

CORRECTED TRANSCRIPT

REPORT OF PROCEEDINGS BEFORE

**JOINT STANDING COMMITTEE ON ELECTORAL
MATTERS**

INQUIRY INTO 2008 LOCAL GOVERNMENT ELECTIONS

At Sydney on Thursday 27 August 2009

The Committee met at 10.00 a.m.

PRESENT

Mr R. A. Furolo (Chair)

Legislative Council
The Hon. J. A. Gardiner
The Hon. D. T. Harwin
Ms Lee Rhiannon

Legislative Assembly
The Hon. D. Beamer

CHAIR: Good morning, I apologise for the brief delay in getting the proceedings underway. Welcome to the Joint Standing Committee on Electoral Matters public inquiry into the 2008 local government elections. This is the Committee's second hearing as part of the inquiry into the 2008 local government elections including the cost of these elections. The Premier, the Hon. Nathan Rees, MP, referred this inquiry to the Committee on 2 March 2009. The Committee is conducting this inquiry pursuant to its standing terms of reference. Section 21AA (2) of the Parliamentary Electorates and Elections Act 1912 provides that the Electoral Commissioner has responsibility for administering this Act and the provisions of any other Act as they relate to the enrolment of electors, the preparation of rolls of electors and the conduct of elections.

Additionally, section 21AA (3) of the Parliamentary Electorates and Elections Act provides that the Electoral Commissioner has the functions conferred or imposed on him by any other Act. Chapter 10 part 6 of the Local Government Act 1993 confers upon the Electoral Commissioner additional functions for the purposes of conducting local government elections.

I thank all the witnesses for appearing today before the Joint Standing Committee on Electoral Matters as well as those individuals and organisations that have made submissions to the inquiry.

ROBERT HOGAN, Divisional Manager, Governance, Administration and Executive Support, Waverley Council sworn and examined:

CHAIR: The Committee has received a submission from your organisation. Do you wish that submission to be included as part of your sworn evidence?

Mr HOGAN: Yes, thank you.

CHAIR: Would you like to make an opening remark before questioning?

Mr HOGAN: Yes. I would like to say that we appreciate the opportunity to appear before the Committee. We accept that there is a role for the Electoral Commission in council elections but we are concerned that currently it is a very unequal arrangement. The Electoral Commission has the mandate to conduct the elections of councils and their communities have to pay the cost. We would like something a little more like a partnership where we contract with the Commission to provide specific services. The current arrangement means that the Commission makes decisions that may be good for them, such as central vote counting, but possibly not for council. We would like to see more "local" in the local government election process.

In relation to cost, like most councils we are concerned with the significant increase from the previous election to the 2008 election. We believe some of those costs are driven by decisions made by the Electoral Commission. We would like more information on what certain categories of costs are charged for by the Commission. We would also like feedback on items that council funded such as the central call centre. If we had better information about some of these things we could perhaps make changes for the next election. Looking to the future, we would like to work in a more collaborative way with the Commission to decide what is required and how it is to be provided.

CHAIR: Mr Hogan, I am sure you are not surprised that a number of the submissions that have been made to the Committee, and evidence received, have addressed the issue of costs. Some people have suggested an oversight of the manner in which the Commission charges councils, such as by the Independent Pricing and Regulatory Tribunal, as a way in which councils could have some confidence that costs are transparent. Another suggestion has been that council should have the right to choose who runs their elections on a contestability model, whether by the NSW Electoral Commission, interstate electoral commissions or private organisations. Are you aware of your council's view on this issue, or what is your own personal view?

Mr HOGAN: I do not think council has a specific view except that we are happy to have an independent person running the elections. I think our main concern is that we do not have a lot of input into what is provided and how that is charged. Obviously more information about how costs are arrived at perhaps determined by an independent body would be a good thing.

CHAIR: It is also being considered by the Committee that an independent review of the costs to council of the Commission's running of the elections should be undertaken. Is that something you think would give councils more clarity?

Mr HOGAN: I think that would be good. There is a range of costs that we have been charged and it is unclear what they are for. In our case the administrative costs make up a good percentage of the total cost and we just do not know what that is for. The decision to do a central vote count was a decision made by the Commission. We are not sure why that decision was made. As I said in relation to the call centre, council provided funding for the central call centre but again we got no feedback as to what the nature of the calls to that centre were, how many there were, which areas where they from? Certainly what we would like is a bit more information about how the costs are arrived at.

The Hon. DON HARWIN: Waverley is obviously one of the most geographically small council areas, certainly in the metropolitan area and across the State

Mr HOGAN: Yes.

The Hon. DON HARWIN: Obviously there is not a great deal of distance to travel to local polling stations. Nevertheless, do you think there might be some interest or advantage in moving to the situation we have in other states where there is the option of universal postal voting?

Mr HOGAN: Again I am not too sure what council's view would be but certainly that is an option. Just in relation to our area and the number of polling booths, that was in fact one of the issues that we raised with the Electoral Commission. Our councillors expressed a view that there was certainly one too many polling booths in each of our wards, which is basically four too many polling booths. The decision about the polling booths was made by the Electoral Commission despite our request not to have that many polling booths, and they made a decision that added cost to us in relation to the number of polling booths.

The Hon. DON HARWIN: Were there any significant delays at the polling booths that were reported?

Mr HOGAN: I am not aware of any delays. Again, we had a fairly lengthy discussion with the Commission about where our central polling place was to be. They in fact wanted to put it at Bondi and we wanted it at Bondi Junction, which is really the transport node for our area. So again it is back to that local thing that we really want to make decisions about some of those things rather than having them dictated by the Commission about where things should be.

CHAIR: What was the process for consultation between the Commission and the council on the issue of polling places and the returning officer's office?

Mr HOGAN: In relation to polling places, the Commission had a list of what they recommended as polling places. We spoke to our councillors about that. The councillors supported a number of them but certainly they said there were more than what they thought necessary. We went back to the Commission. The Commission made some changes in relation to locations but certainly not to the number of polling booths. So there was consultation but at the end of the day our request to have less certainly did not hold a lot of sway.

CHAIR: Was the returning officer's office ultimately located in Bondi or Bondi Junction?

Mr HOGAN: In Bondi Junction. We actually provided the accommodation for the electoral officer, which was a cost saving to us. They are the sorts of things we would like to have more discussion about; where there are things that we can do that can save costs in running the election.

CHAIR: Do you think there was enough time for the negotiations of the polling places and the returning officer's office or was it a bit rushed from your point of view?

Mr HOGAN: The process for the returning officer's accommodation was fine—we do not have a problem with that. The process for the polling places I think started out with a reasonable amount of time, but the backwards and forwards really took up a reasonable part of that time. So at the end of the day we reached a stage where a decision had to be made and obviously the Commission made that decision.

Ms LEE RHIANNON: It seems curious that you were able to win a change from Bondi to Bondi Junction but not on the numbers. Were you given feedback? The Committee is getting comments that there seems to be a breakdown periodically in consultation. I am wondering why you won on one and not the other?

Mr HOGAN: I am not sure I have an answer to that. I think the logic in changing the central polling place from Bondi to Bondi Junction was simply that Bondi Junction is the transport node. Bondi Junction people shop on Saturday's at Bondi Junction, the buses, the trains—it is just the best location. The place we proposed also had the best access in terms of people with a disability. We just thought it was the best location. I guess we were fairly convincing about that. We were less convincing in relation to the polling places and the Commission's view was that they were the polling places they had used for the Federal and State elections and therefore they were the right places for the polling booths to be.

Ms LEE RHIANNON: Were they making a judgement that that was the number that was needed?

Mr HOGAN: That was their judgement. As I said, our councillors were not of the view that we needed that many polling places.

Ms LEE RHIANNON: Do you think there is an advantage in having the same polling place for each election so people actually remember where to go and are not confused? So they do not end up turning up at a church hall or something that is not a polling place?

Mr HOGAN: Obviously there is an advantage to that. I think if people go to the same places for Federal, State and local government elections that will make life easier; you do not have to remember where you need to go to vote. I guess it is just a question about numbers. We just think there were too many and that is a cost to us.

Ms LEE RHIANNON: Was it because of the cost factor that you wanted there to be less stations or you just did not think it was necessary?

Mr HOGAN: It was based on the view of our councillors that they thought there were too many and they were unnecessary. It was not really the cost thing that it was about but did we need this number of polling places? But associated with that is obviously a cost issue.

CHAIR: Could you elaborate on the issue you raised about the elector inquiry centre?

Mr HOGAN: The call centre?

CHAIR: Yes.

Mr HOGAN: I guess there are two issues in relation to the call centre. We have never received any information about how many calls they received, how many actually came from our area and what the issues were. So some sort of feedback would be very useful so if there are particular issues we can address them before the next election. Obviously all councils funded the call centre and I do not think anyone has received any feedback about the issues raised the call centre.

The other issue is we had a number of complaints from people who rang the call centre and could not get through. So the end result of that was that our call centre staff had to deal with those calls anyway. In a number of cases our call centre staff was able to deal with them because they were about local issues. Where is the polling place? Oh, it is opposite this, or round the corner from that, or whatever. So local knowledge was often very useful in answering those calls. I guess our view would be that not only were there difficulties getting through to the central call centre but they perhaps they did not have the information to deal with some of those questions that people in our community would have been asking.

CHAIR: Your submission also made some reference to the delay in the results of the count. Would you please elaborate on that as well?

Mr HOGAN: Yes. In previous elections the vote counting has been done locally and the poll has been declared very quickly. So virtually on the Saturday of the election we generally know who has been elected. What happened on this occasion was that the vote counting was done locally, then all the votes were transferred to a central voting facility, and it took some time for the final poll to be declared. People start to get little bit

anxious, particularly those that are a bit further down. Have they been elected or not? Do they want to have a recount? Again, we are not sure what the purpose of the central vote counting facility is, and again there is a cost involved in paying for that facility. If there is a good reason for it well that is well and good but it really has not been explained to us why it needs to be done that way.

CHAIR: Is there anything further you want to add, Mr Hogan?

Mr HOGAN: Just to again thank you for the opportunity to make our views known.

CHAIR: On behalf of the Committee I thank you for coming this morning and for your contribution.

Mr HOGAN: Thank you.

(The witness withdrew)

ROUNDTABLE: Operation of the Election Funding and Disclosures Act 1981

EDWARD ARTHUR (TED) CASSIDY, Mayor, Ashfield Municipal Council, 160 Liverpool Road Ashfield 2131, sworn and examined, and

MICHAEL JOSEPH SEWELL, Director, Business Services, Campbelltown City Council, 91 Queen Street Campbelltown, and

FRANCES KATHRYN (KATE) LAMB, Councillor, Willoughby City Council, P.O. Box 57, Chatswood New South Wales, affirmed and examined:

CHAIR: The Committee has received submissions from each of your councils. Is it your desire for those written submissions to form part of your sworn evidence?

Cr CASSIDY: Yes, it is.

CHAIR: Would any of you like to make some opening remarks?

Cr CASSIDY: Thank you very much. My councillors and my community welcome the opportunity to appear before this Committee. I have a number of issues I wish to raise. They are identified in our submission but one or two may not be. First and foremost the costs, the cost of the election—this is obviously something that has been of widespread concern throughout local government in New South Wales. When you have a situation where costs have risen from \$85,600 in the 2004 elections to in the vicinity of \$200,000 for the last elections, the Committee should take consideration of the fact that councils make their budgets and our budgets, particularly in the case of small councils like Ashfield, are very tight.

When you have an increase of the magnitude I have indicated from 2004 to 2008 it makes an incredible burden on our community and on our ability to deliver our services. Even though it may seem a small amount to you, every small amount is a big thing in councils like Ashfield Municipal Council. We are concerned about the transparency of how those costs came about. We would like to see a much more transparent procedure, a full breakdown of how these costs were arrived at. Ashfield council still has not been given a response to our request to pay these costs over two financial years as at May of this year. There seems to be a bit of complacency or lack of will to address those issues when it comes to our council.

There are a number of other issues I am concerned about. The administrative procedures leading up to the elections: The inconsistency of the electoral officer responsible, particularly in Ashfield, in relation to the way in which candidates' names were allowed to appear on the ballot papers. In one instance, a candidate—me—whose name is Edward was listed as Edward Arthur Cassidy on the roll. On the roll I am allowed to have my name Ted Cassidy. Another candidate who was listed on the roll as Vicki so and so was not allowed to use the word Vittoria, by which he was well known in the community. To me that was blatant discrimination aimed at confusing people who knew this candidate as Vittoria, and she was not permitted to add that name on the ballot paper.

Independent candidates were prohibited from having the word "independent" above the line to indicate the No. 1 candidate was independent. This means that people who were voting independent and were voting for Ted Cassidy would vote below the line and vote 1 Ted Cassidy, which many of them did—almost 50 per cent, I might add. That vote would be ruled as invalid because they did not vote for the required number of candidates. That could—it did not in my instance but it did in previous elections—result in independent candidates failing to be elected because their electors were not given full information as to the fact that they must vote 1, 2 or 3. If they were allowed to vote 1 above the line for that independent candidate the vote would be ruled as a valid vote. To me, that is blatant discrimination against independent candidates aimed at discouraging those candidates and aimed at ensuring, as far as possible, they do not get elected.

There was inconsistent advice on the how to votes that I produced in particular. I produced how to votes with words very similar to words used previously by a mayoral candidate in the 2004 elections. That advice was ruled invalid. At first it was ruled valid and the candidate—namely me—got the ballot papers printed. I had advice from the electoral officer, yes, that is okay. He rang in town and the officer there said okay. Two days later I was told that the ballot papers were invalid and I could not use the wording on those ballot

papers. To me that seems very strange. It indicates that people in the organisation, the Electoral Commission, are not fully trained or are confused or are not relying on precedent in that situation.

In another instance, a candidate nominated for election. On the nomination form the candidate states where they live. When it came to checking the roll subsequently, the candidate lived somewhere else. When this was raised with the electoral officer, the electoral officer shrugged his shoulders and said, "It is none of my business, take it up with someone else." That indicates there is not sufficient scrutiny of those people who are nominating. They are not being checked that they live in the area. If they do, they are certainly moving very fast and getting their names listed somewhere else very quickly.

In the case of property owners or companies who are allowed to nominate a person to represent them and vote, and also to nominate for council, that has been abused in our municipality. In two instances a property owner nominated a person to vote for them and subsequently they were allowed to stand for election. That is an anomaly in the roll. Those persons did not have any community association with the area—at least one did not, anyway—and no identity in the area, no commitment, no way in which the community could say it knew this person, yet those persons were allowed to nominate and stand for election. One was elected, I might add. That system was brought in years ago to allow for the situation in the city of Sydney where you had a huge proportion of property owners and companies owning properties. They were allowed to nominate people to vote for them and subsequently those people could stand for election. That system has been abused and that abuse should be addressed by this inquiry.

The election night: when you stand for election people put a lot of effort into getting elected. They have supporters who have expectations, supporters who work hard for them. They stand around on election night waiting for the votes to be counted. In the case of independents, they are totally disillusioned by the fact that their independent candidate has received so few votes because the votes were counted above the line only and not below the line. It was not until at least two weeks later that these people realised that their candidate has scored quite magnificent wins and huge votes. To me, that was aimed at deflating the ego of independents to discourage them from wanting to stand in the future. Again that highlights the fact you should have independents identified above the line on the ballot paper. Political parties are. If you want to vote Labor, Liberal, Greens or whatever party you are, you can have your name and your political party above. Independents, no, they are not allowed. Why? No-one has ever been able to tell me. I can only assume it is aimed at discouraging those people from standing for election.

There is also the situation where independents—and all candidates—are required to have an election agent. It is easy for the political parties; their election agent is the secretary of the party. With independent candidates the election agent has to be found. In my instance that person was my wife. That person has to do the course, pass the exams and then be accredited as the election agent. Once accredited as the election agent they have numerous forms to be completed, forms that have inconsistent or no advice as to what is the right way these forms are to be filled. A number of forms are filled in only to be returned days later saying you have marked the wrong one or you have done this or done that. It is bureaucracy gone mad, quite frankly. It is not simple; it is not easy. When it comes to electing people for public office you should have the simplest, easiest, most consistent and legal way in which these things should be done.

In Ashfield council the central polling place was virtually on the fringe of the Leichhardt municipality. It was in Haberfield. People living in Ashbury, people living on the other side of the municipality, had great difficulty in getting to that polling place. Public transport routes were not there. They had to get a lift there or they were disadvantaged in pre-polling. The location of the central polling place should have been much more thoroughly identified. I am sure—I know—there were places in the Ashfield central business district where the central polling place could have been located. It seems to me they were looking for the cheapest rent and that is what they found in the case of Haberfield.

I indicated the fact that there are too many forms and also the election agent requirements. I am very determined and very passionate about having some reforms made to the election procedures for local government. I do not want to see us go back to the pre-1987 situation where the town clerks, as the general managers were known at the day, were the election authority, the returning officers. I saw what happened in 1987 in Ashfield municipality, where the elections were absolutely rorted. Some person unknown to me placed every property owner on the roll and in doing so placed every property owner who was not an Australian citizen. In the case of an area like Ashfield with a high ethnic population and a large number of people are not Australian citizens—in the case of Haberfield, Italians—those people were placed on the roll. Once they were

placed on the roll—and they had never voted before—they were then sent a letter telling them that they must vote and if they did not vote they would be fined \$50 or whatever it was at the time.

So, they all went out and voted. Of course, who do you think they voted for? They voted for a candidate who reflected their ethnicity. That is exactly what happened. This was verified by the Electoral Commission with a subsequent inquiry and a subsequent check of the rolls, and the rolls were cleaned up for the 1991 elections. I do not want to see us go back to the pre-1987 system. I think the current system is good, where you have the Electoral Commission running the funding of elections, but the rules and the bureaucracy of it must be honed to a way in which it is community friendly and friendly for all people who wish to stand. We do not want a situation again, ever, where people are nominated with the intention by companies or property owners to stand for election when they have no community association with the area.

CHAIR: Thank you, Councillor Cassidy. Mr Sewell, do you wish to make some opening comments?

Mr SEWELL: Thank you, Mr. Chairman. Campbelltown City Council does support the independence of conducting an election. But Campbelltown City Council's submission was based on the cost of the election and the transparency of that cost. The initial numbers that were promoted to the council were an increase of over 200 per cent, making the total election costs over \$650,000. Subject to challenges by local government as a whole to the Electoral Commission, the overall cost of the election was \$450,000 of actual costs that were reported to the council. There were a number of factors within that break-up that was supplied by the Electoral Commission to a council that are not clear, and still to this day are not clear. We felt that there were a number of costs that we incurred that, subject to negotiation with the authority running the election, we could have avoided, and we felt that they were on the extravagant side.

The council, in considering the conduct of the election, was concerned regarding the political donations and there was a resolution by the council to put to the Electoral Funding Authority on political donations, that while those donations are required to be reported, the donations and the costs incurred by each candidate should be signed off and should be discharged. It is alleged that one candidate has not discharged the costs that he incurred in running his campaign. That candidate was not elected to the council, so there is no further action that the council can take. That is of some concern to the existing councillors regarding the reputation of the candidates who are nominating for local government election.

CHAIR: Thank you, Mr Sewell. Councillor Lamb, do you wish to make an opening statement?

Cr LAMB: Yes, thank you. I have the highest regard for our system of government and for the people such as yourselves who work within it, aiming as you do to advance the public interest. Therefore I thank you for giving me your valuable time this morning. It is for this reason that I come here today, to identify what I believe is a threat to the long-term health of the democratic system in New South Wales. Antony Green, in his submission to this inquiry, No. 39, has explained how the 12-month waiting period, grouping and naming rights above the line give advantage to members of registered political parties. Forcing independents into party-like arrangements, he believes these provisions to be unfair, and especially so for local government elections.

When I first stood for election in 1991, all I had to do was pay a deposit and stand by myself—an unambiguous independent. Now, as well as needing to find my running mates to get that box above the line, I have to find an official agent prepared to sit an online exam in order to, amongst other things, set up and operate a special-purpose campaign account. Despite the fact that these funds have been drawn from my own personal bank account, I am unable to access these funds once deposited. In the unhappy circumstance that I spend over \$2,500, I am then obliged to employ an ASIC-accredited auditor.

I have always funded my own campaign, and in this I am typical of independent candidates in local government elections. Whilst I understand the intention of the most recent changes to the Electoral Funding and Disclosure Act is to reduce dishonest and corrupt behaviour, these changes appear to further advantage those who, on the evidence, are most vulnerable to it, that is, members of registered political parties.

On the other hand, independents like Ted Mack, John Hatton and Peter Andren have immeasurably benefited the public image of elected representatives. Independents are not unpopular with the voting public; they have inspired others to think that a political life can be an honourable one—not unimportant at a time when trust in politicians has fallen, with one in five Australians saying that politicians had high levels of ethics and honesty in the 1970s and only one in 10 agree in the year 2000. Elected representatives in a healthy democracy should be broadly reflective of the diversity within its constituency. As a single indicator, the Department of

Local Government reports that, "The low proportion of female councillors in local government reflects the similar under-representation of women in both State and Federal parliaments."

In conclusion then, and recognising that it is not in a statistical sense normal to belong to a registered political party, I have to ask you whether, in a healthy, democratic system, there should increasingly be legislation to favour those who do. I respectfully suggest that objectives for a revised electoral system, or for a revision of electoral system legislation, should aim to firstly remediate the incidence of corrupt and dishonest behaviour by targeting measures to those who, on the evidence, are known to be vulnerable to it, and as a preventative measure to ensure that any further amendments redress the discrimination against candidates who are not members of registered political parties.

CHAIR: Thank you, Councillor Lamb. Our first question is to the elected councillors, regarding your experiences with the Election Funding and Disclosure Act. Do you wish to make any further comments in relation to the uniform disclosure threshold of \$1000, the six-monthly disclosure requirement, the requirement to have a separate bank account, and the requirement to have the appointment of an official agent?

