

REPORT OF PROCEEDINGS BEFORE

**JOINT STANDING COMMITTEE ON ELECTORAL
MATTERS**

INQUIRY INTO THE 2012 LOCAL GOVERNMENT ELECTIONS

At Sydney on Monday 19 August 2013

The Committee met at 1.00 p.m.

PRESENT

Mr G. J. Ward (Chair)

Legislative Council

The Hon. R. Borsak
The Hon. A. R. Fazio
The Hon. T. Khan
The Hon. Dr P. R. Phelps
The Hon. P. T. Primrose

Legislative Assembly

Mr A. R. G. Fraser
Mr D. W. Maguire
Mr J. T. Rowell

CHAIR: Welcome and thank you for attending this public hearing of the Joint Standing Committee on Electoral Matters. The Committee is holding hearings this afternoon into the current inquiry into the 2012 local government elections. Today we will hear from a range of local councils. The afternoon has been divided into two roundtable sessions. The first session includes councils that conducted elections in-house or commissioned the services of a private company. The second session includes councils in which the NSW Electoral Commissioner conducted the elections. Before the proceedings commence, I remind everyone to switch off their mobile phones. For the benefit of those in the gallery, the Committee has resolved to authorise the media to broadcast sound and vision excerpts from these public hearings. Copies of the guidelines governing the coverage of proceedings are available on the table by the door. I now declare the hearing officially open. I welcome the first group of witnesses representing the following councils: Port Stephens, Lane Cove, Sutherland, Shoalhaven City, Fairfield City and Botany Bay. I will welcome the second group of council representatives when they arrive, but they include Wollondilly, Bankstown, Penrith, The Hills and Albury councils. Thank you for appearing before the Committee today to give evidence in this important inquiry. It is a requirement that each witness be examined under oath or affirmation.

TREVOR ROWLING, Manager Administration, Sutherland Shire Council,

CRAIG WRIGHTSON, General Manager, Lane Cove Council,

PETER GESLING, General Manager, Port Stephens Council,

TONY WICKHAM, Executive Officer, Port Stephens Council,

JOHN PATTERSON, Manager Special Projects, Botany Bay Council,

GREG ROBERTS, Executive Support Manager, Shoalhaven Shire Council, and

SONJA DRCA, Manager, Governance and Legal, Fairfield City Council, sworn and examined:

PETRA TINKER, Group Manager, Information Management and Services, Fairfield City Council, affirmed and examined:

CHAIR: I draw attention to the fact that your evidence is given under parliamentary privilege and you are protected from legal or administrative action that might otherwise result in an action in relation to the information you provide. I note also that any deliberate misleading of the Committee may constitute a contempt of the Parliament and an offence under the Parliamentary Evidence Act 1901. At the request of Hansard, and for the benefit of accurately transcribing today's proceedings, I ask that before each witness speaks they restate their name and the council they represent. I have been asked to request also that witnesses refrain from speaking over one another and to only commence speaking once another witness has concluded their remarks. We will commence with a brief introductory statement from each council.

Ms TINKER: We made the decision to conduct our own elections based on the problems we had in the 2008 elections. The objectives in running our own elections were to do a better, faster and cheaper result. We think we achieved that.

Mr ROBERTS: We were of a similar view to Fairfield with the initial process. We were pretty disappointed with the views of the Electoral Commission in a number of areas when it first spoke to us about the election process in 2011. One was just the fact that we were not sure about the price, but "just add CPI on that for the previous years and that will give you a ballpark figure to work on". As Mr Ward knows, our council quite often does not work that way. We decided another course of action was more appropriate with the Australian Election Company. To cut a long story short, at the end of that we achieved a saving of over 25 per cent on the original estimate given by the Electoral Commission.

Mr PATTERSON: As noted in council's submission, the 2012 election process in the city of Botany Bay received a positive response from the participants in the process. Final results were also delivered at a substantial dollar saving based on projected comparative costs for the process to be managed by the NSW Electoral Commission. While there were no elections required in 2008 due to all existing council members being re-elected unopposed, the council was unimpressed with costs attributed to that abandoned electoral process by the Electoral Commission. Nevertheless, council had supported a view since 1980 that the returning officer should be independent of council and had engaged an external returning officer since that time with the Town Clerk acting as substitute returning officer only due to the fact that this was required under the 1919 legislation. For the 2012 election council was initially disposed to engage the Electoral Commissioner subject to some reasonable requirements regarding appointment of a dedicated returning officer and no joint polling booths. The commission was unprepared to provide a pre-commitment, so council resolved to conduct its own elections.

Despite the Electoral Commission exercising rights under its agreement with the Department of Education and Communities to commandeer facilities in two schools within the city of Botany Bay as polling places for Randwick City Council and that the by-election for the seat of Heffron was conducted two weeks before the council elections, the elections were conducted under a newly introduced six ward system and still produced a credible performance in voter turnout and number of informal votes. The only other comment I have, and I will not take the Committee through the points for consideration for change, which were in the council's original submission, is reporting on the costing of the elections. There was an expectation or requirement to

include in those reports costs that effectively were non-costs. By that I mean, things such as the cost of the time devoted to it by the General Manager and staff who undertook duties as part of their day-to-day activities. I completely understand why you would include additional staff resources or overtime, but when people are required to do things within the purview of their day-to-day employment there is no additional cost. There also is no additional cost in relation to housing electoral staff unless they occupy property that has some economic return attached to it.

Mr GESLING: I am Peter Gesling from Port Stephens council. I would similarly support the view that we used a contractor for the reasons of time and cost and our experience of the 2008 election. That was proven to be the case despite the fact that we had a mayoral election for the first time and a mayor elected by the whole community for the first time, which would delay the normal process of counting until such time as the mayor's vote is completed. The approach from the Electoral Commission was disappointing in its lack of support for the alternative provision which is provided for under the Act. We were fortunate that we were able to use the services of our regional organisation, Hunter Councils, to run the tender process to get a suitable tenderer to take on the role. That was generally used by most of the councils that used the alternate means of delivery for the election. That saved us time, allowed a greater involvement of officers who have an understanding of the electoral process in selecting that tender and making sure we had a contractor suitable for purpose. I will not go through the recommendations we have for future elections as that is contained in our submission. This should be supported and the playing field should be levelled so we have a true competitive basis to assess the costs in the future.

Mr WRIGHTSON: I am Craig Wrightson from Lane Cove council. Council's main two issues with the election was, one, the cost escalation over a number of years: In 2004 it cost us \$82,000, in 2008 it cost us \$173,000 and we were given an estimate of \$200,000 for the 2012 election. Our council undertook the election with minimal use of the contractor that others used for \$113,000. It was a cost escalation issue for us. Second, we have found that the centralised counting concept has led to major delays in results being issued and certainly it took over a week in 2008. Our poll was declared on the Tuesday afternoon immediately following the election in 2012. Our council certainly supports a return to the hybrid model where basically councils contribute resources along with Electoral Commission resources. They have the ultimate control but certainly the notion that we should be trying to charge rent for buildings which have no commercial value seems to be overtly bureaucratic and does not result in the lowest cost for elections.

Mr ROWLING: I am Trevor Rowling from Sutherland Shire Council. Our two main drivers in this exercise were, one, the reduction in cost and, two, the speed and efficiency and greater transparency for the candidates. As experienced by Lane Cove council the costs have increased over the years at Sutherland. In 1999 it cost \$300,000, in 2004 it cost \$400,000 and in 2008 it cost \$770,000. Using the Electoral Commission's indicative costs letter they were going to charge us \$880,000 for our council elections. We went to the Queensland company and asked them for a quote. They did not give us a quote, they gave us a set figure, which was \$150,000 less than the indicative figure from the Electoral Commission. We felt we could do it cheaper than that so we decided to work in a collaborative approach with the Queensland company, which was our desired approach with the Electoral Commission. But when we put that to the Electoral Commissioner he said, "You are all in or not in at all."

In the collaborative approach we looked after the resourcing and the running of the election ourselves and we purchased the intellectual property rights for the documentation such as the forms and those types of things at a cost of \$80,000 from the Queensland company. In doing all that we were able to bring the actual cost of our elections in at \$605,000. We made a saving to council of \$275,000 by running the elections ourselves. In terms of the speedy result, we were able to have a result by the following Friday. This is a council with 155,000 voters and that was over a week quicker than the previous two times that the Electoral Commission had run the elections. I am hoping that we will get a chance to explain some of the detail as to why it is a lot cheaper if the council runs it themselves. Basically, we are pleased with the way we ran the elections. We were disappointed with the lack of support and assistance from the Electoral Commissioner but we were very pleased with the Department of Local Government who all the way along provided us with documentation, support, continually got in touch with us and asked how we were going and went out of their way to be as helpful as possible.

CHAIR: I note one of the key concerns in your submissions was that the Electoral Commission did not provide a quote. I note that the Fairfield submission went as far as boiling it down to the cost of your process per voter. Does anyone want to make a comment? A few have commented on the tendering process.

Mr GESLING: The concern is lack of transparency and not being able to make a comparison even between last time and this time and some of the elements that have been built in previously such as the software, and so forth, seem to be double counting and we are paying for that again. It is the transparency and overall costs.

Mr DARYL MAGUIRE: I will direct my question to Mr Roberts. You made mention in your opening remarks of a 25 per cent saving. Can you enlighten the Committee as to how you went about saving such a large amount of money?

Mr ROBERTS: It was a similar process to the other councils, by seeking out the best possible price, which we did with a contractor. We then went to different places and worked out the savings that we could achieve in-house. For example, using our own resources for IT equipment, furnishings and the training room was not used for training for that period of time. They were the main drivers. My involvement was in a range of other areas such as employing some of the staff and getting the message out there because the Electoral Commission would not release the personal details of previous staff so we had to go back to point one to employ people. We did that. I went through the process of involving the staff and establishing polling places. We also found in doing that the contractor was more amenable to our suggestions where we had polling booths that were near ward boundaries. That certainly facilitated a more effective process.

In the past the Electoral Commission would not allow that but we found that having two wards being available for voting purposes in the one polling booth in some areas near ward boundaries was particularly effective and well received by the community. Basically, my involvement also included resourcing and reassuring the returning officers about local government procedures. The returning officer had worked with previous State elections and not so much local government elections, so I gave him a lot of advice on specific local government issues. Our original quote was about \$465,000 and we came in at just over \$349,000

Mr DARYL MAGUIRE: You were given a quote that was basically an estimate and that was it?

Mr ROBERTS: An estimate calculated on the previous election and adding consumer price index. That is what we based our premise on and I think most of the other councils have as well.

Mr DARYL MAGUIRE: Are you supportive of the notion that pre-poll should only be run for a week instead of two as a cost saving measure?

Mr ROBERTS: My position is that there is if the radio station did not publicise pre-poll as a good way of not having to waste your weekend voting. It probably would have been a good thing. Having the two weeks in that circumstance would probably be the way to go unless we could stop the radio station from publicising what they publicised last election. We had a 30 per cent pre-poll, which was an inordinate amount.

Mr DARYL MAGUIRE: It is trending that way in all elections, that people are pre-polling. I wonder whether the two week window was giving too much opportunity, because you have to pay the cost.

Mr ROBERTS: Through Mr Chair, the first week was not too bad. It was fairly quiet. The second week was certainly big; it got very busy. There is a point there that one week would probably be sufficient.

CHAIR: I noticed in your submissions, Mr Roberts, you indicated that postal voting as a system of voting might be a more superior system than having polling stations. Would you elaborate on that?

Mr ROBERTS: My thinking there, Mr Chair, was having postal voting in lieu of. My calculation was that about 25 per cent, 27 per cent of the total cost of the election was involved in paying for staff and hiring of polling places. Again, we could have gone from a \$464,000 quote to not much over \$260,000. There is certainly an opportunity there, I believe, for saving. I know other States undertake postal voting as well. I think Victoria does. You can correct me if I am wrong. I understand they have done it and done it quite successfully.

Mr ANDREW FRASER: Would you not find that you are only shifting the cost from one end of the election to the other? There would have to be an additional cost in opening and recording the postal votes. If everyone voted by way of postal vote, the cost would just get shifted, would it not?

Mr ROBERTS: With respect, through Mr Chair, I do not believe so. I think a lot of the staff time—as I said, \$92,000 was the cost of our wages for the day of the election, plus our polling booths. When you

calculate that into staff time, working in a central location with all the resources on tap, my personal position is that it would be a much more efficient way of doing things.

Mr ANDREW FRASER: So the staff who manned the booths on polling day were paid overtime, and you are suggesting that would not be the case?

Mr ROBERTS: We would not have any polling booths. We would just have the postal votes coming into a central area. You would get away from hiring the polling places for the day. You would not have, in our case, 39 polling place managers, you would not have 39 doormen, you would not have 39 ballot box keepers. I am sure there has got to be efficiencies of scale there.

The Hon. AMANDA FAZIO: My question is to the representatives from Port Stephens Council. In your submission you talked about matters that you believed restricted the efficiency of the ballot. You raised the issue that the returning officer was restricted with the look-up data facility for electors and that this was only possible via one council-owned laptop. Can you elaborate on that and explain did you want more than just look-up access and how many people did you think should be able to have access online?

CHAIR: Mr Gesling.

Mr GESLING: Peter Gesling, Port Stephens. We believe anybody in the office of the returning officers should be able to access it and that it does not need to be limited to one machine. They had computers that they were using for their own purposes, and there should have been no reason why you cannot access that. Security and privacy provisions are very similar. It seemed to be an unnecessary restriction and did limit the capacity of the returning officers to do their job.

The Hon. AMANDA FAZIO: Did you complain to the New South Wales Electoral Commission about that?

Mr GESLING: Yes.

The Hon. AMANDA FAZIO: Did they give you any reasonable justification for why it was restricted in the manner that it was?

Mr GESLING: No.

The Hon. AMANDA FAZIO: Did they give you any response?

Mr GESLING: One of the reasons given was that they did not own the intellectual property, that it was owned by the Australian Electoral Commission. When you work through that argument, it is not really justifiable that you cannot access it from all points.

