

## Second Reading

**The Hon. TONY KELLY** (Minister for Lands, Minister for Rural Affairs, Minister for Regional Development, and Vice-President of the Executive Council) [3.37 p.m.]: I move:

That this bill be now read a second time.

I am pleased to introduce the Local Government Amendment (Election Date) Bill 2008. The bill reflects an ongoing commitment to provide an effective system of electoral administration for New South Wales local councils. The purpose of the bill is to return the day for the holding of the ordinary election to the second Saturday in September every four years. This will mean that the council election date for the year will be brought forward by two weeks from 27 September to 13 September 2008. In doing so the bill acknowledges concerns raised by the local government sector and the executive of the Local Government and Shires Associations of New South Wales that holding the elections on the fourth Saturday of September would clash with the start of the New South Wales public schools holidays. The clash is avoidable.

This bill will ensure that voters will not be inconvenienced and that candidates will not be disadvantaged. The bill will also bring the Local Government Act 1993 back in line with previous election practice. By returning the election date to the second Saturday in September it will correct an anomaly caused by amendments made in the upper House to the legislation passed in 2003. When the 1993 Act was first introduced it provided the ordinary election of councillors for a local government area was to be held on the second Saturday of September every four years. The Act was then amended in 2003 to postpone council elections from the second Saturday in September 2003 to the fourth Saturday in March 2004. The change was the result of the Local Government Amendment (Elections) Act 2003, which, when introduced into Parliament, was intended to change the election date from the second Saturday in September to the fourth Saturday in March for all future elections. The purpose of these proposed amendments was to align the local government election cycle with the local government strategic planning process.

The amendments were also designed to shift local government council elections out of the same four-year cycle as the State elections so that New South Wales voters would no longer be required to go to the polls twice in the same year. This shift will also ease the burden of the New South Wales Electoral Commission having to conduct State and local government elections within six months of each other. However, an amendment to the 2003 bill was moved in Committee by Reverend the Hon. Fred Nile to allow the deferral of ordinary elections from the second Saturday in September 2003 to the fourth Saturday in March 2004 only and to return future elections to September every four years from 2008 onwards.

The amendment, on returning future elections to September, should have also returned them to the second Saturday in September rather than the fourth. By supporting the deferral of the September 2003 elections to March 2004, Reverend the Hon. Fred Nile acknowledged the advantages to the public in separating the local council and State election cycles and, from memory, everybody in this House agreed. We are now in the unsatisfactory situation where the current election date of 27 September 2008 will fall on the Saturday before the third term public school holidays, which run from 29 September to 10 October 2008. There is concern that electors will be away on holidays and will not be able to exercise their right to vote. Although postal and pre-poll voting is available to electors, absentee voting is not available in local government elections.

**The Hon. Duncan Gay:** Is there pre-polling for local government?

**The Hon. TONY KELLY:** Yes.

**The Hon. Duncan Gay:** How far "pre"?

**The Hon. TONY KELLY:** I can't remember, two or three weeks. I will get that answer. But certainly absentee voting is not available and obviously a lot of people are away during school holidays. Absentee voting is impractical in the local government context because of the large number of electorates in council elections. There are 152 council areas with 63 of them divided into wards. Absentee voting in council elections would require the unwieldy interchange of enormous numbers of ballot papers between electorates with associated high administration costs to be met by councils and the securing of ballot papers, and result in delays in election results. The Government wants to make sure that all ratepayers and residents have every opportunity to exercise their right to vote at the next council elections.

The bill will ensure democracy is upheld by enabling optimum voter participation. It will prevent inconvenience to voters and will eliminate the potential for an increase in instances of ratepayers and residents being fined for failure to vote. The bill also ensures fairness to candidates by addressing concerns that the registration of a number of political parties might be invalidated if the elections are brought forward. Political parties must be registered with the New South Wales Electoral Commission for at least 12 months before they are eligible to participate in local government elections. Registration allows party endorsement on ballot papers, nomination of

candidates and registration of electoral material. Savings provisions have been drafted into the bill to provide certainty for those political parties registered on time last year in anticipation of the elections being held on 27 September this year. The bill ensures that these registrations will not be invalidated because the elections will be brought forward by two weeks. I commend the bill to the House.