



Camden Council

Attachments

Ordinary Council Meeting
27 January 2015

Camden Civic Centre
Oxley Street
Camden



ORDINARY COUNCIL

ATTACHMENTS - ORDINARY COUNCIL

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**DEVELOPMENT APPLICATION
ALTERATIONS & ADDITIONS**

**130 KIRKHAM LANE
KIRKHAM NSW 2570
LOT 5 DP 882365**

FOR THE SUTTON FAMILY

DRAWING LAYOUTS	
1.1	SITE PLAN 1:1,000
1.2	SITE ANALYSIS PLAN 1:1,000
2.1	DEMOLITION PLAN 1:500
3.1	GROUND FLOOR PLAN 1:200
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5.1	NORTH EASTERN ELEVATION 1:200
5.2	NORTH WESTERN ELEVATION 1:200
5.3	SOUTH EASTERN ELEVATION 1:200
5.4	SOUTH WESTERN ELEVATION 1:200
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6.2	DOOR SCHEDULE 1:50

NOTE:
1. THESE PLANS AND ANY RELATED DOCUMENTS ARE PRELIMINARY AND TO BE USED FOR INFORMATION ONLY.
2. ANY CHANGES TO THESE PLANS MUST BE APPROVED BY THE ARCHITECT.
3. THE ARCHITECT IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED IN THESE PLANS.
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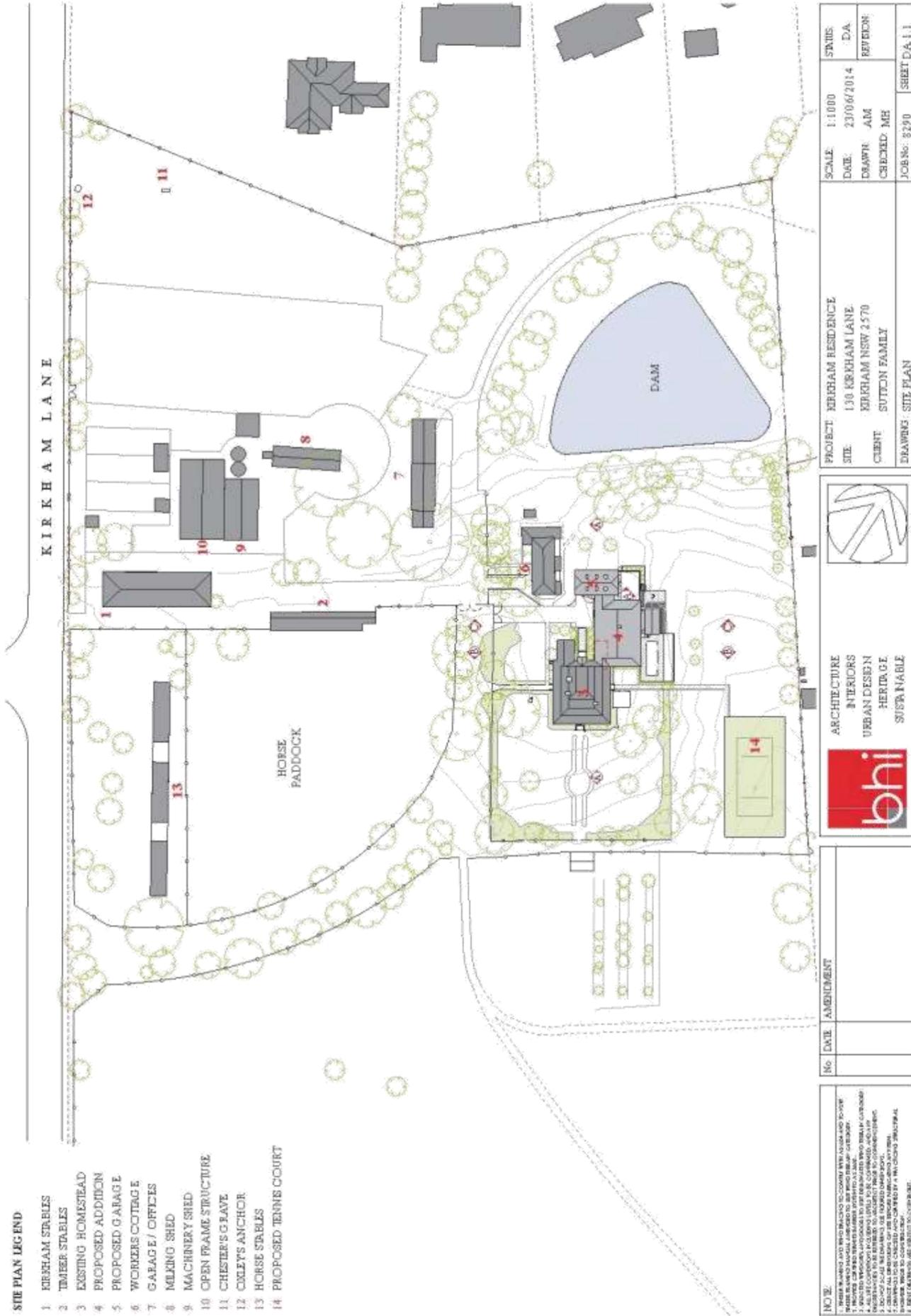
No.	DATE	AMENDMENT

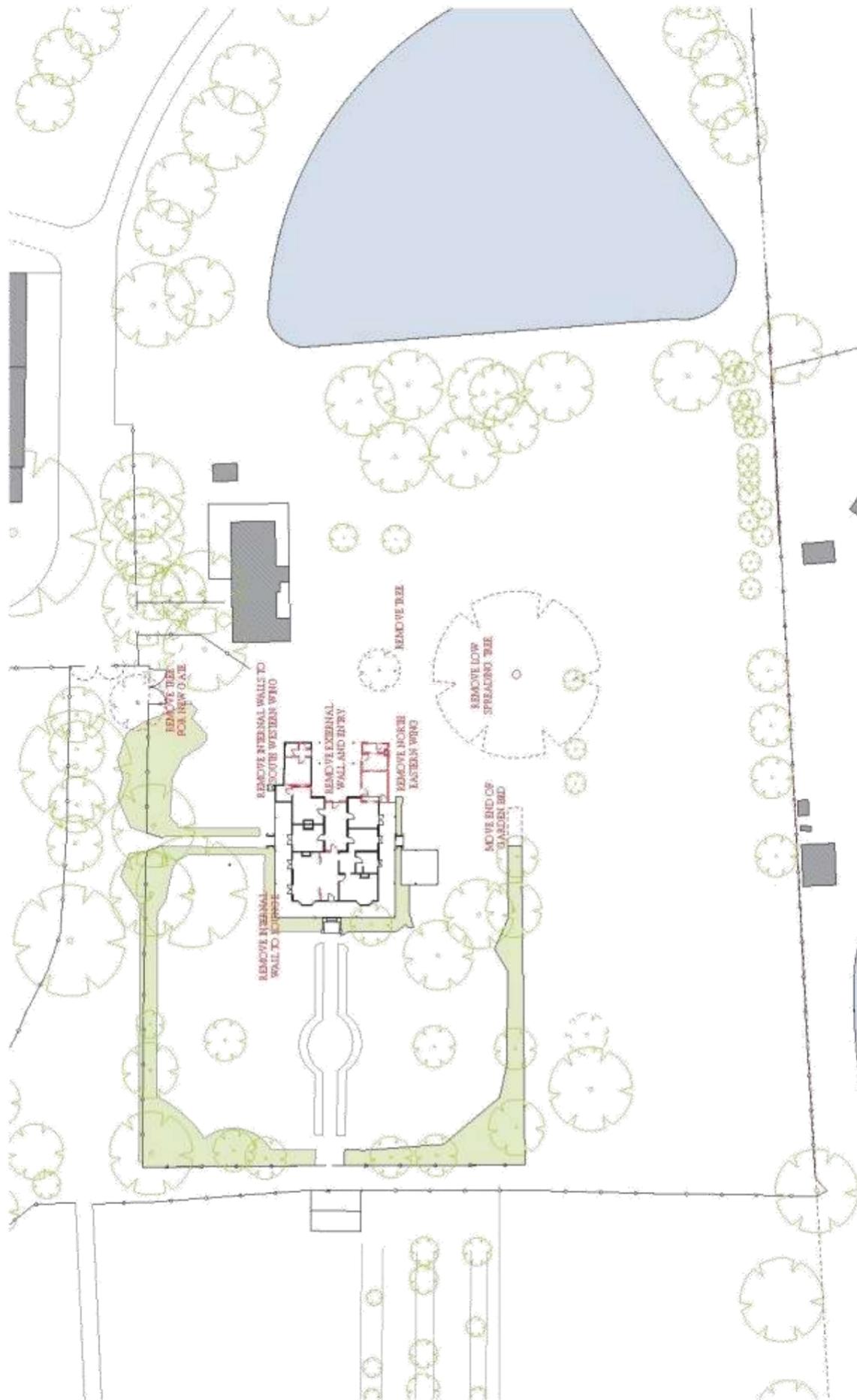


ARCHITECTURE
INTERIORS
URBAN DESIGN
HERIDA, G.E.
SUSTAINABLE

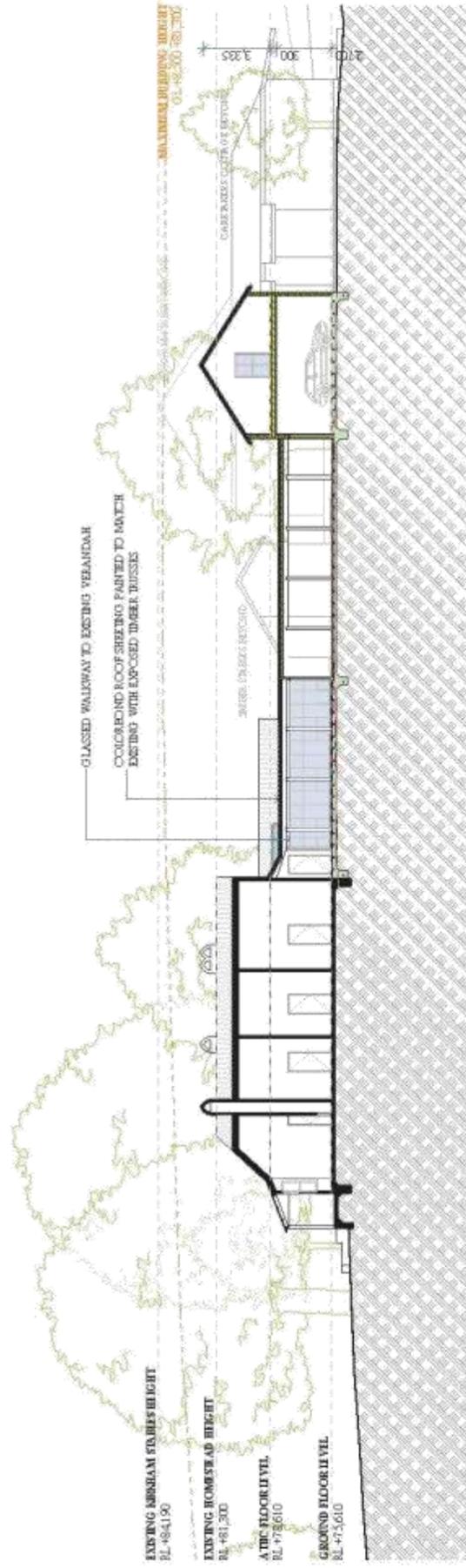


PROJECT: KIRKHAM RESIDENCE	SCALE: 1:7500	STATUS:
SITE: 130 KIRKHAM LANE	DATE: 23/06/2014	D.A.
CLIENT: SUTTON FAMILY	DRAWN: AM	REVISION:
DRAWING: COVER	CHECKED: ME	
	JOB No: 8290	SHEET D.A.0





<p>NOTE:</p> <p>1. THESE PLANS AND ANY RELATED DOCUMENTS ARE VALID AND TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED IN THESE PLANS. ANY OTHER USE OF THESE PLANS WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT IS STRICTLY PROHIBITED.</p> <p>2. THE ARCHITECT HAS CONDUCTED VISUAL VERIFICATION OF THE SITE AND HAS FOUND IT TO BE SUITABLE FOR THE PROPOSED DEVELOPMENT.</p> <p>3. THE ARCHITECT HAS CONDUCTED VISUAL VERIFICATION OF THE SITE AND HAS FOUND IT TO BE SUITABLE FOR THE PROPOSED DEVELOPMENT.</p> <p>4. THE ARCHITECT HAS CONDUCTED VISUAL VERIFICATION OF THE SITE AND HAS FOUND IT TO BE SUITABLE FOR THE PROPOSED DEVELOPMENT.</p> <p>5. THE ARCHITECT HAS CONDUCTED VISUAL VERIFICATION OF THE SITE AND HAS FOUND IT TO BE SUITABLE FOR THE PROPOSED DEVELOPMENT.</p> <p>6. THE ARCHITECT HAS CONDUCTED VISUAL VERIFICATION OF THE SITE AND HAS FOUND IT TO BE SUITABLE FOR THE PROPOSED DEVELOPMENT.</p>	<p>No. DATE AMENDMENT</p>	 <p>ARCHITECTURE INTERIORS URBAN DESIGN HERITAGE SUSTAINABLE</p>		<p>PROJECT: KERKHAM RESIDENCE</p>	<p>SCALE: 1:500</p>	<p>STATUS: D.A.</p>
	<p>DATE: 23/06/2014</p>			<p>DATE: 23/06/2014</p>	<p>STATUS: D.A.</p>	
<p>SITE: 130 KERKHAM LANE</p>	<p>DRAWN: JAM</p>	<p>CLIENT: SUTTON FAMILY</p>	<p>CHECKED: MEH</p>	<p>JOB No: 8290</p>	<p>SHEET D.A.1.1</p>	



- EXISTING BRICKWORK
- EXISTING
- PROPOSED CONCRETE
- PROPOSED TIMBER FLAHS
- PROPOSED TIMBER CLADDING
- PROPOSED METALLOIDINS
- PROPOSED METALSH
- PROPOSED MATCHING BRICKWORK

NOTE:
 1. THESE PLANS HAVE BEEN PREPARED IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S REQUIREMENTS FOR SUBMITTING PLANS TO THE LOCAL GOVERNMENT.
 2. THE CLIENT HAS ADVISED THAT THE PLANS ARE FOR INFORMATION ONLY AND ARE NOT TO BE USED FOR CONSTRUCTION.
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No.	DATE	AMENDMENT

ARCHITECTURE
 INTERIORS
 URBAN DESIGN
 HERITAGE
 SUSTAINABLE

PROJECT: KIRKHAM RESIDENCE		SCALE: 1:200	STATUS:
SITE: 130 KIRKHAM LANE	DATE: 23/06/2014	DRAWN: JAM	D.A.
CLIENT: KIRKHAM NSW 2570	CHECKED: ME	JOB No: 8290	REVISION:
DRAWING: SECTION AA			SHEET DA.4.1



- EXISTING SKY LIGHTS
- EXISTING
- PROPOSED CONCRETE
- PROPOSED TIMBER FRAMES
- PROPOSED TIMBER CLADDING
- PROPOSED METALLOID BRICK
- PROPOSED DETACHMENT
- PROPOSED MAGNETIC BRICKWORK

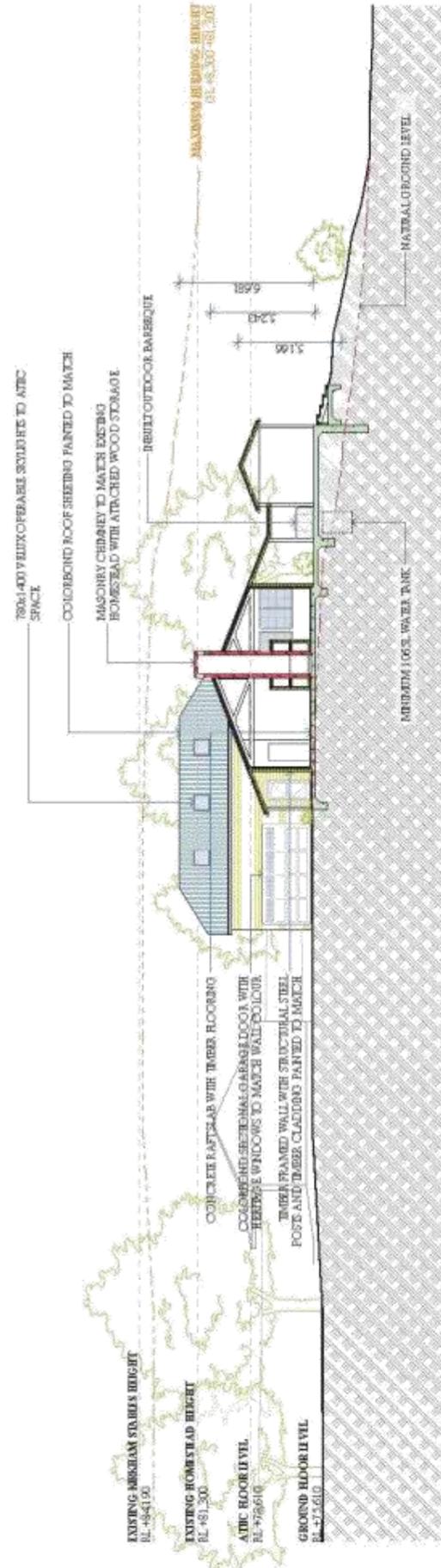
NOTE:

1. THESE PLANS AND SPECIFICATIONS TO BE CONSIDERED AS APPROXIMATE AND TO BE USED AS A GUIDE ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND STATE AUTHORITIES.
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No.	DATE	AMENDMENT

ARCHITECTURE
INTERIORS
URBAN DESIGN
HERIDA, G.E.
SUSTAINABLE

PROJECT: KERRHAM RESIDENCE	SCALE: 1:200	STATUS:
SITE: 130 KERRHAM LANE	DATE: 23/06/2014	DATE:
CLIENT: SUTTON FAMILY	DRAWN: AM	REVISION:
DRAWING: SECTION BB	CHECKED: ME	SHEET: D.A.1.2
JOB No: 8290		

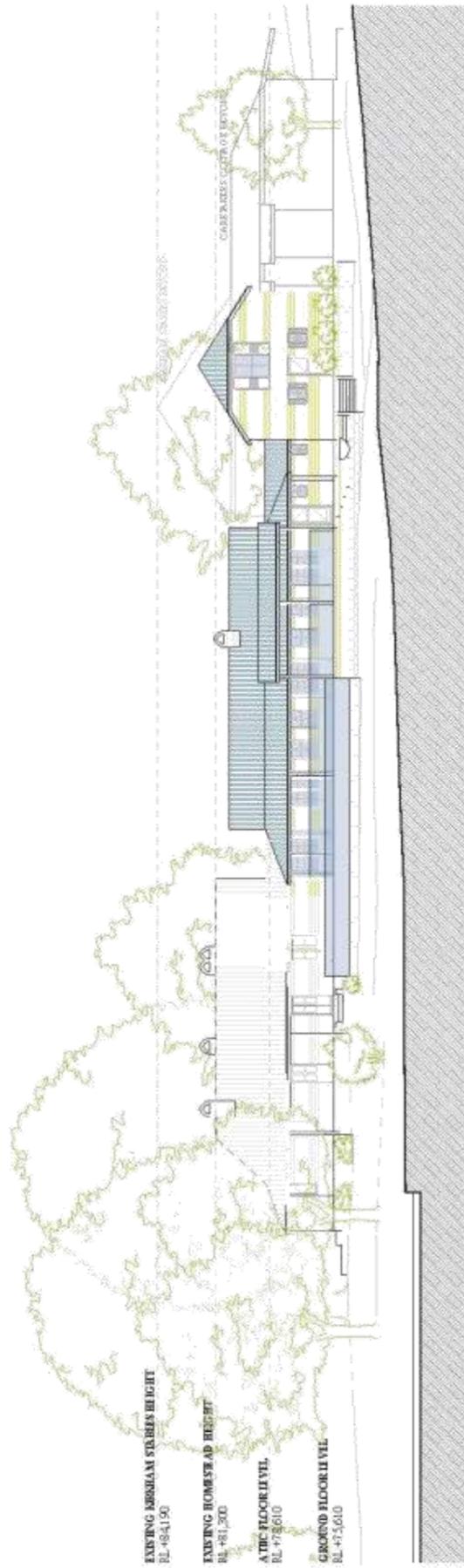


- EXISTING SKYLIGHTS
- EXISTING
- PROPOSED CONCRETE
- PROPOSED TIMBER FLOORING
- PROPOSED TIMBER CLADDING
- PROPOSED METAL CLADDING
- PROPOSED METAL ROOF
- PROPOSED MASONRY BLOCKWORK

NOTE:
 1. THESE PLANS AND SPECIFICATIONS SHALL BE USED IN CONJUNCTION WITH THE LOCAL COUNCIL'S DEVELOPMENT CONTROL REGULATIONS AND THE LOCAL COUNCIL'S DEVELOPMENT CONTROL REGULATIONS.
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LOCAL COUNCIL'S DEVELOPMENT CONTROL REGULATIONS AND THE LOCAL COUNCIL'S DEVELOPMENT CONTROL REGULATIONS.
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No.	DATE	AMENDMENT

PROJECT: MERRIAM RESIDENCE	SCALE: 1:200	STATUS:
SITE: 130 MERRIAM LANE	DATE: 23/06/2014	D.A.
CLIENT: SUTTON FAMILY	DRAWN: JAM	REVISION:
DRAWING: SECTION CC	CHECKED: ME	JOB No: 8290
		SHEET DA.4.3



- KEY**
- EXISTING MATERIALS
 - PROPOSED MATERIALS
 - EXISTING TERRACE CLADDING
 - PROPOSED TERRACE CLADDING
 - PROPOSED PLANTS
 - PROPOSED MASONRY BRICK
 - PROPOSED ROOF/TERRACE/STONE

NOTE:

1. THESE PLANS AND SPECIFICATIONS SHALL BE CONSIDERED AS A GUIDE ONLY AND NOT A CONTRACT DOCUMENT.
2. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL COUNCIL AND OTHER RELEVANT AUTHORITIES.
3. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY INSURANCE COVERAGE.
4. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PROFESSIONAL SERVICES AND FEES.
5. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MATERIALS AND LABOR.
6. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY UTILITIES AND SERVICES.
7. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY TRANSPORT AND LOGISTICS.
8. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY COMMUNICATIONS AND NETWORKING.
9. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY SECURITY AND PROTECTION.
10. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MAINTENANCE AND REPAIRS.