Cr CASSIDY: It is far too onerous. Independent candidates are required to open a separate account for their funds and to identify where they come from. I have no problems at all with identifying where donations come from, but that is absolutely onerous for candidates. I think the figure was \$2,000. With anything over \$2,000, we had to have an accredited auditor—not just any auditor, but one accredited by the Australian Securities and Investments Commission. To find one of those is quite difficult, unless you are in the finance industry. That is something that was again aimed, I believe, at just placing a huge burden upon independents to verify their candidacy and their election.

With regard to the \$2,000, I am not sure whether it should be increased or not. But the way in which independent candidates are required to verify beyond all doubt, with auditors that are accredited by ASIC, is incredible. Do political parties have to do that? They probably do, but they have far more resources available to them. Whereas independent mums and dads—and that is what you have in most instances; mums and dads running a candidate for a very important community reason and objectives—have these very, very onerous requirements.

CHAIR: Do you think it is discouraging the independent candidates?

Cr CASSIDY: Yes, very much so, discouraging the independent candidates. I will predict that at the next elections, if these rules remain the same, there will be a dramatic decrease in the number of independent candidates.

CHAIR: Councillor Lamb, do you wish to comment?

Cr LAMB: Yes, I do. Could you run through the items again please?

CHAIR: The uniform disclosure threshold of \$1,000, the six-monthly disclosure requirement, the requirement to have a campaign bank account, and the appointment of official agents. You can throw into that mix the requirement for ASIC-endorsed auditors.

Cr LAMB: It has been laboured already. They are not only difficult to find—I do not have to, fortunately, because I do not spend that much. But they are expensive. In terms of the level of disclosures and the six-monthly disclosure requirement, I think my main concern is that this impost falls really unequally on independents, vis-à-vis, members of political parties. That is the consistent message I would like to have noted. As I said in my opening remarks, if the issue is about corrupt and dishonest behaviour, the measures should be targeting those who are known to be vulnerable to it. That is not independents. So to make things even harder, and answering your question, yes, these are gross disincentives to ordinary people standing for local government. I think the principle holds at State and Federal levels, but I do not want to go there. But in local government elections, people like to elect people who are like them.

CHAIR: Have either of you seen the submission by the Electoral Funding Authority in relation to this issue?

Cr LAMB: Yes, I have read it.

Cr CASSIDY: No, I have not seen it.

Cr LAMB: The poor chap, I feel very sorry for him. I did not realise, in fact, that it was not his fault, it was actually the legislation's fault. He has done a superb job in being upfront in letting yourselves and others know that in fact that is where the problem lies. I really do not want to lose my main message, and I believe my council's main message, because we are a staunchly independent council and have been for years. That main message is that the benefits of these successive changes have been to advantage people who are known to be vulnerable to corruption and dishonest behaviour, and they are a disincentive to people like me—ordinary people who will be reflected in the diversity within populations.

CHAIR: Thank you, Councillor Lamb. Mr Sewell, Campbelltown City Council's submission highlights what the council views as "the need to ensure that all candidates discharge electoral expenditure from electoral funding they have received", and further states that the council requests that "the declaration be made by all candidates that all electoral costs have been discharged". Can you clarify for the Committee what is being proposed?

Mr SEWELL: The proposal by the council is that a declaration be made by all candidates that the costs they have incurred in running the election have been discharged.

CHAIR: Whether they are elected or not?

Mr SEWELL: Whether they are elected or not. The allegation is that one of the candidates did not discharge his costs. Obviously, being a local election a fair amount of local discussion is taking place and the council is very uncomfortable with a candidate not discharging their costs when they were in fact incurred in running—

CHAIR: When you say discharging their costs, do you mean paying their bills?

Mr SEWELL: Paying their bills.

CHAIR: The candidate incurred costs in running the campaign but did not pay the bills?

Mr SEWELL: Yes.

CHAIR: It is the view of Campbelltown council that candidates should sign a declaration that they have paid their bills?

Mr SEWELL: That is the view of the council.

The Hon. DON HARWIN: Councillor Cassidy, I have a question in relation to the non-residential roll. You have stated fairly clearly your view that people who are on the non-residential roll should not be eligible to be candidates for local government elections in a particular municipality if they do not reside there. Have I got that right?

Cr CASSIDY: Yes, you have.

The Hon. DON HARWIN: You have also made some allegations about the non-residential roll back in 1987. The non-residential roll is maintained by councils, other than in the city of Sydney where it is maintained by the New South Wales Electoral Commission. Do you believe, given the concerns you have had in the past about the maintenance of the non-residential roll, that it is appropriate that councils retain that function, or should it be handed over to the New South Wales Electoral Commission as well?

Cr CASSIDY: I have no problem with the council continuing to run the non-residential roll. People have to apply to be placed on the non-residential roll, but very few people do. That enables property owners to vote. My concern is that the Electoral Act, the way it is framed, allows that person who is nominated to vote and to also nominate as a candidate. I accept a property owner's right to vote. A company can nominate somebody to vote, but should they be allowed to nominate somebody to vote and to be a candidate? That is where the anomaly lies. That is where you will have the ability for people with no residential or community association with the local government area to stand and be elected. I emphasise local government is local government, government by local people, not by people who are nominated from Western Australia, the Northern Territory,

Tasmania, Norfolk Island or wherever we have dominion status, if we have any dominions. You should not have that situation.

The Hon. JENNIFER GARDINER: Following up on that question, quite a number of our witnesses yesterday, including quite a few from non-metropolitan areas, strenuously put that they were unaware of any lack of integrity or examples of lack of integrity of general managers conducting polls in the past.

Cr CASSIDY: Sorry, what is the question? I have a bit of a hearing problem.

The Hon. JENNIFER GARDINER: Sorry. They were unaware in country areas of any lack of integrity with general managers conducting local government elections and some of them believed that we should consider recommending that general managers be able to conduct such polls again in the future. This panel seems to be saying that there is evidence in the metropolitan area going back some years where some integrity has been questioned and you therefore believe that the Electoral Commission should continue to conduct the polls. Is that a fair summation?

Cr CASSIDY: I believe the Electoral Commission should conduct the polls. I am not casting any reflections upon the integrity of any general managers or former town clerks. If you have these people associated with the local area I believe they should be given the dignity of not having to be involved in any of the council election procedures. The situation that occurred in 1987 is probably the only time it has ever happened in the history of local government going back to 1842 when it first started here in Australia. But it did happen. And human nature being what it is, it could happen again.

CHAIR: Is that view shared by the other witnesses this morning?

Mr SEWELL: The view of my council would be that the independent nature of the conducting of the election is similar to a number of functions that have been outsourced by local government. A perfect example is the procurement of contracts, where independence is critical in that roll as well.

Cr LAMB: I am confident that my council would support the very sensible evidence given by Mr Hogan earlier this morning.

Cr CASSIDY: Just one more point on that last question from Hon. Jennifer Gardiner. Ashfield council very firmly believes that the general manager should not be involved in assessing or determining the non-residential roll; it should be the Commission. That would be our submission to this Committee.

Ms LEE RHIANNON: Councillor Lamb, I was interested in your comments about disclosure and the difficulties that you see that that presents and you have set out very clearly the enormity of the changes. What is your suggestion—that we should go back to the previous arrangement, how it was before, or is there a middle course? I appreciate that for Independents like yourself it is quite different. What is your suggestion?

Cr LAMB: My point has been to emphasise the differential impact on Independent candidates and members of political parties. I believe that with any changes that you will recommend—and I believe my council would support this—you want to identify the object of whatever the change is, what it is you want to achieve. I have intuited that the objective of these funding and disclosure amendments are to reduce corrupt and dishonest behaviour. So it makes sense to look on the evidence as to where one finds corrupt and dishonest behaviour and target your measures accordingly. I cannot make it any clearer. I do not believe there is any evidence that Independents are particularly subject to this, whereas I believe there is plenty of evidence that others are, specifically—

CHAIR: Are you suggesting there should be a differential reporting requirement—

Cr LAMB: Yes. I think—

CHAIR: —that members of political parties have a higher standard of accounting or accountability than Independents in terms of the disclosure of their electoral income and expenditure?

Cr LAMB: It is a difficult question because you want to ensure that there is equality of opportunity for people to be represented. I am not here to recommend what should be done; I am here to give you evidence

about the impact of the changes that have been made to the electoral system in local government since 1991, and I believe I can speak confidently for my council on that basis.

The Hon. JENNIFER GARDINER: Councillor Lamb, how then do you account for the fact that three of the last three local government councils that have been sacked by the State Government have been made up of Independents, namely, Port Macquarie-Hastings, Broken Hill and Tweed?

The Hon. DON HARWIN: There are no political parties at all.

The Hon. JENNIFER GARDINER: No, there were no political parties involved, so why did they sack them?

CHAIR: You do not need to answer that question.

Cr LAMB: I guess I could give you a repost to that by saying that a number of other councils that I know have been sacked and those in fact which have had a lot of publicity have in fact been dominated by political parties.

The Hon. JENNIFER GARDINER: So there are both.

The Hon. DON HARWIN: In Councillor Lamb's defence, we could highlight Shellharbour and Wollongong.

Cr LAMB: I could have said that but everybody knows this. I guess what I am trying to do is give you evidence based on my experience, and I think I come from a damn good council and I think it is no coincidence that we have a tradition of being solidly, staunchly Independent. We have our differences but we have a creative tension in that council. I think where you have councils where there is not a creative tension adverse impacts result.

CHAIR: I am sure the Committee is grateful for your views and comments and contribution. By all means, there is no criticism intended by what has been asked.

Cr LAMB: Very nice of you to say that, thank you.

The Hon. DON HARWIN: You spoke about the fact that your pre-poll centre was on the edge of the municipality in Haberfield, and you said that you thought it would have been better if it had been in Ashfield or a more central location. But you also said that you thought the Haberfield location would have been cheaper. Is that one area where you think the councils would be happier to have the cost of the election go up further if it was more convenient for the ratepayers and residents?

Cr CASSIDY: We probably could have provided a location within the council complex in the CBD, probably a lot cheaper than what the rents were in Haberfield. I am not saying the rents in Haberfield were cheap. My main submission in relation to the location is that it was remote from a large proportion of our community.

Mr SEWELL: If the council was involved in the scoping of the election—we know that there will be an election every four years—if it was on a contestable basis, where it was all on an even footing and there was agreement on what the council would supply so that the cost of the election was minimised, then I think that would be a good outcome.

CHAIR: One suggestion that has come from this process is that the negotiations between the Electoral Commission and councils should commence much sooner, possibly even two years out from the election. Is that something you would support?

Mr SEWELL: Yes, I would support that.

Cr CASSIDY: I would support that also.

(The witnesses withdrew)

JAMES ASHLEY AITKEN, Mayor, Penrith City Council, High Street, Penrith, 2750, and

ALAN EDWARD STONEHAM, General Manager, Penrith City Council, High Street, Penrith, 2750, sworn and examined:

CHAIR: A submission has been received from Penrith City Council. Are you happy for that to be made part of your sworn evidence?

Cr AITKEN: Yes.

CHAIR: You have also provided supplementary information?

Cr AITKEN: Yes.

CHAIR: Are you happy for that as well to be taken into evidence?

Cr AITKEN: Yes.

CHAIR: Thank you very much. Councillor Aitken, do you wish to make an opening statement before we begin questions?

Cr AITKEN: Yes, I will. Thank you for this opportunity to talk about Penrith City Council's concerns regarding the cost and conduct of the 2008 local government elections. Firstly, may I just say that we appreciate the challenges and time frames faced by the New South Wales Electoral Commission. We understand the scale and complexity of local government elections and the technological and legislative changes being embraced.

The New South Wales Electoral Commission has addressed most of the seven key issues raised by Penrith City Council, as per our submission of 8 April, but there are some that require further discussion. We appreciate the responses received directly from the Commissioner in December 2008 and March 2009 and discussion of some of the issues in the New South Wales Electoral Commission's Report on the 2008 Local Government Elections. Our major concerns are the time taken for the count to be processed and the cost of the 2008 elections compared to previous elections.

Our council would like counting for Penrith local government area [LGA] to be done locally in future, at a central venue, under the direction of the appointed returning officer for the Penrith LGA. This is due to the delay in processing our ballot papers at the centralised counting centre at Riverwood. The results for our local government area were declared 12 days after the election in 2004 and 10 days after in 2008. When the elections were conducted by councils, results were generally known in four days. The New South Wales Electoral Commissioner has advised that the ballot processing software is intended to be further developed and may be deployed to more localised counting centres in the 2012 elections. We strongly hope this happens, and happens in Penrith.

With regard to costs, we are concerned about the increase in costs to council between the 2004 and 2008 elections. In 2004 the overall cost to Penrith City Council of the local government elections was around \$400,000 compared to \$627,000 in 2008. Firstly, we would like to commend the New South Wales Electoral Commission for providing such detailed breakdown of the costs of the 2008 elections. We appreciate that the lack of detailed breakdown in 2004 makes a direct comparison difficult. However, there do seem to be some areas where costs have increased dramatically.

In 2008, for example, council paid the New South Wales Electoral Commission \$61,280 in administration fees compared to \$11,547 in 2004; \$43,630 for materials compared to \$6,132 in 2004; and in 2008, \$29,140 in returning officers' wages compared to almost half that, \$15,891 in 2004. If it is going to cost us that much, council wants value for money for our residents in terms of an efficient and timely election service. We are concerned that some polling places actually ran out of ballot papers, and are not satisfied that steps have been taken to ensure this does not happen again at the 2012 elections.

We note the Electoral Commissioner's advice on how voting numbers were projected for each polling place and accept that it is not an exact science. However, in our local government area it seems that the

difference between projected and actual numbers at some polling places was as great as 80 to 150 per cent. We are not satisfied that the Electoral Commission has properly identified why this happened in order to ensure it is avoided in future. This needs to be addressed and processes put in place to ensure this does not occur during the 2012 elections.

In council's experience the previous practice of providing specific staff positions of polling place liaison officers to act as "ward runners" on election day worked well in 2004 to ensure the constant supply of materials and ballot papers. This position was dropped in 2008. We would also like it to be a requirement for future elections that all how-to-vote material include the ward name where a council area is divided into wards. The New South Wales Electoral Commissioner has advised that he will refer our comments on this matter to the Commission's legal officer for possible amendment when the regulations are being reviewed in the future. We hope this change occurs before the next elections, as voters have a right to be clear about the ward to which the how-to-vote material applies.

In addition to the concerns raised in the submission, we would also like to draw attention to the following two concerns regarding the 2008 local government elections. As to a lack of absentee voting, in both Federal and State elections, a resident has the opportunity to cast their vote in other electorates, however, under current legislation there is no provision for absentee voting in local government elections. I have been advised by polling place managers that a large number of residents attempted to cast absentee votes in different local government areas on election day. When they were advised they had to cast their vote in their own local government area, a number of residents became agitated.

I understand a limited amount of advertising took place before the elections advising residents that absentee voting would not be available in local government elections. However, the large amount of people who attempted to cast absentee ballots on the day would indicate the message was not communicated widely enough or simply not understood. Hence, a large number of residents were disenfranchised during the election as they were unable to cast their vote in their place of choice. We understand that in its submission, the New South Wales Electoral Commission has touched upon this issue, indicating there is no provision in the current legislation that allows for absentee voting. The submission states that it would be "prohibitively expensive and logistically very cumbersome to provide absent voting at each polling place throughout NSW."

Given the fact that electors have the opportunity to cast absentee votes in both the Federal and State government elections, a substantial awareness program alerting residents to the lack of absentee votes in local government elections is needed to communicate this message to the community. Without the establishment of such a program, we request the standing committee give consideration to amending the current legislation to allow for absentee voting in local government elections. A possible concession might be to provide absentee voting to residents in adjoining local government areas.

Additionally, the New South Wales Electoral Commission could consider providing a process where at least at key locations throughout the State individuals can vote absentee. We would like polling place staff provided with information about other polling places within our three wards, as well as adjoining local government areas. I have been advised by polling place managers that there was some confusion regarding the exact venues of polling places on election days. As Penrith City Council is divided into three wards, residents are required to cast their vote at polling places within their own ward. However, some residents living close to ward boundary lines unknowingly attempted to cast votes at polling places outside the ward area. Similarly, some residents living close to local government area boundary lines were confused about where they could cast their vote.

Polling place staff could not provide these residents with the exact details of available polling places in adjoining wards or local government areas, which led to confusion and agitation for a number of electors. The same situation occurred with pre-poll voting, as polling place staff were not informed of pre-poll voting centres for adjoining local government areas. We submit that polling place staff be provided with detailed information of all polling venues within the three wards of our local government area, as well as adjoining local government areas, so we can efficiently direct residents to their correct polling venues, including the details of pre-poll centres. Thank you for the opportunity to address the standing committee.

CHAIR: Thank you, Councillor Aitken. Mr Stoneham, did you wish to add anything?

Mr STONEHAM: No.

CHAIR: Thank you again for your submission. In your written submission you raised concerns with the cost increase between 2004 and 2008?

Cr AITKEN: Yes.

CHAIR: And provided a figure of just under \$400,000 as the cost of the 2004 elections.

Cr AITKEN: Yes.

CHAIR: In relation to the costing for the 2004 elections, how did you arrive at the figure, what was included in the figure, and how was council staff accounted for in that figure?

Cr AITKEN: That was the total cost. In some cases there were some council put in where we did not charge for it, but the figures we put in, in the breakdowns, we have used identical lines out of the figures that came from the Electoral Commission to compare apples with apples, so there are some vast differences in those three that I have mentioned, in wages and printing.

CHAIR: How was the council staff time accounted for in the figure? Was it just the hours that they spent at their hourly rate or were other costs included, such as superannuation costs?

Mr STONEHAM: We paid the staff directly in 2004 and we have accounted for that in those figures; that is why it is approximate, because we are not clear from the information provided to us for 2008 of the line items exactly. That is why we have made those qualifications that there may be slight discrepancies, but is still in the order of \$400,000, in our assessment as to what 2004 cost.

CHAIR: The Committee is engaging an external independent consultant to audit the cost of the 2008 election and a comparison of the 2004 election. Would your council be willing to allow the auditors to look at your figures for 2004 and 2008 to make an assessment?

Mr STONEHAM: More than happy.

Cr AITKEN: We would like to be included.

CHAIR: One of the other issues raised in your submission was the issue of the six-metre canvassing rule on election day. What specific problems were encountered and how would you suggest the Commission prevent or facilitate these things from occurring again?

Cr AITKEN: It has been changed a number of times and there is confusion, probably by the managers of the booths; some would like that to be six metres from outside the grounds, which can be a long way from the polling booth at that stage, because it is messy and hard for some of the volunteers to stand in the heat all day. We would prefer it to be six metres from the entrance to the door of the hallways, which allows for our workers to be in the shade a fair bit, and consistency across all polling places, too.

CHAIR: The other issue was the time taken to declare the results. Your submission provides a summary of the Commission's response to these concerns, which include reasons for the delay, such as the requirement to wait for the return of postal votes and the need for a computerised count where above-the-line preferences had been used. Was council satisfied with the response from the Commission?

Cr AITKEN: Our submission speaks about 12 days in 2004 and 10 days in 2008. Our record was four days when council was looking after that and we think if it was done locally we could have it done a lot quicker.

CHAIR: Some councils in earlier submissions suggested that the general manager should be put back in charge of running the election or that there should be a contestability of other electoral commissions or private organisations to run the election, or a third option being that the Independent Pricing and Regulatory Tribunal be charged with the responsibility of overseeing the costs and transparency of the costs of the Commission? Do you have a preference for either of those models?

Cr AITKEN: My personal preference—and the general manager might have a different one—is, I think, electoral office is the way to come. It takes it away from any personalities in the local community. I think that works; but have the counting done locally.

The Hon. DON HARWIN: Councillor Aitken, you talked about absentee voting in your oral statement. Obviously absentee voting at every booth, given that we have 150 or so councils times the number of wards, would be a logistical nightmare. Do you think it would satisfy that need if perhaps each central pre-poll location in each council, either during the lead-up period when there was pre-poll voting or on the actual day, were able to provide absentee voting for that whole local government area?

Cr AITKEN: I think that would cut it down to a fairly minimum amount of people who would not have the opportunity to vote and the central one in each council area would probably be suitable. In some cases such as Penrith, where we have two cities within a city, maybe one at St Marys and one at Penrith might be more convenient.

The Hon. DON HARWIN: Certainly in Federal elections and I think State elections you can do absentee pre-poll voting at the DROs office and I think it is the case also that you can do absentee voting on the day at the DROs office in Federal elections. Do you think that might or might not be suitable for local government as well?

Cr AITKEN: I think that would be an economical way of supplying the service and probably would be agreeable to most people in the community. No, I am just joking. I think that cannot be answered at this stage. I think that is all encompassing as far as costs are concerned. I think transparency is a very big thing on the costings, for us as well as for our ratepayers.

Ms DIANE BEAMER: Other councils have given us evidence that they expended quite a bit during the 2008 election. Did you also incur costs?

Mr STONEHAM: Not excessive costs, no. A lot of our staff worked, of course, but they were paid for through the process. I do not believe we incurred expenditure costs outside of that, no.

Ms DIANE BEAMER: You are saying that you did not incur any costs for that, because other councils have said they also incurred some costs?

Mr STONEHAM: No.

Ms DIANE BEAMER: In the 2004 election you have included all your costs, including timing, hours, et cetera, of your staff that worked at the poll booths?

Mr STONEHAM: I will have to check that. Yes.

Ms DIANE BEAMER: You did include that expenditure, because if we are going to compare apples with apples to see what the difference was, we really need to grapple with what was included in your costs and what was just absorbed. For example, the amount of time a general manager might have spent on the election, the number of days that were incurred—whether they are included as well—the time spent by counter staff that are actually making, those kind of costs?

Mr STONEHAM: I think that will unfold if we do have the audit done. I could not vouch that all of that time was calculated, but that was probably there for 2008 anyway and would not have been calculated either.

Ms DIANE BEAMER: So they would have been costs you incurred in 2008 and did not calculate?

Mr STONEHAM: Yes.

Cr AITKEN: I think there would be another step in it. There is another thing there where a council is part of a community, and I think some of those informations would be just part of our day-to-day running of council and not necessarily tagged or clocked.

Ms DIANE BEAMER: Some councils have been quite concerned, when they were informed of the polling places, that some of those places are not traditionally polling places. Did you have any problems with polling places themselves?

