



Premier of New South Wales

Mr Russell D. Grove
Clerk of the Legislative Assembly
Parliament House
Macquarie Street
SYDNEY NSW 2000



Dear Mr Grove

I am writing in relation to the Joint Standing Committee on Electoral Matters' Report No 3/54 entitled '2008 Local Government Elections' (the "Report").

I enclose the Government's response to the Report.

Yours sincerely

Kristina Keneally MP
Premier

Received by 10/12/2010



RESPONSE TO THE JOINT STANDING COMMITTEE ON ELECTORAL MATTERS' REPORT NO. 3/54; 2008 LOCAL GOVERNMENT ELECTIONS

The Government has considered the report, '2008 Local Government Elections', tabled on 1 June 2010 by the Joint Standing Committee on Electoral Matters (the "Committee").

The Government is pleased to provide the following response to the Committee's report (the "Report") in relation to those recommendations directed to the Government.

Recommendation 1 proposes an amendment to the resolution establishing the Committee, to provide for a standing reference to inquire into and report on local government election issues. The Government supports accountability concerning the conduct of local government elections. The Government agrees that an amendment to the Committee's standing reference should be made so that it can examine future local government elections.

Recommendation 2 refers to provision of reports into local government elections by the Electoral Commissioner.

The Government supports the principles of accountability and transparency implicit in this recommendation, which proposes amendments to the *Local Government Act 1993* (the 'Act') to require the Electoral Commissioner to provide a report on each set of local government elections.

It is noted that it is already the practice of the Electoral Commissioner to provide a report on the conduct of each set of ordinary local government elections following those elections. The Government supports this practice but will consider whether an amendment to the Act to formalise this practice is necessary.

Recommendation 3 proposes that the Committee externally review the operation of the full cost recovery model for the 2012 local government elections and consider whether external consultants should undertake a further review.

The Government notes that such a review may provide an opportunity to consider the operation of the cost recovery model and whether there are any gaps in the model that should be addressed.

Recommendation 4 concerns information sharing between the Electoral Commissioner and councils. The Government supports the principle of greater information sharing with Council General Managers on the detailed costs for the 2012 Local Government Elections. The Electoral Commission's Annual Report 2008-2009 stated that it would strive to have budget estimates for the 2012 elections provided to councils earlier and with greater accuracy. The Government notes that these arrangements may incur additional costs, which will be recoverable from local government.

Recommendation 5 concerns spending on advertising for local government elections. The Government agrees that effective communication about upcoming local government elections, embracing modern communication channels, is an important way to increase electors' awareness and participation.

Under clause 277B of the *Local Government (General) Regulation 2005*, the Electoral Commissioner publishes information via various communication channels about local government elections concerning nomination of candidates, eligibility of voters and location of polling places.

However, such 'statutory' advertising costs are not met by the State Government. Rather, section 296(7) of the Act provides that the costs of conducting the local elections are met by councils.

Under current arrangements, councils contribute to an advertising funds pool determined by the Commissioner. The contribution of each council is calculated on a pro-rata basis by reference to the number of electors in the council area. The disbursement of funds from the pool for advertising on channels such as newspapers is coordinated by the Electoral Commissioner in consultation with the councils. A council may request that the NSW Electoral Commission undertake supplementary advertising, for which the council will meet the cost.

Recommendation 6 refers to feedback to the NSW Electoral Commission from surveys of stakeholders at local government elections. The Government supports the practice of the NSW Electoral Commission seeking feedback from stakeholders, being electors, local government general managers, political parties, election staff and returning officers.

The Government notes that this recommendation proposes that detailed information on the survey responses and any statistical compilation of the survey results be provided to the Committee as part of its review of the 2012 elections. Stakeholder surveys that are independent and methodologically sound, and which also contain lengthy lists of elements for review, are resource-intensive. The Electoral Commissioner advises that each survey may cost in the order of \$65,000 and these costs would be passed on to councils under section 296(7) of the Act.

The Government believes that the topics for stakeholder surveys are best determined in the context of each local government election and that this should not occur in a way that is either prescriptive or too far ahead of the elections.