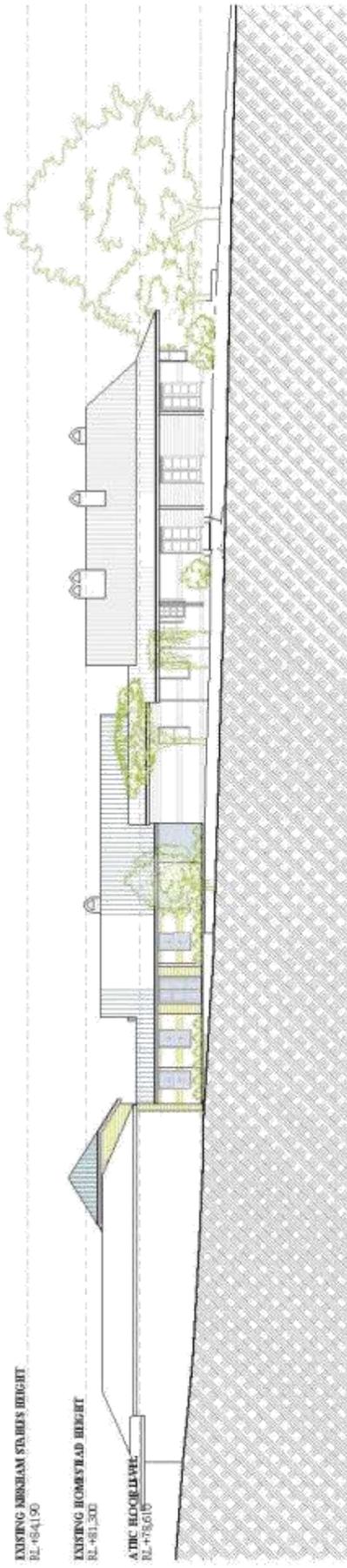
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ARCHITECTURE
INTERIORS
URBAN DESIGN
HERITAGE
SUSTAINABLE



PROJECT: KERKHAM RESIDENCE	SCALE: 1:200	STATUS: D.A.
SITE: 130 KERKHAM LANE	DATE: 23/06/2014	REVISION:
CLIENT: SUTTON FAMILY	DRAWN: JAM	CHECKED: MEH
DRAWING: NORTH EASTERN ELEVATION		JOB No: 8290 SHEET D.A. 1



- LEGEND**
- EXISTING MATERIALS
 - PROPOSED MATERIALS
 - EXISTING TERRACE/CONCRETE
 - PROPOSED TERRACE/CONCRETE
 - PROPOSED GLAZING
 - PROPOSED MASONRY/CLAY
 - PROPOSED ROOFING/TILING

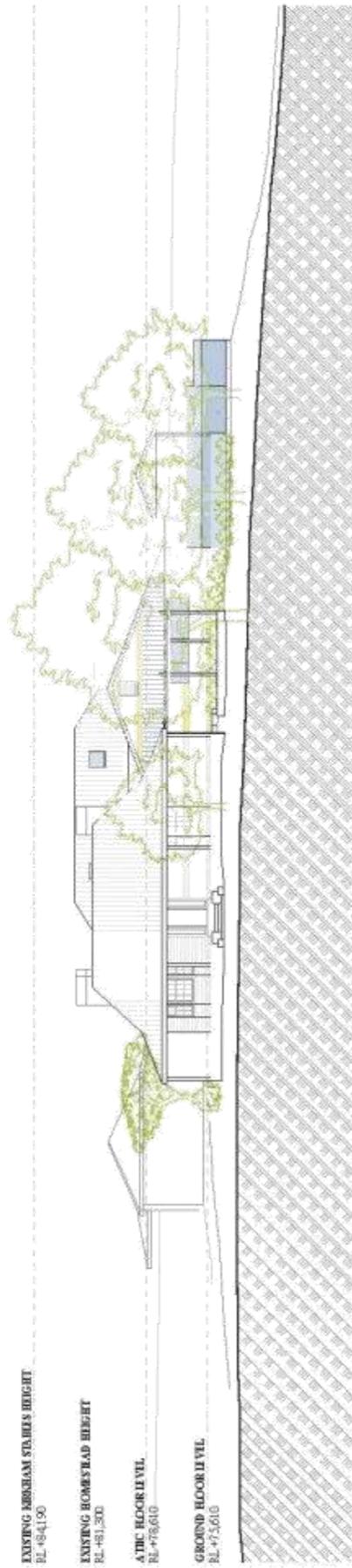
NOTE:

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S REQUIREMENTS AND STANDARDS.
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No.	DATE	AMENDMENT

ARCHITECTURE
INTERIORS
URBAN DESIGN
HERITAGE
SUSTAINABLE

PROJECT: KIRKHAM RESIDENCE	SCALE: 1:200	STATUS:
SITE: 130 KIRKHAM LANE	DATE: 23/06/2014	D.A.
CLIENT: KIRKHAM NSW 2570	DRAWN: JAM	REVISION:
DRAWING: SOUTH EASTERN ELEVATION	CHECKED: ME	JOB No: 8290
		SHEET D.A. 5.2



KEY

- EXISTING MATERIALS
- PROPOSED MATERIALS
- EXISTING TERRACE CLADDING
- PROPOSED TERRACE CLADDING
- PROPOSED PLAINS
- PROPOSED MASONRY BRICK
- PROPOSED ROOF/ROOF/STONE

NOTE:

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No.	DATE	AMENDMENT

ARCHITECTURE
INTERIORS
URBAN DESIGN
HERIDA, G.E.
SUSTAINABLE

PROJECT: KIRKHAM RESIDENCE
 SITE: 130 KIRKHAM LANE
 CLIENT: SUTTON FAMILY
 DRAWING: SOUTH WESTERN ELEVATION

SCALE	DATE	STATUS
1:200	23/06/2014	D.A.
		REVISION

JOB No.	SHEET No.
3290	5/3



- LEGEND - MATERIALS**
- EXISTING MASONRY
 - PROPOSED MASONRY
 - EXISTING BRICK CLADDING
 - PROPOSED BRICK CLADDING
 - PROPOSED GLAZING
 - PROPOSED MASONRY CEMENT
 - PROPOSED BRICKWORK/STONE

NOTE:
 1. THESE PLANS AND SPECIFICATIONS SHALL BE SUBJECT TO THE LOCAL AUTHORITY'S APPROVAL AND TO THE REQUIREMENTS OF THE LOCAL AUTHORITY'S DEVELOPMENT CONTROL DEPARTMENT.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITY.
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No.	DATE	AMENDMENT

ARCHITECTURE
 INTERIORS
 URBAN DESIGN
 HERITAGE
 SUSTAINABLE

PROJECT: MERRIAM RESIDENCE	SCALE: 1:200	STATUS:
SITE: 130 KIRKHAM LANE	DATE: 23/06/2014	D.A.
CLIENT: KIRKHAM NSW 2570	DRAWN: JAM	REVISION:
DRAWING: NORTH WESTERN ELEVATION	CHECKED: ME	JOB No: 8290
		SHEET D.A. 5.4

DEVELOPMENT APPLICATION REQUEST FOR INFORMATION TENNIS COURT DESIGN

PROPOSED TENNIS COURT LOCATIONS SUMMARY

LOCATION 1

This site was considered not visible due to its proximity to the historical orchard along the eastern boundary of the site (as outlined in the 'Kirkham Sables Heritage Conservation Plan'). Also the proximity of the tennis court to the neighbouring properties could cause noise and lighting issues that would intrude on the acoustic and visual privacy.

LOCATION 2

This location, in line with proposed swimming pool, was discredited due to the removal of the historical garden bed and definition of the home site and gardens. There would also be a number of trees that would be required to be removed.

LOCATION 3

Location 3 is outside the 'Kirkham Sables Precinct' and no longer reads as part of the development within this area of the property. This site was not chosen due to the distance from the homestead and its intrusion into what is considered the 'rural' section of the property (ie. the area bordered by the existing fence and historical driveway) which contributes to the rural landscape and views. This site is also wholly within the flood prone area.

LOCATION 4

This site was immediately disregarded due to the potential archaeological sensitive area and its immediate proximity to the heritage listed Kirkham Sables. This paddock is also currently used as a horse paddock, its original intention.

PROPOSED LOCATION

The proposed location of the tennis court was chosen for a number of reasons. The location retains a connection to the homestead while maintaining a reasonable distance from neighbouring properties. This area is also at the lower part of the Kirkham Sables Precinct to mitigate any view losses, whilst still maintaining a majority of the court outside the flood prone area.

This site also requires that no trees be removed for the construction of the tennis court. As part of this submission, screening is provided in the form of new vegetation to minimize any visual impacts the court may propose (outlined in Tennis Court Plan - RFI3).

As outlined in the Site Analysis Plan (RFI2) attached, the neighbouring property has view lines extending out over much of the rural area of the property, which were deemed the only suitable locations for the tennis court. As such no extra structures apart from the tennis court, fencing and lighting are proposed, and the structures will maintain an impact view from 7 The Mews, which is approximately 3.5m above the tennis court.



NOTE:
 1. THESE PLANS AND THE RELATED DOCUMENTS ARE PRELIMINARY AND TO BE USED FOR INFORMATION ONLY.
 2. ANY DECISIONS MADE BY THE LOCAL GOVERNMENT SHOULD BE BASED ON THE INFORMATION PROVIDED IN THESE PLANS AND THE RELATED DOCUMENTS.
 3. THE CLIENT IS ADVISED THAT THE LOCAL GOVERNMENT MAY REQUIRE FURTHER INFORMATION TO BE PROVIDED TO SUPPORT THESE PLANS.
 4. THESE PLANS ARE THE PROPERTY OF BHI AND SHOULD NOT BE REPRODUCED OR COPIED WITHOUT THE WRITTEN PERMISSION OF BHI.
 5. BHI ACCEPTS NO LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY THESE PLANS.

NO.	DATE	AMENDMENT
A	10/09/2014	PRELIMINARY AMENDMENT
B	10/09/2014	FIELD REVISIONS FOR INFORMATION

ARCHITECTURE
 INTERIORS
 URBAN DESIGN
 HERIDA GE
 SUSTAINABLE



PROJECT: KIRKHAM RESIDENCE
 SITE: 130 KIRKHAM LANE,
 KIRKHAM NSW 2570
 CLIENT: SUTTON FAMILY
 DRAWING: SUMMARY

SCALE	1:2000	STATUS
DATE:	10/09/2014	DA RFI
DRAWN:	JAM	REVISION:
CHECKED:	ME	B
JOB NO:	3290	SHEET RFI1



3 Marist Place
Parramatta NSW 2150

Locked Bag 5020
Parramatta NSW 2124
DX 8225 PARRAMATTA

Telephone: 61 2 9873 8500
Facsimile: 61 2 9873 8599

heritage@heritage.nsw.gov.au
www.heritage.nsw.gov.au

Miss A. McGrath
Development Officer
Development Branch
Camden Council
P.O. Box 183
CAMDEN NSW 2570
By email: mail@camden.nsw.gov.au

Contact: Stuart Read
Telephone: 02 9873 8554
Email: stuart.read@environment.nsw.gov.au
File: EF14/4512
TRIM doc.s: 14/176528; 14/187312
Your Ref: 476/2014

Dear Ms. McGrath

**INTEGRATED DEVELOPMENT APPLICATION
HERITAGE COUNCIL OF NSW—GENERAL TERMS OF APPROVAL**

RE: Kirkham Stables, -/130 Kirkham Lane, Kirkham NSW 2570

Proposal Integrated development application for partial demolition of part of existing dwelling, alterations and additions, associated site works and landscaping.

IDA Application 2014/IDA/85 received 11/8/2014 (DA 476/2014)

No

Information received with the IDA as listed in first general term of approval application:

Additional information requested: Yes

Date additional information received 1, 9, 17 and 30 September 2014

As delegate of the Heritage Council of NSW (the Heritage Council), I have considered the above application. In accordance with Section 91A of the *Environmental Planning and Assessment Act 1979*, the Heritage Council hereby informs Camden Council that the following terms of approval are proposed to be granted:

1. APPROVED DEVELOPMENT:

Development must be in accordance with the following documents:

a) Architectural design drawings prepared by Neeson Murcutt Architects Pty Ltd listed in the table below:

Dwg No	Dwg Title	Date	Rev
Project Name: Kirkham Stables and Precinct: homestead works			
DA.1.1	Site Plan	23/6/2014	-
DA.1.2	Site Analysis	23/6/2014	-
DA.2.1	Homestead Demolition Plan	23/6/2014	-

Helping the community conserve our heritage

ORD01

Attachment 2

DA.3.1	Ground Floor Plan	23/6/2014	-
DA.3.2	Roof Plan	23/6/2014	-
DA.3.3	Drainage Concept Plan	23/6/2014	-
DA.4.1	Section AA	23/6/2014	-
DA.4.2	Section BB	23/6/2014	-
DA.4.3	Section CC	23/6/2014	-
DA.5.1	North Eastern Elevation	23/6/2014	-
DA.5.2	South Eastern Elevation	23/6/2014	-
DA.5.3	South Western Elevation	23/6/2014	-
DA.5.4	North Western Elevation	23/6/2014	-
DA.6.1	Window Schedule	23/6/2014	-
DA.6.2	Door Schedule	23/6/2014	-
DA-RF1.1	Summary (Request for Information: Proposed Tennis Court Locations)	10/9/2014	B
DA-RF1.2	Site Analysis Plan	10/9/2014	B
DA-RF1.3	Tennis Court Details	10/9/2014	B
A6.00	External Works Walkway Plan	20/10/2014	C
A6.01	External Works Walkway Plan + Sections	20/10/2014	C
A6.02	External Works Walkway Section + Elevation	20/10/2014	C

EXCEPT AS AMENDED by the conditions of this approval:

2. ADDITIONAL INFORMATION:

The following additional information is to be submitted with the Section 60 application:

- d) A copy of the 1998 Godden Mackay Logan Conservation Plan (cited in section 2 of the Statement of Heritage Impact (SOHI)).
- e) A plan and a schedule to confirm of the age and significance of the homestead and its interior elements.
- f) Provide any relevant conservation policy applying to the homestead, from the 1998 Godden Mackay, or later conservation management plan and confirm compliance with the relevant policies.

3. Provide information to identify the genus and species, age and heritage significance of the three mature trees proposed for removal. Justify why the trees are to be removed without a replacement (or relocation), in terms of any impact on the heritage significance of the property.

4. DESIGN MODIFICATIONS

Regarding the removal of the wall to the existing lounge room, the wall separating the living room from the hallway and internal walls in the south-western wing, retain 150mm deep wall nibs and or downstand beams (approximate soffit height to align with the heads of any internal doors and or fanlights).

5. ARCHAEOLOGICAL MANAGEMENT:

Helping the community conserve our heritage

- d) The Applicant shall submit an Archaeological Research Design and Excavation Methodology undertaken by a suitably qualified and experience historical archaeologist as part of the application under Section 60 of the *Heritage Act 1977*. The experience of the proposed historical archaeologist shall be provided with the Section 60 application.
- e) Following the consideration of the Archaeological Research Design and Excavation Methodology, the Heritage Council of NSW may impose additional conditions regarding archaeological issues on any determination under Section 63 of the *Heritage Act 1977*, in order to manage any archaeology on the site. Matters such as (but not limited to) possible design changes, nomination of an excavation director, fieldwork methodology, artefact analysis, final reporting and interpretation may be included.
- f) No excavation is to take place until approval is given for archaeology management under Section 63 of the *Heritage Act 1977*.

6. SECTION 60 APPLICATION:

An application under Section 60 of the *Heritage Act 1977* must be submitted and approved by the Delegate of the Heritage Council of NSW prior to work commencing.

If you have any questions regarding the above matter please contact Stuart Read, Heritage Officer at the Heritage Division, Office of Environment and Heritage, on (02) 9873 8554.

Yours sincerely



7 January 2015

ED BEEBE
A/Manager Conservation
Heritage Division
Office of Environment and Heritage

As Delegate of the Heritage Council of NSW

Helping the community conserve our heritage

ORD02

Attachment 1



Draft Amendments to Camden Development Control Plan 2011 - Emerald Hills

This document outlines the draft amendments to Camden Development Control Plan 2011 (the DCP) in relation to the controls which apply to Emerald Hills.

The draft amendments contained within this document will be inserted into the relevant sections or chapters of the DCP.

Throughout this document are headings which are ***ITALICISED AND HIGHLIGHTED IN GREY***. These headings explain which section of the DCP is to be amended by inserting the text, tables and figures below.

Please refer to Council's website at www.camden.nsw.gov.au or the Customer Service Counters at the Camden and Narellan offices to view a complete version of the current DCP.

Amend Part C of Camden DCP 2011 as follows:

In C13.2 Subdivision Design replace Figure C83 with the amended Figure C83 below:



ORD02

Attachment 1

In C13.3 Street, Pedestrian and Cycle Network replace Figure C85 with the amended Figure C85 below:



Figure C85 Emerald Hills Pedestrian and Cycle Paths

In C13.10 Bushfire Risk Management replace Figure C95 with the amended Figure C95 below:



Figure C95 Indicative Bushfire Asset Protection Zones

ORD02

Attachment 1

In C13.12 Scenic Character Protection Area replace 'Controls' with the amended 'Controls' below:

Controls

1. This clause applies to lots and dwellings generally in the area indicated in Figure C96.
2. Dwelling materials and colours shall adopt darker, recessive toned colours such as dark browns, dark greens, dark greys and charcoal, and utilise non-reflective surfaces for both wall and roof cladding.
3. Utility and ancillary structures shall adopt darker, recessive toned colours such as such as dark browns, dark greens, dark greys and charcoal, along with non-reflective surfaces.
4. Bulk earthworks shall be undertaken along the northern ridgeline and surroundings as per the 'Minimum Earthworks Cut Level' as shown in Figure C96. The finished ground levels shall be in accordance with the spot RLs shown on Figure C96. Certification of the finished ground levels in accordance with this control will be required to be submitted to Council prior to the issuing of subdivision certificates in relation to this land.
5. Road verge/street tree planting shall adopt hardy dark-leaved evergreen trees with good canopy cover.
6. The ridgeline reserve shall be planted out with tall locally indigenous woodland species (to blend with woodland canopies in the Scenic Hills) using a minimum pot size of 100 litres, planted across the entire width of the reserve.
7. The southern verge of the perimeter road between the scenic character protection area and the Sydney Catchment Authority land (delineated by a purple line in Figure C96) shall be planted with tall locally indigenous woodland species using a minimum pot size of 100 litres
8. Street lights shall have hoods or other appropriate design treatment to minimise light spill in order to reduce ambient light haze as much as possible.

In C13.12 Scenic Character Protection Area replace Figure C96 with the amended Figure C96 below:

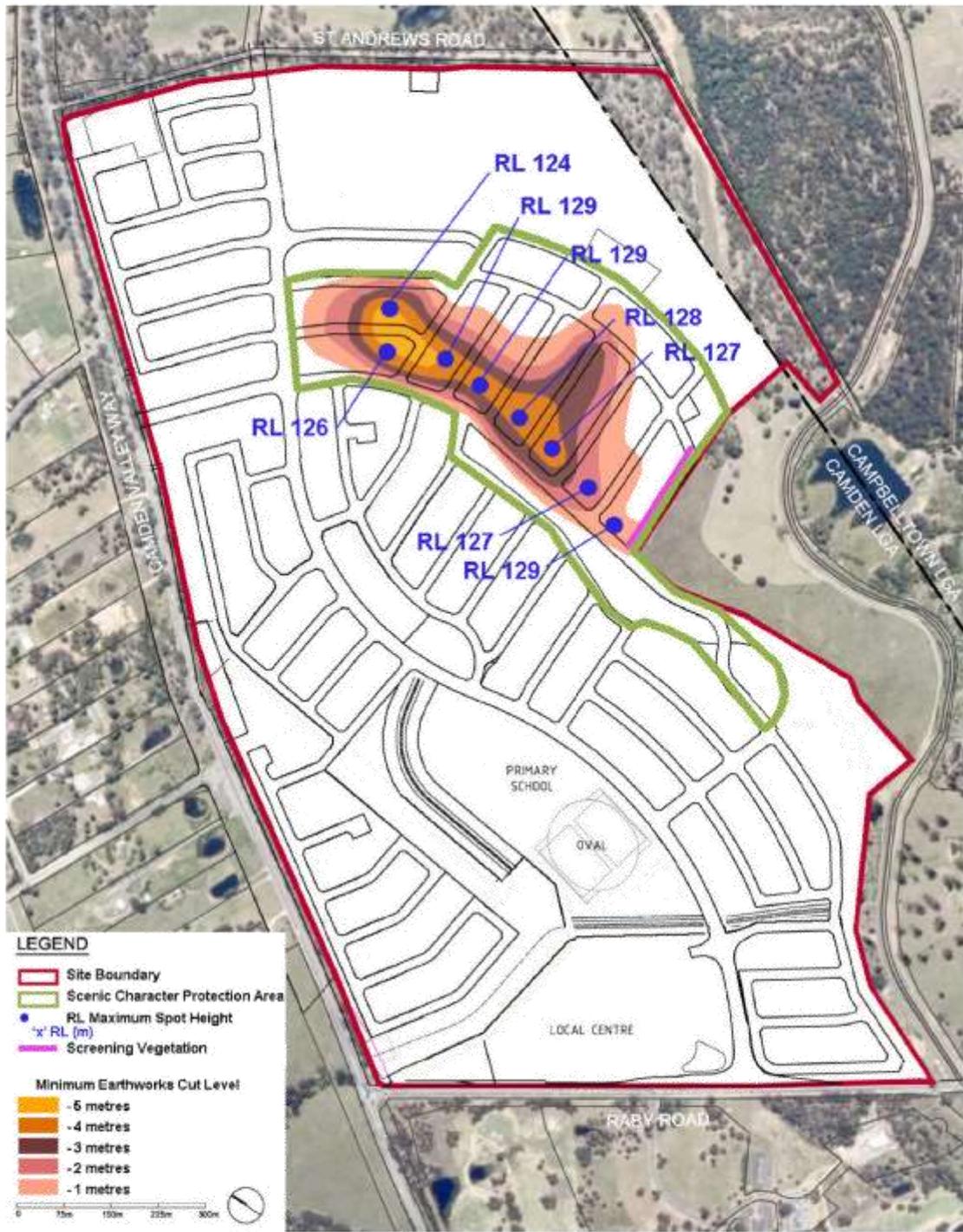


Figure C96 Scenic Character Protection Area

ORD02

Amend Part D of Camden DCP 2011 as follows:

In D2.3.10 Emerald Hills Table D17A insert a ridgeline reserve setback for large lots as follows:

Ridgeline reserve setback for large lots (min)	10m
--	-----

Attachment 1

SUBMISSIONS TO PUBLIC EXHIBITION OF DRAFT AMENDMENT TO CAMDEN DCP 2011 RELATING TO EMERALD HILLS

SUMMARY OF SUBMITTORS

1. Campbelltown Council
2. Sydney Catchment Authority
3. Scenic Hills Association
4. Carmelite Nuns

SUBMITTOR	ISSUES	COMMENT	PROPOSED ACTION
Campbelltown Council	Campbelltown Council notes that the proposed amendments to Camden DCP 2011 aim to provide greater certainty regarding the controls to mitigate the visual impact of future development at Emerald Hills as seen from the Campbelltown LGA. Campbelltown Council has no objection to the proposed amendments provided that the visual benefits of the Scenic Hills that currently exist are still maintained.	The proposed DCP amendments provide greater certainty regarding the controls which apply to the future development of the land within the Scenic Character Protection Area. This will ensure that the visual impact of future development upon the Scenic Hills and distant vantage points within the Campbelltown LGA is mitigated.	No action required.
Sydney Catchment Authority	The SCA's Upper Canal corridor runs along the south-east boundary of the Emerald Hills precinct. The SCA's concerns relate to potential impacts to	Noted.	No action required.

1 | Page

Attachment 2

ORD02

SUBMITTOR	ISSUES	COMMENT	PROPOSED ACTION
(SCA)	<p>the Upper Canal.</p> <p>As the proposed changes to Camden DCP 2011 do not relate to land directly adjacent to the Upper Canal corridor, or matters that will impact the Upper Canal (eg water quality, runoff, security, access points), the SCA has no comments or requests for modifications to the DCP.</p>		
<p>Scenic Hills Association (SHA)</p>	<p>The recommendations of the Visual Effects Study undertaken by Geoffrey Britton were written for the Emerald Hills site as a whole, but in the DCP these have been applied only to the northern part of the prominent ridgeline. While SHA appreciates that this area has been extended in the Draft DCP amendment, SHA remains concerned about night light impacts, particularly for the Carmelite Nun's monastery.</p>	<p>The recommendations of the Visual Effects Study were deliberately limited to the visually prominent Scenic Character Protection Area as it is this part of the site which is directly visible from the Scenic Hills and the broader Campbelltown LGA.</p> <p>In contrast, the land on the western side of the prominent ridgeline where the bulk of the Emerald Hills development will occur is immediately adjacent to the South West Growth Centre. The South West Growth Centre was gazetted by the NSW Government in 2006 and encompasses land from Oran Park/Turner Road to Kemps Creek and will contain 110,000 new dwellings and 300,000 new residents. The character and use of the land on the western side of Camden Valley Way will therefore change from rural-residential and market gardens, to urban development with an average dwelling density of 15 dwellings per hectare incorporating a wide range of complementary land use</p>	<p>No action required.</p>

SUBMITTOR	ISSUES	COMMENT	PROPOSED ACTION
		<p>types.</p> <p>The amount of urban glow resulting from street lighting in future Growth Centre developments will significantly exceed the urban glow generated by the use of standard street light luminaires on the west-facing portion of the Emerald Hills site, to the extent that providing low glare luminaires for this portion of the Emerald Hills site would result in a negligible reduction in urban glow.</p>	
	<p>It is not clear whether there remains a partial reliance on screening from vegetation on landholdings outside the development or whether it has been fully resolved by planting out the ridgeline reserve, as outlined in point 6 of C13.12. If the former applies, then this means there is no ongoing guarantee of visual protection for landowners in Campbelltown's Scenic Hills.</p>	<p>In response to a question from officers, Geoffrey Britton advised as follows:</p> <p><i>"In determining the potential for visual impact from these sites, the study necessarily took into account the extent to which existing landforms and vegetation already offered effective screening. Many of these natural attributes included ridges and existing woodland within intervening properties such as the upper elevation sites within the Scenic Hills Area of Campbelltown. As the main ridge system of the Emerald Hills site is largely cleared there was little opportunity for site vegetation to offer immediate screening. Where screening does already occur it is mostly a result of retained woodland within the Scenic Hills Area and most of this is within the Convent and Priory lands."</i></p>	<p>No action required.</p>

Attachment 2

ORD02

SUBMITTOR	ISSUES	COMMENT	PROPOSED ACTION
		<p>The consideration of the extent to which the existing landform and vegetation provides or contributes towards the mitigation of visual impacts is appropriate given that the land is located within the Scenic Hills and is zoned to prevent development which would result in the removal of significant vegetation.</p> <p>New plantings in the ridgeline reserve under Control 6 of C13.12, in conjunction Control 7 of C13.12 which requires perimeter road plantings between the Scenic Character Protection Area and the boundary of the Sydney Catchment Authority land as shown with a purple line in Figure C96, will provide on-site vegetative screening over and above that which was considered in the Visual Effects Study and cross-sections.</p>	
	<p>It is not clear whether the Draft DCP amendments address all key view lines across the Campbelltown LGA referenced in Figure 5 of Geoffrey Britton's Visual Effects Study or just those within the Scenic Hills. All vantage points must be addressed by the extra screening and excavation.</p>	<p>The Draft DCP amendments have addressed all of the view lines from the vantage points referenced in Figure 5 of Geoffrey Britton's Visual Effects Study.</p> <p>The nearby vantage points have been addressed via the refinement of the excavation and finished ground level controls which ensure that the finished ground levels are sufficiently low to ensure that future residential development will not be visible from the nearby vantage points. The amended DCP controls also require that the finished ground levels are certified by a registered prior to a subdivision certificate being</p>	<p>No action required.</p>

SUBMITTOR	ISSUES	COMMENT	PROPOSED ACTION
		<p>issued for lots within the Scenic Character Protection Area.</p> <p>The distant vantage points have been addressed via the expansion of the Scenic Character Protection Area and the application of the existing DCP controls relating to building materials and colours, street trees, low glare street lighting and ridgeline reserve planting to a broader area of the site, in conjunction with the refinement of the excavation and finished ground level controls. The controls will ensure that development on the east-facing land will be designed so that it is visually unobtrusive and recedes into the surrounding landscape when viewed from the distant vantage points.</p>	
	<p>SHA remains concerned that the proposed excavations may be too complicated to enforce and would be grateful if Council could keep us informed of the situation. Our preference has always been the preferred option of the Visual Effects Study ie. that development be excluded from the ridgeline.</p>	<p>The amended DCP controls regarding the excavation within part of the Scenic Character Protection Area have been prepared in conjunction with Council's Development Branch to ensure that they are concise and able to be enforced.</p> <p>The amended DCP controls will require the developer to submit a detailed bulk earthworks strategy with future development applications which demonstrates that excavation will occur in accordance with the Minimum Earthworks Cut Level shown in Figure C96 of the draft DCP amendment. A condition of consent will be imposed requiring compliance with the bulk</p>	<p>No action required.</p>

Attachment 2

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SUBMITTOR	ISSUES	COMMENT	PROPOSED ACTION
		<p>earthworks strategy, and a further condition of consent will be imposed which requires a registered surveyor to certify that the Reduced Levels (RLs) specified in the DCP controls have been achieved prior to Council issuing a subdivision certificate for lots within the Scenic Character Protection Area.</p> <p>The exclusion of all residential development from the east facing ridgeline land cannot be achieved via a DCP amendment, and would instead require an amendment of the LEP controls applying to the land. This would constitute a downzoning of the land which would affect the financial viability of the Emerald Hills development due to a reduced lot yield. The visual impact of development along the ridgeline will be mitigated via the controls applying the Scenic Character Protection Area therefore the exclusion of development from this land is not warranted.</p> <p>The revised DCP controls, in conjunction with the existing LEP controls, deliver a balanced planning outcome across the entire Emerald Hills site, and will ensure that development can occur on the east-facing portion of the site whilst effectively mitigating the visual impact of future development when viewed from the Scenic Hills and distant vantage points within the</p>	

SUBMITTOR	ISSUES	COMMENT	PROPOSED ACTION
		Campbelltown LGA. It is noted that residential development is specifically excluded from the prominent ridgeline land adjacent to the Sydney Catchment Authority land and the fig tree. This land will form part of the public open space network for the Emerald Hills development.	
Carmelite Nuns	We are pleased to see the mapping of large residential lots with the imposition of a 10m rear setback, the removal of the smaller lots from the east-facing ridgeline areas, the expansion of the Scenic Character Protection Area and the application of the existing DCP controls relating to building materials and colours, street trees, low glare street lighting and ridgeline reserve planting to a broader area of the site.	Noted. The DCP amendment will provide greater certainty and clarity for the Scenic Hills residents and will further mitigate the visual impact of future development within Emerald Hills.	No action required.
	We are concerned that the view line cross-sections were limited to the four vantage points in close proximity to our residence as we are closest and most likely to be impacted upon by the development, and do not include the other vantage points further away to the east and south of the development.	The Visual Effects Study commissioned as part of the rezoning process identified eighteen (18) vantage points which were investigated. The findings of the study were as follows: <ul style="list-style-type: none"> • Five (5) of the vantage points are determined to have negligible potential to be impacted by the development. These vantage points are obscured by vegetation and the natural landform. • Seven (7) of the vantage points were determined to have low potential to be impacted by the 	No action required.

