

## **2012 LOCAL GOVERNMENT ELECTIONS**

**Organisation:** Penrith City Council  
**Name:** Mr Glenn Schuil  
**Position:** Senior Governance Officer  
**Date Received:** 8/02/2013

Our Ref: 3908899  
Contact: Glenn Schuil  
Telephone: 4732 7856

8 February 2013

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

Dear Sir / Madam

The Mayor, Councillor Mark Davies has asked me to reply to your letter of 20 December 2012 regarding the establishment of a Committee to look at electoral matters relating to the 2012 Local Government Elections.

I will sequentially address the Terms of Reference of the Committee:

**(a) The costs of the election**

The total cost to the Council for the conduct of the 2008 local government election that was managed by the NSW Electoral Commission (NSWEC) was \$627,000. It should be noted that this cost did not include the cost of the Council's staff assisting the NSWEC in the conduct of the election.

Based on the assumptions that the NSWEC advised Councils prior to the Council election, staff was estimated that if the NSWEC managed the Council's election the cost would be \$713,000. It is estimated that the Council's costs were \$560,000, so we achieved a saving of approximately \$153,000.

The Contractor was required to pay payroll tax for the recent Council Elections, and it is understood that this is not a requirement for the NSWEC. For comparison purposes, it appears that the NSWEC figures should be adjusted to reflect the payroll tax that the Contractor paid so that both costs are on a level playing field.

**(b) The experience of councils that conducted their own elections;**

The Councils that conducted their own election in 2012 had a meeting organised by the Local Government & Shires Associations of NSW on 14 November 2012 to discuss the outcomes of the 2012 Council election. At that Meeting the Minister for Local Government, the Hon Don Page MP was also present to listen to the experiences of the Councils that conducted their own elections.

The Council representatives that attended this meeting advised that managing their own elections, for the first time, was a success. As highlighted in Item 1 above, Penrith City Council saved approximately \$150,000 compared to the estimated figure of \$713,000 had the NSWEC conducted the Councils election last year. Savings were achieved by all Councils that conducted their own elections.

Apart from the tangible financial savings, the Council is of the opinion that by conducting the election locally we were able to appropriately cater to the community in a range of matters, including: increasing the number of Declared Institutions that were used during the election; Council's staff were able to take a holistic approach to

the location and staffing requirements of the Polling Places used; the ability on Election Day to appropriately staff the Returning Officer's Office so that we were able to respond to the needs / requirements of Polling Place Managers; Council's staff were able to liaise with the Returning Officer and give the Returning Officer a greater level of local support and local knowledge.

The Council was fortunate that our Contractor, the Australian Election Company sourced for us an experienced Returning Officer to manage the Council's election process. The feedback that the Council received from the Candidates for the election was that the Returning Officer was professional and that he was knowledgeable with all facets of the election process. Additionally, some candidates have advised that they believed that the Council election that was held in 2012 was better managed than the election that was held in 2008.

**(c) Possible legislative changes to improve the efficiency of and participation in Local Government elections;**

One of the issues that arise during local government elections is the fact that there is no absent voting permitted in local government elections. The community are often confused, notwithstanding information that is provided, that advises that there is no absent voting at local government elections.

There was a large percentage of the community that received a failure to vote notice from the NSWEC. It is understood that there are a range of reasons why people did not vote at local government elections, but the inability to cast an absent vote may disenfranchise an element of the community. In Federal and State elections members of the public are able to vote absentee, and people get frustrated at Polling Places when they are advised that they are not able to vote absentee.

Voters were able to apply on-line to the NSWEC website for a postal vote. Because of the wording of the legislation, voters were unable to apply on-line to the Council's website for a postal vote. To increase efficiencies, it is suggested that Clause 314 (4) (c) of the Local Government (General) Regulations 2005 be amended so as not to be prescriptive as follows "by completing the electronic form on the Electoral Commissioner's website". It should say on the "Electoral Manager's website".

