

**Submission  
No 34**

## **2012 LOCAL GOVERNMENT ELECTIONS**

**Organisation:** Holroyd City Council  
**Name:** Clr Ross Grove  
**Position:** Mayor  
**Date Received:** 8/02/2013



Office of the Mayor

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Mr Jai Rowell MP  
Chair  
Parliament of New South Wales  
Committee on Electoral Matters  
Macquarie Street  
SYDNEY NSW 2000

**By Email: [electoralmatters.committee@parliament.nsw.gov.au](mailto:electoralmatters.committee@parliament.nsw.gov.au)**

Dear Mr Rowell

**HOLROYD CITY COUNCIL SUBMISSION TO THE INQUIRY INTO THE 2012 LOCAL GOVERNMENT ELECTIONS**

I refer to your letter of 20 December 2012, inviting Councils to make a submission to the Inquiry into the 2012 Local Government Elections.

The following are Council's responses to the Terms of Reference as outlined in your invitation:

**(a) *The Costs of the Elections***

The total cost to Holroyd City Council for the NSW Electoral Commission to conduct the 2012 Local Government Elections was \$388,253 (excluding GST).

The cost for the NSW Electoral Commission to conduct the Local Government Election is comparative to the cost estimates provided by third party organisations. Similarly, the cost to Council for running the Local Government Elections itself was estimated to be materially higher, such costs included developing training manuals, programs, documents for conducting the Elections as well as sourcing and providing infrastructure and computer software. An allowance for potential costs of dealing with legal challenges against the process of conducting the Elections by Council would need to have been provided, noting this is included in the NSW Electoral Commission costing estimate. Further, there is an additional "unquantified" benefit of the NSW Electoral Commission being responsible for and managing the process of the Elections in Councillors and officers remaining at "arms length" in the Election process.

The options to Council for conducting Local Government Elections were:

- Engagement of the NSW Electoral Commission to be responsible for and to manage the 2012 Elections; or
- Council, through the General Manager, being responsible for and managing the 2012 Elections; or

- Council, through the General Manager being responsible for the 2012 Elections, and engaging a third party organisation to manage the process.

After reviewing each option and the costs associated with each option, Council considered it appropriate to engage the NSW Electoral Commission to be responsible for and manage the process of the 2012 Local Government Elections.

Council will be reviewing the costs of the three different options available in considering which option to adopt for the 2016 Elections.

Importantly, in order to undertake an accurate assessment of the costs of the three options, a transparent and detailed breakdown of the NSW Electoral Commission costs should be provided that adequately explains the distribution methodology applied to those costs that apply across all users of the NSW Electoral Commission (eg State Election, Local Council Elections, other State Government body elections, etc) for shared resources such as computer software, training resources, counting centres, etc.

**Recommendation:** **That the distribution of all shared costs (eg computer costs) be clearly identified by the NSW Electoral Commission in providing cost quotations to Councils.**

**(b) *The Experience of Councils that Conducted their Own Elections***

Holroyd City Council engaged the NSW Electoral Commission to conduct the 2012 Local Government Elections. Therefore, we are unable to provide a comment in relation to the experience of Councils that conducted their Elections. However, Holroyd would recommend that the software and other key elements used by the NSW Electoral Commission to manage the Local Government Elections be made available to other external providers to facilitate competition in the marketplace for the provision of Local Government Election services.

**Recommendation:** **That consideration be given to provide access to other external providers to the software and other key tools used by the NSW Electoral Commission to facilitate competition in the marketplace for the provision of Local Government Elections services.**

**(c) *Possible Legislative Changes to Improve the Efficiency of and participation in Local Government Elections***

The following comments are made in relation to the process and efficiency of conducting the Local Government Elections:

Polling Places

Holroyd City Council was requested to comment on the location of the proposed Polling Places to assist the NSW Electoral Commission with the allocation of Polling Places. Council provided comment from current Councillors and Council staff, who intimately know the area, the location and previous experience of each proposed Polling Place. Most comments from Council on the proposed Polling Places were disregarded, on the basis that they were not consistent with the placement criteria for Polling Places in State and Federal Elections.

The Returning Officer appointed to Holroyd City Council made a number of recommendations with regard to the Polling Places from 2008 and these were also included with comment from Council in their submission regarding the proposed Polling Places. Further comments have now been provided endorsing the recommended changes/reduction in the number of proposed Polling Places which will be provided again for the 2016 Local Government Elections, should Council resolve to engage the NSW Electoral Commission to conduct the Elections.

