

## **2012 LOCAL GOVERNMENT ELECTIONS**

**Organisation:** Great Lakes Council  
**Name:** Mr Glenn Hanford  
**Position:** General Manager  
**Date Received:** 11/02/2013

The Chair  
Committee on Electoral Matters  
Parliament of New South Wales  
Macquarie Street  
SYDNEY NSW 2000

*Our Reference:*  
*Your Reference:* LAC12/569  
  
*Contact:* Mr Glenn Handford  
*Telephone:* 6591 7202

8 February 2013

Dear Sir

**Re: Submission to the Inquiry on the September 2012 Local Government Election**

I refer to your letter of 20 December 2012 inviting Council to make a submission to the Inquiry into the September 2012 Local Government election.

Council chose to utilise the services of the New South Wales Electoral Commission (NSWEC) for the conduct of the election in the Great Lakes Local Government area. The election was generally conducted in an efficient manner and a result was advised within one week of polling day. This was acceptable when compared with the situation in adjoining areas and given that Council was part of a Regional Returning Officer arrangement with Dungog Shire Council and Gloucester Shire Council.

In relation to the cost of the election, Council has received its final account from the NSWEC and is pleased that it is within 2% of the NSWEC's May 2012 budget estimate.

Council's submission focuses on part (d) of the Committee's Terms of Reference - non-residential voting in Local Government elections. Great Lakes Council has a high proportion of non-residential owners (in excess of 40% of its total number of rate assessments) who are potentially eligible for inclusion on the non-residential roll.

As the Committee would be aware the preparation of this roll is a specific requirement for local government only, effectively giving non-resident owners the ability to vote for the council area in which they reside and in one or more other local government areas where they own property. There are joint responsibilities in relation to the preparation of the non-residential owners roll with the NSWEC undertaking advertising for enrolments, providing access to a computer system to assist Council's with preparation of this roll and with confirming the eligibility of applicants. Council receives applications, confirms ownership etc enters eligible applicants into the NSWEC system and certifies the roll subject to NSWEC confirmation.

The legislation defines these separate responsibilities and the NSWEC has improved the support that it provided in relation to the compilation of this roll with its Non Residential Roll (NRR) Management System. This system allowed Council's to obtain feedback on the "residential" enrolment status of an applicant, that is, to match an applicant's claimed

residential address against the residential electoral roll, hence confirming that they were in fact non-residential owners.

However, to the average owner the application form is confusing and the additional information does not assist in clarifying what is required to successfully complete the form. By way of example of the 25 applications that were rejected by Council most related to errors in the completion of the application form. Those errors included:

- 'Nomination of Elector' section of the form not completed as required when qualifying property is held in more than one name.
- Failure to have the form witnessed as required.
- Failure to provide a residential address that matches the electoral roll residential address, having conducted the required check in the NSWEC's NRR Management system - Council had the ability to assert that the applicant is on an electoral roll somewhere in Australia, but had no basis for this assertion so did not exercise this option.
- Property held in a company name but the 'Nomination of Elector' section of the form not completed by the company nominating the applicant to act as an elector on its behalf.

For the 2012 election Council received 38 applications for inclusion on this roll by the closing date (30 July 2012), of which 13 were verified and included on the roll. A further 3 enquiries about inclusion on the roll were received after the closing date, one of which sought additional information and lodged a complaint with the NSWEC in relation to the non-residential roll process.

The email conversation between the Council officer responsible for collating the roll and this applicant is enclosed with this submission as an example of some of the issues encountered. The applicant makes several good points in relation to the use of technology and existing information sources to advise non-resident owners of their entitlement to participate in the election of the Council for the area in which they own property, the lack of understanding by the community in general about the non-residential roll provisions, a lack of advertising and the timeframes that apply to the close of rolls.

It is noted that the NSWEC undertook its advertising responsibilities in the week commencing 16 July 2012 across a range of metropolitan, regional and community publications. Enrolments for both the residential and non-residential electoral rolls closed on 30 July 2012. Dependent upon the publication dates, there may have been instances where the public in general had less than one week to obtain an application form and return it to their respective Council seeking to be included on the non-residential owners roll.

A further issue that arises from a successful application for inclusion on the non-residential roll is the organisation of a postal vote. Once again confusion amongst the public exists. The process allowed for a person to register for a postal vote on-line on the NSWEC website, download a form from this website or a council website or obtain a hardcopy from another source (Council provided hardcopy postal vote applications to residents on request).

Once completed the form had to be returned to the NSWEC in Sydney, not the relevant Council or the particular Returning Officer responsible for that particular election. The Returning Officer based on information provided from the NSWEC in Sydney then issued Postal Vote Ballot papers to applicants and once completed these had to be returned to the Returning Officer not the NSWEC address in Sydney. Council staff had experience of members of the public in a complete state of confusion as to where everything needed to be sent just so that they could cast a vote and not be issued with a penalty.