The Hon. AMANDA FAZIO: I noticed that a few of the other councils in their submissions also raised that as a problem. Do you think that the New South Wales Electoral Commission should have negotiated with the Australian Electoral Commission to allow councils conducting their own elections to have full access to the rolls?

Mr GESLING: I believe there should be no reason why not.

The Hon. AMANDA FAZIO: Thank you.

CHAIR: Mr Rowell.

Mr JAI ROWELL: I will not do too much talking today because I have a sore throat. You have all spoken about the great things that happened as a result of running your own elections. I am interested to hear what did not work so well. What lessons have you learned and what advice could you give us in that regard?

The Hon. TREVOR KHAN: I would like to know what they all think about postal voting.

Mr JAI ROWELL: And I would like to hear that from everybody.

Mr ANDREW FRASER: Mr Chairman, before you do, I think Mr Wrightson had something to add on that previous question.

Mr WRIGHTSON: In relation to the rolls, there were two other aspects of the rolls. The first is that the Commissioner said to us at one stage—I forget the name of them, but they are an electronic roll that are issued to booths—

Mr WICKHAM: I-roll.

Mr WRIGHTSON: —i-roll, to allow look-up. He said to us, "Even if I had sufficient of these devices to allow you guys to use them, I would not give them to you, anyway", which seemed a rather strange comment to us because this is about servicing the community, not "I have got something better than you have got". Secondary, in relation to paper rolls, and remembering that under the Local Government Act someone can access the roll—it is a specific entitlement—but we were not even allowed to get a roll that had all three wards in it as a combined reference roll. Normally what would happen in a local government, people will come and they will be in the wrong ward. Someone will look it up and if someone says, "You are not on that roll", they may be, inadvertently, referred off, that there is some error with the roll, but in actual fact they are registered in another ward. We were not even able to get from the Commissioner a combined reference roll—which in our case is three wards—all brought together so that we could look up and then say, "You are actually in X, Y, Z ward. You are just at the wrong polling place."

In respect of roll access, there was not only the issue with electronic access, but there was just common paper copy access, there was the i-roll access, and a fourth roll issue that emerged was in relation to verifying people for postal votes. What we were intending to do was have an electronic method of application for people wanting to do a postal vote, and that would have meant that we could submit information back to the Commission to check off people who had voted via postal vote and do an electronic matching process. Instead, the way the legislation worked, it restricted receipt of electronic applications for postal voting to only being on the Electoral Commission's website. Therefore, other councils were not able to do that. Even if we had got around that, there was this real issue of the Commission not being overtly interested in processing an electronic matching process that was different to having a line marked on a roll. If you could imagine in Sutherland's case, for example, tens of thousands of people doing postal votes and then someone in an office having to literally go line by line and knock off all 15,000 people. That could easily have been done by way of a database match and those people would have been marked off as voting. The rolls involve three or four issues.

CHAIR: Do any of the other witnesses wish to add to that?

Mr WICKHAM: Tony Wickham, Port Stephens Council. Just to add to Mr Wrightson's comment concerning the i-roll, at the meeting prior to the election in Sutherland, there were two issues to the i-roll: the supply of the hard device, and the soft copy of the information, or the rolls, if you like. There was a debate on that day about the supply of the hard copy hardware. The Commissioner's comment was, as Craig says, that he would not give us the rolls, that being the hardware. He followed up the comment to say that if the councils could get the hardware, he would not give them the electronic information in any case. It just backed the councils into a corner so far as technology and the streamlining of that for the electors.

CHAIR: Do any other members of the Committee have a question?

The Hon. Dr PETER PHELPS: Not on this specific point.

The Hon. AMANDA FAZIO: Apart from providing you with an incentive for using the services of the electoral commission in future, can any of you give any reason why this approach was taken?

Mr PATTERSON: John Patterson, City of Botany Bay. It was fairly apparent from the briefing session that was held down in Sutherland that has already been referred to, and from the pre-election visits around the councils to effectively attempt to strongarm them into using these services that he had simply come to his own conclusion that you were either with him or agin him, and if you were agin him then you got no support whatsoever.

Mr ROBERTS: I would like to make one other comment. I think we need to make a distinction. The Electoral Commissioner was very strong in his direction to councils. However, the staff of the Electoral Commission were very understanding and did what they could. That should be clear in this process. We have

criticised the Electoral Commissioner, but the roll staff were very good to deal with. I am getting a few nods around the table and I think we feel strongly about that.

CHAIR: Thank you for acknowledging that. Does anyone else wish to comment?

Mr GESLING: I support that. In fact, staff said, "We are not meant to do this, but we will."

Ms TINKER: We had a large number of declaration votes to mark off, but we had a limited number of sign-ons. When we asked for additional sign-ons we were given another five or six. That was very helpful because it meant we could finalise everything more quickly.

The Hon. TREVOR KHAN: Some questions were asked earlier and I would like to hear from other witnesses on the issue raised. One of the questions related to reducing the pre-polling period. Do other councils have a view about that?

Mr ROWLING: That is also in our submission. All the candidates and councillors were asked for feedback after the election and they all said the same thing. They thought that a two-week pre-polling period was too long; they felt that one week would be sufficient.

Mr GESLING: Our candidates and councillors felt that two weeks was too long. Our submission is that we should go to postal voting at the very least, or introduce some other form of electronic voting.

CHAIR: We will get to that. Does anyone have any other comments on that issue?

Ms TINKER: We quite like the two-week pre-polling period. We thought about expanding it into the wards and making it even longer. We had our pre-poll open late on the Thursday and Friday nights before the election. There was also discussion about having pre-polling facilities in the three wards.

Mr ANDREW FRASER: I refer to the comment about the cost of staffing. If you had a two- or three-week polling period and one polling place would that not resolve the cost issue? It has also been suggested that we have a polling period rather than just a polling day for State elections. That would save a lot of money and prevent people giving poor excuses about why they have not voted.

Mr GESLING: The difficulty would be people accessing the single polling place. Some electorates are vast, and it could be an issue in the city, too. It could cause difficulties.

Mr ANDREW FRASER: If you combined that with postal voting as has been suggested—

Mr GESLING: We would suggest postal voting without the polling place. That is in our submission.

Mr ANDREW FRASER: I suggest that having a polling place motivates people to vote. If people get a letter saying that they must vote within a fortnight, that letter might sit on the sideboard and be forgotten.

Mr ROWLING: One of the main reasons the candidates and councillors objected so strongly to the length of the pre-polling period was that they have to man the booths. They have to be there to hand out their cards during working hours and that is difficult. That is a major problem. If we are making a significant change, we must go to an internet-based system. That should be the next major change. The community is getting more and more knowledgeable and educated about using the internet with banking and so on. The next major jump should be towards electronic methods.

CHAIR: We should have a discussion about that, but I would like to stick to pre-polling and postal voting at the moment.

The Hon. TREVOR KHAN: My question flows on from Mr Fraser's point. Do I take it that there is agreement about pre-polling and that there should not be a set number of categories to fill in before pre-polling?

CHAIR: Do you mean the prescriptions?

The Hon. TREVOR KHAN: Are you saying that the prescriptions should be abolished?

Mr PATTERSON: I do not think that the preconditions play any part because people do not do it. It is as simple as that.

The Hon. Dr PETER PHELPS: You are not Robinson Crusoe.

CHAIR: Does anyone else wish to agree? Hansard should note that everyone is nodding.

Mr ANDREW FRASER: Including many Committee members.

CHAIR: Does anyone else wish to comment on postal voting?

Mr WRIGHTSON: I would like to address the suggestion that there should be a polling place as well as postal voting. One of the advantages is that there would be staff to process the postal votes. There would potentially be staff to balance the load with running a polling place over a longer period. In the case of Lane Cove, very few people come in during the first week and that allows staff to prepare for polling day. If the election were conducted over two, three or four weeks we could load balance between doing postal vote applications and voting. Of course, it would be done differently if it were centralised or decentralised. That may offer another avenue. Anecdotal feedback suggests that it is hard to get people to hand out how-to-vote cards on polling day, so having one central polling place open over four weeks may be easier. Instead of trying to man 20 booths there would be only one booth. That may be an offset.

Mr ANDREW FRASER: Is it your proposal that electors would be sent an application or would they be required to get one?

Mr WICKHAM: Everybody would automatically receive the ballot papers in the mail with a reply-paid envelope.

CHAIR: It would be similar to the system in South Australia and Victoria.

Mr ANDREW FRASER: You should not send them out with their rates notice.

The Hon. Dr PETER PHELPS: Perhaps you should. Port Stephens Council and a number of other councils have expressed concern about above-the-line voting and called for its removal. Is the problem the inordinately large number of candidates and that they must have a number of people on their ticket before they can get an above-the-line box, or does it relate to the perceived requirement for special software? What is the nub of the problem?

Mr GESLING: The nub of the problem is the candidates' perception that they are much more likely to be elected if they are above the line. They race around to get enough people on their ticket to get above the line. Candidates have been told that they are not likely to be elected—

The Hon. Dr PETER PHELPS: They need to get an above-the-line box.

Mr GESLING: We have had candidates ask how they can get out of it. It makes a mockery of the process of seeking election and having a clear view about what people stand for.

The Hon. Dr PETER PHELPS: How do other councils feel? Is that a common experience?

Mr ROWLING: No, that was not a problem at Sutherland. We did our own manual proportional count.

Mr ANDREW FRASER: How would you feel about changing the system so that rather than running a ticket if there were nine council positions voters would be required to place nine ticks, crosses or marks on the ballot paper and those with the most votes would end up on council?

CHAIR: That is a first-past-the-post system.

Mr GESLING: I am not necessarily in favour of a first-past-the-post system. There are issues around that system and policy that would change. I am not against it, but I do not see it having any particular value.

The Hon. Dr PETER PHELPS: If candidates were able to get an above the line box irrespective of the number people they might or might not have on their ticket—for example, a single person could get a box above the line and would not have to race around and find five of a monkeys to do it, would that solve your problem? Councillor Clinton Mead from Campbelltown suggested giving a box above the line to everyone who wanted one would obviate the need of having to go around to find a bunch of stooges.

Mr WRIGHTSON: I have to say in the way the current system works the lack of a box is such an impediment to getting elected that there should be some consideration given to balancing it back up. I would certainly support the idea that even if you are a sole candidate you are entitled to a box at the top, if nothing else just to make it so that people, let's face it the predominance of those 70 per cent to 80 per cent of people who never go below that line, can at least vote for that candidate. Of course, they all get shunted to the end because they have not got a box as well. So everything is going against that person who chooses not to group.

Mr ANDREW FRASER: But does not that bring it back to first past the post?

The Hon. Dr PETER PHELPS: No.

Mr ANDREW FRASER: If you have got a box above the line but no other candidates to put on with you—

CHAIR: The question then becomes would it not be better to consider the House of Representatives style ballot paper where you are sequentially placed on a ballot paper rather than having an above the line Senate style ballot paper; you simply have an optional preferential style ballot paper like the lower House. Is that what you are suggesting?

Mr WRIGHTSON: Perhaps, yes. If you are trying to retain the proportional concept that people down ways can get in ahead of someone sideways, for want of a better word, then all I am suggesting is that there should not be a further disadvantage to have to go to a different location on the ballot paper to cast your vote. I think most people do not understand that.

Mr PATTERSON: This is not really an issue for Botany Bay because we have retained the preferential system—we have six wards of one. So it is exactly the same as State and Federal elections.

Ms TINKER: We have 86 candidates.

The Hon. Dr PETER PHELPS: Campbelltown has over a hundred.

Ms TINKER: But we also had an experience of one particular group that wanted above the line but I think they just missed out on getting an above the line box and consequently no-one in that group got elected. I understand the discussion; I am just not sure what would happen if everyone who was running as an independent had a box above the line with 86 candidates I am not quite sure how that would work.

The Hon. TREVOR KHAN: You would have a large ballot paper.

Ms TINKER: We already have a large ballot paper.

The Hon. Dr PETER PHELPS: It would be no larger than the current ballot paper is because what you have is horizontally annotated candidates just without a box above the line. In effect you would still have the same columns of people entered; you just would not have Joe Bloggs and then four other people underneath who are running essentially dead so that Joe Bloggs gets elected.

The Hon. TREVOR KHAN: The difficulty is that you are ending up with a wider and wider ballot paper.

The Hon. Dr PETER PHELPS: It would be the same width because the same people are still on the paper but they just have a box above the line.

The Hon. TREVOR KHAN: Then why not have it as the House of Representatives system?

The Hon. Dr PETER PHELPS: Because you will still have group voting tickets, will you not?

CHAIR: You could but you do not have to. Does any other witness wish to comment on this particular aspect? Very well, we will move on.

The Hon. Dr PETER PHELPS: Another aspect for proportional representation councils is the issue of a councillor resigning or dying and the need to conduct a special election to fill that spot. What are your views on the idea that that position simply be filled by count back? A comparable way to how the Australian Capital Territory conducts its elections—you simply recount the ballot papers as they were on polling day and the available spot is filled by the person who achieved the next highest vote.

Mr GESLING: If it is within a reasonable timeframe of the election, say, within 12 months yes, but beyond that you do not know what people's circumstances are and I do not know that it is fair to have that as the automatic default.

The Hon. Dr PETER PHELPS: Under the Australian Capital Territory system you have a situation where a person can decline the position or they can indicate whether they wish to be considered for election, so thus it only becomes an election of those people who wish to stand at that point in time in the future. Would that go some way towards solving the problem?

Mr GESLING: That would certainly address that issue.

The Hon. Dr PETER PHELPS: Because presumably under the current system you guys would have to pay for a by-election, would you not?

Mr GESLING: That is correct.

The Hon. Dr PETER PHELPS: And that would not be cheap.

Mr GESLING: If you do not have wards then you are paying for the election for the whole local government area.

The Hon. TREVOR KHAN: I return to the question of the quotes and estimates that were obtained. All of the councils that used the independent contractor, did you all obtain a quote before using the services?

