

INQUIRY INTO 2008 LOCAL GOVERNMENT ELECTIONS

Organisation: Riverina And Murray Regional Organisation of Councils
(RAMROC)
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Joint Standing Committee on Electoral Matters,
Parliament House,
Macquarie Street,
SYDNEY NSW 2000

Dear Sir/Madam,



Submission by Riverina and Murray Regional Organisation of Councils (RAMROC) to the Joint Standing Committee Inquiry into the 2008 Local Government Elections

The Riverina and Murray Regional Organisation of Councils (RAMROC) appreciates the opportunity of making this submission in relation to matters pertaining to the conduct and costs of the September 2008 Local Government Elections.

RAMROC represents the interests of eighteen (18) member councils and communities in the Murray and western Riverina region of south west New South Wales. The Murray part of the region extends from Albury City in the east through to Wentworth Shire at the South Australian border, whilst the Western Riverina part of the region extends from Narrandera Shire in the east through to Balranald Shire in the west.

The region in a statewide context is illustrated by the attached map (Appendix 1), which shows the individual Council populations as at the 2006 ABS Census and the total area.

Issue 1 – 2008 Election Costs

Prior to the conduct of the 2008 elections, the issue of greatest concern to Councils in the region was the estimated Electoral Commission costs. In the 18 Councils within RAMROC, it became evident that the total estimated regional cost (i.e. the combination of Electoral Commission plus ancillary Council costs) was expected to increase from around \$480,000 for the 2004 Elections to over \$1.03 million for 2008, an increase of some 116%.

The direct Electoral Commission costs in fact were expected to increase from an actual total in 2004 of \$196,280 to a revised estimate of \$935,000 for 2008, although it was acknowledged that to some extent that increase was due to the EC responsible for additional functions and expenses that had previously been the province of Councils.

A summary of the anticipated aggregate costs at that time is set out in the attached Appendix 2, which also includes some comparative statistics for average Council costs in northern Victoria for postal ballot elections. This comparison with Victoria is mentioned later in this submission, vis-a-vis a RAMROC suggestion that New South Wales enact legislation which allows the adoption of Postal Ballots System for Council areas which so decide by referendum.

It must be said however that the final accounts which have recently been issued to Councils by the Electoral Commission have resulted in a reduction from the former estimates for some

MEMBER COUNCILS

Albury, Balranald, Berrigan, Carrathool, Conargo, Corowa, Deniliquin, Greater Hume, Griffith, Hay, Jerilderie, Leeton, Murray, Murrumbidgee, Narrandera, Urana, Wakool and Wentworth

of the Councils, although no explanation for the reasons for the reduced costs have been provided by the Electoral Commission.

I am currently seeking detailed information from Member Councils as to the actual final costs and will collate and forward this to the Standing Committee as soon as possible. This summary will then clearly define the extent of the increased cost for 2008 compared to 2004.

The NSW Local Government and Shires Association (LGSA), as well as Councils generally throughout Sydney and regional areas, were greatly dissatisfied with the estimated increases and the unsatisfactory explanations provided by the EC at the time to justify the increases. Endeavours by LGSA to have the EC costs independently assessed by either the ACCC or IPART were unsuccessful.

Based on Local Government's general dissatisfaction and the lack of justification by the EC, the June 2008 Shires Conference overwhelmingly carried a resolution, proposing to Councils that they only pay an amount based on the 2004 costs, plus an allowance for compounded CPI (determined as 13%). That resolution was strongly supported by RAMROC Councils, but some payments made by Councils on that basis met with a strong reaction from the Electoral Commission, which pointed to the election provisions of the Local Government Act and the legal responsibilities of Councils to meet those Electoral Commission costs.

Concerns regarding the conduct of the September 2008 election processes

Following the September 2008 elections and against the backdrop of greatly increased costs, many RAMROC Councils expressed concerns about the actual conduct of the elections in their area. At the request of the Electoral Commissioner, I collated information from 11 Member Councils and forwarded them to the Electoral Commissioner by letter of 11th December 2008.

The specific comments received from the Councils were set out verbatim as follows. They were tendered in good faith and were intended to be constructive for the Electoral Commission to use as a basis for improved procedures in subsequent elections.