In relation to the comments of the aggrieved applicant mentioned above, the suggestion that Council's utilise their ratepayer database to inform non-resident owners of the entitlement to

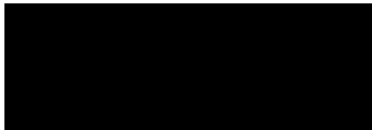
participate in the election has merit. The current system could be considered to disenfranchise a significant number of potential electors.

However it potentially imposes a large additional cost on Council through the issue of letters and having to administer a potentially large volume of applications. Using this Council as an example, if 10% of our non-resident owners applied for inclusion on the roll we would receive in excess of 1,000 applications. This would have a significant impact on Council's resources to handle the applications and there would be a corresponding increase in activity required by the NSWEC in dealing with the resulting postal vote applications and ballots. For it to be effective there would need to be comprehensive information and assistance provided to the community.

Alternatively, and given the extremely low take-up by non-resident owners of their entitlement to register to vote, it may be worth considering the removal of the non-resident owners (including occupier and rate-paying lessee) provisions from the Local Government Act. This would further align the local government election provisions with those applying to state and federal elections. It would be an appropriate time for this to be considered given the current investigations and deliberations of the Local Government Acts Taskforce.

Council appreciates the opportunity to provide input in relation to its experiences during the September 2012 Local Government election to the Committee.

Yours faithfully



**GLENN HANDFORD**  
General Manager

Encl.

## Email Exchange between GLC & non-resident owner (including advice from NSWEC)

From: .....@greatlakes.nsw.gov.au]  
Sent: Thursday, 9 August 2012 3:22:59 PM  
To:  
Subject: RE: (DWS Doc No 2494388) [Fwd: RE: Complaint relating to Local Government Elections 2012 about Unable to vote Ref Number]

Hi

I refer to the above and provide the following information.

1. In relation to the non-residential roll, section 299 of the Local Government Act 1993 makes the General Manager responsible for the preparation of a roll of non-resident owners of rateable land.
2. Clause 280 of the Local Government (General) Regulation 2005 states that the Electoral Commission is to give notice of the fact that persons are entitled to vote in an election....or are owners, occupiers, or ratepaying lessees, of rateable land in the ward or area. It further provides that the notice is to invite claims for inclusion on the roll and provides that the notice is to be given at least once in the 14 days before the closing date for the election. The notice is to be given by advertisement in a newspaper circulating generally in the State or another newspaper circulating in the relevant area or both. The information also needs to be included on the election managers website ie the NSWEC.

Council was advised by the Electoral Commissioner that they would be undertaking the advertising for both the resident and non-resident rolls in a wide variety of newspapers in the week beginning 16 July 2012. Councils were offered the opportunity to utilise a NSWEC provided template to undertake their own advertising, should they choose to do so. Great Lakes Council did not choose to do additional advertising given the broad coverage provided by the NSWEC ads, however it did include information about the non-residential roll process and make available the application form on its website.

3. The NSWEC appear to have misinterpreted your complaint when they comment that it is the responsibility of Councils to make the application form available for the relevant non-residential roll. That is correct and Council did do that. Your comment was in relation to responsibility for the advertising of the rolls and that is the responsibility of the NSWEC.

4. In relation to your request for inclusion on the non-residential ratepayers roll for the Great Lakes local government election, the General Manager, Glenn Handford, has refused to certify to the NSW Electoral Commission that your name should be included on this roll for the upcoming Local Government election for Great Lakes Council. Your application is invalid for the following reasons:

- the required application form including the applicant's claim for enrolment, nomination of elector (if relevant) and statement of witness were not received by the General Manager prior to the closing time and date as prescribed by legislation, being 6.00 pm on Monday 30 July 2012. It is noted that Council has not received a formal application but has received an email dated Sunday 5 August 2012 seeking advice as to the process to become enrolled.

On the general theme of your complaint, regarding the use of Council's rate database to notify non-resident owners and the 40 day period, a review of the Local Government Act is to commence shortly and Council also has the opportunity to provide feedback to the NSWEC on the conduct of the election. Council will take the opportunity to feed your suggestions into both review processes as the non-residential roll provisions do cause some confusion with the

community, given that it is something that is only applicable to local government elections not state and federal elections.