Cr AITKEN: We did have in some places, because we do not have natural boundaries at this particular stage in Penrith, so some of the polling places would be used for State and Federal and not for local. East Ward, for instance, in Orchard Hills is for local. It was only for East Ward you could vote at Orchard Hills. That was found fairly difficult because a lot of South Warders--

Ms DIANE BEAMER: They would go to that booth?

Cr AITKEN: Yes.

Ms DIANE BEAMER: Were you able to talk to the Electoral Commissioner?

Mr STONEHAM: We were. In fact, we had a couple of changes that were agreed to. One was a development on a building site. That was originally nominated because it had been previously used—that is the cultural precinct—and they readily agreed to move that.

Ms DIANE BEAMER: Because it was a building site and you could not get in it?

Mr STONEHAM: It was just simply a carry-over from a previous election, and when we drew their attention to the impracticalities of using that one in particular, there was no problem and we worked with them on identifying options. We did not really have that problem. Like any election, you learn after the event. Some challenges come up with some of the booths, and one of the challenges with the changes in ward boundaries was that some of the polling booths that were previously being used were now in a different ward and habits of the voters were still there. I think, as the mayor indicated in his presentation, people were turning up at Orchard Hills to vote, only to find that it was no longer South Ward, it was now East Ward, and the polling place managers could not direct them exactly where they needed to go to find a South Ward election location. That really did cause agitation.

Ms DIANE BEAMER: I would imagine at Kemps Creek, where you got 300 projected votes and 750 people turned up to vote there, that would have caused some agitation. Were there long queues?

Mr STONEHAM: In some cases there were, yes. There are two things about that. There is not only the inconvenience of the ballot papers not being there, but there is the sizing of the staff of the centres to accommodate what was anticipated to be the number of votes. So there is a double whammy, as it were, in terms of the capacity of those centres to receive the number of voters.

The Hon. DIANE BEAMER: Were you aware of how many staff were employed on election day 2004 vis a vis 2008?

Mr STONEHAM: Not personally. I am sure we would be able to establish that figure, because we directly paid for staff in 2004, so we would have that information.

Ms DIANE BEAMER: Did you have any problems with the returning officer?

Cr AITKEN: No, we have very good staff.

Ms DIANE BEAMER: It was for Penrith council only, the returning officer?

Mr STONEHAM: Yes.

Ms DIANE BEAMER: And you had two pre-poll places?

Mr STONEHAM: Yes.

Cr AITKEN: On election day there were a number of electors who could not vote at all. They walked away; could not wait; had to go. There was quite a number of those who felt that they had been cheated and let us know.

Ms DIANE BEAMER: We have had a proposition put to us by some councils in their submissions that they would like to see it become a postal vote system as opposed to the system that we have now—a optional postal vote. Does council have any opinion on that?

Cr AITKEN: I have a personal opinion. I think it would be very good if everyone was honest, but there is nothing to say that they are going to be honest when they get to participate and send them back. How do you check on who is there, whether people tell a lie?

Ms DIANE BEAMER: I think the system is used in other States and they have found very little election fraud.

Mr STONEHAM: It is a major resourcing issue to conduct particularly how to votes. I think we have 45 polling booths and six or eight people in every one. How to votes and the logistics of that is substantial. So if you could address that, there would be some practical achievements from being able to dispense with the bulk of polling places. You might still have a couple of central ones.

CHAIR: Are there any positives to come out of the 2008 elections from your point of view?

Cr AITKEN: We got elected.

CHAIR: In terms of the relationship between council and the Electoral Commission or the returning officer?

Mr STONEHAM: Can I just say that the returning officer was very open to dialogue with me and our staff. He came to meet with us a number of times, invited us over to his office. We could not have asked for any more than that. He was very professional in our view. It is the centralised nature of the process I think that we are more talking about and obviously the cost of that.

Ms DIANE BEAMER: We have also had a bit of complaint about information that was available to candidates from returning officers. Were the information evenings that were held good for candidates themselves?

Cr AITKEN: Yes, I think they were sufficient and well done. Our returning officer was very open. He tried to service every person equally I suppose. I have not heard one complaint about the returning officer.

Ms DIANE BEAMER: I think it was more regional.

Cr AITKEN: We also have information on council for all candidates wanting to stand. That was of a very high standard done by Penrith Council.

Ms DIANE BEAMER: Was that in your costs?

Cr AITKEN: I do not know.

The Hon. DON HARWIN: Mr Stoneham, we had evidence earlier this morning of dissatisfaction with the call centre that the Electoral Commission ran and about the fact that a number of calls ended up coming back to council's call centre on the election. Was that your experience in Penrith?

Mr STONEHAM: It has not been drawn to my attention that there was a problem, no.

The Hon. DON HARWIN: Did your call centre take a lot of calls?

Mr STONEHAM: Probably no more than in previous elections. I do not know that there was a particular issue there that I can bring to the Committee's attention.

CHAIR: There being no further questions from members, and if you have no further comments to make, on behalf of the Committee I thank you very much for your contribution and for travelling from Penrith to be here this morning.

(The witnesses withdrew)

ROUNDTABLE: General administration of the elections

CHAIR: I welcome representatives of the Baulkham Hills Shire Council, Blacktown City Council, Ku-ring-gai Council and Gosford City Council, who will be giving evidence this morning on matters including the general administration of the 2008 local government elections. The Committee thanks you for your submissions and is pleased to hear your evidence, which we will take in a round table hearing. If you have members of staff who are here to give you assistance, they can provide notes to you or you can consult with them but they cannot answer questions as they will not be sworn.

DAVID WALKER, General Manager, Baulkham Hills Shire Council,

KATHERINE ANNE BRAGG, Governance Officer, Gosford City Council, and

JOHN MICHAEL CLARK, Director, Corporate, Ku-ring-gai Council, sworn and examined, and

CRAIG LAWRENCE DALLI, Manager of Governance and Property, Blacktown City Council, affirmed and examined:

CHAIR: The Committee has received submissions from each of your councils. Is it your desire for these written submissions to form part of your sworn evidence?

Mr WALKER: From the point of view of Baulkham Hills Shire Council, yes.

Mr DALLI: Yes.

Ms BRAGG: Yes.

Mr CLARK: Yes.

CHAIR: Would any of you like to make an opening statement before commencement of questions?

Mr WALKER: From our point of view, from Baulkham Hills Shire Council's point of view, we would like to say that everything was extremely positive. There may be a few minor operational issues which we could see had an opportunity for improvement. From our point of view, the fact that the Electoral Commission took over full responsibility for everything, I think that added to the transparency, added to the objectivity and obviously added to the independence. In previous years it has been somewhat of a dual role. I think separating it is the most positive thing that has happened.

In terms of costs, the Commissioner met with us and indicated approximately what the costs would be and we indicated we had no objection to that, provided at the end there would be a breakdown of costs, and at the end of that process we ended up with a refund of \$153,000. We were satisfied with the costing exercise because we believe that in the past there have been a lot of work and activities taken on by councils that have never been fully costed.

The biggest advantage, as I said earlier, was the transparency and the independence. From an operational point of view, there are probably some opportunities to improve, as has already been mentioned, the call centre. That is not a criticism. I think they probably were not appropriately resourced to handle so many councils. The last two elections we have had very professional returning officers. We had an issue this time that perhaps the location was not probably the best for voting in that people were expecting to vote at the chambers and have parking, but that is not a major criticism.

I heard the comment earlier about postal voting. I have had experience as a returning officer in country councils where I think that works in Queensland, but in a big city council I do not think it is appropriate. I think overall, the complete function taken over by the Commission was fantastic from a governance, transparency point of view. We have nothing but support and praise for the way the Commission handled it and there may be some opportunities for some operational improvements.

CHAIR: Thanks, Mr Walker. Mr Dalli, did you wish to say anything?

Mr DALLI: Yes, Mr Chair. Blacktown City Council's concerns were centred around costs. Being the largest local government authority, with the funding formula we have and having the most electors, the result is that our initial estimate of cost was \$1.2 million. We provided an estimate of about \$600,000 in our forward planning. Each year we set aside amounts in reserve based on the cost of previous elections, and we were looking towards a cost of \$600,000. So we were taken aback from the start with that pretty much doubling of costs.

In the end the actual figure for us was \$821,000, but that was after a lot of negotiation on certain issues and the fact that we provided accommodation for the returning officer and the pre-poll voting was held in our library premises. That was an issue for us and we are still not convinced that we had full value for money or that all the costs that were attributed to council were justified. There were a few issues raised about the costs, for example, printing of ballot papers et cetera. We felt we would have got a much better price on those sorts of things and some of the other administrative type issues.

In terms of the operational issues I take up the point raised by Penrith council—we did not actually put this in our submission—certainly there was concern about the length of time it took to get the results. In the past with Blacktown and other councils that I have worked at the results were known in four to five days. In Blacktown's case it was at least 10 days before the results were known. So that became an issue for us. I agree with the concept of having a count taken at a location within the local government area, it makes it more accessible to the candidates and the councillors, and in some respects that takes the heat off them contacting staff and trying to find out what is going on.

I want to mention a couple of other operational issues that happened on the day. We are not trying to cast any aspersions on the returning officer. The returning officer we had has been doing Blacktown Council elections for as long as I can recall, and is very professional—so is her support staff. We did have a couple of issues where one polling place closed 30 minutes early simply because they ran out of ballot papers. Another one, which my daughter actually worked out, had to close for 30 minutes because they ran out of ballot papers. In the past we had what we called ward supervisors—I was one of them—and that sort of overcome those sorts of issues but because of the additional cost of the election we were not prepared to supply those for this election.

The other issue for us was the call centre. At Blacktown we have our own call centre so we are very focused on customer service. We found the situation where a lot of people were ringing the council after they went to the Electoral Commission centralised call centre because they were diverted back to us or they could not get through, those sorts of issues. We certainly felt we did not get value for money on that. If you need any further evidence I can supply the number of additional calls that we took or counter inquiries during that period. That became a focus for us and we went and trained our staff on how to answer the basic inquiries and provided support to the Electoral Commission staff.

One of our suggestions is that this inquiry should investigate the call centre operation and the training that was given to the staff—I think that was probably more of an issue. As Dave said, it is very difficult to cover a number of councils. One of the other issues suggested by one of our councillors was that the fines attributed to the election be offset against the cost of future elections. I am not sure there is a lot of revenue coming in from those fines but that was a suggestion I have been asked to convey as well.

The Hon. DON HARWIN: Net \$1 million.

Mr DALLI: I did not think it would be much.

CHAIR: Ms Bragg?

Ms BRAGG: The main issues Gosford had was cost. We had budgeted \$400,000. The election in 2004 cost Gosford just under that, \$377,000, and in 2008 the election cost \$600,900. We found there was a general lack of community awareness regarding the elections. Many people were not aware that the elections were being held, that voting was compulsory and that no absentee voting was available. The returning officer for this election was located out at Erina, contrary to our request. In all past elections the returning officer has been located in the main street of Gosford. This did cause confusion and also some inconvenience as Erina is not central to the Gosford local government area.

We found the pre-poll venues in Gosford and Wyong were understaffed. There was excessive queuing and waiting. On the day prior to the election there were queues out the door of the shopping centre, and this

caused inconvenience to businesses surrounding the pre-poll venues. On the actual election day one of the voting booths at Gosford had to close for two hours because it ran out of ballot papers. We found one of the voting booths at a school, Valley View at Wyoming, had difficult access for older people and disabled people. It was reported that the access was inadequate at the Gosford West booth and it was dangerously close to a busy road.

CHAIR: Mr Clark?

Mr CLARK: Ku-ring-gai's main issue was cost as well. The election in 2004 cost \$230,000 as opposed to \$407,000 in 2008. I understand you cannot make a direct comparison for those two figures but it is still a substantial increase on the previous election. One of the other issues was the time taken to declare the poll. Not a huge issue but it took nine days rather than six previously. Apart from that, in terms of the election itself and the way it was run, we have very little complaint. In fact, we found it was characterised by significant advanced planning and advanced organisation from the Electoral Commission and the returning officer. We had 11 documented complaints regarding the election and seven of them were around the referendum, so down to about four documented complaints that we received, the council itself. So from that point of view we have no issues with the way the election itself was run. In fact, we are quite positive about the experience we had.

CHAIR: In the submissions the Committee has received quite a few references have been made to the issue of costs. One of the issues that has been suggested is that when it comes to the setting of fees and charges by the Electoral Commission that it be overseen by an independent body, such as the Independent Pricing and Regulatory Tribunal, to bring some transparency to the process. Is that something you think your councils might support?

Mr WALKER: From our point of view we would not be averse to it but we do not, as I indicated earlier, have a big issue with costs—I have heard what the others have said. The issue from our point of view was that for many, many years when there has been a joint responsibility, so to speak, there has been a lot of activity undertaken by council that has never been fully costed to the cost of the election. My view was that the additional cost was worth it in terms of the transparency and independence. I do not think is necessary for someone to oversee it.

Mr DALLI: From Blacktown's perspective we would probably support that. I think the key thing is—the next election is in three years—that we get an estimate of costs as soon as possible. From Blacktown's perspective when the representatives from the Electoral Commission came to our office it was probably roundabout November the year before the election. We actually start our budgeting process ahead of that. Our budget is sort of creeping up to about \$300 million now so we need to start working on that. We had to go and find another \$600,000 basically from that first estimate. We would certainly like to know as soon as possible the sort of figure we need to allow for.

Ms BRAGG: Yes, I would agree with that. We ended up having to allocate extra money. We have been allocating \$100,000 per year and as a result of that certain capital works programs have had to be put aside.

CHAIR: What about on the issue of the independent oversight?

Ms BRAGG: Yes, Gosford would be in support of that.

Mr CLARK: I think we would be in support of that. I think it is difficult to compare the last election to this election. I think now we have done the election in this format for 2008 to give some more transparency and independence on how that last election was conducted going forward would be good.

CHAIR: Blacktown, Gosford and Ku-ring-gai councils made reference to issues about polling booths and polling booths not having sufficient papers. What was the process of your councils in working out which polling booths would be appropriate for the election? Were there discussions about the number of people likely to be using those polling booths based on previous results?

Mr DALLI: From Blacktown's perspective parts of our city are growth areas so it is difficult to get an exact science on how many electors might come through. One of those polling places that ran out of ballot papers was in a growth area but the other was not. We basically endorsed the list that was put forward to us and suggested a couple of extras to accommodate the growth areas in terms of the number of polling places.

CHAIR: Did they take on board your suggestions?

Mr DALLI: They did, yes. We had two pre-polling places, so like Penrith, we are a city with two: Blacktown central business district and Mount Druitt, so we needed to accommodate that and I do not think we had any issues with that.

Ms BRAGG: We filled out the survey that was sent out about the polling booths and a couple were taken away but it was explained why. We did not have an issue. There was certainly plenty of dialogue about the polling booths. I think the issue with the pre-polling booth—I have not been involved in previous elections but I think possibly more staff was needed to counteract the number of people that were going in the week leading up to the election.

CHAIR: What do you think contributed to the polling booths that ran out of ballot papers? Was it an underestimation of the number of voters?

Ms BRAGG: The projection for the Gosford polling booth was 2,200 and when I had a look at the results the total votes polled was 1,784, so I do not quite understand why.

CHAIR: Further comments?

Mr CLARK: We only had one complaint about polling. So I do not think it was an issue for us.

The Hon. DON HARWIN: I apologise if one of you have already said this but I think we probably would like to see the call centre figures that you offered in your oral statement. My question is actually to Ms Bragg about the location of the central pre-poll. You said it was at Erina rather than Gosford?

Ms BRAGG: Yes.

The Hon. DON HARWIN: Would cheaper premises have been one of the reasons why it was at Erina? If not, do you think that your council would be happy to pay more if the pre-poll centre that was being offered was at a better and more accessible location for your residents and ratepayers? I wonder what you see as the judgement between the issues cost and accessibility?

Ms BRAGG: We could not really understand why it went out to Erina. It went out to a brand-new building at Erina and in Gosford we have a lot of empty shops and a lot of empty shopfronts. I did not quite understand why that decision was made. But as far as paying more for accessibility I think personally Gosford would be supportive of that. When I asked why, I was informed that they could not find anywhere suitable in Gosford.

Ms LEE RHIANNON: Thank you very much for your useful contributions today. I want to explore further the issue of the call centre because those figures would certainly be useful. I was interested in your comment about what happened in Blacktown. I understood from what you said that a point comes when clearly the call centre is not working for your constituents and that you then decide to train up your own staff. Was there interaction with the Commission about trying to skill up their call centre people? Because this is something that is coming through quite a bit in the evidence that sometimes it works really well with Commission yet at other times it does not seem to work at all. I am trying to get a handle on why some of these issues did not work in preparing for the election?

Mr DALLI: My recollection is that when we were made aware that a number of calls were not being answered at the call centre—

Ms LEE RHIANNON: They actually would not answer them? You had the same experience too?

Ms BRAGG: We had the same experience. They could not get through.

Ms LEE RHIANNON: So nobody actually even picked up the phone?

Mr DALLI: Yes, calls were running through.

Mr WALKER: As I said our comments were positive overall but our experience with the call centre was that on some occasions either the calls were not answered or when the calls were answered the people that answered the telephones did not know how to answer the questions. I do not want to be over critical of the Commission but I suspect some of the staff in the Commission that probably do not normally do that sort of work were asked to go to the call centre. Whether it was a case of lack of training? More likely it was lack of interest by them. They just did not seem to be interested in answering some of the inquiries.

Ms LEE RHIANNON: So, what happened is people rang the call centre and they got no response or not a satisfactory response and then they rang your council directly and you heard about it?

CHAIR: The Electoral Commission has advised that they had some technical issues that affected the hotline, particularly in the week leading up to the elections, where about 14 per cent of calls did not get through.

Ms LEE RHIANNON: Was your problem in the last week or at other times?

Mr DALLI: It was probably in the last two weeks, from memory. The way we look at things, we contacted the Electoral Commission at the time to say we have some concerns about this. We also feel that the average elector perceives that council elections are run by the council, not by the Electoral Commission. Similarly, they think that State elections are run by the State Government and the Commonwealth is responsible for Commonwealth elections. So, it is a reflection on our customer service if our electors are not getting the answers. So, we took it on board that these are the sorts of calls you are getting and I provided, in conjunction with the returning officer—most of our senior staff knew the answers anyway—we provided some standard set answers. A lot of them were about polling places and all that sort of stuff. We had a lot more pre-poll than we have had in the past as well. So that became an issue, being across the road, a lot of people came over and were complaining about the lines and all those sorts of issues.

Ms LEE RHIANNON: That means that maybe some of those calls you were fielding, they just came direct to you and were not even going to the Commission's call centres?

Mr DALLI: Most local government elections are widely promoted in the local papers because of the candidates. So, people start calling the council and ask is there an election next weekend?

The Hon. JENNIFER GARDINER: Mr Walker, you mentioned in relation to returning officers that you had some experience in country areas as well as in the metropolitan area and that whilst in the past the idea of the council's general manager being the returning officer had worked, you envisaged that in the cities it should be the Electoral Commission that does that role. Would you envisage any differential between country and city or do you think there should be one rule right across the State?

Mr WALKER: Maybe I did not answer it clearly. There were two issues. One was the issue of postal votes. My previous experience in Queensland was until sometime ago the general manager was the returning officer, and I had an issue with that in terms of independence. I believe the Commission doing that is much better, much more independent and more transparent than a government. The other issue was that in country councils in Queensland, because of their geographical disparity, postal voting was perhaps the best way to do it. People just could not get into the polling booths because of distance. But I heard the comments about Penrith and those sorts of places. I had some issues with postal voting as to its transparency, as to its honesty and as to its integrity. So, I would not be a supporter of postal voting unless it was in disparate country areas. In terms of who runs the election, I think it should be run by the Commission to be independent.

The Hon. JENNIFER GARDINER: So you think that perhaps for more remote electors there should be postal voting but not necessarily right across the State?

Mr WALKER: That is my personal view because in some of the country councils there is a massive distance for people to travel just to spend two minutes to cast a vote. Even though the vote is important, it is a long way to go. A lot of country councils have a very small population base so I think it is a lot easier to organise a postal vote.

Ms DIANE BEAMER: Mr Walker, your submission is very different from other submissions to us. One of the things you talk about is the fact that once you got your final bill from the Electoral Commission of \$585,000 you say you realised a saving of \$153,000 on your budgeted allocation to it. So your annual budget anticipated this was \$153,000 more?

Mr WALKER: We, like other councils, or probably more so, put a certain amount of money aside each year. Obviously, the amount of money we put aside probably was not sufficient when we spoke to the Commissioner. But when we spoke to the Commissioner and he gave us an estimate of costs—

Ms DIANE BEAMER: Which was a lot higher?

Mr WALKER: A lot higher, we went back to the council and we did a budget variation. We did a budget variation for the higher amount, so our budget was then adjusted to reflect the higher amount.

Ms DIANE BEAMER: So that is where the \$153,000 comes in?

Mr WALKER: That is right.

Ms DIANE BEAMER: We really would like to compare apples with apples—the cost of the 2004 election versus 2008. You make a very good point about in kind, all the things that you looked at that possibly are difficult to quantify—accommodation, furniture, office equipment, telephone, facsimile lines, dedicated staff, administrative inquiries, payroll, accounts payable, printing, et cetera, that you say council bore but now that has all gone. Did you have a very good break down of your 2004 costs?

Mr WALKER: The answer to that, unfortunately, is no. I suspect very few councils would. My estimate based on my experience would be that the differential we are now paying, there would not be much difference between the extra we are paying as to what it cost us before. It was also not just the cost, it was the diversion of resources. For example, at the last election we had a training room for our outdoor staff. That training room was then provided to the returning officer, so I lost that training room for a period of eight or 10 weeks. We processed staff that worked on the election. We processed that through our own payroll system. At the time I was director of corporate services, not general manager. I spent a lot of time liaising with the returning officer. No, I do not have a breakdown but based on my experience, my estimate is there is not much difference.

