

2012 LOCAL GOVERNMENT ELECTIONS

Organisation: Hurstville City Council
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Position: Internal Ombudsman
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Hurstville City Council

Our Reference: 12/12;D13/10432

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The Chair,
Committee on Electoral Matters
Legislative Assembly
Parliament House
Macquarie St
SYDNEY NSW 2000

Dear Sir

Submission on Conduct of 2012 Local government Election

Your ref LAC12/569

Sent via email to ElectoralMatters.committee@parliament.nsw.gov.au

I refer to your letter addressed to His Worship the Mayor, Cllr Jacovou dated 20 December 2012 seeking a submission from Council on the conduct of the 2012 Local Government Elections.

Terms of Reference of your enquiry and Council's responses thereto follow:

a) The cost of the election

Council has not received an invoice for the actual cost of the election, it is expected towards the end of January. Council received an estimate of \$400,761 (ex GST) in May 2012 which is an increase of more than 15% over a period of 4 years (2008 cost). Although Council could have undertaken the election itself to reduce costs it was decided that the disruption on key staff, resourcing and Council day to day operations over an extended period and the exposure to risk if there were errors in complying with legislation, were best to outsource.

b) Experience in conducting own election

Council engaged the Electoral Commission NSW to conduct the election on Council's behalf.

c) Legislative changes for improvements of efficiency and participation

Council officers have no suggestions.

d) Non-residential voting

A review of the Non-residential roll application form LG127 was reviewed by a number of experienced Governance Officers and a submission was



made initially to the Division of Local Government and then on advice referred to the Electoral Commission NSW for attention. That submission is reproduced below.

I write on behalf of the following "Governance" Officers with many years experience in Local Government and dealing with Local Government Elections. We are requesting the DLG to amend the abovementioned form for future elections.

Warwick Lawrence – Manager Administration & Governance, Pittwater Council

David Kelly – Manager Administrative Services, Randwick City Council

Ian Naylor – Manager Governance & Public Officer, Lane Cove Council

Peter Doyle – Manager Executive Services and Public Officer, The Hills Shire Council

Max Glyde – Director Corporate Services, Mosman Municipal Council

Trevor Rowling – Manager Administration & Governance, Sutherland Shire Council

Peter Nelson – Manager Governance, Wingecarribee Shire Council

Warren Park – Internal Ombudsman, Hurstville City Council

During the application process for people to register for inclusion on the Non Residential Roll for the election, Hurstville had 5 out of 12 incorrectly complete the form and they had to be contacted. Fortunately the people were known (existing Councillors/associates) or they were in the white pages on the internet. Other officers abovementioned had similar experiences.

Attached is the form and our combined suggestions for amendments follow, the majority of which will ease confusion and make the process easier for applicants and Council officials.

Section 1 – Applicants claim for enrolment

- 1 Amend residential line to include an area for a Postcode*
- 2 Delete the section to state which ward they wish to be enrolled in – this causes confusion amongst people just wanting to be on the roll as opposed to those that want to run as a candidate in a Ward different to the address of the subject property. This form is for getting on the NRR not for electing which Ward a Candidate may wish to stand for.*

Section 2 Nomination of Elector – 2nd box

- 3 If the owner/s is a corporation make a note on page 2 that they must submit a company search indicating who the Directors, Secretary, Officers are. (See also 13 below)*
- 4 On the residential line make provision to include Post Code*
- 5 After the area for nominating the Ward and identifying the Council underneath, have a requirement for the Nominator to include their email address and contact numbers*
- 6 Put a note under * Please provide copy of lease to substantiate claim for continuous occupation or requirement to pay land rates*

7 Under signed/sealed section provide space for signatories to print their name – if 2 or more people own the property how can you distinguish the signatures against the names of the owners

8 Under Signed/seal line make provision to include Email address and phone number – if there is an error on the form and the person has a silent phone number or is not in the phone book how do you contact them in a timely manner? – This could also be repeated in Section 1 under the residential address of the applicant however a second entry is probably superfluous.

Section 3 – Statement of witness

9 After witness name include the words (Please print)

Footer

10 Before the word “Processed” make a provision for the words “Received and Name – Received and processed may occur on different days and by different people

11 After the word “Processed” change initials to “Name”

Page 2

12 For Councils with Wards - Make a note that the person must be on the NRR for the Ward in which the property is located.