Regards

Great Lakes Council  
Breese Parade (PO Box 450)  
FORSTER NSW 2428  
Ph: (02) 6591  
Email: ....@greatlakes.nsw.gov.au

-----Original Message-----

From:  
Sent: Tuesday, 7 August 2012 1:34 PM  
To: ....@greatlakes.nsw.gov.au  
Cc: feedback@elections.nsw.gov.au  
Subject: (DWS Doc No 2494388) [Fwd: RE: Complaint relating to Local Government Elections 2012 about Unable to vote Ref Number]

Hi,

I write to you severally, cc: the NSW Electoral Commission, to convey their response to my initial complaint at the foot of this email.

I seek a comment from each council as I wish to address the matter politically.

The four agencies in question deny responsibility for advertising the closure of rolls.

I claim inclusion in the non-residential rolls of Holroyd, Greater Taree and Great Lakes Councils under the terms of LOCAL GOVERNMENT ACT 1993 - SECT 303. I seek a formal statement of refusal and the reasons for the refusal as well as a statement of the authority of the person refusing so that I may take the matter to the Administrative Decisions Tribunal for a review of the decision.

Yours faithfully

----- Original Message -----

Subject: RE: Complaint relating to Local Government Elections 2012 about Unable to vote Ref Number  
From:  
Date: Tue, August 7, 2012 1:12 pm  
To: "feedback" <feedback@elections.nsw.gov.au>

The three councils in question are Greater Taree, Great Lakes and Holroyd.  
In each case they tell me to complain to the NSW Electoral commission.

You tell me to complain to them.

I complain to you all about the absence of advertising for the closure of the non-residential rolls.

Please note that my complaint was about the technology used to maintain electoral rolls AND the absence of adequate advertising of the closure of the rolls. Please address at least the second part of my complaint.

Yours faithfully

I will now write to the Ombudsman and the Minister with responsibility for the Electoral Commission.

> Good Afternoon Mr  
>  
> Thank you for your recent email.  
>  
> Without knowing the name of the Council for which you were seeking  
> non-residential enrolment, it is difficult to respond. Except for the  
> Council of the City of Sydney, it is the responsibility of the  
> relevant Council to make available applications for the relevant  
> non-residential roll.  
>  
> Therefore, if your complaint relates to any Council other than the  
> City of Sydney, it is more properly directed to that Council.  
>  
> Regards  
>  
>  
>  
> Feedback Officer  
> NSW Electoral Commission  
> Level 25, 201 Kent Street  
> Sydney NSW 2000  
> Switch: (02) 9290 5999  
> Fax: (02) 9290 5991  
>  
> -----  
> -----  
> CONFIDENTIALITY NOTICE  
> -----  
> ----- This message is intended for the addressee  
> named and may contain confidential information. If you are not the  
> intended recipient, please delete it and notify the sender. Views  
> expressed in this message are those of the individual sender and are  
> not necessarily the views of the NSW Electoral Commission, Election  
> Funding Authority or the Electoral Commissioner.  
>  
> Please consider the environment before printing your emails and  
> attachments.  
>  
> -----  
> From:  
> Sent: Monday, 6 August 2012 2:24 PM  
> To: feedback  
> Subject: Complaint relating to Local Government Elections 2012 about  
> Unable to vote Ref Number  
>

> \*\* Your details \*\*  
>  
> First Name\* :  
> Family Name\* :  
> Address :  
> Suburb :  
> Postcode\* :  
> Home Phone :  
> Mobile Phone :  
> Organisation :  
> Email address\* :  
>  
>  
> \*\* Your enquiry \*\*  
>  
> Q1. This is a ?\* : Complaint  
> Q2. This relates to:\* : Local Government Elections 2012 Q3. This is  
> specifically about\* : Unable to vote Q4. Please provide details here,  
> including any outcome you are seeking\* :  
> As a first time non-residential voter, I am appalled that in this day  
> and age a 40 day period is imposed without advertisement. I cannot  
> understand why the database used to charge me for rates is not used to  
> facilitate the composition of electoral rolls. 40 days seems like a  
> reasonable period of time to compile a roll in the 19th century. That  
> period of time together with no advertisement seems like a means of  
> excluding non-residential voters from voting by stealth.  
> Q5. Have you previously brought this to the attention of NSWEC?\* : No  
> If YES, please indicate who was spoken to and any other relevant details,  
> :

From:  
Sent: Monday, 6 August 2012 2:29:13 PM  
To: ....@greatlakes.nsw.gov.au  
Subject: RE: Local Government Elections

Hi,

I did as you suggested and contacted the NSW Electoral Commission. After a discussion, I have lodged this complaint electronically "As a first time non-residential voter, I am appalled that in this day and age a 40 day period is imposed without advertisement. I cannot understand why the database used to charge me for rates is not used to facilitate the composition of electoral rolls. 40 days seems like a reasonable period of time to compile a roll in the 19th century. That period of time together with no advertisement seems like a means of excluding non-residential voters from voting by stealth."

