

Bill introduced on motion by Mr Donald Page.

Agreement in Principle

Mr DONALD PAGE (Ballina—Minister for Local Government, and Minister for the North Coast) [3.41 p.m.]: I move:

That this bill be now agreed to in principle.

The object of this bill is to amend the Local Government Act 1993 relating to certain of the procedures and processes for conducting local government elections. Schedule 1 to the bill contains various amendments to the election procedure to apply for the local council elections in September 2012. These amendments are also designed to give further effect to the Government's decision to give councils, instead of the Electoral Commission NSW, the choice to conduct their own elections. In late 2009 amendments made to the Parliamentary Electorates and Elections Act 1912 introduced a system of automatic enrolment for the purposes of New South Wales elections. It is now proposed to finalise the arrangements necessary to apply this continuous enrolment regime—called SmartRoll—to the preparation of the residential rolls for local council elections.

SmartRoll enables eligible voters to be automatically placed on the council residential roll for their ward or area. To ensure that the maintenance and preparation of the local council residential roll is consistent with the method used at the State election in March 2011 the concept of "close of rolls" is to be removed. There will no longer be an actual cut-off time for electors to get their names on the residential roll, which is currently 40 days before polling day. This will avoid the disenfranchisement of significant numbers of electors as has occurred in past election years. This change is central to achieving uniformity and modernisation of enrolment practices across State and local government. The Electoral Commission NSW will provide the residential rolls for each of the 150 councils holding elections this September. The amendment will also enable rolls to be provided in electronic form in the future.

A further proposal in this bill will allow eligible residents to enrol and cast a provisional vote in a pre-poll voting office or polling place to accommodate those who enrol or update their enrolment details on the day. It will apply to persons seeking to vote at council elections where they were not on the roll before it was printed, or those whose enrolment details have since changed. This proposal is ancillary to the introduction of the SmartRoll regime, and was also applied for the first time at the State election in March 2011. These two proposals will make consistent and streamline enrolment and voting arrangements for council elections with those already established for State elections by the Parliamentary Electorates and Elections Act. They do not apply in the case of the non-residential or occupiers/ratepaying lessee rolls that are prepared for council elections by the general manager of each council, or the

Electoral Commissioner in the case of the City of Sydney Council.

The term "provisional voting" is used in place of the current "declaration voting" to mirror the terminology used in the Parliamentary Electorates and Elections Act. It describes those votes where the ballot papers are enclosed in an envelope bearing a printed declaration signed by the voter whose eligibility to vote can be verified prior to admitting the ballot paper to the count. The legislation currently permits electors to sign a declaration and cast a vote in cases where the elector states that an error has occurred. This applies where the elector's name has been omitted from the roll by mistake or an election official has inadvertently marked the elector's name off as having been issued with a ballot paper. The bill proposes to group these existing types of votes with the new provisions enabling eligible electors to enrol or update their enrolment details and cast a provisional vote on the day.

As each of these provisional voting categories relates to details contained on the electoral roll maintained by the Electoral Commissioner, the form to be used will no longer be that prescribed by the Act but that approved by the Electoral Commissioner. The procedure for casting any one of these provisional votes will be contained in the regulation. The bill contains a proposal to modernise the provisions for determining the order of candidates and groups on the ballot paper by enabling the draw to be done manually or electronically to reflect current technological options. Such a provision is in force under the Parliamentary Electorates and Elections Act, although I note that the Electoral Commissioner used the manual draw process at the 2011 State election. For council elections, the method to be used will be determined by the election manager for each council. In the case of council-administered elections this will be the general manager.

The provisions of the bill when read together with the principal Act and regulations will provide a range of checks and balances similar to the State election arrangements to ensure that residential rolls and voting processes are both up to date and accurate. A further amendment relates to the election of mayors by councillors. This proposal has been suggested by the local government sector. It will vary the period during which mayors are to be elected by councillors following an ordinary or first election so that it commences from the date of the declaration of the poll or election instead of polling day. In the past there have been isolated instances where, because of a delay in declaring the election result, the mayoral election could not be set down and conducted within the required period following election day, not polling day. A minor change is therefore proposed so that the period for conducting the mayoral election will run from the declaration of the election.

The final proposal is to streamline the process after an election for checking the rolls of electors for double voting and failure to vote. The Electoral Commission NSW, as part of its responsibility to enforce the compulsory voting provisions, has all the rolls used to mark off the names of those who have been issued with ballot papers scanned to obtain a list of those who appear not to have voted. It is important therefore that the rolls the Electoral Commission provides to all councils are returned to it so that the scanning can take place at the same time and in a consistent fashion. Although the regulation provides a mechanism for

this to occur, amending the provision in the Act will make clearer the duty of the general manager in council-administered elections.

Schedule 2 to the bill contains various procedural and machinery amendments to the Local Government (General) Regulation 2005 consequential to the changes to be made by schedule 1 of the bill. One of those amendments is to clarify who in practice will be the person registering electoral material. For those councils administering their own elections the responsible person will be the returning officer. The electoral commissioner will retain responsibility for this task for all elections administered by him. In conclusion, the proposed amendments to the Local Government Act and regulation contained in this bill reflect the Government's ongoing commitment to improving the administration of enrolment and election procedures in New South Wales. I commend the bill to the House.