Recommendation 7 concerns a service charter for local government elections. The Government notes that the NSW Electoral Commission is preparing a service charter for the State General Election in 2011 and, subject to cost considerations, will also prepare a service charter for the Local Government Elections in 2012.

Recommendation 8 refers to the arrangements for Regional Returning Officers (RROs), who provide election services for more than one local government area. The Government supports this recommendation in principle but notes, however, that the arrangements would require additional resources, the costs for which would be passed on to local government under section 296(7) of the Act.

The Electoral Commissioner advises that the NSW Electoral Commission will discuss with councils the options concerning the engagement and deployment of election officials with a view to giving local government the flexibility to make cost-effective choices.

Recommendation 9 concerns the maintenance of the non-residential rolls for local government elections. A non-residential roll is prepared by the council general manager and is comprised of those owners of rateable land who do not reside in the local government area. The Government agrees that councils should continue to be responsible for the maintenance of the non-residential roll.

The New South Wales Electoral Commission and the Division of Local Government, Department of Premier and Cabinet will work together to clarify which is the appropriate authority to provide advice to councils on exclusions to the non-residential roll.

The New South Wales Electoral Commission will continue to publish information concerning the non-residential roll on its website.

Recommendation 10 is noted. The Government will consider the need for an amendment to section 308 of the Act to remove the requirement that a Candidate Information Sheet (which must accompany an election nomination form) be in the form of a statutory declaration, after having obtained and considered further advice from the Electoral Commissioner.

Recommendation 11 concerns the introduction of universal postal voting. The Government notes that there currently is a divergence of views among local councils and the Local Government and Shires Associations of New South Wales concerning optional universal postal voting. This recommendation is not supported at this time, but the Government will consult further with stakeholders to explore whether any change should be introduced to the Act to permit universal postal voting in the future.

Recommendation 12 concerns ballot paper shortages at some polling booths. The Government has been advised by the Electoral Commissioner that the NSW Electoral Commission will undertake reviews of the methodology for calculating voting volumes at polling places, of the policies and procedures to deal with shortages of ballot papers and of polling booth staffing.

Recommendation 13 concerning the registration of multi-council how-to-vote cards is noted. The Government does not support changes to the current arrangements provided by the *Local Government (General) Regulation*, under which these cards are not registrable.

Allowing registration of multi-council how-to-vote cards may cause confusion for electors, particularly the elderly, in a polling booth environment where other variables are at play. Local government elections may be multi-faceted, including ward elections and possibly mayoral elections and referendums.

Recommendation 14 concerns greater disability access for polling places. As the NSW Electoral Commission does not own polling place venues and leases them only for a short period around election time, there are limitations to the extent that it can control arrangements regarding access. Accordingly, the NSW Electoral Commission proposes to allocate additional resources to providing greater information to electors to assist them determine the most suitable polling place for their use. The costs for these resources will be recoverable from local government.

Under the new Division 12A of the *Parliamentary Electorates and Elections Act 1912* (to be inserted in the Act following the passage of the *Parliamentary Electorates and Elections Further Amendment Bill 2010*), the Electoral Commissioner must undertake a review of the performance of the iVote internet and telephone voting system at the 2011 State General Election. The iVote system is principally designed to provide a secret ballot at State elections for people with disabilities. The review by the Electoral Commissioner may produce recommendations concerning technology assisted voting for people with disabilities at future local government elections.

Recommendation 15 refers to arrangements for local computerised counts of local government elections in 2012. The NSW Electoral Commission will consider regional computerised counting of votes for the 2012 local government elections as a first step to moving to local computerised counts. However, there may be cost increases arising from the need to procure information technology for this purpose and the cost will be borne by local government under section 296(7) of the Act.

Recommendation 16 concerns the ongoing use of random sampling as a method to distribute preferences from candidates who achieve a full quota. While the abolition of random sampling for local government elections may be achieved by a change to the Regulation, the cost of abolition may be very significant. As well, a

feasibility study into the abolition of random sampling would represent a significant cost.

While the Electoral Commissioner supports the principle of the abolition of random sampling for local government elections, the recommendation will need to be considered further in the context of the cost recovery impact on local government.