

INQUIRY INTO 2008 LOCAL GOVERNMENT ELECTIONS

Organisation: Palerang Council
Name: Mr Peter Bascomb
Position: General Manager
Date Received: 18/05/2009



Palerang Council

Submission to the Joint Standing Committee on Electoral Matters

May 2009

Introduction

Palerang Council can only make a submission based on our own experiences. While other LGAs may have had similar experiences, many will not, and there is a great diversity of perspectives. For that reason, we recommend that the government collate all issues raised in the submissions made by councils and others and then put a discussion paper out to the community requesting further submissions together with recommendations based on the issues raised in that discussion paper. Allowing all the issues to be canvassed will allow a more considered response by all LGAs and other interested parties.

It is on this basis that this submission contains few hard recommendations for the issues raised. Councillors would prefer to have the opportunity to review the experience of other LGAs before reaching a final point of view.

Recommendation 1

That the Committee release a discussion paper that can be used to inform a wider debate about reform of local government elections.

Issues

Apart from cost Palerang Council had no major issues with the actual conduct of the 2008 general election nor with the March 2009 by-election. There are, however, a number of issues that Council believes worthy of examination by the Committee.

Cost of Holding the Election

This seems to be a major issue for local government generally to the extent that there seems to be a perception that the elections were used as a revenue raiser.

The dramatic increase from the 2004 elections, which made budget management difficult, exacerbated local government concerns.

Council is concerned that local government may be facing a prospect similar to what has occurred with the Rural Fire Service, namely that what used to be a local government function is taken over by the State and costs escalate rapidly with the perception that

the majority of increased costs going to bureaucracy and inefficiency while service levels actually decline. As with the RFS, Councils are faced with no alternative but to accept the costs prepared by the Electoral Commission.

Such a lack of control over its own expenditure does not sit well with local government.

Possible methods of easing local government's concerns include:

1. Having election costs managed by IPART or similar body
2. Returning the control of the elections to Local Government
3. Providing the option for local government to call for tenders for the running of elections:

Recommendation 2

That the Committee reviews the election costs that were charged to local governments for the 2008 Local Government elections with a view to:

- reducing the cost impost on Councils of future local government elections;
- providing local government some sense of control over its own budget.

Who Should Run The Elections?

The 2008 elections were conducted by the NSW Electoral Commission. Previous NSW local government elections were the responsibility of the individual local Councils. It may be timely to consider giving responsibility for the election back to the local Councils, or introducing a third party to do this, with a possible competitive tender process for selection of the third party. With Councils managing their own elections, it is in their best interests to be efficient cost-wise and time-wise, and election results would be finalised faster (it took some 10 days after the election before the Palerang election results were announced). Efficiencies should result from the Council's local knowledge of its local government area.

Recommendation 3

That the Committee considers returning the responsibility of local government elections to the individual NSW Councils or consider the use of a tender process to identify an alternative supplier of this service.

Timing Of Local Government Elections

In NSW, Local Government Elections are held on the 2nd Saturday of September every 4th year. There are 152 council areas in NSW, with numbers of electors enrolled in council areas varying from less than 1 000 to over 150 000. Given that it now has responsibility for these elections, this means that the NSW Electoral Commission must

be prepared and resourced to manage over 100 elections at the same time across the state.

It seems feasible to consider staggering local government elections across NSW, so that the elections would take place over a longer time period- e.g 4-6 months. This would reduce costs for the NSW Electoral Commission and the NSW Election Funding Authority as well. It would require a significantly lower level of resources, as these would be spread across a broader timeframe - with concomitant cost savings to the agencies and subsequent flow on benefits to Councils. Elections could be scheduled in tranches, selecting a mix of Councils based on e.g. size or locality. A 'Care Taker' arrangement could be put in place to overcome the initial delay for some Councils, until their new election date occurred. Thereafter a yearly election would take place.

Other issues that might impact on this include:

- State Government budget and funding issues
- councillor training, although it would level out the work load of the Department of Local Government and other training providers
- lack of awareness if the election is not state-wide.

Recommendation 4

That the Committee considers the introduction of staged or staggered Local Government elections across NSW.

Alternative Methods Of Voting

Currently the method of voting in NSW Local Government elections is at polling booths, with a small percentage of postal votes for those voters who cannot attend on the day. In Palerang, this translates to approximately 9500 people traveling to 10 polling booths across the Palerang LGA (over 5000 sq km).

