

**Submission  
No 21**

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

**Name:** Dr Alan Graeme Wells

**Date Received:** 12/05/2009

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*Partially Confidential*

I make this submission to the 2008 Local Government Election Inquiry.

I wish to state that I was the official Agent for Councillor Mike Tuffy of Great Lakes Council in a s 329 application before the Administrative Decisions Tribunal. Matter No 083287 (General Division).

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I find it quite incomprehensible that the Commonwealth Electoral Act 1918 s324A can forbid publication of electoral advertisements on the Internet yet such electronic data is not captured by any Regulations or section of the Local Government Act in NSW.

The NSW Electoral Commission asks for websites to be registered but even if candidates do not follow such advice they can do whatever they like on internet sites during the regulated period of the local government in 2008.

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I submit that due to electronic data transmissions being possible by SMS to mobile phones or via the Internet that because the Internet etc is covered by the Commonwealth Telecommunications Act 1997 that such data transmissions are not captured at present by any of the NSW Acts or Regulations that govern elections - such as the 2008 Local Government Elections.

So the simple state of affairs exists that a person in another state or overseas can set up a webpage being electoral material - that may contain untruths and such does not need to be registered by the NSW Electoral Commission.

I submit that the Commonwealth Electoral Act - or at least s324A needs to be inserted into the NSW Regulations for Elections.

That each piece of electoral matter that is registered by any candidate for future Local Government elections needs an authorised and registered tracking number issued by the NSW Electoral Commission that needs to be displayed on any certified electoral matter during the Regulated Period - or on How to Votes for Polling Day.

That any citizen can inspect such certified tracking numbers on a data base held by the Electoral Commission - that is accessible during the regulated period so that anybody can check a number on any electoral material used by any candidate in any Local Government Area, subject to an election to see if any material they receive or observe is properly certified by the Commission.

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I ask the Inquiry members to closely study the Judgement in Tuffy v Vaughan ; Weate and Gill. N.S.W. Administrative Decisions Tribunal 083287 in 2009.

Yours Faithfully

Dr. Graeme Wells