Mr GESLING: We actually had a tender. We put out a tender and he submitted a tender price with a number of variables that allowed Sutherland to take up the situation that they did. It allowed you to go through and have the Australian Election Company do the whole lot or you could pick and choose various packages within them. So it was flexible in the sense that you could customise it for your own purpose.

Ms TINKER: We got a quote after the visit from the New South Wales Electoral Commissioner and we then asked for expressions of interest. We specified exactly the level of service we required and we got an expression of interest. We did not go to tender based on the fact that we could not get a good competitive result any way. We then appointed the Australian Election Company on that basis.

Mr PATTERSON: Because we retained the preferential system we engaged the Australian Election Company for the purpose of acquiring handbooks and training—it was basically a shopping list approach. There were certain elements of the program that we did not require because we were preferential. It was really just a quote on the units that were of use in the running of the election for the city of Botany Bay.

The Hon. TREVOR KHAN: Were any of you successful in obtaining a quote from the New South Wales Electoral Commission?

Mr PATTERSON: No.

Mr ROWLING: In our submission to the Department of Local Government on the report that we had to provide there is actually a copy of the letter that the Electoral Commissioner sent out to everybody—that letter was dated 5 August 2011. In that letter the commissioner actually states, "The councils wishing to estimate their 2012 invoice ..."—so if you want to work out how much prices were—you add 17 per cent on for the wages in your 2008 elections, you add 12.8 per cent for other operational costs and it has a list of the things. He basically gave you a pretty detailed list of how you could work out the indicative cost of what it was going to

cost you but he was not prepared to give you a final cost like the Australian Election Company was prepared to do.

Ms TINKER: We also received that letter; however, in the 2008 elections the Electoral Commission employed 266 staff to run our elections. In 2004 we had 495 staff to run our elections, and those 495 staff were extremely busy. We were quite concerned about the 266 staff and we gave that feedback to the Electoral Commission at the time of them running the elections—that is one of the reasons we believe we had such an extraordinarily poor result in 2008. So when we applied the Electoral Commission's indexes as provided in that letter it did not give us a level of comfort that if we wanted to have more staff to have a better result, how did we calculate that. As it was, in our running of the elections we engaged 552 staff to run the elections and that is one of the reasons our 2012 elections were so much better and the community had a much better result. I understand we received that letter; I am not quite sure that was what you would consider to be a quote.

The Hon. TREVOR KHAN: I go back to 2008. Did any of you obtain an estimate—I will not use the term "quote"—from the New South Wales Electoral Commission as to how much it was going to cost? Was the estimate only a 2012 occurrence?

Mr ROBERTS: We did receive a quote for the 2008 election. We were appalled at the increase. I think it went from about \$219,000 to just on \$400,000.

The Hon. TREVOR KHAN: I have seen, I think, in all of your submissions the significant increase. But I was getting at the question: Did the estimate and the cost equate in 2008?

CHAIR: I think in relation to Shoalhaven, Mr Roberts was making that point. Did you want to finish on that point, Mr Roberts?

Mr ROBERTS: In 2008 it was the case that we paid what we were quoted.

Ms TINKER: Our initial quote was quite a bit higher than our actual final cost. I think our quote was about \$890,000 and it came in at \$684,000. That was a pleasant result.

Mr WRIGHTSON: Ours was slightly under what was quoted. In 2008 we did not have the option of making our own arrangements, so it was not as if we could go and test the market. I think those prices went up following a cost of government inquiry. Supposedly the costs were being externalised. In one letter that was written to council, the charge-out rate of election management staff at head office was \$195 per hour. Someone asked before, "Where do we save money?" I assure you we did not employ a single person on \$195 an hour. Let us face it, there are a lot of fixed costs here.

There is the cost to hire a polling place. We all use exactly the same rate of pay for polling officials on election day, so there is no differential in costs for the commission there. The only two things you can really save money on are the overhead management costs, and stationery and printing. I think the commission charged us double to triple what a local printer would charge to print exactly the same thing. There are a lot of overheads on the pricing. If you simply go to someone else the overhead gets removed and the price drops considerably.

The Hon. TREVOR KHAN: Comparing your wage costs with a charge-out rate is comparing apples with oranges. Are you able to indicate what the independent contractor charges as an hourly rate compared with what the Electoral Commissioner would charge as an hourly rate? If you go to a mechanic they will charge you \$60, \$80 or more an hour. That does not reflect their hourly take-home pay. It would include an overhead figure. The New South Wales Electoral Commissioner is entitled to include that.

Mr WRIGHTSON: I realise that but from our perspective the issue is that there are not that many people who would get anywhere near that process.

The Hon. TREVOR KHAN: I would agree.

Mr WRIGHTSON: They are mainly administrative staff with, in most cases, one returning officer who gets paid \$X. We do not have what the contractor charged, but I assure you that in the case of Lane Cove, probably the only person who got a rate above \$30-odd an hour—and then let us add overheads until the cows come home, \$50—would have been the returning officer. So it is not a business model where there should be lots of people with overheads.

CHAIR: The only other comparison that was made, I note, was in Fairfield's report, where they went down to the cost per voter. Do you want to elaborate on that?

Ms TINKER: I have the exact costing from the Australian Election Company. It was all very open and transparent. They charged us \$65,290 for planning and project management, \$34,000 for the cost of the returning officer, \$74,000 for the IT and count operation, \$62,913.75 for materials and \$16,000 for miscellaneous. So it was all very open and transparent.

Mr PATTERSON: We had a minor experience, where our returning officer sought to acquire some electoral envelopes from the Electoral Commission and finished up getting them printed at the local print shop for about a third of the cost. That aside, everyone around the table has indicated a saving on the conduct of their election by comparison with the indicative cost of the Electoral Commissioner. You also have to allow that all the councils that chose to run their own elections or used the services of the Australian Election Company had to purchase these or set them up from scratch. The Electoral Commissioner has everything on tap. He only has to make changes if there are any changes to legislation or reference to a particular section in the Act, or a document that he has to produce. So every four years, by and large, he is pulling the same things out of the bottom drawer, whereas the councils around the table—who have indicated a substantial saving—have had to do it from scratch.

The Hon. AMANDA FAZIO: I wanted to raise an issue that Shoalhaven included in their submission. Mr Roberts, you said that it was in relation to more guidance in complaints-handling mechanisms. You stated that a consistent complaints-handling mechanism—a standard mechanism—should be established for all councils, detailing responsibility for the range of complaints likely to be encountered by councils conducting their own elections. You said that this was necessary as a result of the breadth of applicable legislation and the fact that councils are only required to undertake this function every four years. Could Shoalhaven council's representatives and the other councillors give us an idea of the responses that you had from the Electoral Commission when you were ringing them to ask them to assist you in this complaints-handling role. Could you give us any suggestions of ways in which this could be improved?

Mr ROBERTS: We got not assistance at all. One of the complainants actually wrote to the Electoral Commission, and was told in no uncertain terms that it was a matter for the general manager of our council to manage. That was the response we got. What predicated my suggestion in my submission was the fact that we have the Local Government Act, the local government regulations, the Parliamentary Electorates and Elections Act and regulations, the electoral process document issued by the Division of Local Government, and the guidelines issued by the Division of Local Government. In not one of those documents is there clear guidance on any complaints-handling mechanism.

CHAIR: A number of submissions suggested that combining those documents would be very helpful. Any other comments on that question?

Ms DRCA: Some of the complaints that were received were from people who rang and asked, "Where do I enrol to vote?" That is not a question for council, despite the fact that we have elections every four years. So when they rang the Electoral Office, the office said, "You have to ring the council for that." These people had just got off the phone with us. So customers were going backwards and forwards. We were saying, "All we do is manage the election. You come and vote with us; you do not enrol to vote with us." They were just some of the complaints that we received. And that is in the initial process.

Mr WICKHAM: Just to add to the comment by the representative from Fairfield, it appeared to us that one of the initial questions that you were asked if you rang the Electoral Commission was, "Are you dealing with a council where the commission is running the election or are you from a council that is running it themselves?" That was the standard response. We copped that quite a lot from people who came to us. They had been to the commission and that is what they were told. We had a bit of that backwards and forwards phone tag type of thing going on.

The Hon. ROBERT BORSAK: I note that some concern was expressed regarding the potential recovery or non-recovery of fine revenues. Does anyone have a feel for what that recovery might have been, or what it would mean to your local council if you could get it, based on the last electoral results? We have been hearing some interesting numbers in terms of the cost of running the elections.

Mr GESLING: We had about 8,000 people who did not vote in the election. Add a fine of \$55 a head—it is not insignificant.

The Hon. ROBERT BORSAK: That is quite a bit of money.

Mr PATTERSON: You need to recognise also that, effectively, apart from sending out the notices, the councils did all the legwork in providing the information—marking off rolls, providing the rolls back to cross-match who had voted and who had not voted. So it was really only that cross-matching and postage of the fine notices that was the responsibility of the Electoral Commission.

Mr ROWLING: I would like to see the Electoral Commission asked how much it costs to run the elections and then how much cream they made from the recovery of fines and whether or not that could have been, if there was some, pushed back to cover the elections for the councils to make it a little bit cheaper for their residents.

The Hon. ROBERT BORSAK: It seems a bit unbalanced that when the Electoral Commission is not actually conducting the election, apart from sending a couple of notices out, they in turn should get to pocket all the fine moneys.

CHAIR: Any other comments on that?

Mr ANDREW FRASER: I think there was a question put to the Electoral Commission in relation to that money being returned. Was a response made or not?

CHAIR: I know it was raised in submissions, I do not know if there were any responses. Did anyone actually write formally to the commission about that?

The Hon. Dr PETER PHELPS: Just a question in relation to the Lane Cove submission. In it you make a fairly serious allegation that "the New South Wales Electoral Commission targeted people qualified to act as returning officers in an attempt to stop them working for the self-managed elections". Could you just elaborate on that a little and if there are any other councils which have had a comparable experience could you please indicate the nature of that?

Mr WRIGHTSON: We have recruited the returning officer who had been the returning officer for the previous two elections at council and what happened was—

The Hon. Dr PETER PHELPS: Were they New South Wales Electoral Commission employees or—

Mr WRIGHTSON: They are contractors who just signed up for each election; they were not permanent employees. What happened was a story was given to that person that in fact we had chosen to go with the Australian Election Company and therefore they would not have a role with us anymore and therefore "you should come and work for us because if you do not work for us this time you will not be able to get a role, basically, going forward". Our concern was this was total misinformation because we did not engage the Australian Election Company to run our election, so that bit was not true. Secondly, as I say, this pressure about "you either work for us this time or not ever again", I am hearing some of my colleagues have got other stories; I have some other anecdotal stories as well, but perhaps others might give you some.

Mr GESLING: We certainly had the position where the person who had conducted our election previously indicated that they were not available and we were not to approach them. In our situation we ended up, through illness, having three returning officers through the period, which caused some difficulty for candidates. But despite that, the process stood well and the Australian Election Company did support the process and made sure that it was managed as best as possible.

The Hon. TREVOR KHAN: I am sorry to interrupt but could I just ask: When you say the person indicated they were not available, whilst one could put a nefarious take to that it might be that they had an ingrown toenail at the time.

Mr GESLING: It was indicated to us that they had been told that they were not entitled to take up the offer from the Australian Election Company.

Mr ANDREW FRASER: Were they given a reason, do you know?

Mr GESLING: I did not have the conversation with them so I cannot comment. That similarly applied to other electoral officers. I had staff that, again, indicated they would not be considered for future work if they accepted a role with the Australian Election Company.

CHAIR: Any other comments on that particular point?

Mr PATTERSON: Yes. In the very early days of planning the election, in our naiveté we approached the Electoral Commission and said, "Would you have some names that we might be able to approach in terms of becoming a returning officer or working on the election?" and they said no, because of the privacy implications they could not do that. We were able to enlist the services of a very experienced returning officer and substitute returning officer who had worked on both Federal and State elections on a number of occasions and who, quite fortunately, had their own sort of network of contacts from those previous activities and managed to get in early enough to sign up people to work on the elections.

I understand that a number of those then pulled out when they were basically warned off by the Electoral Commission and she had to go and fill those positions that were subsequently vacated. So it was no easy task to get experienced people who had worked for the Electoral Commission previously.

CHAIR: Any other comments?

Mr ROBERTS: Contra to that submission is that we had a lot of people ringing us very irate who had gone on to the Electoral Commission website to enrol to work and got to the point of clicking the "submit" button, or whatever it was, and were told to "contact your local council because we are not running their election". Some of those potential returning officers for the Electoral Commission were pretty annoyed at the fact that they had to get to that point and then be told no, they could not work with them. So it is just the other side of the coin, I suppose.

The Hon. TREVOR KHAN: Could I just make the comment in the open that the allegation that is made is very concerning, but all of it is, at best, third-hand and perhaps fourth-hand. I am not being critical of anyone who said it, but if our report were to contain a conclusion that alleges that the Electoral Commission monstered people I think we would need more direct evidence than that.

Mr ANDREW FRASER: I was going to make a similar comment. If there is evidence along those lines or people are prepared to sign statutory declarations to that effect, I would ask that you ask them to provide the Committee with that statutory declaration, if possible.

CHAIR: There is an opportunity at the end to ask for supplementary information. That is something that perhaps we can consider, if people wish to do that.

The Hon. AMANDA FAZIO: For the councils who used the Australian Election Company to conduct the last local government elections for you did you get any questions from councillors and the community about any concerns they had about the independence and impartiality of this company and did you do research on the company before you engaged them?

Ms TINKER: We did our due diligence on the Australian Election Company; we did all sorts of searches. We also pushed them for certification of their vote-counting software and process, but I am not aware that we had any concerns expressed to us about using them or their independence.

Ms DRCA: We did a reference check as well. So based on the Queensland councils for whom they had conducted elections we did call people from there and just made general inquiries just to say how did they find it, et cetera, et cetera. If you call that a reference check that is what we did do as well.

Mr ROBERTS: We did the same. We did reference checks by inquiries. I think Redland council was one of them.