**Recommendation:**                    **Allocation of Polling Places be consistent with recommendations from Councils who are paying for the Election.**

#### Length of Time to Conduct Pre-Poll Voting

Holroyd City Council proposes a reduction in the period to conduct Pre-Poll Voting leading up to a Local Government Election. The attendance rate of local voters in the first week of the Pre-Poll period was extremely low for the 2012 Local Government Election, compared to the increase in Pre-Poll Voting numbers in the second week. A reduction to a one week Pre-Poll period would be suitable, directly reducing costs to Councils and allowing candidates to staff the Pre-Poll location(s) suitably, and allow attendance by those voters who are genuinely going to be absent on Polling Day, noting that in addition voters can also utilise the postal vote method.

**Recommendation:**                    **Reduce Pre-Poll Voting period to one week prior to the Local Government Elections Polling Day.**

#### Public Education of the Local Government Elections

Clause 277B of the Local Government (General) Regulation 2005 outlines the minimum requirements in which to advertise the Local Government Elections. It does not prevent the election manager from publishing additional notices or information under this clause.

The NSW Electoral Commission through a number of means, promoted the Local Government Elections. These were in the form of general advertisements in the major and local papers, as well as specific advertisements for Holroyd in the local papers. Information was also provided by the NSW Electoral Commission which allowed Councils to print and make available to the public at Council owned facilities. The NSW Electoral Commission kept their website up to date with the latest information and links were placed on Council's own website directing the public to the NSW Electoral Commission website.

The local newspapers did not place the advertisements for the Local Government Elections with any priority for Holroyd Council. Most advertisements were placed a third to halfway throughout the newspaper. The booking of these advertisements was done in a timely manner, therefore there was no obvious reason for the advertisements to be placed further into the newspapers with each edition.

The Electoral Roll provides the name and address and ward of each resident registered on the Roll. A mailout to all residents in each Local Government Area, providing details of the individual wards, provision of Polling Place and addresses, hours of operation, Pre-Poll Voting locations and operating hours and including a list of candidate would assist in educating the community with any upcoming Local Government Election.

**Recommendation:**                    **Consideration be given to the priority placement of advertisements in newspapers and a stronger educational program be developed, including television and radio media and mail out to all residents, for the promotion of the Local Government Elections.**

#### Caretaker Period

The provision of the “Caretaker Period” under clause 393B of the Local Government (General) Regulations 2005 limits the functions that may be performed by the General Manager or Council leading up to a Local Government Election.

There was uncertainty in the advice received from all agencies in relation to the functions permitted by Councils during the period, including surrounding the process of the draft Local Environmental Plan. An investigation found some local Councils postponing their Council Meetings until after the Local Government Elections, whilst other Councils continued their meeting schedule with limited decision making performed. More certainty and/or direction should be given to local Councils in decision making during the “Caretaker Period”, including the suspension of Council Meetings (if required).

**Recommendation:**                    **Consideration be given to clarify and/or direct Councils with regard to what functions Council is permitted to carry out during the “Caretaker Period”.**

#### Candidates

Candidate information sessions were provided by different agencies (eg Local Government and Shares Association, Division of Local Government and NSW Electoral Commission) in the lead up to the Local Government Elections. This requires a large amount of resources and a coordinated approach to the training and development of elected representatives should be taken, giving one agency the control over the provision of training and support.

**Recommendation:**                    **Consideration be given for one agency to streamline a coordinated training and development program for elected representatives.**

#### Pre-Election Requirements

Care and consideration is required by Council staff in the preparation of materials leading up to the Local Government Elections. End of Term reporting requirements, as prescribed by the Integrated Planning and Reporting legislation, is restricted in that publication of the End of Term report is delayed until after the Elections are held. However, the report to Council on the End of Term can be considered within the “Caretaker Period” leading up to the Elections. It is considered that publishing an End of Term report prior to the Elections provides the community with important information they may find relevant to the upcoming Elections.

It would be beneficial to allow Councils to promote their issues, events and programs, as usual, to ensure a consistent flow of information to the community and to be able to promote the activities of Council in a consistent and professional manner.

