Isn't that positive?

The Hon. NICHOLE OVERALL: I would point out that, in fact, you have mentioned it in your submission—anti-circumvention provisions to prevent proxy or third-party workarounds. When it comes to how many signs, how far and how all that's going to be done, who polices it, outside of us dobbing on each other?

ROBERT CZESLAW BORSAK: Outside the 100 metres it's obviously the council rules, and inside the 100 metres it's the AEC.

The Hon. NICHOLE OVERALL: So you're suggesting that council officers would then have to come and police all of that.

ROBERT CZESLAW BORSAK: Outside the 100 metres, that's them, just like it is now.

The Hon. NICHOLE OVERALL: And then inside the 100 metres, it's more work for EC staff, so more funding would be required.

ROBERT CZESLAW BORSAK: The EC already come around and check all your signage on election day. They already do that.

The Hon. NICHOLE OVERALL: But at this point in time, they're not having to count how many signs because there isn't a cap on all of that. It would be more work intensive, which is what the EC has said in their submission as well, to the tune of about \$2 million.

ROBERT CZESLAW BORSAK: Yes.

The Hon. NICHOLE OVERALL: You'd agree that more funding would be required in order to implement all of this?

ROBERT CZESLAW BORSAK: Again, if this is about improving voter experience, levelling the playing field and making election days better for everyone, I think that's a very valuable investment.

The Hon. CHRIS RATH: You'd probably have to register the signs.

ROBERT CZESLAW BORSAK: That's what I said. Yes—registering.

The Hon. CHRIS RATH: So the Electoral Commission knows, as part of their count.

The CHAIR: In relation to, again, the Queensland experience—and I know you indicated, but maybe you could also refer to Victoria—in terms of the enforcement aspects of it, was it enforcement on the ground or are we talking about basically voluntary enforcement with complaints afterwards that are followed up?

ROBERT CZESLAW BORSAK: Well, how does it work now? Right now—what's the correct term for the polling booth supervisor? I keep saying "booth boss". The booth boss can come around and, basically, they're king. They'll already come and tell you, "You're out. You're out. He's disruptive. That sign's too much." They already have the power on the spot to remove things. If they don't, it all gets followed up later on. We're not talking about anyone getting frogmarched away or anything. Election days can be charged already, but we're not talking about anything like that. Fines are issued, if necessary, just like councils issue fines if someone doesn't take their thing off a tree for months and months.

The Hon. ROBERT BORSAK: But, really, the only way you can make this work is you've got to have immediate compliance. It's no use someone breaking the rules and you make a complaint and it gets dealt with after the election. That doesn't work, does it?

ROBERT CZESLAW BORSAK: Definitely. If the booth boss says, "Your guys are too much; you're not following my directions; you're off", that's already in place. They can already do that. They can say, "You're out of here" or "That volunteer needs to leave."

The Hon. ROBERT BORSAK: But as Mr Rath said—or, sorry, it might have been Nichole—they're actually going to have to count the signs. Then they can have immediate compliance.

ROBERT CZESLAW BORSAK: Yes. In terms of counting, think about how many signs there are on polling booths now, at some of the big ones. I'm thinking about Kiama—down at the community centre there, there would have been 200 signs. We're talking about cutting it down to three each. There were 11 candidates? It's counting from 300 to 30. That's pretty easy.

The CHAIR: Is it your experience—as we're talking about the booth boss versus the booth police here, and the difference—that if the booth boss comes around and says to do something, most people comply?

ROBERT CZESLAW BORSAK: In my experience, you don't want to get kicked off the booth entirely. That's one of the things you have to tell your volunteers: They're in charge and, if you muck this up, you're not coming back to work with us ever again.

The Hon. ROBERT BORSAK: They might see that as an advantage.

ROBERT CZESLAW BORSAK: Sometimes people do rev each other up. We all know the shenanigans that go on on election day. Certainly, if you're silly enough to damage your party or individuals by having individuals playing up and not complying and trying sly games then I don't see that as a good idea.

GRANT LAYLAND: What happens is that the complaint is escalated. If there's not compliance on the booth, the commission will ring the registered officer. I get calls from the start of the election period about different things, be it online or signage, and they're pretty quick. It happens fairly quickly. They phone you and say, "This is a problem." I find the person responsible and we fix it.

ROBERT CZESLAW BORSAK: It has happened with how-to-vote sometimes. We have an approved how-to-vote, and a booth boss inspects your how-to-vote. Then they say something about it and you say, "No, this was approved." Then it goes to the EC—all in real time, on the day—and then you get the tick of approval and off you go.

GRANT LAYLAND: You also get the parties challenging signage, where you'll get letters and things like that. Where they think there's a problem, they'll write to the party and the Electoral Commission.

The CHAIR: I think that's been very useful. Thank you very much.

ROBERT CZESLAW BORSAK: The nitty-gritty is really important. That's what I want to emphasise. Because if it's all too lofty, it's not going to work.

The CHAIR: Can I formally thank you for appearing before us today. You'll be provided with a copy of the transcript of your evidence for corrections. Committee staff will also email any questions you have taken on notice for today. Thank you very much for appearing. It's been very valuable.

(The witnesses withdrew.)

Ms JACI ARMSTRONG, Disability Inclusion Advisor, Guide Dogs NSW/ACT, sworn and examined

Mr JACKSON NEWELL, Government Relations Lead, Guide Dogs NSW/ACT, sworn and examined

The CHAIR: I welcome our next witnesses, Ms Jaci Armstrong and Mr Jackson Newell from Guide Dogs NSW/ACT. Thank you for appearing before the Committee to give evidence to us today. Please note that Committee staff will be taking photos and videos during the hearing. The photos and videos may be used for social media and public engagement purposes on the Legislative Assembly's social media pages, website and public communication materials. Please inform Committee staff if you object to having photos and videos taken. Before we start, can you both please confirm that you've been issued with the Committee's terms of reference and information about standing orders that relate to the examination of witnesses?

JACI ARMSTRONG: I have.

JACKSON NEWELL: Yes.

The CHAIR: Do you have any questions about that information?

JACI ARMSTRONG: No.

JACKSON NEWELL: No.

The CHAIR: Would one of you like to make a short opening statement before we begin questions?

JACKSON NEWELL: Yes. Thank you, Chair. "Ensuring clear footpaths allows me to focus on exercising my democratic right, rather than managing avoidable hazards"—Dan from Albury, with lived experience. "It was a bit of a maze to get to the voting centre"—Abigail from Ryde with lived experience. "Polling booths can be really tricky to navigate. I have gone with both a cane and guide dog, and having a clear path to get to the action is so important for me, for safety, but also for feeling included"—Sarah from Hornsby, with lived experience. "Having someone to offer a guide would be great. In the past the issue has been people grabbing me inappropriately and offering assistance in the wrong way, which puts a damper on the whole experience"—Andrew from Narwee, with lived experience. "The electoral signage, posters and pamphlets are all inaccessible to me, with no braille signage or option to access the information digitally, which ultimately leaves me feeling like my thoughts and opinion is viewed as less valid"—Karlee from Hornsby, with lived experience.

These comments are from people who have low vision or blindness in New South Wales. They do not feel included in our electoral processes. Per the United Nations Convention on the Rights of Persons with Disabilities, everyone has the right to participate fully in political life, and voting procedures, facilities and materials need to be appropriate, accessible, and easy to understand and use. To make this happen, we need width requirements at voting centres to ensure a clear path of travel for every voter, particularly guide dog handlers and people who use canes. Posters can become clutter on footpaths and make voting unsafe for many people with a physical disability. The well-known six-metre rule is used as a spatial guide for not interfering with the voting process. Likewise, we believe a width parameter should be included.

Our second recommendation outlines the need for a NSW Electoral Commission staff member to roam the entire voting centre to ensure width requirements are upheld, provide guides for people with low vision or blindness, and support with locating QR codes for accessible electoral information. In addition, all electoral signage must be accessible. Posters, banners, flyers and pamphlets must have QR codes, meet colour contrast and font size standards; and their online version must abide by the latest Web Content Accessibility Guidelines. Political posters and signage should be accessible, not just a non-mandatory tick-a-box option when registering the material with the NSW Electoral Commission. This inquiry is reviewing the implied constitutional right to political information. Now is the time to ensure that people with low vision or blindness are fully enfranchised by implementing our recommendations for full accessibility of the electoral and political process. This cannot wait another election cycle, like our community is waiting for iVote to relaunch.

Regarding the terms of reference on other matters before the Committee, Guide Dogs NSW/ACT wants to note the need for spatial parameters regarding the newly passed legislation which allows scrutineers to observe voting in cars. If our aforementioned recommendations are acted upon, more people with low vision or blindness may feel comfortable to vote in person; however, if not, many may choose to vote in the car. We want to ensure that if that occurs, their right to an independent, secret ballot is protected from scrutineers observing and commenting on their vote within a particular range. Thank you, Chair and members, for listening to our opening statement, for reading our submission and for engaging with Guide Dogs on the rights of people with low vision or blindness to cast an informed, safe and private ballot in New South Wales.

The CHAIR: Before we begin the questions from members, I inform you that you may wish to take a question on notice and provide the Committee with an answer in writing later on.

The Hon. NICHOLE OVERALL: Thank you both for being here. One of the things that I noted in reading your submission is that, given low vision and vision impairment are things that could eventually impact all of us—many around this table are wearing glasses. We know that happens as we get older. We have an ageing population. The elements you are introducing and bringing to our attention are becoming even more pronounced in our populations, so it's not just an issue affecting a minority or those who are potentially born blind. There's going to be a growing need to have these issues addressed.

JACKSON NEWELL: That's certainly right, Ms Overall. We know that in the coming decade there will be more than half a million Australians with low vision and blindness. New South Wales could set the standard here with width requirements, with accessible material for people with low vision and blindness of any age group. Jaci, would you have any comments?

JACI ARMSTRONG: I think you've summarised it well. As we know, there are people who clearly walk into a polling booth with a white cane or a guide dog. As you've already said, many of us within the population will develop sight loss. That can even be temporary, depending on glare. But people could have sporting accidents, can have cataracts and, as you've said, it could be as a consequence of ageing. It is something that impacts all of us, but also the wider disability community, such as people trying to access centres with wheelchairs requiring a certain width, and also mums and dads with prams as well. It's about clutter and the hazards that poses for many of us in the community when trying to cast our vote. More importantly for people like me with a guide dog, or when I'm using my white cane, the clutter poses a significant hazard, which increases anxiety and stress levels. It also poses a very real risk of a trip or a fall.

