

6.2.13 Inquiry into the 2012 Local Government Elections

REPORT BY THE MANAGER GOVERNANCE TO 7 MAY 2014 COUNCIL MEETING

2012 local government elections

GOV400038, A0121200

RECOMMENDATION

That the report by the Manager Governance on the Inquiry into the 2012 Local Government Elections be received and noted.

Executive summary

To consider the report of the Inquiry into the 2012 Local Government Elections by the Joint Standing Committee on Electoral Matters.

Detailed report

It will be recalled that in January 2013, Council made a submission to the Joint Parliamentary Standing Committee on Electoral Matters on the 2012 Local Government Elections.

In its submission Council commented on:

- The cost of the elections
- The experience of councils that conducted their own elections
- Issues arising from non-residential voting
- Possible legislative changes to improve efficiency of and participation in Local Government elections
- The impact of the requirements under the Election Funding Expenditure and Disclosure Act 1981 on participation by candidates in Local Government elections and possible legislative changes to remove barriers to participation
- The issue of campaign tickets

The Joint Standing Committee has now completed its investigations and has submitted its report to the Government. It is understood that the Government is due to respond to this report by Saturday 27 September 2014.

For Councillors information, a copy of the list of findings and recommendations of the Joint Standing Committee is attached. If any Councillors are interested in viewing the report it is available on the link below

http://www.parliament.nsw.gov.au/Prod/Parlment/committee.nsf/0/3310CB62E97A9793CA257CA8000DF143?open&refnavid=CO3_1

Alternatively, a hard copy can be obtained from staff.

The following recommendations are of particular interest:

Recommendation 3

“... that each council that resolves to administer its election in-house be required to prepare a report for the Division of Local Government in which it demonstrates its capacity to conduct as successful election. ...”

It appears that there was some concern about the ability of other organisations to run the election as well as the NSW Electoral Commission.

Councillors will recall that while we investigated the possibility of outsourcing the running of our poll, ultimately we determined to stay with the Electoral Commission. From the perspective of staff, this proved to be the correct decision.

Recommendation 9

“... the introduction of a countback system, modelled on the one currently operating in Victoria, as an option for councils when casual vacancies arise within 18 months of the original election in lieu of a by-election.”

I am not sure that I agree with this approach. While pragmatically it might seem to be a financially sound approach – given that at Mid-Western, by-elections generally cost very much the same as the normal election – I am not convinced that democracy is best served by merely filling any casual vacancy by the candidate at the last poll who secured the next highest number of votes.

Recommendation 11

“... that each council be granted the option to conduct its elections via a postal ballot in lieu of attendance voting on a designated polling day.”

Recommendation 13

“That the Government extend technology-assisted voting (or iVote) to be available to all electors ahead of the 2016 Local Government elections and subsequent State Elections. ...”

Both the approaches in recommendations 11 and 13 were canvassed in Council’s submission and are fully supported but it is considered that they should be introduced together.

Recommendation 14

“That the Government amend the Local Government Act to provide for permanency for the non-residential roll across all NSW Councils so that electors are not required to re-apply for inclusion prior to each election.”

This is a sound idea but it is considered that it would be of more benefit in larger councils which have a high non-resident voter turnout than at Mid-Western which only had 6 non-resident voters at the 2012 poll.

Financial and Operational Plan implications

Not applicable.

Community Plan implications

Not applicable.

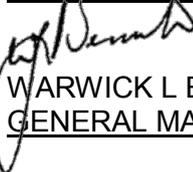


IAN ROBERTS
MANAGER GOVERNANCE

9 April 2014

Attachments: 1. List of Findings and Recommendations

APPROVED FOR SUBMISSION:



WARWICK L BENNETT
GENERAL MANAGER

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

List of Findings and Recommendations

RECOMMENDATION 1 _____ 12

The Committee supports the current arrangements that grant local councils the authority to conduct their own elections. However, the Committee recommends that both the Department of Premier and Cabinet and the Joint Standing Committee on Electoral Matters review the administration of future elections.

RECOMMENDATION 2 _____ 12

The Committee recommends that each council that administers its own election be required to submit information relating to candidate participation and voter turnout to the Division of Local Government.

RECOMMENDATION 3 _____ 15

The Committee recommends that each council that resolves to administer its election in-house be required to prepare a report for the Division of Local Government in which it demonstrates its capacity to conduct a successful election. This report should include council's access to suitably qualified returning officers, as well as possible substitutes, and be prepared no later than 15 months prior to the 2016 elections.

RECOMMENDATION 4 _____ 25

The Committee recommends that the Department of Premier and Cabinet takes steps to ensure that all councils not utilising the services of the Electoral Commission, or that are not conducting their elections in-house, have secured contracts with an electoral service provider at least 15 months prior to the 2016 elections.

