

**Submission  
No 65**

## **2012 LOCAL GOVERNMENT ELECTIONS**

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**Date Received:** 21/02/2013

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21 February 2013

Inquiry Manager  
Joint Standing Committee on Electoral Matters  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

**Attention:** Jason Arditi

Dear Mr Arditi

## **INQUIRY INTO 2012 LOCAL GOVERNMENT ELECTION**

Fairfield City Council (Council) appreciates the opportunity to make a submission to the Joint Standing Committee on Electoral Matters inquiry into the 2012 local government election.

In preparing this submission, Council consulted a number of key stakeholders to determine any issues experienced, general observations made and obtain suggestions in improving the conduct of the election and review feedback from electoral staff who worked prior to, during and post the election.

This submission seeks to reflect and respond to those key issues.

A summary of key points as they relate to the Inquiry Terms of Reference are provided over the following pages under the following headings:

- A) Cost of the election
- B) Council's experience in conducting its own election
- C) Possible legislative changes to improve the efficiency of and participation in Local Government elections
- D) Impact of legislative requirements on the participation of candidates
- E) Other related matters

### **Background**

Council is a large metropolitan Council located 32kms south-west of Sydney covering an area of 104 square kilometres, incorporating 27 suburbs and a population of 196, 622. It is one of the most culturally diverse cities with more than half of the population born overseas, mostly from non-English speaking countries.

The electorate is split into 3 Wards: Parks, Cabravale and Fairfield. Council's elected body comprises of 12 Councillors (4 per ward) plus a popularly elected Mayor.

Council conducted its 2012 elections with substantial support from the Australian Election Company which provided a Returning Officer, IT and Count Operations, all materials (including training material) and Planning and Project Management expertise.

Council provided the venue for the Returning Officer, pre-polling and the primary polling place on election day. Council organised and managed all the polling places, the hiring of election officials, the Substitute Returning Officer and a Project Manager.

Ballot papers for the Mayoral ballot were manually counted by staff and ballot papers for Councillors were counted electronically through the Australian Election Company.

#### **A) Costs of the election**

The total direct cost to Council for running its own election in 2012 was \$752,447.00. This cost included a significant increase in staff numbers to address the issue of insufficient staff as experienced in the 2008 election. A comparison of the cost to Council for conducting elections over the period 2004 to 2012 is detailed below:

#### **Comparison of Election Costs 2004 – 2012**

	<b>Staffing</b>	<b>Total Cost</b>	<b>Total Voters</b>	<b>Cost Per Voter</b>
2012 Election	552	\$752,447	108,430	\$6.93
2008 Election	266	\$684,070	99,304	\$6.89
2004 Election	495	\$348,930	84,999	\$4.11

When considering the election, Council estimated that the cost of conducting the 2012 election by utilising the services of the NSW Electoral Commission (NSWEC) would have been \$925,314.00. This figure was calculated by applying the indices provided by the NSWEC, as detailed in their letter of 16 August 2011 based on the 2008 figures and estimating additional staff requirements (495 compared to 266 as in 2008). The actual cost would have been even more because we actually employed 552 staff in our elections.

Taking these factors into consideration, it is evident that Council made a substantial financial saving in conducting its own election.

#### **B) Council's experience in conducting its own election**

In conducting the election, the overall feedback received by Council was positive. Council decided to increase the staffing for this election to address the negative experience and long queues at polling places, as created by reduced staffing levels in 2008. Council found that the use of its Ward Supervisors on election day was

invaluable. One of the benefits was the ability to quickly move resources between polling places, where and as required.

In comparing the voting participation rate with neighbouring Councils, which utilised the services of the NSWEC, Fairfield City Council's result was either equal to or marginally better than our neighbours. Fairfield had a higher participation rate than the overall state, as detailed below:

### Comparison of Voting Participation Rates

Local Council	Participation Rate*
Bankstown	85.5%
Blacktown	84.2%
<b>Fairfield</b>	<b>85.6%</b>
Holroyd	83.0%
Liverpool	84.3%
Parramatta	82.1%
NSW Total	82.1%

\* Figures from neighbouring LGAs are taken from the NSWEC Website (<http://www.pastvtr.elections.nsw.gov.au/LGE2012/lge-statistics.htm>)

Reflecting on the experience, Council offers the following:

#### Shared Learning/Experience

Council participated in regular meetings with representatives from the Local Government and Shires Associations (LGSA), Division of Local Government (DLG) and other councils who conducted their own election. The information shared and experience gained was invaluable and Council would strongly recommend that this practice continues for future elections.

During the election period, Council needed to seek legal advice on various matters to ensure that Council was in a position to provide candidates with the correct interpretation of legislative requirements and to authoritatively answer enquiries.