The Hon. NICHOLE OVERALL: Another aspect to it is many of the submissions—probably all of them outside of yours—talk about reducing the size of signage corflutes as they currently exist. I think it is 8,000 centimetres. But really when we're talking about people with low vision or vision impairment, larger signage and larger text sizes et cetera would actually make those accessibility issues better in many ways. Is that correct?

JACI ARMSTRONG: It is, yes. Many people with low vision, as Jackson spoke to in our opening statement, do prefer, and in many cases require, clear text and good contrast. I think that also goes to the argument of reducing the number of signs available, which potentially gives you the opportunity to have fewer, yet larger and clearer, signage. There's also the potential design of the signs. A-frames and corflutes and stakes in the ground are particularly hazardous for white canes that tend to go underneath those A-frames.

The Hon. NICHOLE OVERALL: Anything on that, Jackson?

JACKSON NEWELL: Nothing further to add on that. Obviously our submission doesn't go to how many posters should be there, just that they should be—aside from relevant width requirements. We'll leave that up to the political parties.

The CHAIR: Following on from those valuable questions, why 1.8 metres? Is there a reason that you're talking of recommending that width?

JACKSON NEWELL: A suggestion for the 1,800 millimetre width comes from the Australian standards. It certainly does not need to be that, but that is what an Australian standard is and should be looked towards. However, if the Committee is looking at other options—or the Electoral Commission—we're certainly happy to discuss those in further detail. It might be for the Committee or the Electoral Commission to speak with access consultants about the best width parameters as well.

JACI ARMSTRONG: Just further to that, the Australian standards speak to that as a minimum width requirement, because someone like me, who's walking with my guide dog, we're about the width of two people navigating a space. But also if you're using a white cane—if you've seen people in the community walking with a white cane—you do what's called arcing, which is when you put it in front of you to determine what obstacles might be in your way. It's having that width to do that safely without your cane getting stuck underneath obstacles.

The CHAIR: If having a clear path to a voting centre was legislated as part of a limit on electoral signage, what should be specified in the legislation, beyond the width? For example, should it also specify that ramps and paths are also left unobstructed by signs?

JACI ARMSTRONG: I think that's something that further consultation with the broader disability community would be beneficial on, but absolutely. As a mum who has gone around with a pram and a guide dog and someone whose sister is a wheelchair user, absolutely. Also when we talk about our older constituents, clear ramps and often sort of having that clear path of travel, including not obstructions with stairs and wherever avoidable, is very important and part of our commitment to accessible voting places.

JACKSON NEWELL: I do also think that legislation would be required, as opposed to just guidelines from the NSW Electoral Commission. Obviously at council elections or council by-elections, they might use a private provider as opposed to the Electoral Commission to provide that election, and they might not see fit to use those relevant requirements if they weren't legislated.

JACI ARMSTRONG: And we already have certain legislative instruments we can refer to, such as Australian standards, building codes and obviously the Anti-Discrimination Act as well, as far as access to public places, which arguably, while many polling places may be in public in smaller communities, the majority of public polling booths, such as schools and community centres, are publicly accessible areas and should be compliant regardless.

Ms CATE FAEHRMANN: I just wanted to ask you about what you've put in your submission, and many of us who volunteer on polling booths would have seen it as well. It's the issue of somebody from one of the parties going to hold on to somebody who has either vision impairment or is not very mobile, or elderly, and you can see them pushing everybody else away, talking in their ear and forcing a flyer or pamphlet in their hand. You've made a point of this in your argument and recommendation around ensuring that there are staff members at each voting centre to assist people with a physical disability. Did you want to expand on that? You've asked for an additional person. Your submission states:

... at least one full-time equivalent staff member at each voting centre dedicated to roaming voting centre entrances and offering support for people ...

But at the many polling booths I've been to, that person would often be inside. It's often that people aren't there to provide assistance, even though they're very hardworking people. Would you care to expand on that recommendation and those experiences?

JACKSON NEWELL: Certainly. We have seen with lived experience consultations that these particular issues are of concern. We do want to ensure that staff are trained adequately to provide guides. Recommendation 2 would also relate to the other recommendations in terms of assisting with accessing QR codes for accessible electoral and political information as well. In terms of more lived experience outlines, I'll leave that to Jaci for a moment. In terms of one full-time equivalent staff member, we understand that that could be an issue at some sites or maybe smaller sites but, realistically, this is about ensuring that people with low vision and blindness and other people with a physical disability are assisted appropriately at all centres. We understand that staff inside do assist voters once they are inside that polling booth but, as we do know and as we've just spoken about, there are issues with actually accessing the voting centre inside, and that's where this would come into play.

JACI ARMSTRONG: Further to that, as we all understand, being approached and essentially accosted by someone grabbing your arm is quite disconcerting. At a very basic human rights level, all volunteers can be well-meaning, but I think it's incumbent on political parties' campaigns to remind their volunteers not to accost people, however well-meaning they may be. The principle in offering assistance, which we all need to have—there's always ongoing consideration and, particularly for AEC staff, disability awareness training—is to ask or to offer. I think one of the challenges that many may not understand, even with their best of intention in assisting someone and essentially forcibly putting a how-to-vote card in their hand, is that many won't be able to read that piece of material anyway.

That goes to that bigger question as far as accessible information throughout the process of election campaigning. Essentially, volunteers and AEC staff members: Don't do it; do not touch someone because, at the want of using inflammatory language, essentially it's assault unless someone has asked you to do that. We need to make sure that people have an awareness that there is offering assistance and there is having consideration for facilitating people accessing voting places, but it needs to be done in a respectful and considered manner. I think it's a valuable reminder for people to have that awareness and that consideration, on what is often a very busy and overwhelming day for everybody.

Ms CATE FAEHRMANN: Do you therefore think that there should be some guidelines or requirements for party workers and volunteers about how they approach or interact with or touch voters? Again, I've seen it particularly with people who are less mobile or elderly, and they're very slow on their feet. You just see somebody come and stand very close to them. Is there a way that that can be dealt with for the polling booth workers, not the Electoral Commission workers, that you've thought about from the association?

JACI ARMSTRONG: I think that's absolutely a very useful suggestion, and something that Guide Dogs would be happy to work with various parties on, to provide some resources for that. There are also a lot of resources that already exist as far as best practice on assisting and approaching people with disability or mobility needs already out there. But as far as some key considerations that can consistently be adopted and used as training material for all political volunteers and AEC staff members to expand upon their disability awareness training, it

can certainly be developed if there isn't an appropriate one in existence now. It's something that Guide Dogs and, I'm sure, other disability organisations would be happy to assist with.

Ms CATE FAEHRMANN: Thank you. That's very useful. Finally, just noting your recommendation around—again, this isn't about signage, recognising signage isn't as relevant. Of course, it is with placement, but not on fences and everything. But you've also talked about the tactile ground surface indicators and other things that could be used. I'm sorry if you've already touched on that, but are there examples of where—is that up to the individual schools and the different facilities? I assume that the Electoral Commission—nothing like that is rolled out at this point.

JACI ARMSTRONG: I don't think, in fairness, that's something the Electoral Commission would be able to actually undertake themselves. It is usually the responsibility of either the school, local council or potentially State government, depending on the location. Again, I'd refer back to Australian building standards and disability access requirements more generally.

The Hon. BOB NANVA: It does concern me that we are so self-evidently failing our obligations under the convention on something as basic as exercising the right to vote. What I am interested in—and perhaps you may take this on notice if you don't have an answer to hand—in Queensland, Victoria and South Australia, there have been changes made with respect to the voting day experience and posters and A-frames around the polling booths. Do you have any information from your counterparts in those jurisdictions about the lived experience of people with a vision impairment as a result of those changes in those other jurisdictions?

JACKSON NEWELL: Not at this stage, but we're happy to take that on notice and speak with our counterparts on that.

The Hon. BOB NANVA: I'd appreciate that. Thank you.

The CHAIR: Would you believe that it would be appropriate, following the next State election, that the next iteration of this Committee should examine those issues in detail?

JACKSON NEWELL: Certainly we would like that to be the case, similar to ensuring iVote, similar to ensuring that there are other telephone methods of voting, such as what the ACT has in terms of being able to use the dials for a secret and informed ballot, and other relevant accessibility options at New South Wales and council elections. Jaci?

JACI ARMSTRONG: Absolutely—a broader remit to consider the whole process around how someone achieves an informed, independent and private vote. That's from the gamut, from the announcement of an election, the digital accessibility of party and candidate websites. How does someone get from their home to a polling place, identify an accessible polling place and have confidence that it will be a relatively smooth experience once they get there? Or if they're not able to access a polling place, what are the options available for them to vote independently and in an informed manner, such as through iVote? I think there are many broader issues to consider in the whole gamut of an informed, confident and private vote that would be good to revisit, particularly for iVoters, as we've already said. But also, one thing to keep in mind, as was actually noted earlier, is that accessible and inclusive voting is essential for most of us in the disability community, and we require some improvements, but those improvements also often make it easier and more accessible for the general population as well.

The Hon. NICHOLE OVERALL: Just touching on that again, about accessibility, regional areas particularly could be impacted by such things for less accessible options for people with disability, vision impairment et cetera. For our regional areas, it's something to take into consideration. When you're talking about the width requirement, your submission doesn't note anything for the many options that are being advanced about the distance as well. Is that a concern, from the perspective of the organisation, or do you feel that the six metres is still within the bounds of what works for people that you're talking to in this experience, if the width is taken into account with that as well?

JACKSON NEWELL: Firstly, to your previous comment, more than half of Guide Dogs NSW/ACT clients live in regional New South Wales, so regional affairs is certainly an issue to us. We know that lived experience voices regularly discuss with us election accessibility issues, particularly in regional areas. Thank you for highlighting that in this forum. Secondly, the six-metre rule, from our perspective, is still fine. It's just the width requirement that would need to be in place for that clear path of travel. Whether the six-metre rule is allocated at the front gate of the school or six metres right before the school hall, it should take place.

The Hon. NICHOLE OVERALL: Ms Armstrong, did you have anything to add from lived experience?

JACI ARMSTRONG: I have nothing further that's of material difference.

The CHAIR: We've got lots to ponder there. Thank you for appearing before us today. You will be provided with a copy of the transcript of your evidence for corrections. Committee staff will also email any questions taken on notice today. Thank you for your great evidence.

(The witnesses withdrew.)