Mr PATTERSON: Really the only services we used was the purchase of a stationery pack, effectively. So we did not use their services in any way.

Mr WRIGHTSON: We did a similar job. But despite us not having any independence, that is, a company or an electoral commissioner to run our election, no-one raised the issue of the independence factor with us. I do not know that the average constituent has a good idea of who runs it. As a well-experienced general manager said to me one day: when it goes wrong they are not going to say the commissioner made a mistake at Lane Cove; they are going to say the Lane Cove election is stuffed. So from all perspectives the risk is there. It is our name that will lead the headline, not the commissioner's nor the Australian Election Company. As a general manager, I can assure you we are worried about that issue. Regardless of who it is, whether it is the commissioner, the Australian Election Company, we all make sure there are resources staring at what they are doing as they go along to make sure that we do not have a headline.

CHAIR: For clarity, none of your elections ended up in the Court of Disputed Returns, did they?

Mr ROWLING: No.

Mr WRIGHTSON: No.

Mr WICKHAM: No.

Mr PATTERSON: No.

Mr ROBERTS: No.

Mr ROWLING: Just following on from what Mr Wrightson was saying, we had a couple of questions posed of us because we were not using the Australian Election Company; we were running it ourselves and the question mark was the independence of the staff when they are running the elections. The moment we explained to them that were looking at making a saving of some \$270,000 for the residents of the shire, they immediately backed straight off.

Mr ANDREW FRASER: Independence be damned.

CHAIR: It is good to see that independence can be bought.

Mr ROWLING: The other thing is that because we did a manual count, the transparency level of our council was much better than any other council that used election software because for the five days after the election we had the candidate scrutineers able to walk around and see how we were transferring the votes, how we were processing the votes, how we were counting the votes. I think that at the end of the day we had a couple of very close wards and close elections, yet not one candidate pushed a submission for a recount. They were all completely happy and satisfied with the transparency of being able to see the votes being physically moved around. They were much more happy with that process than what they were four years previously when we had to take all of our votes, send them off to the Electoral Commission's centre, sit there for two weeks before they finally got on the list to get them through the computers to be counted and then eventually got a letter back saying, "You got so many votes". They did not really understand the process of it.

CHAIR: A recurring theme through the submissions that were received was that not only was it more transparent but it was more timely as well.

Mr GESLING: I just make the comment that we did not have any complaints. We did the same due diligence and we depended on the tender process, which had a selection system, including the reference checks that were done on our behalf, and there was a steering committee of staff who participated in that process. We did not have any complaints about the independence of the process. The only complaints we had were regarding an alleged lack of professionalism, the turnover of the returning officers, some confusion with the forms that we used and that was in part precipitated by changes in regulations at a very late stage in the process. The biggest issue was Australia Post's processes in dealing with postal services in our area.

CHAIR: That is outside the terms of reference of this Committee.

Mr GESLING: Certainly, they were the only issues that came up.

The Hon. PETER PRIMROSE: I was looking through Sutherland council's submission, page 10, the reference to the Electoral Funding Authority. Do you have any comments in relation to dealing with the

Electoral Funding Authority and, particularly given the change to the legislation, how you coped with giving information to candidates and registered agents?

Mr ROWLING: This is an interesting aspect because the Electoral Funding Authority is part of the Electoral Commission. The Electoral Funding Authority paid for and organised the briefing sessions for candidates prior to the elections, yet the Electoral Commission failed to advertise the non-Electoral Commission ones on its website, which made it confusing for quite a few candidates in the Sutherland area. They thought that they had to go into another area to go to an Electoral Funding Authority briefing. That was one confusion that came up because of the Electoral Commission failing to advertise them on their website, like they were advertising all the others.

CHAIR: Did all your councils have a briefing session for electoral funding matters in your council area?

Ms TINKER: Yes.

Mr ROBERTS: Yes.

Mr PATTERSON: Yes.

Mr WICKHAM: Yes.

Mr GESLING: Yes.

Mr WRIGHTSON: Yes.

Mr ROWLING: We all did.

The Hon. TREVOR KHAN: The question is: Was it advertised?

CHAIR: Was it advertised?

The Hon. Dr PETER PHELPS: None of them was advertised so there was a problem.

Mr ROWLING: We had to advertise it. When we had the briefing on the day the Electoral Funding Authority fellow came in and spoke, the information that he provided basically turned 90 per cent off being a candidate.

Mr ANDREW FRASER: That is probably good. Imagine how many candidates you would have had.

Mr ROWLING: It was so complex and complicated and you went right down to the nth degree of what they have to prove, the evidence they have to provide.

The Hon. Dr PETER PHELPS: Welcome to our world.

Mr ROWLING: Basically, the only people who were there after the briefing who were prepared to keep going were those who were in a party so that they could leave it up to their party hacks to sort it all out for them.

CHAIR: "Party officials" is what I think you need to say.

Mr DARYL MAGUIRE: Administrators.

Mr WRIGHTSON: One thing that strikes me is, first, there is a lot of paperwork but, second, the irony of the whole thing is that it seems more geared to a State parliamentary cycle because if you can be elected in September you do not have to lodge your first return until the end of that financial year. So June and then I think you get three months or whatever to lodge. So you are basically going to be in the job a year before you have to declare or it comes out what your funding arrangements were. It seems a rather lot of effort to go to to tell someone a year after they have been elected that perhaps there may have been a conflict. It just seemed that it was a bit ill-conceived. It should be within a period of each election, rather than just sticking to a pure

financial year cycle. But certainly we experienced the same level of detail at our session. I think you will find that every council that ran its own election was given the option of having it in its own area. It is not just coincidence that we all happened to have one. Because there was a disconnect and they did not want to have anything to do with ours, we were entitled to have Electoral Funding Authority in conjunction with whatever else we wanted to hold.

Mr WICKHAM: In relation to the question asked by the Hon. Peter Primrose, we were told by the Electoral Funding Authority when they gave the presentation the council was to answer no questions in relation to any questions from the candidates. They were all to be directed to the authority itself. So that was the way we ran it at Port Stephens. So essentially our questions were pretty much we could not respond to them, other than to direct them to the appropriate authority.

CHAIR: That would have made it difficult for the candidates wanting that information.

Mr WICKHAM: A little bit frustrating. You could sense their frustration levels.

The Hon. PETER PRIMROSE: The nub of my question was whether there was an issue of access to information, and you have indicated there may have been a bit of a disconnect there.

Mr ROBERTS: I noticed earlier in the year, I think it was about April, that the New South Wales State Election Funding Authority invited all councils to presentations they had throughout the State, which was shortly before the returns were due to be presented. I think that was a good thing to be done by them, and I know most of our councillors participated in that process.

The Hon. Dr PETER PHELPS: To Fairfield, just delving a little deeper into your submission, you spoke about ward supervisors and said they were wonderful but then basically left it at that. Can you explain in detail a little more about the ward supervisors? What were they? Who were they? Were they de facto deputy returning officers? What did your ward supervisors, who were so wonderful, do?

Ms TINKER: One of our ward supervisors is Ms Drca, who is sitting next to me.

CHAIR: Declare an interest.

Ms TINKER: Basically, we selected our three most experienced people and appointed them to be ward supervisors. Their role was to liaise with the polling booth managers. They drove around on election day and made sure that everything was under control, any issues. They had spare ballot papers. They had all sorts of things. At one stage Ms Drca noticed that at one booth there were a lot of queues and some problems so she was able to redeploy some of the staff from one of the quieter booths to go to that particular booth to help out. I thought that was very well done. With that, I will hand over to Ms Drca to flesh that out a little more.

Ms DRCA: I have worked in State and Federal elections so I knew that they did not have such a role. We have three wards, and that is why we chose three people to do that. The benefit was that I managed to meet with, I think, it was about 15 or 16 polling booths that I had within that ward. I managed to go there at least three times and that is from 8 o'clock in the morning til 6 o'clock at night. By 9 o'clock I had already been called to one school because there was a police matter, and that was just a simple thing that two gates were opened and this person wanted to go out, and by the time they came back from voting the gate was closed. They could not get out and had to walk around the block et cetera. They took it upon themselves to call the police on that.

By doing three visits to one, you could see where the numbers had dropped. There were some areas where senior citizens would come out early in the day, not late at 6 o'clock. You could take people and say, "Look you had better go into this location" so you could manage all of that. The same with some of the ballot papers, you knew they did not need, let us say, 1,000 and would only need about 500. "Let me take your load now because I know I have got to give them to somebody else." The communication was open right throughout the day. A couple of them were dual so what happens I could then see what the other ward supervisor was doing as well and then we just confirm, "Okay, have you got the same story?"

At 6 o'clock I made sure I came back to the administration centre at council and let them ring me when they needed me, rather than me still going and interfering because they were doing counts, closing up and things like that. It meant that between 9 o'clock and 9.30 out of the 15 or 16 that I had, most of them had returned. Some of the other two, not quite the same stories but thereabouts, the majority of them had returned on time. I

just found that was valuable, yes, wonderful, but there were some advantages in actually having three people out there to manage. They could see just driving past, even because I work at council I could ring the cleaner. I had garbage bins cleaned. They were on our footpaths, they were not inside the polling booth. People may have been buying lunch. Some of them had like an ice cream outside and things like that so they could have papers and things being thrown. We managed to get the bins changed which maybe the Electoral Commission would not have done because access to council services would not have been so quick.

The Hon. ROBERT BORSAK: In relation to the use of candidate-registered agents after the election sorted itself out amongst the candidates or was the apprehensive that councils held beforehand proved after the event?

Mr GESLING: I am not sure I can comment directly other than a rumour that was floating through the committee room the other night about complaints about having to go through the process. As far as I know it has all been acted on.

CHAIR: Any other comments or feedback on that particular issue? I refer to the issue of non-residential electors. Obviously people have a right to take up that option but frequently do not. What was consistent across many of your submissions was that only a handful, I think one of you even prescribed three people, took up that option? Does anyone have a comment?

The Hon. Dr PETER PHELPS: I want to clarify that question. I got two different take outs: one is that people do not know or do not care, whereas Lane Cove went further and said, in fact, it is not a matter of that; it is a structural problem with the process of becoming a non-residential voter. Is it a structural problem or is it just not know, not care?

CHAIR: I think the submission from Lane Cove also suggested some changes. Is that right?

Mr WRIGHTSON: It did. I will familiarise myself with that aspect before I comment.

The Hon. Dr PETER PHELPS: It is a part of your evidence already.

Mr WRIGHTSON: That is right. I think the issue is that the way the system works you can end up in this strange scenario where you accept a vote but you actually are not required to check whether that person's entitlement is real. By that we mean, do they produce a lease that shows that they have a rate paying lessee for the period of time required? There seems to be no real specified evidence of what is required and I think that causes some concern.

CHAIR: Around companies as well too, I think you raised that issue.

Mr WRIGHTSON: Yes.

Mr WICKHAM: I think one of the major issues we find, and we have had comment on it in the past, is that you are only required to advertise in your local paper. If you are a non-resident you will not see unless you subscribe to the local paper.

CHAIR: Would councils consider include a flyer with the rates notice or would council not consider that?

Mr WICKHAM: I think you would have to do a particular mail-out at the time. People tend to be a bit dismissive of all elections at times and put it to the side. A mail out from the council when it is in an election cycle—you can't do it too early—would make it somewhat definitive.

The Hon. Dr PETER PHELPS: Is it a case of people do not care, or it is too complex or both?

Mr WICKHAM: A combination.

Mr GESLING: I would think it is too complicated. I have property interests in a number of local government areas but to actually go through and decide to register for it, and then find out what is the make-up of the council, and where you are going to vote, quite frankly it is not my priority.

The Hon. Dr PETER PHELPS: You have to nominate the particular ward too if you are in a ward-based system?

Mr WICKHAM: Yes.

Ms TINKER: We sent out a lot of information about the election with our rates notice, including a ward map, all the booths and that type of information. We did not specifically address the non-residential votes but we did have three people, I think.

The Hon. Dr PETER PHELPS: I think one council had two.

Mr WICKHAM: Yes.

The Hon. PETER PRIMROSE: The question that has been raised in one submission, and I do not take a position:

Most councils advise that very few individuals were registered on a non-residential role, advising that the process was cumbersome and questioned the value of maintaining it.

Do you want to comment?

CHAIR: Whose submission did you quote from?

The Hon. PETER PRIMROSE: I am quoting from the secretariat's summary.

Mr ROWLING: We did not find it all that complex and cumbersome from our point of view, it is more for the person who has got to fill out forms and then send the information back to us. Usually they ask for a postal vote so you then send out a postal vote. There is a process there but I think the question is really is whether there will be that many people interested in wanting to vote in a local government election in another area in which they do not actually live. We had may be 15 inquiries but of those only three people came back and followed it through.

The Hon. Dr PETER PHELPS: It is not a high success rate.

Mr ANDREW FRASER: It is more of people being unaware.

Mr ROWLING: It was advertised in the metropolitan papers by the Electoral Commission and I think I can remember hearing it on the radio a couple of times. If they were listening for it they would have been aware of it.

Mr ANDREW FRASER: If people are paying rates in another local government area, and they are given timely notice of an election coming up, surely it would be in their interests as a property owner to cast a vote. To me I think may be it is a lack of awareness.

The Hon. Dr PETER PHELPS: The Lane Cove submission points out that the rigmarole required to get on the roll is too cumbersome. Even if one wanted to, how many small businesses think "I would like to do more paperwork so I can vote in a council area that is not my own."

The Hon. TREVOR KHAN: You must have it as well, I have it in terms of a unit. I just think it is all too hard.

Mr ANDREW FRASER: I did not. I thought that was a good reason.

Mr GESLING: I think the issue from my perspective, even if you do go through the effort, and I did consider it personally, how do you find out about what the issue is? What you get on the website are the candidate but not any information about, "How do the candidates get information to you?"

Mr ANDREW FRASER: I personally found it fairly easy but then I had a property in Sydney.

Mr GESLING: Mine is in Sydney as well as in other places.