For future reference, Council sees merit in pooling this legal advice with other councils who conducted their own elections.

#### NSW Electoral Commission

Council believes that a closer working relationship between the NSW Electoral Commission (NSWEC) and councils would benefit those councils conducting their own elections and also the voters in those electorates.

There were some issues that arose due to the lack of a closer relationship with the NSWEC. Some examples were:

- Council experienced a large number of incorrect listings in the Residential Rolls whereby 2 people living at the same address, who had voted in the last local government election and had not changed their address, were listed in 2 different Wards. Another common scenario was change of addresses not being reflected in the rolls available on election day. These issues only led to confusion and frustration of the voters and in our opinion was a factor for the increased number of Declaration Votes taken.
- Electronic rolls were not provided to the Australian Election Company and, only candidates (not Councils) were supplied with a combined Residential Roll upon request. Council felt that having access to both of these resources would have improved customer service to our voters.
- Not providing the contact details of experienced Electoral staff in a timely manner. Council believes that it would have been beneficial if the NSWEC provided these details ensuring that experienced staff were utilised, which would then provide the best possible service to the voters.
- Directing voter inquiries back to Council before it was determined where accountability lay for such enquiries
- Refusing simple requests such as rental rates for polling places and copies of forms. When contacted, the response was 'you are doing your own elections and therefore you are on your own'.

Given the expertise of the NSWEC, it could adopt a flexible model similar to that offered by the Australian Election Company for future elections. For example, charges could be developed for various services such as legal expertise, experienced electoral staff to manage polling locations, Returning Officers (ROs), training and materials for all electoral staff and utilising count facilities and expertise so that individual services could be selected, as required.

#### Australian Election Company

Overall Council was satisfied with the service provided by the Australian Election Company. It is worth noting that the counting and quality assurance process undertaken withstood the rigour of conscientious scrutineering. Council would like to see a closer working partnership between the Australian Election Company and its contracted councils, with the focus being on better customer service and communication at the counting site; specifically a processing timetable would have facilitated the easy identification of which Council's ballot papers were being counted, scrutineered/assessed and finalised. Another consideration would be for the Australian Election Company to license its vote counting software for future elections so that Councils could manage their own counting processes and substantially reduce the time taken to declare their results.

### Additional Specialised Training

Council has identified the need to provide additional specialised training for Polling Place Managers (PPMs) and the Declaration Voting Officer for future elections. This would address the issues experienced in relation to the large number of declaration voting experienced on election day.

### Pre-polling Locations

Pre-poll voting accounted for 12.1% of all voters, which is an increase from 2008. As absentee voting is not permitted for the local government elections, it could be assumed that there will be greater usage of pre-poll voting in the future.

One consideration for Council to help assist with this predicted increase will be the extension of pre-poll voting times and the possible introduction of additional pre-poll locations in each Ward, particularly in the week prior to election day.

### Postal Voting

Consideration could be given to running local government elections entirely through postal voting. Efficiencies would be gained through utilising the one polling location, centralised marking of rolls and the provision of ballot papers to all registered voters which would also improve participation. Full postal voting would also offer substantive financial savings to Council in comparison to multiple polling places across the local government area.

### Voter Excuses

Current practices are both time and labour intensive requiring the completion of specific forms when requests are lodged by telephone, email or in person. These forms are then consolidated to enable Council to locate and mark the Voter Excuses Authorised Roll which is submitted to NSWEC. This information is combined with NSWEC data to generate a potential non-voter list for Council approval, before a Penalty Infringement Notice is generated. Under the current system, Council is unable to accurately reconcile this information against the NSWEC database before infringement notices are issued.

Consideration should be given to enabling the Returning Officer and election administrative staff to access the NSWEC database to add/notate the valid voter excuses as they are submitted to Council; enabling this information to be electronically recorded directly onto the Voter Excuses Roll. This would make this process more efficient and substantially reduce the time and labour expense.

### Declaration Voting

Amendments to Schedule 2 Local Government (General) Regulation 2005, Subdivision 1A Provisional Voting Clauses 320A – 320D particularly Clause 320C - Enrolling First Time, contributed to Council experiencing a much larger proportion of voters utilising declaration voting during this election than anticipated. The majority of declaration votes included voters who were not listed in published Residential Rolls or eligible first time voters, who had not registered to vote prior to election day.

Declaration Voting required significantly more resources both at the polling booths due to the time consuming process and the associated paperwork. This also affected the Returning Officer's Office due to the process of verifying eligibility and marking off the roll. This process could have been improved with the provision of a combined Residential Roll for each polling booth, more declaration voting staff at booths and more specialised training of those staff undertaking the role of Declaration Officer.