Attachment 2

ORD02

SUBMITTOR	ISSUES	COMMENT	PROPOSED ACTION
		<p>development. These vantage points are obscured by vegetation and the natural landform, but have the potential to be impacted by night lighting effects.</p> <ul style="list-style-type: none"> • Four (4) of the vantage points are determined to have moderate potential to be impacted by the development. These vantage points have the potential to see the uppermost portion of future development, and in some cases have the potential to be impacted by night lighting effects. • Two (2) of the vantage points are determined to have high potential to be impacted by the development. This includes the Mt Carmel Mary and Joseph Convent where the fig tree and parts of the main ridgeline are visible and future development and night lighting effects are likely, and Raby homestead which has many direct views into the Emerald Hills site from the west. <p>The draft DCP amendment has considered the visual impact of the Emerald Hills development upon all eighteen (18) vantage points and incorporates measures to further mitigate the visual impact of the development.</p> <p>The twelve (12) vantage points which have negligible or low potential to be impacted by the development are benefitted by the expansion of the Scenic Character Protection Area. This increases the area of the site</p>	

SUBMITTOR	ISSUES	COMMENT	PROPOSED ACTION
		<p>where low glare street light luminaires must be used to reduce night lighting glare, and increases the area of the site where dwellings and structures must adopt darker, recessive toned colours and non-reflective surfaces to ensure that future development is visually unobtrusive and recedes into the surrounding landscape.</p> <p>The four (4) vantage points which have moderate potential to be impacted by the development where further investigated with the development of detailed cross sections from 3 of the 4 vantage points.</p> <p>The cross sections demonstrated that the detailed bulk earthworks requirements proposed as part of the amendment would sufficiently mitigate any visual impacts from these vantage points.</p> <p>The fourth moderate potential vantage point (Serbian Orthodox Church) was not considered as it is sufficiently screened by vegetation.</p> <p>The two (2) vantage points identified as having a high potential to be impacted include the Mt Carmel Mary and Joseph Convent and Raby homestead.</p>	

Attachment 2

ORD02

SUBMITTOR	ISSUES	COMMENT	PROPOSED ACTION
		<p>A fourth cross section was undertaken from the Mt Carmel Mary and Joseph Convent vantage point. It demonstrated that with the application of the draft DCP bulk earthworks controls, future residential development is not visible from the Convent.</p> <p>In addition the expansion of the Scenic Character Protection Area will benefit this vantage point by reducing night lighting effects. The portion of the ridgeline which is visible from the Convent (the Fig Tree) will remain as open space land and is excluded from future development.</p> <p>The views from the Raby homestead towards the Emerald Hills site have been considered in the broader context of future development within the South West Growth Centre which will see the urbanisation of the land which surrounds and is visible from Raby homestead. The urbanisation of the Emerald Hills site will have a minor contributing impact upon views from Raby Homestead in this context. The preservation of the southern portion of prominent ridgeline including the fig tree will maintain a visual link between Raby homestead and the most visually prominent part of the Emerald Hills site when viewed from Raby homestead.</p>	
	<p>We feel that the bulk earthworks proposed for the</p>	<p>The purpose of the Scenic Character Protection Area</p>	<p>No action required.</p>

SUBMITTOR	ISSUES	COMMENT	PROPOSED ACTION
	<p>northern ridgeline fails to respect the integrity of the landscape of the Scenic Hills by irrevocably altering the topography. The proposed bulk earthworks and future residential development of the site will alter the scenic character of the area forever, rendering the designation of this part of the site as the 'Scenic Character Protection Area' meaningless. We are disappointed that the option to exclude development from the ridgeline and adjacent slopes has been ruled out of consideration. Wouldn't this be simpler and more satisfactory?</p>	<p>is to define the portion of the site where specific controls will apply to mitigate the visual impact of future development, rather than preserving the landform in-situ.</p> <p>The excavation of this land is required to ensure that future development is not visible from nearby vantage points within the Scenic Hills, and to mitigate the visual impact of future development from distant vantage points in conjunction with the DCP controls relating to building materials and colours, street trees, low glare street lighting and ridgeline reserve planting.</p> <p>The exclusion of all residential development from the east facing ridgeline land cannot be achieved via a DCP amendment, and would instead require an amendment of the LEP controls applying to the land. The visual impact of development along the ridgeline will be mitigated via the controls applying the Scenic Character Protection Area therefore the exclusion of development from this land is not warranted.</p> <p>The revised DCP controls, in conjunction with the existing LEP controls, deliver a balanced planning outcome across the entire Emerald Hills site, and will ensure that development can occur on the east-facing portion of the site whilst effectively mitigating the visual impact of future development when viewed from the Scenic Hills and distant vantage points within the</p>	

Attachment 2

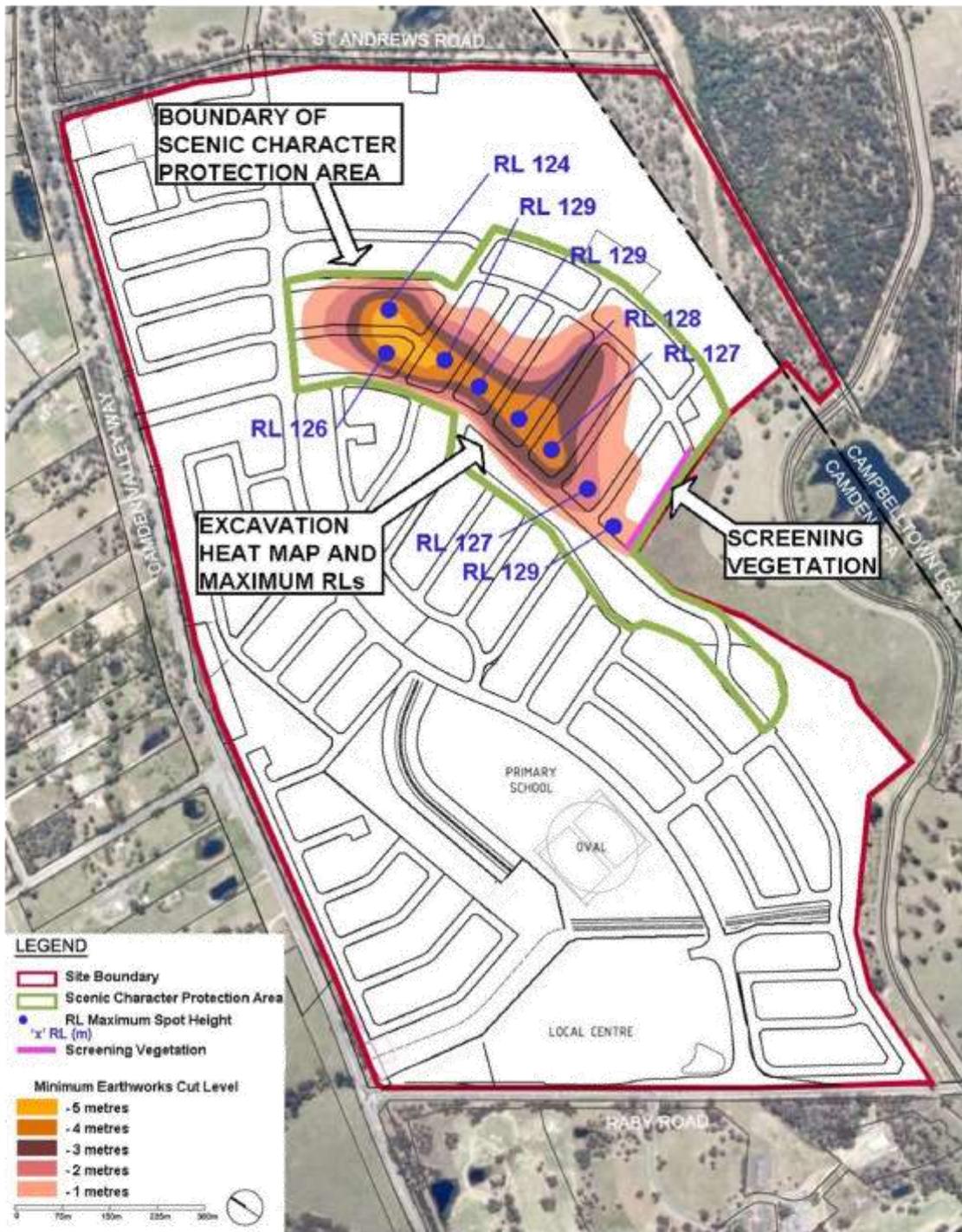
ORD02

SUBMITTOR	ISSUES	COMMENT	PROPOSED ACTION
		<p>Campbelltown LGA.</p> <p>It is noted that residential development is specifically excluded from the prominent ridgeline land adjacent to the Sydney Catchment Authority land and the fig tree. This land will form part of the public open space network for the Emerald Hills development.</p>	
	<p>International research studies have shown measurable mental health benefits provided by green space and contact with nature. We urge Camden Council to retain as much green space as possible during the planning process, particularly given the massive urbanisation being undertaken in the South West Growth Centre. We appreciate the provision of the E2 Environmental Conservation zoning for the northern portion of the site and feel that this would be further enhanced by quarantining the Scenic Character protection Area from building works.</p>	<p>Each greenfield land rezoning is accompanied by studies relating to open space provision, recreation needs, biodiversity and environmental matters to determine the appropriate provision of active and passive open space within future developments. The Emerald Hills development exceeds the minimum rate of provision for open space, and future developments within the South West Growth Centre will include an assessment of the rate of open space provision.</p> <p>The exclusion of all residential development from the east facing ridgeline land cannot be achieved via a DCP amendment, and would instead require an amendment of the LEP controls applying to the land. The visual impact of development along the ridgeline will be mitigated via the controls applying the Scenic Character Protection Area therefore the exclusion of development from this land is not warranted.</p> <p>The revised DCP controls, in conjunction with the existing LEP controls, deliver a balanced planning</p>	<p>No action required.</p>

SUBMITTOR	ISSUES	COMMENT	PROPOSED ACTION
		<p>outcome across the entire Emerald Hills site, and will ensure that development can occur on the east-facing portion of the site whilst effectively mitigating the visual impact of future development when viewed from the Scenic Hills and distant vantage points within the Campbelltown LGA.</p>	

ORD02

Attachment 3



Attachment 3 - amended Scenic Character Protection Map incorporating revised boundary, excavation, finished ground level RLs and location of screening vegetation (Figure C96 in draft DCP amendment)



ORDINARY COUNCIL

ORD06

SUBJECT: 2012 LOCAL GOVERNMENT ELECTIONS - COMMITTEE ON
ELECTORAL MATTERS INQUIRY
FROM: General Manager
BINDER: 13/52469

PURPOSE OF REPORT

To endorse the draft submission to the NSW Parliament's Joint Standing Committee Inquiry into the 2012 Local Government Elections.

MAIN REPORT

The NSW Parliament's Joint Standing Committee on Electoral Matters ("the Committee") has advised Council that they will be conducting an Inquiry into the 2012 Local Government Elections.

The Committee will seek to examine such matters as:

- the cost of the elections;
- the experience of councils that conducted their own elections;
- possible legislative changes to improve the efficiency of and participation in Local Government elections;
- non-residential voting in Local Government elections;
- the impact of requirements under the *Election Funding and Expenditure Disclosure Act 1981* on participation by candidates in Local Government elections and possible legislative changes to remove any barriers to participation; and
- any other related matter.

Councils across NSW have been invited to prepare a submission addressing any of these issues and submit to the Committee by 8 February 2013.

The Committee will consider all submissions and report on the outcome of the Inquiry to the NSW Parliament by 30 June 2013.

Several issues have been raised by Council staff and Councillors in regards to the conduct of the 2012 Local Government Elections. These issues have been summarised in the draft submission **attached at the end of this report**.

The matters raised relate to the following issues:

- the complexities of preparing non-residential rolls;
- the responsibility for the coordination, preparation and approval of the non-residential roll should be administered by the Electoral Commission NSW, with input from Council where required;
- some Councillors have expressed issues with regards to non-residential roll applicants being able to nominate as candidates;
- the continued increase in cost associated with running the Election is of concern to Council.

This is the report submitted to the Ordinary Council held on 29 January 2013 - Page 1



ORD06

Attachment 1

A further report will be submitted to Council once final costings are received.

CONCLUSION

From an administrative point of view, the 2012 Local Government Elections were, in the main, conducted smoothly with issues of only a minor nature noted by Council's appointed Returning Officer and Council staff.

Issues in regards to non-residential voting and budget/costings are felt appropriate matters which should be submitted to the Committee.

RECOMMENDED

That Council endorse the draft submission to the Joint Standing Committee on Electoral Matters.

ATTACHMENTS

1. Submission to Committee on Electoral Matters

Ordinary Council Resolution

MOTION:

Moved Councillor Sidgreaves, Seconded Councillor Dewbery that Council adopt the draft submission to the Joint Standing Committee on Electoral Matters with the exception of the following amendment to the first paragraph on page 2 of the submission, to read:

'Additionally, several Councillors have suggested amendments be made to the *Local Government Act 1993* so that only applicants who are residents, owners of a local business or owners of an investment property, are able to be nominated as candidates and hold civic office.'

ORD9/13 THE MOTION ON BEING PUT WAS **CARRIED**

(Councillors Sidgreaves, Symkowiak, Fischer, Dewbery and Fedeli voted in favour of the Motion. Councillors Copeland, Warren, Campbell and Bligh voted against the Motion.)

29 January 2013

Attn: The Chair
Joint Standing Committee on Electoral Matters
Parliament House
Macquarie Street
SYDNEY NSW 2000

RE: 2012 LOCAL GOVERNMENT ELECTIONS – COMMITTEE ON ELECTORAL MATTERS INQUIRY

Further to the NSW Parliaments Joint Standing Committee's request for submissions by 8 February 2013, we note the following issues:

Costings

Whilst an indicative budget of \$242,540 plus GST was provided to Council prior to the conduct of the Local Government Elections, Council is still yet to receive final costings. The Electoral Commission NSW has indicated that final figures should be received by the end of January 2013.

The 2008 Local Government Election saw expenditure double from the 2004 Local Government Election to approximately \$211,000. At that time, Council resolved to lodge a submission to the Joint Standing Committee on Electoral Matters based on the unreasonable cost increases made by the Electoral Commission of NSW.

Given that costings continue to increase, Council reiterates its concern in regards to cost shifting and disproportionate expenditure to number of electors to the Committee at this time.

Non-residential voting

Section 270 & 271 of the *Local Government Act* allows for non-resident owners, occupiers and ratepaying lessees of rateable land to enrol on a non-residential roll, thus enabling participation in the Local Government Elections for the area in which they "own" or "occupy" rateable land.

Under section 299 of the *Local Government Act*, each Council is responsible for the preparation of the non-residential rolls for their local government area.

Whilst the Electoral Commission NSW made generic claim for inclusion form templates available to Councils and an electronic lodgement process was introduced this year, the preparation of the non-residential rolls is complex, onerous, and somewhat confusing, particularly for those making a claim to enrol.

Further, the responsibility of the coordination, preparation, validation and approval of the non-residential roll should be administered by the Electoral Commission NSW, with input from Council where required.

ORD06

Additionally, several Councillors have suggested amendments be made to the *Local Government Act 1993* so that only applicants who are residents, owners of a local business or owners of an investment property, are able to be nominated as candidates and hold civic office.

Should you require further information or assistance in this regard, please contact the undersigned on 02 46547990 during normal business hours.

Yours sincerely,

Samantha Sharkey
EXECUTIVE SERVICES CO-ORDINATOR

Attachment 1



PARLIAMENT OF NEW SOUTH WALES

Joint Standing Committee on Electoral Matters

REPORT 4/55 – MARCH 2014

INQUIRY INTO THE 2012 LOCAL GOVERNMENT ELECTIONS



ORD06

Attachment 2

ORD06



PARLIAMENT OF NEW SOUTH WALES

Attachment 2

JOINT STANDING COMMITTEE ON ELECTORAL
MATTERS

INQUIRY INTO THE 2012 LOCAL GOVERNMENT ELECTIONS

REPORT 4/55 – MARCH 2014

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The motto of the coat of arms for the state of New South Wales is "Orta recens quam pura nites". It is written in Latin and means "newly risen, how brightly you shine".

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JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Membership

CHAIR	Mr Gareth Ward MP
DEPUTY CHAIR	The Hon. Robert Borsak MLC
MEMBERS	Mr Andrew Fraser MP The Hon. Amanda Fazio MLC The Hon. Trevor Khan MLC The Hon. Paul Lynch MP Mr Daryl Maguire MP The Hon. Dr Peter Phelps The Hon. Peter Primrose MLC
CONTACT DETAILS	Joint Standing Committee on Electoral Matters Parliament House Macquarie Street SYDNEY NSW 2000
TELEPHONE	02 9230 3439
FACSIMILE	02 9230 3309
E-MAIL	ElectoralMatters.Committee@parliament.nsw.gov.au
URL	http://www.parliament.nsw.gov.au/electoralmatters

Terms of Reference

That the Committee inquire into and report on the 2012 Local Government Elections with particular reference to following matters:

- (a) the cost of the elections;
- (b) the experience of councils that conducted their own elections;
- (c) possible legislative changes to improve the efficiency of, and participation in, Local Government elections;
- (d) non-residential voting in Local Government elections;
- (e) the impact of requirements under the *Election Funding, Expenditure and Disclosures Act* on participation by candidates in Local Government elections and possible legislative changes to remove any barriers to participation; and
- (f) any other related matter.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

Chair's Foreword

On 8 September 2012, 4.8 million voters across 152 councils went to the polls to elect mayors, councillors, and to vote on a variety of referendum questions. On the whole, these elections went smoothly with few complaints or areas of concern. Nevertheless, such a large event will always raise issues of interest and this Inquiry pursued these matters on the 2012 local government elections.

The major difference in this election compared to previous elections was that councils were able to choose whether to engage the services of the Electoral Commission to run their elections or whether they would manage their own elections. Most councils that chose to run their own elections contracted a third party – the Australian Election Company – to assist them. On the whole, the Committee heard that these arrangements went very well. The majority of those councils that chose to work with the Electoral Commission and those that did not indicated that they were happy with the conduct of their elections.

However, the Committee was concerned to learn of the experience of two councils that sought to make changes to the arrangements administering their elections due to difficulties they encountered. These changes were sought at relatively short notice and although their elections were ultimately successful, there is no guarantee that this would always be the case. Therefore, the Committee has recommended that those councils who choose not to work with the Electoral Commissioner either provide evidence to the Department of Premier and Cabinet that they are capable to conduct an election or have secured contracts with another electoral service provider, at least 15 months prior to the election.

There were a significant number of candidates who stood for election and most of these had positive experiences. Nevertheless, certain issues were identified which could encourage more candidates to stand and simplify the processes for those that do so. Many of the difficulties encountered by candidates involved the requirement to have an official agent to manage campaign finances. The Committee was advised that it can be difficult to identify an appropriate person to act in this role and that official agents add an unnecessary level of complexity, particularly for independent candidates and those running in elections in smaller councils. Therefore, the Committee has recommended that the mandatory requirement for a candidate to appoint an official agent be removed, although should candidates wish to appoint an official agent they remain able to do so.

The Committee was pleased to see a considerably high voter turnout in the 2012 elections and commends the work of the Electoral Commission in maximising voter awareness. The Committee is also eager to see as many people vote as possible and has made recommendations to remove the eligibility criteria that are required for voters to cast a postal vote or a pre-poll vote. It also recommends that technology assisted voting (or iVote) is made available to all electors for the 2016 local government elections.

In addition, the Committee recommends that councils be given the option to conduct its elections via a postal ballot rather than by attendance voting. Not only will this make the process of voting simpler for electors but it will also lead to significant savings for those councils who choose to conduct their elections via postal ballot. The Committee received

evidence from the Victorian Electoral Commissioner and the Lord Mayor of Melbourne where postal voting has become an extremely popular and successful system.

Another area where the Committee was grateful for input from Victoria was that of non-residential voting. The Committee was concerned to hear that non-residential rate-payers in the City of Sydney were not exercising their right to vote. To improve the situation, the Committee recommends following a similar model to that in Melbourne and introducing deeming provisions for non-residential voters in the City of Sydney to ensure that they are enrolled to vote. The Committee has also recommended that the Government consider extending this franchise to other Councils with large business communities.

Having appeared before this Committee to give evidence as a witness in 2008, I was pleased to not only take part in this inquiry but to work with committee members to produce a report that seeks to maximise the opportunity for participation in the local government election process.

I would like to thank all the stakeholders who contributed to this Inquiry, particularly the NSW Electoral Commissioner. I would also like to thank my fellow Committee members and the Committee secretariat for their contributions and assistance.


Mr Gareth Ward MP
Chair

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.

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.	

Chapter One – Introduction

1.1 On Saturday, 8 September 2012, 4.8 million electors in 152 local government areas across NSW went to the polls to elect new councillors, mayors, and vote on a suite of referendum questions. This massive and complex exercise in grassroots democratic participation was largely successful and event-free. But, as with all major events, a sober reflection on the strengths and shortcomings of the election process is warranted.

1.2 As such, the Joint Standing Committee on Electoral Matters (the Committee) has considered these issues in its Inquiry on the 2012 Local Government Elections. This Report is the result of that effort.

Terms of Reference

1.3 The Committee is a current joint standing committee of the Parliament of New South Wales, first established on 14 May 2004 and re-established for the 55th Parliament on 22 June 2011. The Committee primarily oversees the activities of the NSW Electoral Commission (the Electoral Commission), undertakes periodic audits of electoral legislation, and reviews the conduct of State and Local Government elections following each round of elections.

1.4 As with equivalent committees, the terms of reference of the Committee enable it to examine, inquire into and report on matters related to the functions and operations of the Commission. These matters may be referred to the Committee by either House of Parliament, or by a Minister. The Committee's establishing terms of reference do not provide an avenue for the self-referral of inquiries.

1.5 The Committee is able to inquire into and report on matters that relate to electoral laws with respect to the following legislation:

- (a) *Parliamentary Electorates and Elections Act 1912* (with the exception of matters pertaining to the distribution of electorates);
- (b) the *Election Funding, Expenditure and Disclosures Act 1981*; and
- (c) provisions of the *Constitution Act 1902* that relate to the procedures for, and conduct of, elections for members of the Legislative Assembly and the Legislative Council (other than matters pertaining to the distribution of electorates and the equal apportionment of voters across electorates).

1.6 On 12 November 2012, following a referral from the Minister for Local Government, the Hon. Don Page MP, the Committee adopted terms of reference to inquire into and report on the 2012 Local Government Elections (the Inquiry).

1.7 The Committee resolved to conduct the Inquiry with particular reference to following matters:

- (a) the cost of the elections;
- (b) the experience of councils that conducted their own elections;

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- (c) possible legislative changes to improve the efficiency of, and participation in, Local Government elections;
- (d) non-residential voting in Local Government elections;
- (e) the impact of requirements under the *Election Funding, Expenditure and Disclosures Act* on participation by candidates in Local Government elections and possible legislative changes to remove any barriers to participation; and
- (f) any other related matter.

