



Full Day Hansard Transcript (Legislative Council, 14 August 2014, Corrected Copy)

Extract from NSW Legislative Council Hansard and Papers Thursday, 14 August 2014.

CITY OF SYDNEY AMENDMENT (ELECTIONS) BILL 2014

Bill introduced, and read a first time and ordered to be printed on motion by the Hon. Robert Borsak.

Second Reading

The Hon. ROBERT BORSAK [10.00 a.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the City of Sydney Amendment (Elections) Bill 2014. This bill will permanently establish a non-residential vote for businesses operating in the City of Sydney local government area [LGA]. There are many that I would like to thank. I will not name them here today, but rest assured there are people from both sides of politics who want this bill passed, including Dr John Kaye.

Dr John Kaye: I don't want this bill passed.

The Hon. ROBERT BORSAK: I thank Councillor Edward Mandla for his advice.

Dr John Kaye: Point of order: The member is misleading the House. I do not want this bill passed.

The PRESIDENT: Order! That is not a point of order, and the member knows it.

The Hon. ROBERT BORSAK: I thank Councillor Edward Mandla for his advice. He strongly believes in the principle of no taxation without representation, a sentiment that is shared by many, including me. I also thank 2GB broadcaster Alan Jones, who has been a driving force for this change for a long time. Without his assistance, I doubt whether the Government would have been persuaded to support this sensible and long-overdue bill. I also thank the *Daily Telegraph*, and in particular Andrew Clennell and Alicia Wood. They have also been supportive of the proposal to allow those who financially support the City of Sydney through rates to have a say in how the council is run. It would be remiss of me not to thank also Premier Mike Baird for his support for this bill. The previous Premier did not have the same vision or foresight, and worked behind the scenes to torpedo these sensible changes. I also thank the current Minister for Local Government and member for Bathurst, Paul Toole, for his strong support.

This bill is not something new, nor is it the affront to democracy that we are being led to believe by those very individuals who have cleverly alienated the business vote in the City of Sydney LGA. The history here is interesting. In 2002 the Carr Labor Government, with the then Independent member for Sydney, Clover Moore, passed laws that effectively disenfranchised the business vote. Since those laws were passed, the business vote is wiped after each election and eligible non-residential ratepayers and rate-paying lessees have to re-enrol at each election. Those same individuals who now claim that this bill is an affront to democracy have, for the best part of the past decade, put in place procedures that would not only make it difficult to re-enrol but also discourage non-residential ratepayers and rate-paying lessee re-enrolment. As a result, the business vote, not surprisingly, has plummeted.

In the 2012 City of Sydney Council election only 1,700 business votes were registered from a base of 80,000-plus eligible business voters. Central business district businesses in the city of Sydney account for 25 per cent of this State's gross domestic product [GDP] and provide 78 per cent of the council's rate revenue. Yet business, tourism and economic growth are rarely discussed in the council chamber. The Lord Mayor of Sydney holds one of the most important positions in Australian politics. Regrettably, for many years now we have had a Lord Mayor inclined to run an antibusiness agenda by diverting business revenues toward funding schemes in the hope of securing residential votes—and I am not suggesting milk crates or clouds here.

The Lord Mayor's failed trigeneration scheme quickly comes to mind. Here \$10 million was spent on consultant fees for a project justified by a resident survey saying that voters wanted the City of Sydney to act on climate change. Businesses were not consulted about this, yet they would be most affected by any change. The 2014 parliamentary inquiry into cogeneration and trigeneration in New South Wales described this project as reckless.

Likewise the bike path network was built and paid for by business rates yet they were not consulted as to whether they wanted it or what impact it would have on businesses directly affected by these bike pathways.

There will be those who argue that one cannot have a permanent non-residential roll because businesses come and go. I fervently disagree with this. On average, a business stays within the LGA for five years. They are more stable than residents, who stay on average only two years. People come and go and the current enrolment processes cater for such changes. There is absolutely no reason why the same situation cannot apply with the business vote. In fact, there are currently, and always have been, inaccuracies with the residential roll as people leave the LGA and do not update their address details. Again, this is more likely to occur with residents than businesses, as businesses on average stay longer in the LGA.

Others will ask: Why should business get two votes and why should it be compulsory? Eligible voters are required to vote—pure and simple; that is the law. The way to ensure accountability for any government is through the protection that the ballot box brings. This is called democracy. Everyone pays rates. A household pays only one set of rates, which is substantially less than a business pays. Yet most households have two or more eligible voters living there; they get to have a say for the payment of only one set of rates. If businesses are forced to pay rates those same businesses should have a say as to how those rates are used. Uninformed comment by those opposing this bill would have one believe that overseas investors will be able to vote in the City of Sydney council elections. They will not be able to vote. Only those entitled to vote at a State or Federal election will have that privilege. This bill is being introduced to try to give an honest reflection of what a majority of eligible voters want to see happen in the city of Sydney.

I believe the changes proposed in this bill are sensible and will go some way towards redressing this decade-long problem. The changes being proposed will require the general manager of the City of Sydney to maintain a register of all persons entitled to be on the roll of non-resident owners of rateable land or the roll of occupiers and rate-paying lessees under the City of Sydney Act 1998 and to clarify which persons are entitled to be enrolled on such rolls. The bill provides also for the general manager to automatically enrol such persons on the electoral rolls for the elections for the City of Sydney.

If a corporation is the owner, rate-paying lessee or occupier of rateable land in the city of Sydney a corporation may nominate two persons to be enrolled as electors instead of the corporation. If the corporation fails to make such a nomination at least 28 days before the closing date for the election the first two company secretaries or directors of the corporation, taken alphabetically, are to be deemed to have been so nominated and are to be enrolled as electors instead of the corporation. No more than two owners, rate-paying lessees or occupiers are entitled to be enrolled as electors in respect of any one parcel of rateable land.

If it appears to the general manager that there are more than two owners, rate-paying lessees or occupiers of any one parcel of rateable land, the general manager is to choose the persons to be enrolled—either in accordance with a written nomination signed by the majority of those owners, rate-paying lessees or occupiers, submitted to the general manager at least 28 days before the closing date for an election, or, if no such nomination is made, by having regard to the alphabetical order of the names of the owners, rate-paying lessees or occupiers, considering surname first then given names.

The bill provides also that regulations made under the Local Government Act 1993 may apply one or more of the provisions of part 3 to elections for such other local government areas as may be specified in those regulations. Clearly the thrust of this bill is about the city of Sydney local government area [LGA] only. Any extension to other local government areas by any future government would be by regulation, which is disallowable by this House. The bill simply reintroduces equity and fairness to electoral processes in the city of Sydney LGA. It will favour each of the major parties equally, without being disadvantaged by the current system which has been cleverly manipulated since 2002. I believe that the Government is genuine about wanting to resolve this problem once and for all and I would welcome its support for this legislation. I commend the bill to the House.

Debate adjourned on motion by the Hon. Lynda Voltz and set down as an order of the day for a future day.