For the 2008 election there were 9,424 Residential and Non-residential Electors enrolled on 4 August 2008- and 6,421 votes were registered, representing 68% of the voting population. This included 477 postal votes (approx. 7.5%). Voting is compulsory, and while this is a reasonable voter response, it might be improved if a more facile method of voting was available. In the absence of electronic methods, postal voting is a useful and relatively easy method for voters in Local Government elections, and should result in a better participation rate.

Evidence from Victoria suggests that postal voting increases community participation in local government elections. In Tasmania the evidence is even starker. Voting is not mandatory and local government elections now use only postal voting. This has seen their rate of return increase from less than 25% using the polling booth system to around 60% which is considered a good participation rate for non-compulsory voting.

With the rising cost of fuel, the ageing population and the cost of staffing polling booths, it is prudent to consider a more cost effective and easier method for voter participation in local government elections, particularly in the less dense rural LGAs.

Recommendation 5

That the Committee considers the introduction of alternative voting systems for Local Government elections across NSW, with particular consideration of postal voting and/or electronic voting in rural LGAs.

Reducing Waste, Particular Printed Material

A lot of paper is used in the printing of how-to-vote-cards (HTVs). While the option of 100% post-consumer waste may “save trees”, anecdotal evidence suggests that many candidates do not use such paper stock, and generally print far more than is needed.

For those who rely on re-using, this is sometimes difficult – not all polling booth officials are helpful in retrieving used HTVs from cubicles and there are OH & S issues around retrieving them from bins.

Arguably, most people come to the booth already knowing how they will vote.

A more equitable system might be to have a standard list of recommendations for each candidate’s/group’s preferences in each cubicle. For people who wanted information about particular candidates, there could be tables outside the booth where people could find it, or even noticeboards where all candidate information could be posted in a standard format, in the same way as preference recommendations were displayed in cubicles.

Recommendation 6

That the Committee considers changes to electoral practices with a view to reducing waste and pollution, including the carbon foot-print of elections.

The Use of Tickets in Local Government Elections

Arguments for Tickets

Groups are part of democracy, just like parties are. Even so-called “independents” are often members of parties or supported by other groups or “independents” but this is not disclosed.

Groups allow people to better see where alliances lie. People may not know all candidates on a ticket but if they know one/some, they can better ascertain where the others are coming from.

Arguments against Tickets

The NSW Local Government elections use the complex proportional representation system. The 2004 Local Government Election Survey report indicated the high probability of being elected for candidates in positions 1 and 2 of a grouping or ‘Ticket’. As a result, for the 2008 elections, there was a strong focus on getting a sufficiently large group of candidates together in order to maximize election chances of the candidates in the top two positions –with a box

above the line. In Palerang, the requisite number for an 'above the line' box was a grouping of 5 candidates.

The Palerang ballot paper had 4 groups of five candidates, 1 group of eight candidates and 6 ungrouped candidates. This represented a total of 34 candidates for the election. Final results saw 6 candidates elected from 4 groups – from positions 1 and 2 - and the election of 3 independent candidates. The presence and complexity of the 'above the line' boxes meant that counting had to be carried out at the NSW Electoral Commission's central count centre at Riverwood, which effectively delayed the result.

Of the independent candidates, one was elected to position 3 and the other two were at positions 8 and 9. (The candidate at position 3 ran a strong campaign with considerable advertising and an 'addressed' mail out to all voters in the LGA – a level of publicity that is generally beyond the reach of independent candidates in rural areas.)

While the break up for Palerang showed that overall the group votes were slightly lower than the candidate votes, this was skewed by the impact of the third placed independent candidate who scored a first preference vote higher than any group, except that placed in first position on the ballot paper.

This system is not an appropriate system for small LGAs where the lower population provides a limited pool of candidates. Furthermore, for those potential new candidates, finding the requisite numbers to 'backfill' for a ticket is a challenge. In effect, it favors affiliations, and discriminates against *bona fide* independents, because unless the independent has the means and resources at hand, they cannot compete with the electoral strength of a grouping. This is further compounded by the ease of simply voting in a box above a line, a relatively simple process compared with voting below the line.

For the Palerang 2008 election, independent candidates actively canvassed voters to vote below the line. In rural electorates, and small communities, individuals attract votes from their circles of influence. For new candidates, these can be quite limited, while those standing for re-election already have the advantage. In Palerang, three of the groups were headed by candidates standing for re-election, and the other two were locality based. Some individuals at lower positions actually scored more first preference votes than the person at the top – thus acting as 'vote-catchers' for the person/s in the top positions. This mixed system confuses many voters, and misleads those who give their first preference vote to a candidate in a low position. In reality it is a wasted first preference vote because it is merely funneled to the person at the top. It seems that applying the two systems at once gives an unfair advantage to those who manage to get a box above the line.