1. Griffith City Council

- *Lack of "tailoring" of information sent out by the electoral office for the voters of Griffith. That is at Griffith we had the first popularly elected mayor and there was large amount of confusion as to how this impacted on the vote for Councillors etc.*
- *If Griffith City Council was not being stung some \$140,000 by the State Electoral Office for this election there may have been some funding by Council to undertake this process in-house ourselves. This however would go against the grain established by the Electoral Commission which categorically stated Councils were to remain independent from the election process.*
- *No Returning Officer present in Griffith (Mr Ken Murphy was based in Narrandera). A number of candidates expressed their desire to meet face to face with the Returning Officer.*
- *Also on close of nominations a number were received very late here in Griffith (say around 11-30am). Some difficulty was experienced in faxing over these documents to Narrandera prior to the 12-00 Midday close which placed strain on staff and candidates alike (unsure if there nomination would be accepted).*
- *Timeliness of Results - when the count was completed by Returning Officer in Griffith in 2004 the result was known by 11-30pm on the Monday night. The results for this year's election weren't known until the Thursday (Mayor) and Friday (Councillors). This creates governance issues in terms of establishing Council meetings etc.*

- Although we were being charged an "independent rate" Council staff were required to provide some admin support to the Returning Officer. Council staff of course were more than willing to help and support, it is the \$140,000 charge that leaves a sour taste (ie with that charge there should be no assistance at all).
- We believe we were blessed to have Mr Ken Murphy (ex GM of Narrandera Council as a Divisional Returning Officer). He was excellent in the role. Our fear is if Ken is not around next time that someone else may struggle without his level of expertise.

2. Narrandera Shire Council

- Information sessions for prospective candidates were poorly promoted with advertising in regional newspapers giving interested people little time to organise attendance at sessions conducted in Griffith or Wagga Wagga.
- The EC advised council of proposed booths, staffing and anticipated number of ballots to be cast. Council responded to the EC and the RO. The RO subsequently followed up on council's concerns to the EC. Council, nor the RO, received a response from the EC and no amendments were made to the original proposal.
- When the count commenced the EC website was not providing details of the progress of the count. The RO was dealing with an avalanche of candidate and media enquiries due to the shortcomings of the EC website. This took the RO away from the count.
- The Narrandera count was completed late in the week following the election. (Thursday evening or Friday morning). At the 2004 election the result was known Tuesday AM. Candidates and the public were advised of the position of the election following each round of counting.
- We had a shared RO over I think 7 councils. From memory two councils Bland and Carrathool did not have elections, I am not sure if the divided councils had elections in all wards. The issue is that if all councils had conducted elections the RO would have been under even greater pressure and the count would have been delayed further.
- From what I saw the EC would never have managed if staff from the councils had not assisted the RO in finding staff and dealing with logistics. In our case the RO was in Narrandera and Council's IT staff assisted on a number of occasions as the EC systems could not deal with the remote communications involved and the EC staff did not understand the distances involved and could not provide adequate support to the RO.
- I helped the RO on the Sunday with check counts on several of the Leeton booths and I understand there were concerns with booths running out of ballot papers and staff from Narrandera ferrying papers between Leeton booths before they ran out. John Batchelor or Ken Murphy would be able to confirm this.

3. Corowa Shire Council

Problems experienced were not major, except the cost, but included -

- The cost. In regard to this they issued correspondence saying they had met with Council and we were happy with the cost, which was not true.
- The distrust of Councils and having the election process removed from Council for transparency reasons, yet had us run the pre-polls.
- Ran out of pre-poll declarations, we had to photo copy.
- Candidate information did not come in one lot - arrived at different times.

4. Leeton Shire Council

In regard to problems with the Election, the major one that I have been made aware of is the fact that the deposits have still not been returned to the Candidates who are eligible for refunds. They are not happy about the time delay compared to the 2004 Elections.

5. Urana Shire Council

- *The review of ward boundaries which was undertaken in anticipation of the election was a debacle, and it was only the direct intervention of this office which prevented a considerable proportion of "B" ward voters from being disenfranchised.*
- *Resulting from the involvement of both the Returning Officer and the General Manager in conduct of the election, a considerable amount of time was invested by the latter in assisting candidates to understand their information packages, prior to payment of election deposits and submission of nominations.*
- *Whilst the Returning Officer was ultimately in charge of the election, a substantial amount of staff time was required to assist in the various processes, including pre-poll and postal voting.*
- *The cost of statutory advertising is totally outrageous and made more so by the fact that the Urana Shire, because of its particular geographics, requires to advertise in both the Wagga Advertiser and Border Mail.*
- *Because the Returning Officer was based in Wagga, there was some concern on the part of local electors when their enquiries were directed to the Returning Officer, rather than being dealt with at the Shire Office.*
- *Numerous other minor matters which arose during the election process, which served to irritate and annoy.*
- *The inordinate delay in declaring the poll and in refunding election deposits. (Have they been refunded yet?)*