1.8 This Inquiry is the second review of the conduct of local government elections, and follows from the previous committee's review of the 2008 local government elections. The review of the operation of elections has become a routine feature of equivalent committees on electoral matters following elections across each of the States, as well as the Commonwealth.

Conduct of the Inquiry

1.9 The Committee made a public call for submissions in November 2012 by writing directly to key stakeholders, including all local government authorities, the Electoral Commission, the Australian Election Company, political parties with elected representation in NSW, consumer and advocacy groups, and other potentially interested parties. The Committee also advertised the Inquiry on the Parliament's website, in *The Sydney Morning Herald*, and received some coverage in community publications.

1.10 In total, the Committee received 77 submissions from a broad range of sources. While the overwhelming number of submissions received was from local councils, the Committee also received correspondence from registered political parties, the Electoral Commission, the Australian Election Company, and various individuals providing submissions in their personal capacity. The complete list of submissions received can be found at Appendix One, and copies of the submissions are available on the Committee's webpage.

Public Hearings

1.11 The Committee held three public hearings at Parliament House, Sydney on 19 August 2013, 26 August 2013 and 16 September 2013, and a further hearing at the State Library, Sydney on 28 February 2014. The Committee received evidence from 34 witnesses, representing 20 organisations, many of which had earlier made a submission to the Inquiry.

1.12 The public hearings gave the Committee an opportunity to examine in further detail some of the issues raised in the submissions, as well as giving stakeholders a second opportunity to raise their concerns and identify appropriate responses where warranted.

1.13 The complete list of witnesses who appeared before the Committee can be found at Appendix Two. Transcripts of the evidence provided are also available on the Committee's webpage.

- 1.14 The Minister initially requested that the Committee report by 30 June 2013. Given the extensive workload of the Committee, especially in light of its previous three Inquiries, the Committee advised the Minister that the report would be tabled by the final week of November 2013 to allow for the finalisation of these previous inquiries. In late November, the Committee also resolved to conduct a fourth hearing to hear from representatives from the Lord Mayor's office in Melbourne, as well as the Victorian Electoral Commission, to understand how Victoria handles matters which the current Inquiry has revealed as problematic in NSW. Given this further hearing, the Minister was subsequently advised that the report will instead be tabled by the last week of March 2014.

Overview of the Report

- 1.15 This report has been organised into five chapters. Chapter Two provides an overview of the legislative and administrative framework, including the various regulatory changes that took place preceding the 2012 elections, and those changes that have taken place subsequently, in advance of the 2016 elections.
- 1.16 Chapter Three undertakes a comparison of the experiences of councils that conducted their elections either in-house or outsourced to a third party, or through the services of the Electoral Commission. This chapter will also consider the relative costs associated with each method of election available, as well as the overall funding arrangements between the Government, the Electoral Commissioner, and each of the councils.
- 1.17 Chapter Four examines the overall experience of candidates who both ran and/or were elected to council, with a particular emphasis on the potential barriers to participation. This Chapter also examines the issue of filling casual vacancies to council, with particular consideration of the experience of by-elections, and the possibility of using countbacks as an alternative method of councillor replacement.
- 1.18 Chapter Five considers the experience of voters, again with a particular emphasis on the potential barriers to participation. This Chapter focuses on two principal issues. The first is voter awareness, with an emphasis on identifying methods to ensure voter literacy on the elections taking place. The second issue is voter accessibility. This will assess possible alternatives to engage with voters less inclined or able to vote, and consider the tools available to maximise the turnout rate.
- 1.19 Lastly, Chapter Six examines the experience of non-residential ratepayers in both enrolling for, and voting in, local government elections. The Committee will have particular regard to the relatively low enrolment and turnout rates for non-residential ratepayers, examine possible reasons for this, and consider methods of boosting non-residential ratepayers' awareness of, and participation in, local government elections.
- 1.20 As appropriate, this report draws on the submissions and evidence received throughout the course of this Inquiry, through both the correspondence received by the Committee, and the Committee's formal hearings at Parliament House. Where relevant, recommendations for both the Electoral Commission and the Government are provided.

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- 1.21 Through the submissions received by the Committee, formal evidence provided at the public hearings, and together with additional research from a wide variety of sources, the Committee has developed 15 recommendations. These recommendations provide for changes to clarify the requirements for councils in conducting elections, remove barriers to candidate participation, boost voter participation, and simplify arrangements for non-residential ratepayers.
- 1.22 The Committee thanks all those participants in the Inquiry, particularly those stakeholders who provided submissions and witnesses who gave evidence at the Committee's four formal hearings.
- 1.23 The Committee notes that the Government is required to respond to the recommendations contained in this report within six months of tabling. The Committee will also have an opportunity to review this response as part of future inquiries, particularly an inquiry into the conduct and administration of the 2016 local government elections.

Chapter Two – Legislative and Administrative Framework

- 2.1 This Chapter examines the legislative and administrative framework of local government elections, including a brief analysis of the many amendments to both acts and regulations that have occurred since the last local government elections in 2008.

Background to Current Arrangements

- 2.2 The Electoral Commission is the chief body required to conduct elections for councils, where the council has selected the Commission. According to the Commission:
- The key requirement of the Commission is that it delivers impartial elections in accordance with the law whereby voter participation is maximised and informal voting minimised.¹
- 2.3 The Commission, in its previous capacity as the State Electoral Office, was first involved in the conduct of local government elections following passage of the *Local Government (Elections) Amendment Act 1987* which transferred responsibility for local government elections from Town and Shire Clerks (as they then were) to the Electoral Commission. (From 1867 up until 1987, the Town and Shire Clerks had been independently responsible for conducting elections.)
- 2.4 The reason for this change was to facilitate greater uniformity in the administration of elections across councils, as well as to capitalise on the expertise of the Electoral Commission in running elections. As such, from 1987 onwards, the Electoral Commission was the sole responsible authority. While in the 1987 and 1991 elections, the Town and Shire Clerks were appointed as Returning Officers under the auspices of the Electoral Commission, this was changed in 1995 to provide for independent Returning Officers.
- 2.5 In 2008, following a review of local government election pricing by the Council on the Cost and Quality of Government, the Electoral Commission conducted the September 2008 ordinary elections on a full cost recovery basis. This prompted a number of complaints from councils who had been affected by a significant and apparently unexpected increase in costs.
- 2.6 This issue was investigated thoroughly in the previous Committee's report on the *2008 Local Government Elections*, in which many councils aired their concerns about the cost shift.
- 2.7 On this issue, the Minister for Local Government, the Hon. Don Page MP has stated:

¹ New South Wales Electoral Commission, *Report on the Local Government Elections 2012*, at p31

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Those complaints were supported by the Local Government and Shires Associations of NSW. Thus, in its publication titled *NSW Election Priorities 2011*, the Local Governments and Shires Associations stated that the increase in costs and ... the cost shift from the NSW Government to councils totalling \$9,050,150 made it clear that the responsibility of conducting local government elections should stay within individual councils should the council wish to do so.²

Pre-election Reforms

Local Government (Elections) Amendment Act 2011

- 2.8 Following the concerns about council autonomy and the conduct of elections, changes were made through the *Local Government Amendment (Elections) Act 2011* in advance of the 2012 elections. The object of the amendment Act was to, amongst other things, transfer the responsibility of local government elections from the Electoral Commission and revert this control back to the general manager of each of the councils.
- 2.9 In his Second Reading Speech, the Minister told Parliament:
- The bill fulfils the Government's commitment to return autonomy to local councils by giving them back the powers they enjoyed in the past to conduct their own elections.³
- 2.10 The parameters for the conduct of Local Government elections are established under section 296(1) of the *Local Government Act 1993*, which provides that local government elections are now to be administered by the general manager of the council concerned.
- 2.11 Rather than necessarily conduct the elections themselves, the legislation allows for councils to choose between the general manager or the Electoral Commission to conduct its election. The role of the general manager in conducting the election is set out under section 296A of the *Local Government Act 1993* while the role of the Electoral Commission in conducting elections is largely mirrored in equivalent provisions under section 296B.
- 2.12 Additional transitional arrangements were included for the purposes of the 2012 election only. This included a requirement that councils resolve by 30 November 2011 whether the Electoral Commission was to conduct its elections in 2012. A further provision ensured that those councils that resolved the Electoral Commission to conduct its elections were not required to enter into a contract with the Electoral Commission, contrary to current legislative requirements under section 296(1) of the *Local Government Act 1993*.
- 2.13 Given the absence of individual service contracts, when the elections are conducted by the Electoral Commission, the costs are recoverable from the council as a debt owed to the Electoral Commission on a full cost recovery basis,

² The Hon. Don Page MP, *Legislative Assembly Debates*, 15 June 2011, at p2331

³ The Hon. Don Page MP, *Legislative Assembly Debates*, 15 June 2011, at p2331

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including the remuneration of election officials.⁴ Similarly, when the elections are conducted by the councils, the cost is met entirely by the council.

- 2.14 The amendment Act also made miscellaneous changes with respect to the reduction in the number of councillors, and the abolition of wards without a constitutional referendum, as well as allowing that a casual vacancy need not be filled in certain circumstances.
- 2.15 While this was the major reform ahead of the 2012 elections, other miscellaneous amendment Bills were passed that helped streamline the operation of the elections. They are as follows:

Local Government Amendment (Elections) Act 2012

- 2.16 Following the 2011 amendments, further reform was achieved through the *Local Government Amendment (Elections) Act 2012*. The objective of this Act was to provide for a system of continuous automatic enrolment of electors on the rolls for State parliamentary elections to extend to local government elections.
- 2.17 Further amendments were made which enabled residential electors to enrol and cast a provisional vote at an election on polling day, subject to proof of identity.
- 2.18 Together with other miscellaneous changes, these amendments helped clarify the arrangements and improve the conduct of local government elections.

Local Government Amendment Act 2012

- 2.19 The object of the *Local Government Amendment Act 2012* (introduced as the Local Government Amendment Bill 2011), was, amongst other things, to amend the principal Act to provide that the voting system in a contested election is to be preferential if only one councillor is to be elected, and proportional if two or more councillors are to be elected.
- 2.20 This change is a shift from previous elections in which the optional preferential method was used when one or two councillors were to be elected, and proportional if three or more councillors were to be elected.

Local Government Regulations

- 2.21 The object of the *Local Government (General) Amendment (Election Procedures) Regulation 2012* was to amend the principal Regulation on a number of miscellaneous matters largely outside of the scope of this Inquiry. This included regulations concerning paid electoral advertisements, the requirement of certain information to be specified in a candidate information sheet, and other matters of a minor or machinery nature.

Post-election Reforms

- 2.22 Following the 2012 elections, further reforms were introduced that, while obviously not impacting on the operation of the 2012 elections, will undoubtedly affect the preparation and conduct of future elections.

⁴ *Local Government Act 1993*, s296(7)

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Local Government Amendment (Conduct of Elections) Act 2013

- 2.23 The object of the *Local Government Amendment (Conduct of Elections) Act 2013* is to provide more flexible arrangements for the administration of local council elections by the Electoral Commission. The arrangements before these amendments required a council to decide whether to have the Electoral Commission administer its elections within 12 months after the previous ordinary election of councillors. It was considered that this timeframe did not allow councils sufficient time to test the market and make a fully informed decision about an event that is to occur three years in the future
- 2.24 These changes now provide that councils must resolve to authorise an arrangement with the Electoral Commission no later than 18 months before an ordinary election. The arrangement must be entered into no later than 15 months before the ordinary election.
- 2.25 The effect of these changes is to essentially allow the councils an additional one and a half years to consider whether to undertake the services of the Electoral Commission, or not.

Local Government (Elections) Amendment Act 2011

- 2.26 Following the 2012 elections, the transitional arrangements ceased to be in effect and a key provision under section 296(2) is now operative. This section provides that a council can now enter into an arrangement with the Electoral Commission, by contract or otherwise, for the Electoral Commission to administer elections of the council. If such an arrangement is entered into, the Electoral Commission is to administer elections of the council in accordance with the arrangement.
- 2.27 This provision essentially enables councils to enter into arrangements with the Electoral Commission and allows councils to negotiate the level of service required by, and fees to be paid to, the Electoral Commission. This is now in effect ahead of the 2016 elections.

Chapter Three – Election Processes and Costs

- 3.1 This Chapter considers the experience of councils that resolved to conduct their own elections or outsource to a third party, with those that engaged the services of the Electoral Commission. Particular attention is paid to the feedback of councils and any particular difficulties that arose. The Chapter also compares the costs incurred by all councils in administering the 2012 elections, as well as a comparison of costs in 2012 from 2008.

The Outsourcing of Elections

- 3.2 As a result of the amendments to the *Local Government Act 1993* (the Act) that enabled councils to conduct their own elections, 14 councils exercised this option.
- 3.3 There had been some discussion about the appropriateness of allowing councils to conduct their own elections in the lead-up to the changes, and the matter was not settled without some controversy.
- 3.4 In its submission, the Hills Shire Council summed up its reasons for why the Electoral Commission should be the sole authority with responsibility to administer elections. It explained its reasoning as follows:

The conduct of the election at arms-length ensures independence, ensures the general manager is not under any pressure by either existing or potential councillors and when tough decisions need to be made ... these decisions are made at arms-length.⁵

- 3.5 The Electoral Commission had itself earlier cautioned against this change, noting the possible implications on the integrity of the election, inconsistencies in the provision of services, and logistical issues that could arise.⁶

- 3.6 Specifically, the Commissioner stated:

I'm not quite sure it was the Government's intention to allow for the privatisation of the conduct of local government elections. Even if it was understood that council might delegate to a private entity its new function to conduct its own elections, the electors for that council are would rightly expect some regulation around the provisions of services around those entities.⁷

- 3.7 Although not expressly referring to the matter of council-run elections, the previous Committee made the following comments in relation to the 2008 elections, prior to the decision being taken to allow councils to run their own elections:

⁵ The Hills Shire Council, Submission No 3, at p1

⁶ Colin Barry, Electoral Commissioner, *Transcript of Evidence*, 26 August 2013, at p13

⁷ Colin Barry, Electoral Commissioner, *Address to the Joint Standing Committee on Electoral Matters*, 26 August 2013 at p6

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The Committee supports the current legislative and policy framework and is of the strong belief that the Electoral Commissioner's role in conducting local government elections is significant in terms of the independence and integrity of the election process, consistency of services and the transparency of procedures for voters, candidates and the local government sector.⁸

- 3.8 The current Committee recognises that there was some initial hesitation to grant councils autonomy on electoral matters. The Committee also notes that the purpose of a full time Electoral Commission and staff is to prepare and conduct elections for varying spheres of government, as well as clubs, and industrial and statutory boards.
- 3.9 However, the Committee is also mindful of the alternative view, one that maximises the flexibility of councils and grants them choice to conduct elections under their own auspices. This is particularly pertinent given cost burdens on councils, who ultimately have to be responsible to ratepayers for all council expenditure, including the cost of elections.
- 3.10 As a result, the *Local Government Amendment (Elections) Bill 2011* was introduced into Parliament, designed to fulfil the Government's commitment to return autonomy to local councils by giving them back the powers they enjoyed in the past to conduct their own elections.
- 3.11 In his second reading speech to Parliament, the Minister for Local Government, the Hon. Don Page, advised that:
- This Bill was introduced following a significant increase in fees faced by all councils following the Electoral Commission's decision to conduct elections on a full cost recovery basis. The Local Government and Shires Association (as it was then known) pressed this issue in its publication entitled 'NSW Election Priorities 2011' that given the cost shift from the NSW Government to councils, then the responsibility of conducting elections should stay with the individual councils should it wish to do so.⁹
- 3.12 It was considered that with local knowledge, onsite resources and in-kind contributions – including utilising existing staff – councils could save considerably on cost.
- 3.13 Following the announcement of the change by the Government, Local Government NSW issued a press release in which it applauded the decision, stating:
- Councils now have the flexibility and choice to determine if they will manage the elections themselves, or to appoint the NSW Electoral Commission to do so. Councils will now be fully aware and able to manage the costs associated with running elections themselves.¹⁰

⁸ Joint Standing Committee on Electoral Matters, *2008 Local Government Elections*, June 2010, at p10

⁹ The Hon. Don Page MP, *Legislative Assembly Debates*, 15 June 2011 at p2331; Local Government NSW, *NSW Election Priorities 2011* at <http://www.lgnsw.org.au/policy/nsw-election-priorities-2011>, accessed 28 January 2014

¹⁰ Local Government NSW, *Media Release: Councils applaud the returning of power to manage their own elections*, 23 June 2011

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- 3.14 The Committee is mindful of the two schools of argument being discussed. The Committee appreciates the valid concerns that administrators of an election should be sufficiently independent to maintain high levels of integrity with the election process. Similarly, the Committee is aware that substantial costs savings could be made where individual councils undertake their own election.
- 3.15 The Committee notes that, despite some initial reservations, providing councils with the flexibility and autonomy to conduct their own elections has been well received. In its *Review of 2012 Council Run Elections*, the Department of Premier and Cabinet gave no indication of any dissatisfaction with the outcome of the elections, or intention to retreat on the reforms.¹¹ In fact, laws are now in place to further enhance the ability of councils to negotiate tailored packages for the conduct of elections to best meet individual council needs.
- 3.16 For its part, the Electoral Commission also recognised the positive experience many councils had in running their own elections. In evidence provided to the Committee, the Commissioner said:

From the perspective of the commission the experience of councils who have conducted their own elections varied. However, in reading their submissions they all have said that they have done a satisfactory or good job and in reading evidence from their recent roundtable here they will all do it again. I think that is good. Choice is terrific. Councils will be able to decide on the most appropriate administrator for their elections. New players who come into the process will revitalise the election procedures and more attention will lead to further innovation within the industry.¹²

Committee Comment

- 3.17 The Committee has considered the views of the many stakeholders that participated in this Inquiry and notes the broad satisfaction concerning the ability for councils to run their own elections. The Committee also notes the general lack of concerns about the performance of council-run elections in submissions to this Inquiry, especially when compared to some of the matters that were discussed prior to the 2012 elections.
- 3.18 As a result of these considerations, the Committee does not deem it necessary to revisit discussions about the appropriateness of council-run elections. The Committee is of the view that the current arrangements are appropriate, and there is no need to vary or rescind the current autonomy granted to councils.
- 3.19 However, the Committee does consider it necessary that a continual review of the arrangements take place following each round of elections. This is particularly pertinent given that the 2016 elections will be conducted under a different regulatory environment.
- 3.20 To this end, the Committee recommends that both the Department of Premier and Cabinet and the next Joint Standing Committee on Electoral Matters reviews the administration of future elections to ensure that the objectives and standards of holding the elections continue to be met. The Committee stresses that

¹¹ Premier and Cabinet, Division of Local Government, *Review of 2012 Council Run Elections*, June 2013

¹² Colin Barry, Electoral Commissioner, *Transcript of Evidence*, 26 August 2013, at p13

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particular emphasis be placed on reviewing the success of council-run elections, ensuring that they are conducted without political interference, and at appropriate arms-length from candidates and elected representatives.

RECOMMENDATION 1

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.

Data Collection

- 3.21 During the course of this Inquiry, the Committee was unable to compare certain data between councils that conducted their own election, and those that contracted the services of the Electoral Commissioner.
- 3.22 For example, overall figures relating to voter turnout were unavailable given the lack of data provided by councils that conducted their own election. Similarly, it was difficult to ascertain statewide totals of candidates that nominated for election as data for councils that conducted their own election was likewise not submitted.
- 3.23 Under section 393A of the *Local Government (General) Regulation 2005*, elections administered by council are required to report on the conduct of its election to the Division of Local Government. The list of matters in which they must report on include: time spent running the election; costs, including the remuneration of staff; electoral services provided; and other operational details of the election. There is no requirement to provide information on the number of candidates nominating or the voter turnout.

Committee Comment

- 3.24 The Committee considers it useful that data on the number of candidates nominating, together with overall voter turnout figures, be included in the council's report on the conduct of the election. This will make comparisons between elections administered by councils and elections administered by the Electoral Commission, significantly easier for future inquiries.

RECOMMENDATION 2

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.

Council-run Elections

- 3.25 Fourteen councils that resolved to conduct their own elections did so under a range of different administrative arrangements. Ten councils outsourced the running of the election in its entirety, including the ballot count, to the Australian Election Company. A further three councils used the services of the Australian Election Company to varying degrees, including Botany Bay and Sutherland which purchased manuals and other resources, but otherwise conducted their elections

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in-house. Lane Cove similarly used some services from the Australian Election Company but otherwise managed its own count. Only one council, Gunnedah, conducted its election wholly in-house.

- 3.26 Another council, Narrabri, had initially resolved to conduct its own election but subsequently faced considerable difficulties in making the necessary arrangements to ensure a successful election. As a result, Narrabri was forced to make alternative arrangements by engaging the services of the Electoral Commission fairly late in the electoral cycle. The issue of Narrabri Council is canvassed in broader detail below.
- 3.27 One further council, Cessnock, also sought to change their arrangements by switching from an outsourced election to one conducted by the Electoral Commission, but was unable to do so due to legislative limitations and lateness.¹³
- 3.28 Under arrangements ahead of the 2012 elections, all councils were granted until 30 November 2011 to engage the services of the Electoral Commission. Narrabri had resolved to conduct its election in-house on 15 November 2011. By May 2012, it became apparent that it would not be able to secure a suitably qualified returning officer, which would be critical to ensuring a viable election. In discussions with the Division of Local Government, the council expressed its concern that it may not have the necessary arrangements in place by the September 2012 elections.
- 3.29 As the deadline for councils to engage the Electoral Commission to conduct their elections had expired six months earlier, this necessitated a change to the *Local Government Regulation* to allow the Electoral Commission to conduct the election so late in the process. As a result, the *Local Government (General) Amendment (Narrabri Elections) Regulation 2012* was made in May 2012. This extended the deadline for Narrabri to engage the Electoral Commission to administer its elections, polls, and constitutional referendums until 1 June 2012, an option which the council subsequently invoked.
- 3.30 The experience of Narrabri prompted the Department of Premier and Cabinet to comment in its *Review of 2012 Council Run Elections* that:
- Councils need to be mindful of the risks associated with making the decision to conduct their elections and ensure that they have the capacity to conduct the election and have all necessary arrangements in place prior to deciding to do so.¹⁴
- 3.31 The Department of Premier and Cabinet stated that this would include each council being confident that it has a suitably qualified returning officer and substitute in place. The Department further noted that this may not be achievable for many councils, particularly those in remote and rural regions, and stressed that the success of an election is dependent on having access to competent and experienced returning officers.

¹³ New South Wales Electoral Commission, *Report on the Local Government Elections 2012*, at p95

¹⁴ Premier and Cabinet, Division of Local Government, *Review of 2012 Council Run Elections*, June 2013, at p3

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Committee Comment

- 3.32 The Committee supports the views of the Division of Local Government and emphasises the need for all councils that resolve to administer their own elections to be confident in their ability to put the necessary arrangements in place.
- 3.33 The Committee notes that of the 152 councils in NSW, only two resolved to administer their own election wholly in-house, Narrabri and Gunnedah. It was intended that both these councils would conduct their elections without the assistance of external third parties (most notably the Australian Election Company). Of those two, only Gunnedah was able to proceed successfully.
- 3.34 While all councils must decide whether to have the Commissioner administer their election by March 2015, it is possible that the Narrabri experience could be repeated, requiring the council to either outsource the conduct of its election to a private contractor or engage the services of the Electoral Commission at relatively short notice.
- 3.35 The potential lateness of this shift may result in an appreciable burden on either the contractor or the Electoral Commission to make suitable arrangements in time ahead of the 2016 elections. While the 2012 elections in Narrabri were ultimately successful and event-free on polling day, the same guarantee cannot be made for future elections.
- 3.36 It is the Committee's opinion that councils that resolve to administer their elections in-house be required to put a brief to the Division of Local Government, demonstrating its capacity to administer a successful election. This brief should include the council's ability to access experienced and competent returning officers, as well as possible substitutes. The brief should explain what contingencies the council has in place should difficulties arise during preparation for the election. This brief should be forwarded to the Division of Local Government at a minimum of 12 months ahead of the elections.
- 3.37 This requirement will compel councils to consider carefully their capacity to conduct their own election, together with the risks associated in proceeding with an in-house election, in advance. This will also allow sufficient time to make alternative arrangements in the event that a council finds itself in doubt as to its ability to conduct the election. Similarly, this will also allow ample opportunity to make those alternative arrangements should the Division of Local Government raise doubts or is not satisfied as to the ability of the council to conduct the election.
- 3.38 The Committee suggests that the brief be prepared and forwarded to the Division of Local Government no later than 15 months prior to the 2016 election. This will align with current and recommended requirements for all other councils to have their arrangements with electoral service providers in place at least 15 months in advance (see below).

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RECOMMENDATION 3

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.