Mr SEAMUS LEE, Registered Officer, The Greens NSW, affirmed and examined

Mr CHRISTOPHER MALTBY, Deputy Registered Officer, The Greens NSW, affirmed and examined

The CHAIR: I welcome our next witnesses. Thank you for appearing before the Committee today to give evidence. Please note the Committee staff will be taking photos and videos during the hearing. The photos and videos may be used for social media and public engagement purposes on the Legislative Assembly social media pages, website and public communication materials. Please inform Committee staff if you object to having photos and videos taken. Before we start, can you please confirm whether you have both been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses?

CHRISTOPHER MALTBY: We have.

SEAMUS LEE: Yes.

The CHAIR: Do you have any questions about this information?

SEAMUS LEE: No.

CHRISTOPHER MALTBY: No.

The CHAIR: Would either of you like to make a short opening statement before we begin with questions?

CHRISTOPHER MALTBY: Thank you, Committee, for this opportunity to appear. We love it. It was pleasing to read amongst the other submissions that there was a fairly broad consensus on the idea that we should be restricting the amount of signage at polling booths. There were some useful issues raised by the Electoral Commission about how this would be enforced. We would welcome questions on how we think that might be done. The accessibility questions are also of serious importance, recognising that elections, however, are infrequent events and that many venues are, by virtue of their age, not necessarily accessible. There would be a lot of work to implement some of those things. But, certainly, reducing the clutter on footpaths and entrances to polling places would improve the experience for people with accessibility and other impairments. That's probably adequate to start.

SEAMUS LEE: I have no opening statement.

The CHAIR: We'll now move to questions from members. Before we begin the questions, I'd like to inform you that you may wish to take a question on notice and provide the Committee with an answer in writing after the meeting.

The Hon. ROBERT BORSAK: Thanks very much for coming today. It's good to see you always turning up. I see in your submission that it varies a little bit, obviously, from that which is expected from some of the others we've received. You are talking in terms of two or three signs per member.

CHRISTOPHER MALTBY: Per entrance, yes.

The Hon. ROBERT BORSAK: Per entrance.

SEAMUS LEE: Per entity, like candidate or party, which is—

The Hon. ROBERT BORSAK: I'm not sure, from reading, that you differentiate between upper House and lower House.

SEAMUS LEE: No, I don't think we do. But I think we're sort of focusing on trying to adapt the Victorian model to a New South Wales context. We're sort of focusing on using Victoria as a starting point. I think they have candidates and parties. I can't recall if they have third-party campaigners in their model.

The Hon. ROBERT BORSAK: That's right. I think theirs talks about candidate, the district candidate, the electoral—the upper House—then they talk about party campaigns as well. That's where the six, I suppose, for them comes in. Do you have a view in relation to—I think your view is that you don't think you should restrict the number of entrances into any polling place. We've had evidence from others saying that perhaps it would be good just to standardise on one.

SEAMUS LEE: I think this also gets back to the general issue about entrances really. Using an example that I know off the top of my head, like Artarmon Public School, we have the school hall, but you have two streets that people then walk through the playground-type areas to get into the school hall. Do you call the entrances the ones from the street or do you call the entrance as the physical school hall? In the past, there have been some

differences of opinion between the NSW Electoral Commission and the Australian Electoral Commission. That's generally where the six metres starts from as well.

I think having some kind of standardised way of making those sorts of determinations—it's obviously difficult. But I would think that the Electoral Commission, when surveying the premises—because they obviously do some level of surveying of premises, even pre-poll venues—have some sense of what they would see as the entrance, and they should be able to inform parties. We went with a per entrance model, just because there might be multiple entrances and they might be sparse apart. It would be nice if there was one entrance for each polling place and that was the physical school hall. Chris?

CHRISTOPHER MALTBY: I'm thinking of a particular instance as well, where a local school has a regular Saturday market and the school has at least two, maybe three, entrances. So people coming and going, who may be coming to vote or going to the market or whatever—you wouldn't want to be shutting all the entrances. That would impair the operation of the market. In this case, the polling booth is at the rear of the school, so the six-metre rule applies from the door. I think one of the questions here that's raised in the submissions is if you're dealing with the enclosure—and that makes sense in the case of a typical school polling venue—the school fence would be the inclosed land and the entrances would be the entrances to that enclosure rather than to the booth itself.

On a school premises that was of larger size or fronted onto two streets, it would be impractical to close one of them to meet that. But you would also need to have some ability beyond the existing six metres for the Electoral Commission staff or the appropriate authority to police the limitations. That's something which I think we've heard in past inquiries: that the Electoral Commission is reluctant to take action beyond the existing six metres and they often defer to police, potentially. I think that one of the threads that has come up in the submissions is that the Electoral Commission needs to be given some capacity to be more proactive in enforcement at a greater distance.

The Hon. ROBERT BORSAK: I think that's what is being envisaged, certainly, by some of the submissions we've seen today. They're talking about the 100-metre—just call it a circle, for example. Their ability to enforce would go out to that 100 metres, obviously. In terms of third-party campaigners, where do you stand on that? I don't think I saw anything in your submission.

SEAMUS LEE: We did put a note about third-party campaigners but did not say "registered third-party campaigners". We thought that bucket should more cover anyone that isn't a party or candidate. When we were drafting this submission, the one thought I had was what if a local school P&C has been running an active campaign saying, "We want to get our demountables out and we want permanent buildings", or something like that. They've surveyed the local candidates. They then decide to produce a sign or something that they want to put up that says, "These local candidates support our campaign", or something like that, or "Vote in favour of our campaign", or something along those lines. They wouldn't meet the \$2,000 level of expenditure to be a registered third-party campaigner, but I think that there needs to be some sort of a bucket that captures those as well as—

The Hon. ROBERT BORSAK: Wouldn't that effectively be a workaround, then, for registered parties?

SEAMUS LEE: Possibly. I think that's already the case in the current system. I also say that putting signs up isn't the be-all and end-all, to some extent, for campaigns. But I think having a bucket there also helps alleviate the potential legal concerns of, if you were just to try and say, "No, third-party campaigns cannot put up any signs whatsoever on election day," there might be a risk that would be putting the balancing effort towards the party's candidates too much so that the High Court might not like that. Having a statutory regime that included the ability for third-party campaigners to put signs up—even if it's a very limited number, and I think we were saying maybe one or two, compared to the three or four for the other entities—would at least make that a bit more defensible.

CHRISTOPHER MALTBY: Further to that, the question of identifying who might be responsible for a sign is one that arises here somewhere. I know we presently register all material that's handed out at polling booths, so perhaps a registration for posters would at least—and because the question then is, if there is a breach, who's responsible for a sign and who has the authority to remove it or who would be contacted about that breach. I think that is something that could be addressed through a similar mechanism to the registration.

The Hon. ROBERT BORSAK: I see in your submission you're talking about exempting signage in yards and on fences and so on. Are you saying that if you did have a 100-metre limit, you would still want that exemption?

SEAMUS LEE: Yes. The classic case might be if you were living right next door to or within the 100-metre radius of a school or something. You might have had a poster up. It's your own land, it's within the development rules and you've had a poster up there for the campaign. That shouldn't necessarily be counted as

part of the overall party's limit. You might be supporting The Greens or the Shooters or Labor or whichever party it is. Because that 100 metres is fairly big—much larger than the six metres—it might capture some of the neighbouring properties. That's why we're thinking that there should be that exemption.

CHRISTOPHER MALTBY: There could conceivably also be scope to limit the number of signs that might be on private property within that radius. If someone has put up a whole front fence of political party signs, that would be an implicit breach of the approach we're trying to take. But a single sign on a front gate or something is hardly—

The Hon. ROBERT BORSAK: Yes, I was going to say that if we're trying to simplify things, we have to think very seriously about that.

The Hon. NICHOLE OVERALL: Following on from Mr Borsak's questioning there about third-party campaigners, if we're talking about potentially reducing the amount of signage, what about potential consideration, when it comes to third-party campaigners, for no signs but still being able to hand out material, which would still address any prospective constitutional concerns in that regard?

CHRISTOPHER MALTBY: We won't know until such legislation is tested in the court. It seems to me that the reasonable restrictions on things that the court uses as its metric might fall foul of a thing that said only political parties or candidates can put up signs. I don't know. That's a matter for the Parliament, I think, to make a bet on. Although the desirability of reducing the clutter, and the overwhelming experience of polling places with lots and lots of signs is a good one, I think there's a risk in saying that third parties can't put any signs up.

Ms CATE FAEHRMANN: I want to get your views on a discussion had earlier by the Shooters, Fishers and Farmers Party witnesses. They've recommended that, in relation to signage by third parties or associated entities or, in fact, potentially anybody that recommends a vote for a particular party—say, if a local bushcare group came out and said, "Vote for this Greens candidate", for example—that should be counted towards the cap for signage for the relevant candidate or party. What's your view on that particular proposal?

SEAMUS LEE: I don't think we would be necessarily supportive of that. I think it's a bit like the funding aggregation section. I think it could become very messy, I think, as Mr Nanva pointed out during the questioning of the Shooters, Fishers and Farmers. Just because a third-party campaigner says, "Vote for this person", it may not be what The Greens are putting forward. It might be a particular issue. But I do recognise that that is then a potential sort of, I guess, workaround, and so I think some level of an anti-avoidance provision would be helpful. But exactly how to draft it, I have got no idea. I'm certainly not a lawyer.

CHRISTOPHER MALTBY: Those kinds of signs would be outside the control of the individual candidates or parties too. The appearance of a sign that purported to be in support of a particular party could be anything, really. We have certainly seen attempts to recommend a particular kind of voting pattern in preferences, which are not the ones as officially recommended by the party or the candidate concerned. There's a whole regulation question. I think it would be dangerous to get into it. I think it may be overblown as an issue as well. I can't recall seeing third-party groups putting up signs that say, "Vote for a particular party". They're much more likely to put up signs that say, "Don't vote for a political party."

SEAMUS LEE: I think also the other element would be if a third-party campaigner puts up a sign, like we saw during Federal elections ago—I think it was the Advance group put up signs using The Greens logo, Independent candidates' names, and other things. Would that fall under the cap of The Greens, or the Independents, or is it just mixed? It's like, "Well, are you advancing that for The Greens, or are you advancing that for the Independent, or are you against both of them? What's going on?" I think that's the message. I think an anti-avoidance provision is important.