Ms DIANE BEAMER: Does any other council have a breakdown of their 2004 costs, a detailed breakdown of how much it cost, which would include the time the staff spent, diversion of resources? If we are going to compare the two, we would like to know what the real cost of 2004 was.

Mr DALLI: From our perspective, it would not be 100 per cent accurate. There is no doubt about that. There were certainly a lot of absorbed costs in 2004. In saying that, in the two elections I have been at Blacktown I have been the principal person to liaise with the returning officer and I do not think I did much less liaising in 2008, so that is an additional cost.

Ms DIANE BEAMER: Do you have a breakdown of how much you believe the council spent at the 2008 election?

Mr DALLI: We have not fully costed it, no.

Ms BRAGG: I do not think we have a breakdown for 2008, no.

The Hon. DON HARWIN: Would you be prepared to cost it just so the Committee has that sort of information? It would be quite helpful to us.

Ms BRAGG: Sorry, 2008?

The Hon. DON HARWIN: Yes.

Ms BRAGG: We would be prepared to, yes.

Ms DIANE BEAMER: If possible, it would be very good to see, because to back this up we would like to know these were the total costs of 2004 and we are comparing those with 2008. It is a constant cry that we have a huge increase but it has been very difficult for councils to say this was a line-by-line item of 2004.

CHAIR: One of the things the Committee is doing is organising an independent audit of some of the costs for some of the councils. Would your councils be interested in participating if that was to be undertaken?

Mr WALKER: From our point of view, yes, we would be happy to participate to assist in any properly improved outcome, even though we do not have major issues.

CHAIR: Blacktown?

Mr DALLI: Yes, because we are not really convinced that we got value for money.

Ms BRAGG: Yes, I am sure we would be.

(The witnesses withdrew)

GENIA McCAFFERY, President, Local Government Association of New South Wales, Level 8, 28 Margaret Street Sydney, sworn and examined, and

PETER JAMES COULTON, Director, Corporate Services, Local Government and Shires Associations, Level 8, 28 Margaret Street Sydney and

SKYE LORELLE SMITH, Executive Officer, Local Government and Shires Associations of New South Wales, Level 8, 28 Margaret Street Sydney, affirmed and examined:

CHAIR: The Committee has received a submission from your organisation. Do you wish for the submission to be included as part of your sworn evidence?

Cr McCAFFERY: Yes.

CHAIR: Councillor McCaffery, would you like to make an opening comment or statement?

Cr McCAFFERY: Yes. You have seen the submission from our Association. I would like to describe for both my opinion and the opinion of our Association that we feel that the way the elections were conducted could be described in three ways—for their pettiness, for their incompetence and their mismanagement. Let me give you some examples that highlight all of those words. On pettiness, I take the Committee to the submission of Councillor Ron Hoenig, who is the mayor of Botany. In his submission to the inquiry he describes the rejection by the Electoral Commissioner of the abbreviated names of candidates. Councillor Kondilios was a serving councillor in Botany. He was elected in 1995, in 1999 and again in 2004.

In all of those elections on his ballot paper was the name he is commonly known by, which is Stan Kondilios. His Greek name is Ustafious Kondilios. Miraculously in the 2008 elections the name that everybody knows Councillor Kondilios by was rejected by the Electoral Commissioner, claiming that Stan was not an appropriate abbreviation. Councillor Kondilios was then informed by the returning officer, Mr Pitman, that his nomination could not be accepted. He then advised the returning officer that he was known as Stan Kondilios at school, as a partner in his law firm and his partnership documents were in fact in the name of Stan Kondilios.

He then further advised that on the council's website he was known as Stan Kondilios, and that his business cards at the council and all the literature relating to him in the community showed him as Stan Kondilios. None of these assertions made by Councillor Kondilios had any impact on the Electoral Commissioner, and he was forced to go to the Consulate General of Greece in Sydney and obtain a certificate certifying that the name of Stan is a recognised abbreviation and an Anglicised version of the Greek name Ustafious. This is an example of the frustration that candidates felt in the 2008 elections.

With regard to incompetence, I would take you to our submission. Again, ironically it involves Botany. A number of councils, despite the fact that their elections were uncontested, were charged substantial amounts of money for an election which did not take place. Botany was charged \$45,000, or \$1.85 per elector, and not one ballot was cast. Carrathool, a poor country shire, was charged \$7,300. Conargo, again a poor country shire, was charged \$4,100. Lockhart was charged \$7,500, and Uralla was charged \$15,600. The Associations say: What were they paying for?

In conclusion with regard to incompetence, I think the mismanagement is the lost ballot papers at Blacktown. I take you again to our submission. At Quakers Hill Public School in Blacktown they ran out of ballot papers twice, for 90 minutes in total. The electors at that polling booth were told not to worry, they would not get fined for not voting. Many of them, of course, were furious that they were unable to exercise a democratic choice for their council.

Finally—this is not in the submission but it is a personal point of view—I continue to be concerned about the way the Electoral Commission count preference is using the same system as the upper House. This is undemocratic and produces the extraordinary situation that a recount can produce completely opposite results to the first count. In contrast, when councils ran elections, every vote was counted. I think what our community expects is that when they cast their vote for a candidate their vote will be counted—not to become part of the quite incomprehensible data entry system which only the Electoral Commission seems to understand.

CHAIR: Thank you, Councillor McCaffery. Mr Coulton or Ms Smith, would you like to add anything further to that?

Mr COULTON: We might talk a bit more about the costs, if we may. We have access to the Commission's response to the questions without notice that were put on the website last night. We have an issue with both the methodology—some of that is reasonable and some of that is not—and also the costs in a lot of cases. Part of our issue is that we have no idea of the basis of those costs. All the councils have received their invoices, and invoices are predominately just one piece of paper. You get more paperwork if you buy a fridge or a car than what our councils have received in terms of their costs.

The total cost of the election was almost \$26 million, for which there is simply no basis. I am sure the Commissioner has gone somewhere and tendered, or got quotes, or whatever. But we have just not been able to get access to any of that data information, and the councils have been crying out for it. Some councils for a long time held out and refused to pay, on the basis that they cannot go to their communities and say, "We have just spent a million bucks on an election—we are really not sure what for."

Councillor McCaffery mentioned that Botany one. We assume—and we only assume—that some of those are sunk costs, but we just do not know. So there has been a complete lack of transparency. We have attempted a number of times to get access to this information. Sometimes we get it, and sometimes we do not. Sometimes we get it in the fullness of time. We have had two freedom of information applications for information returned to us with our cheques back, after they have decided to release the information at the last minute.

In terms of the Commission's response to the administration costs, it looks to us as though they are clearly trying to shift the costs of running their normal day-to-day operations on to the cost of local government elections. In his response he has basically said that, in terms of things like depreciation and information technology. The question is: If there is no election this year, who is paying the bills? Bills get paid regardless. Those costs are sunk costs; they are fixed costs. And the industry should not have to pay for them. With the above and beyond, it is a different story. But the stuff they are already paying for on a day-to-day basis, we do not think so.

Ms SMITH: Do you mind if I just add to that? I was here for the Electoral Commission's evidence yesterday. They said how they found the \$195 figure. Coincidentally, the \$2.3 million that the Treasury reduced the Electoral Commission's funds—that works out, for the \$195 per hour multiplied by 35 hours, multiplied by 19 weeks, multiplied by 18 staff. That is fairly coincidental. That is in our submission.

CHAIR: On the issue of the cost of the election, one of the suggestions has been that the Committee engage an independent auditor to examine the costs that the Electoral Commission charged, to try to draw some comparisons with the cost of the 2004 elections. Is that something that the Local Government and Shires Associations would support?

Cr McCAFFERY: Absolutely, yes.

CHAIR: Another issue in relation to costs has been the suggestion that the Independent Pricing and Regulatory Tribunal be charged with the responsibility of overseeing the fees set by the Electoral Commissioner for the conducting of elections. Is that something that the Local Government and Shires Associations would support as well?

Cr McCAFFERY: Yes. What we are pointing out is that we have asked questions and the trouble is that the organisation that needs the money is setting the costs. There is no transparency in how the costs are set, so we would certainly support those suggestions.

CHAIR: One of the other suggestions from some councils, particularly some of the country councils, was that first they run them themselves, as they have done in the past, and the other is that the election is be contestable, that other election authorities from other States, or the Australian Electoral Commission or private companies, be engaged to run the elections for the councils on a contestability basis. Is that something you believe might have some merit for councils?

Cr McCAFFERY: Yes. Often we privatise things and they end up more expensive. My only concern is that we may end up with a more expensive process. I was elected first in 1995, and at that stage in 1995 the

council ran the election with an independent returning officer appointed by the Electoral Commission. That is worth thinking about as well. I think it is important that you have someone who is independent from the council overseeing the election. In terms of accountability and transparency, I think that is very important. I still do not understand why the council cannot run that with a returning officer who is independent. I think that is worth us considering as well. My experience at that time—and you talk to any council—is that elections run in that way were far cheaper and delivered a result with an independent arbiter controlling the election.

CHAIR: One of the features of the 2008 local government election was the introduction of a regional returning officer model, where a returning officer was shared amongst a number of councils. Does the Association have a view about the success or otherwise of that model?

Mr COULTON: I think it is a bit mixed. We would be happy to provide a supplementary submission following the Commissioner's responses last night. We can take that question on notice for Councillor Miller, if that is okay.

The Hon. DON HARWIN: Had you actually finished your opening statement? It occurred to me that maybe we started asking you questions before you had finished.

Mr COULTON: That is fine. I can keep going.

CHAIR: I beg your pardon. If I jumped in too soon, I apologise.

Mr COULTON: There are a couple of other points. In terms of the fines, apparently the net fine was about \$1 million. Regardless of the quantum, local government has been charged for this election. When local government gets charged, the residents get charged. We would really like to see that money given back. It may only be one out of 25, or one out of 26, but it is still money that our councils really need. We have the source documentation—

Ms SMITH: —from the Electoral Commission's previous submission, not the one that was launched yesterday. It quotes there are 398,489 penalty notices issued. At \$55 per issue, that is close to \$22 million.

CHAIR: I think it is a fair bet to say that not every infringement notice is legal.

Ms SMITH: That is understandable. They have 130,000 referrals to the State Debt Recovery Office. So where does all of that go?

CHAIR: One of the suggestions with the infringement notices is that the money be used to offset the cost of the next election.

Mr COULTON: Yes.

CHAIR: One of the other issues raised, particularly by some of the regional and rural councils, is that instead of having attendance voting at local government elections, compulsory postal voting be introduced. Is that something that the Association has a view on?

Cr McCaffery: There is a mixed view on that. My personal view is that I do not support it. I think attendance at the election on the day, and the whole thing of campaigning, is a really important part of the democratic process. To me it really denigrates the kind of standing of local government. That is a personal view, because I know there is a mixed view among our members.

CHAIR: Mr Coulton, did I interrupt you again before you finished your submission? I am sorry. Please continue.

Mr COULTON: As a general comment, we think the conduct of the elections should be open and transparent, which I know may sound ridiculous to this Committee. The information we have been unable to get—or we have been able to get out of the Electoral Commission sluggishly or only with great pressure—we think is mad; all the information should be made available. I think there has been a general issue with communications. The Commissioner also raised the issue of expectations about when votes needed to be counted and when the votes need to be finalised and so on. That is true: Someone has to be last. I think in the last lot of elections Albury might have been one of the last councils where the count was finalised. The question

remains: Why? The question has been asked; why were they last? They could have been last because their name was drawn out of a hat; they went from Z to A. They do not really care; we do not know. That information needs to get out to the councils urgently. The lists, the schedules or whatever, or however they do it, we do not care, but the information needs to be passed on.

Ms DIANE BEAMER: I think we have asked them for that in their evidence, as to how they drew up a list and what was the indicative list before they started. They indicated to us that it would change during the count.

Mr COULTON: And clearly, there are councils, like the City of Sydney, where, for public interest, you need to get that done and dusted. Blacktown is a huge council; North Sydney is another one. Normally you would expect to see those happen first. But in a preliminary list that I saw, Cobar was counted about fourth. It just made no sense.

CHAIR: The Electoral Commission in their response yesterday indicated that they kept a stream of counting available for rural and regional councils so that they were not disadvantaged, and so that only metropolitan councils were counted first. The order of the list was based on how quickly the ballot papers could reasonably be returned to the central counting point. That had some bearing on the order in which the counting took place.

Mr COULTON: And that made perfect sense, if that was explained. But Cobar is almost in another State. So there were some anomalies like that. In terms of a general education program, though—and I do not know whether this is available or not—I was part of the observation team, and that was very good. A comment was made at some point when we were out there that we can push the count back but we cannot accelerate it if we are running ahead of schedule. You say, "Hang on, that does not make any sense. Why on earth can't you do that?" They said, "The answer is simple: it is about scrutineers. Scrutineers are locked in to come tomorrow at 11 o'clock. If we pull the vote forward, then when people turn up it is already done and dusted." That is fantastic. That is the answer to the question. It is a logical answer to a basic question. That is the sort of information that needs to get out to the scrutineers, to the candidates and to the punters.

Ms DIANE BEAMER: As an observer did you see many scrutineers?

Mr COULTON: There were.

Cr McCAFFERY: But not from the country though.

Mr COULTON: No, not too many. We did not see them identified.

Ms SMITH: Were you there at night?

Mr COULTON: No, I was there during the day for several hours. The count centre, as a separate entity, went very smoothly. I was a little surprised because they brought in a lot of temporary and contract staff. I think some of the scrutineers were more misbehaved and needed to be brought into line a bit quicker, but generally the count centre itself ran very smoothly with contract staff. That was interesting to watch. You have seen the submission, the final report from that.

Cr McCAFFERY: I just raise the issue about democracy again. The capacity for someone from Broken Hill, Dubbo, Orange to come and scrutineer when it is centralised in Sydney is virtually zero. Again, you are undermining the democratic nature of the election. We think the central counting is inappropriate.

Ms DIANE BEAMER: I guess it is more of an observation. The thing that has staggered me about your submission in its summary of all the councils is the number who have written down, "ran out of ballot papers".

Cr McCAFFERY: Unbelievable.

Ms DIANE BEAMER: That is perhaps one of the most staggering things in a democratic process, and the evidence we are getting from councils that said it shut for half an hour. It shut half an hour early.

Ms SMITH: Yes.

Ms DIANE BEAMER: With no direction as to where to go from there.

Cr McCaffery: And the queues. In North Sydney, because I was running as a mayor I was going around all the polling booths and the queues in some of our big booths like Cremorne Point at Neutral Bay School, it was quite a hot day and people were fainting. A woman I know has breast cancer and is very ill. She had to leave and go back home. I have watched the council running those elections over many years and never the sort of queues. So we were being charged more and we got a poorer service. I think the level of anger you are seeing coming through from all the councils is that we are paying more money and we are getting less for it.

CHAIR: One of the questions that the Committee has been exploring on the issue of costs for 2008 versus 2004 is the level to which councils have completely taken into account the full costs of running the election when they were doing it previously. In your experience has council taken on the full breadth of issues relating to staffing costs, training costs, accommodation costs, telephone costs and those sorts of things when they have done their own internal assessments?

Cr McCaffery: You know, from being a councillor yourself, how strict councils are in terms of making sure—virtually each of our departments run like a business unit and all staff have to account for all their costs and take into account accommodation costs. I am confident that certainly for the last election all of those costs were taken appropriately on board.

Ms DIANE BEAMER: For the 2004 election?

Cr McCaffery: Yes.

Ms DIANE BEAMER: We have been asking people to go back and have a look at them. They said these are indicative costs, but pulling them all together as line items, so we can compare the two, might be difficult.

Mr COULTON: We got preliminary advice early in the piece from councils about their 2004 costs, which we took on face value. We asked all councils to supply a number so we had a comparative. We did not investigate that any further. We did not get a complete return; we did not get 152 responses. But even allowing for a margin of error, the cost increase was significant.

Ms DIANE BEAMER: I think we have had one submission to the contrary.

Cr McCaffery: I think certainly with the larger councils like Blacktown and my own, North Sydney, we could be reasonably confident that our 2004 figures were accurate, with some margin of error.

The Hon. JENNIFER GARDINER: Councillor McCaffery, I notice one part of the LGA's conference resolutions relating to the idea of standardising polling booths across State, Federal and local government elections. Do you think that this would be beneficial to all levels of government if there were cooperation between the Electoral Commission's State and Federal and the one responsible for local government so that that was all sorted out in advance within reason?

Cr McCaffery: I think that is very important. I think all of us involved in politics know where the polling booths are but for a lot of people, particularly if you have a Federal election or a State election quite close to a local government election, they go back to the polling booth that they voted in a short time ago. If we can try to get some standardising, I think that is very important.

The Hon. DON HARWIN: Does the Association have a view on the issue of the non-residential roll that each council, other than the City of Sydney, maintains? The Electoral Commission maintains the roll for the City of Sydney. Does it have a view as to which model it prefers in terms of either the council maintaining it or the Electoral Commission maintaining it?

Mr COULTON: I do not know if we have a view.

CHAIR: Do you have a view as a mayor?

Cr McCAFFERY: I have a view about the fact that people who are not residents can vote. Again, it is a democratic level of government in this country and I do not think it is appropriate for people who are not resident who are not on the electoral roll to vote in a local government election. I think there should be consistency across the elections. It is an antiquated, almost Victorian, system and I think it is time we got rid of it. But that is my personal point of view.

Ms LEE RHIANNON: There has certainly been an interesting range of contributions from the various council staff and councillors who have spoken to us. Obviously much criticism but interesting some have been satisfied, so I have been surprised at the range. With regard to the Electoral Commission, a number who were critical of how it worked still actually wanted the Commission involved and to run the elections. At what level do you want the involvement?

Cr McCAFFERY: I go back to when I spoke about the 1995, the first election I contested. Every council had a returning officer appointed by the Electoral Commission, who was independent. That person ran the election, and I think they probably started a couple of months before the election occurred. I think that is important. That level of involvement is important.

Ms LEE RHIANNON: Anything more than that?

Cr McCAFFERY: I think we have gone from one extreme to the other.

Ms LEE RHIANNON: That is what I mean, so it just stops at that.

Cr McCAFFERY: Yes. Then they are accountable to the Electoral Commission and make sure that is appropriately run. Otherwise it is done locally. I do not think we need any other involvement.

The Hon. DON HARWIN: Is that also the Association's view?

Cr McCAFFERY: Certainly in discussion with member councils, that is often raised. Some of us were elected more recently than that and do not remember that system. Certainly if you talk to the people like the councillor Heineck and councillor Kelly, who have been in local government for a long time, that is their view. They were pleased the change that we went from the council just running the election without any involvement of the Electoral Commission, and I think it is important that we have an independent overseer.

CHAIR: With regard to your own election at North Sydney and the relationship with the returning officer and the Electoral Commission in the establishment of polling places and the returning officer's office, the central polling booth, pre-poll, how would you characterise those negotiations and the outcome?

Cr McCAFFERY: Our returning officer was quite a reasonable person, and he was quite easy to deal with. One thing that infuriated the community and the other councillors was the level of accommodation he required. He took out our major community hall, Hartley Hall, where all our community events occur. That was taken out from community use for 10 weeks before the election. Most of the time it was him sitting in there at a desk.

CHAIR: Was that through negotiation with the council as a way of trying to reduce costs?

Cr McCAFFERY: No. The amount of accommodation he required was set by the Electoral Commission and I think if you talk to all the councils they sat in a massive room. Then of course as you got closer to the election they did need a larger room but they did not need it for that amount of time. That was an element that infuriated me and had a real impact on our community events schedule. The other thing is that on the actual day—I do not think the election was conducted in a good manner. It was fairly inefficient because we had massive queues at lots of our polling booths.

CHAIR: Was there consistency in your council elections with the polling booths used at council versus State and Federal?

Cr McCAFFERY: Yes and that caused some problems initially because North Sydney council chambers has always been a polling booth in all our council elections, and everybody is used, over probably 100 years, to going to the council chambers to vote. The one thing that I suppose I would say that should be different to the State and Federal elections is that the council chambers should be the joint booth. If you have a ward

system that should be the joint booth because most people in the community are used to going to the council to do council business. That was non-negotiable with this gentleman, and we had lots of people totally confused, wandering the streets of North Sydney trying to find North Sydney Boys High because unless you had children you did not know where North Sydney Boys High was and that was the joint booth. So that was fairly illogical and I think the council chambers in every community is where people go when they expect to do council business.

The Hon. DON HARWIN: That seems to have been a common complaint. We certainly had Shoalhaven mention that yesterday; they had to fight to get their council chambers as the joint booth. There seems to be perhaps a good public policy reason for trying to make consistent Federal, State and local booths because that is the booth someone gets used to going to vote at. Did that cause problems in a divided council in terms of ward boundaries? For example, in North Sydney were there sufficient numbers, were there any booths other than the central booth where you could vote for more than one ward?

Cr McCAFFERY: We have two State seats in our council area and, yes, at those booths it did cause problems. That is probably something you need to think through.

The Hon. DON HARWIN: If you are trying to maintain that consistency of Federal, State and local, is it your view that it would be essential to identify the booths where more than just the residents of one ward would go to vote and designate them all as joint booths?

Cr McCAFFERY: Sorry, I am not sure. If it is on the border—

The Hon. DON HARWIN: Yes, if it is on the border.

Cr McCAFFERY: —between—

The Hon. DON HARWIN: In the same way in a State of Federal election you would have a joint booth effectively between electorates—do that for wards as well.

Cr McCAFFERY: I think you need to do that. Because that is a change, I think people will get used to the change but I think the consistency long term, as long as the council chambers is also used, I think the consistency between the different elections is important. It is a problem when you have people wandering the council area trying to find the polling booth. It is more difficult when you have a ward system because people get very angry when they have voted in a State seat and can vote anywhere in the seat to vote for their State member and they will go to a polling booth say in Cremorne and they live in a ward in Cammeray and they cannot vote at that ward in Cremorne. I do not know how you get around that. That is very difficult.

CHAIR: Thinking back about the election, were there any elements or aspects of the administration of the election that the Association thinks went well?

Ms DIANE BEAMER: One of the previous answers was "I got elected".

CHAIR: Mr Coulton, you mentioned the independent observers at the counting. Is that something you think should be continued?