The Hon. Dr PETER PHELPS: That was another issue that was raised in the submissions, that is, the lack of candidate information. Who suggested making that information compulsory to be provided?

Mr ROWLING: With the candidate information sheet that the candidates have to fill out there was a section there where the candidates were able to fill out polling information about themselves. What the candidates were not made aware of, either in the documentation or anywhere, was the fact that that particular document would then go up on the web against their name. One of the complaints that we had from quite a few people was: "Where can I get information about the candidates?" We would say, "Well, the only thing we can give you because we are not politically involved in this is have a look at our website, which we have had to put up". Because the candidates were not made aware anywhere that this was a compulsory document that was going up on the web, they basically said, "I have lived in the area for so long" and that is all they wrote.

CHAIR: So that needs to be an amendment to the form to make that clearer?

Mr ROWLING: I think so.

Mr WRIGHTSON: Can I suggest that it needs to be made mandatory too because a lot of candidates simply put a line through it. It would be preferable if it was a mandatory thing; people would draw their attention to it a bit more. While ever it is voluntary, you could do as Mr Rowling suggested. Could I just say, just to reinforce the bit about the rigmarole, even the name of that thing—the non-resident owners rate-paying lessees roll—that is a bit of a mouthful. We sent out quite few; when I say "quite a few", not that you get many people on the roll, but we sent out more applications than came back, which suggests also that there is a rigmarole problem there. Sending it out with the rates notice beforehand is a nice idea. We send our rates notices out that are due, I think, at the end of August and you have a September election, so that is not the worst idea.

When I was at Marrickville Council it used to go to the trouble, not on this specific issue—and I think some other elections have done this—of producing a card with the voter's name, the roll number, et cetera, which actually made voting a lot easier on the day for the people that were enrolled. There are perhaps some other things. Perhaps the fine revenue could be returned to us to improve the communications that we could do in the future to make voting more accessible for everyone.

The Hon. Dr PETER PHELPS: Good luck getting that past the Treasurer.

CHAIR: I also point out the local government general regulations allow for statements to be made on rate notices. That might be something that individual councils could consider to encourage people to enrol.

Mr ANDREW FRASER: Non-resident entitlement does not necessarily inflict a fine?

CHAIR: No, it does not.

Mr WRIGHTSON: No, I was suggesting other fines.

CHAIR: I know that we touched on electronic voting earlier. Does any member of the Committee wish to ask about that? The Hon. Trevor Khan raised it earlier.

The Hon. TREVOR KHAN: The only issue I raise is that the only available electronic system operating in New South Wales is done by the Electoral Commission of New South Wales. In light of the fact that you have all jumped ship, what is your feeling of using a system that actually is operated by the Electoral Commission of New South Wales?

Mr GESLING: Why is it going to be operated by the Electoral Commission? I am sure if that opportunity was made available the private sector would look at it.

The Hon. Dr PETER PHELPS: The Australian Electoral Company has electronic voting and used it for a number of private sector, internal elections, pub elections and things like that.

The Hon. AMANDA FAZIO: Enterprise bargaining agreements.

The Hon. Dr PETER PHELPS: I have one quick question to everyone and if you could limit your answer to yes, no and maybe. After having gone through the experience, would you do it again?

CHAIR: That is a good question.

The Hon. TREVOR KHAN: Which experience are we talking about?

The Hon. Dr PETER PHELPS: Not using the Electoral Commission, either in-sourcing it or going to an out-sourcing private provider? Would you do it again?

Ms TINKER: Yes.

Ms DRCA: Yes.

Mr ROBERTS: Absolutely.

Mr PATTERSON: Yes.

Mr GESLING: Yes.

Mr WRIGHTSON: Yes.

Mr ROWLING: Yes. Can I put a rider on it?

CHAIR: We are meant to do that sort of thing.

Mr ROWLING: The rider is that at our council because we do the whole process, including the manual count for 155,000 voters, the reason we were confident to go into this process is because we had a general manager and two senior staff, myself included, who had come through the days when we used to run our own elections back in 1999. In 2004 most councils ran their own elections but by the time you get to 2012 and by the time you get to another four years in 2016 you are going to have a huge resource of people who have left the industry and so it is going to be that much harder if the Electoral Commission is not prepared to work with councils to actually not choose them or go out and accept an external company to do it.

Ms DRCA: We said "Yes", and when I say yes, I am not saying it personally as an employee of council, I also speak on behalf of the elected representatives. They actually do make the decision for us. We do most of the work, they are really just candidates and it may be takes up a month of their time whereas for us it is months before. We have just put a report through, and we will be doing it again in 2016, but just from the staff experience, they get some value from it as well, so it is a yes from both sides.

CHAIR: As we have limited time I will go around the Committee table and see if there are any other issues we have not touched on.

Mr ANDREW FRASER: I am fine.

Mr JAI ROWELL: No.

The Hon. Dr PETER PHELPS: No.

The Hon. ROBERT BORSAK: I am right.

The Hon. TREVOR KHAN: We have not dealt with the time frame under section 296 of the Local Government Act. What do you say is a reasonable time trigger point for making the decision as to whether you are going to go with the Electoral Commission, do it yourself or some other body?

CHAIR: You have to decide by September 2013 under the existing Act.

The Hon. TREVOR KHAN: That is right.

Mr WRIGHTSON: We thought that had changed. That section has changed now and it is basically a year out from the election. I think the Minister gave us an overwhelming vote of support on that issue; that it seemed crazy to be so far in advance.

CHAIR: I was not aware that it had changed either. Any further questions?

Mr DARYL MAGUIRE: No.

The Hon. AMANDA FAZIO: No.

The Hon. PETER PRIMROSE: I have one question about polling places, and I apologise if this was covered before I arrived. Are you satisfied with using the polling places that are designated by the Electoral Commission or do you believe that you should have the opportunity to select your own? Also, would that lead to some confusion for voters?

CHAIR: Before you answer that, Dr Phelps, did you want to supplement that at this point or do you have another question on this issue?

The Hon. Dr PETER PHELPS: It is kind of like that. It was about the Matraville issue for Botany Council and why you got gazumped by the Electoral Commission for the use of that hall at Matraville?

Mr PATTERSON: That was one of the issues that caused the council to stand alone and not use the services of the Electoral Commission. One of the requirements by the council—and it is expressed quite strongly—was that there needed to be polling places for the city only within the city not with neighbouring councils. The Electoral Commission was unprepared to give an undertaking in that regard and that was one of the reasons why the council chose to move away from it.

With neighbouring Randwick City Council using the services of the Electoral Commission the commissioner exercised his agreement with the Department of Education to establish polling places at Matraville Public School and Daceyville Public School, both of which are in the city of Botany Bay and both which traditionally have been polling places for residents of the city of Botany Bay. That led the council then to move from Matraville Public School to a community centre several hundred metres down the road and fortunately in the case of Daceyville, while there was no suitable alternative, the school, thanks to the Federal Government's school funding program, actually had acquired two halls so that the Randwick returning officer was able to occupy one and Botany Bay the other.

The Hon. Dr PETER PHELPS: Building the electoral revolution.

Mr PATTERSON: Initially the Electoral Commission determined that it would use the hall at Daceyville that was most accessible to the residents of Botany and vice-versa. It was through an amicable agreement between the returning officers of the two places. I do not know whether the Electoral Commission was aware of it or not but they actually swapped places to make it more user-friendly but naturally enough there were additional advertising costs and there was some confusion on behalf of staff acting for candidates in determining who was voting for which council area and which candidates and so forth.

The Hon. Dr PETER PHELPS: The more significant problem was the one which necessitated you moving to an entirely different location. Presumably people who are used to turning up to the school to vote turn up there on polling day and say, "Where is the Botany polling booth?"

Mr PATTERSON: I believe there was some of that. There was no complaint feedback that I am aware of. And council did undertake a very substantial advertising program both in the local press and in letterbox drops to residents in that area explaining to them where they would go on this occasion. I do not think it caused a particular inconvenience to the majority of voters but there was a substantial cost in trying to get the message through to people as to where they should go.

CHAIR: Any further comments on polling booth places?

Ms TINKER: In 2008 the Electoral Commission suggested other polling places that we did not agree with. We gave them feedback in their consultation and they said, "It does not matter what you say, we are going to do whatever we want anyway." We went back for the 2012 elections and we chose the polling places that we normally had for local government elections and that worked well for us.

Ms DRCA: Out of all of those polling places, most of which are schools, one of the schools contacted us and said, "Unfortunately we cannot accommodate you", because they had their 50-year anniversary. We found a work-around for that. As a result they contacted us two weeks before the election and said, "You know what, we are not going to do the celebrations then because nobody will come because they will be voting or working." So they gave us the polling place.

Mr ROBERTS: In 2008 there was a strong move by the council at the time to almost impose or demand of the commission to allow us to use the council main administrative building as a polling place and reluctantly the commissioner did approve it in the end. I am not sure of the mover of the motion of that particular item.

CHAIR: It was actually me.

The Hon. Dr PETER PHELPS: I bet you are glad he moved on.

CHAIR: You do not need to answer that.

Mr ANDREW FRASER: You are under oath.

Mr ROBERTS: We got them kicking and screaming reluctantly to allow us to do it and that is just another example of their intransigence I feel.

Mr GESLING: We have no comments.

Mr WRIGHTSON: Just to show there is some balance, in 2008 we actually found them very accommodating of our request for polling places. We have never had that issue. It is worth pointing out that originally it was explained to us there is a deal with the Commission and local schools, I think it was a \$500 fee, or thereabouts. I said, "Can we have access to that?" The commissioner said, "No, that is my arrangement with the schools, not yours." It was interesting, but by not saying anything to the schools they thought that was the deal that prevailed anyway. I know other councils may have been more honest with their schools but in Lane Cove council's case we just simply said, "We are hiring for the election again." And they thought it was business as usual. It is an interesting thing, it is supposed to be there to serve the community, and I do not think we need to have differential rates whether you are the State Electoral Commission or the local council running a local election.

The Hon. TREVOR KHAN: It actually has arisen in a previous inquiry—do not draw any conclusions from this—that some churches are want to charge much higher rates for the availability of their premises. Did any of you experience that phenomenon?

Mr ROWLING: To do with that particular issue we came across one church who said that their central office had given them an indication that the churches could not rent out for the elections for less than \$2,500 for the day. I rang through to the Minister himself and said, "We are going to give you \$500 a day same as we give to the schools, like it or lump it." And they took the \$500. At the end of the day they did not argue it down. They had been directive from the head office to ask for more money. The other thing in Sutherland council is that we did not have an issue with any of our sites because we have standard sites for Federal, New South Wales and local government elections and we use the same sites all the time.

Mr ANDREW FRASER: It is probably the cost of the exorcism afterwards.

CHAIR: I might pop around the table and see if there are any concluding comments you would like to make.

Mr ROWLING: No, but thank you for the opportunity to come and tell you of our experience, we appreciate it.

Mr WRIGHTSON: The only thing I would suggest, a little contrary to what Mr Rowling said before, I think that a number of councils ran elections successfully this time and there is a vibe in the industry that you do not need to live in fear of the concept. Councils deal with legislation every day and it is a fairly prescriptive process. I think you will find there is a heightened level of awareness of this and going forward there could be a few more councils that swap over.

The Hon. Dr PETER PHELPS: Have you received any surreptitious phone calls from other general managers along the line of, "Well, how did it go?"

Mr WRIGHTSON: The Regional Organisations of Councils is an interesting vehicle. It sounds like Hunter Councils got organised at that level and that is something that might go forth as an option.

Mr GESLING: Thank you for the opportunity. I thank the Parliament for the changes you made from 2008 and we look forward to continuing improvement for 2016.

Mr PATTERSON: I tend to agree with the comments by Mr Wrightson. Unfortunately, being of the vintage of running elections prior—when all local government ran their own elections—having that background and the fact that we have had a number of councils at some level running their own election and across the board delivering positive outcomes, I think that there is every chance that there will be an increase in interest in councils taking it on themselves. I suspect from the field teams that the commissioner has had visiting with councils that perhaps he is looking for a different market niche in the expectation that he will lose some business.

Mr ROBERTS: Two things, the first thing is that I believe there should be some certainty put in section 55 (3) of the regulations. That section refers to where there is lack of available alternatives councils can go to expressions of interest or invite quotes. I notice some councils have decided to go to tender but it should be clearer that it is not necessary for council to go to tender. Second, I am not sure whether it would please the Committee or not but I notice the Electoral Commission is not liable to pay payroll tax. We were responsible, within the bill we received, for a component that was payroll tax. If we are going to be using a contractor in the future I think it would be appropriate that we have a level playing field and either both pay it or neither pay it.

Ms TINKER: Thank you for the opportunity to come and present to the Committee. From our perspective we were very excited about our elections and the result. We were excited about the learning. I think as an organisation we learnt a lot and we had to relearn a lot. The buzz as we were going through the whole process was phenomenal and our councillors were very pleased with the result. Our scrutineers were also pretty impressed with the process and the ballot paper counting software. Apart from the fact that it was a little bit long to get the results, the accuracy and the scrutiny was fantastic.

CHAIR: The Committee may wish to send some supplementary questions in writing, the replies to which form part of the evidence and will be made public. Would each of the witnesses be satisfied to provide a written reply to any further questions?

ALL: Yes.

CHAIR: Everyone indicates "yes".

(The witnesses withdrew)

CHAIR: Welcome and thank you for appearing before this hearing of the Joint Standing Committee on Electoral Matters. The Committee is holding hearings on its inquiry into the 2012 local government elections. Today we are hearing from a range of local councils and we have already heard from the first of two groups. For the benefit of the gallery, the Committee has resolved to authorise the media to broadcast sound and video excerpts of its public proceedings. Copies of the guidelines governing the coverage of proceedings are available. I declare this hearing open.

I welcome representatives from Wollondilly Shire Council, The Hills Shire Council, Albury City Council, Penrith City Council and Bankstown City Council. The member for Wollondilly has asked me to point out to representatives from Wollondilly Shire Council that because of his elevation to the position of Deputy Government Whip I am filling as the chair of this Committee. Thank you for appearing before the Committee to give evidence. As part of the formalities, each witness must be examined under oath or affirmation. Each witness should swear an oath or make an affirmation, clearly stating their name and the council they are representing.

