

2012 LOCAL GOVERNMENT ELECTIONS

Organisation: Wingecarribee Shire Council
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Position: General Manager
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Parliament of NSW
Committee on Electoral Matters
Attn. Mr Jason Arditi
Macquarie Street
SYDNEY NSW 2000

Dear Committee,

Re: Inquiry into 2012 NSW Local Government Elections

I refer to the above and to your letter of 20 December 2012.

At first instance, Council notes the awkward timing of your request for submissions. Most Council staff and Councillors take extended leave over the Christmas/New Year period, and it is respectfully submitted that the date for receipt of submissions on this matter might have been extended in to late February or early March. In this regard, and noting that your report is not due until June 2013, Council reserves the right to make a supplementary submission in the coming weeks.

In addition, one Wingecarribee councillor has questioned the validity of the review in light of the current review into the structure of Local Government currently underway. Might it not be considered premature that this review is being conducted when Local Government in New South Wales may soon experience a dramatic restructure?

That said, Councillors have requested that the following submissions be made on behalf of Wingecarribee Shire Council. Please note that these submissions are not generally universal across all councillors, but are the combined views of all councillors who have contributed to this submission:

- **Conduct of non-incumbent candidates**

Concern has been raised over the regulation of conduct by non-incumbent election candidates.

Specifically, it is noted that incumbent candidates may (arguably) be covered by the Code of Conduct during an election campaign, and certainly until their roles as councillors legally spill pursuant to the terms of the *Local Government Act*. This restriction does not apply to non-incumbent candidates, and it is suggested that non-incumbent candidates be required to adhere to some form of conduct standard at the time they sign up for candidacy.

Such conduct standards should cover, among other things, misrepresentation of sitting candidates for electoral gain.

- **Involvement of political parties**

The issue of whether political parties should be permitted to contest elections has been raised.

It is argued by some councillors that political parties are able to wield undue influence over the electorate, both in terms of name recognition and budgetary funding (though some party-aligned councillors have rejected this suggestion and have asserted that their parties do not provide funding at the local level), and the question of whether this is desirable should be considered by the Committee.

- **Advertising/Campaign budgets**

The question of advertising and campaign budgets has been raised.

This is again a question related to fairness and equity in the electoral process, which at present tends to favour those with deep pockets or powerful financial support.

The question of whether some form of state-funded support (or reimbursement) is desirable should be considered, as should the possibility of limiting by regulation the maximum advertising spend of candidates.

- **Political donations**

The matter of political donations has been raised.

At present, it has been suggested that there is some confusion over the nature and extent of allowable donations amongst some candidates.

The question of whether political donations are desirable at the Local Government level has been raised. Should such donations be limited, or perhaps banned altogether?

- **Grouping of candidates**

The need for a grouping of 5 candidates to run above the line has been raised.

In short, what is the benefit of providing a manifest advantage to a lead candidate of a group of five, as opposed to putting all candidates (whether grouped or not) into a single list to be chosen by voters?

What is the perceived advantage of requiring a group of five candidates? Could two or three candidates instead be permissible as a group under the current system?

In the alternative, it is submitted that the Committee consider possible alternatives to the current system of grouped candidates and the above/below the line voting system.

- **Length of pre-poll time permitted**

It is suggested that the Committee consider the necessary time allowed for pre-poll voting.

It has been submitted that the current pre-poll period is excessive and an unreasonable burden on candidates attending pre-polling stations. Most candidates in Local Government elections are not, and cannot afford to be, full-time politicians

and, even if elected, are not remunerated as such. It follows that an extended need to attend on a lengthy pre-poll process is a significant strain on candidates.

- **Number of booths on polling day**

It is requested that the Committee review the number of booths available on polling day, which at present appears to be inconsistent with demand and creates a further burden on candidates in trying to arrange attendance at all polling booths on election day.

It is submitted that the Committee may consider the possibility of reducing the number of polling stations to reduce the burden on candidates in this regard.

- **Pending change in electoral boundaries**

Concern has been raised as to the likely effect of a redistribution of electoral boundaries, which is also expected to impact Local Government.

It is submitted that any such boundary adjustment consider the likely effect on the balance of power between party-aligned candidates and independent candidates at the local level.

- **Distance from polling station limits**

The issue of the legal limits for distance from polling stations has been raised.

Specifically, it has been submitted that the current limits require volunteers to remain exposed in potentially inclement weather, and this has in some cases lead to volunteers suffering health issues. It is requested that the Committee consider this matter.

- **Disabled access**

It has been suggested that the Committee consider the possibility of providing Local Government polling stations with "A-frame" units to permit easier access by disabled voters to polling stations.

- **Positioning of candidate volunteers at polling stations**

It has been submitted that voters are generally uncomfortable, and sometimes offended, to have to "run the gauntlet" of candidates/volunteers at polling stations when attending the station to vote.

It has been suggested that the Committee consider an option to require volunteers/candidates to position themselves behind trestle tables (or similar) in order to restrict their ability to physically intercept voters entering polling stations.

- **Creation of wards in regional Local Government areas**

Some candidates have suggested that regional Local Government areas might be divided into wards, with representatives elected by their specific area/ward.

This suggestion is disputed by some councillors, but it is asked that the Committee consider the issue nonetheless.

- **Preferential voting system vs. "first past the post" system**

It has been suggested that the current preferential voting system in local government elections is inherently unfair and allows for "opaque" preference deals to impact the outcome in a manner that, in the opinion of some, may not reflect the true will of the voting community.

Instead, it has been suggested that the Committee consider a "first past the post" voting system as a fairer alternative.

- **Local Government staff conducting elections**

It is submitted that the current legal option for Councils to conduct their own elections should be reviewed.

It is submitted that this option, if exercised, leaves Council staff open to potential accusations of bias and improper conduct from unsuccessful and/or aggrieved candidates.

As previously mentioned, Council will shortly be discussing this matter in a briefing and may have further input for the Committee following that process. In the meantime, please feel free to contact Council if you wish to discuss this matter further.

Yours sincerely



Jason R. Gordon
General Manager

07 FEB 2013