I write to you simply to advise you that there was NO advertising about non-residential roll compilation. I suggest that no-one is especially well informed on this matter. I will pursue the matter further with the Minister for Local Government. I cannot see why a field in your rates database which captures individuals preferences whether they wish to vote at elections or not.

regards

> Hi  
>  
> Good suggestion on using the Council Communicator which goes out with  
> the rates notices, I'll tuck it away for next time. While we put general  
> information in the last couple of newsletters via the Mayor's Message we  
> did overlook using it to advertise the non-residential roll.  
>  
> Council didn't do the advertising, this was done by the NSW Electoral  
> Commission who are running the election for Council. They placed ads in  
> the major metropolitan newspapers and a wide range of regional  
> newspapers. I don't have a list of where they advertised. If you would  
> like to contact them their number is 1300 135 736.  
>  
> Regards  
>  
>  
>  
> Great Lakes Council  
> Breese Parade (PO Box 450)  
> FORSTER NSW 2428  
> Ph: (02) 6591  
> Email: .....@greatlakes.nsw.gov.au  
>  
> -----Original Message-----  
> From:  
>  
> Sent: Monday, 6 August 2012 1:44 PM

> To: ....@greatlakes.nsw.gov.au  
> Subject: RE: Local Government Elections  
>  
> Thanks,  
>  
> As a suggestion, a note in the regular rate notices might let us rate  
> payers know about the magic 40 days.  
>  
> May I ask where Great Lakes Advertised please?  
>  
> thank you again

>  
>> Hi  
>>  
>> The non-residential owners roll of electors is only created when a  
>> council election is to take place, either the ordinary election that  
>> occurs every four years or for a bi-election should a vacancy on  
>> council occur. Applications for the roll (in relation to an ordinary  
>> election) close 40 days prior to the election date, in this case 30  
>> July.  
>> Advertisements are required to be placed in newspapers advising that  
>> applications can be lodged and these normally start two to three  
>> months prior to the election and are placed by the NSW Electoral  
> Commission.  
>> Councils also place links on their website (or should do) with the  
>> application form and other details.  
>>  
>> So realistically it becomes your responsibility to remain aware of  
>> when Council elections are going to happen so that you can ensure that  
>  
>> your application is lodged in time for inclusion on the roll. The best  
>  
>> way is probably to keep an eye on the council's website so that you  
>> can see what is going on in the area in which you own property.  
>>  
>> Hope this helps for next time.  
>>  
>> Regards  
>>  
>>  
>>  
>> Great Lakes Council  
>> Breese Parade (PO Box 450)  
>> FORSTER NSW 2428  
>> Ph: (02) 6591  
>> Email: .....@greatlakes.nsw.gov.au  
>>  
>> -----Original Message-----  
>> From:  
>>  
>>  
>> Sent: Monday, 6 August 2012 1:31 PM  
>> To: ....@greatlakes.nsw.gov.au  
>> Subject: RE: Local Government Elections

>>  
>> Thank you,  
>>  
>> You tell me I have missed the boat for these elections. I must  
>> congratulate you on being the only council of the three to which I  
>> wrote, who answered.  
>>  
>> What you haven't told me is how to avoid missing the next elections.  
>> How and when are electoral rolls open please?  
>>  
>> regards  
>>  
>>  
>>  
>>> Hi  
>>>  
>>> Unfortunately the final date for receipt of applications for  
>>> inclusion  
>>  
>>> on the non-residential roll of electors was 6.00 pm on Monday 30 July  
>  
>>> 2012. As such it will not be possible to include you on that roll.  
>>> Unless you are on the normal residential roll as residing at your  
>>> Smiths Lake property, it will not be possible for you to vote in the  
>>> election for the Great Lakes Council. You should still be able to  
>>> vote  
>>  
>>> for the election of the Council for the area in which you reside.  
>>>  
>>> Regards  
>>>  
>>>  
>>>  
>>> Great Lakes Council  
>>> Breese Parade (PO Box 450)  
>>> FORSTER NSW 2428  
>>> Ph: (02) 6591  
>>> Email: ....@greatlakes.nsw.gov.au  
>>>  
>>>  
>>> -----Original Message-----  
>>> From:  
>>>  
>>> Sent: Sunday, 5 August 2012 3:23 PM  
>>> To: Great Lakes Council Mailbox  
>>> Subject: Local Government Elections  
>>>  
>>> Hi,  
>>>  
>>> Please advise how my wife and I enrol as electors as provided by the  
>>> LOCAL GOVERNMENT ACT 1993 - SECT 266 1(b) as we own property at  
>>>,  
>>>  
>>> regards