JOHN SPROULE, Manager, Administration Services, Wollondilly Shire Council, affirmed and examined:

JUDY CHARLTON, Director, Corporate Services, Albury City Council,

PETER DOYLE, Manager, Executive Services, The Hills Shire Council,

DAVE WALKER, General Manager, The Hills Shire Council,

GLENN SCHUIL, Senior Governance Officer, Penrith City Council

STEPHEN BRITTEN, Chief Governance Officer, Penrith City Council, and

RACHEL SYMONS, Team Leader Executive Services, Bankstown City Council, sworn and examined:

CHAIR: I draw your attention to the fact that your evidence is given under parliamentary privilege, and you are protected from legal or administrative action that might otherwise result in action in relation to the information you provide. I also note that any deliberate misleading of the Committee may constitute a contempt of Parliament and an offence under the Parliamentary Evidence Act 1901. At the request of Hansard, and for the benefit of accurately transcribing the day's proceedings, I ask that before each witness speaks they restate their name and the council that they are representing. I have also been asked to request that witnesses refrain from speaking over each other and only to commence speaking once another witness has concluded their remarks. This part of the proceedings is rather informal, but obviously we need some structure to it. I might go around the table, starting from the right-hand side. Each witness might like to give a few brief opening remarks in relation to your evidence and what brings you here today.

Mr SPROULE: During the last local government elections we engaged the services of the Electoral Commission. The experience we had during those elections was good. We felt that from an administrative staffing point of view, due to the size of the council we would be better served by outsourcing the election to the New South Wales Electoral Commission. Throughout the process we had regular meetings with the commission and we were quite pleased with the result. Our councillors did have a concern in relation to cost. Councillors were particularly keen to see that the costs associated with the election were kept to a minimum. In seeking to do that we shared a returning officer with Camden Council. Again, from an administrative point of view the election was conducted in a fair manner, and we were quite pleased with it. We asked councillors after the election for their comments, to get some feedback. Apart from a number of minor issues there were no significant issues raised regarding the conduct of the election.

Mrs CHARLTON: Albury City Council also used the New South Wales Electoral Commission. We were also very happy with the results, and the communication processes that were put in place for the 2012 elections. Our council is also concerned about the cost. We put in our submission a proposal for compulsory postal voting or, at the very least, that that be available as an option for councils to consider. Our neighbour to the south—Wodonga Council in Victoria—uses postal voting for local government elections. It would seem that they were able to run elections cheaper per capita, albeit there are some differences in the way that the costings are done. We see that as a possible area for reducing costs. Council also has concerns about above-the-line group voting. They feel that that system can be confusing for voters, and that it can disadvantage individuals. Our submission also indicated that we would prefer that councils have the opportunity to decide whether to adopt group voting or some other system.

CHAIR: I think you also referred specifically to postal voting, did you not?

Mrs CHARLTON: We did. Our council continues to receive feedback that the current administration regarding the election funding system is confusing and onerous for candidates. Even things like raising the threshold of the value for political donations may be a way to ameliorate that so that people who are receiving small amounts of donations or only dealing with small amounts of money do not have the onerous obligations of agent and auditor compliance. With regard to voter participation, we also feel that postal voting may assist there, although we were disappointed with voter participation. We would be looking for ways to see if that can be improved. We noted a couple of items in our submission. One last point was that we received anecdotal evidence that the provision of disability car parking in close proximity to polling places continues to be an issue.

Mr DOYLE: I have come today as first reserve for our general manager, Dave Walker. I put down a few notes this morning; I might read from those. Basically, The Hills Shire Council still believes that the New South Wales Electoral Commission should be conducting elections for councils. It ensures that the process stands up to public scrutiny. Being at arm's length ensures independence and relieves the general manager of pressure from existing or potential candidates on issues such as eligibility at a time of nomination, even use and location of electoral posters and allegations of bias during the count.

We recognise that elections are expensive to conduct, but that is the price of democracy. The cost of the election is not really a big issue for The Hills Shire Council. We understand that some shire councils are spruiking that they have saved \$100,000 on what they would have been charged by the Electoral Commission. We are not convinced that they have fully costed the costs of the elections that they have conducted. After the 2008 elections The Hills Shire Council made a submission—a positive submission. I raised three issues.

One was that it was a mistake not to have a pre-poll voting at the council chambers; two, the returning officer had insufficient office equipment, such as computers and facsimile machines, and this created a problem, particularly with applications to vote by post that came to the council instead of to the returning officer, and also the council formed the view that staff at the Electoral Commission call centre had not received proper training and that should be addressed. To the Electoral Commission's credit they reacted positively and we had no such problems in 2012.

The Hills shire has many residents who commute to the city to work and in the past have been unable to vote pre-poll when their circumstances change in the days leading up to the election. So the initiative establishing a polling place at the Sydney Town Hall was seen as a positive. We had some minor criticism for 2012. The Electoral Commission insisted that a polling booth be established at The Hills Community Care Centre in Baulkham Hills. The official address is 390 Windsor Road, which is quite a busy road, but access to that building is via Conie Avenue, which runs off Seven Hills Road. We were apprehensive about this decision, due to the confusing access, and history has shown that the polling place was underutilised and complaints were received at council from intending voters who could not find where they could vote.

Apparently the legislation dictates there must be a pre-polling place at the returning officer's office, which is usually located in our particular council area out of the way in an industrial estate. Candidates complained that they experienced difficulty in getting enough supporters to man both places during the 10 days leading up to the elections, so very few voters went to the returning officer's office and most of them came to the council chambers and they believe it is a waste of time having them there. Perhaps a legislative change might be a possibility there.

Candidates complained about having to provide supporters to hand out how-to-votes at polling places located in adjoining local government areas, or a dual polling place. Perhaps more serious consideration can be given towards the justification of this practice. In concluding, the general manager is a great supporter of the New South Wales Electoral Commission conducting elections purely from an independent perspective but recognises that some elected officials will always lobby to have the council conduct its own elections to save money without really understanding the complexities of the count—the real cost of running elections was accurate, that is, fully costed—and the overall distraction preparing to conduct an election with staff on the general operations of the council. Having sufficiently experienced staff to conduct elections may also be a problem, bearing in mind that they only usually happen every four years.

Mr BRITTEN: We were one of the councils that decided to run our own election. The background behind that was the council felt that there were some concerns in the running of the 2008 election, and those concerns mainly related to local knowledge about placement of polling booths and so forth. One particular polling booth in 2008, which was conducted by the Electoral Commission, ran out of ballot papers and that raised great concerns to our councillors. The other issue was the concern over cost. In that particular climate the council took a decision to run the election themselves through a contractor and we engaged the Australian Election Company to run it on our behalf. As a result of that, we think during the election we were able to show a high level of local customer service. There were things that we increased—certainly the declared institutions; we were able to put polling booths in, we believe, a better location that was more convenient to the residents.

CHAIR: Just to clarify: You ran your own elections, did you not?

Mr BRITTEN: Yes, with a contractor. The contractor appointed a local returning officer. We did have some involvement with that returning officer in making sure that that returning officer had a lot more local knowledge than what might be experienced through the Electoral Commission. Did you want me to continue?

CHAIR: Yes, please. Sorry, there might have been some confusion, because the first group today was councils that had not run their own elections, but you were scheduled because this is the time that we could fit you in. I say that just in case members of the Committee were confused.

Mr BRITTEN: After the election we also received a lot of positive feedback from the candidates about the running of the election. They felt that the local knowledge did help in getting a more convenient election for the public, and I think that came out of all candidates, not just the elected candidates. The declaration of the poll was certainly at about the same time as we had in the 2008 elections and we believe that we did run the election with a saving of over \$150,000, and that included the on-cost of council staff time and so forth. Other things we were able to do was to also provide a lot more equipment than normally would have had to have been sourced and we were able to use present council equipment that was being replaced and so forth. We were even able to use vacant council offices, which saved us in rental costs and so forth, and we were able to do that outside council chambers, which created the distance that we felt was proper in the circumstances.

One issue that we had was a lack of willingness by the Electoral Commission of New South Wales to want to partner with us in this. One thing, from an officer point of view, we saw was conducting a count. Local government had not conducted a count for a long period of time and we were trying to ask the Electoral Commissioner would he in fact partner with us so that we could run the election on the day and they would do the count for us, and we received the all-or-nothing package, which was of concern to us. I do not think I have got anything more to add to that.

Mrs SYMONS: Bankstown council made a decision to engage the services of the Electoral Commission to run our 2012 election. Today, predominately our council's written submission will form the basis of my evidence, but I just want to highlight a couple of things out of that. I guess like most other councils we are always looking for further opportunities to reduce any election costs for our communities, so we would always be seeking any alternative ways to help reduce those costs and we did where we could throughout this election. Our main issues were relating to pre-poll and the numbers of people we experienced at pre-poll, and that indicated that our community is seeking alternative voting methods. We had a few people make comments that postal voting, absentee voting, was not available. So we would be looking at the introduction of an alternative method such as electronic voting—and I do understand that would require legislative changes and so forth. But that would be one of our core interests that we would like to pursue.

The other thing we would like to see is with polling places a greater say in terms of where the polling places end up being. The Electoral Commission had indicated they had a particular desire for a central part in Bankstown to become the principal polling place. We toed and froed around that. Understanding our local community and where that location was we knew would be an issue, so we suggested an alternative venue. We were successful in obtaining that venue, but there were a few other locations around the city where we would have liked to have seen a greater say in that. Also, moving forward, the option of possibly a hybrid option in terms of council having a greater say or more control in the running of the election but with a greater level of support from the Electoral Commission—more like a greater level of partnership.

CHAIR: I might start off with a question about costs, because I know that was a consistent theme. The Hills mentioned that the cost was not an issue for them. Do the other councils have any concerns about the costs of running your election from this year as opposed to, say, the last council election in 2008?

Mr SPROULE: We did have concerns about costs. However, we found that staff from the Electoral Commission were available, they met with us regularly and we were given choices in terms of how the election was to be conducted in terms of polling places, sharing a returning officer and the like. We, in many respects, tried to keep the election carried out in a similar manner to previous elections from the point of view I believe we have a fairly conservative community, being a rural shire, and people are used to where they have normally voted. At various voting centres we will have the RFS, for argument's sake, setting up stalls and a sense of community, even if it is a small polling place. The election was run in a similar fashion to the previous election but we were consulted throughout the process. We had a number of meetings between the Electoral Commission and our general manager, and the general manager was kept informed throughout the process. So yes, we did have concerns about cost. However, through regular meetings those concerns were as much as possible addressed, in my view.

Mr JAI ROWELL: What was the cost difference from the 2008 to the 2012, just roughly?

Mr SPROULE: I believe it was about \$40,000, \$50,000.

Mr JAI ROWELL: Increase?

Mr SPROULE: Increase.

CHAIR: Did you question the Electoral Commission about that increase in cost, by any chance?

Mr SPROULE: No, not to any great degree. We did raise it but not to any great degree.

The Hon. TREVOR KHAN: Was a calculation done as to whether that \$40,000 or \$50,000 reflected a consumer price index increase or was it over and above the CPI?

Mr SPROULE: I believe it was probably above the CPI.

CHAIR: Ms Charlton, do you wish to make a comment?

Mrs CHARLTON: With regard to costs, we also shared a returning officer and looked carefully at our advertising to get the best bang for our buck because we had covered the cost of the advertising. We did do estimates in the first instance in terms of looking at using a contractor such as the Australian Election Company, and our estimates indicated that it was on about a par to using the Electoral Commission, so we went with the Electoral Commission. We were very happy with the Electoral Commission's performance overall. The returning officer who was appointed for Albury and the three other surrounding shires was very good and we had a great partnership with that person and the office itself. With regard to the costs, it is my understanding that it was approximately an extra \$22,000 from the previous election, which could be accounted for through CPI.

The Hon. TREVOR KHAN: When you talk about estimates of comparison between the Electoral Commission and the Election Company, was that estimate one that you did yourself or did you seek estimated costs of quotes from the two bodies?

Mrs CHARLTON: We sought a quote from the Australian Election Company but I have to acknowledge that that was earlier in the piece. We could have gone back and got a more detailed one but we worked off their initial estimate, and there were some provisos in that estimate.

Mr ANDREW FRASER: In your submission you say that the New South Wales Electoral Commission did not provide adequate consultation on key aspects of the election and there was little discussion or opportunity for negotiation with regard to costs. Do you feel as though you were overcharged?

Mrs CHARLTON: I do not think that it was with regard to overcharged. The comment there was related to the decision prior to deciding which organisation to go with in terms of running the elections. It was like the gentleman from Penrith council said; it was take it or leave it. That was how it was presented. But once we had gone with them, it was a good relationship from that point on. So there was no negotiation; you got a quote and you had to accept the quote or not.

Mr ANDREW FRASER: So not enough detail was provided by the Electoral Commission in relation to how they arrived at the figure they quoted you or not?

Mrs CHARLTON: No, there was some information. Ultimately we then got an invoice which was very detailed—not as detailed as in the quote. But the comment is in the context that this is the quote and there was no room for negotiation.

Mr ANDREW FRASER: You mentioned advertising and that council took on the advertising role itself. Do you believe that voter turnout was up because of your advertising?

Mrs CHARLTON: It is hard to say whether it was the advertising or not. I really cannot be clear exactly on that. But we did take out a full-page advertisement and we chose that option; we could have had a smaller advertisement and we did that twice. Even so, Albury experienced what we felt was a poor voter

turnout. We would like it to have been better. By comparison, when we look at the Wodonga situation, because Wodonga council local government elections were held only a few weeks after the Albury elections and they had the full postal voting, it is a very similar community and they had a better return.

Mr ANDREW FRASER: So you did not use any electronic advertising, just purely newspapers?

Mrs CHARLTON: We had our website as well.