Mr COULTON: Absolutely. Having an observation team, do you mean?

CHAIR: Yes.

Mr COULTON: Yes, I think it was really useful for the Commissioner as well as us. The Associations had already started raising concerns about the issues with the Electoral Commission before that was set up and I was personally on that panel and I declared that, but that made no difference to the outcomes. I think the outcomes were good for the Commissioner and gave us a sense, "Well, something is going right", and it should for \$26 million. We were impressed, and I think it shows in the report, that we were fairly hard-pressed to find issues with the count centre. The observation team's terms of reference were very narrow, so we did not get into a lot of issues in terms of the issues that the Association has, but it was great; it was well organised. The issues that we found were occupational health and safety issues, tagging of some of the bags and back-ups with their information technology systems and things like that, but we did it pretty tough to get to that sort of level.

CHAIR: Councillor McCaffery, apart from being elected?

Cr McCAFFERY: That is right, and getting the numbers. In any system there are elements where it is good. As I said, we had a good relationship. Our returning officer was a very decent bloke. Despite some conflicts over a couple of things, generally he conducted the election well and his staff were good, but I think, like most councils, we do not think we got value for money. We felt that when we conducted the election, we conducted the election better for less money; better value for money.

CHAIR: I will just ask a question about either the Association's view or your own view about the requirements of the Election Funding Authority, the disclosure requirements, the threshold of \$1,000 and the six-monthly reporting. Does the Association have a view on that or do you personally have a view on that?

Cr McCAFFERY: I think the six-monthly reporting is crazy if you have nothing to declare. It is the ultimate bureaucracy that you have to send in something every six months and say, "No, I've got nothing to declare". That is my personal point of view. I do not think we have formed any opinion.

CHAIR: What about the requirement for an official agent?

Cr McCAFFERY: Well, that just makes it more expensive and, unlike the State and Federal, we do not get any public funding. It is my concern, in the period that I have been involved in local government, that it is getting more and more expensive to get elected and what that does is that it makes the process more difficult for people who have less financial resources, which, to me, makes the process less democratic, and I think that is a real concern.

The Hon. DON HARWIN: I think I understood you to say before that you are unhappy with the counting of the vote and you were talking about the need to count every vote, was the way you were putting it.

Cr McCAFFERY: Yes.

The Hon. DON HARWIN: My apologies if I have paraphrased it wrongly. Are you referring to the random sampling?

Cr McCAFFERY: Yes. I have instances where a couple of my team were considering contesting and there is an instance where it was recounted twice and you got two different results. They were incredibly confused and they said, "How does that system work?" and I said, "Well, I don't think the Electoral Commission even knows how it works", but it is, to me, completely bizarre that you can count something twice and get a totally opposite result and it is because it is a random sampling. Every person in my area votes and their vote should be counted and when the council ran the elections and when you did the preferences, the piles went up there and you could see.

The Hon. DON HARWIN: Although we have had random sampling for quite a while in council elections?

Cr McCAFFERY: I do not think in the manner of this bizarre computer system. I think that has only happened in the last two elections, 2004 and 2008. I do not think it was the case in 1999 or 1995.

The Hon. DON HARWIN: No, we certainly had random sampling in 1995 at the council election, because I remember exactly the problem you are talking about. In one ward in Kogarah Council there were two recounts done. There was the original result and then two subsequently different results in the recount, so I am just supporting what you say. I think you will find that even when the counting was done at the local level by local returning officers, there was still random sampling?

Cr McCAFFERY: I stand corrected.

The Hon. DON HARWIN: The other thing I was going to quickly ask about was whether the Association had a view on universal postal voting, which is either mandatory or optional in a number of other States around the country and whether the Committee should be looking at making any recommendations in that regard.

Cr McCAFFERY: I think I have already answered that.

The Hon. DON HARWIN: My apologies.

Cr McCAFFERY: There is a diverse view in local government about that, but my personal view is I do not support it.

The Hon. DON HARWIN: I must have been distracted, my apologies. Does the Association have a view on the 12-month waiting period for party registration?

Cr McCAFFERY: No.

Mr COULTON: I am not aware.

The Hon. DON HARWIN: So you are happy with the current arrangements?

Cr McCAFFERY: I do not think we have any burning problem with it.

Mr COULTON: I do not remember seeing any correspondence or issues come out about that.

CHAIR: Are there any final comments you would like to make before we wrap up?

Cr McCAFFERY: No, just I guess to thank you. We certainly appreciate the inquiry occurring. As you are well aware, councils have been very concerned about this. We really thank the Parliament and the Government for instituting the inquiry and thank you for inviting us to give a presentation today.

CHAIR: On behalf of the Committee, I would like to thank you very much for coming in and for giving us the benefit of your experience and advice. We appreciate your contribution today.

(The witnesses withdrew)

(Luncheon adjournment)

ANTONY JOHN GREEN, Private Citizen, 16 Fotherington Street, Enmore, affirmed and examined:

CHAIR: Mr Green, in what capacity do you appear before the Committee today?

Mr GREEN: As a private citizen. I do work for the Australian Broadcasting Corporation, but the evidence and the personal statements I am making here are my own and nothing to do with my employer.

CHAIR: Mr Green, the Committee has received a submission from you. Do you wish for the submission to be included as part of your sworn evidence?

Mr GREEN: Yes.

CHAIR: The Committee, I am sure, has quite a number of questions for you, but before we get to the questions would you like to make a brief opening comment?

Mr GREEN: Just two very brief things, and the bulk of them relates to the fact that the Local Government Act has ended up including a lot of provisions which relate to the general election act relating to the New South Wales Parliament. The two things I made particular reference to were the registration of political parties, which I think is far too strict for use in local government, particularly in the way it prevents groups of independents who work better on council nominating in a group with some form of name above the line for that group, and I think that the rule of 12 month registration before elections is far too strict for local government. Particularly for the independents, if they are running as a team, I do not see that the name of their team should not be registered in some other way without having to go through the hard process of registering a party.

The second point which I raised in some detail was this problem with the method of counting votes for New South Wales local government, which appears to be copied from the New South Wales Upper House, where, when it comes to being elected, their preferences are determined or their surplus votes are determined by random sampling. The problem with that is that combined with the use of above the line ticket voting it becomes very difficult to ensure a random sample is done correctly. The solution is to type all ballot papers into a computer system and let the computer do the random sampling, so instead of using a computer system to have an accurate and repeatable counting method, we actually have the computer doing a random and unrepeatable counting method, simply because that is what the Act says it might do.

This also means that all the ballot papers have to come in and be centrally data entered. There is no option for doing manual counting because of the way the system works. With the exception of the above the line voters, this method of counting is used in many other States, and done by hand, and every vote is counted and the count can be repeated without any difficulty. They do not use random sampling. New South Wales uses random sampling and that results in a lack of connection between where the votes are cast and where they are actually being counted and I think that is a big weakness in the current system.

CHAIR: Thanks very much, Mr Green. Your submission addresses the fact that Schedule 5 of the Local Government Act replicates a random sampling, as you have just outlined. Can you briefly explain for the Committee how random sampling works in the context of local government elections?

Mr GREEN: Certainly. The original voting method we used was designed by a gentleman called Mr Hare in the nineteenth century, and the idea was that you set the quota for an election, if a candidate gets more than a quota, then their surplus votes get distributed. Mr Hare's original method was to use some form of random sampling to determine how to distribute the votes. It was modified in Australia by a mathematician called Manson, who came up with this method, which has been always used in Tasmania, where all votes counted, and instead of a random sampling being done to determine surplus votes, all votes get distributed but at a reduced value. That is the method that is used everywhere else in Australia except in New South Wales.

I think it has come about in New South Wales because in 1978 in the Legislative Council, the system we adopted was to copy the Senate counting system at the time, which is random sampling, and that was written into the New South Wales Constitution. At some point, I am not sure before that date or after that date, that was then put into the Local Government Act. I do not know enough about the history of the Local Government Act to know that.

The simple problem with this random sampling method is that when a candidate has one and a half quotas, which means they have half a quota beyond the quota to distribute his preferences, which is one third of the vote, if you use random sampling, you would go through all the ballot papers and extract one third of them and distribute them as preferences. Because we use this above the line voting system, if you did that manually, there is no guarantee you would get an accurate random sample. You may get a completely different sample from one to the next, because these ballot papers have come from different polling places, they have been counted this way, counted that way, and you end up with, hopefully, they have been shuffled, but you cannot guarantee they have been shuffled. It is like a pack of cards. You can start out with an ordered pack, you can shuffle it ten times, but you will still find some cards are bunched together because they have not been properly randomly sampled.

There is the same problem with ballot papers. They get bunched together, so that if you take a random sample out of this bunch you might get a bad sample, but it is not representative of all ballot papers. The solution to that is to computerise the count, but, as I said, if you counted every vote and used a fractional method of determining preferences, then you could recount the vote. A computer system could be accurate. Above all, in some of the smaller wards around this State, where you only have say three people being elected, it could be done locally. It is not that complex. With some of the bigger councils, like Campbelltown, where you are electing 15 members, it still may be worthwhile doing it with a computerised count, but certainly with the smaller wards, while the above the line voting complicates it, it could still be done manually if you changed the counting system from random sampling.

CHAIR: What system for counting of surplus votes would you put in place instead of random sampling?

Mr GREEN: The fractional method—I will just call it generally the fractional method—is where you count all the votes, count the preferences, determine the size of the surplus and then distribute all the preferences with a reduced value. In the case of my earlier example where you have got one and a half quotas of votes and one third of the votes are therefore surplus, all the ballot papers would be distributed to other candidates, but they would be transferred at the value of one third of their face value. Currently what happens is one third of the ballot papers are sampled and then that one third transferred at full value. The advantage of doing the fractional method where you transfer them at a reduced value is every vote gets counted, and, if you had to, you could count the votes again. Under the system in use here, if you do the count twice, you may get a different result, because it may be a different random sample.

I would recommend the fractional method. The Tasmanian is the most common one used, but I would make one adjustment to that, and that is that because we use optional preferential voting, in calculating the fraction, and there are technical explanations which I can provide for the Committee, it is better if the votes which exhaust their preferences are left with the candidate they exhaust out, rather than be included into any surplus which gets distributed. That is something which is done in the current Act for random sampling, but it would be worth carrying through to any method of distributing preferences. I would recommend that system rather than the Senate system, which would be very difficult to do by hand.

CHAIR: In your view are there any arguments for retaining the random sampling? Does it provide any efficiency or other benefits?

Mr GREEN: In theory, if done by hand, random sampling is relatively efficient. It does not take long to do. I think its biggest problem is people misunderstand why the random sampling ballot papers at certain points, why some go into the continuing pile and some remain on the elected pile. That confuses people doing the counting. It does not seem to make sense. I think that above all, because of the problems with the combination of the above the line voting and random sampling, you are going to get stuck with having to type all those ballot papers into a computer system. There is no alternative to it, to doing the computerisation to get the random sampling right, and you cannot get the random sampling right with above the line voting and random sampling. You have to make a choice. One of them has to go.

The Hon. DON HARWIN: If random sampling went, did I understand you correctly to say before that you thought that otherwise it would be possible to count them locally without having to have a centralised, computerised count?

Mr GREEN: That is my view. I should say that some counts in New South Wales are already done locally. If there is no above the line ticket voting, which occurs in a fair number of rural councils, the manual

count will be done locally. The Electoral Commission provides them with a computer program. The counts are typed into a computer system, which then tells them the next candidate to exclude or how many random samples of votes to take from a bundle of votes. So there is a little program which administers the count. They are actually doing the counting.

A very similar program exists in other States, it was recently done by the Tasmanians, to conduct counts using the fractional distribution of preferences method and using the same sort of principle of just supervising the count, telling you at what point to do something. A similar program as used in other States could not be used directly in New South Wales because New South Wales currently uses the above the line ticket voting system.

The Hon. DON HARWIN: So your view is that while we have above-the-line voting there will always have to be centralised counting using a computer?

Mr GREEN: No, if you kept above-the-line voting you would have to modify the programs that exist currently to deal with it. Neither the program in New South Wales, which supervises the count and random sampling—

The Hon. DON HARWIN: Let me be clearer. If there was no random sampling, but we still had above-the-line voting, in your view we would probably still be forced to have centralised counting using computers?

Mr GREEN: No, I am of the view that if you got rid of random sampling but continued with ticket voting in many of the wards that are small—three, four or five members—you could conduct a count that way. You end up with votes which are above the line with a candidate and votes which are below the line with a candidate. It would be complex to supervise, but again you would write a computer program which would supervise the count and all the votes that are above the line would be allocated to be with a member and they would have to modify the program to supervise the count.

I think, given how many wards there are around the State that are three-person wards, the biggest difficulty with the fractional method is that you get bundles of votes at different values. A candidate may have votes at value one, full value, and you may have bundles at reduced value, which are the surpluses from somebody else. In a three-person ward the worst case you could have is three bundles of values at a time, which is full value votes and two reduced value votes when you are going for the final position, so in a three-person ward it is not that complex because there are not that many bundles at different values.

If you were doing a council like Campbelltown, with 15 different members being elected, or Orange and Wagga Wagga with I think 13 or 11 members, you may have seven, eight or nine different bundles of votes hanging around. That can get complex to supervise and it may be in those cases some form of computer data entry would still be worthwhile, but I am thinking of councils like Newcastle, and they are counting wards which are no bigger than the Tasmanian lower house electorates, which have 70,000 people in them, and they are electing five members and have little difficulty conducting elections. I did in my submission point out that Tasmania is about to conduct local government elections and it may be worthwhile going and having a look at how they supervise their counts. They do conduct elections by postal ballot, and central office staff do all the counting, but they are able to cope with many thousands electing multiple members and they do the count by hand.

Ms DIANE BEAMER: Do they also enter the data for those?

Mr GREEN: No.

Ms DIANE BEAMER: We enter the data at central returning now, so we have the ability just by changing the computer program to count everything.

Mr GREEN: Yes. If we did the election next time with exactly the same system and just got rid of random sampling—

Ms DIANE BEAMER: We could do the whole count without changing anything except for the random sampling?

Mr GREEN: Yes. They would have to modify the way they store the calculations in the computer system, but they could continue our system, the data entry—everything could be exactly the same, just change the calculations.

Ms DIANE BEAMER: So you are not changing anything in terms of personnel needed to conduct the count?

Mr GREEN: No. One of the points I am making is that if you got rid of random sampling they would have to change the program to do the counting.

Ms DIANE BEAMER: Yes, that is all.

Mr GREEN: That is all. But the other advantage you get is if you did not do random sampling—

Ms DIANE BEAMER: You would get two advantages, one that you have pointed out where you could in small wards count—

Mr GREEN: Locally.

Ms DIANE BEAMER: Locally, get your scrutineers there and do it that way, and you would get a more timely count in those wards, thus freeing up the larger councils to go through this process?

Mr GREEN: Yes. If you have a very close count in some of these wards—I think in places like Wagga Wagga and Orange in the past the final seat has been decided by five votes—you cannot recount the votes because you have done a random sample. If you get the computer to do it again, even if you did it by hand again, because you are using random sampling, there is no guarantee that you will get the same result.

Ms DIANE BEAMER: Because it is so small?

Mr GREEN: Yes.

Ms DIANE BEAMER: Given that you are talking about most of it or quite a lot coming across statistically the vast bulk of the time it will not change, but when it is very close it can.

Mr GREEN: Yes.

Ms DIANE BEAMER: Because there is a margin of error of 1 or 2 per cent as opposed to a larger move across.

Mr GREEN: And, as I said, the thing that concerns me is it is not repeatable, but if you got rid of the random sampling I am firmly of the view that they could conduct some of the smaller council elections back in the wards in the councils. Newcastle council is one that strikes me. They are three-person wards. At the first count there will be two members elected. It is not that hard to then go on and elect the third person with a proper count of preferences and it could be done by hand.

Ms DIANE BEAMER: It could also be done with the computer system being available to be used?

Mr GREEN: Do you mean a central counting system?

Ms DIANE BEAMER: Yes.

Mr GREEN: The problem is that you either have to decentralise that computer so that they have access to it or you have to bring all the ballot papers down to Sydney, which is what they did last time and the local government bodies were complaining about it. My argument is that if the counting system is simplified rather than random sampling, which means there is none of this legal requirement to do random sampling, which has to be done properly, you could do the count locally and it may be just as quick and easy to count those votes as to manually type it all in.

CHAIR: That would just require an amendment to the Local Government Act.

Mr GREEN: Yes. As I said you then give the officers a small computer program which supervises the count. When I say it supervises the count, first of all you count all the ballot papers and type the totals into a program. The program will then tell you whether anybody has reached a quota. When it says this person has a quota, distribute their preferences, and then it tells you how many of these ballot papers to sample. That is the current program. The alternative would be that the program would say there are this many ballot papers, transfer them at this transfer value. So at every stage of the count when you go to do something the program works out what you have to do. That is what they currently use in smaller councils that do not have ticket voting at the moment. They have a program that tells them to do that. All the other States that use these sorts of systems have some form of program which does that. The program would have to be written. It does not involve data entry, it is just a process of typing in the totals and then it looks after everything else itself.

CHAIR: Have you had any experience with electronic voting, the ACT model where they have kiosks at polling booths, or any experience with internet-based voting anywhere else?

Mr GREEN: I have not seen it operating, but I am well aware of the ACT system. The problem with electronic voting, the ACT did a review of their electronic voting a couple of years back—and I suggest you get hold of it—and came down with recommendations. There was always a lot of pressure to try to expand this so that everybody voted electronically and the committee came down. It was either going to cost an absolute fortune to do it or they spread the election over two to three weeks, so you could go and vote at any time within two to three weeks, because that absorbed the cost of putting the computers in, but there were less of them. They are used more over a longer period and you do not have to run as many polling places, but nobody accepted that that was the best solution. If you are concerned about access, I think you should consider some of the smaller councils conducting their elections by postal ballot, which is done in Queensland and is done in a number of other States. Some States conduct them by postal ballots. Queensland conduct some of the more remote council elections by postal ballot. I think there should be some consideration for that in some cases, particularly the smaller ones who are setting up one or two polling places and that is all.

In terms of access and Internet voting, nobody seriously uses Internet voting because it is not secure enough. I know there are certain primary elections in America that have been conducted by Internet voting, but they are very small elections, they are not elections which involve vast numbers of people. I am very doubtful that in the near term we will be using Internet voting. There will be smaller intranet sites set up for voting. For instance, if you are familiar with federal or state elections, Sydney Town Hall is used as a central polling booth in every electorate. It would save a lot of time and effort if, instead of having to reconcile 93 different electoral rolls and 93 different issuings of ballot papers, people were directed towards a little intranet site. You would not have to have all the ballot papers available and people could vote at any time and that would cut a lot of paperwork, but in terms of most polling places where most people are voting in that polling place it would be enormously expensive to set up any form of computerised or Internet voting.

CHAIR: Mr Green, your submission also made reference to the fact that it is unfair for local government parties that are not part of a political party to not have their name printed on the ballot paper next to their voting square above the line. Are you aware of any administrative reason for this requirement in the Electoral Commission's preparation for elections?

Mr GREEN: I am not aware of it except that when the changes were made to party registration after the 1999 New South Wales election the 12-month registration period before the election was introduced. I must admit that on a number of occasions I said that I thought that period was too long—I thought it should have been three months—but 12 months is what was put into the electoral act. Given that the state electoral act, the Parliamentary Electorates and Elections Act, includes provisions for public funding and various aspects, which are quite complex and onerous on political parties, it may be that the 12-month period is worthwhile, but for the Local Government Act I am not sure that the same level of scrutiny and registration should be having to apply to political parties.

Essentially, there are groups of independents who are not registered and therefore stand with no name above the line on the ballot paper. Because of the structure of the ballot paper, the number of groups and the number of candidates who must stand to have a group on the ballot paper, candidates are standing themselves and two or three others who they do not really think will have a chance of being elected, but they do not have their name above the line on the ballot paper. I think that there needs to be some sort of provision that simply allows the Fred Smith team to be called the Fred Smith team without it having to have a registered party. I think there is some form of mechanism there.

The point of all these things like registering parties is to also give voters information. It is not just advantages to the parties you are concerned about, it is giving information to the voters. Giving voters a ballot paper where candidates who are clearly identified with a party are not identified that way does not help the voter, and I think the 12-month period for registration catches out groups of independents who want to run together, particularly in councils where there might be a Liberal team and a Labor team and there are a couple of independents who actually run together, but if they have not registered their party for 12 months it is too late.

CHAIR: Do you think there are definite advantages for groups above the line in voting?

Mr GREEN: Yes. People have got used to looking at a ballot paper, looking across the top, seeing names on the ballot paper, and there are candidates who therefore miss out because people do not look below the line. I think when Pauline Hanson stood for the Legislative Council in 2003 she did not have her name above the line on the ballot paper. There was never any research done, but I would strongly suspect there were a number of people who would have voted one for her below the line. I think that is one thing that might happen. If there is no name above the line for the person and they see the name below the line, they may vote one for them. I can see why people want party names to be registered, but I think it is far too strict to make it a 12-month period and I think there should be some opt-out.

I should point out that in South Australia—nobody else in the country likes this system—when an independent nominates for election they are allowed to put up to five words after their name to say what they are doing. So, you get "Independents ban duck shooting", "Independents opposed to nuclear waste dumps." People can appear on the ballot paper like that in South Australia. They do not have to be registered as a party but they can have that appear.

The other thing that could be done in this area is if they have not registered a party—I think you need 100 people to register a party for local government. In Tasmania if you want to appear as a separate group on the ballot paper you must be a registered party which means you have 100 members. If you want to stand as a group of independents, instead of 10 nominators you need 100 nominators. It is the same as you need membership of a political party. It may be that a second criterion could be put in there. I am not sure what the rules for grouping are on the ballot paper under the Local Government Act, but if you put a second criterion in there so you need 10 nominators but if you want to have your own group and name you have to have 100 nominators. That would then put them equivalent in terms of support to a political party, and I think that might be a worthwhile alternative.