**(d) Non-residential voting in Local Government elections;**

Records that we have maintained reveal that there is limited interest in non-residential voting within the Penrith local government area. In the 2008 local government election we received three requests for persons to be on the Council's non-residential roll. In the recent 2012 local government election, this number increased to seven.

One issue that needs clarification with respect to persons wishing to be on the non-residential roll is the Form that people are required to complete. The Form (127) is confusing and needs to be better worded.

Attached are suggestions for amendments to the Form:

**Section 1 – Applicants claim for enrolment**

Amend residential line to include an area for a Postcode.

Delete the section to state which ward they wish to be enrolled in – this causes confusion amongst people just wanting to be on the roll as opposed to those that want to run as a candidate in a Ward different to the address of the subject property.

## **Section 2 Nomination of Elector – 2<sup>nd</sup> box**

If the owner/s is a corporation make a note that they must submit a company search indicating who the Directors are.

On the residential line make provision to include Post Code.

After the words “as an elector of the ward” add “where the property is located”.

Put a note under \* Please provide copy of lease to substantiate claim for continuous occupation or requirement to pay land rates.

Under signed/sealed section provide space for signatories to print their name – if 2 or more people own the property how can you distinguish the signatures against the names of the owners?

Under Signed/seal line make provision to include an Email address and phone number – if there is an error on the form and the person has a silent phone number or is not in the phone book how do you contact them in a timely manner?

## **Section 3 – Statement of witness**

After witness name include (Please print).

### **Footer**

Before the word “Processed” make a provision for the words “Received and Name – Received and processed may occur on different days and by different people.

After the word “Processed change initials to “Name”.

## **Page 2**

For Councils with Wards - Make a note that the person must be on the NRR for the Ward in which the property is located.

### **(e) The impact of requirements under the Election Funding, Expenditure and Disclosures Act 1981 on participation by candidates in Local Government elections and possible legislative changes to remove any barriers to participation; and**

During training that was organised by the Election Funding Authority (EFA) prior to the election it became clear that the obligations and responsibilities of candidates with respect to completing forms etc for the EFA were onerous. We believe that the stringent administrative requirements are a deterrent to individuals seeking to contest local government elections.

### **(f) Any other related matter.**

Council officers met with staff from the NSWEC prior to the local government election for the purpose of clarification of the assistance that the Commission would provide to those Councils that did not engage the NSWEC. Initially, the Council was keen to use a combination of both the NSWEC as well as our own internal resources

to manage the election in 2012. However, the NSWEC made it clear from the outset that it would not entertain a partnership arrangement with Councils for the conduct of the local government elections. The approach of the Commissioner from the NSWEC was "an all or nothing approach" as far as their level of assistance for the Council's election. Given the stance taken by the NSWEC the Council had no option but to look at other options that were available.

Penrith City Council, like a number of other Councils who used the AEC to conduct their election in 2012 made this decision for a number of reasons. In Penrith City Council's situation, this decision was made based on the conduct by the Commission in 2008 as well as financial savings that were estimated to be made by using a Contractor.

During the conduct of our election there was a general lack of co-operation from the NSWEC to the Council's Returning Officer and to the Council officers. Council's staff are aware that the Commission advised their Returning Officers not to assist Returning Officers who were engaged by individual Councils. Having said that at an Officer level, we did receive assistance from staff from the NSWEC.

Councils that managed their own election are required by Clause 393 A of the Local Government (General) Regulation to provide a written report to the Minister for Local Government on the conduct of their election. It is considered that this additional requirement on Councils that did not engage the NSWEC is unfair, as the Councils that used the NSWEC are not required to complete such a report.

In the near future we will provide both the Minister for Local Government and the Council with a Report on the conduct of the Council's election for 2012. It might be in the Committee's interest to access a copy of these documents. In the event that further information can be provided to assist the Committee please do not hesitate to contact Glenn Schuil, Senior Governance Officer on 4732- 7856.

Yours faithfully



Glenn Schuil  
Senior Governance Officer