Ms CATE FAEHRMANN: Thank you. I agree with your sentiments, which is a good thing. We're exploring this because of the very real potential that, if there are limitations on signages and particularly in those tight marginal seat elections, there's the temptation for some candidates to get signs put up that say they're from someone else. I think that's why we're exploring it. If it does come in, then the votes for a particular party potentially will increase on signs. Just to be clear, The Greens are arguing that in terms of third parties, in terms of those signs that aren't from a party or a candidate, that they're less than—if legislation's brought in—what the parties and the candidates are able to put up, firstly, in terms of the principle. Is that correct?

SEAMUS LEE: Yes.

Ms CATE FAEHRMANN: I think The Greens have said one.

SEAMUS LEE: Yes.

Ms CATE FAEHRMANN: Labor has argued that they should be just only from participants who have registered electoral material in the district. Do you agree with that—other than let's take the cake stall out of it?

SEAMUS LEE: Yes. It's a good question. Obviously, third-party campaigners can register electoral material and they can register electoral material that is not necessarily bound to a particular district at the moment. You can register electoral material that's New South Wales wide. You could say that it's limited to just those who do get registered, which I think goes back to Mr Maltby's point about the idea of maybe you'd also have to register your posters. At the moment, there's no requirement under the Act to register electoral posters. But, obviously, handing out material is registered. I think that if we move to a scheme of registering local material, yes, you could possibly add that as an additional restriction that you have to get it registered. Then I think that potentially also makes the polling place manager's job slightly easier if they see something that is not on their list of known registered material. They can just say, "Take it down or I'll confiscate it," or do whatever.

I think also there was some discussion that I think might have been by Local Government NSW or others that was looking at if you referenced the restrictions—like by a planning rule or something like that—then council officers could also become a part. They could take action separate to the Electoral Commission, of course. But, obviously, I think that might also bring in a wee bit of potential for a conflict of interest if it's a local government election and you have a very vibrant election going on between two mayoral candidates and one with the current mayor. There might be suggestions that the current mayor might try to use council officers. There'd just be a realm to manage that.

Ms CATE FAEHRMANN: I just want to make sure that this is discussed as well around, just while we're looking at any legislation to limit signage, the time that they can be put up. We all know the middle of the night craziness. Do you have recommendations around that?

SEAMUS LEE: Yes. I think Labor—

CHRISTOPHER MALTBY: I think was it 5.00 a.m.? It was the suggestion in Labor's submission.

The CHAIR: Six a.m.

The Hon. ROBERT BORSAK: Six a.m.

CHRISTOPHER MALTBY: Then 6.00 a.m. I personally would support that, having been involved in putting up signs in some polling places.

SEAMUS LEE: My question would then be, is there going to be EC staff there to make sure nobody's put anything up beforehand?

CHRISTOPHER MALTBY: In my experience, they're generally there not long after that. I think the reduction of signage would also reduce the arms race that applies in polling places. If you've only got six signs to put up, then the idea of being there at five o'clock the night before or something and, potentially, in some elections, having security guards to prevent the material being damaged overnight, and all the rest of it goes away.

The CHAIR: Just to confirm, you would support the idea of there being a fixed time?

SEAMUS LEE: I think so, yes, and I think there are a lot of good reasons to do that. As Mr Maltby pointed out, I think we'd definitely be supportive of that—anything to try to reduce that sort of arms-race feel to things. The more it can be congenial between the various groups on polling day, the better. The last thing voters want to feel when they turn up to a booth is the tension in the air because we've got everybody annoyed because someone's taken somebody's posters down, or someone's done this, or whatever.

CHRISTOPHER MALTBY: There may be a special case in relation to pre-poll, which may be open continuously for a period of a week or something, and signs need to stay up overnight, or be taken down. In general, mostly people would take them away, but there may be fixtures that are within the range.

The Hon. ROBERT BORSAK: Of A-frames being one sign.

CHRISTOPHER MALTBY: Correct.

The Hon. ROBERT BORSAK: Signs on stakes, two-sided, one sign.

CHRISTOPHER MALTBY: Correct.

The Hon. ROBERT BORSAK: No sandwich boards—people walking around with sandwich boards on.

CHRISTOPHER MALTBY: Someone did raise the question of sandwich boards with me as well.

The Hon. ROBERT BORSAK: Once they're restricted, anything's up for grabs, isn't it?

The Hon. CHRIS RATH: For their own respect as well.

SEAMUS LEE: Are you going to do that, Mr Rath?

The CHAIR: We just don't know.

CHRISTOPHER MALTBY: But there would be no restrictions on caps and T-shirts and the like.

The Hon. ROBERT BORSAK: That's what's mooted, that that shouldn't be touched. What about signs on the pavement?

CHRISTOPHER MALTBY: It depends on what you're doing. I think stickers and other things on the pavement could be a trip hazard, amongst other things, but if they're chalk signs and other things, I haven't got a strong view on that myself, and we haven't explicitly considered it. I haven't noticed that being a feature of elections.

The Hon. ROBERT BORSAK: It was a feature in Kiama.

SEAMUS LEE: I think also it then becomes a question of electronic billboards and other things, trucks driving around and the like. Because if you start restricting physical signs, then obviously that's another source or way. I think there should be some restriction on that. I don't think we should allow electronic billboards within the 100-metre zone either. During polling day and obviously for the rest of the electorate, it's fine, but I think if we're creating this bubble situation—so, yes.

The Hon. ROBERT BORSAK: You seem to be in line with what all the other submissions are saying there.

SEAMUS LEE: Yes, I was rather noticing how, when I read the Shooters' submission, it felt like the real difference seemed to come down to the number of posters being permitted, not the scheme, which I find very interesting, given the differences between our parties.

The Hon. CHRIS RATH: And they would be standard-sized signs, I assume, is what you're saying. You couldn't have one sign that would take up the whole fence.

CHRISTOPHER MALTBY: Absolutely not.

SEAMUS LEE: No, and certainly none that—

The Hon. CHRIS RATH: I think we can all agree we should get rid of that wrap.

SEAMUS LEE: All that plastic bunting, gone.

CHRISTOPHER MALTBY: We proposed a 900 by 600 sign as being the standard and nothing larger than that. It puzzled my brain that someone came up with 8,000 square centimetres as being a size limitation in the previous Act. There is no sign or convenient print size that is exactly 8,000 square centimetres, so it seemed like an odd restriction.

SEAMUS LEE: I've got a memory of being on a polling place in a Willoughby council election. Someone complained to the returning officer at the time, saying that the local mayor's sign was too large. They actually came out with a measuring tape and measured it up and it came out just under the 8,000 square centimetres. It was a random-sized sign. It was like, "That can't be right."

The Hon. NICHOLE OVERALL: But you've also just heard from the Guide Dogs about accessibility issues and how larger signage and larger type and colours and things are a really important aspect of that, so limiting it—if you're talking about a legislative requirement to limit it—then potentially poses a problem in that space as well.

SEAMUS LEE: Potentially, but I think that also comes down to design decisions of political parties as well, like how large do you want your font to be and other things. We've seen some times where the authorisation has actually been difficult to read on some posters. At one point I saw white text on a light blue background. That was a bit hard, but it was authorised. So I think there is scope, and I agree that—I think it gets back also to the question of funding for political parties as well. The Guide Dogs were talking about web accessibility requirements and trying to get all materials required as accessible. There's probably got to be a lot of work to be done for parties' websites and other things to try and bring that all up to speed. I think the design situation would be—yes.

CHRISTOPHER MALTBY: I'm not completely sure which jurisdiction has limits on font sizes. I think the Federal jurisdiction requires authorisations on things to be a minimum size based on the size of the article. I think harmonising that across the jurisdictions would be good. Obviously, it's in the interests—you would have thought—of the authors of the signs to make them readable and accessible to people. Sadly—or perhaps

beneficially sometimes—people often use hard-to-read combinations for some reason. There's a limit to what you can regulate there but, certainly, the ability to identify who the sign is purporting to be from is something that should be highly readable.

The CHAIR: I think that, under the circumstances, may be a very important point for us to consider.

The Hon. ROBERT BORSAK: You're leading into the area—and it's regulated already—of signs passing off one thing for another party or something like that. You don't think there should be any change to any of that?

SEAMUS LEE: It gets difficult. I think you can make a legitimate case saying that if a party is trying to satirise another party—we've often seen Liberal Party ads that are taking the Labor logo but making it darker or look terrible. I think that's a legitimate use of political advertising.

The Hon. ROBERT BORSAK: But it should be brought within the cap.

SEAMUS LEE: Yes, it definitely should all be within a cap. That gets back to having a cap for third parties. It gets back to Mr Maltby's point of knowing who has put that sign up. Maybe it's the registration posters or maybe it's the authorisation on the sign, making it very clear who is actually providing that site.

CHRISTOPHER MALTBY: I think one of the main benefits of this whole debate is the reduction in the amount of negative material. If you've got six posters on the polling booth, you're not going to put six posters up saying don't vote for the other party. You're going to put up six posters saying "Vote for us" or identifying your candidate.

The Hon. ROBERT BORSAK: Never say never.

CHRISTOPHER MALTBY: One of the other things that came up in submissions was that signs saying "You only need to vote 1" ought to be explicitly excluded. Separately from this question, it's the job of the polling officials to identify what the requirement for making a vote is. It's not particularly useful information outside of polling places to mislead people into believing that a single 1 is the only way to vote.

The CHAIR: Thank you for appearing before us again today. It is much appreciated. You'll be provided with a copy of the transcript of your evidence for corrections. Committee staff will also email any questions taken on notice from today.

(The witnesses withdrew.)

(Luncheon adjournment)

Mr BILL BROWNE, Director, Democracy and Accountability Program, The Australia Institute, before the Committee via videoconference, affirmed and examined

Ms SKYE PREDAVEC, Researcher, The Australia Institute, before the Committee via videoconference, affirmed and examined

Ms SANDY KILLICK, Managing Director, Democracy Matters, affirmed and examined

The CHAIR: I'd like to welcome our next witnesses. Thank you for appearing before the Committee today to give evidence. Please note that the Committee staff will be taking photos and videos during the hearing. The photos and videos may be used for social media and public engagement purposes on the Legislative Assembly's social media pages, website and public communication materials. Please inform Committee staff if you object to having photos and videos taken. Before we start, can you please confirm that you have been issued with the Committee's terms of reference and information about the standing orders that relate to the examination of witnesses? Has everyone received a copy of those?

SANDY KILLICK: Yes.

BILL BROWNE: Yes.

SKYE PREDAVEC: Yes.

The CHAIR: Do you have any questions about that information?

SANDY KILLICK: No.

BILL BROWNE: No.

SKYE PREDAVEC: No.

