

**Submission
No 51**

2012 LOCAL GOVERNMENT ELECTIONS

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Date Received: 4/02/2013



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1 February 2013

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

Dear Sir/Madam,

Submission to the Joint Standing Committee on Electoral Matters

Thank you for the invitation to provide input into the review of election matters. This submission incorporates some feedback on the decision of the Government to facilitate a process that provided Councils with a number of options in respect to the conduct of the 2012 Election. It also provides suggestions for improvements in future elections which are based on the experience of this Council who used a Contractor, the Australian Election Company to conduct its Election.

It is considered that the company provided a satisfactory service and undertook an election that is capable of withstanding any scrutiny.

Appointing a Contractor provided Council with the opportunity to identify areas where additional savings could be achieved by the use of its own resources or those of other Contractors. It also provided the flexibility for Council to determine the polling places, and establish resources committed to staffing them. This contrasted the previous service provided by the New South Wales Electoral Commission.

From the information received, there was significantly less waiting time at polling places. This probably justifies the staffing levels calculated on 450 per table rather than the New South Wales Electoral Commission figure of 600 per table as was the case in the previous election. Even with the significantly larger number of staff attending polling places, this Council achieved a saving of approximately 25% on the estimate provided by the New South Wales Electoral Commission.

Should the Government be of a mind to continue to provide options for Councils, as was the case this year, the following items are submitted for consideration.



Removal of Section 296 of the Local Government Act 1993

The intent of this Section is to require Councils to decide before September 2013 whether they require the services of the New South Wales Electoral Commission for the 2016 Council Election. If they fail to do so, the legislation prescribes that Councils are not then in a position to use the New South Wales Electoral Commission. It is suggested that, for obvious reasons, this is inappropriate and it should be repealed.

Consolidation of Electoral Processes

Presently, there is in place, the Local Government Act and Regulations, the Parliamentary Electorates and Elections Act 1912 and Regulations, the Guidelines for Council Administered Elections and the Election Process document. Consolidation of these would be helpful, particularly if in 2016, other Councils are considering conducting their own elections.

Removing Above the Line Voting

One of the factors that discouraged Councils from conducting their own election in 2012 was the concern that specific software was required to conduct above the line voting. This was certainly a cause for concern of this Council and other options should be canvassed.

Need to tender

It is suggested that the legislation be amended to avoid the need to tender for election services as there are very few options of Election Service Providers in the market. Alternatively, all Election Service Providers should be required to tender to establish an open and transparent process, if the expected cost of the election will exceed the tendering threshold.

NSWEC Not Liable for Payroll Tax

The Contractor retained by this Council was required to pay Payroll Tax for the recent election, and it is understood that this is not a requirement of the New South Wales Electoral Commission. It puts into question further, the integrity of the cost structure established by the New South Wales Electoral Commission. It also justifies a proposition that Payroll Tax should not be charged on Election Service Providers. Alternatively, all Election Service Providers should be required to meet this cost to make sure everyone is on a level playing field.

Recruitment of Polling Officials

The New South Wales Electoral Commission would not provide details of previous electoral staff to assist Councils appointing staff to coordinate the election. As a result, this Council needed to rely on its own resources to recruit suitable and qualified staff. Subsequently, the New South Wales Electoral Commission advised staff who formerly worked at previous elections by text to seek employment. When prospective employees had completed their

application, they were advised that some Councils were conducting their own elections and to contact that Council. As a result of this action, this Council was required to attend to many very irate phone calls, which were unnecessary.

It would be an improvement if the New South Wales Electoral Commission either completely withdrew from the staffing process or provided the details requested by Councils.

Access to Roll Data

Access to Roll data should be provided to Councils or the Election Service Provider conducting the election on behalf of Councils. The New South Wales Electoral Commission refused to provide the information to the Contractor. Council is mindful of the fact that the Roll data is retained by the Australian Electoral Commission, and the New South Wales Electoral Commission is effectively a broker of that data.

More Guidance in Complaint Handling Mechanisms

A consistent complaints handling mechanism (standard) should be established for all Councils, detailing responsibility for the range of complaints likely to be encountered by Councils conducting their own elections. This is necessary as a result of the breadth of applicable legislation and the fact that Councils are only required to undertake this function every four years.

Provision of Enrolment Forms & Envelopes – First Time or Transferring Enrolments

It was extremely unhelpful that both the New South Wales Electoral Commission and Australian Electoral Commission would not provide forms and envelopes which effectively maintained the Roll. I consider this as counter to the spirit of encouraging participation in elections.

This supports the proposition that Clause 320 of the Local Government (General) Regulation, requires Councils to undertake this role effectively as a broker for the Australian Electoral Commission should be repealed. Alternatively, adequate support is provided by these authorities to enable Council to meet these obligations.

Introduction of Electronic Voting or Postal Voting

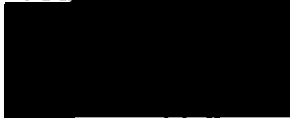
Through the development of technology, consideration should be given to the implementation of electronic voting. An opinion against this concept is the lack of available checks and balances to confirm the identity of the person who is voting. However, in reality, an elector at the present time only provides their name and address, and there is no check as to their identity by the polling official.

Postal Voting is another option worthy of consideration which, if established, would enable people to vote at the time that suits them, without the need to

attend a polling booth. Inherent in the success of this proposal is the accuracy of the Electoral Roll to ensure that the ballot papers were correctly addressed. The cost of polling officials at the last election and the hire of polling places exceeded \$92,000, which represents 26% of the cost of the election. It is submitted that this cost would be substantially reduced with the development of postal voting which is the preferred method for Council elections in other States.

Thank you for the opportunity to participate in this review.

Yours faithfully



Russ Pigg
General Manager