Costs of the Commission-run Elections

- 3.39 The responsibility for meeting the costs associated with conducting elections rests with the council, with expenses incurred by the Electoral Commission to be repaid on a full cost recovery basis.¹⁵ This has been the case since 2008, and the 2012 elections was the second time the Electoral Commission has operated on this basis.
- 3.40 The Act does not define the types of costs to be payable to the Electoral Commission, and does not make specific provision for either direct or indirect costs to be recovered.
- 3.41 The shift to full cost recovery was instigated ahead of the 2008 elections, and was the result of a Cost and Quality of Government (CQOG) review of the then State Electoral Office which found that it was not adequately recouping the costs associated with the conduct of local government elections.¹⁶
- 3.42 In its report entitled *2008 Local Government Elections*, the equivalent Committee of the previous Parliament similarly noted that:
- It should be appreciated that the move to a full cost recovery system was intended to reveal the hidden costs of running the elections and to record the costs that the Commissioner and councils had previously absorbed.¹⁷
- 3.43 While councils are required to ultimately foot the bill of their elections, the Electoral Commission does not require advance payment from councils as the NSW Treasury provides an advance to the Electoral Commission based upon estimates of the total cost of the elections.
- 3.44 In 2012, the NSW Treasury provided an advance to the Electoral Commission of \$29.6 million to facilitate the administration of the elections. Despite this, final expenditure incurred was significantly lower, at \$21.03 million. The Electoral Commission has advised that this was due to a decrease in the overall number of councils it serviced, together with the cost of the elections being lower than estimated initially.¹⁸
- 3.45 The Electoral Commission has also advised that, although councils are required to bear the cost of the elections, 'the reality is a little more complicated'.¹⁹ While

¹⁵ *Local Government Act 1993*, s296(7)

¹⁶ Joint Standing Committee on Electoral Matters, *2008 Local Government Elections*, June 2010, at p16

¹⁷ Joint Standing Committee on Electoral Matters, *2008 Local Government Elections*, June 2010, at p29

¹⁸ New South Wales Electoral Commission, *Report on the Local Government Elections 2012*, at p37

¹⁹ New South Wales Electoral Commission, *Report on the Local Government Elections 2012*, at p37

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the State Government does not provide direct funding for the conduct of the elections, certain key and ancillary functions are in fact provided for by the State Government. For example, enrolment functions and the cost of maintaining and updating the electoral roll are met by the State Government, as well as capital equipment such as IT systems.

- 3.46 To allow councils to budget ahead of the 2012 elections, the Electoral Commission circulated a brief to all councils in NSW in August 2011 and advised of a general formula that could be applied to determine an estimate. Depending on consideration of expected costs, councils could then use this information to seek better and cheaper arrangements from the private sector. The formula was to be applied using final costs from the 2008 local government elections.
- 3.47 This formula consisted of four key mark-ups:
- (a) Wage increases in the public sector increasing over four years by 4% per annum;
 - (b) Other operational costs increasing over four years at CPI (cumulatively estimated at 12.8%);
 - (c) Total number of electors being serviced likely to have increased (a relative increase in roll numbers requiring an equivalent increase in costs); and
 - (d) Potential economy of scale losses with a reduced number of councils electing to use the services of the Commissioner. The result would be a distribution of overall costs across a smaller pool of client councils. The Commission was unable to quantify the impact ahead of the elections.²⁰
- 3.48 Following this advice, 136 of 152 councils –representing 91.6% of all councils in NSW – chose to engage the services of the Electoral Commission.²¹
- 3.49 Across those 136 councils, the total cost of running elections was \$23.4 million. This represented a cost saving of \$2.5 million from the 2008 elections, despite there being an additional 300,000 voters enrolled from 4.5 million in 2008, to 4.8 million in 2012.
- 3.50 However, this apparent cost saving is offset when considering that there were fewer council elections run by the Electoral Commission in 2012 when compared with 2008, in light of the fact that 14 councils exercised the option to conduct their own election. As such, the cost of the elections per capita – or the cost averaged out per elector – increased to \$6.49 in 2012 from a total cost of \$5.71 per elector in 2008.²²
- 3.51 As with many submissions received by the previous committee in its review of the 2008 Local Government elections, the Inquiry process revealed a number of complaints about the high costs of the Electoral Commission's services. This is despite the fact that all councils were advised ahead of the elections of the

²⁰ Premier and Cabinet, Division of Local Government, *Review of 2012 Council Run Elections*, June 2013, at pp.9- 10

²¹ New South Wales Electoral Commission, *Report on the Local Government Elections 2012*, at p13

²² New South Wales Electoral Commission, *Report on the Local Government Elections 2012*, at p14

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expected costs and were accorded the opportunity to source alternative electoral service providers.

3.52 Wentworth Shire Council advised that:

As a rural remote council, the large costs incurred for the conduct of council elections is an added burden on Council's budget.²³

3.53 Similar sentiments were expressed by Lismore City Council, noting:

While Council had some ability to reduce costs through negotiating the number of booths, use of Council officers and offices for pre-poll, the cost remains an unreasonable burden on our Council...²⁴

3.54 Camden Council noted in its submission that:

Given that costings continue to increase, Council is concerned in regards to cost shifting and disproportionate expenditure to [the] number of electors...²⁵

3.55 However, other councils considered that the Electoral Commission's fees were either competitive or value-for-money. In particular, some councils expressed the view that the Electoral Commission's fees – while conceding that they were expensive – were nonetheless worthwhile because of its independence from council and ability to administer the elections at arms-length.

3.56 Mid-Western Regional Council noted that:

The Mid-Western Regional Council believes it is appropriate that the management and administration of the election process remains independent from Council bureaucracy. This Council sought two prices to undertake the management of the 2012 election process, one from the NSW Electoral Commission and the other from a private company. The estimate supplied by the Electoral Commission was very competitive. Thus Council is of the opinion that if private enterprise cannot undertake the election process at a lesser cost, then the amount Council paid must be reasonable.²⁶

3.57 Similarly, the Hills Shire Council made the point that:

A number of councils will complain that the Electoral Commission charges were too high and that they were able to run elections at a lower cost. I challenge these councils to justify that they have fully costed all activities. Further, if these councils have the facilities, staff and resources to conduct the elections, then I would also question whether or not in some situations that these councils are over resourced in the first place.²⁷

3.58 Some councils were concerned about the high cost but noted that it could be ameliorated through discussions to the satisfaction of all parties. Wollondilly Shire Council advised:

²³ Wentworth Shire Council, Submission No 8, at p1

²⁴ Lismore City Council Submission No 23, at p1

²⁵ Camden Council, Submission No 48, at p1

²⁶ Mid-Western Regional Council, Submission No 59, at p1

²⁷ The Hills Shire Council, Submission No 3, at p2

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... Through regular meetings those concerns were as much as possible addressed...²⁸

- 3.59 Other councils were satisfied that the fees were in line with their expectations, or even lower than initially expected. Rachel Symons of Bankstown City Council told the Committee:

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.²⁹

- 3.60 Moree Plains Shire Council experienced something similar, and noted that:

Council has been satisfied with the way the NSW Electoral Commission has conducted the last two elections. The estimate provided by the NSW Electoral Commission on conducting the election was less than Council had originally budgeted. When the final invoice arrived, the actual cost was below their estimate by four per cent.³⁰

- 3.61 In response to the increased operating costs of conducting the election, Trevor Follett, Director, Finance, NSW Electoral Commission, advised the Committee that:

Our costs actually increased by 13.8 per cent between 2008 and 2012 if you look at it by the number of electors we serviced. We serviced 136 councils compared to 2008 where we were running the elections for all councils. Between those two election events we had four years of inflation and four years of wage increases. We lost some economy of scale out of only running 136 councils. We had a tendency to lose some of the bigger councils so again there was an economy of scale loss out of that. At the end, if you take it globally across the State, it was a 13.8 per cent increase but we were fairly comfortable with that when you look at inflation and wage increases across that period.³¹

- 3.62 In further responses to questions asked by the Committee that the Electoral Commission's main private competitor – the Australian Election Company – could provide similar services for a lower fee, Mr Follett continued:

There may be significant differences with the competitor in the market. I do not think we have ever claimed to be a low-cost provider. We provide services that are probably a little different to the competitor. We start planning for an election process 18 months ahead. We have a lot of costs that are imposts on us in that we are a State government department. For instance, we run an audit and risk committee and there will be six reviews done by an external accounting firm during the year so we would probably meet \$200,000 additional cost just through our governance of having an audit and risk committee, for instance. A portion of those

²⁸ John Sproule, Manager, Administration Services, Wollondilly Shire Council, *Transcript of Evidence*, 19 August 2013, at p28

²⁹ Rachel Symons, Manager, Executive Services, Bankstown City Council, *Transcript of Evidence*, 16 August 2013, at p32

³⁰ Moree Plains Shire Council, Submission No 69, at p1

³¹ Trevor Follett, Director, Finance, NSW Electoral Commission, *Transcript of Evidence*, 26 August 2013, at p14

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costs are recovered against the local government election in the year that the election is conducted.³²

Committee Comment

- 3.63 While there was a general consensus that the Electoral Commission's fees were expensive, there appears to be a mixed response as to whether those fees are excessive or unreasonable. A broad theme appears to have emerged amongst these councils that while the fees of the Commissioner were high with sharp impacts on a finite budget, the Electoral Commission generally provided quality services. Most councils appear to be satisfied with the overall conduct of the Commission, and considering that 91.6% of councils resolved to nominate the Electoral Commission as the choice provider when the option was offered, this is indicative of broader contentment.
- 3.64 While many councils stressed that costs were high, with some regarding the costs to be disproportionate to the service provided, these costs were not unexpected. Unlike the previous elections in which there was a significant increase in the costs due to implementation of full cost recovery for the first time in 2008, the final invoice issued by the Commissioner in 2012 was met, or should have been met, with little surprise by most councils.
- 3.65 The Committee recognises the significant cost impost on local government given the Election Commission's complete recouping of expenses. The Committee appreciates the burden this presents to many councils, particularly those in rural and remote regions.
- 3.66 However, the Committee is also satisfied that the fee structure of, and costs associated with, a Commission-run election are not unreasonable. The Electoral Commission is a high quality provider, and its fees are not disproportionate to the services provided. The Electoral Commission does not present its self as a lower cost option but because of the nature of the organisation, must recover its costs for the service it provides.

Cost of Council-run Elections

- 3.67 As noted, the option for councils to conduct their own elections was exercised by a total of 14 councils. Generally, these councils had noted the sharp increase in the costs attributed to conducting an election, when compared with elections in previous cycles, including the 2008 election. As such, councils that resolved to assume responsibility for their elections nominated costs as the chief reason for doing so.
- 3.68 In particular, councils were concerned at the lack of fixed and detailed information for the final cost of elections conducted by the Commissioner with the four point formula discussed earlier as the only point of reference. In any case, councils that conducted their own elections were of the belief that they could do it cheaper, or contract out to a third party who could do it cheaper.

³² Trevor Follett, Director, Finance, NSW Electoral Commission, *Transcript of Evidence*, 26 August 2013, at p15

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- 3.69 During a roundtable hearing with a representative sample from these councils, the participants explained their reason for conducting their elections through a third party. As noted by 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.³³
- 3.70 Following the election, all councils that conducted their own election were required to submit final costs to the Department of Premier and Cabinet, together with an indicative cost using the formula supplied by the Electoral Commissioner.³⁴
- 3.71 Specifically, clause 393A of the *Local Government (General) Regulation 2005* requires that report be submitted within six months of the declaration of the poll, which includes the requirement to provide certain information required under that regulation. This includes:
- (a) time spent on election services by the general manager and staff;
 - (b) remuneration of council staff dedicated to the election;
 - (c) remuneration of recruitment and training costs for the elections;
 - (d) cost of information seminars, venue and equipment hire; and
 - (e) other electoral services and operational details of running the election.
- 3.72 A complete, although non-exhaustive, list of information required to be provided is detailed more fully under the relevant clause.
- 3.73 From the pooling of this information, the Department of Premier and Cabinet was able to assess that the combined total of the 14 councils for actual costs in conducting their elections was approximately \$5,469,699.00.³⁵ This compares with an initial estimate of \$6,468,627.00 based on combined estimates calculated using the Electoral Commission's formula, and therefore an estimate of the anticipated combined cost had these councils opted to use the Electoral Commission.
- 3.74 The difference between the estimates and actual figures amounted to approximately \$1,000,000.00, representing an on-paper saving of 15%. While many of the councils that opted for Commission-run elections also reported that the actual cost was lower than the initial estimates, the figure approximating or approaching 15% still represents a significant saving.

³³ Trevor Rowling, Manager Administration, Sutherland Shire Council, *Transcript of Evidence*, 19 August 2013, at p3

³⁴ *Local Government (General) Regulation 2005*, cl 393A

³⁵ One council did not account for staff cost, while another estimated the final cost

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- 3.75 However, it should also be noted that the savings were not uniform across all 14 councils. While Sutherland Shire Council and Lane Cove Council reported a potential saving of 31% and 27% respectively, Kempsey Council reported that its final costs were 11% over the estimate, while Cessnock Council's costs were 15% over the estimate.³⁶
- 3.76 Councils also expressed disappointment at the paucity of information provided by the Commissioner, and this appears to have also been a driver for councils in choosing to outsource their elections. As noted earlier, the only information the Commissioner provided was a four point formula to apply to the final costs of the previous election. While this enabled many councils to gauge a rough estimate, this was not sufficient for many councils. Particular criticism was made of the lack of a fixed quote in which councils could budget for reliably and act with authority.
- 3.77 Greg Roberts, Executive Support Manager of Shoalhaven City Council, advised the Committee that:
- 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 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" ...³⁷
- 3.78 This view was supported by other councils. In its submission, Sutherland Shire Council noted:
- The Electoral Commissioner adopted an intransigent position to control all aspects of the process but was not prepared to provide a contractual quote to Council prior to the decision date (in November 2011).³⁸
- 3.79 This failure to provide a fixed quote prompted Lake Macquarie City Council to recommend that:
- In future elections, the Commissioner should be required to submit a formal and firm quotation to all councils considering the use of their services.³⁹
- 3.80 Many councils considered that the failure to provide fixed quotes was particularly unfair in light of council's requirement to tender. The broad view was that there was not a 'level playing field' and that the Electoral Commission was exempt from the ordinary rules of tendering.⁴⁰
- 3.81 This concern was exacerbated by the Australian Election Company's ability and willingness to provide a fixed quote for councils that sought their services. As noted by Sutherland Shire Council:

³⁶ Premier and Cabinet, Division of Local Government, *Review of 2012 Council Run Elections*, June 2013, at p10

³⁷ Greg Roberts, Executive Support Manager, Shoalhaven City Council, *Transcript of Evidence*, 19 August 2013, at p2

³⁸ Sutherland Shire Council, Submission No 58, at p3

³⁹ Lake Macquarie City Council, Submission No 19, at p1

⁴⁰ Port Stephens Council, Submission No 14, at p2

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We went to the Queensland company and asked them for a quote ... [T]hey gave us a set figure, which was \$150,000 less than the indicative figure from the Electoral Commission.⁴¹

- 3.82 The Department of Premier and Cabinet also noted in its report *Review of 2012 Council Run Elections* that many councils had reported their concern about the lack of a fixed price quote or requirement to tender and suggested that the Electoral Commission be required to do so in future. On this point, the Department of Premier and Cabinet noted:

In raising this concern, however, it would appear the councils failed to recognise that the Commission was required under the transitional provisions to conduct the 2012 elections for councils on a full cost recovery basis.⁴²

- 3.83 The Electoral Commissioner responded in very similar language to the criticism levelled at his office, advising the Committee that:

...[W]here, in the past, councils have said we would not give them a quote, this is true. We would not give them a quote because we were not empowered to give them a quote.⁴³

- 3.84 To this end, as the Electoral Commission was required under the transitional provisions to conduct the 2012 elections for councils on a full cost recovery basis, there was no scope to provide fixed price quotes for the 2012 elections.

Committee Comment

- 3.85 The Committee is satisfied that the information provided by the Electoral Commission would have been generally sufficient to enable councils to determine an indicative cost of administering the elections. While there would have likely been some disparity between the initial estimate and the final cost, the difference should have been marginal in the majority of cases. On this point, most councils – while expressing concern about the high cost of elections in general – were satisfied that the information provided about expected costs was sufficient to determine whether or not to proceed with the Electoral Commission. However, the Committee would appreciate the Electoral Commission making every effort to give councils as close a cost estimate as possible. This will be a matter the Committee will review again following the 2016 Local Government Elections.
- 3.86 Considering the Electoral Commission's obligation to redeem expenses incurred on a full cost recovery basis, there appears to have been little room to manoeuvre.
- 3.87 However, the Committee also notes the frustration of some councils concerning relative lack of information, and the difficulty this may have created in appropriately budgeting for the election.

⁴¹ Trevor Rowling, Manager, Administration, Sutherland Shire Council, *Transcript of Evidence*, 16 August 2013, at p3

⁴² Premier and Cabinet, Division of Local Government, *Review of 2012 Council Run Elections*, June 2013, at p12

⁴³ Colin Barry, Electoral Commissioner, *Transcript of Evidence*, 26 August 2013, at p21

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- 3.88 On these issues, the Committee also notes that the 2012 election was essentially conducted under transitional arrangements, and that new arrangements are in place ahead of the 2016 elections. These new arrangements may ameliorate some of the concerns raised by councils about the lack of a fixed quote ahead of the elections. These new arrangements have been canvassed below.

Future Commission-run Elections

- 3.89 As advised by the Department of Premier and Cabinet, the 2016 elections will be conducted by the Electoral Commission on a contractual basis. The upshot of this will be that the Electoral Commission will be free to negotiate with councils on commercial terms concerning the administration of each individual council election.

- 3.90 This change was facilitated by passage of the *Local Government Amendment (Elections) Bill 2011*, by which under new section 296(2), a council can enter into an arrangement with the Electoral Commissioner, by contract or otherwise, for the Electoral Commissioner to administer elections of the council. If such an arrangement is entered into, the Electoral Commissioner is required to administer the election in accordance with the arrangement.⁴⁴

- 3.91 On this point, the Electoral Commission has established its expectations as to how engagement with councils will be arranged for future elections, and how it will differ compared to previous years. In particular, the Commissioner advised the Committee:

For 2012 the Commission was not empowered to enter into a contract with councils. If councils resolved that they wanted the Commission to run the election then we ran the election on the transitional arrangements, which was basically how it had been in the past. In the future, however, the Commission will give councils a quotation—and we will have to sign a contract with councils.⁴⁵

- 3.92 The Commissioner has noted that these new arrangements do not come without potential problems. Specifically, with the new contractual arrangements the provision of electoral services for councils outside of the metropolitan area is not a viable economic proposition for the Electoral Commission.

- 3.93 The Commissioner has warned of the impacts of these changes in the following terms:

The costing model utilised to date to some extent evens out costs across NSW but this will not be possible in a contestable model going forward and it will be uneconomic for the Electoral Commission to provide election services to the smaller, more remote rural councils.

As the Electoral Commission is not compelled to conduct elections even if approached by a council, this raises public policy issues around the possibility that

⁴⁴ *Local Government Act 1993*, s296(2)

⁴⁵ Colin Barry, Electoral Commissioner, *Transcript of Evidence*, 26 August 2013, at p21

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some smaller or more rurally located councils may not have the same access to the providers of election services as other larger, metropolitan councils.⁴⁶

- 3.94 This issue may be exacerbated by the fact that there appears to be only one main alternative to the Electoral Commissioner on the market – the Australian Election Company – and it is conceivable there is a limit to how many elections the Australian Election Company can conduct viably. As the principal, Richard Kidd, advised the Committee:

The opportunity arose in 2011 to provide quotations to councils for the conduct of elections for local government in New South Wales for the September 2012 elections. We were overwhelmed with the response, quite frankly, and there were 65 councils that approached us. We provided detailed quotations to those councils and that ultimately derived assistance with 13 councils, basically outright running 10 of them.⁴⁷

- 3.95 In response to the capacity for the Australian Election Company to run 65 elections, Mr Kidd responded:

We would have been grappling but we would have done it. Failure is not a word in my vocabulary. We do not really want to run 65 elections and we did not expect that we would, but we would be happy to run a lesser number. But if we got 65 we would run them and we would run them properly, as well as we possibly could. We ramp up and ramp down as we need to, but recruitment is a little bit of a problem.⁴⁸

- 3.96 As such, with the new provisions and given the lack of a proper competitive market, it is conceivable that some councils will not have access to adequate electoral service providers ahead of the 2016 elections. This may require some councils to conduct their elections wholly in-house which, as the experience of Narrabri has demonstrated, may not be a viable option.

Committee Comment

- 3.97 The Committee notes that the 2012 elections were conducted under transitional arrangements and is cognisant of the fact that preparations will soon be underway for the 2016 elections to be held with greater flexibility and more options for councils participating in Commission-run elections.
- 3.98 However, the Committee is also mindful of the reality that, in enabling councils to lower their costs by independently negotiating with the Electoral Commission, this may result in other councils being excluded from access to qualified electoral service providers. This problem is particularly pronounced for rural and more remotely located councils.
- 3.99 These are serious matters which may come to the fore when negotiations are underway between councils and the Election Commission in the months preceding the 2016 elections.

⁴⁶ New South Wales Electoral Commission, *Report on the Local Government Elections 2012*, at p100

⁴⁷ Richard Kidd, Principal, Australian Election Company, *Transcript of Evidence*, 26 August 2013, at p2

⁴⁸ Richard Kidd, Principal, Australian Election Company, *Transcript of Evidence*, 26 August 2013, at p10

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- 3.100 As it is Government policy to move away from default full cost recovery to a system that allows for councils to negotiate contracts on an individual basis with the Electoral Commission, it is incumbent upon the Department of Premier and Cabinet to ensure that all councils have secured appropriate alternatives should negotiations between a council and the Electoral Commission stall or fail.
- 3.101 This would require ensuring that, if a council has not resolved to proceed with an election in-house, that contractual arrangements should in place with an appropriate electoral service provider at least 15 months prior to the 2016 elections.
- 3.102 An amendment of this nature will align closely with existing provisions under section 296(3)(b) of the *Local Government Act 1993* that require councils in which the Electoral Commission is conducting its election, to have contractual arrangements in place no later than 15 months before the 2016 elections.

RECOMMENDATION 4

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.

Payroll Tax

- 3.103 One of the outstanding issues of concern was the perception that the Electoral Commission is exempt from payroll tax. As such, this puts direct private sector competitors – in particular the Australian Election Company – at a competitive disadvantage given the need for the Company to either absorb the payroll tax or pass it on to its client councils.
- 3.104 Citing the 5.45% payroll tax it is obliged to pay on all staffing costs, the Australian Election Company took issue that there was not ‘a level playing field’. They recommended that to ensure fairness, either the Electoral Commission should be required to pay payroll tax, or a special dispensation be made to electoral service providers that conduct NSW local government elections which similarly exempts them from payroll tax obligations.⁴⁹
- 3.105 These concerns were shared by a number of councils in which the Australian Election Company conducted the elections. Shoalhaven City Council advised the Committee that:

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.⁵⁰

⁴⁹ Australian Election Company, Submission No 72, at p4

⁵⁰ Greg Roberts, Executive Support Manager, Shoalhaven City Council, *Transcript of Evidence*, 19 August 2013, at p13

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3.106 Penrith City Council echoed similar sentiments concerning the additional payroll tax component of the invoice.⁵¹

3.107 In response to these concerns, the Electoral Commission has advised:

It has been mentioned that we do not pay payroll tax. That is not correct. We do pay payroll tax and in fact compared to other organisations would probably pay a little more in that we do not have a threshold benefit of \$750,000 tax free before the 5.45% comes in.⁵²

3.108 Schedule 3 of the *Public Finance and Audit Act 1983* provides a list of Government departments that together constitute a group that are required to pay the flat rate of payroll tax. The Electoral Commission is a listed department.

Committee Comment

3.109 The Committee understands that the Electoral Commission is subject to payroll tax, despite some misconceptions to the contrary. In the absence of further information to suggest otherwise, the Committee is satisfied that the current policy concerning the payment of payroll tax for all electoral service providers is appropriate. As such, the Committee does not recommend any alteration to these arrangements.

Fine Revenue

3.110 The Electoral Commission has an obligation under section 313(3) of the *Local Government 1993* to issue penalty notices for electors who fail to vote in elections and do not have valid reasons for not voting. Valid reasons include death, absence from the area on polling day, religious reasons, or any other ineligibility to vote.⁵³ The penalty for not voting is \$55.⁵⁴

3.111 While the Electoral Commission is responsible for undertaking this process for elections it ran, councils that ran their own elections were similarly responsible, in collaboration with the Electoral Commission.

3.112 On the issue of collaboration, Botany City Council advised the Committee:

You need to recognise also that, apart from sending out the notices, the councils did all the legwork in providing the information, marking off the 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.⁵⁵

3.113 Although the Electoral Commission plays a significant role in the issuing of notices and assessing reasons for a failure to vote, the revenue from the fines itself is collected by the State Debt Recovery Office which forwards these revenues into the Treasury's Consolidated Fund.

⁵¹ Stephen Britten, Chief Governance Officer, Penrith City Council, *Transcript of Evidence*, 19 August 2013, at p31

⁵² Trevor Follett, Director, Finance, *Transcript of Evidence*, 26 August 2013, at p14

⁵³ *Local Government Act 1998*, s314(6)

⁵⁴ *Local Government Act 1998*, s314(3)(b)

⁵⁵ John Patterson, Manager Special Projects, Botany Bay City Council, *Transcript of Evidence*, 19 August 2013, at p13

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- 3.114 This has been a cause of concern for Local Government NSW which, in its submission, argued that the fine revenue should be returned to the respective councils, deeming it inappropriate for the funds to collate in consolidated revenue. Local Government NSW cited the Victorian experience of returning fine revenue as an example.⁵⁶
- 3.115 Local Government NSW also argued that the amount of fine revenue generated was not insignificant and could be helped to offset some of councils' costs in running the elections.⁵⁷ This proposition received some support from Lane Cove Council which argued the returned moneys could be used on communications expenses to make voting more accessible in future elections.⁵⁸

Committee Comment

- 3.116 The Committee supports the concept of returning fine revenue to councils for electors that fail to vote in elections. Councils currently use the State Debt Recovery Office for fines issued by Councils for breaches of local by-laws and receive the corresponding revenue. Given that councils are paying for the conduct of their elections, they should similarly receive any corresponding fine revenue that accrues from this exercise.