The CHAIR: I would like to begin by asking if any of you would like to make a short opening statement, maybe starting with Ms Killick.

SANDY KILLICK: Thank you, Mr Primrose—Chair—and members for inquiring into this important matter and for your work as a Committee. As the managing director of Democracy Matters, which is a nonpartisan organisation, I work to equip voters, elected representatives and teachers with the skills to strengthen democracy. My starting position to you this afternoon is that elections are skewed towards candidates and political parties in a way that overshadows voters, and that we need to make elections an equal playing field for voters and candidates and political parties, because the experience that voters have during elections affects their sense of democracy. The ideas of elections, polling places, respect for public office and integrity are all connected in voters' minds.

Last year I experienced a fair-play election for the first time. That was a State election in Tasmania in July. I was fortunate to be able to work there as a pre-poll officer and as a polling place manager. There was no electoral signage within 100 metres of the entrance of the polling places. There were no how-to-vote cards. There were no posters of other candidates—attack posters—because the Tasmanian Electoral Act prohibits the use of electoral signage of other people without their consent. But there were cake stalls and democracy sausages. In the words of one Tasmanian voter, "There are no complaints about the absence of how-to-vote cards and signage"—at their local and State elections—"but there are complaints about having them at Federal elections. I don't want people telling me how to vote with how-to-vote cards."

I recommend that New South Wales Parliament adopts the same reforms in the interest of levelling the playing field between candidates who have financial backing from parties and candidates who don't, and also, importantly, demonstrating respect for public office that matches voters' expectations, ensuring that polling places are voter friendly rather than adversarial turf wars. I urge the New South Wales Parliament to go one step further by inquiring into truth in political advertising at an appropriate point in your committee process.

SKYE PREDAVEC: Thank you for the opportunity to appear before the Committee today. Australian elections are accompanied by a flurry of pamphlets, posters, forums, advertisements and signage. That all comes to a head on election day with school feeds, sausage sizzles and other community events. Along with democracy sausages, election corflutes are core enough to Australia's democracy to have made it onto *Bluey*. The overall festival of democracy enriches the civic experience and makes compulsory voting a pleasure and a custom, as well as a duty. While the Australia Institute does not have specific recommendations for regulating electoral posters and signage in New South Wales, our instinct is to support political engagement, including through posters and signs.

Restrictions on posters and signs in other jurisdictions have had some negative consequences. The ACT's limits on roadside signs, for example, fall much more heavily on community groups and organisations other than

political parties, for whom the cap is effectively 26 times higher. South Australia's ban on corflutes again reportedly reduced voter awareness of a by-election. Any changes to the rules on posters and signs must take into account, as well, the implied freedom of political communication. Measures that significantly disadvantage third-party campaign groups or non-major parties or that restrict posters on private property would be particularly at risk of falling foul of this constitutional right.

All that having been said, there are, of course, misuses of signage and posters, including the practice of blanketing polling places with cheap plastic wrapping in order to block other campaigns from having room for their materials. Where space is limited, it does make sense to stop campaigns from taking up more than their fair share. There are misleading and deceptive signs; although those would be best regulated through truth in political advertising laws. We're happy to answer any questions you might have.

The CHAIR: Before we begin, I'd like to let you know that you may wish to take a question on notice, and you can provide the Committee with an answer subsequently in writing. In terms of the display of posters outside voting centres, would you agree that there's an argument that that may actually improve political communication by setting a more even playing field for political participants in improving the voter's experience? I direct this question to all of our witnesses.

SANDY KILLICK: I would share my experience of working as a polling place manager. When I go out to ensure that the campaign workers are staying outside the six metres, many of the voters are going in head down. They want to avoid the papers being thrust at them, so I don't know if they're taking in the signage that's there. I feel that there's enough. The signage goes up well before pre-poll and election day, and they have the opportunity to absorb that information in that way and also through the information that's delivered to them in their letterboxes and on social media.

The CHAIR: The Australia Institute, do you have a view?

BILL BROWNE: Yes. By contrast, I'd agree that posters at polling places can play a role in educating voters. We know that while there are different extents to which Australians take in electoral information, there is a fair portion who make their mind up on the day of the vote, and that may well be based in part on the information that's imparted on posters. As well as posters, how-to-vote cards, since they were mentioned as well, can provide policy information and indeed give an insight into the relative positions of other political parties and candidates based on where they're placed by the party in their own preference allocations.

While it may not be as detailed as a policy platform you might see online, these posters and how-to-vote cards do end up communicating key information to voters anecdotally as well. I've had people tell me that if they don't see signs at a polling place or don't see signs by the side of the road, they assume that a campaign isn't as serious or interested in their vote as others. In practice, the absence of signs probably favours incumbents who come into the election with the advantage of name recognition, and being able to put up signs and mobilise volunteers is one way of levelling that advantage.

The Hon. ROBERT BORSAK: Ms Killick, I see in your submission you're basically saying nobody should be doing anything within 100 metres of a polling place. Just outline to me, again, what the advantage of that is to the voter, especially if they haven't made up their mind.

SANDY KILLICK: My understanding is that about 15 per cent of voters haven't made up their mind. That's one figure that I've been given. If the concern is about voters that haven't made up their mind, I wonder if there could be efforts made by candidates to communicate with voters in advance, rather than relying upon that last moment. The operation of the amendments to the Electoral Act in Tasmania have been operating for a number of years now—more than 15 years—and they haven't had any complaints about the absence of that information being near the entrances to polling places.

The Hon. ROBERT BORSAK: Do you believe that they would actually get complaints? You mentioned that someone thought it was a good idea, but you say there's no-one complaining. Isn't that more to do with the fact that that's the status quo? Do you think that actually gives government and a larger party incumbency an advantage compared to, say, minor parties, if they don't have the communication budgets and they don't have the people to get out and actually compete? If you vacate the whole thing on election day then what chance does anyone really have of tipping the—especially if they don't have the money to run advertising and cover it all in terms of social media. How is that a level playing field?

SANDY KILLICK: I think the photo that you showed me, Mr Borsak, of all those corflutes marshalled in the polling place, that's predominantly the major parties' corflutes. We're already seeing that the playing field is tipped towards—

The Hon. ROBERT BORSAK: That's right, and that's one reason why we're here, because we're saying that this is one extreme. But then you're talking about the opposite extreme, where there's—

SANDY KILLICK: I am.

The Hon. ROBERT BORSAK: —the total vacancy of any advocacy at all. You don't see that there's a middle road there somewhere that could be conducted?

SANDY KILLICK: Yes, I think the middle road is that we could encourage candidates to go out and meet voters, to be more present and active in the community through candidate forums, by being out the front of shopping centres and having their teams out, and also in between elections as well—to not just rely upon the lead-up to an election.

The Hon. ROBERT BORSAK: For example, in New South Wales we've got a statewide franchise for the upper House. How does one do that? There are an awful lot of railway stations in New South Wales. I fail to see how that model actually fits to our particular—I understand how the Tasmanian one works; I understand how Victoria works. There is some chance of doing that, but I can't see how that actually works in New South Wales—to be able to communicate with the constituency, which is statewide. Automatically, the major parties would have an advantage.

SANDY KILLICK: In Tasmania it operates at the lower House elections and in the upper House it's modified, and they do have a slightly different sequence of elections. But my starting position is to think about voters and their experience, and how well we are giving them a positive experience of turning up at polling places or turning up at pre-poll. When I worked at a Federal election as a polling place manager, there were concerns about campaign workers intimidating voters outside of a polling place at the Masonic Centre in Sydney. I think that inquiries like this are an opportunity to look at the way we have always done things and look at examples from other places. In terms of the concern about levelling the playing field between incumbents and other candidates, they have been managing to do it in Tasmania; they find other ways to communicate. So I don't think it's impossible.

The Hon. ROBERT BORSAK: I was going to ask the same question of Mr Browne or Ms Predavec.

BILL BROWNE: We have experience directly with the ACT exclusion zone, which, again, is 100 metres. I think the overall effect of that zone can actually be to force the politicking and the inconvenience out to places well beyond the polling booth, while at the same time limiting voters from getting access when they might actually want it. It depends very much on the particular polling booth, but a 100-metre projection from the entrance to a school can mean that it's effectively impossible to reach people who are going to that venue to vote.

You may find yourself at 100 metres and in the middle of a shopping centre or something. But you end up, particularly towards the end of the day, bothering people who either can't vote or who have already voted, while leaving people who might actually want to grab a volunteer, or the candidate themselves, incapable of doing so. I certainly think a smaller exclusion zone is better in that regard. It may be possible to have low interference ways of voting. I know there's low sensory interference options that electoral commissions are exploring, whether it's possible to make sure that people who don't want to be harassed are not harassed can happen while everyone who wants an opportunity to grab how-to-vote cards and to talk to canvassers still gets the opportunity.

Ms CATE FAEHRMANN: I wanted to ask about the 100-metre exclusion zone, actually. It's good that you've got experience both in Tasmania and the ACT in terms of how that would work, because I haven't seen it myself. I can imagine that parties and candidates would still want to have a presence and that they would be pushed out—as I think you were just saying—to the parameters. That could be, for example, on a street outside private houses and make its way beyond what have been the building parameters dedicated to the polling booth. Does that happen, firstly? I'm just wondering, both in Tasmania as well as in the ACT, is that the situation? Is there as much of a presence, or is it just a little sprinkling here and there, from your experience?

BILL BROWNE: I think it's a combination of much less and, when it is happening, it's a fair way away. For example, in the last Territory election, when I went to vote there was one person from one party who was handing out some kind of material not even at the lights where I would be crossing to get to the polling booth. If I hadn't known him personally, I would have had no idea that he was even in relation to the election.

SKYE PREDAVEC: When I went to vote in the 2024 ACT election, in the local supermarket in Downer there were about 10 campaigners—about five on each side of the only entrance to the supermarket, 100 metres away from the polling booth, because that was where they could reach the most people. But that's because of that 100-metre rule, because they weren't able to go closer. And I know that there were some similar situations elsewhere in the Territory.

Ms CATE FAEHRMANN: And the situation in Tasmania as well, Ms Killick.

SANDY KILLICK: I experienced two polling places, Ms Faehrmann. One was in pre-poll—that was a large urban one—and then there was one out of Hobart. There were no campaign workers near them, and I had the same experience at New South Wales elections during COVID. During the COVID period, the State Government or the Electoral Commission banned the handing out of how-to-vote cards because of the concerns about transmission, so there were very few candidate workers. They had to be outside the exclusion zone, which was bigger than the six-metre one. The way that candidates were able to share their how-to-vote material was with QR codes on electoral signage, so I could imagine that you could have electoral signage on the approach to a polling place in New South Wales that's got QR codes.