13 Under “Who is an Owner” section make it clearer for Corporations. If the owner is a corporation there should be a note that the corporation must nominate the applicant and the name and the position of the person within the corporation signing and as to whether they have authority to do so, ie can the Secretary, Director or CEO nominate. Also the form provides for the seal, is this necessary? If so it must be stated. – (Also see comments in 3 above) Refer S 127 (1) & 129 (5) of the Corporations Act 2001 (CTH)

General

14 When registering people for enrolment and they are not recorded as living at the address they stated on the form are we supposed to follow-up and ask for proof that they are enrolled at the address indicated and therefore eligible to be on the NRR or is this the domain of the Electoral Commission once Council’s finish the on-line registration? Should people attach documentation as proof of their residence? In other words do we register by skip roll check or reject the application?

15 In the 2nd section there should be a provision for the owner to state (and print) their name rather than just the address?

It would be appreciated if the DLG could take on board the above suggestions to overcome confusion not only for persons seeking to be on the NRR just to vote but also for those persons wishing to be on the NRR with a view to standing as a candidate for election. The amendments would also give better direction to Council Officers in charge of receipting and processing NRR applications.

We look forward to your response.



The Electoral Commission has not responded to the submission other than to suggest the form be split into two – one for individuals and one for corporations.

e) Impact of Election Funding, Expenditure and Disclosures Act on candidates

Officers are not aware of any impact on candidates by the requirements of the Act.

f) Other related matter

i) Polling Booths

In an effort to minimise costs, Council requested the Electoral Commission NSW (EC) to reduce the number of polling booths and or multi ward polling places. Although this may have required some residents having to travel slightly more to a polling place the inconvenience would not have been too much compared to the anticipated cost saving of staff. The EC refused the majority of Council requests stating that as the polling places are used for Federal/State elections voters would be confused and a reduction would not provide an acceptable level of service or reduced costs. On a personal level staff at polling places are not busy for the whole time and could quite easily accept more numbers of voters throughout the day rather than providing staff for peak times.

If Council is paying for the cost of the election why do not Council's have more say in the number of polling places and staff being arranged.

ii) Misuse of Council resources – Existing Councillors

Council had to request three existing Councillors to remove Council provided mobile phone numbers/email addresses as their contact details from the EC website even though we had reminded them of the Division of Local Government's (DLG) Circulars about misuse of Council resources.

More importance or communication should be included in material to candidates and also information provided to Returning Officers to refuse the form if it contains Council related details. It is acknowledged that this could not be done for mobile phone numbers but for email addresses most certainly. ie name@hurstville.nsw.gov.au

iii) Candidate/s Personal Information

Candidates are required to complete an information form when submitting their nomination. Council in preparing candidates for a possible life in Council after the election and the requirement to attend induction sessions quite quickly after the declaration of the Poll requires access to candidate's home address and contact details to enable information to be forwarded to them. This year Council was refused access to this information by the EC, luckily we were able to obtain information/contact details from other sources such as the Sydney Telephone White Pages Directory so it did not impact on Council's Induction Programs, however it did hamper our

attempts to contact all candidates prior to and the successful candidates in a timely manner immediately after the election.

It is requested that these details be made publicly available considering candidates are running for public office or if not to at least available to Council for communication purposes. A simple declaration advising the information is to be made public or to the Local government Authority would only need to be added to the form.

iv) Election material – existing Councillors

There was concern as to whether an existing Councillor could hand out Council provided business cards with election material. The issue is, as the candidate who is an existing Councillor, is he/she providing a service to a constituent at the same time as handing out election material. This may be a question for the DLG instead but thought it should be raised.

v) Election material – Justice of the Peace/JP

Council answered a query about the use of “Justice of the Peace or JP” on election material. The Handbook from the Attorney General’s Department explicitly prohibits the use of JP for personal interests, it states “however the initials must not be used to assert the person's title as a JP in private and personal dealings. The use of the initials should not be for a personal or commercial gain or to serve a person's personal interests.”

This matter should be made clear to all candidates as the running for office is in the personal interests of the candidate.

This submission has been prepared by the Internal Ombudsman, Council’s liaison officer with the Electoral Commission for all election matters, and approved by the General Manager.

Should you have any questions please contact Warren Park, Internal Ombudsman, on 9330-6031 or by email hccmail@hurstville.nsw.gov.au.

Yours faithfully



Warren Park
Internal Ombudsman