

**Submission
No 36**

INQUIRY INTO 2008 LOCAL GOVERNMENT ELECTIONS

Organisation: Tamworth Regional Council

Name: Mr Stephen Bartlett

Date Received: 13/05/2009

Ms Cherie Burton MP
Chairperson
Joint Standing Committee on Electoral Matters
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Ms Burton

ADMINISTRATION AND CONDUCT OF 2008 NSW LOCAL GOVERNMENT ELECTIONS

Ref: *SMB/AMK SF3310*

Council has directed me to make a submission to the *NSW Parliament Joint Standing Committee on Electoral Matters* enquiring into the conduct of the New South Wales 2008 Local Government Elections.

Council's submission will address the following issues relating to the conduct, cost and administration of the 2008 Tamworth Regional Council Local Government Elections.

- 1 Election Cost Shifting;
- 2 Cost of 2008 Tamworth Regional Council Elections;
- 3 Voting Services;
- 4 Election Efficiency and Effectiveness;
- 5 Election Information and Communications;
- 6 Voter Disability Access to Returning Officer; and
- 7 Accuracy of the Election Rolls.

1 Election Cost Shifting

Council is aware that the New South Wales Electoral Commission ("NSWEC") is required by law to conduct elections every four years for New South Wales Local Government and that each council is required by law to pay the costs associated with their respective Elections.

Council acknowledges that the conduct and administration of New South Wales Local Government elections is logistically a large scale project which must be effectively and efficiently managed by the NSWEC. Given Council's legal obligation to pay the costs of the 2008 Tamworth Regional Council Local Government Elections, Council is prepared to pay fair and equitable actual cost based on a methodology which attributes only the actual and variable election costs generated from the NSWEC's legal obligation to conduct the Elections.

All correspondence should be addressed to the General Manager:

Telephone: 6767 5555

PO Box 555 (DX 6125)

trc@tamworth.nsw.gov.au

Facsimile: 6767 5499

Tamworth NSW 2340

www.tamworth.nsw.gov.au

In Council's view, the costs attributed to the 2008 Tamworth Regional Council Election by the NSWEC are:

- (i) An example of Cost Shifting in the extreme;
- (ii) Blatantly excessive;
- (iii) Overpriced;
- (iv) Loaded with costs that would not be sustainable in a non monopolistic competitive environment; and
- (v) Arguably, deliver bureaucratic inefficient and ineffective processes and practices as an outcome.

Excessive costs are cloaked behind and justified by the statutory role and *corporate values* of the NSWEC to exercise *impartiality in the conduct of* (Local Government) *elections to gain and keep the confidence of the community and our clients* (Local Government); and *respect for community needs to ensure equal access to democracy*.

It is difficult if not impossible for Council to clearly prove these claims because the NSWEC Election costing regime and methodology is not open, transparent and subject to public scrutiny. Council is strongly of the view that the Independent Pricing and Regulatory Tribunal (IPART) be commissioned to undertake a detailed and comprehensive Inquiry into the conduct, administration and cost of the 2008 New South Wales Local Government Elections. Council contends that only IPART is sufficiently independent and appropriately qualified to undertake such an Inquiry.

Council is aware that the NSWEC commissioned a review of Local Government Election Pricing by Walter Turnbull. However, in the view of the Local Government sector, the review lacked independence, transparency, credibility and integrity and produced farcical and predictable recommendations supporting the costing regimes and structures adopted by the NSWEC.

2 Cost of 2008 Tamworth Regional Council Elections

The NSW Local Government and Shires Associations have compiled a 2008 Local Government Elections Cost Summary which identifies costs that in Council's view are unfairly and incorrectly attributed to Local Government. For example, their appears to be full cost recovery of **all** areas of election service delivery yet additional and substantial costs have been charged for *Administration, Information Technology and Election Information Services*. Such costs appear to be a classic and blatant example of shifting the fixed costs of the NSWEC to the Local Government Sector.

Council's *policy* position in relation to its legal obligation to pay the cost of the 2008 Tamworth Regional Council Local Government Elections is that Council will embrace the ratepegging regime adopted by the NSW Government and embodied in the provisions of section 560 of the *Local Government Act* 1993. As an outcome, Council will only pay a maximum cost for the 2008 Elections calculated on the 2004 Election cost of \$182,116 plus the accumulated percentage increase in general rate income (ratepegging) from Ordinary Rates, Special Rates and Annual Charges allowed by the State Government for 2004/2005 (3.5%), 2005/2006 (3.5%), 2006/2007 (3.6%) and 2007/2008 (3.4%) financial years.