Mr ANDREW FRASER: But nothing like the radio or television.

Mrs CHARLTON: We did not use radio or television, no. There was information provided by the Electoral Commission but in terms of our own advertising we went for the website and the print media.

CHAIR: I noticed that the letter by the general manager of The Hills shire was quite strident in relation to the costs. It left me in no doubt as to what he felt. Did you do any comparison at all in relation to the costs from 2008 to 2012? Were there any concerns about that comparison?

Mr DOYLE: I will give a politician's answer. We paid \$779,000 for the 2012 election. I cannot recall the costs for 2008, but I do recall the gentleman basically saying, "That's just CPI".

CHAIR: Would you mind taking that question on notice and letting the Committee know the answer to that?

Mr DOYLE: I do not mind at all.

Mr ANDREW FRASER: Your submission states:

A number of Councils will complain that the Electoral Commission charges were too high and that they were able to run the Elections at a lower cost. I challenge these Councils to justify that they have fully costed all activities.

Do you have any idea of what activities they may not have put into the costs?

Mr DOYLE: I do not think it is a case of not putting in the costs. But if you have staff who are being paid to be a director of corporate services or manager of executive services or whatever, and they are spending one-third or one-half of their day on election matters, what is that one-third or one-half a day being costed to? Is it being costed to the election or is it just normal administration expenses?

Mr ANDREW FRASER: So it is a lack of productivity in their normal role.

Mr DOYLE: His argument was that if you can afford to have staff organising the elections, what are they doing normally? You are probably overstaffed. The staffing numbers per capita in The Hills shire are much lower than in any other council in Sydney, I believe.

The Hon. TREVOR KHAN: If you had the Australian Election Company doing the election for you—and perhaps I have it wrong—that company would sit in the same position, would it not, as the New South Wales Electoral Commission? So if we have comparisons where the Australian Election Company is charging less than the New South Wales Electoral Commission, why are we not entitled to just take those figures on their face?

Mr DOYLE: I do not think I can answer that question. We had no dealing with the Australian Election Company. We decided at the very first instance that we would go with the State Electoral Commission because we were happy with what happened in 2008. As I mentioned earlier, we had a few problems and they have been addressed and we are happy. Can I just talk about expenses?

The Hon. TREVOR KHAN: Sure.

Mr DOYLE: I guess one of the criticisms was that when we sat down with the representatives from the Electoral Commission in the first instance to give us some indication of costs, they were not prepared to give us an idea of the costs. They said, "You need to add, say, 3.5 per cent per year for the last four years. You need to add another percentage for such and such". So we had to do our own calculations to be able to put that money aside in our management plan or our budget. It was not until well after the budget was adopted that the Electoral

Commission gave us the figures, and as it turned out the calculations that I did were pretty well spot on. So we were not out of pocket.

Mr ANDREW FRASER: Do you think the Electoral Commission may have been aware of those figures and know what would be charged?

Mr DOYLE: I really do not know. We start to work on our management plan in November, seven months before the budget is adopted, so we want to know back that early as to what the cost might be. The Electoral Commission was not prepared to give us any costings but it did tell us how to make our own calculations.

The Hon. TREVOR KHAN: The problem is if the Electoral Commission is doing that it is, sort of, taking you to into the water? They then go back to their office, do the same calculation and, in due course, potentially they could issue the invoice, perhaps a fraction less than the calculation that you and they have done. I am not saying it does that. You say, "Hey Presto, we have actually ended up with a better result than actually they told us." It may not have any relationship to the actual costs of running the election at all but perhaps I am a cynic that would be the process.

CHAIR: That may be a question for the Electoral Commissioner. Penrith Council, do you want to say anything in relation to costing?

Mr BRITTEN: I suppose I should put the facts on the table. In 2008 the cost of our election was \$627,000 and we also spoke with the Electoral Commissioner about what the costs might be. We were told that we would not quote for that at that particular time. They told us to add consumer price index to the amount that the 2008 election cost. When we did that we came up with about \$713,000. In November 2011 we went to tender and the Australian Election Company came in with a quote of \$599,614 but also gave us an open book to look at how they had actually costed a lot of the items. As a result of that we were able to reduce the costs by another \$112,300 because there were some things like space and so forth that we could look at as far as the costs of rents and so on.

CHAIR: They provided an itemised quote?

Mr BRITTEN: Yes, that is correct. They gave us an open book so we were able to go through that. At the end of the day the actual cost of our election was \$560,000 and that cost in staff time as well. We believe that a saving of about \$153,000 was made. We were very careful to add staff costs back in. We did have a contractor. The contractor was doing a lot of the work but it is true to say that our staff also put in time to the election as such. We did cost their time back into those figures to come to \$560,000. The other aspect of it as well is the Australian Electoral Company was also subject to payroll tax so that included payroll tax as well.

CHAIR: The person sitting in that seat in the last session made exactly that point in relation to Sutherland council.

Mr ANDREW FRASER: On the premise of The Hills shire where staff were otherwise productively employed elsewhere whilst they were doing this work, what is your reaction? Are you over-staffed? Did you lose productivity?

Mr BRITTEN: We backfilled with temporary or casual staff and so forth. We did have to call in more staff to assist. Yes, it is true that some of the more senior staff had to assist with the election and so forth so we backfilled at more junior levels.

CHAIR: Were those costs taken into consideration as part of the overall bill that you quoted a moment ago?

Mr BRITTEN: Yes, they were.

Mr DARYL MAGUIRE: I ask all councils: Will you indicate to the committee the average cost per registered voter in each council to conduct the election? I want to understand the variance in the vote.

CHAIR: I did not see that in any of the prepared submissions. Can anyone provide an answer?

The Hon. Dr PETER PHELPS: They can take it on notice, it is statistic.

Mr DOYLE: Point of clarification: Is that the number of voters on the roll or number of people exercising a vote?

CHAIR: Please take the question on notice in relation to the number of voters on the roll.

Mrs CHARLTON: Taking into account the Electoral Commission's final invoice, plus the money we spent on advertising, exclusive of GST, we believe it was \$6.30 per voter on the roll.

Mrs SYMONS: In terms of costs, the final bill from the NSW Electoral Commission was around \$700,000 which represented an increase of around 8.8 per cent from the 2008 elections. When council was determining which way to go in terms of running our election, we had actually estimated that the increase between 2008 to 2012 could be in the vicinity of 10 per cent to 12 per cent so we thought the 8.8 per cent increase was reasonable.

The Hon. TREVOR KHAN: How did you come up with an increase of 10 per cent to 12 per cent?

Mrs SYMONS: I was not part of that discussion. I will take that question on notice.

The Hon. TREVOR KHAN: Please do.

Mr JAI ROWELL: I think all the councils that had the Electoral Commissioner run their elections spoke positively. What were some of the negatives? What could be done better next time?

Mrs SYMONS: Probably what could be better is pre-poll and the methods of voting. I think there was an under-estimation of the numbers of people who would be using pre-poll so we were inundated more than what the Electoral Commissioner had determined.

CHAIR: Do you think pre-poll should be a week or two weeks?

Mrs SYMONS: I have not been part of any discussions at council on that but I do feel that there is definitely a need to change the methods of voting for local government elections.

Mr DOYLE: I mentioned earlier I think if the Electoral Commission could give us a better indication of possible costs far in advance of what they did this time round that would be a positive. To answer your question about pre-poll voting I think two weeks is better than one. There seems to be an increasing tendency for ratepayers or residents these days to want to vote leading up to the day rather than queuing up on the day and taking their chances with what the weather conditions might be. I think some people probably are not honest when they make the declarations as to why they are pre-polling.

CHAIR: To that end do you support abolishing the prescriptions that exist for pre-polling?

Mr DOYLE: It probably would help, yes. What was touched on a moment ago when someone said to take it or leave it, the Electoral Commissioner made it quite clear that if you did not go with the Electoral Commissioner the responsibility would fall fairly and square on the shoulders of the general manager. With general managers under pressure from their councils at the best of times the last thing they want is something to go wrong at an election. I think that in itself would convince a lot of general managers to go with the Electoral Commission rather than take a punt and run it themselves or taking on the Australian Electoral Company. I heard a story about things not going real well with the Cessnock City Council and the Australian Electoral Company. When we heard that, we thought that it justified our decision to go with the Electoral Commission.

CHAIR: Is it fair to say, though, that if the commission is not running your election why should the commission be held accountable? Why should it not be the general manager if that is the decision the council makes?

Mr DOYLE: Sure. With the above and below the line voting and the contributions that have been made by the councils over a long period of time towards the development of software for that—and I have been around local government for a long time and part of the election costs in the past was a contribution towards the development of software for voting above and below the line, group voting and so on. The argument could be

put that because we have made that contribution in the past why should we not be able to tap into that and get the Electoral Commissioner to conduct the count? As one of my colleagues said, we could run the election but leave the counting to the Electoral Commissioner with the software that they have.

CHAIR: Does Albury have a comment?

Mrs CHARLTON: A more detailed quote would be of great assistance. As Penrith was saying, once you do have that detailed quote then you can look at whether there might be things that you could have done differently if you had taken other options. We did get the final detailed invoice and it did outline all the elements of the costing but that was post once you were getting the bill. It would be very beneficial to have a much more detailed quote right up-front. The other point that I mentioned earlier was seeking provision for disability car parking in close proximity to the polling place well ahead of the scheduled election date.

Mr SPROULE: Our council recently considered a report regarding the next election as to who we would engage for the next election. We are going to run with the New South Wales Electoral Commission. We are going to request we have our own returning officer to conduct the next election. We did share with Camden and there were some benefits cost-wise. However, due to the geographical nature of the Razorback Ranges and the like, we are of the view we would be better served with our own returning officer within Wollondilly.

I agree with my colleagues in that I believe it is better outsourced to the professionals as opposed to being left in the hands of a general manager. That is not a reflection in any way on general managers; far from it. I just believe they have quite a bit on their plate at the best of times. I also feel that in terms of the local government industry, when I first started there were some people in local government who could run an election; they had a degree of expertise. But as time has gone by that expertise has been lost and given the nature of local government elections, in my view people run for election, they are very serious about running for an election and the last thing we would want from a staff point of view is to come to "grief" where we did not provide the expected level of service for conducting an election. It is too important.

Mr JAI ROWELL: I finish up on that and put to Penrith, which obviously runs its own elections: what lessons have you learned and what could you do better?

Mr BRITTEN: We were very happy with the running of the election on the day. We do not think it could have run better on the day. We were very pleased with our returning officer. The election was fairly seamless on the day. One issue was that the voting centre was remote to Penrith and we think that the count could have been more efficient. However, having said that, we had the results from the count within the same period as what we did in the 2008 election, so there was really no aspect that we were unhappy about.

Mr ANDREW FRASER: Evidence was given earlier that the results were far more timely from bodies independent from the Electoral Commission. How did you find the timing of the results? Was there a long delay from the Electoral Commission? Have you compared them with other councils that handled the election themselves or used someone independent?

Mr SPROULE: We found the poll was declared in a timely manner. I could not tell you exactly how many days but it was in a timely manner. When we did look at the Australian Electoral Company later in 2011 they indicated that they did not have their software together in terms of counting the vote so again, given the commission's website and having the votes show online as they were counted, we went with the commission because personally we had more confidence that we would get a more timely outcome in the declaration of the poll.

Mr ANDREW FRASER: Could you advise the Committee at some later stage as to the date of the declaration compared with the date of the poll?

Mr SPROULE: Yes.

CHAIR: You will take that on notice?

Mr SPROULE: Yes.

CHAIR: Does anyone else wish to comment on that point?

Mrs CHARLTON: In the 2008 election Albury's result was not declared for nearly three weeks and that was a great source of distress for candidates and the council generally and it was part of our submission to that review. However, we were very pleased with how things went for the 2012 election and the declaration was made on the Thursday and everyone was comfortable with that.

Mr ANDREW FRASER: The Thursday following the election?

Mrs CHARLTON: The Thursday immediately following the election so five days later and everyone was very comfortable with that, especially after the terrible experience that we had in 2008.

CHAIR: Any other comments on that particular point?

Mrs SYMONS: We did not have any major issues in terms of the time frame. There was one ward that was very close that may have added another day or so onto the count, but we did not have any major issues.

The Hon. Dr PETER PHELPS: Albury submission is quite strong on the idea of dispensing with grouped candidates. Could you just explain what problem Albury has with grouped candidates and what possible replacement you would suggest?

Mrs CHARLTON: A lot of our candidates experience great difficulty in compiling teams and there is a perception that to be a candidate as an individual you are possibly at a disadvantage with the above the line and below the line situation and it is confusing for our voters. So many of the candidates plus the council itself in terms of supporting the submission are very strong that a council or a community, should it go to a referendum, should have the opportunity to decide what voting system would work for their particular council or community.

The Hon. Dr PETER PHELPS: Do you think the problem would have been obviated if everyone, even individual candidates, had the ability to have a square above the line?

Mrs CHARLTON: That would certainly assist because there is a belief that there is confusion with above and below the line, definitely. There is a feeling amongst the council as a group of current councillors that the first-past-the-post system with a preference option is the most easily understood system and that aligns with the one-vote-one-value principle.

The Hon. Dr PETER PHELPS: Hold on: You cannot have a first-past-the-post system with a preference?

Mrs CHARLTON: Sorry, well, first past the post aligning with the one-vote-one-value system.

The Hon. Dr PETER PHELPS: Are you a unitary electorate or do you have wards?

Mrs CHARLTON: Unitary.

CHAIR: All of council. Does The Hills wish to make any comment on this?

Mr DOYLE: We have wards and it is a commonly held belief that when candidates nominate in the groupings, usually it is only the first two or three that are really serious about being elected. The others are just there for show.

CHAIR: Fillers.

The Hon. Dr PETER PHELPS: It is actually a statutory requirement for them to be there if you want to have a box above the line. My argument would be—and a number of councils have said this—that it would be better if you just dispensed with the mandatory requirement to have a number of candidates equal to half the electable positions and just allow everyone who wants it—so if Bill Bloggs wants to run, he does not have to find five of his mates to fill out the impossible lower end of the ticket.