6. Balranald Shire

- *Council's account for the election is 50% higher than the original estimate provided, even though the estimate was provided prior to the decision to share a Returning Officer between seven Councils.*
- *In 2004 Council had a polling place at Hatfield approx 100km north of Balranald. Due to the limited number of votes at the location it was decided not to have a polling place for 2008. Yet the Electoral Commissioner unilaterally decided to send two people from Broken Hill to Hatfield over 450km each way for a 3 hour pre-poll. – The Returning Officer was not consulted. The Deputy Commissioner refused to reconsider this decision.*
- *Council did not receive a visit from the Returning Officer, despite advice from the Electoral Commissioner that every Council had been visited by their RO's*
- *On the positive side our Returning Officer was helpful, courteous and prompt.*

7. Hay Shire Council

- *Results were slow with final count completed late on Tuesday 16th. When council conducted elections results were always known same evening.*
- *Mobile booth from Broken Hill called at Maude and allegedly did not stay for advertised time.*

8. Carrathool Shire Council

- *As Carrathool did not have a contested election, I can't give examples of problems on polling day.*
- *I was disappointed that anticipated savings in Council staff time and advertising costs did not occur. For example, having to fax draft advertisements to the Returning Officer (RO) for approval, submit to the media, then fax draft ad and costs supplied by media to the RO and then fax copies of printed newspaper ads was more time consuming than if we had to do it*

ourselves. Council was still responsible for all statutory advertising - so NSW Electoral Commission advertising is an additional expense for us.

- *I also believe that we were very fortunate in having the Ken Murphy as our Returning Officer and that there would have been far more problems without his knowledge, common sense and expertise in local government.*

9. Murray Shire Council

- *In relation to the conduct of the recent Local Government elections, Murray Shire has not been satisfied with the cost of the election. This is well documented in company with almost all Councils.*
- *The voting instructions were vote 1 to 5 which was misleading for electors. They could have voted 1 to 12.*
- *It seems that postal votes were not processed efficiently with some being received after the election.*
- *In addition Murray Shire Council is of the view that a new system of compulsory postal voting should be introduced as in Victoria.*

10. Murrumbidgee Shire Council

- *The only issue I had with the EC was the time taken to finalise the count – took 5 or 6 days to count 1500 votes.*
- *My only real issue is with the statements of the EC in relation to the apparent inefficiency and corruptness of General Managers and other senior Council staff.*

11. Albury City Council

- *AlburyCity Council has a number of concerns regarding this matter primarily the excessive costs associated with the election and secondly, the time taken to count the votes as it was not able to have its declaration of those elected until 21 September 2008.*
- *In the case of Albury, the cost of the election process in 2004 was some \$79,000 of which \$40,000 was paid to the Electoral Commission whereas in 2008 the costs paid to the Electoral Commission were \$224,500.*
- *Council is anecdotally aware of a number of problems experienced by candidates in relation to the electoral process and matters relevant to their candidacy.*

RAMROC suggestions for consideration by the State Government for conduct of future Local Government Elections

At RAMROC's 25th February 2009 meeting, it was resolved to propose to the State Government that prior to the 2012 Local Government Elections, that the Government commission an independent and comprehensive study into the method of future LG Elections and the conduct thereof, including the following:-

- ***That the system of Postal Ballot be investigated as an option, as already exists in Victoria, Tasmania and possibly other States. If found to offer positive advantages, each Council and/or perhaps its community via referendum could be given a discretion to either retain the existing system or to move to the Postal Ballot system;***

- ***That the question of Group Voting be further investigated, as this has been found to be extremely unpopular, unnecessary and causing considerable candidate and elector confusion in many Council areas. One option might be that communities be given the power to decide by referendum whether Group Voting should apply or not;***
- ***That investigations be made into the potential for the actual election conduct to be opened to contestability, as distinct to the present situation where the Electoral Commission is legislated to conduct the process, which has resulted in a monopoly situation, with Councils being forced to accept and pay whatever price is determined.***

In relation to the potential for adopting a Postal Ballot system, a preliminary comparison of costs between NSW Councils along the Murray River border with the neighbouring Councils on the Victorian side indicates the potential for significant cost savings, ostensibly in the order of around 30%. As mentioned previously, some comparisons with northern Victorian 2008 election costs are set out in Appendix 2.

