

**Submission  
No 17**

## **INQUIRY INTO 2008 LOCAL GOVERNMENT ELECTIONS**

**Organisation:** Liberal Party of Australia (NSW Division)

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**Position:** State Director

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13 May 2009

Ms Cherie Burton MP  
Chair  
Joint Standing Committee on Electoral Matters  
Parliament House  
Macquarie Street  
Sydney NSW 2000

Dear Ms Burton,

**Re: Inquiry into the 2008 Local Government Elections**

Thank you for the opportunity to provide a submission to the Joint Standing Committee on Electoral Matters' inquiry into the administration and conduct of the 2008 local government elections.

Below are suggestions from the Liberal Party of Australia (New South Wales Division) (*hereafter referred to as Liberal Party*) which may be of assistance in your deliberations.

**1. Liberal Party Participation in the Local Government Elections**

The Liberal Party fielded a record number of candidates at the local government elections held on Saturday 13 September 2008.

Some 389 candidates were endorsed by the Liberal Party to contest the election in 38 local government areas across New South Wales. This is in comparison to the 28 local government areas contested by the Liberal Party in 2004.

132 endorsed Liberal Party candidates were elected to Councils across NSW compared to 89 Councillors elected in 2004.

It is our assertion that the significant swing to the Liberal Party reflected a grass-roots movement against Labor and the way it is governing the state.

## **2. General Comments**

The 2008 local government elections were administered by the New South Wales Electoral Commission (*hereafter referred to as NSWEC*).

The NSWEC is an independent statutory authority established under the Parliamentary Electorates and Elections Act 1912. The mission of the NSWEC (according to [www.elections.nsw.gov.au/about\\_nswec](http://www.elections.nsw.gov.au/about_nswec)) is “*to provide high quality election services that are impartial, effective, efficient and in accordance with the law*”, through the integrity, impartiality, respect and professionalism of its officers.

The Liberal Party believes that the NSWEC, through the conduct of the 2008 local government elections, has upheld its mission and values.

The Liberal Party found the NSWEC briefing prior to the 2008 local government elections beneficial and such a practice should be continued at future elections.

The election, from the nomination process to election night reporting, was organised in a highly professional and impartial manner. However, there are a number of minor matters that the Liberal Party believes will enhance these processes in future.

## **3. Nomination Process**

### **3.1 Centralised Lodgement**

The Liberal Party notes the successful introduction of registered parties lodging bulk nominations with the NSWEC in the 2007 state election campaign.

At the 2007 state election forms were checked by the NSWEC in advance and any minor errors could be corrected. As a result we found there were fewer logistical difficulties than when forms needed to be lodged individually with District Returning Officers. The Liberal Party supports continuing the process of lodging all nomination forms together at the 2011 state election.

In order to minimise logistical difficulties and to ensure that errors are corrected in advance, the Liberal Party requests that the same centralised bulk nomination process be introduced for the 2012 local government election.

### **3.2 Nomination Form**

Candidates (and Party Officials) were required to submit a variety of candidate nomination forms for both the NSWEC and the New South Wales Election Funding Authority (NSWEFA). It would seem that the same information is requested on numerous occasions.

For example *Nomination of Candidate by Registered Political Party - Local Government (LG.202)* requires the candidate to provide his/her name, place of residence, date of birth, applicable Council (and Ward where applicable) on Page 3 of 6. The candidate is then required to provide his/her name on Page 4 of 6. The candidate is then required to again provide his/her name and address on Page 5 of 6. This is again a requirement of Page 6 of 6.

Similar information is also requested of the candidate on the forms required by the NSW EFA.

The Liberal Party is of the view that the task of candidate nominations is unnecessarily complex and there may be some scope for streamlining this process.

#### **4. Involvement of NSW Police in Confiscating Electoral Material**

Prior to polling day, the Liberal Party received a report from a Campaign Manager in an Inner Western local government area. The Campaign Manager reported that a NSW Police officer had confiscated allegedly unauthorised election material and had detained the Contractor responsible for its distribution. The contractor was from a non-English speaking background, and while questioning was brief at a local police station, the incident caused undue stress. The material was returned to the contractor following a determination of the authenticity of the material.

While the Liberal Party recognises that NSW police officers are overstretched and the expectation of their ability to manage every aspect of the law is challenging, it would seem on this occasion that the action taken was unnecessary and quite likely outside their legislative bailiwick. Section 151D of the *Parliamentary Electorate and Elections Act 1912* proscribes instances where a police officer may intervene, however the distribution of an allegedly unauthorised election material is not applicable for such intervention.

It would seem that the failure of a political party to inadvertently add the name and address and printer of the authoriser of printed election material is not unusual. The Liberal Party reported two such instances to the NSW Electoral Commissioner during the 2008 Ryde By-Election. Both instances were rectified in a manner that did not require the involvement of NSW Police (or prosecution under Section 151E(1)(b)).

The Liberal Party requests that prior to a future local (or state) election that NSW Police be briefed of their responsibilities under the *Parliamentary Electorate and Elections Act 1912*, so as to not be exposed to minor political disputes.

#### **5. Delays in Voting**

A number of reports were received of large queues at polling booths on election day. The incidence of large queues was most evident in the City of

Sydney local government area. While these reports were the exception rather than the norm, the NSWEC should strive for a hassle free voting experience to ensure turnout is maximised.

## **6. Election Funding**

The Liberal Party acknowledges that substantial changes to the *Election Funding and Disclosures Act 1981* were made prior to the local government elections. The Liberal Party also acknowledges the complexity of the *Election Funding and Disclosures Act 1981* and the pressure placed on the Election Funding Authority to interpret the new legislation in a very short time frame.

During the local government campaign the NSWEFA offered conflicting advice in the following areas:

- Requirement to open a bank account when all transactions are conducted through the Party;
- Requirement for an audit if the only declarable transaction by the candidate is a contribution (donation) that exceeds \$2,500 to the Party towards their campaign costs; and
- Appointment of an official agent if the only transaction is a contribution to the Party as described above.

In addition, uncertainty was further exacerbated by the late availability of disclosure guides for local government candidates.

The Liberal Party also received a number of first hand reports from local government candidates of unspecified conflicting or incorrect advice from the EFA.

## **Conclusion**

The Liberal Party congratulates the NSWEC for administering a highly successful and impartial local government election campaign and offers its appreciation for the hard work and dedication of its staff members.

Thank you for the opportunity to provide this submission to your inquiry.

If you require any further information or would like to speak to me personally, you are welcome to contact me at any time on [REDACTED] or by email at [REDACTED]

Yours sincerely,



**Mark Neeham**

State Director

Liberal Party of Australia (NSW Division)