RECOMMENDATION 5 _____ 32

The Committee recommends that the Division of Local Government provide guidance to the Electoral Commission with respect to the extent and mode of electoral roll data that can be disclosed to councils that conduct their own elections. Particular weight should be given to ensuring councils are granted sufficient access to roll data, while safeguarding elector privacy.

If this is not possible, the committee believes it is the democratic obligation of the Electoral Commission to provide soft copy access to rolls so that Councils can exercise their right to undertake their own elections, should they decide to do so.

RECOMMENDATION 6 _____ 38

The Committee recommends that the Government raise the threshold for a candidate to open a campaign account to \$2,500, indexed annually to inflation.

RECOMMENDATION 7 _____ 39

The Committee recommends that the Government remove the mandatory requirement for a candidate to appoint an official agent but that candidates may choose to appoint an official agent if they wish.

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RECOMMENDATION 8 _____ 42

The Committee recommends that the Government remove the requirement that a candidate information sheet is made in the form of a statutory declaration.

RECOMMENDATION 9 _____ 48

The Committee recommends the introduction of a countback system, modelled on the one currently operating in Victoria, as an option for councils when casual vacancies arise within 18 months of the original election in lieu of a by-election.

RECOMMENDATION 10 _____ 55

The Committee recommends that the Government abolish the existing eligibility requirements with respect to whether an elector is qualified to cast a postal vote.

RECOMMENDATION 11 _____ 55

The Committee recommends that each council be granted the option to conduct its elections via a postal ballot in lieu of attendance voting on a designated polling day.

RECOMMENDATION 12 _____ 56

The Committee recommends that the Government abolish existing eligibility requirements with respect to whether an elector is qualified to cast a pre-poll vote. Further, the Committee recommends that the Government retains the existing two week pre-poll period.

RECOMMENDATION 13 _____ 59

The Committee recommends that the Government extend technology-assisted voting (or iVote) to be available to all electors ahead of the 2016 Local Government elections and subsequent State Elections. The Committee recommends that there is an independent software review and report on the integrity of iVote systems prior to implementation.

RECOMMENDATION 14 _____ 65

That the Government amend the Local Government Act to provide for permanency of the non-residential roll across all NSW Councils so that electors are not required to re-apply for inclusion prior to each election.

RECOMMENDATION 15 _____ 70

The Committee recommends that the Government introduce the model used by the City of Melbourne for the City of Sydney in all its respects including the deeming provisions and the compulsory voting aspect for electors on the non-residential roll.

Furthermore, the Government consider applying this model in City Council areas with significant economic centres such as Newcastle, Wollongong and Parramatta.

URGENT BUSINESS WITHOUT NOTICE

As provided by Clauses 19 & 20 of Council's Code of Meeting Practice (Clause 14 LGMR).

GIVING NOTICE OF BUSINESS

19. (1) The Council must not transact business at a meeting of the Council:
- (a) unless a Councillor has given notice of the business in writing at least two (2) days prior to the day on which the agenda and business paper is prepared and delivered to Councillors; and
 - (b) unless notice of the business has been sent to the Councillors in accordance with Clause 6 of this Code. (see Section 367 LGA & Clause 14(1) LGMR)
- (2) Subclause (1) does not apply to the consideration of business at a meeting if the business:
- (a) is already before, or directly relates to a matter that is already before the Council (see Clause 14(2)(a) LGMR); or
 - (b) is the election of a chairperson to preside at the meeting as provided by Clause 12(1) (see Clause 14(2)(b) LGMR); or
 - (c) is a matter or topic put to the meeting by the chairperson in accordance with Clause 21 (see Clause 14(2)(c) LGMR); or
 - (d) is a motion for the adoption of recommendations of a committee of the Council; (see Clause 14(2)(d) LGMR); or
 - (e) relates to reports from officers, which in the opinion of the Chairperson or the General Manager are urgent;
 - (f) relates to reports from officers placed on the business paper pursuant to a decision of a committee that additional information be provided to the Council in relation to a matter before the Committee; and
 - (g) relates to urgent administrative or procedural matters that are raised by the Mayor or General Manager.

BUSINESS WITHOUT NOTICE

20. (1) Despite Clause 19 of this Code, business may be transacted at a meeting of the Council even though due notice of the business has not been given to the Councillors. However, this can happen only if:
- (a) a motion is passed to have the business transacted at the meeting; and
 - (b) the business proposed to be brought forward is ruled by the Chairperson to be of great urgency. Such a motion can be moved without notice. (see Clause 14(3) LGMR)
- (2) Despite Clause 30 of this Code, only the mover of a motion referred to in subclause (1) can speak to the motion before it is put. (see Clause 14(4) LGMR)

Item 7: Urgent Business Without Notice