In fact, the NSW Electoral Commissioner Colin Barry, who was formerly the Victorian Electoral Commissioner, has indicated that he made a presentation in 2005 to the NSW Local Government and Shires Association based on the system used in Victoria which he had administered, but he advises that "this option was universally rejected" (presumably by the LGSA Executive at the time, but for reasons unable to be ascertained).

You will note in the resolution dot points 1 and 2 above, that RAMROC is suggesting that communities be given the right to decide by each council or by public referendum the system of voting and also a discretion as to whether to apply group voting. A comprehensive study into these matters would provide communities with an analysis as to the relative advantages or disadvantages of the options involved.

Conclusion

RAMROC Councils are dissatisfied with both the cost of Local Government elections, as well as the "on the ground" conduct of the election processes, particularly delays now experienced in counting and declaration of final results. The lack of opportunity for scrutineers at the count is also an issue for country councils.

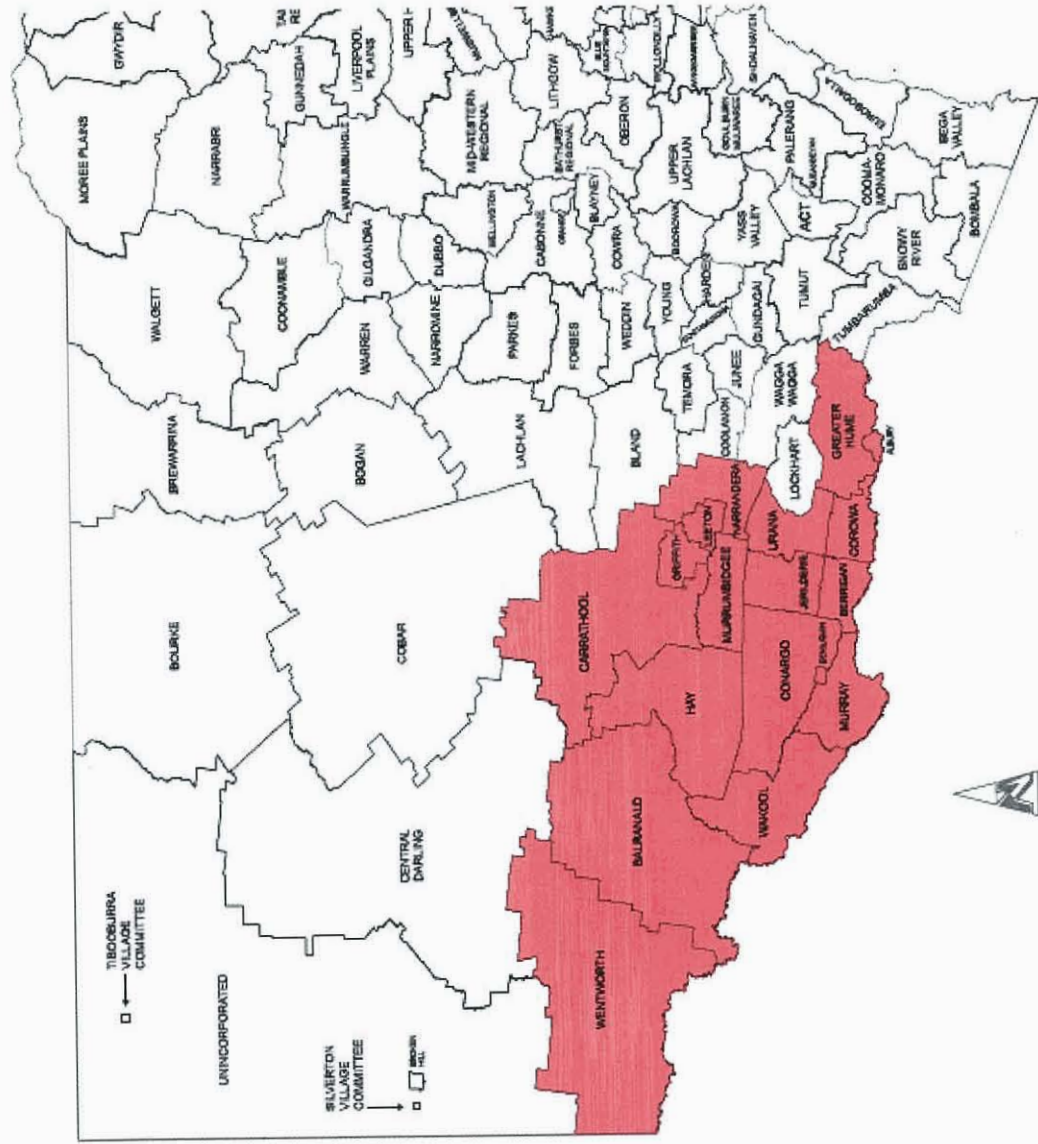
RAMROC Councils believe that a comprehensive study should be undertaken into options for future LG elections, both in regard to the prescribed methods of elections and also the potential for contestability for the conduct of the election process itself.