**Recommendation:**                    **Consideration be given to amending the Pre-Election Requirements of restricting publications, education and promotion of Council activities leading up to the Local Government Elections.**

**(d) *Non-Residential Voting in Local Government Elections***

The provision for inclusion on the Non-Residential Roll for Ratepayers allows qualified members of the community, who are not a resident, to participate in the Local Government Elections within their area of interest. The requirements for inclusion on the Non-Residential Roll for Ratepayers allows tenants, lessees and others with a specific interest to be included, following provision of information that identifies their connection to the area.

The General Manager is responsible for the receipt of applications for inclusion on the Non-Residential Roll of Ratepayers, even if Council resolves to engage the NSW Electoral Commission to be responsible for and manage the process of the Local Government Elections. The receipt of applications should be transferred to the Election Manager for the administration and management of the entire process to ensure a consistent approach is adopted.

The application for inclusion on the Non-Residential Roll for Ratepayers should be provided electronically, ensuring accurate and up to date data to the Electoral Roll and providing a closing date in line with the Candidate Nomination closing date.

**Recommendation:**                    **That consideration be given to the transfer the management of applications for inclusion on the Non-Residential Roll of Ratepayers from the General Manager of Council to the Election Manager.**

**(e) *The Impact of Requirements under the Election Funding, Expenditure and Disclosures Act 1981 on Participation by Candidates in Local Government Elections and Possible Legislative Changes to Remove any Barriers to Participation***

Candidates for the Local Government Elections anticipated that their central source of information was the Returning Officer and many considered that there was no need to observe Electoral Funding Authority (EFA) requirements such as registration of agents, declaration of returns, etc. It was fortunate that the duties of the Returning Officer included reminding candidates of the need to observe EFA requirements.

Periodic reporting by elected members of political donations and expenditure is sporadic despite the EFA maintaining its website with current information on requirements, and mail outs to elected members of forms to facilitate regular returns. Increased contact with the administration within Councils would improve this process, particularly where returns from members fall into arrears.

The General Manager has a duty to inform the Division of Local Government when member's returns to the EFA have fallen into arrears, but the system requiring the General Manager to review the EFA webpage to regularly obtain current information is not effective. Council's website having a link to the EFA website to provide public information is only partly effective.

Training opportunities for candidates in the 2012 elections were offered by LGSA, the Electoral Commissioner and by the EFA. Training generally focussed on primary interests of the individual organisation, so that no one training package provided a complete picture of election requirement.

Indeed, the existence of two electoral authorities operating within their Charter and offering information on their separate legislative requirements (NSW Electoral Commission and the Electoral Funding Authority) should be again reviewed, so that efficiencies of scale, elimination of duplication, manpower savings, reduction on web sites and reduction in resources consumed can be made.

**Recommendation:** **That one authority be responsible for the administration of all functions of the both the NSW Electoral Commission and the Electoral Funding Authority to ensure a consistent policy approach is provided.**

*(f) Any Other Related Matter*

Extraordinary Election to Fill a Vacancy Within the Term of Council

A review should be made of the Local Government Act 1993 and Local Government (General) Regulation 2005 consider more efficient options for filling vacancies within the office of a Councillor.

Currently, the Local Government Act 1993 states that bi-elections may be held within three months of any vacancy in the office of a Councillor. This process is a costly and timely exercise. Holroyd recommends that other alternatives to bi-elections be considered when a vacancy within the Term of Council occurs.

**Recommendation:** **Consideration be given to streamlining the process of filling vacancies within the office of a Councillor.**

Consultation with Council by NSW Electoral Commission and Returning Officer

For the purposes of administering the Local Government Elections, regular consultation and meetings took place with Council and the NSW Electoral Commission (through the Returning Officer and relevant staff) to ensure all parties involved in the 2012 Local Government Elections were informed of the progress of, and any issues leading up to, the Elections, including the period after the Election. Holroyd found these meetings to be extremely informative and useful in providing information to current Councillors, staff of Council and the community, as well as managing any local priorities at the time of the Election.

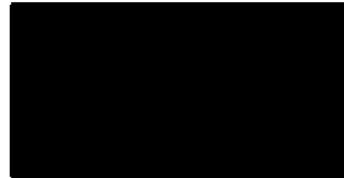
**Recommendation:** **Continuation of regular consultation between all parties in the preparation, management and administration of the Local Government Elections.**

Thank you for the opportunity of providing a submission to the Inquiry into the 2012 Local Government Elections and Council looks forward to receiving the report on the outcome in due course.

Yours sincerely,



Clr Ross Grove  
MAYOR



Merv Ismay  
GENERAL MANAGER