### **C) Possible legislative changes to improve the efficiency of and participation in Local Government elections**

The experience we gained has identified some areas where legislative changes could improve the efficiency of and participation in Local Government elections.

Identified below are relevant topics together with Councils recommendations on how legislation may be amended in order to meet the above objectives.

#### Postal Voting

The process of confirming signed envelopes for postal votes and marking these voters from the rolls is extremely time consuming and labour intensive. The Local Government (General) Regulations, 1995 Clause 350 (1) to (3) should be modified to enable the confirmation and marking voters off the rolls once the returned postal votes have been receipted by the Returning Officer instead of having to wait until 8am on election day.

#### Pre-poll Voting

The Local Government (General) Regulations, 1995 Clause 348 should be amended to enable the initial scrutiny of ballot papers and counting of votes at the conclusion of pre-poll voting each day. This would greatly improve the efficiency of the counting of ballot papers and the overall election.

### Electronic Voting

Council notes the research and recommendations of the Joint Standing Committee on Electoral Matters from the 2008 inquiry<sup>1</sup> regarding electronic voting and required legislative changes. With substantial improvements in technology over the last 5 years, it would be of interest if the NSWEC could provide more information on current electronic voting options/costs to further improve the efficiency of and participation in local government elections.

### Tender Process

There are currently a limited number of providers, including the NSWEC available to conduct elections. Section 55(3p) of the Local Government Act, 1993 currently exempts the NSWEC from participating in the tender process for the delivery of election services.

This legislation should be amended to ensure the NSWEC comply with the same requirements as other providers, outlining its expertise, service and pricing to enable Councils to make an informed decision. In the interests of equity, the legislation needs to either exempt all providers or require all providers to submit a tender for the provision of election services.

### **D) Impact of requirements under the Election Funding, Expenditure and Disclosures Act 1981 on participation by candidates**

The Election Funding Authority (EFA) engaged 1 person to deliver a presentation to candidates on their obligations under the Election Funding, Expenditure and Disclosures Act, 1981 (EFE&D Act) for the state of New South Wales. This limitation in staffing allocation meant that the schedule created by the EFA to provide these information sessions was inflexible and despite our request to conduct our session after Nomination Day, our session was conducted well before Nomination Day.

Council felt that the information presented would have been more beneficial if candidates had completed the nomination process, which would allow for endorsed Candidates to concentrate on their individual issues.

Furthermore, it is the opinion of Council that some of the requirements of the EFE&D Act are far too onerous and it was observed that during the information session, many candidates appeared confused, overwhelmed and concerned.

The majority of queries raised included the definition of a property developer; donations offered from businesses; if running a small business, not being able to use any business resources on the campaign; guidelines on how agents allocated unspent funds from campaign accounts and observations of the tightened limitations on both spending and reporting requirements. It would be helpful if these could be further clarified in the legislation.

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<sup>1</sup> Joint Standing Committee on Electoral Matters/2008 local government elections. [Sydney, N.S.W.] 2010. (Report ; no. 3/54), pages 75-78

**E) Any other related matters**Advertising

Though advertising was undertaken by the NSWEC and Council for this election, there was still a considerable amount of confusion in the community. Despite the additional advertising undertaken by Council in local and community papers and through distribution of Rates Notices; many calls were still received from people having no knowledge about the election in the days immediately preceding the election.

Council recognises the broader reach and appeal of social media and other forms of communications and will be adopting these in any future elections.

Revenue from Penalties

Council considers that some revenue from fines for non-voting should be returned to those Councils which conducted their own elections.

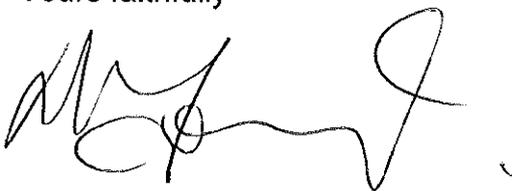
**Conclusion**

In conclusion, Fairfield City Council believes that in conducting this election, it was able to address all of the issues that arose during the 2008 elections. It provided a superior service to its community and Candidates, at a substantially lesser cost.

This submission offers many recommendations for improvement, however, it is considered that the most significant of these is to encourage and instil a co-operative partnership between the NSWEC and councils wishing to conduct their own elections.

During the 2012 elections, Council gained a great deal of experience and confidence in its abilities and will definitely conduct its own elections again in 2016, with some support from either the Australian Election Company or the NSWEC, if they choose to offer this on a service selection basis.

Yours faithfully



Alan Young  
**CITY MANAGER**

CC: Mr Peter Coulton, Director of Corporate Services  
Local Government and Shires Association of NSW