Satisfaction of Election Providers

- 3.117 Costs aside, each of the councils that provided a submission to the Inquiry or who appeared before the Committee at one of its public hearings, had comments about the performance of both the Electoral Commission and the Australian Election Company, together with suggestions for improvement.

NSW Electoral Commission

- 3.118 The Committee received submissions from over 43 councils whose elections were administered by the Electoral Commission, and a further seven submissions from councils that did not proceed with the Electoral Commission.
- 3.119 Each of the councils that provided submissions to the Inquiry did so independently but there was generally a high level of satisfaction with the Electoral Commission's service. The issues that were raised in council submissions were generally ancillary or minor in nature, or were particular issues to that council and often not indicative of broader, systemic concerns.
- 3.120 The remarks from the participating councils at the Inquiry's public hearing in August 2013 reflected the overall opinion of the Electoral Commission's performance.
- 3.121 Wollondilly Shire Council informed the Committee:
- 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

⁵⁶ Local Government and Shires Association, Submission No 64, at p3

⁵⁷ Local Government and Shires Association, Submission No 64, at p3

⁵⁸ Craig Wrightson, General Manager, Lane Cove Council, *Transcript of Evidence*, 19 August 2013, at p20

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and we were quite pleased with the result ... Apart from a number of minor issues there were no significant issues raised regarding the conduct of the election.⁵⁹

- 3.122 Similar sentiments were expressed by Albury City Council which, while identifying a couple of matters needing to be addressed, noted:

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.⁶⁰

- 3.123 Following the elections, the Electoral Commission surveyed the general managers of councils for feedback on its performance. The overwhelming majority of general managers responded to the survey, providing a reliable and statistically significant source of information.

- 3.124 Questions were asked on a broad range of matters. This included the quality and professionalism of returning officers, accuracy of the electoral roll, local and number of both pre-poll venues and polling places, and the efficiency of elections including the satisfaction with time taken to announce results.

- 3.125 The Committee notes that the satisfaction rate with the Electoral Commission exceeded 85.0% on most measures, including a high of 97.0% agreement that the elections were conducted impartially and fairly, and in accordance with the law. However, only 38.5% of respondents agreed that the 2012 results were declared sooner than in 2008. By its own admission, the Electoral Commission has nominated raising awareness of the elections, securing voter participation, and accurate preparation of the electoral roll, as areas in which it performed less satisfactorily.⁶¹

- 3.126 In its *Report on the 2008 Local Government Elections*, the previous Committee noted the valuable information that can be derived from stakeholder feedback.

Committee Comment

- 3.127 The Committee reiterates the views of the previous Committee with respect to the value of stakeholder surveys and subsequent feedback. The Committee welcomes the Electoral Commission's approach following the 2012 elections, and is satisfied with the results. Lastly, the Committee notes that while there is always room for improvement, the feedback provided has generally been positive.

Australian Election Company

- 3.128 The Committee received submissions from eight councils that either outsourced their elections to the Australian Election Company or engaged the Company for certain services, and heard from six of those councils at its public hearing in August 2013.

⁵⁹ John Sproule, Manager, Administration Services, Wollondilly Shire Council, *Transcript of Evidence*, 19 August 2013, at p26

⁶⁰ Judy Charlton, Director, Corporate Services, Albury City Council, *Transcript of Evidence*, 19 August 2013, at p26

⁶¹ New South Wales Electoral Commission, *Report on the Local Government Elections 2012*, at p28

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- 3.129 Fairfield City Council noted in its submission to the Committee that 'overall, [the Council] was satisfied with the service provided by the Australian Election Company'.⁶² In further evidence given at the Inquiry's public hearing, a representative from the Council remarked:

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.⁶³

- 3.130 Similarly, Shoalhaven City Council expressed satisfaction with the conduct of its election, commenting that:

It is considered that the Company provided a satisfactory service and undertook an election that is capable of withstanding any scrutiny.⁶⁴

- 3.131 Lane Cove Council stated:

All candidates and elected Councillors expressed positive comments on the way the election was conducted by Council's Returning Officer (and staff) and were satisfied with the advice and assistance received throughout the process. The elections ran smoothly and fully complied with all legislation.⁶⁵

- 3.132 Lastly, Penrith City Council noted in its submission:

The Council was fortunate that ... the Australian Election Company sourced for us an experienced returning officer to manage the Council's election process. The feedback that the Council received from the candidates for the election was that the returning officer was professional and that he was knowledgeable with all facets of the election process. Additionally, some candidates have advised that they believed that the Council election that was held in 2012 was better managed than the election that was held in 2008.⁶⁶

- 3.133 However, it should be noted that not all councils expressed satisfaction with the performance of the Australian Election Company. In particular, in its report to the Department of Premier and Cabinet, Cessnock City Council notably criticised some aspects of the Company's performance.

- 3.134 The Council commented with respect to early issues with the conduct of the first returning officer that was appointed. After some consultation with the Australian Election Company, the services of the first returning officer were terminated and a substitute was found. However, the Council reported that the delay caused by an unsuitable first returning officer caused difficulties later on, advising that:

⁶² Fairfield City Council, Submission No 65, at p4

⁶³ Petra Tinker, Group Manager, Information Management and Services, Fairfield City Council, *Transcript of Evidence*, 26 August 2013, at p24

⁶⁴ Shoalhaven City Council, Submission No 51, at p1

⁶⁵ Lane Cove Council, Submission No 25, at p3

⁶⁶ Penrith City Council, Submission No 45, at p1

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Cessnock Council staff were required to spend additional time on election matters than was originally anticipated due to the poor performance of the first returning officer provided by the Australian Election Company. The Company did not respond in a timely manner to correcting the issues raised with them and there was, initially, a reluctance to consider matter of concern raised with them. Also, it appeared that the contracted company was not fully conversant with NSW legislation and regulation relating to the conduct of local government elections.⁶⁷

Committee Comment

- 3.135 Despite these criticisms, they were largely unsupported by other councils. Without doubting the experience of Cessnock City Council, it appears that it was the exception concerning stakeholder satisfaction with respect to the performance of the Australian Election Company. As such, the Committee is satisfied that the policy of allowing third parties to conduct elections was successful, and is amenable to allow this practice to continue.

Access to the Electoral Roll

- 3.136 One of the recurring issues that emerged was the refusal by the Electoral Commission to provide councils conducting their own election access to a soft copy of the residential roll. While hard copies of the roll were provided, no such access was provided for soft copies.
- 3.137 Lane Cove Council submitted that:
- Legislation ensured that the Election Commission provided certain information such as hard copy rolls, Registered General Postal Voter information and electronic access to the electoral roll database. However, the level of support was clearly limited and no doubt reflected the decision of the Electoral Commissioner to provide only minimum assistance to non-client councils.⁶⁸
- 3.138 Shoalhaven City Council similarly noted:
- Access to roll data should be provided to councils or the election service provider conducting the election on behalf of councils. The Electoral Commission refused to provide the information to the contractor. Council is mindful of the fact that the roll data is retained by the Australian Electoral Commission, and the New South Wales Electoral Commission is effectively a broker of that data.⁶⁹
- 3.139 Perhaps the most pronounced criticism came from the Australian Election Company, given its responsibility in facilitating 10 council elections. In its submission, it criticised the Commission for:
- Critically, and unfortunately, actual soft copy Electoral Roll data was not provided by the Electoral Commission to the Australian Election Company; although Candidates, upon application, could be provided the data.⁷⁰

⁶⁷ Lea Rosser, General Manager, Cessnock City Council, Letter to the Minister for Local Government, the Hon. Don Page MP, *Election Report for Cessnock City Council*, March 2013

⁶⁸ Lane Cove Council, Submission No 25, at p4

⁶⁹ Shoalhaven City Council, Submission No 51, at p3

⁷⁰ Australian Election Company, Submission 72, at p4

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- 3.140 The Australian Election Company recommended that, should the outsourcing of elections continue to be applied in future elections, then it would be imperative that the Electoral Commission provide electoral data to relevant council service providers. The absence of easy access was regarded as a 'fundamental impediment to operational efficiency and service provision'.⁷¹
- 3.141 In response to these criticisms, the Electoral Commission advised that this complaint was misconceived. The Commissioner advised in an address to the Committee that:
- It is important to note that the Commission only refused to provide councils with a soft copy of the entire NSW roll as well as the use of the iRoll PDAs which contain the entire NSW roll.⁷²
- 3.142 The Commissioner explained that his position was guided by statutory obligation to protect the privacy of electors, and limits placed on his office on the disclosure of elector information in accordance with the *Parliamentary Electorates and Elections Act 1912* and the *Privacy and Personal Information Protection Act 1998*.
- 3.143 Further, the Commissioner explained that councils were provided with access to a secure Commission website which included enrolment details for electors enrolled in their area, as well the names and area for electors not enrolled so that council could answer electors' queries. In addition, councils were provided with a PDF that contained details of electors in their areas/wards to print, as well as a hard copy of the mark-off rolls for their area.

Committee Comment

- 3.144 The Committee is mindful of some of the difficulties experienced by councils that conducted their own election with respect to having sufficient access to a soft copy of the electoral roll.
- 3.145 The Committee notes that these councils and the Australian Election Company which ran their elections, felt encumbered by the limited access to the rolls. As it is likely that more councils will opt to undertake their own elections in 2016, it is important that this issue be resolved.
- 3.146 This may be best achieved by the Division of Local Government providing guidance to the Electoral Commission as to the extent and mode of data that can be provided to councils.
- 3.147 If this is not possible, the Committee believes that it is the democratic obligation of the Electoral Commission to provide soft copy access to rolls so that in the event a Council decides to exercise its right to conduct its elections, it is able to do so.
- 3.148 The Division of Local Government should give thought to minimising the barriers councils have faced in accessing roll data, while safeguarding elector privacy in ensuring that there is not an unreasonable disclosure of information.

⁷¹ Australian Election Company, Submission 72, at p4

⁷² Colin Barry, Electoral Commissioner, *Address to the Joint Standing Committee on Electoral Matters*, 26 August 2013, at p4

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RECOMMENDATION 5

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.

Chapter Four – Candidate Participation

- 4.1 This chapter examines some of the issues related to the experience of candidates who stood for election. The Committee received evidence from councils, successful and unsuccessful candidates, political parties and other interested stakeholders on various aspects of the election as it pertained to candidates. Some barriers to candidate participation were also brought to the Committee's attention.

Candidate Numbers

- 4.2 In the 2012 Local Government Elections, there were 3,939 candidates who stood across the 136 councils whose elections were managed by the Electoral Commission.⁷³
- 4.3 As discussed in Chapter 3, it is difficult to compare data with previous elections as the number of candidates who stood in elections not managed by the Electoral Commission is not included in the Commissioner's report, or reported elsewhere. Therefore, the number of candidates provided for the 2012 election does not include the data from 14 elections. As previously suggested, there would be a benefit in analysing the number of candidates who stood in all council areas in previous elections.
- 4.4 The number of candidates is significantly higher than that for State General Elections, with a total number of 809 candidates standing in the 2011 election.⁷⁴
- 4.5 Thirty-one political parties nominated candidates. However, in those elections managed by the Electoral Commission, the majority of candidates were not nominated by a political party and primarily relied on the Electoral Commission for information and support.⁷⁵ Information on candidates in those elections which were not managed by the Electoral Commission is not available.

Experience of Candidates

- 4.6 On the whole, candidates reported a positive experience during the election. Of those candidates who replied to a survey by the Electoral Commission, 82.8% were satisfied with the Commission's conduct of the election.⁷⁶ 74.2% of candidates responded that they received enough information from the Commission and the Election Funding Authority regarding election funding and disclosure requirements.⁷⁷
- 4.7 The Christian Democratic Party told the Committee that:

⁷³ New South Wales Electoral Commission, *Report on the Local Government Elections 2012*, at p13

⁷⁴ New South Wales Electoral Commission, *Report on the Local Government Elections 2012*, at p76

⁷⁵ New South Wales Electoral Commission, *Report on the Local Government Elections 2012*, at p76

⁷⁶ New South Wales Electoral Commission, *Report on the Local Government Elections 2012*, at p29

⁷⁷ New South Wales Electoral Commission, *Report on the Local Government Elections 2012*, at p28

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There was a great deal of satisfaction in those Council areas where the Electoral Commission took responsibility for the administration of the elections.⁷⁸

- 4.8 Similarly, Lane Cove Council, who chose to run its own elections, reported positive feedback.

All candidates and elected Councillors expressed positive comments on the way the election was conducted by Council's Returning Officer (and staff) and were satisfied with the advice and assistance received throughout the process. The elections ran smoothly and fully complied with all legislation.⁷⁹

The Election Funding, Expenditure and Disclosure Act 1981

- 4.9 Despite the number of candidates who participated in the elections and their mostly positive experiences, the Committee did receive evidence of some impediments to standing for election, and information concerning where candidates encountered certain difficulties. Many of the problems encountered by candidates, or that caused people not to stand for election, related to the requirements of the *Election Funding, Expenditure and Disclosures Act 1981* (the Act).

- 4.10 Cowra Shire Council provided a summary of some of the general concerns surrounding the provision and level of required information that prospective candidates had. These reflected concerns raised by other stakeholders and are as follows:

- Many candidates found the completion of the required documentation [to be] a long and onerous procedure;
- Requirements were not clear, and ... a simplification of forms and procedures is necessary for future elections;
- There seemed to be instances of duplication with regards to information required from candidates;
- Candidates seeking additional information and support from the Election Funding Authority commented that responses received were impersonal, demanding and focussed too much on penalties associated with misreporting under the Act. Experienced Councillors commented that the lack of individual support could be a disincentive to less experienced candidates;
- The requirements of the Act ... cover all level of candidates, up to and including those standing as representatives of political parties. In small rural Councils, most candidates nominate as independents. Simpler reporting requirements for independent candidates may encourage greater participation.⁸⁰

- 4.11 Other specific issues with the requirements under the Act are discussed below.

⁷⁸ Christian Democratic Party, Submission 22, at p3

⁷⁹ Lane Cove Council, Submission 25, at p3

⁸⁰ Cowra Shire Council, Submission 53, at p2

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Expenditure Disclosure and Auditing

- 4.12 The Act provides that all donations received and electoral expenditure incurred must be disclosed to the Election Funding Authority.⁸¹ In addition, should donations and/or expenditure exceed \$2,500, the disclosure must be accompanied by an audit certificate. Should a candidate not receive any donations and also not incur any electoral expenditure, they are still required to make a nil declaration.⁸² In addition, if a candidate receives donations or incurs expenditure greater than \$1,000 they must set up a campaign account.⁸³
- 4.13 The disclosure of expenditure was seen as overly complicated and an unnecessary burden on candidates who are required to complete a significant amount of paperwork.⁸⁴ The majority of issues raised concerned: the requirement for candidates to file a disclosure regardless of their donations and expenditure; keeping a separate campaign account to manage campaign funds; the threshold for requiring a disclosure to be audited; and the necessity of appointing an official agent.
- 4.14 Mid-Western Regional Council recommended that a limit on expenditure should be set for which candidates do not have to file large amounts of such paperwork. They suggested a limit of \$5,000, which could apply to independent candidates, candidates in groups and also electoral tickets.⁸⁵
- 4.15 Similarly, the Electoral Commission also noted that 'the \$1,000 of political donations received or electoral expenditure incurred as the threshold for the requirement for a campaign account is too low' and proposed an increase to \$2,500.⁸⁶
- 4.16 The requirement for a declaration of disclosure to be accompanied by a certificate of an auditor was also seen as problematic, particularly for candidates in regional areas. Ballina Shire Council told the Committee that in their area, it is very difficult to find an appropriate auditor. They stated that:
- ... the requirement for an audit certificate to be completed by a registered company auditor is unreasonable and arduous, particularly in regional areas due to the expense involved, the low financial threshold and the difficulty in identifying a service provider. For example in Ballina Shire we only have one registered company auditor.⁸⁷
- 4.17 Similarly, the Greens noted that the main difficulties encountered by candidates were 'access to and the fees charged by Registered Company Auditors and the various thresholds for requiring an audit'.⁸⁸ They also highlighted the fact that:

⁸¹ *Election Funding, Expenditure and Disclosure Act 1981*, s88 (1)

⁸² *Election Funding, Expenditure and Disclosure Act 1981*, s91(5)

⁸³ *Election Funding, Expenditure and Disclosure Act 1981*, s96A(7)

⁸⁴ Albury City Council, Submission 62, at p5

⁸⁵ Mid-Western Regional Council, Submission 59, at p3

⁸⁶ New South Wales Electoral Commission, *Report on the Local Government Elections 2012*, at p97

⁸⁷ Ballina Shire Council, Submission 4, at p1

⁸⁸ The Greens, Submission 63, at p14

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For political parties the cost of auditing hundreds of ward campaigns that are fairly small is cumulatively high with no obvious benefit to the public.⁸⁹

- 4.18 To improve the situation, a relaxation of the requirements was recommended. Specifically, the Greens recommended that the threshold for requiring an audit be raised from \$2,500 to \$5,000 'for candidates and groups which are not entitled to electoral funding'.⁹⁰ To improve access to auditing services, they also recommended that:

Accredited accountants be included as permitted auditors for returns with amounts less than \$20,000.⁹¹

Appointment of Official Agents

- 4.19 A candidate who stands for election must appoint an official agent. A candidate's official agent is given significant responsibility to help ensure that a candidate or group comply with the relevant legislation, particularly when handling the campaign finances. Official agents must successfully complete an online training program prior to their appointment.⁹² A candidate cannot receive political donations unless they have an official agent and the agent is responsible for operating the candidate's campaign account and lodging a candidate's disclosure of donations and expenditure.⁹³ While a person can be an official agent for more than one candidate or group contesting an election, each appointment must be made separately.⁹⁴
- 4.20 The skills required and the responsibilities placed on official agents caused a number of candidates to have difficulty in identifying a suitable official agent. The appointment of an official agent was seen as a major barrier to candidates standing or planning to stand for election.
- 4.21 Concerns were raised that candidates may not be able to find a suitable person to act as an agent and they appear unnecessary for smaller campaigns. The South East Regional Organisation of Councils submitted that:
- Again the role of the Official Agent poses a range of concerns that will discourage many people from standing for Council. Some candidates may not know a suitable person to undertake the role and there are a number of small Councils where campaign costs do not exceed \$100. The role of the Official Agent seems extreme where campaign costs are minimal and perhaps there needs to be a limit ie \$1000 where the appointment of an official agent is necessary.⁹⁵
- 4.22 An additional problem for candidates who are trying to appoint an agent is that there are significant penalties should they fail to carry out their duties. South East Regional Organisation of Councils observed that: 'significant penalties (up to

⁸⁹ The Greens, Submission 63, at p14

⁹⁰ The Greens, Submission 63, at p14

⁹¹ The Greens, Submission 63, at p14

⁹² *Election Funding, Expenditure and Disclosures Act 1981*, s27

⁹³ *Election Funding, Expenditure and Disclosures Act 1981*, s96A, s96B, and s90

⁹⁴ *Election Funding, Expenditure and Disclosures Act 1981*, s27

⁹⁵ South East Regional Organisation of Councils, Submission 35, at p3

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\$22,000) can apply to official agents who have not carried out their responsibilities in accordance with the Act, even if it was unintentional'.⁹⁶

- 4.23 Other stakeholders also argued that there should be a threshold for donations received or expenditure incurred before a candidate requires an official agent. Narrabri Council informed the Committee that consideration could be given to:

... remove the requirement for candidates to appoint an agent where there is no intention to raise funds or spend over \$1,000. This will remove extra red tape in the nomination and candidature for Local Government.⁹⁷

- 4.24 Similarly, Weddin Shire Council suggested a threshold of \$2,000,⁹⁸ while the South East Regional Organisation of Councils informed the Committee that 'a more realistic figure would be \$5,000'.⁹⁹
- 4.25 Bega Valley Shire Council advised that 'in rural areas, candidates are often self-funded' and suggested that covering self-funded candidates in specific provisions in legislation would encourage more candidates to stand.¹⁰⁰
- 4.26 The Electoral Commission agreed that official agents appeared to be an unnecessary barrier stating that 'there does not seem any compelling argument that a person must appoint another person as their official agent'.¹⁰¹

Spending Caps

- 4.27 The Greens submitted that there should be an introduction of expenditure caps for local government elections. It was argued that otherwise, there was a risk that elections would become 'not contests of political ideas, but rather contests between political bank accounts'.¹⁰²
- 4.28 They suggested that the 'level at which the cap is fixed should be reasonably low to reflect the grassroots nature of local politics'.¹⁰³ They also recognised that the different number of voters in different wards meant that a flexible expenditure cap would be more appropriate. A formula should be devised that would 'create an expenditure cap that was not too low for councils/wards with large enrolments and not too high for councils/wards with low enrolments'.¹⁰⁴

Committee comment

- 4.29 The Committee recognises the importance of maintaining transparency for a candidate's donations and expenditure. The Committee notes that this can sometimes be an onerous process for candidates.

⁹⁶ South East Regional Organisation of Councils, Submission 35, at p3

⁹⁷ Narrabri Shire Council, Submission 27, at p3

⁹⁸ Weddin Shire Council, Submission 20, at p1

⁹⁹ South East Regional Organisation of Councils, Submission 35, at p3

¹⁰⁰ Bega Valley Shire Council, Submission 38, at p2

¹⁰¹ New South Wales Electoral Commission, *Report on the Local Government Elections 2012*, at p96

¹⁰² The Greens, Submission 63, at p11

¹⁰³ The Greens, Submission 63, at p11

¹⁰⁴ The Greens, Submission 63, at p11

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- 4.30 The Committee also notes that the legislation and corresponding regulations regarding a candidate's responsibilities is unnecessarily complex and can be unclear. This can lead to a considerable amount of confusion and ambiguity for prospective candidates. It is the Committee's view that while candidates should have specific responsibilities, and the transparency surrounding donations and expenditure be maintained, the legislation should be simplified.
- 4.31 The Committee has previously recommended that a new electoral Act be introduced which has a clarity of structure and more plain English, and has received a government response.¹⁰⁵
- 4.32 The Committee also notes the recommendation of the Local Government Acts Taskforce for 'the transfer of local government elections law to a single new Elections Act to consolidate all State and local government election provisions along with the regulation of campaign finance and expenditure'.¹⁰⁶
- 4.33 The Committee is of the opinion that the requirement for a candidate to open a campaign account if they receive political donations or incur electoral expenditure of \$1,000 is too low, and this discourages potential candidates from nominating.
- 4.34 Given that a candidate's disclosure is only required to be audited when political donations received or expenditure incurred exceeds \$2,500, the Committee considers that it is appropriate to increase the threshold for requiring a campaign account to \$2,500.

RECOMMENDATION 6

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

- 4.35 It is the opinion of the Committee that the requirement for a properly registered company auditor to verify disclosures is appropriate and should be retained. The Committee recognises the difficulties for certain candidates to identify an appropriate auditor, particularly in regional areas. However, on balance the Committee considers that given a threshold must be reached before a disclosure is required to be audited this is not a significant barrier. The Committee also notes other recommendations made to simplify matters for potential candidates.
- 4.36 The Committee recognises the intention behind the introduction of official agents to assist in managing a candidate's campaign finances. The appointment of an official agent by a candidate helps to ensure that political donations are only spent on election campaigns with the agent managing the campaign account which can only be used for specific purposes. The official agent plays an important role in overseeing the financial records of candidates.

¹⁰⁵ Joint Standing Committee on Electoral Matters, *Review of the Parliamentary Electorates and Elections Act 1912 and the Election Funding, Expenditure and Disclosures Act 1981*, Report 3/55, Parliament of NSW, May 2013 and NSW Government Response dated 5 November 2013

¹⁰⁶ Local Government Acts Taskforce, *A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988*, October 2013, at p35

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- 4.37 However, on balance the Committee finds that the mandatory requirement to appoint an official agent is acting as a significant deterrent to a number of potential candidates. The Committee is of the opinion that should a candidate wish to, they may appoint an official agent to act in the capacity currently outlined in the Act.
- 4.38 Given the scrutiny of donations and expenditure discussed above, the Committee also considers that the appointment of an official agent adds an unnecessary level of complexity for candidates, particularly those running in elections in smaller councils.¹⁰⁷ It is the opinion of the Committee that the removal of mandatory official agents will encourage more candidates to run for election, and simplify the processes for those that do so.

RECOMMENDATION 7

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.

Additional Barriers to Candidate Participation

- 4.39 In addition to the requirements under the *Election Funding, Expenditure and Disclosures Act 1981*, other barriers preventing prospective candidates from taking part in local government were brought to the Committee's attention.

Candidate Information Sessions

- 4.40 The Electoral Commission ran 66 information seminars across NSW during May, June and July for people planning to stand for election. The seminars were attended by 1,266 people. They included presentations from the Electoral Commission, the Election Funding Authority, the Division of Local Government, the Department of Premier and Cabinet and, in some locations, the relevant council and the Australian Local Government's Women's Association.¹⁰⁸
- 4.41 Some stakeholders, however, suggested that there were not enough information sessions held for prospective candidates. They stated that those that were held were often difficult for people to access. For example, Temora Shire Council recommended that information sessions should be held 'in each local government area'.¹⁰⁹
- 4.42 An issue which arose regarding the information sessions was the difference between those sessions hosted in councils which engaged the Electoral Commission to run their elections and those that did not. In council areas where the Electoral Commission did not run the election, the Electoral Commission did not advertise their information sessions to 'avoid candidates coming from other

¹⁰⁷ See, for example, South East Regional Organisation of Councils, Submission 35, at p3 and New South Wales Electoral Commission, *Report on the Local Government Elections 2012*, at p96

¹⁰⁸ New South Wales Electoral Commission, *Report on the Local Government Elections 2012*, at p77.