The way that we assisted voters at that time—during COVID—was, if they came in and they asked where the how-to-vote cards were, because that's their habit, we encouraged them to take as much time as they wanted and encouraged them to go on to the various candidates' websites to find the how-to-vote cards. In fact, we helped them if they had low web literacy. I wonder if we're deferring to habitual patterns that may not be patterns that help us develop well-informed voters. In Tasmania they have a significant proportion of voters who vote below the line on Senate ballot papers in the Federal election. They have learned not to rely upon how-to-vote cards. In fact, I was able to witness voters coming in with all of their preferences sorted out. They had done their research. As a democracy educator, I was thrilled to see this.

Ms CATE FAEHRMANN: I just want to push on this a little bit with you, Ms Killick, because I very much appreciate the work that your organisation does. From The Greens' perspective, I've just been thinking how it would work. One of the things that I've said in my 25 years in the party and talking to all the booth worker volunteers is just how important that voter interaction is on the day. For us as a party, we can't afford to run TV ads, we can't afford to do too many outdoor billboards and we can't afford to blanket the electorate. We're one of the bigger minor parties now, of course. On the day, the sense of what voters get from the booth workers is very important. They can get an impression of how a party is by the booth workers.

That presence for us actually is very important. I just wanted to get your view on that. Tasmania is one thing, but New South Wales is very different. New South Wales is a hell of a lot more expensive to get your message out than Tasmania. Sydney media is very expensive compared to Hobart. I fear that not having any presence at all would actually—imagine Clive Palmer. Imagine, for example, what they could do compared to other smaller groups. I just put that out there. Imagine somebody with a lot of money. I'm wondering how you grapple with those concerns, because I'm sure you have.

SANDY KILLICK: Yes. I'm thinking about the funding that the United Australia Party put into paying people to hand out how-to-vote cards for them at polling places, and the corflute wars that were targeting minor parties. Where minor parties have to replace those corflutes, that reduces your resources as well. I feel that there are difficulties either way. I would encourage the Committee to look for a middle road and potentially talk to candidates and party members in Tasmania, even though I know you're saying the economies of scale are quite different there. I'm concerned about voters and their sense of trust. I'm also concerned that they're not seeing respect for public office in the signage that particularly is of opposing candidates and undermines their—say, going into a polling place, you've got the how-to-vote cards, but one of the last messages you see is a sign saying, "Don't vote for this particular individual because they're a criminal"—which is in my submission. How do we balance that out as well?

The Hon. NICHOLE OVERALL: I echo what Ms Faehrmann and Mr Borsak were saying. From both of your perspectives, the ACT and Tasmania are very different systems politically from New South Wales, and even federally. When it comes to the New South Wales optional preferential voting system, and coming in with what the Australia Institute is saying there, voters can rely on how-to-vote cards if they aren't engaged previously when they do attend a booth and expect to receive them. For COVID, there's no sustained evidence around that, as a one-off situation, as such. You're talking largely about anecdotal evidence and personal experience. Does there need to be more rigorous research and analysis to back the position either way?

SANDY KILLICK: I would agree. Elections are the cornerstone of our system of democracy. I would urge the Committee to seek out that research or encourage the Parliamentary Library to look into it.

BILL BROWNE: Likewise. I'd certainly encourage the Committee, as you are doing, to look into this issue and collect as much evidence as possible. But I guess I also think that the beauty of democracy is that we do all experience it—well, we don't live in New South Wales. You, of course, do have the benefit of being elected parliamentarians and would be able to talk to a great deal of New South Wales voters and get a sense of how it works for them and the realities on the ground. I think that would hopefully be enough, combined with the lessons that can be learned from other jurisdictions, to figure out what a good course for New South Wales is, and you can always revisit it in three years and see how it worked.

The CHAIR: Unfortunately, our time has finished. I've managed to restrain myself from talking about Robson rotation.

SANDY KILLICK: I think the Robson rotation should spread nationally. I'm all for that.

The CHAIR: I've restrained myself, but we've got that on the record.

SANDY KILLICK: Very good. Thank you, Mr Primrose.

The CHAIR: I thank all of you for appearing before us today. You'll be provided with a copy of the transcript of your evidence for corrections, and Committee staff will also email any questions that you've taken on notice today. I appreciate you coming and giving us your evidence.

(The witnesses withdrew.)

Ms MONICA RICHMOND, Acting Assistant Commissioner, NSW Electoral Commission, affirmed and examined

Mr HUGO BERGERON, Executive Director, Safeguards and Integrity, NSW Electoral Commission, affirmed and examined

Ms RACHEL McCALLUM, Commissioner, NSW Electoral Commission, affirmed and examined

The CHAIR: I welcome our next witnesses. I appreciate you coming again. Thank you for appearing before the Committee today to give evidence. Please note that Committee staff will be taking photos and videos during the hearing. The photos and videos may be used for social media and public engagement purposes on the Legislative Assembly social media pages, website and public communication materials. Can you please inform Committee staff if you object to having photos and videos taken. Before we start, do you have any questions about the hearing process?

HUGO BERGERON: No.

RACHEL McCALLUM: No.

MONICA RICHMOND: No.

The CHAIR: Before we begin, would one of you like to make a short opening statement?

RACHEL McCALLUM: Thank you for the opportunity to participate in this hearing. The Electoral Commission, as you know, has provided a submission that covers a range of issues about the potential for extended regulation of electoral posters and signage. The introduction of a new regulatory framework for this aspect of campaigning, if it were to occur this year, requires careful consideration, not just about the legislative design as it may proceed through the Parliament but also about the implementation of any new framework on the ground, on the front line by the Electoral Commission staff, both local and head office teams.

As you know, we will have around 2½ thousand voting centres during early voting and on election day next March that will be operated by tens of thousands of local staff who work for the Electoral Commission, largely for one day only. Our particular interest in this issue is that any significant legislative change ahead of that State general election in March may introduce real risks for our capacity to run and regulate that election fairly and effectively. While we acknowledge that there are additional limitations on signage within 100 metres of voting centres in Queensland and Victoria, our understanding is also that those frameworks continue to be improved. We understand, for example, that refinements to the enforcement staffing model that will operate during the voting period are being introduced for the upcoming State election in Victoria, and we will be observing that with close interest.

With only a few months to go before having to stand up a 30,000-person temporary election workforce in New South Wales with the basic skills and training to do their current job safely, we note that adding a requirement this year to enforce additional criminal offences in a contested campaign environment does necessarily create a new risk for the election. It will, of course, also add some significant new costs. But as with other aspects of electoral conduct that are regulated by the commission, if new rules were to be introduced, we would do our best within the short time left to provide effective, safe and independent regulation. Thank you.

The CHAIR: Before we begin, I'd just like to confirm with you that you may wish to take any questions on notice and provide the Committee with an answer in writing in due course. I was looking at annexure 1 of your submission and the estimate of \$2 million cost. That includes hiring a signage supervisor at each of the 2,287 estimated polling places and a signage supervisor at each of the 351 estimated early voting centres, plus additional help desk operators and six additional temporary investigators. Are you seriously saying that you're going to need to employ an additional 2,287 staff?

RACHEL McCALLUM: What we're saying is that if the rules were to be changed for the 2027 election, our design of our staffing arrangements for each voting centre is already at capacity, busy doing what they've always done. This would be a significant additional responsibility. One hundred metres, from wherever that might be—from the entrance or the grounds or wherever you take the 100 metres from—is quite a distance from the polling place, the voting centre. As the submissions to the inquiry indicate, there seems to be an expectation that the new rules would be enforced in real time. It isn't possible, from inside a voting centre, for a voting centre manager or one of the other staff to perform the kind of functions that could be expected if we were to be enforcing rules about numbers of signs or sizes of signs within that 100 metres. It is necessarily an estimate. We haven't done any detailed analysis. For instance, we haven't done a risk-based analysis, for example, of particular districts yet. That would be potentially challenging anyway. But this is based on one per centre.

The CHAIR: In terms of your analysis here in your estimates, in terms of both, say, Queensland and Victoria, how many sign police did they require?

RACHEL McCALLUM: I'm not aware of the exact numbers. That's why I mentioned Victoria, because what I do know is their plan is to have more staff in the field. I do understand they're working on a hub model, which is perhaps more appropriate. Victoria is a geographically smaller State than New South Wales, but it is not my understanding that they did have an additional person at every polling place or voting centre in previous elections where these have applied. But I do understand that consideration is being given to what the model should be for their staffing. That is why we have said in our submission that it would be of interest to see how the Victorian State election was run this time, because it has had the benefit of some inquiries and some by-elections where issues around enforcement during the event have been raised and concerns about the ability of the commission there to enforce it in real time have arisen. So we would like to see what happens in the State election in Victoria.

The CHAIR: I'll come back to this. I won't express my views at the moment; I will leave it.

The Hon. ROBERT BORSAK: Thanks very much for coming. You talk about seeking some clarity in relation to what the issues around guidelines are. Do you want to elucidate a bit on that?

RACHEL McCALLUM: Yes. In our submission I think we suggested that if there was a change, it would be beneficial for us to be given guideline-making powers to assist both our local staff and our stakeholders to understand how we are enforcing. I would note that there are similar kinds of instruments in both Queensland and Victoria, where they have made determinations and issued other similar instruments about how they'll go about enforcing it.

The Hon. ROBERT BORSAK: You talk about, in paragraph 39, stakeholders involved in the regulation of signage in New South Wales—local councils, the planning and housing department and New South Wales police. How would they pertain to influencing the decisions of what signage should be like in a general election or a by-election?

RACHEL McCALLUM: I think we were noting, for the Committee's interest, that it is not only electoral law that regulates election signage; there are planning instruments that are relevant already, and that there are public safety issues and there are rules around fixing things to utility poles that would relate to signage. So there are a number of types of regulation already that apply in specific circumstances. That is the purpose of 39.

The Hon. ROBERT BORSAK: Are you saying there that they should be considered in light of what's happening within the electoral—say, for example, the 100 metre—zone, and that they should also be reconsidered?

RACHEL McCALLUM: I'm not advocating for a root-and-branch rewrite of planning laws, but I think that if the Parliament were to consider introducing different rules in an area of land that was presently under, say, a local council's jurisdiction under its planning laws, it would need to take that into account.