CHAIR: The other option is to dispense with proportionality and have a consequential ballot paper like the House of Representatives.

The Hon. Dr PETER PHELPS: We know how successful that was in Botany Bay where of the six wards you got six Labor members and a Labor mayor.

CHAIR: I dare say that decision was intentional to extract that outcome. I do not support single member wards, but that is a debate for another time. Are there any other comments on this particular issue?

Mr BRITTEN: We had the biggest ballot papers that we had ever seen in Penrith because of people trying to group.

The Hon. Dr PETER PHELPS: Do you know how many candidates you had in the end?

Mr SCHUIL: One hundred and thirty two.

CHAIR: Democracy is alive and well in Penrith.

The Hon. Dr PETER PHELPS: You beat Campbelltown. Woo hoo Penrith!

Mr ANDREW FRASER: If you moved away from this particular way of voting do you feel the number of candidates would drop substantially?

Mr BRITTEN: I believe so because I think people were just getting candidates to get themselves a box above the line.

Mrs SYMONS: No comment.

The Hon. Dr PETER PHELPS: On pre-polling, some people have said two weeks is great, some people have said two weeks is too long, one week is just about right, one week is too short: There seems to be no consensus across councils about how long pre-poll should be. Is there any administrative problem which councils face with a two week pre-poll period? You might say no-one comes along in the first week—but some people may come along in the first week—and there is a big rush in the second week; is there any administrative problem with leaving it at two weeks?

The Hon. TREVOR KHAN: Penrith wants to have some say in this, rather than you talking.

Mr BRITTEN: The demographic of Penrith is that a lot of people travel to the city and travel out of the city for work and we felt that we needed to give them at least two weeks because we tried to open the pre-poll later on certain days so they could vote. I think you do need two weeks so they can pick which Friday or Saturday they are going to actually come and vote. We felt it was really important for their benefit to give them the opportunity to vote over that two week period.

CHAIR: Is there any other council that wishes to reflect on that issue of the length of pre-poll time?

Mr SPROULE: I agree with Penrith. We have people who travel large distances to get to work and the office was open in any event over those two weeks, so it did not present a problem for us.

CHAIR: What would you say to abolishing all of the polling places and simply having postal voting as they do in South Australia?

The Hon. TREVOR KHAN: Have we covered everyone in terms of the pre-polling question?

Mrs SYMONS: I think if pre-poll is the only other method apart from voting on the day you would need a two week of period to accommodate the volume of people that come through the doors. If there was a view to look at alternative methods such as absentee voting there could be an argument for reducing it down to one week.

CHAIR: Any other comments on this issue?

Mrs CHARLTON: I agree with Mrs Symon's comments. In a regional area the demographic of our community does not seem to need the two weeks. I would not say it added any administrative burden on the

council because we did not have pre-polling in our offices it was at the returning officer's accommodation. The candidates find it a burden on them personally, but it did not provide an additional administrative overhead.

The Hon. Dr PETER PHELPS: My understanding was that The Hills were not particularly happy with the location of pre-poll because it was in an industrial area, is that correct?

Mr DOYLE: I guess "industrial area" is probably the wrong description.

The Hon. Dr PETER PHELPS: Light industrial area?

Mr DOYLE: Bulky goods area. In 2008 we did not have pre-polling at the council chambers, they all had to go to the returning officer's office in one of those bulky goods areas. We still had hundreds of people turn up at the council chambers despite the advertising. On that basis in the submission in 2008 we said we want to have pre-polling at the council chambers. I was not aware at the time that the legislation stated you had to have it also at the returning officer's office. So we had two in 2012. One was very well utilised, the other one not so well utilised.

The Hon. Dr PETER PHELPS: I would have thought the logical place to go if you want to pre-poll in a local government election is the council chambers. Ordinary members of the public will go, "I have to pre-poll"—

Mr DOYLE: There was a lot more parking there as well. The council was happy to have the returning officer's office some distance from the council chambers to get that distance at arms-length. By having the legislation to have the pre-polling at the returning officer's office you have that problem.

Mr ANDREW FRASER: It was suggested—I think by you Mr Doyle—that there is a number of people who give false excuses to enable a pre-poll vote. It is a fact of life it does happen no matter what election. What do you think about a voting period at a single booth rather than having the booths or alternatively, as has been suggested earlier today, full postal voting as against walk-up?

Mr DOYLE: I had my first election experience in 1970 at a little place called Spring Plain about 25-miles out of Wee Waa. It was 8 a.m. in the morning until 8 p.m. at night. That was my first year in local government. I had to travel over gravel roads to get there. I was there with the council overseer. We took 12 votes for the day and we hit a wild pig on the way home. Things have moved on since then.

Mr ANDREW FRASER: There are more pigs.

CHAIR: We will not confine the discussion to the members of the Legislative Council.

Mr DOYLE: I am not sure that postal voting is the answer. With the ageing population I think that people find it easier to bring their elderly family to a pre-polling place than to send out a postal vote application, have them filled in, send them back in, send the ballot papers out—I do not think postal voting is the answer, but it is just my view.

Mr ANDREW FRASER: What about a voting period where people do have an opportunity, say over a period of a fortnight? Most people would get into town—

CHAIR: With no prescriptions.

Mr DOYLE: I think you would get a much higher turnout in pre-poll.

CHAIR: Does anyone else wish to comment on that particular point?

The Hon. TREVOR KHAN: As a basic question could I ask whether each of the councils did have a pre-poll at their council Chamber?

Mrs SYMONS: We had our pre-poll location on level seven of our council building. It was a vacant floor at the time so we had our returning officer there as well as our pre-poll, which is in the same building as the council resides.

Mr BRITTEN: We had two, one at St Marys just out of the town centre around our community hall and one at Penrith, but it was remote from the council chambers. There was no pre-poll at the council chambers.

Mr SPROULE: There was no pre-poll at the council chambers. The chambers are completely full and there is not any room to have a pre-poll or returning officer there. The returning officer's office was only two streets away, still in the central business district, so that worked very well for our community.

The Hon. Dr PETER PHELPS: You need Greg to get you some money for a seven storey building.

Mr SPROULE: We did not have pre-poll at the council. We had a building mere metres away from the main office and the returning officer was situated there.

Mr ANDREW FRASER: Do you have any idea what percentage of the vote was pre-poll? Is it increasing election to election? You can take that question on notice.

Mr DOYLE: Do we take notes of questions on notice?

CHAIR: We will send the questions to you in writing.

The Hon. PETER PRIMROSE: During the last session my colleagues and I asked questions about alignment of polling places. The same booths are used for federal and state elections. Do you believe that should be the case for local government elections?

Mrs SYMONS: We understand the Electoral Commissioner's desire to align federal, state and local government election booth venues and we agree that it makes a degree of sense. Our only issue is that being the government sector closest to the people we know the areas better. We would have liked to see greater flexibility in the selection of some additional polling places or the option to make suggestions. We did that with our principal polling place and the commission agreed. We would like to see greater flexibility.

Mr BRITTEN: We agree with the concept of aligning them to where people usually vote. The ward system meant that we moved a couple of booths around. We needed dual booths on the boundaries of wards to make it more convenient for the public. The new schools in the area gave us an opportunity to rationalise the arrangements. It is important so that people vote where they usually vote.

Mr DOYLE: I agree with my colleagues about aligning polling places. The Electoral Commission worked closely with The Hills Shire Council in determining where polling places should be for the 2012 election. With the exception that I mentioned earlier, everybody was happy.

Mrs CHARLTON: No concerns were raised about it in Albury and the concept generally seems to be okay.

Mr SPROULE: I agree with my colleagues that they should be aligned. We added a polling place. Again, that was because we have a rural community and the same polling places have been used for many years. In terms of a sense of community within a rural precinct, we believe that is very important.

The Hon. Dr PETER PHELPS: My question is directed to all representatives and relates to the situation where you have a casual vacancy, occasioned either by a resignation or a death of a councillor. At present you are compelled to go to a by-election unless you are in the run-up to an election. How do you feel about the introduction of a countback? In other words, the polling figures of the day would be used to determine who should fill that casual vacancy, provided people concerned indicated they were prepared to stand at that time.

CHAIR: As is the case in the Australian Capital Territory.

The Hon. Dr PETER PHELPS: Yes.

Mrs SYMONS: I will take that question on notice.

Mr BRITTEN: Given that a by-election could cost \$200,000 to \$300,000, we would be very happy with a countback procedure.

Mr DOYLE: I agree. If we can save \$200,000 or \$300,000, that is the way to go.

Mrs CHARLTON: We would support a countback system in lieu of costly by-elections. That was in the submission on the Local Government Act taskforce.

Mr SPROULE: Our council has not formally considered that matter. However, by-elections result in significant costs and council would listen to any suggestions that could reduce those costs.

CHAIR: That is very helpful evidence.

The Hon. Dr PETER PHELPS: Would you do it again? Would you do what you did this time or would you consider moving to another system?

Mrs SYMONS: From an officer's point of view, I was relatively happy with the process. I believe that this time around we are looking at the possibility of conducting our own election. I believe some councillors may be interested in going down that path, but it is not yet resolved.

Mr ANDREW FRASER: Have they given any reason for changing horses?

CHAIR: We will leave that to those councillors.

Mr BRITTEN: Given our experience, we would be very happy to run the election again. We would also be very happy to consider a partnership with the Electoral Commission, but in different circumstances from those put to us last time.

Mr DOYLE: Our general manager, Dave Walker, has made it clear that he is more than happy to continue with the Electoral Commission.

CHAIR: The letter from your general manager makes that abundantly clear.

Mrs CHARLTON: Albury City Council is a member of the Riverina and Murray Regional Organisation of Councils. There is talk about the organisation going to tender for the next election.

The Hon. Dr PETER PHELPS: The entire organisation?

Mrs CHARLTON: Yes. If that transpires, it is possible that Albury would decide to be part of that. However, having said that, we were happy with the New South Wales Electoral Commission. Unless there was a significant variation, we would probably continue with the commission.

Mr SPROULE: We were in a position where we needed to report to the council on a number of items, including popularly elected mayors and the like. We took the opportunity to put up a report recommending that we engage the Electoral Commission for the forthcoming election, and council has resolved to do so.

CHAIR: How many non-residential electors took up the option to register? Do you promote the fact that people can enrol to vote and do you have any concerns about the complexities of the system? Of course, both individuals and companies can take up that option.

Mr SPROULE: I am not sure of the exact number, but it was a very small roll.

The Hon. Dr PETER PHELPS: Could you count it on one hand?

Mr SPROULE: I suggest you probably could, but I would need to check.

Mrs CHARLTON: We had only four.

CHAIR: That is more than some other councils had.

Mrs CHARLTON: We received feedback after the closing date that some people were not aware of opportunity to register. Having said that, we did quite a bit of advertising and people knew that the election was about to be held. It was a very low take-up.

Mr ANDREW FRASER: I asked this morning whether it would be possible to include a notification to non-resident ratepayers in rate notices prior to the election. Would that be possible?

Mrs CHARLTON: It is certainly a possibility, depending on the way different councils manage their rate notices. They already contain a lot of material and that would also need to be taken into account.

The Hon. TREVOR KHAN: You would probably get eight rather than four.

The Hon. Dr PETER PHELPS: That would be a 100 per cent increase.

CHAIR: The local government regulations allow councils to place statements on rate notices. Councils could consider that.

Mr DOYLE: We had one.

CHAIR: Excellent. There is one in every crowd.

Mr BRITTEN: We had six to seven. I think in our submission we made some lengthy comments about the form. I draw that to your attention.

CHAIR: We have flagged that from previous evidence today. It is very difficult, particularly for companies, to highlight who should be that person in some of the information provided.

Mrs SYMONS: Like Penrith, we had around six to seven on ours. We have, traditionally, a very small non-residential roll. We did receive comments on the requirement to re-enrol an eligible voter at each election. Some do not realise that they need to, so we had a bit of a last-minute rush on the last day.

The Hon. Dr PETER PHELPS: A last-minute rush!

CHAIR: Six people. I am sure you were bowled over.

Mrs SYMONS: Flooded!

CHAIR: A bit like the public gallery here today!

The Hon. TREVOR KHAN: With regard to i-voting would there be any attraction to moving to a system akin to i-voting, which is now running at the State election level?

Mrs SYMONS: It is something we have discussed at council. We would like to see the introduction of something like that to alleviate the pressures both on polling places on the day and on pre-polling.

Mr BRITTEN: We would be happy to see a system, subject to the detail.

Mr DOYLE: The council has not considered this issue but I have overhead councillors and senior staff saying that it is the way of the future.

Mrs CHARLTON: The council has not officially considered the position but anything that would increase voter participation and manage costs would be seen as a way forward.

CHAIR: Particularly in regional areas, I am sure.

Mr SPROULE: I agree with my colleague.

CHAIR: Does anyone wish to make a concluding statement?

Mr DOYLE: I have a comment on that last issue. As Mr Fraser knows, I was at Bellingen shire for quite a number of years. There is a little place on the way to Dorrigo called Thora. After each election—State, Federal and local—a lady who lived at Thora used to follow me when I was a polling place official, the officer in charge. She would follow me back to the council chambers or back to the returning officer to make sure that the ballot papers were not tampered with.

The Hon. Dr PETER PHELPS: What a diligent citizen.

Mr DOYLE: I am just wondering how you are going to convince this lady, and many others like her, that i-voting is all above board.

CHAIR: Her and Amy McGrath, I am sure.

The Hon. Dr PETER PHELPS: Thank you very much for coming. We appreciate your input.

CHAIR: The Committee may wish to send some supplementary questions in writing, the replies to which will form part of the evidence and may be made public. Would each of the witnesses be satisfied to provide a written reply to any further questions the Committee may have? I see that all the witnesses agree. That concludes our questions today. Thank you very much, on behalf of the members of the Joint Standing Committee on Electoral Matters, for attending.

(The witnesses withdrew)

The Committee adjourned at 4.32 p.m.