¹⁰⁹ Temora Shire Council, Submission 44, at p1

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council areas and being confused about messages about the way in which the election was being conducted'.¹¹⁰

- 4.43 For those councils conducting their own elections, the Election Funding Authority conducted their own seminar for the benefit of potential candidates. The Committee heard that these seminars were not as well publicised, particularly by the Electoral Commission, which led to confusion for candidates. Sutherland Shire Council advised that:

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.¹¹¹

- 4.44 When asked about this issue, the Electoral Commission stated that, although they did not advertise the sessions in the major press, they did advertise the sessions hosted by the Election Funding Authority widely:

We advertised widely in all of the local papers in each local council area. We advertised on our website. The council advertised on their website and we invited councils to advertise as widely and as far as they chose to do themselves, being their own election, so it is quite the contrary. We did advertise in local papers for each of those.¹¹²

Committee Comment

- 4.45 The Committee is satisfied with the work of the Electoral Commission and the Election Funding Authority in providing information to candidates. The Committee recognises that the new arrangements regarding whether councils engage the services of the Electoral Commission or run their own elections can cause difficulties. The Committee is pleased that candidates are still able to attend information sessions in either situation.
- 4.46 The Committee fully supports the provision of information sessions for all prospective candidates and is confident that they will remain relevant and authoritative. The Committee also notes the provision of information and its clarity on the websites of the Electoral Commission and the Election Funding Authority.

Candidate Eligibility

- 4.47 The Committee received submissions from some stakeholders in which it was argued that additional restrictions be placed on who can stand for election in Local Government elections.

¹¹⁰ Brian de Celis, Director, Funding and Disclosure, NSW Electoral Commission, *Transcript of Evidence*, 26 August 2013, at p15

¹¹¹ Trevor Rowling, Manager Administration, Sutherland Shire Council, *Transcript of evidence*, 19 August 2013, at p16

¹¹² Brian de Celis, Director, Funding and Disclosure, NSW Electoral Commission, *Transcript of evidence*, 26 August 2013, at p15

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- 4.48 The Greens expressed the view that the election of non-resident candidates leads to 'councillors who are more likely to have conflicts of interest due to having solely a financial interest in the council area and not as a resident'. For this reason, they recommended that only residents of a local government area be eligible to stand as a candidate in the area that they reside.¹¹³
- 4.49 The Christian Democratic Party also pointed out that although property developers are prohibited from donating to candidates, they are able to stand for election. Given that these developers will likely have access to more self-funding than other candidates and the danger of a property developer influencing planning decisions while on council, they recommended that 'property developers not be allowed to stand as candidates for council elections'.¹¹⁴

Committee Comment

- 4.50 The Committee notes these concerns, but in the interest of ensuring all individuals can participate in the democratic process, does not support the view of rendering candidates ineligible on the basis of place of residence, profession, or industry activity.

Candidate Information Sheets

- 4.51 According to section 308(1) of the *Local Government Act 1993*, 'a nomination of a candidate for election to a civic office is to be accompanied by a candidate information sheet in the form of a statutory declaration made by the candidate'.
- 4.52 These information sheets must contain the candidate's name and address and be signed and witnessed by a Justice of the Peace (JP). They may also contain other details, including whether they are nominated by a registered political party, or any personal statements, but these are not compulsory.
- 4.53 Some stakeholders told the Committee that there is insufficient information made available on candidates standing for election, in particular relating to their political affiliation, skills and qualifications.¹¹⁵ The NSW Business Chamber suggested that the provision of such information is made mandatory for candidates and that this is published online and made freely available. Candidates who did not provide this information would not be permitted to stand for election.¹¹⁶
- 4.54 Lane Cove Council observed that candidates were not always aware of how the information sheets are used or that they will be published on the council's website. If this was made clearer, candidates may provide more pertinent information:

¹¹³ The Greens, Submission 63, at p8

¹¹⁴ Christian Democratic Party, Submission 22, at p5

¹¹⁵ NSW Business Chamber, Submission 73, at p4

¹¹⁶ NSW Business Chamber, Submission 73, at p4

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Many candidates were unaware that the sheets were to be placed on the Councils' website and therefore failed to take the opportunity to state their political platform. This should be highlighted to prospective candidates.¹¹⁷

- 4.55 In order to simplify the process for candidates submitting their Information Sheet, it was put to the Committee that the requirement for candidates to have their signature witnessed in accordance with the *Oaths Act 1900* is unnecessary. The Greens noted that it can be inconvenient for candidates to find a suitable witness, 'especially if time is running short and particularly in geographically large LGAs'.¹¹⁸ It was recommended that this requirement be discontinued with just the candidate's signature, a sufficient replacement.

Committee Comment

- 4.56 The Electoral Commission agreed with this proposal stating that the removal of the requirement for a candidate's signature to be witnessed by a JP 'would both streamline processes and more closely align Local Government nomination forms with State General election provisions'.¹¹⁹
- 4.57 The Committee does not find it necessary for Candidate Information Sheets to take the form of a statutory declaration and be witnessed and signed by an authorised person under the *Oaths Act 1900*. The Committee notes the removal of this requirement is a simple and easy way to reduce unnecessary complexity in candidate nominations, and promote further candidate participation. Given that this is not a requirement for candidates in Federal or State elections, the Committee can see no reason for this practice to continue and Local Government nomination forms should be aligned with the provisions for State elections.
- 4.58 The Committee has previously recommended that 'the requirement that a candidate's signature on a local government election nomination form be witnessed by a Justice of the Peace be discontinued'.¹²⁰
- 4.59 Further, the Committee notes that Candidate Information Sheets (CIS) are not seen as particularly useful for voters who want to find out more about candidates. The Committee does not think it is necessary to make further sections of the CIS mandatory but more information should be provided to candidates to clarify how and where their CIS will be published.

RECOMMENDATION 8

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

¹¹⁷ Lane Cove Council, Submission 25, at p5

¹¹⁸ The Greens, Submission 63, at p16

¹¹⁹ New South Wales Electoral Commission, *Report on the Local Government Elections 2012*, at p100

¹²⁰ Joint Standing Committee on Electoral Matters, *2008 Local government elections*, Report 3/54, Parliament of NSW, June 2010.

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Pre-poll Voting

- 4.60 Pursuant to the *Local Government (General) Regulation 2005*, voters who are eligible to vote in person before election day may do so at the office of the returning officer from the twelfth day prior to until the day preceding the election.
- 4.61 Many stakeholders, including both councils and candidates, considered this to be an excessive length of time. Lismore City Council provided their own experience that:
- Two weeks of pre-poll is excessive and would appear to encourage voters to vote prior to election day for convenience only. One week of pre-poll is regarded as sufficient. As more people now appear to be voting pre-poll, the choice of the pre-poll venue and additional staffing will need to be considered for future elections.¹²¹
- 4.62 Candidates who had stood for election also told the Committee that the length of pre-polling was problematic as they could not allocate sufficient time and resources to attending pre-poll stations. As advised by Wingecarribee Shire Council:
- The current pre-poll period is excessive and an unreasonable burden on candidates attending pre-polling stations. Most candidates in Local Government elections are not, and cannot afford to be, full-time politicians and, even if elected, are not remunerated as such. It follows that an extended need to attend on a lengthy pre-poll process is a significant strain on candidates.¹²²
- 4.63 Similarly, councillors from Ku-ring-gai Council told the Committee that 'it's a massive task to have volunteers man the pre-poll for all day for the two weeks'.¹²³ Another councillor suggested that 'five days is more than enough for pre-poll'.¹²⁴
- 4.64 In addition to the length of time made available for pre-polling, Gosford City Council also argued that an excessive number of polling places can make it 'difficult for candidates and candidates' parties to man each polling place'.¹²⁵
- 4.65 One of the main concerns for candidates was the length of time required to spend at the polling places to distribute how-to-vote material. One option presented to the Committee to improve this situation was to provide a notice board at the pre-polling station to which a candidate can post their information. This notice board would be controlled by the returning officer or their staff.¹²⁶

¹²¹ Lismore City Council, Submission 23, at p2

¹²² Wingecarribee Shire Council, Submission 31, at pp2-3

¹²³ Ku-ring-gai Council, Submission 68, at p2

¹²⁴ Ku-ring-gai Council, Submission 68, at p2

¹²⁵ Gosford City Council, Submission 29, at p1

¹²⁶ Narrabri Shire Council Submission 27, at p3

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- 4.66 By contrast, other councils brought to the Committee's attention the popularity of pre-poll voting. A number of councils, including Bankstown City Council, found that 'larger than expected numbers participate[d] in pre-poll voting'.¹²⁷
- 4.67 Due to the popularity of pre-poll voting, other councils considered that the current length of time was adequate or could be extended. Fairfield City Council submitted that:
- Pre-poll voting accounted for 12.1% of all voters, which is an increase from 2008. ... it could be assumed that there will be greater usage of pre-poll voting in the future.
- One consideration for Council to help assist with this predicted increase will be the extension of pre-poll voting times and the possible introduction of additional pre-poll locations in each ward, particularly in the week prior to election day.¹²⁸
- 4.68 Furthermore, several councils supported a proposal to remove the preconditions that must be met before a voter is able to participate in pre-poll voting, especially as they are rarely checked.¹²⁹

Committee Comment

- 4.69 The Committee notes with interest the increasing popularity in pre-poll voting during this election. The Committee understands the pressure on candidates and some of the difficulties they encounter in staffing pre-poll voting locations. However, the Committee is eager to see greater voter participation in all elections and pre-poll voting is an important element of increasing voter participation. This issue, particularly as it relates to voter participation, is discussed further in Chapter 5.

Councillor Wages

- 4.70 Another aspect of local government that was seen as a potential barrier for people who wanted to stand was the salary for a councillor. Some stakeholders suggested that it was not high enough to make standing for election a viable option.
- 4.71 It was submitted to the Committee that the current remuneration for councillors in the Mid-Western Regional Council, which is \$10,000 per year plus at cost reimbursement of expenses is too low for candidates who do not have alternative sources of income.¹³⁰ The Mid-Western Regional Council told the Committee that:
- Any community spirited person with limited resources could never have a chance to fully participate in Council and local democracy if they are not adequately compensated for their time and effort.¹³¹

¹²⁷ Bankstown City Council, Submission 70, at p3

¹²⁸ Fairfield City Council, Submission 65, at p5

¹²⁹ For example, Mr Peter Doyle, Manager, Executive Services, The Hills Shire Council, *Transcript of Evidence*, 19 August 2013, p32; Cllr Christine Forster, Councillor, City of Sydney; and Mr Peter Coulton, Director of Corporate Services, Local Government NSW, *Transcript of Evidence*, 16 September 2013 p23 and p29 respectively.

¹³⁰ Mid-Western Regional Council, Submission 59, at p3

¹³¹ Mid-Western Regional Council, Submission 59, at p3

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- 4.72 The Greens also noted that 'councillor allowances are based on the council's size and presently range from roughly \$7,500 to \$25,000 annually with most councillors receiving no more than \$16,000'. They claimed that this is preventing people from running for office as they are unable to make the financial sacrifices necessary. As such, they recommended a wage increase for councillors based on an estimated work load of three days a week and that this be funded by the NSW Government.¹³²
- 4.73 Conversely, an existing councillor disagreed with the suggestion that the role should become full-time and attract higher pay. It was his argument that candidates are aware of the current situation and should be prepared to accept it if they wish to stand. He further argued that councillors can also rely on the council staff for support.

I don't support Councillors seeking to become full time nor the lobbying for commercial rates of pay. Serving your community is just that, service. If Councillors think the role is underpaid, then don't nominate ... Any argument for specific expertise overlooks why Councils have highly paid executive and employ consultants to provide just that.¹³³

Committee Comment

- 4.74 The Committee appreciates that councillors are often remunerated at rates that do not adequately reflect their time and effort in the job. The Committee is also aware that a higher wage would undoubtedly attract a wider pool of candidates given the larger monetary incentives on offer.
- 4.75 However, the Committee does not agree that this is an appropriate avenue of overcoming barriers to candidate participation, especially when there are other methods to consider. Election to office is a civic privilege and remuneration should be a secondary consideration when considering whether to nominate or not. Further, the role of a councillor is not a full time position, and wages should reflect this.

Countbacks

- 4.76 When a seat in a council becomes vacant, the vacancy is filled by holding a by-election. If this vacancy and by-election occurs shortly after the original election it was seen as a further impost on candidates who may be unable to allocate the time or resources to stand for election again.
- 4.77 An option presented to the Committee was to implement the system of a countback to fill casual vacancies. In this situation, the vacant seat is filled using the polling figures from the original election and the candidate with the largest vote who did not gain a seat fills the vacancy.
- 4.78 In support of the countback system, the Committee received evidence that Victoria, Tasmania and the ACT elect councils by proportional representation in a

¹³² The Greens, Submission 63, at p9

¹³³ Cllr Ian Scandrett, Submission 24, at p1

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similar manner to NSW (i.e. where there are two or more councillors to be elected in a council or a ward) and they fill vacancies using a countback.¹³⁴

4.79 Further information on the system used in Victoria is provided by the Victorian Electoral Commission:

Countbacks occur for local councils when the vacancy to be filled is in a multi-councillor ward or unsubdivided municipality. It must be six months or more until the next local council election day.

Voters do not need to vote again in a countback as the ballot papers from the previous election are used.

In a countback, votes for the vacating councillor from the last election are redistributed to unsuccessful candidates according to the voters' preferences. A candidate who receives more than 50% of these votes is declared elected. If no candidate receives more than 50% of the vote, the candidate with the least votes is excluded and their votes are also redistributed. This process continues until a candidate can be declared elected.¹³⁵

4.80 The Committee was further advised of some of the benefits of a countback rather than a by-election. In some cases, it was argued that conducting by-elections can lead to unfair representation, especially for minor parties. If a position becomes vacant that was held by an independent candidate or a candidate representing a minor party, a by-election is held and the likely outcome is that a party with large support will win the seat. This leaves minor views unrepresented. For that reason, it was suggested that a countback is a fairer method of filling a vacancy as the original votes cast will elect the 'replacement' councillor.¹³⁶

4.81 The Greens also supported the introduction of a countback method, recommending:

That a count-back method be introduced for the filling of any casual vacancies that may occur during the period between council elections.¹³⁷

4.82 When the issue of conducting a countback rather than holding a by-election was raised with various councils, many were in favour. They told the Committee that by-elections were a very costly process and that electors can suffer from 'election fatigue' due to the number of elections for the different levels of government.¹³⁸ Primarily, however, the view of most councils was echoed by Penrith City Council which told the Committee that they would prefer to avoid the costs of a by-election:

¹³⁴ Cllr Clinton Mead, Submission 43, at p4

¹³⁵ Victorian Electoral Commission, Countbacks, <https://www.vec.vic.gov.au/Vote/vote-about-countback.html> accessed 3 March 2013.

¹³⁶ Cllr Clinton Mead, Submission 43, at p2

¹³⁷ The Greens, Submission 63, at p8

¹³⁸ Cllr Christine Forster, Councillor, City of Sydney, *Transcript of Evidence*, 16 September 2013, at p26

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Given that a by-election could cost \$200,000 to \$300,000, we would be very happy with a countback procedure.¹³⁹

- 4.83 Representatives of the Local Government and Shires Association (as it was then known) were also supportive of the introduction of a countback system given that it takes into account the original votes cast. They advised the Committee that:

If we go on the countback system it is still a fair result of whereabouts they might have voted before. So I think it is a fair result all the way round and I think that the people you have got to think of is not so much the councillors but the community, the cost to them, and their acceptance of what we are trying to do through local government instead of putting more and more impost onto them.¹⁴⁰

- 4.84 Some concerns were raised with the Committee that candidates may no longer wish to stand for election or may no longer be eligible.¹⁴¹ However, in such circumstances in jurisdictions which operate a countback system, the potential candidates are informed of the vacancy and asked to provide a written declaration that they are still willing and able to hold office.

- 4.85 It was also suggested to the Committee that a time limit could be imposed when a countback occurs. The Shires Association recommended that if the vacancy occurs later than '12 months following that election ... the people have the right to go back to the polls'.¹⁴²

- 4.86 According to the Shires Association, one of the major reasons for this was to ensure that 'people who may not have been eligible to stand, particularly young people, may after 12 months certainly be reconsidering their positions'.¹⁴³ It was highlighted that this was particularly relevant should young people be considering standing for election:

That is an important factor, particularly as local government is trying very hard to attract young people and much more diversity to the councils of New South Wales.¹⁴⁴

Committee comment

- 4.87 The Committee notes the amount of time and resources that councils spend on running a by-election should a position become vacant. In the view of the Committee, this is an unnecessary procedure should the vacancy arise within a certain time following the original election. Given that the countback system has been introduced in a number of other jurisdictions and continues to be used, this appears to be a viable option for casual vacancies that arise in local government in NSW.

¹³⁹ Stephen Britten, Chief Governance Officer, Penrith City Council, *Transcript of Evidence*, 19 August 2013, at p37

¹⁴⁰ Kevin Schreiber, Treasurer, Local Government Association, *Transcript of Evidence*, 16 September 2013, at p29

¹⁴¹ Peter Coulton, Director of Corporate Services, Local Government NSW, *Transcript of Evidence*, 16 September 2013, at p28

¹⁴² Maria Jane Woods, Councillor, Shires Association, *Transcript of Evidence*, 16 September 2013, at p28

¹⁴³ Maria Jane Woods, Councillor, Shires Association, *Transcript of Evidence*, 16 September 2013, at p28

¹⁴⁴ Maria Jane Woods, Councillor, Shires Association, *Transcript of Evidence*, 16 September 2013, at p28

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- 4.88 The Committee recognises the concerns that voters, particularly newly eligible voters, may have had an opportunity to reconsider their views and may exercise their vote differently. For this reason, should the vacancy arise 18 months after the original election, it would be preferable to conduct a by-election as is currently the case.

RECOMMENDATION 9

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.

Chapter Five – Voter Participation

- 5.1 This Chapter considers some of the barriers to voter participation in the elections. The Committee has recognised that turnout rates for local government elections remain comparatively lower when compared to State and Federal elections, and that civic engagement with electors still remains an issue in some respects. This Chapter examines some ways of promoting voter participation, including different methods of voting to maximise voter accessibility, and new ways of ensuring voter awareness.

Voter Turnout

- 5.2 One of the longstanding issues that requires review and consideration is that voter turnout is often lower when compared to turnout for State and Federal elections. This is despite the fact that enrolling to vote, and attending to vote, is compulsory under section 286 of the *Local Government Act 1993*.
- 5.3 Specifically, enrolling to vote and presenting at a polling place on election day are compulsory for people who are 18 years of age or over, carry Australian citizenship (or British subjects in certain circumstances), and have been living at their present address for at least the last month.
- 5.4 The statewide roll ahead of the 2012 elections was 4.8 million, an increase from 4.63 million prior to the State election 18 months earlier.
- 5.5 To promote enrolment, the Electoral Commission advised that it conducted 'advertising campaigns and other communication strategies during the election period.' This involved advertising in press and radio in metropolitan, regional, rural areas and in Aboriginal media, as well as in community press that covered 76% of non-English speaking individuals.¹⁴⁵
- 5.6 As advised by the Electoral Commission:
- Participation and informality rates provide a measure of the engagement of the community with the elections. The community's views on the value of participating in democratic processes reflect a range of issues including perceptions of political options. These issues are not under the direct control of the Electoral Commission.¹⁴⁶
- 5.7 Across NSW, the overall participation for the 2012 elections was 82.1%, compared with 83.4% in the 2008 elections. As noted by the Electoral Commission, while this appears to be slightly lower, methodological issues make strict comparisons difficult.¹⁴⁷
- 5.8 Further data provided from the Electoral Commission's Report found that 12.9% of all electors failed to vote in the 2012 elections. Non-voter rates ranged from

¹⁴⁵ Electoral Commission NSW, *Report on the Local Government Elections 2012*, at p49

¹⁴⁶ Electoral Commission NSW, *Report on the Local Government Elections 2012*, at p49

¹⁴⁷ Electoral Commission NSW, *Report on the Local Government Elections 2012*, at p30

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7.9% in Weddin Shire Council to 37.1% in the Council of the Shire of Wakool (although only one ward was contested in that election). Interestingly, the Council of the City of Sydney had the second highest non-participation rate at 25.5%.

Committee Comment

- 5.9 The reasons for failure to vote are multifaceted. Given local government elections do not attract the same media and political attention when compared with State and Federal elections, a key driver in the high rate of a failure to vote may be the lack of awareness that an election was underway.
- 5.10 Issues concerning 'election fatigue' may also be responsible for suppressing voter turnout, given repeated elections at different tiers of government, together with the possibility of mid-term by-elections at an electorate or ward level.
- 5.11 In any case, voter turnout still remains considerably high and there is no evidence to suggest that voter engagement is a systemic issue warranting urgent action.
- 5.12 However, the Committee is always mindful of ways to engage with voters who fail to vote, in particular because of a lack of awareness that an election was being held, or because of lack of accessibility and ability to participate in the election.
- 5.13 The Committee notes the various strategies employed by the Electoral Commission to maximise voter awareness ahead of the 2012 elections. In particular, the Electoral Commission has paid careful attention to people from regional and remote areas, people with disabilities, people from across a range of culturally and linguistically diverse backgrounds, and young and first time voters.

Voter Awareness

- 5.14 To prepare ahead of the 2012 elections, the Electoral Commission published various information material in a variety of formats to promote voter awareness. These publications were both of a general nature, as well as being tailored specifically to a demographic cohort that the Electoral Commission was targeting.
- 5.15 For example, to reach out to electors from culturally and linguistically diverse backgrounds, a pamphlet that provided instructions on 'how to vote' was published in 20 community languages on the Electoral Commission's website. This was in addition to newsletters in community languages distributed through the Community Relations Commission's EmailLink, instructions for voting in specified languages in 15 diverse areas, and 'I speak [language]' stickers for multilingual staff to promote visibility in highly diverse areas.
- 5.16 Similar information was produced for electors with a disability by providing information brochures and other material in accessible formats. This included English in large print, Braille, audio clips, and Auslan clips, and this material was distributed as required. Easy Read Guides were also printed and distributed for electors with an intellectual impairment.
- 5.17 For Aboriginal and Torres Strait Islander voters, there was an emphasis on encouraging Indigenous people to work at the election, customised instructions

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for voting, and posters for polling places with a high Indigenous population promoted with traditional Aboriginal colours and voting messages.

- 5.18 The Electoral Commission also established an Elector Enquiry Centre to ensure that 'relevant, timely and specific information was available to all electors' and to take the pressure off councils from receiving too many calls. The Elector Enquiry Centre was operational from 6 August 2012 until Friday 14 September 2012, one week after the elections.
- 5.19 The *Parliamentary Electorates and Elections Act 1912* was also amended in 2012 to allow voters for the first time to 'enrol and vote' at either pre-poll or on polling day. Upon establishing an appropriate proof of identity, electors were able to cast a declaration vote, declaration votes being those that are scrutinised for validity before being accepted into the count.

Committee Comment

- 5.20 The Committee notes that the most useful gauge of assessing voter awareness of local government elections is the final turnout figure. On this point, a turnout of 82.1% is a commendable figure and one that, at the very least, demonstrates at least the same number were aware of the elections taking place. The remaining voters were either unaware of elections taking place, or aware but chose not to vote.
- 5.21 The Committee commends the efforts in promoting voter awareness of the elections, including the significant efforts by the Electoral Commission, by individual councils, and by candidates themselves. While the turnout figures do appear to be declining marginally, the trends are not large enough to cause concern at this stage.
- 5.22 However, the Committee supports the Electoral Commission's ongoing engagement functions and trusts such outreach will continue ahead of future elections to ensure turnout does not become an issue of concern. In particular, the Committee commends the approach taken by the Electoral Commission in targeting a range of community groups in which voter participation may otherwise be an issue of concern.