The Hon. ROBERT BORSAK: We understand what that is generally—no, you're not allowed to.

RACHEL McCALLUM: There are rules about size actually, is my understanding. There are rules around how big a sign can be because it's a type of development, I suppose, that has some specific exemptions that apply to it if it's an electoral sign, provided it's taken down in a period.

The Hon. ROBERT BORSAK: What's your view in relation to doing nothing? In other words, have everything within 100 metres, for example—no representations, no handouts, no signs, nothing at all?

RACHEL McCALLUM: Sorry, did you ask what did I think about that? Is that what your question was?

The Hon. ROBERT BORSAK: What would the commission's view be in relation to that?

RACHEL McCALLUM: We look at it from an operational perspective and an enforcement perspective. I don't think it's appropriate that we would express a view on whether there should be some, none or lots. We would look on it as what kind of resourcing would we need to do the job properly that the Parliament is asking us to do. The question around whether you can completely prohibit signage or limited it in a particularly stringent way, we clearly are aware—and we've alluded to it in our submission and I know that others have too—there are constitutional considerations. There always are in electoral law where there are limitations placed on participation in elections. That would need to be considered, but we don't have a policy position on whether it should be.

The Hon. ROBERT BORSAK: That's fine. You say one of your recommendations is to not implement anything before the 2027 election. That's 12 months out. Why do you say that?

RACHEL McCALLUM: That seems like a long way away to other people perhaps, but I can assure you that, at the commission, we are well into our operations in relation to the election. Working back from when the election day in March is, we have rigorous testing processes that really kick off in the middle of this year, which is only a couple of months away. That includes having to print all of the materials for our voting centre managers and do all of the training. We record training videos. We have a program of operational delivery that is in train well and truly now. We are, of course, adapting to the recent law changes that were passed by the Parliament, and we are already making the adaptations we can there. But the closer we get to, frankly, the end of this financial year, we are well and truly into printing things, shooting videos and those kinds of things, and testing whether our end-to-end processes are rigorous and support the integrity of the election.

The Hon. CHRIS RATH: Given what you just said and that we don't have a bill on this as yet, until after this Committee process—which is a very short, sharp inquiry—have we missed the boat to change this before the 2027 election?

RACHEL McCALLUM: Our position is that it introduces a lot of risk to put this framework in for the 2027 election. We would advocate there shouldn't be any last-minute changes to electoral law so that we can get our systems and processes bedded down in time for proper testing and proper awareness raising amongst the stakeholders and the general public. There is significant risk, as I mentioned in my opening remarks.

The Hon. CHRIS RATH: On another topic, what time do officers in charge at each polling booth typically arrive on election day?

RACHEL McCALLUM: It's 7.00 a.m. I'm going to look at my colleague here and hope she nods. They might get there just before seven. I did notice in some other evidence that there were issues raised about earlier regulation or time frames, which does pose a staffing issue for us, because 7.00 a.m. is pretty early anyway. It's a very long day for our staff, as you would all be aware. It's a long day at a voting centre. A 7.00 a.m. start is when they are getting there, and then the rest of the staff arrive afterwards. There's a whole list of things that our managers need to do to open up the voting centre to get it ready for the first voters to turn up.

The Hon. CHRIS RATH: How many complaints would you usually get on election day about signage? Is it one of the main disputes that officers in charge need to address? Maybe you need to take it on notice.

RACHEL McCALLUM: I could ask Mr Bergeron.

HUGO BERGERON: Electoral material in general is the main category of allegation that we receive. I would have to take it on notice. It is in our election report and the breakdown. If we had to further break down, on election day itself, I think the proportion would be relatively the same. I will take that on notice.

The Hon. CHRIS RATH: And any figures—it might be too specific or too granular, but anything about the disputes about signage numbers specifically, but also the set-up time. One of the things that happens is that, when disputes come up in the polling period, people will go in and try to get the officer in charge to resolve the situation, mediate, intervene or whatever, or they'll make a complaint to them. But often, with the signage issue, it happens before anyone is there. It's usually before the 7.00 a.m. period when most parties do the set-up. If you have any figures about set-up disputes—it might be too granular, but anything you can provide would be helpful.

HUGO BERGERON: I'll see what we can provide. I think one thing we have to appreciate as well is that we encourage our frontline staff to actually deal with issues as they arise. The process of reporting those is not front of mind at the beginning of the voting day, so it's quite possible all of them haven't been captured in a very systematic way. It gets escalated to our central compliance team when either there is a complaint by a candidate or the polling place manager is unable to deal with the situation. As I said, I'll look at what we have in terms of statistics, but it might just be a fraction of the issues that are identified and resolved in the morning.

The Hon. CHRIS RATH: If we moved to a system that was no set-up before sort of 5.00 or 6.00 a.m., as an example, there would be a period before the officer in charge would be there of an hour or two. The options would be either to potentially move their arrival time an hour earlier, but I know that would be additional staffing costs, potentially. What are the potential risks with that? I suppose that is one question, then what are the potential risks of having a set-up time of, say, 5.00 a.m., but no-one from the Electoral Commission at the polling booth until, say, 7.00 a.m.—so sort of a period which happens already at the moment anyway?

HUGO BERGERON: My experience is we know that some parties and candidates will set up on the Friday night. We generally ask them because schools ask us for them not to set up prior to the end of the school period. But if there was to be restriction earlier and there was an expectation for us to enforce it—which I think,

if there are restrictions, we'd have to have something in place to enforce it—we'd need to have someone there as soon as the restriction applies or as soon as the obligation applies.

The Hon. CHRIS RATH: At the moment, the only restriction really on how early you can set up is what the building is being used for the day before—so 3.00 p.m., when school's out or, if it's a church hall or a community hall or something, I suppose there's no real restriction.

HUGO BERGERON: No, it depends on the venue. We've heard anecdotally that a lot of campaigners will set up the night before. Some have even hired security to actually look after the sign over the night. Obviously it's a question of who gets in first gets the best location, and that drives this behaviour.

The Hon. CHRIS RATH: Thanks, that's very helpful.

The Hon. NICHOLE OVERALL: Following on from Mr Rath's questions there, could potentially some elements of what's being looked at now be implemented, such as the potential for no early set-up in terms of Friday evening and things like no bunting, or would you still need more lead-in time in order to have it properly addressed and implemented?

RACHEL McCALLUM: The fewer changes that are made, the higher the chance of us being able to successfully implement it in the field. Our main concerns in our submission and in my opening remarks were about the challenges faced with training staff to be able to deal with that zone between the voting centre and the end of 100 metres, wherever that may be measured from. That is quite a different task to anything that our staff have been asked to do before. More limited changes, such as bunting is to be banned as a general category—it strikes me as more straightforward to do as a late message out to our voting centre managers, for example, to say that is now prohibited. There is always a risk that, therefore, there'll be more inconsistency of application of any rule that's a late change that hasn't been able to be included in our training materials. But the more confined the change, the more chance we have of being able to implement that successfully, I think.

The Hon. NICHOLE OVERALL: If it was after 2027, would you suggest that it is largely—again, without specific details of whether it's 100 metres or whether it's for signs et cetera, could what's being looked at broadly be effectively implemented, or does it still have the potential for issues and risks, as you raise in point 40, about the potential for legal challenges, for example, if signs are removed?

RACHEL McCALLUM: I think there are still safety risks for staff—for example, depending on where the 100 metres falls, does that fall beyond a big highway or some other dangerous site—that we would need to manage under work health and safety obligations. That might apply to an early opening situation as well; if there was a rule that said you can't display any signs near a voting centre before 5.00 a.m., that would also raise some challenges. It could be attempted and it may be successful, but there are still likely to be a whole host of safety and operational issues we'd still need to work through, even if it was not for the '27 election.

As we have noted in our submission, there is likely to be a cost to that. For illustration purposes, our cost is one extra person per voting centre, to be able to perform those tasks. Whether that happens at '27, at '31 or at intervening by-elections, that is still going to be a cost that we think would be incurred, because we think that if we are given the power to—if the Parliament were to pass a law prohibiting something, then that is not being passed simply for deterrent effect, and that there is an expectation that we will enforce it. Indeed, the recent changes to the Electoral Act have made it mandatory for us to raise awareness about matters relating to electoral matters. There are obligations, we think, put on us by any change, big or small.

The CHAIR: How many additional staff were required by Queensland's electoral commission?

RACHEL McCALLUM: I can't answer that, Mr Primrose. As I said earlier, I'm not aware whether they did put extra staff on. I know that Victoria is thinking about this issue for its upcoming election. I can't confirm one way or the other whether or not they are going to do more than what they've already said in their communications.

The CHAIR: What you're saying is quite understandable. Could you take that on notice in relation to Queensland?

RACHEL McCALLUM: I could but, of course, I'm reliant on my interstate colleagues. I will, to the best of my ability, find what information I can on their staffing situation.

The CHAIR: If this was purely a complaints-based system, as opposed to an enforcement or policing system, would that change any of your calculations—such as the Queensland model being a complaints system as opposed to someone going out and having to monitor the thing?

RACHEL McCALLUM: I think it would change the calculation, yes. I'm not sure whether I would characterise that Queensland is only a complaints-based system. If it were the case that there was no expectation

on our staff to take down signs that were in breach of size or number regulations, I think that would be a very different regulatory regime, yes, and may actually—I'm not quite sure. I think yes is the answer to that. You would change it.

The CHAIR: Could I ask you again to take it on notice? There are some statistics available from Queensland in relation to that; I remember reading about 164 complaints and that's what they dealt with. But please take it on notice and have a look at what you can in the time frame.

RACHEL McCALLUM: I will, yes.

The Hon. NICHOLE OVERALL: Given that Victoria did introduce it, as you said, from the 2018 election, has the idea of it been floated in New South Wales previously? Has it been discussed?

RACHEL McCALLUM: I'm not aware. I've only been commissioner for a short time, even though I have worked at the commission before that. I believe that the previous legislation, the Parliamentary Electorates and Elections Act, did have size restrictions in it that were not carried over into the current Electoral Act 2017.

The Hon. NICHOLE OVERALL: Because we are eight years down the track, obviously, since they implemented it.

RACHEL McCALLUM: Yes. I'm not aware that it has been put forward—not by us, it hasn't been put forward.

The Hon. NICHOLE OVERALL: Do you happen to be aware of—and you may not—whether Victoria did receive any uplift in funding when they introduced it or subsequently?

