

The Hon Dr Peter Phelps MLC  
Chair  
Joint Standing Committee on Electoral Matters  
Parliament House  
Macquarie Street  
SYDNEY NSW 2000

**Subject: Inquiry into preference counting in local government elections in NSW**

Dear Dr Phelps

Canterbury Bankstown Council is pleased to provide a submission to the inquiry into preference counting in local government elections. We note the terms of reference and make our submission in accordance with these terms.

*That the Joint Standing Committee on Electoral Matters inquire into and report on:*

- a) *The current system of 'random selection' in counting of preferences in local government elections*

Council notes that all first preference votes are counted in full in NSW local government elections. However, the NSW Electoral Commission distributes preference votes by choosing a random sample of ballots from the elected candidates pile, and then uses an algorithm to extrapolate the results from the random sample to the continuing candidates.

Random selection is used, in accordance with the Local Government (General) Regulation, to determine the results for candidates who did not achieve a quota in the first round of counting. Council recognises that the random selection method in counting of preferences does not ensure there will be fairness to all candidates in the election process, especially in circumstances where the number of votes between candidates is very close. Recent independent studies have shown that the wrong candidate may have been elected in at least two closely contested Council elections.

- b) *Whether the system delivers fair results in all cases for candidates*

Council recognises that random sampling selection in the counting of preferences may effect the result of an election where all preferences are not counted. Under the random sampling method, some votes that have allocated preferences are discarded, and the preference choices on these votes are not counted. Also, it may eventuate that the sample taken for counting does not appropriately represent the flow of preferences and could distort results. It is noted that some States and the Senate used random selection counting of preferences for elections but ceased this practice when it realised that random selection counting could be influencing the results of elections.

A further issue that has been identified with preference counting in NSW local government elections is that the NSW Electoral Commission does not release details of the code that it uses for counting votes. Electoral Commissions in Victoria and the the ACT make this information available to members of the public. Council is of the view that the release of the code by NSW Electoral Commission would provide greater transparency and increase understanding of the counting process.

*c) Whether there are any alternative methods of ballot counting which could produce more accurate preference flows*

Counting all preference votes until a quota is reached for the number of elected candidates required would produce more accurate preference flows. However, Council recognises that this method would require the allocation of additional resources to undertake the count, and therefore increase the cost of elections for Councils. It may also delay the declaration of the poll.

Council recommends that the current system of random selection in the counting of preference votes continue. However, in circumstances where the difference between the number of votes for continuing candidates is less than 5%, Council supports a full preference count be taken until the quota for the election of the candidate/s is reached.

*d) Any other related matter*

There are no other related matters that Council wishes to raise.

Thank you for the opportunity to make a submission on this matter. Should you require further information, please contact our Director Corporate, Ken Manoski on [REDACTED]

Yours Sincerely

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Matthew Stewart  
**GENERAL MANAGER**