Ms DIANE BEAMER: Of course, all the legislation regarding the 12 months for registering political parties occurred after the huge tablecloth that people had to fill in and the way in which that became an obvious problem for voters and the way in which both political parties acted during that campaign, with minor parties being established. It remains valid, I think, for the Upper House in New South Wales for political parties to be registered. You are putting to us that the system for 100 voters doing so, but I am aware that one political party that was registered did so and a number of people appeared as registered members of that party, and what they had to do was sign a petition. That was a problem that occurred with one particular political party who had members of other political parties sign a petition and then be declared members of that party.

Mr GREEN: Are you talking about the local government elections?

Ms DIANE BEAMER: No, I am talking about the State election.

Mr GREEN: I am well aware of that. That was the old system where people basically would just provide lists of names to the Electoral Commission.

Ms DIANE BEAMER: Would you then put in that there should be some check on those 100 nominees?

Mr GREEN: It is the same as if you have nominees to stand for Parliament. They must be on the roll in that local government area.

Ms DIANE BEAMER: Also to be a registered political party, the individual parties put to the Electoral Commission here are some members, you can check that we have over 100 members, and the Electoral Commission will ring people to ask whether they are members of this political party. Would you suggest that the 100 nominees be called to check they have nominated?

Mr GREEN: Currently you have to have nominators and they must be on the electoral roll. Once you are registered as a party you can do a central nomination. Once you are a registered party you can just nominate, and there is no question.

Ms DIANE BEAMER: I wonder about the way you envisage a check being made on that?

Mr GREEN: Again, my suggestion is you talk to the Tasmanian Electoral Commission about the rules it uses. It introduced the rule, which means that groups of independents get access to their own column and doing that they had to reach a higher hurdle. I am suggesting something like this, perhaps a higher hurdle, which is equivalent to a party registration.

Ms DIANE BEAMER: So the John Smith Party with five people could have 100 nominators for that party?

Mr GREEN: The nomination form has to be a nomination form. You have to put the names on a formal bit of paper. It is not something you can necessarily do with a petition. I think it is worthwhile considering something like that. If they have gone down that path and to have something like Joe Blogg's Team, I think it would be worthwhile.

The Hon. DON HARWIN: At the time of the election you mentioned to me a concern you had, which I notice has not ended up in your submission. It related to decentralised lodgement of how to votes and the fact that there was not a centralised point where you could view all how to votes. I think that was a concern you might have expressed before election day. Did that problem get fixed and do you have any remaining concerns in that area?

Mr GREEN: I am not sure I made that point about local government. It is a complaint I continue to have about State elections, that the how-to-vote cards are still secret.

The Hon. DON HARWIN: It is not the secrecy; I thought I recall you saying after the registered how to votes were—

Mr GREEN: I have this vague memory, not at the last local government elections but the one before, there was a very strange provision they had to lodge a second ticket of preferences, very similar to in the Legislative Council. When you nominate the 15 candidates you had to specify a second group in case one of your candidates dies or is disqualified. That was a specific provision for the Legislative Council. Not at the last but the previous local government elections there was some provision like that written into the Electoral Act as well. I think that was removed before the last local government elections. I certainly did not hear any complaints from groups annoyed that they had to nominate somebody else.

CHAIR: I think at the 1999 council elections above-the-line voting for a candidate or group could determine where a surplus went without reference to the voters indicating a preference for that.

The Hon. DON HARWIN: No, that was a different matter. I obviously recall wrongly, but it was a different matter to that.

Mr GREEN: I am not sure. It is hard enough keeping up—I thought I did pretty well just to publish the results of the local government elections on the ABC's website. That was very hard as it was. Trying to keep track of the how to votes would have been impossible as well. New South Wales has gone down a very strange path of registering how to votes, which is very prescriptive and saying what you can and cannot do—who you can picture and who you cannot picture. I think New South Wales has probably gone too far down the track of saying what you can and cannot do. I am not familiar with the provisions of the Local Government Act as to that. I think they are far too prescriptive in the Parliamentary Elections and Electorates Act, but I do not think I can offer an opinion on the question.

CHAIR: Are there any final comment you wish to make?

Mr GREEN: Again, I recommend the abolition of random sampling. It just creates problems. I would recommend you talking to the Tasmanians about their local government system because they do this regularly.

Of course, in Tasmania the candidates appear in different order from ballot paper to ballot paper, so it is even more complex.

(The witness withdrew)

CHRISTOPHER HENRY MALTBY, Registered Officer, The Greens New South Wales, 19 Eve Street Erskineville,

MAX PHILLIPS, Former Campaign Coordinator, The Greens Local Government Election, 19 Eve Street Erskineville, and

NORMAN LEE THOMPSON, Member, The Greens Election Funding Working Group and Director, The Greens Political Donations Research Project, 19 Eve Street Erskineville, affirmed and examined:

CHAIR: We welcome you to help with the deliberations of our Committee. We have received a submission from your organisation. Would you like that submission to be included as part of your sworn evidence?

Mr MALTBY: Yes.

CHAIR: Would any of you like to make an opening statement before the commencement of questions?

Mr MALTBY: Yes, I believe there are short statements from all of us. We have addressed different areas of the submission and a couple of other points. I will go first. It was intriguing to hear Mr Antony Green talk about some matters that are covered by our submission. Particularly there was a lot of talk about the problems caused by group voting squares. If you express it that way you get the view of what our submission says in this area, which is at the local government level group voting squares are an unnecessary complexity. They are intended to be an assistance to voters, and they certainly are an assistance to voters in the Senate and Legislative Council elections, but at the local government election where there are a small number of candidates they make it more complicated than they make it easier. Then they add this other level of complexity with counting, requiring more of the counting centre to do counts for many ward councils and so forth.

In the days prior to the introduction of group voting squares it was feasible to count quite significant sized councils in a couple of days locally and with much better scrutiny and much better transparency of the outcome. There is a lot to be said for our recommendation that for at least councils with wards and perhaps councils generally we should abolish the idea of the group voting square. It also gets rid of the need to have more candidates than necessary to be elected, and a whole range of other simple applications. I think that is the key to the problem.

On the question of random sampling, I am not sure it is a big issue. If there was a way of doing a count manually which was just as easy as the random sampling method, I do not see a problem with eliminating it. I think the margin of error is probably one, two or three votes at the most so it would have to be a very close result before the random samples would be a big issue, in my view. I have some other comments to make in relation to submissions you might have heard. I think Max will talk about doing more general postal ballots. I think that is all from me. Max has some other comments.

Mr PHILLIPS: Talking, I guess, from a position of liaising with a lot of our candidates during the election, one of the difficult hurdles for those candidates was the requirement to have your form signed by a justice of the peace, which I think is quite antiquated, particularly for candidates who are further down the ballot and unlikely to be elected. It is a bit of a barrier. I am not sure whether it is necessary for candidates to go through that.

The second was brought up by the previous witness, the registration of how to votes, which was decentralised in this election. In the previous election it was centralised. That was quite a nightmare. The Greens had a fairly standard template and we were getting all sorts of different rulings from the returning officers in the various districts. Some of them flew through and others were very pedantic. Some would want you to change the slogans you had on your how to vote, which I think is just out of order, we would automatically get them to liaise back to the central Commission and vice versa. It meant a lot of phone calls and faxes and worry for the candidates who should be out there talking to the public.

The other thing was how to votes. In some council electorates there were booths where you could vote in two electorates. Marrickville and Canterbury was one of them. We tried to register a how to vote which, I think, was double sided. One side would be how to vote in Canterbury and the other side would be how to vote

in Marrickville. That was ruled out of order, which meant that on the day our volunteers had to have two pieces of paper. Voters were asked which council they were voting in. It was really confusing and, I think, unnecessary. In that case we were not given the ruling on that until basically five minutes to 5 o'clock on the deadline day, which made it difficult for printing and distribution.

The other thing I wanted to touch on, which I believe has been discussed here and was discussed in the last session, is postal voting. Certainly I have concerns, and I think the Greens have some concerns, about that, in that it will likely favour more wealthy candidates who are able to pay for postage out to voters, rather than more community-oriented candidates who are able to get their supporters in the community to stand at polling booths and hand out on the day. I think there will be a decrease in the participation in elections, particularly from young people. A lot of young people have grown up without using the post much, to be honest; they are on their email and on Twitter. I think you will also find that more wealthy and educated voters are more likely to vote, and poorer voters and voters from non-English speaking backgrounds are less likely to vote.

I guess there are also concerns about the potential for fraud, given the number of ballot papers that will be in the post on certain days. So we do have quite a lot of concerns. I also think that our voting day is a bit of a community day, where the whole community comes out over the length of the day, and they have their barbecues and their cake stalls at the school. It would be a pity for that to go.

Mr MALTBY: I think it is worth noting in that context that in Tasmania they do not distribute how-to-vote leaflets in elections. So there is more an established culture in that way, whereas New South Wales voters are familiar with the idea of how-to-vote leaflets and there would be fewer opportunities to get one in a postal system.

Dr THOMPSON: One of your staff members has distributed a paper that I wrote after doing a fair amount of research on just one small part of our submission, and that relates to disclosures of donations by the local government tickets. I wrote the paper because I really do not have time to go through all of that today. I hope you will accept my paper as an official paper for the record, and I have requested that in my paper.

The major concern I have is the lack of transparency of the source of money for various local government campaigns, especially those running as Liberal Party candidates. I have used the City of Sydney as an example to illustrate this, but only as an example. I could have used Woollahra, Waverley or a number of other councils. I have basically used City of Sydney because I know the City of Sydney very well; I live there. I have been researching the donations to all the campaigns for the Sydney council elections since 1999.

I did this in my paper, and I want to emphasise publicly, that I am not personally criticising Councillor Mallard, or anyone on his team. As I point out in my paper, I personally know and respect Shayne Mallard. My concern is what appears to be—maybe it is a Liberal Party policy; I am not really sure—funnelling of all or almost all donations for both local government and State election electorates through the head office rather than individual disclosures. That means that therefore the head office would report them, disclose the donations, but they would not say to which ticket they had been made. After looking through a number of these, it appears that the head office of the Liberal Party has not even disclosed them. I have three examples of that.

As I point out, this leads to a total lack of transparency, and this in turn leads to more disillusionment among the public towards our whole political system and towards politicians. I think this is very unhealthy for our democracy. As a side issue, I briefly discuss gifts in kind of campaign offices. Although these are now abandoned in New South Wales, the lack of adequate information required by the Election Funding Authority means we do not know if candidates and parties are paying commercial rates for their office space. Finally, I strongly support the Greens' recommendation in the submission, and I also offer suggestions for a total reform of the election funding which has been the Greens policy for a long time.

CHAIR: Following on from the comments made by Mr Green, is it the view of the Greens to support the removal of random sampling?

Mr MALTBY: I do not think we have a position on it. I am not sure that it is the biggest issue that you would talk about in the context of these elections. It exists because of the ease of counting when the systems were fully manual. And there is no doubt, I think, having been involved in the counting of local government elections in the fully manual days, that it is much simpler with the random sampling method than it is to do the proportional weighted votes. The availability of computerisation in the local returning officer's premises might

make a proportional weighting system work now. You would need some assistance because it is much more difficult to do manually.

It is a fact, as we draw out in our submission, that the training level of returning officer staff is not exactly very good, so you are making significant demands on them to understand the voting system. I think one of the conclusions to draw in relation to the central counting centre is that political parties, particularly Labor but the Greens also largely, and to some extent the Liberals, have expert scrutineers who understand the systems, so you have that ability to make sure that the voting system is being done according to the rules because you have scrutineers who can watch it. At the moment it is almost impossible to do that because scrutinising what is going on at the counting centre is effectively impossible. The thing you would most want to scrutinise is what is on the ballots that have been set aside as being marked one above the line, but the ability to actually check that is very restricted under the current process.

Mr PHILLIPS: Can I add to that? There was a lot of concern among our candidates at the fact that the counts were conducted in the returning office in the electorate and that there was some bagged-up and separated intake into this counting centre in terms of the transference of the count. I certainly went out to that counting centre to try to scrutineer and it was impossible, I would say, to really know what was going on. I would say that there is some suspicion out there about what random sampling really means.

CHAIR: The submission that was made by the Greens refers to the Electoral Funding Authority's exemption for the requirement to have disclosures audited by a registered company auditor. The Greens have suggested that the current threshold of \$2,500 should be raised to \$5,000. Is there a particular reason that you used the figure of \$5,000? Do you have any evidence to suggest that the \$2,500 current limit is causing problems for candidates?

Mr MALTBY: Anecdotal evidence only. I think the bulk of our campaigns were less than the \$2,500 threshold, and I imagine that the campaigns for the major parties were significantly higher than that. I think there may be an explanation for why some parties chose to do that centrally at the cost of transparency. As Dr Thompson has pointed out, if you had to pay for the auditing of returns from every group in every ward in every local government area because you have spent more than \$2,500, that is a significant cost for the campaign, none of which is claimable. Whereas the auditing costs in a State election are claimable against the election funding. I think \$2,500 is probably a meagre campaign in a large council, especially an undivided council; a \$5,000 campaign is probably one that would be adequate to provide for the cost of how-to-vote leaflets, a letterbox drop and your campaign ancillaries. I think for a steady campaign, maybe we could arrive at an index figure or sample, to survey the candidates to see how much they spend and then set it at a threshold. It was only the ones where a significant amount of money was involved, or that were above the threshold, where you would go to the extent of doing a full audit.

CHAIR: The Greens submission states that in some cases disclosures were not properly itemised. The Election Funding Authority's submission indicates that ambiguities and complexities in the Act make it difficult for the authority to interpret and enforce the provisions of the Act. Do you have any further comments you would like to make in regard to the need to change the Act?

Mr MALTBY: Yes. I think Dr Thompson has some of that in his additional paper. In relation to Waverley council in this case, a Greens councillor asked a question of the Liberal mayor as to why the disclosure that she and the other Liberal councillors had made failed to identify the party's contribution to her particular campaign as a donation, as is mentioned on the Electoral Funding Authority's website. I went looking in the Act, and there is no appearance of a requirement in the Act that I could find that says that that is a requirement for candidates to make that disclosure. Nevertheless, it is on the Electoral Funding Authority's website. In the frequently asked questions section it says, "If you are a party candidate and you have received a campaign from your party, the cost of that campaign must be disclosed on your individual disclosure or in your group's disclosure." That is an obvious, glaring inconsistency there.

But that also identified the other point that we make in the submission, which is that the penalties in the Act all refer to essentially acts of dishonesty, whereas if you make errors of omission there appears to be no sanction for making those errors. I believe the Mayor of Waverley, Councillor Betts, declared that she was aware of the requirement to make that disclosure, and that is in the Waverley council minutes for that meeting, but that she had been advised by the party that she did not have to. That may well be the case. A lawyer looking at the Act might say, "There is no requirement to make that. It is an omission, there is no sanction, so you can do

that." I do not know. The other aspect is that councillors who fund their own campaigns seem to be in some doubt as to whether they have to disclose the cost of their own campaigns.

Ms LEE RHIANNON: Mr Chair, may I clarify a matter? Dr Thompson has presented a paper. Can we add that to the submission?

CHAIR: Would you like to table the paper as part of the submission of the Greens?

Dr THOMPSON: Yes.

CHAIR: Is all this information available for publication?

Dr THOMPSON: Yes, all the attachments are in the public arena and everything I wrote is available for publication.

CHAIR: The Committee will look at that as we have our deliberative meeting later.

Ms LEE RHIANNON: Dr Thompson, in the material you have presented today you take up the issue of the codes of conduct and you link it with donations received in elections. Could you elaborate on any problems you see in that area, particularly with how it plays out once a council is working?

Dr THOMPSON: Certainly. If a donor gave more than \$1,000 to, say, Labor or the Liberals and then an issue came up for a council involving that donor, those councillors are obliged to declare a significant non-pecuniary interest and not take part in the debate or vote. If we do not know who the donors are, how can we monitor that? We have already had a case in the City of Sydney where Clover Moore did receive almost \$7,000 from Peter Holmes a Court, and apparently she breached the code of conduct because she stayed for the discussion and she was involved in the vote. So I think it is important that we do know who are the donors to each of the tickets.

CHAIR: I might have missed the first part of your answer. Under the reforms that have been made, if an applicant has an item before the council for which a council is required to disclose a significant pecuniary conflict of interest, the applicant is also required to disclose as part of their application that they have made a donation that is reportable, is that right?

Dr THOMPSON: Yes, over the past four years I believe it is. But we do have instances, say in Port Stephens council, where people have told us that they are not putting that on their development applications, and I hear that is happening in other councils as well.

CHAIR: Situations are arising where applicants are not complying with the requirements of the Environmental Planning and Assessment Act?

Dr THOMPSON: So we have been told.

CHAIR: And councillors are not complying with the code of conduct?

Dr THOMPSON: We do not know that. We only know of one case of Clover Moore because it made the *Sydney Morning Herald*. My point is: How can we really monitor that if we do not know who donated to that particular party?

The Hon. JENNIFER GARDINER: Dr Thompson, in your supplementary paper you talk about the general question of donations and disclosure reform and put forward the suggestion that has come from many different groups that donations from corporations, unions and others be banned, that individual donations be allowed but capped, and that there be a cap on election expenditure. What do you say about the fact that all of that debate about significant reform in New South Wales has fallen in a heap while the State Government has passed the buck to the Federal Government and we are still waiting for the Federal Government's white paper?

Dr THOMPSON: So you are saying should New South Wales wait for the Federal Government to move?

The Hon. JENNIFER GARDINER: Yes.

Dr THOMPSON: I think the State Government could move. New South Wales, under the Wran Government, introduced major reforms without the Federal Government or other States doing it, though the Hawke Government did follow soon after. So I think that New South Wales could move on reform.

The Hon. JENNIFER GARDINER: Have you had any information as to when the Federal Government's white paper might appear?

Dr THOMPSON: No. We have had meetings with various Labor people. We have tried to meet with the Liberals but we have not been able to. We think that it will be fairly soon but we really do not know. There has been one roundtable discussion of people who have made submissions and those were basically NGOs. I think they will have another some time soon but we really do not know. I cannot find anything on the Special Minister of State's website.

CHAIR: The Greens submission made reference, as many other submissions did, to the cost to councils of the local government elections. One of the suggestions that is being considered is the oversight of the Electoral Commission by the Independent Pricing and Regulatory Tribunal for the setting of fees and monitoring of the conduct of the costs. Is that something that the Greens have an opinion on and would support?

Mr MALTBY: We have not considered it deeply. At a first guess, I would say that it would not hurt. I am not sure that the costs are unnecessarily excessive in all the circumstances. It is a moderately expensive activity to conduct elections and the involvement of the Electoral Commission in local government is probably an overall positive and does come at that additional cost. For example, finding ways to limit or eliminate the Riverwood counting centre would be a big saving in that, and there are many ways that economies could be introduced into the voting system which would be to the benefit of councils because elections are very expensive for councils to run. It may also be worthwhile—we make also in our submission some comments about public funding in local government. I think the costs across the State are relatively modest when considered against the State budget but it is quite significant against council budgets, given that councils are already under significant financial pressures by rate capping and other concerns that they have. So having a single large buyer in the form of the State Government might make it more efficient than forcing the councils to deal with a much larger provider.

Mr PHILLIPS: In some respects the complex counting system at Riverwood and basically building that computer system for the count, I do not know if that was necessary for the local government elections. I have certainly heard that the Electoral Commission may be on-selling that to other districts for use, and whether councils are effectively subsidising the development of that software. Burdening their ratepayers is a concern.

CHAIR: One of the suggestions that was made by a number of councils, particularly yesterday, was the idea of contestability for the conduct of elections—that councils should have a choice of who conducts them, that they be conducted externally but that the options could extend to the Australian Electoral Commission, electoral commissions from other States or private organisations. Is there a view of the Greens in regard to that?

Mr PHILLIPS: I do not think we have a policy, but certainly my own personal opinion is that privatising the system would be a big mistake and would undermine voters' confidence in the integrity of the system. Certainly, some kind of oversight or competition between public bodies might be welcome.

CHAIR: Are there any further comments you would like to make?

Mr MALTBY: No, I do not have any.

(The witnesses withdrew)

(Short adjournment)

CHAIR: Mr Ermacora, thank you very much for coming this afternoon to give your evidence. I understand the situation in your hometown has been quite touch and go in relation to some bushfires. I am glad you have been able to come.

HUGH RONALD ERMACORA, President and Registered Officer, Our Sustainable Future Party, PO Box 600, Mullumbimby, 2482, affirmed and examined:

CHAIR: The Committee has received a submission from your organisation. Do you wish the submission to be included as part of your evidence?

Mr ERMACORA: Yes, please.

CHAIR: Before we get to the questioning phase, would you like to make an opening comment or contribution?

Mr ERMACORA: I would like to, if I may, Mr Chairman. First of all, let me thank the Committee. It is a privilege to be here, and to say simply, by way of background that I am a tree-change escapee from Canberra, who went north and got involved in community affairs. I became a councillor in 1995 and so I served for a couple of terms before deciding it was somebody else's turn to have a go. In the process I established Our Sustainable Future [OSF] in 2000, which has, as required, over 100 members, and which ran its first candidate in 2004—ironically in Tweed. I could not persuade anybody to take over my place in Byron, so off to Tweed we went, and for the sake of nine votes we could have saved a whole lot of public money in terms of the sacking of council there, had our person got in. That was that; 2008, however, we successfully have run a candidate in both Byron and Lismore; we have a councillor in each of those two areas.

I wish, if I can, Mr Chair, just simply to re-enforce the main point of our submission, which is really all about survivability of little micro-parties like ours, which I would say are little more than community interest groups of like-minded individuals who are obliged to register as a political party in order to be identified on the ballot paper, and therefore what Mr Green had to say was extremely relevant to this issue. The primary focus of our submission is the impact of the changes to the Electoral Funding and Disclosures Act and, more particularly, the demand for regular expensive returns in a situation where nothing has happened; there is nothing to report either in terms of donations, expenditure or whatever.

As you would appreciate, these little parties tend to go into hibernation between elections and then suddenly wake up because there is one around the corner and engage in chook raffles—and as I have taken the liberty of tabling there from our minutes—you can see that we have the grand sum of some few hundred dollars at the present time and we are, from the other minutes, seriously looking at deregistering and looking at what are the pros and cons; what are we doing here, giving these onerous and quite expensive obligations that we now have?