Recommendation 7

That the Committee reviews the efficacy and equality of running 'above the line' grouped candidates along with ungrouped candidates in local government elections.

Election Timelines

The very short timelines which apply to Local Government Elections are an impediment for many rural voters who are relatively isolated either through limited transport or communications. In many rural areas there is often no single reliable and consistent mode of communication other than mail-out. This has been clearly identified in some NSW areas where the 2008 elections saw the implementation of mobile pre-poll voting at eight remote locations across the State. However, with the amalgamation of many LGAs similar situations exist within the larger LGAs - where pockets of residents face the same isolation and difficulty in getting to a polling booth or lodging a postal vote. Similarly postal votes can be delayed because of irregular mail services. Therefore many residents require longer time periods to organize their most likely method of voting i.e. postal.

The timelines in place for the 2008 elections meant that postal voting opened on Monday 18th August, after the Ballot paper draw on Friday 15th August. With postal vote applications closing on Monday 8th September, it required that individuals were firstly aware of the elections and the requirements/deadlines for postal votes. The local paper does not reach all homes in the LGA, and media availability/coverage is inconsistent in these areas. Since the main broadcast content is Canberra based, local government elections are overshadowed by news from the national capital. Thus it is difficult to inform more isolated voters in an even and equitable manner- and too often it is those isolated voters who struggle to get to a booth or register for a postal vote. From the time the field of candidates was finalized and publicized, residents had fifteen days (3 working weeks) to be aware of the election, and to inquire about and register for a postal vote. *It would be useful to extend this period by another week to overcome some of the difficulties of distance and isolation these voters face.*

Recommendation 8

That the Committee reviews the timelines association with local government elections with a view to overcoming the communication disadvantages in rural and regional areas.

By Elections or Count Backs

Arguments for By Elections

By-elections are a necessary cost of a proper democracy. Alternative methods, such count backs, disenfranchise people who didn't stand in one election but who decide they would like to for the next. People may become decidedly less apathetic once they see the results of an election.

The more time passes the more situations change. People who stand in one election may have lost interest by the time a vacancy occurs next, or may have had a change in circumstances, or may have even moved. It then becomes question of how far down the list of the failed candidates to you go before it is no longer considered representative.

Further, people may change their voting intentions over a period of time so a count back would not accurately reflect current intentions.

Arguments for Count Backs

Elections in September 2008 saw nine councillors elected for Palerang LGA - there are no wards in this LGA. Some two months later a vacancy arose after the resignation of one of the nine due to ill health. Under NSW legislation this situation is resolved with a by-election, and within this short time frame approximately 9,500 residents of Palerang faced another trip to the polling booth. Apart from the timing (Xmas period), this required advising 9500 people of the pending elections across the Palerang LGA (over 5000 sq km) and the resourcing of eight polling booths on March 14th 2009. In the meantime the eight councillors (including the Mayor) were left with a large workload and backlog. Because of the even number of councillors, voting on contentious issues was often dependent on the Mayoral casting vote. This position remained until the by-election in March 2009.

The by-election was contested by only three candidates, all of whom had stood in the previous September 08 election. The successful candidate was the same person who had been the last to be eliminated in the 2008 election. Council received loud criticism from residents about the cost and inconvenience of the exercise. Many voters made a point of writing negative comments about the by-election on the ballot papers. Supporters at the polling booths across the LGA reported a constant barrage of negative comments about the impost and cost to residents of the by-election.

The cost of such an exercise cannot be simply reflected by the financial impact. In the Palerang LGA, this meant alerting residents and non residents to the upcoming election as soon as practicable after the December holiday period. Furthermore it required voting right across the Palerang Council area of 5134 sq Km and the staffing of some eight polling booths.

A possible alternative to by-elections could be a count-back, where the votes for the vacating Councillor from the last election are redistributed to unsuccessful candidates according to the voters' preferences. The candidate who receives more than 50% of these votes is declared elected. Voters do not need to vote again in a count-back. This is successfully used in Victoria see <http://www.vec.vic.gov.au/files/CountbackVotingSystem.pdf>

Recommendation 9

That the Committee considers the use of a cost effective method other than by-elections when a vacancy occurs.