

**Submission  
No 35**

## **2012 LOCAL GOVERNMENT ELECTIONS**

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Joint Standing Committee on Electoral Matters  
Parliament House  
Macquarie St  
SYDNEY NSW 2000

Dear Members

**Re: 2012 Local Government Elections Inquiry**

Thank you for the opportunity to comment on what is an extremely important issue for Local Government.

This submission is presented on behalf of the twelve (12) member Councils of SEROC comprising a total population in the South East of NSW of approximately 185,000.

SEROC considers that a number of fundamental changes are needed to in order to make Local Government elections more efficient, less costly and improve accessibility for voters. The submission will cover the three following issues:

- The Competitive Processes for the Conduct of Elections
- The Voting Options
- Method of Election
- Election Funding, Expenditure and Disclosures Act 1981

**The Competitive Processes for the Conduct of Elections**

The 2012 Local Government Elections provided a number of challenges for Councils including the decision whether to conduct their own elections or contract the conduct of their elections to the New South Wales Electoral Commissioner.

The Local Government Amendment (Elections) Bill 2011 which provided the opportunity for Councils to again conduct their own elections was welcomed by Local Government, however, the New South Wales Electoral Commissioner failed to embrace the spirit of the legislation, by generally being uncooperative and obstructive with its dealings with Councils.

The Commissioner provided a deadline for Councils to make a decision regarding the appointment of the Electoral Commission to conduct the election, but refused to provide realistic quotations to Councils prior to the deadline. It was therefore difficult for Councils to make an informed decision in regard to cost comparisons between conducting the elections themselves or contracting to the NSW Electoral Commissioner.

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Additionally, General Managers were basically told if they conducted the Council elections themselves they would not receive any support from the Electoral Commission and would be potentially liable for any legal challenges .

All the above points are substantiated by the fact that only 14 Councils out of 152 Councils elected to conduct their own elections.

The Electoral Commissioner has been conducting local government elections and referendums since 1987 and the cost of running the elections has increased dramatically, particularly the last two elections in 2008 and 2012.

In addition, the fines for non-voting are currently received by the Electoral Commissioner. This income should be returned to Councils to offset election costs.

### **The Voting Options**

Councils should be provided the option of determining the most appropriate voting method for their respective areas. SEROC strongly supports Councils having the option to decide between "Attendance Voting" or "Postal and Online" voting.

In Victoria, Councils have the option to choose between attendance voting and postal voting. Evidence provided by the Victorian Electoral Commission for the last Victorian Local Government shows that 70 of the 78 Councils opted for postal voting. On average the cost of postal voting was over 30% less than attendance voting.

With available technology and voter access to electronic communications, online voting should be an available option. In the last NSW State Election online voting was available to electors provided they met the following criteria:

- elector's vision is so impaired, or the elector is otherwise so physically incapacitated or so illiterate, that he or she is unable to vote without assistance;
- elector has a disability (within the meaning of the Anti-Discrimination Act 1977) and because of that disability he or she has difficulty voting at a polling place or is unable to vote without assistance;
- elector's real place of living is not within 20 kilometres, by the nearest practicable route, of a polling place; and/or
- elector will not throughout the hours of polling on polling day be within New South Wales.

The Allen Consulting Group carried out an evaluation of the technology on behalf of the NSW State Government and found that the take-up of the iVote system was highly successful. The actual number of users was in the order of four times the original estimates. Registrations and votes received from people in remote or rural areas exceeded original take-up estimates by almost three fold. It was found that the system had been effective in meeting its aims and additionally, it has been successfully demonstrated to work and be appropriate in a real election environment.

### **Method of Election**

In submissions to the Independent Local Government Review Panel regarding recommended changes to the Local Government election system, the majority of comments called for abolition of "group voting" or "above the line" voting and introduction of the "first past the post" system.

Concerns were that the system was too complex and candidates could be elected with only a small number of votes. It was evident by the huge informal vote at the last election there was a lack of voter awareness

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regarding local government and how it operates. There is need for increased public education and a clearer explanation of group voting if the system is to be retained.

### **Election Funding, Expenditure and Disclosures Act 1981**

Concern has been expressed from candidates in regard to many of the new requirements under the Election Funding, Expenditure and Disclosures Act 1981.

In particular, there is a view that the requirements regarding political donations discouraged candidates from standing as independents. The \$1,000 threshold for expenditure that triggers the need for campaign accounts, audits etc. is too low. A more realistic figure would be \$5,000..

The use of "Official Agents" and their functions and responsibilities should be reviewed. Again the role of the Official Agent poses a range of concerns that will discourage many people from standing for Council. Some candidates may not know a suitable person to undertake the role and there are a number of small Councils where campaign costs do not exceed \$100. The role of the Official Agent seems extreme where campaign costs are minimal and perhaps there needs to be a limit ie \$1000 where the appointment of an official agent is necessary. Significant penalties (up to \$22,000) can apply to Official Agents who have not carried out their responsibilities in accordance with the Act , even if it was unintentional.

SEROC looks forward to the outcome of the Inquiry and trusts that the Joint Standing Committee will recommend legislative changes to incorporate the suggestions put forward in this submission.

Yours faithfully



Cr John Shaw  
Chair

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