CITY OF SYDNEY AMENDMENT (BUSINESS VOTING AND COUNCIL ELECTIONS) BILL 2014

Bill introduced on motion by Mr Alex Greenwich, read a first time and printed.

Second Reading

Mr ALEX GREENWICH (Sydney) [10.08 a.m.]: I move:

That this bill be now read a second time.

The City of Sydney Amendment (Business Voting and Council Elections) Bill 2014 will ensure that business operators in the city of Sydney can vote in local government elections. Businesses make an important contribution to the city of Sydney, which is why they are already eligible to vote in local elections, but improvements in awareness and registration processes are needed to increase participation rates. Businesses should be able to exercise their rights to vote effortlessly in local government elections. The City of Sydney Amendment (Business Voting and Council Elections) Bill 2014 will make it easier for eligible businesses to get on the electoral roll by creating permanent registers for non-resident owners and occupiers and rate-paying lessees—that is, businesses that are entitled to vote in City of Sydney elections.

The initial registers will be based on the electoral rolls from the 2012 local government elections. Under the bill, eligible businesses and non-residential owners can join the registers at any time. I expect the Electoral Commissioner to run ongoing education programs to inform businesses of their rights and how to get on the roll. I also that expect business groups and the City of Sydney will play a key role in encouraging businesses to get on the roll. The bill requires the commissioner to contact all businesses and non-residential ratepayers on the registers prior to an election to confirm that their details are correct, and businesses will be able to do this electronically. The updated registers will form the basis for creating the non-resident owners and occupier rate-paying lessees electoral roll. The simple confirmation process will ensure that the rolls for every election are accurate and up to date.

While it will be up to the Electoral Commissioner to determine what information it obtains for the registers, the bill limits this to information needed to establish eligibility which non-residential owners and businesses could reasonably be expected to know or obtain, such as an Australian business number. This is a response to concerns that the commission currently requests a rate assessment number, even though it does not provide conclusive evidence of the entitlement to vote and can be difficult to obtain. This was a particular concern raised by Councillor Angela Vithoulkas of the City of Sydney, as well as Patricia Forsythe from the Sydney Business Chamber.

All non-residential owners and businesses on the electoral roll will be automatically sent a postal vote. However, they will have the option to opt out and instead vote in person. This approach recognises that it will be more convenient for some business operators working in the city to attend a polling booth. Voting in person on polling day is the traditional way that most people participate in elections.

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The bill does not make it compulsory for non-residential owners and businesses to be included on the registers or to vote. This is in line with comments made to the Joint Committee on Electoral Matters by Luke Aitken, senior policy manager with the New South Wales Business Chamber, who stated:

I think that there is too much focus on the compulsory aspect. I think if you make the process easier you will build up the participation without having to force people into it.

Making the process easier to increase business participation in local government elections is what my bill does. The current situation is excessively bureaucratic because non-residential electoral rolls are abolished after each local government election, requiring businesses and owners to re-enrol each term. The destruction of non-residential rolls was introduced in response to the Crown Solicitor's 1995 advice, which found that the inaccuracies in the roll created such a serious potential for fraud and corruption that it would be "unsafe to hold an election for the city of Sydney". Businesses are constantly changing yet there is no process to take those that have moved or ceased operations off the roll; hence a new roll is created before each election.

Having permanent registers allows non-residential owners and businesses to apply to be on the electoral rolls once and only once, removing the burden of having to enrol for each election. The process of confirmation by the Electoral Commissioner will ensure the integrity and accuracy of the roll and reduce the opportunity for fraud. The City of Sydney Amendment (Business Voting and Council Elections) Bill 2014 makes the independent Electoral Commissioner responsible for the registers and the rolls, and the city will be responsible for the costs, in line with existing election practices. This is essential to keep City of Sydney elections at arms-length from any politically motivated council interference.

While I have every confidence in the current City of Sydney administration, a future administration could be politically motivated or be subject to politically motivated council interference. Allowing the council to manage the registers and rolls would be tantamount to the Department of Premier and Cabinet being responsible for the State electoral rolls. No election would be free from claims of political interference and therefore remain untainted. Australia has an enviable history of elections with a high degree of legitimacy, and this should not be placed in jeopardy. We have only to look to the United States, where politicians appoint those who run elections, and the problems that occurred in the 2000 presidential elections to support the need for independently run elections.

I briefed Patricia Forsythe of the Sydney Chamber of Commerce and Glen Byrnes of the New South Wales Property Council on my bill, and both agreed that the proposed approach achieves the desired outcome to help grow the business vote. They supported retaining the existing limit of one vote per non-residential voter.

I have talked to local businesses in my electorate and to my constituents, and have worked with the City of Sydney. They all support making it easier for businesses to exercise their rights to vote. There is, however, serious concern that Sydney could adopt the Melbourne model. Melbourne has a different rating system, which does not allow direct adoption of non-residential voting. Melbourne prepares a new roll for every City of Melbourne election, with the roll based on a much broader method of charging rates. The council, not the independent Electoral Commissioner, manages the non-residential roll and non-citizens are given the vote. Melbourne allows up to two votes to each

business occupying land, which would drown out the voice and vote of residents and genuine small business voters.

This does not strengthen democracy. Businesses already have greater rights to vote in the City of Sydney than anywhere else in the State. They need only operate for three months before they can enrol to vote, as opposed to three years in other local government areas. What they need is an easy way to get on the roll and stay on a permanent register. My bill provides a simple, quick and inexpensive way to increase business participation in local democracy. The Government should support this bill and listen to the widespread concerns that have been raised by the Local Government Association, the City of Sydney, businesses and residents about the Shooters and Fishers Party's proposed bill. Community confidence in our Parliament and the Government is a current concern. Restoring confidence in the Parliament should be a key concern of everyone in this place. I call on the Premier to restore faith in politics in New South Wales. That cannot be achieved by halving the vote of residents and allowing vested interests to tamper with democracy in the City of Sydney. I commend the bill to the House.

Debate adjourned on motion by Mr Gareth Ward and set down as an order of the day for a future day.