RACHEL McCALLUM: They have a very different funding model at the Victorian Electoral Commission. They have a special appropriation, which is something that we would greatly like to have in New South Wales as well, where the costs of running an election—and that would include performing any regulatory functions that they had—are simply met. Whilst I'm not saying they don't, I understand that there is close collaboration with their Treasury and very robust budgeting. There is not the same approach to that annual budget uplift, where we need to seek additional funds when things change.

The Hon. NICHOLE OVERALL: Additional funds, essentially, to implement such a thing.

RACHEL McCALLUM: Yes, it's more flexible.

The Hon. NICHOLE OVERALL: Coming to my final point then about that, in terms of your projections for staffing and the potential implementation, obviously across 2,500-odd venues, with pre-poll, they vary greatly, particularly when we get to regional and rural areas. I don't know, but I would think that staffing in areas like remote rural places would be more difficult at times as well. All of that would potentially contribute to cost as well.

RACHEL McCALLUM: Yes, staffing across the State is very variable. As you say, New South Wales is a very diverse landscape. I think there are likely to be more challenges in some more remote and rural areas with additional staffing. We do struggle sometimes to have the minimum number of staff we need to open a polling place.

The Hon. NICHOLE OVERALL: What is the minimum staff?

RACHEL McCALLUM: We always try to have three, I think, because we're always wanting to have someone available if someone's on a break. We are usually using three as a minimum. But there are 2½ thousand, so that is spread over a very diverse range of areas. If there was an early morning on election day ban, there is even an issue about whether that job is attractive to somebody—to start work at, say, 4.00 a.m. on election day to be able to be at a voting centre dealing with people who are setting up their materials. That's a staffing challenge for us. It might be a staffing challenge for us.

The CHAIR: Please take these on notice if you wish. If electoral posters are limited to within a particular distance of polling places, the issue is from what point should the distance apply? For example, would it be more practical to determine this from the entrance to the voting centre building, the building itself or the entrance to the grounds in which the building is situated, such as a school gate? Do you have a view on that?

RACHEL McCALLUM: No, not a particular view on that. It just needs to be clear where we are calculating it from, because we don't want to exercise our regulatory functions incorrectly by not having the right point. We want to be able to measure from a particular point.

The CHAIR: Following on from that, if this was to be put into legislation, do you have a view on how it should be set out in legislation so it's consistent across voting centres? Again, please feel free to take it on notice.

RACHEL McCALLUM: Legislation, by its very nature, is rules that apply generally to the whole population unless otherwise expressed. Mr Borsak questioned me earlier about a determination or a guidelines power specifically. That is a common way in which to give a regulator some scope for being able to deal with some of those idiosyncrasies of specific circumstances. That is one way to deal with it. But I think more generally, specificity, as we have said in our legislation, is what we would think would produce the least contested result. It's already a big contest. People are very enthusiastic on the election day about the issues of signage. The more specific the legislation is, the less disputes there will be about the exercise of any new function.

The CHAIR: In terms of, say, the six-metre rule which exists at the moment, clearly this comes up at every election, whether it's from the entrance to the building if it's in a community hall—it's pretty clear. But then you have the issue of inclosed lands in relation to school grounds. I was wondering, again—and suggesting that maybe you want to take it on notice—are there any particular guidelines that you use, for example, in relation to the application of the six-metre rule which may be relevant if we go ahead with drafting legislation here?

RACHEL McCALLUM: Yes, we do have what we call the six-metre rule guidelines, which are still available for the 2024 local government elections on our website. In fact, it's timely; we are about to ask our stakeholders in a more formal consultation about how those guidelines should be refreshed, if at all, for the 2027 elections. I think we will, in the next week or so, be releasing those or seeking the views of stakeholders on whether they believe that those guidelines adequately address some of those issues that you have alluded to. It is difficult. The six-metre rule applies; we can't change that. But we do try to be as practicable as we can in the guidelines about what our local staff should do when they're faced with the significant number of variations of issues that arise in their voting centres.

The CHAIR: In terms of the operation of this Committee, when do you expect that you may have completed that operation, in terms of that review?

RACHEL McCALLUM: I think we're asking for the feedback by the end of May so, depending on whether anyone raises some unusual issues that we hadn't thought of before, we would hope to have them out again by June this year.

The CHAIR: That could be very useful; thank you very much. Before I hand back to my colleagues, in your submission you highlighted that aspects of the Act's definition of "poster" may need to be amended to support effective regulation. I wonder if you could possibly elaborate on that, please.

RACHEL McCALLUM: Yes.

The CHAIR: That's submission 26, page 3.

RACHEL McCALLUM: I think we were making a general point.

HUGO BERGERON: I think it's jointly with "severally". The definition of "poster" essentially includes a collection of posters or any single poster.

RACHEL McCALLUM: Yes. I think it is very much an unusual drafting issue there, but it just shows that we pay attention to what look like quite technical issues. But we are always mindful that, at the end of the day, this is creating a criminal offence, so we have to think through "Are the elements of that offence present?" before we take any kind of enforcement action. I think, in that, it was just alluding to the fact that currently the definition of posters—it wasn't "Is it a T-shirt?" or "Is it a poster?" or that sort of thing; it was more that there is a specific drafting issue that might not work in the Act right now. But, other than that, as our submission talks about, there were some specific things in other jurisdictions which are excluded.

Again, the stakeholders, the political participants and their work campaign volunteers are as clear as can be, rather than contacting us at the last minute to say, "Can we do this?" or "Can we do that?" We do have that kind of assistance, to the extent that we're not giving advice to any political participants about how to run their campaign successfully. We have to walk that careful line between—we explain that this is the rule, but we can't really take you too much further because it might stray into the territory of giving tips on success, which is not something that we should ever be involved in.

The Hon. ROBERT BORSAK: In relation to—let's call them—restrictions in relation to signage and distance et cetera, you talk in your submission about new powers. What sort of new powers would you need in relation to what currently goes on? For example, immediate enforcement—as it is now, you've got quite a lot of powers in relation to that, in terms of sorting things out very quickly.

RACHEL McCALLUM: We're referring to the need for clear enforcement powers that do apply to any new restrictions that might occur. Yes, there is in fact a removal of contravening electoral material power now. That applies to contravening electoral material. We would just need to make it clear that we had a power to do

what the Parliament expected us to do. Is it to take down signs that appear to be in breach of it, or is it to do something else—not deal with them, merely to note it, or register them? Whatever the function is that we are expected to exercise needs to be clearly set out. I think our submission also noted, however, in relation to taking enforcement action, whilst we would expect that, largely, the participants would comply with requests to remove anything that we said was contravening, if there were rules to do with the 100 metres, we would advocate that we should have powers under the Fines Act for issuing formal warnings and notices rather than having to always take people to court. That would seem to be a less efficient way, from a compliance perspective, to deal with criminal offences in this area.

The CHAIR: On that particular point, regardless of when they put the signs up, your people would be there at seven o'clock, and if someone put a complaint in and said, "This isn't complying," you could deal with those after seven o'clock—non-complying signs.

RACHEL McCALLUM: If that was the intent, yes. We would need powers. If that was the idea, that we could, from—

The CHAIR: Seven-ish, when they arrive for work.

RACHEL McCALLUM: Let's say from seven we could deal with taking down the signs. It would need to be clear. I think it would need to be clear, if there was to be a time limitation, just when that time limitation arose.

The CHAIR: Understood, but you would expect to have people now onsite at seven, so even if the signs went up at 4.30 the day before, when your people arrived at 7.00 a.m. on polling day, that's when a complaint could be put in and non-complying signs could be dealt with.

RACHEL McCALLUM: Sure, subject to there being someone who's free to deal with it, because I would say that that first hour, when there are no voters, there are often many voters. As you often see on election day, they line up ready to be first in the polling place, so that first hour is very busy for a polling place manager and a voting centre manager.

The CHAIR: They always come out and have a look and talk to us.

RACHEL McCALLUM: They come out and they talk about where the six metres is et cetera.

The CHAIR: They have a look around. They tell us we shouldn't be setting up there because the gate is actually over there.

RACHEL McCALLUM: Yes.

The Hon. CHRIS RATH: I've made that mistake before.

The CHAIR: We've all made that mistake.

The Hon. ROBERT BORSAK: Yes, we've all done that. In paragraph 22 you talk about:

... if an authorised sign does not state who is displaying it, it would be particularly challenging to enforce rules around opposing signage. Under the present law, while all signs must be authorised, they are not required to bear the name of the specific candidate or party who is responsible ...

Are you saying to add another name on there?

RACHEL McCALLUM: If the expectation is that we would be taking down signs because there are too many of them or they're too big, in the 100-metre radius of the polling place, then we would need to know who to ask to take that down and also who to count, in calculating, if it was to be a restriction on numbers. Who is that sign for? Who is benefiting from that sign?

The Hon. ROBERT BORSAK: We're starting to get a bit bottom heavy with lettering on these signs if you're going to say who is authorising them, who printed them, where they were printed, where the address of the authorisation person is, and now who is going to be responsible for account. It's all getting a bit much, isn't it?

RACHEL McCALLUM: No, I don't think it is getting a bit much.

The Hon. ROBERT BORSAK: Are we going to have a number for each sign as well—one, two, three, four, five, six?

RACHEL McCALLUM: That might be a good idea. I hadn't thought about that.

The Hon. ROBERT BORSAK: I'm not saying it's a bad idea. I'm just simply saying if we're going to put stuff on, should we think about taking some stuff off? How relevant in this day and age is it to put the printer on there? That's very old-fashioned and unnecessary.

The Hon. CHRIS RATH: I think we did. Didn't we remove the printer address?

RACHEL McCALLUM: Yes, the printer is off now—as of last week, I think. I draw attention to the fact that it's not necessarily evident to us, when you're counting, whose sign this is, really. I think we also, in the next paragraph, noted that there's a nominated or designated person under Victorian law. They are the people who are responsible. Sometimes it may not be as obvious, or maybe even more obvious, to our local staff who is really behind the sign. But in Victoria they've tried to address that.

The Hon. ROBERT BORSAK: It'll be the Liberal Party behind the Labor one. That's what it will be.

RACHEL McCALLUM: I couldn't possibly comment on that.

The CHAIR: Unless there are any urgent questions from anyone, I'd like to thank you for appearing before us, as always. You'll be provided with a copy of the transcript of your evidence for corrections. Committee staff will also email any questions taken on notice from today. That concludes our public hearing. Again, I thank the witnesses who appeared today. I also thank Committee members, Hansard, audiovisual broadcast and the Committee staff for their assistance.

(The witnesses withdrew.)

The Committee adjourned at 16:20.