RAMROC would be pleased to address the Standing Committee in relation to the matters set out in this submission.

Yours faithfully,



Ray Stubbs
EXECUTIVE OFFICER



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RAMROC Councils, NSW

Total Area 126,595 sq km - Total Population 163,817

<u>Population</u>	
Albury	48,629
Balranald	2,546
Berrigan	8,337
Carrathool	2,911
Conargo	1,743
Corowa	11,454
Deniliquin	7,715
Gr.Hume	10,167
Griffith	24,867
Hay	3,535
Jerilderie	1,711
Leeton	11,742
Murray	6,699
Murrumbidgee	2,607
Narrandera	6,233
Urana	1,305
Wakool	4,530
Wentworth	7,086

RAMROC SCHEDULE OF 2004 AND 2008 ELECTORAL COSTS

COUNCIL	2004 ELECTION COSTS		
	Electoral Commis	Other Council	Overall Costs
Albury City	30636	49233	79869
Batmans Shire	7145	10506	17651
Berrigan Shire	8885	10081	18966
Carrahoor Shire	6973	14906	21879
Corang Shire	4000	0	4000
Corowa Shire	12006	17021	29027
Deniliquin Council	8679	10682	19361
Greater Hume Shire	26954	24304	51258
Griffith City	14752	34886	49637
Hay Shire	7119	4363	11482
Jerilderie Shire	7739	10261	18000
Leeton Shire	18000	16000	34000
Murray Shire	7682	11965	19627
Murrumbidgee Shire	6184	3386	9570
Narrandera Shire	7793	10817	18610
Orana Shire	5005	8383	13388
Waikool Shire	6578	15469	22047
Wentworth Shire	10170	28781	38951
TOTALS	195280	281953	477333

Notes

1. Griffith City 2006 bi-election 64198 8632 72830
2. Murray Shire 2007 bi-election 23892 6764 30656
3. 2008 Carrahoor Shire costs include \$9K for GIS Ward Boundaries
4. Greater Hume Shire - no detail of initial EC estimate for 2008 - \$50K is a ball park figure
5. Greater Hume Shire 2005 bi-election 18700 16930 35630
6. Wentworth Shire 2007 bi-election 28129

Northern Victorian Councils Postal Ballot System - estimated cost per elector

Wodonga City
Indigo Shire
Towong Shire
Campaspe Shire
Moirs Shire
Swan Hill City
Gannawarra Shire
Rural City of Mildura

ESTIMATED FOR 2008

Elec.Com	Elec.Com	Council	Overall	No. of	EC Cost
Initial est	May est	Costs	Costs	Electors	per Elector
226000	224200	0	224200	32,102	\$6.98
11300	15400	13200	28900	1,594	\$9.65
40500	51700	1000	52700	5,799	\$8.92
13400	22100	24000	46100	1,915	\$11.54
8500	22600	1000	23600	1,181	\$19.14
58800	59600	3000	62600	8,029	\$7.42
37500	45000	5000	50000	5,321	\$8.46
50000	63200	3000	66200	6,883	\$9.05
110200	137000	5000	142000	15,607	\$8.78
16400	18400	1500	19900	2,246	\$8.19
8500	13000	5000	18000	1,195	\$10.87
55000	62500	10000	72500	7,301	\$8.56
31200	41300	2100	43400	4,642	\$8.90
11400	15300	4000	19300	1,550	\$9.87
31000	34700	1000	35700	4,321	\$8.03
6400	13600	9000	22600	875	\$15.54
21000	34700	4000	38700	2,926	\$11.85
29500	60700	5000	65700	4,262	\$14.24
753400	\$35000	96800	1031800	107,850	\$8.67 (average)

EO Cost

Estimate

124,000
85,000
54,450
130,000
120,000
TBA
68,288
154,895

Population

25,331
12,409
5,416
30,000 (est)
22,477
TBA
9,014 (est)
35,906