I have also taken the liberty of approaching some other parties in our category under the Local Government Act. I think it is fair to say that there is a fairly high level of dissatisfaction and cynicism out there and I know of at least two parties, formerly called Byron Community Alliance Network [BCAN] and the Roads and Services Party, who have both deregistered for this very reason. In fact, I was talking to the former president of the latter party, who commented to me that the disclosure requirements were something of a farce; in the last election they had one of their candidates, who ostensibly is not a member of a party—and I say ostensibly—was able to accumulate something in the order of \$20,000 by ensuring that each donation was under the \$1,000 threshold of course. This adds to the sort of cynicism that prevails of course.

There is within the Act, we understand, provision for the authority to waive compliance, but this has not been done. You will see from something else I have tabled that we have taken the suggestion of the Electoral Commission and written to the Premier. We are not holding our breath for a resolution. In summary on this point, we are simply saying that the reporting requirements are not simply a funding issue for us; they are an issue of survival. We are really saying the whole process is skewed against us and, of course, all of this feeds into the cynicism about control by the major parties and so on, if one wants to go down that path, in circumstances where, some of us would argue, that these sorts of groupings and parties are really the best example of grassroots democracy.

Like the lady who was sitting next to me on the plane and sort of went, "Shriek" when I told her what I was doing here. So many people that we meet, sadly, have such in-depth aversion to the notion of politics in our society. I say, not just our little group, but the level of community activism that we have—and I have seen in other places—irrespective of their leanings are great initiatives involving people in the street in their local politics. Therefore this issue of does it, in fact, add to the cynicism, rather than remove it, I think is a critical factor.

That issue aside, I have just a couple of quick additional comments. Whilst Byron Council did not put in a submission, I can tell you that the elections in 2004 cost \$84,000 and in 2008 cost \$128,000. I also note and agree with the comments from Lismore City Council about polling booths, because we were running a candidate there and it was just ridiculous the number of booths we had to contend with. The comments about administrative complexity, which have even been made within the Election Funding Authority's own submission, we of course agree with.

Lastly, I most strongly agree with and I am gratified to hear the sorts of comments that Mr Green made that surely there must be some other method where a group of Independents are able to use identifiers above the line. Thank you.

CHAIR: Thank you very much. Your submission suggests that the reporting requirements of the Election Funding and Disclosure Act threaten the existence of micro parties. Your party has obviously found it difficult to meet the obligations to have disclosure declarations audited by a registered company auditor. What have been the financial implications for your organisation?

Mr ERMACORA: Very simply, as our minutes indicate, we do not even actually have enough money in the kitty to undertake the required auditing over the next period of time before the next election.

CHAIR: Are you required to undertake or submit a return if you have not received or spent an electoral income?

Mr ERMACORA: Yes. This is the irony. On the net the instructions from the manual were that we did not, but when I got in touch with the Electoral Commission, I got a formal response that in fact we were required to, and we received an apology for having the wrong information in the manual. That was amazing.

CHAIR: You are required to lodge a nil return?

Mr ERMACORA: Yes.

CHAIR: But there is no cost involved in having it audited, is there?

Mr ERMACORA: We have to have that audited even though it is a nil return, and I can tell you, the nearest company registered auditor to where I live is in Murwillumbah, which is about a 100-kilometre round trip to walk in and hand over a couple of dollars and have a nil return audited. It is just bizarre.

CHAIR: Do you have any suggestions for amending the legislation to make it less onerous on small parties, perhaps by introducing a threshold to auditing campaign expenditure and income?

Mr ERMACORA: First of all, that requirement where there is nothing to report, as I said, my understanding is that there is already provision in the Act for that, but where there is something to report, either in terms of donations or expenditure, that there is no longer a requirement. I think that is what ought to prevail. Whilst we have strong views about some of these other issues that I have raised, unless we sort that one out we simply are not going to be around. We might choose to continue to try to operate as an interest group, if you like, but not in the context of a political party.

The Hon. JENNIFER GARDINER: I raised with the Commissioner yesterday this question of nil returns and the fact that they have to be submitted six monthly. He was of the view that that was the least that could be done, because it went to the question of accountability and transparency, even if there is nothing to report. You obviously do not agree with that?

Mr ERMACORA: No, I do not and quite strongly. The reality on the ground proves otherwise, as I said in the conversation I had with him this week, about the way that people are getting around it and the quite

high level of confusion that one gets even in reading the Electoral Funding Authority submission.

CHAIR: You have raised a question about the costs associated with the conduct of the election charged by the Electoral Commission to Byron council.

Mr ERMACORA: I added Byron because Byron did not have a submission, so just to add to the public record the costs on Byron I rang up the general manager of Byron Council. I thought that would be useful information.

CHAIR: As a candidate group in local government elections, do you have a view about the idea of contestability for councils? Should have the right to choose who runs their elections, whether it be the Electoral Commission for New South Wales or the Victorian Electoral Commission or the Australian Electoral Commission? Should be able to tender for those services from other providers?

Mr ERMACORA: I took note of the comment by the Greens' representative. I am inclined to agree with him that the question of perception is a terribly important one. There has to be faith in the system, and I think that while there is an attraction of tendering like that, for those of us who have some cynical views about where the world is going, it reinforces that even at a political level we are sourcing out our democracy. I would say from our point of view, bearing in mind that we are up the Far North Coast and Sydney is a very long way away, and without going into the pros and cons of separating ourselves from Sydney, the fact that there was a very significant delay and that our scrutineers were not able to be part of the process for practical reasons did not add to people's comfort up there about the process. Certainly, what I am focussing on is making it local again. I think that would go a long way, quite apart from the costs.

CHAIR: Do you have a view or does your group have a view about the random sampling?

Mr ERMACORA: Yes.

CHAIR: And above the line voting in elections?

Mr ERMACORA: Random sampling is another issue that we gave consideration to and I must confess, after listening to Mr Green—after all I go cross-eyed myself trying to work it out—obviously those are matters which are quite sophisticated and matters for smarter minds than mine.

Ms RHIANNON: I do not have a question. I am just conscious of the huge challenge for community groups, so thanks for coming such a long way.

Mr ERMACORA: That is fine.

CHAIR: If there are no further questions, Mr Ermacora might like to make a final statement before we conclude.

Mr ERMACORA: No thank you. It only remains for me to thank the Committee very much again. Talking on a positive note, what we have here before us today is what you can call democracy in action. Thanks a lot.

CHAIR: Mr Ermacora, on behalf of the Committee, we thank you very much for travelling all this way and for your contribution.

(The witness withdrew)

RAYMOND LINDSAY DONALD, Mayor, Bogan Shire Council, P.O. Box 221, Nyngan, New South Wales 2825, and

KEVIN MICHAEL RYAN, Councillor, Bogan Shire Council, P.O. Box 221, Nyngan, New South Wales 2825, sworn and examined:

CHAIR: Gentlemen, the Committee has received a submission from your organisation. Do you wish for the submission to be included as part of your sworn evidence?

Cr DONALD: Yes, thank you.

CHAIR: Councillor Donald, would you like to make an opening statement?

Cr DONALD: Thank you, and my council appreciates the opportunity to bring a submission to this hearing. We are a small rural council in central New South Wales and I think probably typical of a number of small rural councils that have a number of concerns about the recent local government elections. As our submission states, we have major concerns about what we see to be the gradual slipping away of local government control and local community control of our local government elections.

There has been a comment made that the desire is to make local government elections similar to State and Federal elections, and we certainly oppose that, because local government is very separate to State and Federal. It is the government closest to the people. It is the most trusted of governments, and they are not just my words, they are established facts, and therefore we want to keep the elections local, keep the interest in them at a local level and the participation, the maximum amount from people who can make a suitable contribution to their own local communities.

As I said in the submission, we believe that having them carried out by local government, as they were able to be carried out quite successfully in the past, divorcing it from that has been a change that has not made the situation better. We believe it has made it worse. One of the reasons initially given as to why they were going to be changed from the previous local government elections being run by local returning officers was that they could perhaps become influenced by local people, local mayors, et cetera, and also, as I said, the desire to get to the same as State or Federal. We did not consider those reasons to be very valid at all and they really could not be substantiated, except in very minor cases in other councils. Therefore, as I have said, we believe the changes have been for the worse rather than the better.

One of the main aspects of our submission is that by keeping them locally run, with an independent returning officer certainly, keeps them run much cheaper, we get a much quicker result. Can I compare there the result that comes from State and Federal elections. Pretty well on the night of the election the result is broadly known, because of the counting that occurs. With the local government elections, our results were not known until a good week after the actual election, which is a disincentive for interest and also participation, when we know that as they used to be run in the past, the results were known on the nights of the elections. Getting participation by local people in standing for local government and also getting the participation and the ownership of the elections locally, we believe to keep them local is the better way to go in the future and also making sure the costs do not blow out.

With those opening comments, and some that I may wish to elaborate on a bit later in relation to the fact that we do oppose postal voting becoming a part of local government elections, and also the obvious cost savings that can occur in running them locally, I would like to invite my colleague to speak to item 4 of our submissions, which is another key part of it, which is the way the actual elections are counted and the results determined.

CHAIR: Thanks very much, Councillor Donald. Councillor Ryan?

Cr RYAN: Thanks, Mr Chairman. Could I just ask for a correction in item 4 of our submission initially. We refer there to "the current proportional representation system of voting for elections be changed to" - we have said "straight preference". It should be "optional preferential". If you could just have that change noted.

The main issue that we have with this system, apart from the random selection of votes, all due to

counting, which was referred to by the previous witness, and obviously he did not understand it, I raised the issue at our council meeting back in July and suggested that we put a supplementary submission in on this particular issue and when I explained to the councillors, and I think Councillor Donald will bear me out, none of the councillors understood how the system of proportional representation works. When I explained it to them, I think the fact that for a big percentage of the votes only one preference counts and for the first preference another certain percentage counts, but the second and third preference, as we through our actual count, as is stated in the supplementary submission, we get up to 80 per cent of the votes cast at our election that only counted for the first or second - 50 per cent I think it was for the first preference and then another 30 per cent for the second and third, and the rest of them get put aside as being the bundle of votes that get the candidate elected.

When our electors come along to vote, they are told in the directions for voting in our case that they had to vote for five candidates. We have nine councillors. You must vote for at least half the number, four and a half; it goes up to five. So they were told to vote for five. Most of them, I think you will find, voted for nine, which is the number to be elected. Some voted for the whole 17 candidates. I have asked over the last few months, since I have been on council, just the man in the street, did he vote at the last election. If they said yes, and the majority of them fortunately did, I said how many people did you vote for. Nearly all of them without exception voted for at least nine. Some of them voted for the whole 17. The next question is: How many of your preferences do you think counted, and they say they all did, whereas in fact they do not. When I say to that to them, they are absolutely horrified. That is the reason.

We used to have an operational preferential voting system. When I first joined local government back in the 1960s and 1970s it was the optional preferential system, which is a fair democratic system. Every vote is counted right through to their final preference, so they all count, but in this new system they do not. That is the reason for my being here and we strongly urge this Committee to put something in place where we can change the system.

CHAIR: Council states in its submission that a move to full postal voting only elections would be a major step backwards. A number of smaller councils have strongly advocated in favour of it. Could you advise the Committee what specifically you consider would be the problem if your council went to a full postal-only ballot?

Cr DONALD: Yes, and if I may make comments on behalf of the Shires Association, which I am senior vice president of and which I think I have the liberty to express as well, in terms of interest in the election, ownership and participation, we believe that coming to the polling booth and casting a vote is by far a better way to have that eventuate and have interest in the candidates, enabling candidates to interact with electors on the day. It is a traditional and better way to go than just having it done via postal vote by mail. That makes it very informal and takes a lot of the interest and participation out of it.

Whilst I acknowledge that some other councils may prefer it that way, because they feel that representing their electors they are going to get more participation and more interest, we oppose it. We do not think it is right. We want to see elections maximised to be ones that entice people to stand, and one of the ways to do that is to know that your community is going to be there to support whoever they want face-to-face on the day, if they can casting their ballot at the polling booth in the traditional way other elections are carried out. Again, local government is the closest to the people. We represent people far more adequately, personally and closely than the other two levels of government, so to make us different in that it could be done by postal vote we believe would be a wrong and backward step.

Cr RYAN: I have a daughter who lives at Werribee in Victoria and last year apparently for the first time in the shire that Werribee is in there was postal voting for the election. The first lot of mail that she got in reference to the election must have been the ballot paper, but not realising it—as you all know, at election time you get umpteen things from candidates and parties about the election—she must have put it in the garbage with the rest of the garbage mail. The next thing she got was a "please explain" after the election. There obviously was not enough information given to the electors about the election, that you had to have a postal vote, et cetera, so she did not vote and as a result got a "please explain". So that is one negative that I see with it.

CHAIR: In its original submission the council raised the cost of the 2008 election. Could you please outline to the Committee how the council accounted for election costs in the past and the extent of the difference between previous costs and those that were incurred last year?

Cr DONALD: Yes. In the 2004 local government elections in Bogan shire our costs were \$14,000. The estimate that we got from the Electoral Commission of the costs of the 2008 election was \$34,000. We did appeal this, asked if we could pay it off over a couple of years and paid the initial amount recommended by our Local Government Shires Association, which I think was a percentage of about 10 per cent initially. In the end it was revised downward to \$20,000, and I think that occurred in a lot of councils state-wide because of their concern about the cost. From \$14,000 to \$34,000 is an enormous amount for a small council to pay for something that we know we can run a lot cheaper by ourselves with an independent returning officer.

CHAIR: Part of the question related to how the council accounted for the costs in 2004. Do you know what elements of the costs were taken into account? Were there costs allocated to accommodation, staff training, telecommunications, wages or superannuation? Were any of those things taken into account in your own estimates for 2004?

Cr DONALD: I will share that question with my colleague, who is a former general manager and has carried out a number of elections as a returning officer, but initially would say no, there was not a detailed account kept of every item at the 2004 elections. However, in terms of accurate costs being charged by the council, things that were done by council staff were part of the wages that they were paid by the council, so whilst they may not have been attributed to the local government elections they were still a cost to council in the wages that were paid to those people involved.

Cr RYAN: Yes. I was a general manager of the shire and I have been a returning officer for several elections over the last 40-odd years in different councils. Certainly some of the councils itemised costs were kept—the ones that you referred to on cost. There was part of the wages of office staff who were involved in dealing with pre-poll voting, preparation of the rolls when council used to prepare them before the Electoral Commission took over that role, but then it is fair to say too that with other councils a lot of that was not costed correctly. I think in Bogan shire's case \$14,000 was probably a bit light on, but not too much.

CHAIR: The cost has been an issue raised by just about all councils with the exception of one. One of the suggestions is that the process of Electoral Commission costing for elections be oversighted by the Independent Pricing and Regulatory Tribunal [IPART] to make sure they are open and transparent in the way that they apportion costs. Is that something that you think your council would support?

Cr DONALD: I think in terms of endorsing accurately the cost, yes, certainly an independent oversight of it would achieve that, but I come back to our original platform on this, which is I believe excessive cost that is incurred by being run as it was in 2008, compared to the way local government can run them. Despite the costing being inspected and endorsed by IPART and people knowing transparently that that is the actual cost, it is still more than it used to be and it does not have to be if run locally.

Ms LEE RHIANNON: Earlier Antony Green raised an issue in his evidence—and it comes up at different times in public debate—that it could be difficult for groups because of the need for one-year registration, and that the way the registration works is onerous and can make it difficult for some independents to run because they do not have a name above the line if they are not already registered. Getting registered is a bit of an issue and often one year out you have not focused on the election. Do you have any thoughts on that in terms of disadvantage or changes that should be made?

Cr DONALD: It was not applicable to our council, so it would only be a general comment on experience we have seen with other larger councils. Can I perhaps defer your question, because it does not apply to us, and to say for a small rural council that we have not had that, it is perhaps to our advantage that we have not.

The Hon. DON HARWIN: Your written submission talks in detail about undue problems with the current voting system. I think Councillor Ryan was talking about that before. It clearly points to random sampling as being the main objection that you have to the current way the vote is counted. Would it not be just enough to get rid of random sampling while still retaining proportional representation? Why is it necessary to actually ditch the whole system as well? Surely just taking out the random sampling deals with your concern about making sure every vote is included in the count.

Cr RYAN: I beg to differ. The random sampling is not my main objection. It is an objection because, quite obviously, if you have a parcel of votes that you have to pick 20 or 30 per cent out of, it could make a difference in the long run. But my objection really is the fact that the preferences are not counted. They do not

mean a thing. In the case that the submission states, Councillor Donald and I were the two that were elected on first count. With a quota of 164, immediately 328 votes are put aside through the counting process, and the 328 people that voted No. 1 for us were expecting that the other four at least—probably eight—counted, and they do not. They do not count one iota.

The Hon. DON HARWIN: That is largely, on my understanding, because of the random sampling. If you got rid of the random sampling but used a fractional method, like what they have in the senate voting system, in terms of working out the transfer value of your excess votes they would look at every single ballot paper. They would not set any aside.

Cr RYAN: They look at every single ballot paper now. They look at the whole lot of votes that Councillor Donald and I got to determine, because that parcel is the one that got us elected. In Councillor Donald's case it is 490 votes, so they look at the whole 490 to see where the No. 2 votes go. Then they work out the fraction by dividing the surplus by the total number of votes. That gives you the fraction and that is where you determine how many votes are actually transferred. The random selection is not really the problem, it is part of the problem with this system, but the main thing is all the votes that are set aside. In our case, the other seven candidates that eventually got elected, the people that voted No. 1 for them—and I think there were 518 of them out of 1,600, so it is nearly a third—they are not looked at ever again. They are just kept. So those 518 people who voted for those candidates expect or think that they are voting for five or nine councillors, which they did, but it does not mean anything. I have asked at least 100 people since our election last year how many did they vote for and did they think all their preferences counted, and they said, "Yes", but they do not.

The Hon. JENNIFER GARDINER: Councillor Donald, this morning we heard from the Local Government and Shires Associations. Councillor McCaffery was able to be here, but Bruce Miller was unable to be here. As the senior vice president of the Association, you are saying that there is a policy to oppose postal voting for local government elections?

Cr DONALD: No, not a policy. We have recently had our annual conference in June and I believe that there is a supplementary submission coming from the Local Government and Shires Associations, which will contain a number of those resolutions from the conference which were not part of the initial one because of the time factor. There were some resolutions that would like to see postal voting investigated and other resolutions that were passed opposed it, as ours did, so there is some diversity there. Whilst it is not the policy of the Association, I think I could comfortably say that the majority of shires association councils, which are the smaller ones, and probably the majority of the local government ones would not favour the postal voting system.

The Hon. JENNIFER GARDINER: It is interesting that Bogan shire, based as it is on Nyngan, is so opposed to postal voting because as you probably know in Queensland the more remote council electors can vote via postal voting, so it is interesting to get that perspective from a Far West council. Councillor Donald, you said in the submission that it took a week or so for the ballot to be finalised and the results to be posted. Were you given any explanation, given that your ballot process was pretty straightforward, why it took so long?

Cr DONALD: Thank you for that, and it leads me to a point I would like to still make which is the regional returning officers that we had. Councillor Ryan will comment as well. We had a regional returning officer at Cobar, 130 kilometres away. That person had responsibility for Cobar, Nyngan, Brewarrina, Bourke and Central Darling, which is based on Wilcannia. Therefore, with five councils to count it made it difficult and also, again, was severing the local part of the election and splitting it into other areas. It was about a week before we got the final result and when that result was posted to us it immediately had to be cancelled because it was found by Councillor Ryan and another candidate that they had counted the votes the wrong way. While it did not affect the candidates who were elected and those who were advised they had been elected, it had to be cancelled and somebody came up from Sydney to assist the returning officer to give a competent count to get the final result.

The Hon. JENNIFER GARDINER: So there was a training problem with the returning officer?

Cr RYAN: A serious one.

Cr DONALD: A serious one, and I think with Cobar councillors who were elected, I think one of those was advised he had been elected and subsequently he had to be told they were not successful. The point to come from that is, again, even with small centres the perception could be that combining five small centres into one you get a saving and you can do it one outfitting the lot. This has completely diluted that argument. In

continuing to interest people in the process of electing their local government personnel, if incompetence is carried out by those responsible for determining who was elected, as opposed to complete competence with previous returning officers doing one council at a time, I think that explains why it was a system that did not work properly and why we substantially oppose the regional returning officer.

Cr RYAN: What happened with this mistake that was made, in our case when Councillor Donald's preferences were distributed, any that went No. 2 to me, the returning officer counted those as exhausted instead of going to the third or the next continuing candidate and vice versa. Any of mine that went to Councillor Donald No. 2, she put them aside as exhausted. I think in our case something over 100 votes went that way, were initially put aside. Fortunately, in our case it did not mean any difference to the overall nine councillors elected but it did alter the order of election. The last two or three candidates were elected in a different order. She did the same thing for Cobar. Fortunately she had only done Bogan and Cobar when we discovered the mistake and in the case of Cobar they had completed the count, they had advised all the candidates of their election and they had to go back to square one, and one of the candidates did not get elected.

The Hon. JENNIFER GARDINER: Missed out?

Cr RYAN: Yes—pretty serious. The other thing, if I can just add to it, is the matter of scrutineers. It is very difficult in our area, where we are 135 kilometres away from Cobar, in the dark, with kangaroos jumping all over the road, to send a volunteer out to Cobar. One, we did not know when they were going to start counting our votes. As Councillor Donald said, there were four other councils involved, so we could not get an answer when they were going to start ours, so we did not send anybody. Central Darling is even further away, the other side of us, and Bourke and Brewarrina. It is very difficult to get people there—which you have a democratic right to do—to check up on what is going on.

The Hon. JENNIFER GARDINER: If we return to having a local returning officer or a returning officer from a nearby council, would you see another option would be to perhaps have an Electoral Commission person as one of the options, or would you just prefer to have general managers from outlying councils?