When applying Council's *policy* position to the 2008 Election costs, the calculation equates to \$208,982. Council recently received advice from the NSWEC that that actual cost of the 2008 Election is \$234,740 representing an increase of \$52,624 or 28.9% over the 2004 Elections. As an outcome of Council's *policy* position, the NSWEC has been paid the sum of \$208,982 leaving an unpaid balance of \$25,758 despite requests for payment by the NSWEC.

It is worthwhile noting that the accumulated maximum rate increase permitted by Councils under the ratepegging provisions of *the Local Government Act 1993* for the four (4) financial years since the 2004 Local Government Elections is 14%. However, the cost increase for 2008 Election for the same period is just over twice that amount at 28.9% - hardly democratic and fair.

3 Voting Services

The 2008 Tamworth Regional Council Local Government Election held on 13 September 2008 was contested by 18 candidates for 9 positions to be elected as Councillors for the 2008-2012 Term. Notwithstanding both the relatively low number of candidates contesting the Election and the equally low number of positions to be elected, the Election Result was not known until 24 September 2008, 11 days after the election date.

Council and the community reasonably expected a much earlier result given the simplicity of the ballot paper and the relatively low number of candidates contesting the election.

In Council's view, votes were not counted in a timely manner and there were considerable delays in posting election progress information on the NSWEC website. Overall, administration of the election was inordinately and unreasonably slow compared to the time frames taken and recorded for an election result when the administration of Elections was the responsibility of Local Government and individual Councils.

Council is appreciative that votes recorded in the election were counted in Tamworth and not in a central tally room located in the Sydney Metropolitan Area which in itself would have resulted in further delays to the election result not to mention the inconvenience that would have been caused to candidate scrutineers.

4 Election Efficiency and Effectiveness

Council seriously questions the overall efficiency and effectiveness of the conduct of the 2008 Tamworth Regional Council Local Government Elections. Council was satisfied with the performance of the Returning Officer but dissatisfied with the office accommodation for the Returning Officer.

The choice of location of Returning Officer's office accommodation and pre-polling services was a very poor selection. The location did not provide for effective public access and Council received a number of complaints from the public and election candidates about the lack of proximity parking, poor public access and the lack of space at the front of the office accommodation for candidates to campaign for pre-poll votes.

Space was available and offered to the NSWEC within the Council's Tamworth Administration building which was a more central, accessible and higher quality accommodation than that which was selected. However, the offer was not accepted to the overall detriment of the efficiency and effectiveness of the Election.

5 Election Information and Communications

The local print and electronic media coverage of the progress of the Tamworth Regional Council 2008 Election relied heavily upon access to up to date electoral information from the NSWEC website. Unfortunately, this was not possible due to considerable delays experienced in posting election progress information and the time taken to announce election results on the NSWEC website.

To reiterate previous advice, overall, administration of the election was inordinately and unreasonably slow compared to the time frames taken and recorded for an election result when the administration of Elections was the responsibility of Local Government and individual Councils.

The delays would have been exacerbated if the 2008 Tamworth Election count had been undertaken in the Sydney Metropolitan Area.

6 Voter Disability Access to Returning Officer

It is acknowledged that disabled parking was provided at the front of the office accommodation for the Returning Officer, however, it was difficult for motor vehicles to manoeuvre into the disabled car spaces, vehicular access was across the footpath causing conflict with passing pedestrians, voters and members of the public accessing the Election Office and candidates campaigning for pre-poll election votes.

The Election Office was located in a very busy location of the Tamworth Central Business District heavily trafficked by pedestrians and motor vehicles where the demand for and occupation of both on-street and off-street parking was at a premium.

Without doubt, there were much better choices available for office accommodation for the Returning Officer and Election Staff.

7 Accuracy of the Election Rolls

Council received anecdotal advice that there were an unacceptable number of errors in the 2008 Tamworth Regional Council Election Rolls. Council has no evidence of whether voters were disadvantaged by the roll errors, only the NSWEC would know the impact on the democratic rights of voters caused by the errors.

Council thanks you for the opportunity to make a submission. Council's comments are intended to be constructive and contribute to a just and fair outcome for Local Government.

Yours faithfully



Glenn Inglis
GENERAL MANAGER

Contact: Stephen Bartlett [REDACTED]

13 May 2009