Cr DONALD: I think personally having someone in there independent would be adequate. If the Electoral Commission supplied somebody, as long as they were competent, that would be adequate. But it just gets back to having one council, one election in that area. In relation to the point just made about scrutineers, the other point is the draw for positions on the ballot paper. There were 17 candidates and nine to be elected, so where you got on your ballot paper—as we can all appreciate as politicians—is fairly important. Yet again, it was a trip up there to see the draw. I am not questioning that it was not done fairly, but again it just takes away another local component of the election that is important.

Cr RYAN: What you could have, which would probably work just as well, is have a regional returning officer and you might then have local substitute returning officers.

CHAIR: Deputies?

Cr RYAN: Deputies, yes—they call them substitute returning officers—and have a substitute in each of those towns doing the count so it overcomes this issue of being a witness to the draw for the ballot paper. It overcomes the problem with scrutineers and, in the case of Parkes, I think 1,000 ballot papers were lost in transit somewhere.

(The witnesses withdrew)

(Short adjournment)

DARREN DAVID FITTLER, Management Committee Member, New South Wales Disability Discrimination Legal Centre, Level 2/52 Pitt Street, Redfern, and

VAUGHAN JAMES ROLES, Client, Vision Australia, P.O. Box 176 Burwood, sworn and examined:

JOANNA SHULMAN, Principal Solicitor, New South Wales Disability Discrimination Legal Centre, Level 2/52 Pitt Street, Redfern, and

DEAN PRICE, Advocacy Projects Manager, People with Disability Australia, 52 Pitt Street, Redfern, affirmed and examined:

Mr ROLES: I have been asked to appear in Susan Thompson's place as she cannot be here. I am a member of the client representative council.

CHAIR: The Committee has received submissions from each of your organisations. Is it your desire for these written submissions to form part of your sworn evidence?

Ms SHULMAN: Yes.

Mr ROLES: It is my desire that they be supplementary.

CHAIR: We invite each of you to make some opening comments before the questions commence.

Mr PRICE: People with Disability Australia [PWD] welcomes the opportunity to meet with you and discuss the issues raised in our joint submission with the Disability Discrimination Legal Centre of New South Wales. Voting is a fundamental right in a parliamentary democracy such as ours, and a fundamental human right for every person in this world. That full and independent access to the electoral system is not available to all residents of New South Wales, which is a violation of fundamental human rights. It is an issue that People with Disability Australia has been advocating around for a number of years and will continue to work on until all people with disability enjoy their human rights.

Australia has ratified a number of international treaties that outline Australian governments' obligations to implement civil and political rights. Australia is a party to the International Covenant on Civil and Political Rights [ICCPR]. The ICCPR states that elections undertaken by signatories must provide "universal and equal suffrage and shall be held by secret ballot", as outlined in Article 25. The ICCPR came into effect for all people in all States of Australia on 13 November 1980.

The United Nations Convention on the Rights of Persons with Disabilities, which the Australian Government recently ratified, states that governments must ensure that "voting procedures, facilities and materials are appropriate, accessible and easy to understand", and further that State parties must protect "the right of persons with disabilities to vote by secret ballot in elections and public referendums", as outlined in Article 29. The United Nations Convention on the Rights of Persons with Disabilities came into force for Australia on 16 August 2008.

People with Disability Australia believes that electronically assisted voting should be available to all people, not just blind people and people with vision impairments. Many people who are not blind or vision impaired could prefer to use electronically assisted voting. The implementation of the electronically assisted voting trials at the Federal level was set up as a special measure for blind people and people with vision impairments, rather than as an additional option for all voters. Having allowed this to be used by all voters would have assisted other people with a disability, such as those who are deaf-blind—supposing there was a plug-in Braille machine available—and those with print disability. It would also have resulted in a higher usage rate by the community resulting in lower costs. Potentially, electronically assisted voting would be a universally accessible voting option that reflects the values of inclusion and full participation for all.

People with Disability Australia argues that further trials, including in New South Wales and at local government elections, should be undertaken to address concerns about sustainability. We suggest that some of the features of the Australian Capital Territory model of electronically assisted voting should be incorporated

into New South Wales trials. These trials should be available to anyone who wishes to use electronically assisted voting—not just blind people or people with vision impairments.

In addition, People with Disability Australia believes that the Australian Capital Territory's provision of multilingual options would improve the franchise of people with disability from non-English speaking backgrounds. This is likely to be beneficial for people without disability from non-English speaking backgrounds as well. The benefits of this would reach a wider group of people, and would dramatically reduce the cost per vote compared with a segregated system targeted towards people with disability.

It is imperative that all polling sites utilised by the Electoral Commission of New South Wales be fully compliant with Australian Standard 1428: Design for Access and Mobility. It is understood that there are limited accessible venues available for short-term rental. This means that more planning needs to be implemented to ensure accessible venues are hired. It also requires forward planning about principal polling places and the spread of accessible polling places across locations and wards in local government areas. To be considered accessible, a polling booth also needs to be close to accessible transport nodes—another challenge in many areas of the State, including in Marrickville local government area where I currently reside.

During the 2008 local government elections there was a lack of accessible polling places. For example, in the local government area where I grew up, Lake Macquarie—a fairly suburban area; in fact the fourth largest city in New South Wales—there was only one accessible polling place for the entire local government area, and that was at the Swansea Centre. This is in the east ward of the city of Lake Macquarie. There were no fully accessible polling places in the two other wards of Lake Macquarie. The Swansea Centre was not the principal polling place for the local government area, nor was it a multi-ward polling booth. This is unacceptable.

Accessibility also needs to take into account processes and procedures before polling day. This, as outlined in our submission, includes being able to apply for postal votes online, and could also include change of enrolment details online. These are not the only answers, but they are part of the broader picture that needs to be addressed to allow full and independent access to electoral processes.

In our submission to this Committee we outlined 10 recommendations. These recommendations must be seen as a suite of recommendations that need to be implemented together. Picking one or another to implement will not achieve the accessibility that is required to allow people with disability to vote freely, independently, and in the same manner as all other citizens. We want to emphasise this particularly around recommendation 4. If this recommendation were implemented without improvement to the accessibility of polling booths, then we will have created a segregated system for people with disability rather than including people with disability into the general experience.

CHAIR: Thank you, Mr Price. Ms Shulman, do you wish to make any opening comments?

Ms SHULMAN: The New South Wales Disability Discrimination Legal Centre does not want to make any additional opening comments, other than to indicate agreement with the joint opening statement made by People with Disability Australia and the Disability Discrimination Legal Centre. We are happy to respond to questions on notice.

CHAIR: Thank you. Mr Fittler, do you have any comments you wish to make before we commence with questions?

Mr FITTLER: No.

CHAIR: Mr Roles, do you have any comments you wish to make by way of an opening address?

Mr ROLES: No.

CHAIR: The Committee has a couple of questions to ask. We can ask the questions generally, but some of them will be specific to one of the organisations. But feel free to answer any questions that you think you have an interest in. The first question could be answered generally. I would like to begin by questioning you on the Braille voting initiative for the 2008 local government elections. What has been the feedback that your respective organisations have received from vision-impaired voters in relation to Braille voting, and what improvements to Braille voting would you like to see implemented in future elections?

Mr ROLES: Being the Vision Australia representative, I guess I probably should take that question first. We had some feedback on the formats of the Braille, being grade 1 versus grade 2 Braille, which effectively means larger or smaller characters. We had some feedback that the ageing nature of the blindness population meant that, whilst those who read Braille found it a welcome initiative, there are many blind people who do not read Braille. So, whilst Braille in many ways is probably one of the more cost-effective options, it is not an option that is inclusive for blind and vision-impaired Australians.

As a user of the ballot paper, one of the difficulties that existed is that to vote above the line was no difficulty but to vote below the line would mean that one would have to remember what numbers one put beside each candidate in casting the vote. For example, you might want to have the number four candidate as No.1, you might want to have the number seven candidate as No. 2, and you might want to have the number three candidate as No. 3, and so on. If there are 10 or 12 candidates on a paper, there is no way you could remember that. I looked at it and thought, "I will not go through them and number them individually; I will vote above the line."

The other difficulty that occurs, and which as parliamentarians you may not be aware of, is that people who use braille, generally that is the literacy to which they are taught. For example, a highly competent braille user who might be able to read Shakespeare in braille may have no capacity to write anything other than his or her name, which in general is the only thing that is required within society, to allow for the signing of legal documents, et cetera. So the actual printing of numbers can be an impediment to some users of the system. In Queensland—I am just referring to the submission—people were allowed to record their votes using braille. One of Vision Australia's concerns was that there might be an issue of confidentiality, given the small number of blind people in a community and the fact that effectively blind electoral officials were having to be engaged to read the ballots.

As a user, my personal view is that it would be preferable to allow for some votes to be cast in braille and for people to be appropriately trained in confidentiality, rather than have it restricted to the use of printed numbers. It is my respectful submission to the Committee that the only true accessible vote that will be inclusive to all would be some form of electronic voting system, be that Internet based or computer based with audio output. I think they had large print on the screen but for the purposes of transcript—I am totally blind so of course that was not immediately or otherwise apparent. Electronic voting provides a far more accessible-to-all approach in the voting process than does braille.

Mr FITTLER: I am also a blind man and took advantage of the option to vote by a braille ballot paper at the last local election. I guess on the face of it I found that very liberating. It was great to be able to go to the voting place and to ask for my ballot paper in braille. All other times I had gone to a polling booth and asked that question the answer had been no. This time the answer was, "I think we have got one of those somewhere." After a bit of hunting around in fact not just one but two were found, in case I made an error on one. I have a right to make an error, just like anyone else, so it was good that that was thought through in that way.

I concur with Mr Roles' statements that I guess there are a few assumptions when handed a lead pencil and then ushered off to a booth to make your vote. I guess you are trusting firstly and foremostly that what you are drawing on to the page is in fact drawing or it is coming out, that you need to know how to form numbers and you also I guess if you are voting below the line need to consider what you have already numbered and recall that. For your benefit, and you may already know this, but the way it was set out was that each party had its own page. So there might have been seven pages. It was not just a matter of trying to remember where you had voted one, two, three, four; it was also on which page had you put that number.

My experience of the electronic voting trial that was implemented by the Federal Government was a little bit more exciting, a little more invigorating for me because, firstly, that was my very first time doing it by myself and I guess I had more confidence that I could have voted however I wanted and that what came out was in fact what I had intended to come out, and then I folded it up and put it in the box and away we went.

Moving slightly away from the personal but into the Disability Discrimination Legal Centre, our position, in a way, is just to say that at the moment the way that the law is drafted it is a little bit perhaps prescriptive and a little bit narrow. In my recent case when I made a claim of unlawful discrimination against the State Electoral Commission we were up against, not really fighting with the Commission per se but fighting with the law.

Things had to be marked, things had to be on paper, things had to be in print, I think. I guess it is these kinds of words that on one interpretation, which is the one we followed, you could in fact interpret that to allow a bit of paper to go into a printer and for something to be printed, and by that have you not marked something? It did not say "marked by hand" so we had a bit of a discussion about that.

Our submission would be that the way to avoid some of this conflict, if you like, or ambiguity of interpretation of the law as to whether or not braille is allowed, whether or not electronic voting systems are allowed, whether or not telephone voting systems are allowed, or whatever it might be is to simply change the law, such that we can give much greater discretion and clearer direction to the Electoral Commission in the way it administers the law, such that it can put into place whatever it needs to to make sure that it is an accessible system for all.

CHAIR: Do you have anything to add to those?

Ms SHULMAN: I do not have anything to add to that.

Mr PRICE: I do not have anything to add.

The Hon. JENNIFER GARDINER: Are you in a position to compare whether there has been any incremental improvement in the New South Wales Electoral Commission's sensitivity to your particular issues, say, between the 2007 State election and the 2008 local government election? Do you think you are making any progress?

Mr FITTLER: I think the answer is yes. There seemed to be, from 2004 where I first wrote to the Commission and said, "I'm about to vote in Coojee, I would very much like a braille ballot paper please", or perhaps I said, "I'd like a way to vote independently please". It took me four years of letter writing, eventually having to make a complaint to the Antidiscrimination Board, eventually having to fight it through to the Administrative Decisions Tribunal, and eventually having to bring that case to a conclusion. I guess I was hoping much earlier on that the Electoral Commission would have been able to say, "Okay". One of my statements to them throughout the process was, "Stop telling me why it can't happen and maybe start thinking about how we can." It seemed as if the attitude was always, "Our hands are tied, the law is restraining. We can't."

It was once I think the decision from a judicial body such as the Administrative Decisions Tribunal said, "No, it is unlawful not to. We don't see anything in the Act that says you can't provide braille", that perhaps in some way the shackles were removed. It was not long after that decision that talk got filtered through the various blind networks and other places that in fact a braille ballot paper might be an option at the next local election in 2008. Even after the election came, there were follow-up telephone calls to see how it went. I think there has been a lot more interest.

Ms SHULMAN: We understand that there were some policy changes following the previous State Government election in relation to accessibility of voting places, and they were welcomed. We would say that they did not go far enough, as outlined in our submission. There still are some issues with the accessibility of voting places, both for people with physical disability but also people with intellectual disabilities and hearing impairments as well. So we would say that further work needs to be done.

CHAIR: One of the issues that has been raised by other councils in their submissions to this inquiry is that the process of determining the polling booths for council elections should occur quite substantially before the elections, up to two years out from the elections. They note that the date of the elections is well known in advance. That process may give members of the community, disability access committees and your organisations the opportunity to learn and understand the options that the council has chosen, which polling booths they have identified as being suitable and then work with your organisations to make sure that they are accessible. Is that something that you think would be useful for your organisations?

Mr FITTLER: If we take the concept of progressive realisation, we would not suggest necessarily that all polling booths should be accessible tomorrow, though that is of course the ideal. But the reality is that that may not necessarily be achievable. The notion that all train stations should be accessible tomorrow is also something that it is not realistic to expect. But what we do expect is that a real and concerted and meaningful not attempt but process be put in place such that as many polling booths are made accessible as soon as possible. To answer your question, we would say that that process should be in fact redundant because every polling booth

should be accessible. Someone who uses a wheelchair should be able to go to whatever their closest polling booth is and know without having to ring up, without having to do any research, without having to advocate with council, without having to go through a long process, which no other voter has to do, just to find out where to go to vote. In fact, people should be able to walk out their front door, go down the street and go into a polling booth and vote.

I guess the electronic system would also be helpful for a person who has no use of their arms or legs. Perhaps they use a mouth stick to type or to communicate, and they could use that mouth stick to be able to punch the keys, as a blind person would punch the keys with their fingers, and be able to lodge a vote that way. That initiative by the councils is welcomed as one little step forward. I do not think anyone in the disability community would turn that away in terms of something that has been handed out or offered as something to engage with, but it just keeps coming back to this thing all the time. You want go to a restaurant or a gig, you want to go to a venue and watch a live band. You have to work out, is it accessible? How do I get in? How do I get there? All those sorts of things which most people just turn up on a whim and go off and decide to go and see a band. No planning really involved. That onus is continually put on people with disability. So if we can move towards that being removed, that would be the ideal. That was a long way of saying that as a very first step I think what you are suggesting would be welcomed.

CHAIR: The submissions from your respective organisations support the use of electronic voting. The Electoral Commission's report on the 2008 local government elections indicates general support for electronic voting from those voters it had surveyed who had used the braille ballots. Do your organisations support electronic voting in place of braille voting or alongside it or in addition to braille voting for vision-impaired people?

Mr ROLES: With respect to Vision Australia, I say we would support it in place of braille voting. One must be realistic. It is one thing to ask for reasonable adjustments. Indeed, in this case what is being asked for or lobbied for in submission is in fact part of the law of the country, given that Australia has ratified the convention on the rights of persons with disabilities. Having said that, while a reasonable adjustment is one thing; multiple options, in my respectful submission, are not required if there is an option that encompasses all groups of people who would be affected by the decision. Electronic voting certainly would do that.

Mr FITTLER: Our submission would be that they are not mutually exclusive. There is still a proportion of our community which would classify themselves as deaf-blind, who cannot read a screen and who would not be able to listen to an electronic system through a voice interface, and would still need to use braille as their only way of reading something on their own. However, technology permits for refreshable braille cells to be plugged into computer systems. An electronic system that was built such that it allowed for a refreshable Braille cell to be as part of that, then there is absolutely no reason why someone would not be able to use the Braille cell to know where they were and still use the same computer input system to perhaps press the button to select what it is they want to select. I think that can all occur in the one solution.

Mr ROLES: Mr Chair, I am sorry, just to adopt the comments there of Mr Fittler, I took your questions somewhat literally as paper, Braille, ballot papers, but Vision Australia would endorse Mr Fittler's submissions in respect to that matter.

CHAIR: Mr Price?

Mr PRICE: I was going to point out that the Federal Government's trial of electronically assisted voting did not allow access for people who were deaf-blind because there was no option to actually put one of their refreshable Braille cell machines into that system. So if that system incorporated that ability, then the paper Braille ballot system probably would not be necessary. However, if a system such as the Federal Government's one should be improved and it was implemented, then the need for Braille ballot papers would still exist.

The Hon. DON HARWIN: I wonder, Dean or Joanna, whether you could expand, please, upon recommendation 6, and the particular perspective that you bring to that issue?

Ms SHULMAN: Is recommendation 6 that the electoral timetable be examined in relation to rural and remote access with a limited postal service?

Mr PRICE: Our main concern was where a person was eligible to make a postal vote, people have reported to us problems with the postal cycle and the way that they would be able to vote. The time frames with the weekly mail service mean that sometimes it is not actually possible for them to get their vote in on time.

The Hon. DON HARWIN: So while that is obviously a general problem for people in remote areas, it is a particular difficulty for people who are disabled, who do not have another option?

Mr PRICE: That is right.

Ms LEE RHIANNON: I was not aware of what you explained, Mr Fittler, about linking Braille to a computer, so thank you very much. Is that what you would favour? Is that the best outcome in terms of making voting as accessible as possible? Is that the top of the list?

Mr FITTLER: Yes, that is right. A computer system that has a large monitor, which allows for large print to be displayed, with the ability to change contrast to allow colours to be manipulated to be as usable as possible for the person; for there to be an audio output option for those who have no sight at all; for there to be a Braille option for those where audio and a screen is of no use to them, to my mind at least, is the pinnacle of the device that you would see.

I would like to hearken back, though, to my earlier comment and say that whilst I am a person who is blind and whilst I sit on the Committee of the Disability Discrimination Legal Centre, we are not experts in technology; we are not experts in electoral matters in terms of how they are run and conducted. We are not necessarily advocating to prescribe in law that these sorts of systems be mandated as the way to go. Putting on our science-fiction hats, who knows, in 20 years time, maybe you can put an electrode on your head, and you think what you want to do and it comes out on paper or it gets lodged somewhere with Big Brother. We would hate to see that be interpreted in 30 years time by an electoral commission as saying, "No, look, our hands are tied. The law doesn't let us use that technology."

Yes, it is good to think about what works now, and I am grateful for the questions because that is my view, but broader canvassing of what the broader community is thinking, what technology experts say is possible. I would hate to see money be used as a reason not to go forward with it regardless, but, yes, that is my view.

Ms LEE RHIANNON: Are there any jurisdictions that are good models that are working on this that we should be following?

Mr ROLES: I think it needs a collaborative approach in respect of the Federal trial in 2007 plus the trials that have been conducted in the other States such as the Australian Capital Territory, Tasmania and Western Australia. The submission from Vision Australia lists the other States where accessible voting has occurred. The other concern that has come out of the review at the Federal level is the cost of the voting but this is a system, which has much broader implications if voting was by electronic means because those who are dyslexic, for example, would also be able to use it. It is also a system, which would potentially, depending on the technology that is used, be able to be opened up to the wider community, potentially vastly reducing the cost of the system itself.

Mr PRICE: If you were looking at Australian jurisdictions, I would say the Australian Capital Territory is the furthest ahead with this issue. It is a system that is available to many people. It is not a system that is targeted specifically to people with vision impairment, which is what the Federal trial was, so that allows the cost per vote to come down because it is actually something that is available to everyone, and also the benefits, I think, are greater.

It allows people whose first language is not English to be able to receive instructions in other languages, which is very helpful for a number of people. Often it is actually easier for people to receive the audio sorts of instructions instead of visual instructions or vice-versa, so that is also an advantage. Many of the things that can be built in just allow that system, if it is rolled out on a broader scale, to a larger number of people at a cheaper cost than what the Federal Government trial was, so people with limited dexterity would have an easier time voting than needing to use a pencil as is currently the case, so it actually improves the franchise for a larger number of people.

CHAIR: The submission from People with Disability and the Disability Discrimination Legal Centre calls for section 108 and section 108A of the Parliamentary Electorates and Elections Act to be amended to provide for reasonable adjustments for people with disability to enable them to cast an independent and separate ballot. What do you mean by "reasonable adjustments"?

Ms SHULMAN: That is a term that is picked up from disability discrimination legislation, in particular, the Anti-Discrimination Act New South Wales and the Disability Discrimination Act that is a Commonwealth Act. In the Disability Discrimination Act there is an obligation on Federal and State governments in particular, but most authorities, to make reasonable accommodation for people with disability. That is what we are referring to.

Mr ROLES: I note for the record that the amendments being proposed by the Disability Discrimination Legal Centre, as they relate to people with a vision impairment, in their submission would be adopted by Vision Australia. The amendments to be Electoral Act, we would also be recommending those amendments.

CHAIR: Are there any further comments from our witnesses?

Mr FITTLER: I would just like to thank you all for the opportunity to come before you and to share our knowledge but also our personal experiences and wish you all the best in your endeavours.

CHAIR: Thank you all. We are particularly grateful that you have been able to come along today and share your experiences. We certainly appreciate the benefit of your advice and your time here this afternoon. On behalf of the Committee I thank you. Before I close the public sessions of the Committee, I would like to specially thank the Committee staff, on behalf of Committee members—Helen Minnican, Les Gönye, Amy, Jasen and everyone who has been involved in helping to bring these public hearings about for the work they have been doing for the Committee. On behalf of the Committee I thank them all.

(The witnesses withdrew)

(The Committee adjourned at 4.56 p.m.)