Voter Accessibility

Postal Voting

- 5.23 Postal voting is currently available as an alternative method of voting for voters who meet certain criteria which render them unable to attend a polling booth or pre-poll voting centre. The *Local Government (General) Regulation 2005* provides a detailed list of requirements for a person to be qualified to cast a postal vote at a local government election.
- 5.24 These requirements include, amongst other things: distance from a polling station; illness or disability; religious reasons; work or carer commitments; or silent electors or any other reason that may put the person in danger.¹⁴⁸

¹⁴⁸ *Local Government (General) Regulation 2005*, cl 313

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- 5.25 In preparation for postal voting at the 2012 elections, the Electoral Commission implemented a centralised postal voting centre – all postal vote applications were processed at the centre and postal vote ballot packs were sent directly to the elector. Political parties were also able to distribute their own postal vote applications to constituents. All postal vote applications had to be received by the Monday ahead of the elections. Meanwhile, completed postal declarations and ballot papers had to be received by the Monday following the election in order to be eligible to be included in the count.
- 5.26 Of the total votes cast for councillor positions, 3.5% were made as postal votes, although this only represents Commission-run elections. In any case, there was only a 3.8% rate of return on postal votes in the 2008 elections, so there is little reason to suggest the total numbers would have much higher even if postal votes from council-run elections are also included.
- 5.27 During the Inquiry, a number of participants advocated the introduction of universal postal voting as an option for the conduct of future elections in their council.
- 5.28 Universal postal voting consists of two key limbs. The first is abolishing the need for voters to have a reason why they are voting by post and opening up the franchise to cast a ballot to all enrolled electors. In order to facilitate this, existing eligibility requirements would have to be abolished. Instead, each enrolled elector would be sent a postal voting pack, which would contain ballot papers and information material, to be returned to the Electoral Commission.
- 5.29 The second limb is making a postal ballot the primary method of voting in lieu of attendance voting. This would remove the need for polling booths across churches, schools and community centres on a designated polling day.
- 5.30 On this issue, Albury City was in a unique position to provide its perspective. As a council that borders Victoria – a State which provides councils with the option of universal postal voting – it was able to provide some comparison on experiences between Albury City's election, and the election in Wodonga City Council, just across the border.
- 5.31 In particular, Albury City submitted that the cost of running its election was higher on a per capita bases compared with Wodonga's election due to postal voting in Victoria. As such, Albury City recommended that the *Local Government Act 1993* be changed to allow elections with postal voting for those councils who opt to use that method of election.¹⁴⁹
- 5.32 Another border council – Murray Shire Council – similarly expressed a view in relation to postal voting. Specifically, it advised the Committee that:

Victorian Local Government elections are conducted by postal vote and as we are on the border we see that their elections run smoothly with a reduced level of

¹⁴⁹ Albury City Council, Submission 62, at p62

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administrative effort... By running the elections under a Postal voting system would negate some costs and help the election process run better.¹⁵⁰

- 5.33 The South-East Regional Organisation of Councils (SEROC) echoed the view that an option for councils should be provided, stating:
- Councils should be provided the option of determining the most appropriate voting method for their respective areas. SEROC strongly supports Councils having the option to decide between 'Attendance Voting' or 'Postal and Online' voting.¹⁵¹
- 5.34 In considering this option, the Committee turned its attention to the experience in Victoria, as a model that may be suitable for adoption and adaptation in NSW. Under section 41A of the *Local Government Act 1989 (Vic)* provides that a council may decide that all voting at an election or at a poll of voters is to be by means of postal voting.¹⁵²
- 5.35 If a council makes such a decision, the relevant returning officer must publically notify the format and conduct of the election, together with distributing to each voter various election material. This includes: a postal vote certificate or declaration; ballot paper; prepaid envelope for return of certificate or ballot paper; instructions on how to vote; information on voting deadlines; and any other useful material.¹⁵³
- 5.36 At Victoria's recent local government elections, also held in 2012, some 70 of 78 councils decided that all voting in that council area will be conducted by post. This significant uptake, which has progressively increased following its introduction in 1994 and has since plateaued, demonstrates the interest and willingness for councils to partake in postal voting.
- 5.37 In evidence received at the Committee's public hearing of 28 February 2014, the Victorian Electoral Commissioner, Mr Warwick Gately, advised the Committee of the basic process that underpins Victoria's electoral system.
- 5.38 A key benefit of councils undertaking universal postal voting has been the correlation with voting procedure and turnout rates, with an evident increase in the turnout for those councils that undertake universal postal voting.
- 5.39 In particular, the Victorian Electoral Commissioner has advised the Committee that the turnout in councils with postal elections in the 2012 elections was 72.53%, compared to 63.62% for those councils in which attendance elections were conducted.¹⁵⁴
- 5.40 The Victorian Electoral Commissioner has speculated on the reasons for this, providing his observations as follows:

¹⁵⁰ Murray Shire Council, Submission 10, at p1

¹⁵¹ South-East Regional Organisation of Councils, Submission 35, at p35

¹⁵² *Local Government Act 1989 (Vic)*, s41A(1)

¹⁵³ *Local Government Act 1989 (Vic)*, s41A(2)

¹⁵⁴ Warwick Gately, Victorian Electoral Commissioner, *Transcript of Evidence*, 28 February 2014, at p3

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I think the principal factor is one of convenience to the elector where a postal voting package which contains significant material is sent to each elector. That contains not only the ballot papers but also the candidate statements, quite clear instruction sheets on how to complete that postal vote and all the material necessary to return it to the Victorian Electoral Commission and have it entered into the count.¹⁵⁵

- 5.41 The Committee was also advised of an incidental benefit of postal voting being that each candidate could potentially receive an equivalent amount of exposure through the voting pack material.¹⁵⁶
- 5.42 At the Committee's hearing with select councils, the question of postal voting was put and received with widespread support. Most councils recognised the substantial cost savings, the reduced burden on council staff, as well as the likelihood of maximising voting flexibility.
- 5.43 The Victorian Electoral Commission advised that the average cost per postal vote is \$4.00 compared with the average cost per attendance vote at \$4.80. This represents a saving exceeding 16%. If replicated in NSW, the cost imperative alone will be a significant incentive for councils to opt for postal voting.
- 5.44 The option of postal voting was also supported by the main providers of electoral services in NSW. In evidence he gave to the Committee, the Electoral Commissioner stated:
- Another innovation that I would like to turn to and that I have previously recommended to the Committee is that the Government give councils a chance to choose to conduct their elections entirely as postal elections. This will save on the cost of the elections and be one solution to the inability to vote absentee as everybody on the roll will receive their ballot papers. I submit that the Committee consider this option and recommend that the legislation be amended to provide councils again with the choice, not mandating it, but give them the choice. There are a number of models around Australia for universal postal voting at local government elections.¹⁵⁷
- 5.45 Similar views were expressed by the Australian Election Company, in which the Principal stated:
- I have also said in our submission that postal voting could be offered more generally. The step beyond postal voting is to scan the returns and the ballot papers to derive quick results. Small councils would, perhaps, benefit from having postal voting. As soon as the election nominations are closed the ballot papers are printed. The electors are sent ballot material to enable them to vote by post. That would be a lot cheaper for councils.¹⁵⁸
- 5.46 This proposal has also received support from the Local Government Acts Taskforce, *A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988*. Specifically, the Taskforce stated that:

¹⁵⁵ Warwick Gately, Victorian Electoral Commissioner, *Transcript of Evidence*, 28 February 2014, at p3

¹⁵⁶ Elizabeth Williams, Victorian Electoral Commission, *Transcript of Evidence*, 28 February 2014, at p3

¹⁵⁷ Colin Barry, Electoral Commissioner, *Transcript of Evidence*, 26 August 2013, at p14

¹⁵⁸ Richard Kidd, Principal, Australian Election Company, *Transcript of Evidence*, 26 August 2013, at p5

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... [it] is satisfied that councils are best placed to choose whether to use universal postal or attendance voting. Councils can satisfy themselves as to cost savings, efficiencies and voter acceptance when reaching a decision as to the appropriate method of voting. The Taskforce accepts that 'one size does not fit all' and notes that councils already have responsibility for deciding whether they will manage the election in-house or contract out the process.¹⁵⁹

- 5.47 It should also be noted that these views are a restatement of the recommendations of the previous Committee in its Report on the *2008 Local Government Elections*. Specifically, that Committee recommended that the *Local Government Act 1993* be amended to allow elections with universal postal voting for those councils who opt to use that method of election. The Committee continues to support this proposal.

Committee Comment

- 5.48 The Committee recognises that postal voting would provide a cheaper alternative to attendance voting in certain local government areas, particularly in rural and regional parts of NSW. Given the significant concern raised by councils at the high and increasing costs of conducting the elections, it is important to canvass lower cost alternatives.
- 5.49 On this proposal, there appears to be sufficient support from councils to shift to an option of a postal vote system, whereby those councils that wish to offer postal voting in lieu of attendance voting, are able to do so. This would involve abolishing the existing eligibility criteria that must be met before a postal vote can be cast. There is also broad support from the Electoral Commission, the Australian Election Company, and the Local Government Acts Taskforce.
- 5.50 The Committee notes that in Victoria, postal voting has been available for many years, and has largely been considered successful. To this end, the Committee considers that the Victorian model may be suitable for adoption and adaptation to NSW.

RECOMMENDATION 10

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

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.

Pre-poll Voting

- 5.51 Currently, pursuant to clause 321 of the *Local Government (General) Regulation 2005*, there are a number of qualifications which must be met before a person is entitled to vote before polling day. The majority of these qualifications cover

¹⁵⁹ Local Government Acts Taskforce, *A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988*, October 2013, at p34

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those people who will be unable to attend a polling place where they are entitled to vote on the day of the election. For example due to being out of the area or having significant difficulty in reaching a polling place. As noted earlier, the current pre-poll period is set at two weeks.

Committee Comment

- 5.52 Given this report's previous recommendation that alternative voting methods be adopted in lieu of attendance voting on one specified day, it is imperative that the timeframe in which to be able to cast a vote be reasonably lengthy to ensure maximum voter participation.
- 5.53 Casting a pre-poll ballot involves voting at a handful of designated polling places in a stipulated two-week period. This differs from attendance voting on a designated polling day insofar that attendance voting involves a much larger number of polling places with most voting taking place within a 10 hour period on a particular Saturday.
- 5.54 While the method and process of casting a pre-poll ballot is, in effect, identical to casting an attendance ballot, a key difference remains that voting takes place in more limited venues but within a lengthier timeframe.
- 5.55 On this point, the Committee reiterates its support for the current two-week pre-poll period at which electors can present at a designated polling place and cast a ballot. The Committee is of the opinion that there needs to be multiple avenues for which to cast a ballot in order to maximise voter participation, and that maintaining a pre-poll voting alternative is an important voting option.
- 5.56 On the assumption that postal voting is adopted, a pre-poll voting alternative can also provide individuals without a permanent address to which a postal pack can be sent, the opportunity to still cast a ballot. This would include people who rent, other people who are likely to move address frequently in between electoral cycles without updating their enrolment data, and people with no fixed address, particularly the homeless.
- 5.57 As such, the Committee considers it appropriate that the current eligibility criteria that an elector must meet before being able to cast a pre-poll ballot be abolished. This would open up the pre-poll franchise to all enrolled electors without first requiring a reason. This again maximises the options available to the voting public and promotes wide voter accessibility.

RECOMMENDATION 12

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.

Electronic Voting

- 5.58 One of the major innovations ahead of the 2011 State Election was the establishment and implementation of a remote electronic voting system called iVote. This enables certain electors to cast a vote either through the internet, or

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by calling a dedicated iVote call-centre. At present, this is for exclusive use at State Elections and subsequent State by-elections,

- 5.59 The initial impetus for the development of this system was to enable electors who are blind or vision impaired to be able to cast a vote independently and in secret.
- 5.60 Electors who apply for iVote supply a PIN and are provided with an affirmation letter confirming their application for an iVote. The elector is then supplied with an iVote Number that will enable them to access the iVote system and vote. Casting a ballot is achieved through using a telephone keypad or computer interface.
- 5.61 iVote was largely well received following the State Election. Vision Australia, one of the peak advocacy bodies for people who are blind or vision impaired, informed the Committee:
- We indicated that iVote received a wide level of support amongst those who used it, and that the incorporation of both the telephone keypad interface and the home computer interface represented a set of options which provided accessible voting for a wide diversity of people who are blind or have low vision.¹⁶⁰
- 5.62 The importance of iVote was emphasised when compared with some of the concerns raised about only having the Braille option for blind or vision impaired voters, given relatively low rates of Braille proficiency.¹⁶¹
- 5.63 While the rationale was and remains to improve democratic participation and accessibility among individuals who are blind or have low vision, legislation that was subsequently introduced expanded the list of electors eligible to use iVote in State elections. This now includes electors who are illiterate, have other disabilities, live more than 20km from a polling place, or who will be interstate or overseas on polling day.¹⁶²
- 5.64 However, iVote was not available ahead of the 2012 Local Government Elections or any subsequent local government by-election and, as far as the Committee is aware, there are no plans currently afoot to introduce it ahead of the 2016 elections.
- 5.65 Submissions on this matter were thin in number and content, with a greater emphasis by stakeholders on other methods of enhancing voter participation, principally by postal voting.
- 5.66 However, where stakeholders did provide comment to the Inquiry on iVote, support for its extension into the local government sphere was generally widespread. The Committee is satisfied that on the evidence available, iVote has largely been a success. Everyone Counts, an electoral service provider, informed the Committee:

¹⁶⁰ Vision Australia, Submission 60, at p7

¹⁶¹ Vision Australia, Submission 60, at p7

¹⁶² *Parliamentary Electorates and Elections Act 1912*, s120AB

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Our experience shows that projects such as iVote have brought many benefits and greater voter participation to State elections. Everyone Counts believes that iVote should be made available to any local government that chooses to implement it and realise the benefits to both election administrators and voters.¹⁶³

- 5.67 The South East Regional Organisation of Councils made the following observations:

The Allen Consulting Group carried out an evaluation of the technology on behalf of the NSW State Government and found that the take-up of the iVote system was highly successful. The actual number of users was in the order of four times the original estimates. Registrations and votes received from people in remote or rural areas exceeded original take-up estimates by almost three fold. It was found that the system had been effective in meeting its aims and additionally, it has been successfully demonstrated to work and be appropriate in a real election environment.¹⁶⁴

- 5.68 The Greens similarly noted:

Online voting has proved to be a success at NSW State elections. Its extension to Local Government elections should be made a priority. If additional funding is required by the Electoral Commission this should be provided.¹⁶⁵

- 5.69 Other political parties have similarly supported for extending iVote accessibility. In a submission to a previous Inquiry, Labor expressed the view that:

The larger than expected volume of iVotes cast at the 2011 NSW Election suggests that this system is helping more electors to cast a vote. NSW Labor is of the view that the iVote system should be extended to the 2012 Local Government Elections in NSW.¹⁶⁶

- 5.70 The Nationals have also expressed its satisfaction at the operation of iVote in an earlier submission to Committee, although did not refer specifically to local government elections. It has stated:

On the whole, the expansion of the iVote system looks to be successful, and as it is refined will be of immense value to those electors who are unable to attend polling booths.¹⁶⁷

- 5.71 Support for iVote is not limited to the political parties, as it has received endorsement from within Government itself. In its Report to the Minister for Local Government entitled '*A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988*', the Local Government Acts Taskforce commented that:

¹⁶³ Everyone Counts, Submission 41, at p3

¹⁶⁴ South East Regional Organisation of Councils, Submission 35, at p2

¹⁶⁵ Greens NSW, Submission 63, at p17

¹⁶⁶ Australian Labor Party (NSW Branch), Inquiry into the Administration of the 2011 NSW Election and Related Matters, at p3

¹⁶⁷ NSW Nationals, Submission 11, Inquiry into the Administration of the 2011 NSW Election and Related Matters, at p4

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There was strong interest by those who made submissions for the early adoption of technology assisted voting, or iVoting, as an alternative to attendance voting. Local Government could be used as a pilot project for early introduction of early electronic voting to reduce costs and potentially improve voter convenience and accessibility.¹⁶⁸

- 5.72 In its report on the *Inquiry into the Administration of the 2011 NSW Election and Related Matters*, this Committee declined to comment on whether iVote should be extended for the 2012 Local Government Elections as it did not fall within the terms of that Inquiry. The Committee did, however, reserve the right to comment at a later stage on any proposal to extend the iVote option.

Committee Comment

- 5.73 This Committee has recommended a number of ways of maximising voter participation and elector accessibility in local government elections. This has included retaining the current two week pre-poll period, and extending the postal voting to one of universal franchise should councils resolve to do so.
- 5.74 In line with these recommendations, the Committee considers it sensible, appropriate and timely that the Government enable all electors the ability to cast a technology-assisted ballot, through an iVote, for the 2016 Local Government Elections.
- 5.75 At present, iVote is only provided for eligible electors for State elections and State by-elections. To ensure consistency across the different methods of voting, the Committee considers it appropriate that changes are made to bring the provisions for casting an iVote ballot in the local government elections in line with the recommended provisions for casting a postal vote without restrictions.
- 5.76 Allowing for universal iVote to work in tandem with postal voting will give many electors an alternative to vote by using their preferred method. In enabling these options, voter participation in the electoral process is likely to increase through greater accessibility to voting.
- 5.77 While the Committee acknowledges that, at present, this only extends to discrete classes of electors, the Committee would welcome an extension of the iVote franchise to include all electors.

RECOMMENDATION 13

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.

¹⁶⁸ Local Government Acts Taskforce, *A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988*, October 2013 at p34

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Chapter Six – Non-residential Voting

- 6.1 An aspect of the 2012 local government elections was the participation of non-residential voters. This chapter considers the experience of non-residential voters in the City of Sydney and other councils across the State. It will examine current options available to non-residential voters, and the experience of councils and electors in this area in the 2012 local government elections.

The Non-residential Roll of Electors

- 6.2 The roll of electors for each council or ward is a composite roll comprising two key segments – the residential roll and the non-residential roll.
- 6.3 Electors include residents, as well as ratepayers who may reside outside the local government area. The *Local Government Act 1993* sets out the provisions for non-residential voting for all councils other than Council of the City of Sydney. Non-residential voting in the City of Sydney is provided for under separate legislation. The situation in the Council of the City of Sydney is discussed later in this chapter.
- 6.4 Under sections 299 and 300 of the *Local Government Act 1993*, the general manager of a council is required to prepare a roll of non-resident owners of rateable land, and a roll of occupiers and ratepaying lessees who are eligible to vote in local government elections (the 'non-residential roll'). These lists are then confirmed by the Electoral Commissioner, or the general manager, depending on who is managing the election. This gives electors who pay rates to the council on property they own but do not occupy, and those who occupy or lease property in a council area, the opportunity to participate in local government elections.
- 6.5 The main rationale for this is that the rates from non-residential owners or ratepayer lessees generally constitute a substantial proportion of council revenue. As such, those ratepayers should be granted a say in how that revenue is to be spent on the services in which they help fund.
- 6.6 There are two key differences between the residential roll and the non-residential voter rolls. The first is that the non-residential voter rolls lapse after the election for which they are prepared. The second is that the non-residential roll consists only of the names of those voters who have applied for their inclusion on those rolls prior to an election.
- 6.7 These enrolled voters have the option of casting a vote in the elections. It is important to note that voting is not compulsory for those enrolled on the non-residential roll or the roll of occupiers and ratepaying lessees, except for the City of Sydney where voting is mandatory once enrolled.¹⁶⁹
- 6.8 The roll of electors for an area is created through a combination of the residential roll and the non-residential voter rolls and there are provisions in place to ensure that a person may not, in respect of the same ward, be enrolled more than once

¹⁶⁹ *Local Government Act 1993*, s286

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in a roll of electors.¹⁷⁰ As noted by the Electoral Commission though, 'an individual can vote once in one council as a resident and vote again in another council area as a rate payer'.¹⁷¹

Non-residential Voting in the 2012 Local Government Elections

- 6.9 Aside from the City of Sydney, the participation of non-residential voting was limited or non-existent in the majority of council areas. 32 councils reported as not having any enrolments on their non-residential roll and many others, particularly in rural and regional areas, reported only one or two enrolments.¹⁷²
- 6.10 During one of its public hearings, the Committee canvassed the limited extent of non-residential enrolment uptake. Albury City Council advised that 'It was a very low take-up'.¹⁷³ Similarly, Bankstown City Council stated that they 'have, traditionally, a very small non-residential roll'.¹⁷⁴ When precise numbers were sought as to how many individual were on the non-residential roll, the answers were generally in single digits.
- 6.11 This low uptake had been a concern of some stakeholders, including the NSW Business Chamber which submitted that:
- ... the process currently involved in enrolling for local elections means that many businesses are effectively shut out from voting. The Chambers are very concerned that the number of businesses participating in local government elections has dropped sharply over recent years and believes this trend must be reversed as a matter of priority.¹⁷⁵
- 6.12 The Greens argued that non-residential business owners, landlords and corporations 'already have sufficient capacity to influence local affairs without distorting the council voting system by granting them additional votes'.¹⁷⁶ As such they recommended that only residents of a local government area be eligible to vote and stand as candidates.

Committee Comment

- 6.13 The Committee is of the opinion that the non-residential roll should remain open to all non-residential ratepayers and ratepaying lessees. As a significant contributor to council revenue, it is important that all ratepayers are afforded some level of participation in local government elections.
- 6.14 The Committee also notes that given the low numbers of non-residential enrolment, the cost of maintaining and updating the roll should be minimal at most.

¹⁷⁰ *Local Government Act 1993*, s301, s304

¹⁷¹ Electoral Commission NSW, *Report on the Local Government Elections 2012*, at p59

¹⁷² Electoral Commission NSW, *Report on the Local Government Elections 2012*, at p60 and Appendix H

¹⁷³ Judy Charlton, Director, Corporate Services, Albury City Council, *Transcript of Evidence*, 19 August 2013, at p39

¹⁷⁴ Rachel Symons, Team Leader Executive Services, Bankstown City Council, *Transcript of Evidence*, 19 August 2013, at p39

¹⁷⁵ NSW Business Chamber, Submission No 73, at p2

¹⁷⁶ The Greens NSW, Submission 63, at p8

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- 6.15 In the absence of further material concerning the abolition of the non-residential roll, the Committee is satisfied with the current arrangements. However, to address the issues raised, the focus should be on increasing non-residential voter participation, rather than abolishing the franchise. These issues are canvassed below.

Barriers for Non-residential Voters

- 6.16 The Committee noted that there were two key factors that were suppressing the non-residential vote. The first factor is a relative lack of awareness about the ability for non-residential voters to be able to cast a ballot. The second factor relates to various issues around the process of non-residential enrolment, which has been described as cumbersome and unnecessarily complex.

Enrolment Awareness

- 6.17 Turning to the first issue of non-residential voter awareness, the Electoral Commission advised that it employs various strategies to boost non-residential enrolment.
- 6.18 This included the scheduling of general press advertising regarding the non-residential roll, information on the Electoral Commission's website including provisions for enrolment qualification, and an application form template for council use.
- 6.19 These strategies were adopted following the previous Committee's recommendation in its report on the *2008 Local Government Elections* that the Electoral Commissioner 'provides information to councils on strategies to improve enrolment levels in relation to non-residential electors'.¹⁷⁷ The Committee further recommended that the Electoral Commission 'continue to provide support for publication of information relating to the non-residential roll via the Electoral Commission's website'.¹⁷⁸

Committee Comment

- 6.20 The Committee recognises the efforts of the Electoral Commission in promoting awareness of the non-residential roll. While more can always be done, the Committee is mindful that the Electoral Commission must spend finite funds and resources responsibly, and with reference to other priorities. As such, the Committee is satisfied with the current strategies adopted by the Electoral Commission in this regard.

Enrolment Application Process

Application Form

- 6.21 Councils submitted that non-residential voting would be more popular should the process be made simpler. If this did not occur, there was a risk the barriers to voting would deter non-residential ratepayers from enrolling.

¹⁷⁷ Joint Standing Committee on Electoral Matters, *2008 Local Government Elections*, June 2010, at p57

¹⁷⁸ Joint Standing Committee on Electoral Matters, *2008 Local Government Elections*, June 2010, at p57

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6.22 Randwick City Council stated that, 'the current enrolment process is inefficient and ad-hoc and is severely restricting the participation of local businesses in the democratic process'.¹⁷⁹

6.23 The Liberal Party of NSW commented about inconsistent practices with respect to the non-residential roll, noting that:

The complex and unstandardised nature of reenrolment procedures has effectively disenfranchised an important voting community.¹⁸⁰

6.24 The NSW Business Chamber expressed similar sentiments, commenting that:

The Chambers are concerned that the inefficient and ad-hoc enrolment process is severely restricting the participation of local businesses in the democratic process.¹⁸¹

6.25 The Electoral Commission advises that, as part of its consultation process with councils, there is a non-residential application form template that councils were encouraged to customise and display prominently on its websites for use by potential applicants.¹⁸²

Committee Comment

6.26 The Committee is of the view that this process should be reviewed to be made simpler so that those entitled to be on the non-residential roll could gain access.

Lapsing of the Roll

6.27 A significant irritant for many stakeholders was the automatic lapsing of the non-residential rolls following each election. Under sections 299 and 300 of the *Local Government Act 1993*, both the non-residential roll and roll of occupiers and ratepaying lessees lapses for the election for which it was just prepared. This means that potential electors are required to reapply ahead of every election.

6.28 The requirement to re-enrol ahead of each election has been seen as an impediment to elector numbers on the roll, and therefore a suppresser of eventual voter turnout.

6.29 The NSW Business Chamber advised the Committee that:

... the requirement for non-residential and rate-paying lessee electors having to re-enrol at each and every local government election in which they participate has been regularly identified as a source of major frustration with members of the Chamber.¹⁸³

6.30 This view was shared by the Liberal Party of NSW which recommended to the Committee that:

¹⁷⁹ Randwick Shire Council, Submission 76, at p3

¹⁸⁰ Liberal Party of Australia – NSW Division, Submission 74, at p2

¹⁸¹ NSW Business Chamber, Submission 73, at p2

¹⁸² Electoral Commission NSW, *Report on the Local Government Elections 2012*, at p59

¹⁸³ NSW Business Chamber, Submission 73, at p3

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... [there] is an overhaul of the non-resident voter enrolment system to require compulsory enrolment and ongoing maintenance of the rolls across the State, pursuant to strict standardised guidelines.¹⁸⁴

- 6.31 Councillor Mandla from the City of Sydney also reported difficulties for non-residents caused by the lapsing of the roll:

First of all, there is no electoral roll as it gets wiped after every election so there are no reminders. A business has to figure out that it is not a business but a non-residential ratepayer. A non-residential ratepayer has a small window of between two weeks and three months before the council election in which to enrol. You cannot enrol prior to this period and if you are not enrolled more than two weeks out from the election then you will miss out.¹⁸⁵

- 6.32 To improve the situation, he recommended 'a permanent roll where eligible non-residential voters ... are automatically enrolled' and that the introduction of a permanent roll would 'have to apply across the State'.¹⁸⁶

- 6.33 The Committee heard that this is the case in the City of Melbourne, where non-residential voter turnout is much higher. According to the Lord Mayor of Melbourne the non-residential roll is updated:

... continuously. People are coming on and going off ... If the State electoral roll changes, that changes the roll too because that is the first thing we take in.¹⁸⁷

- 6.34 Although comment on this issue was limited from the stakeholders, it should be noted that there was not universal agreement that the process of enrolment on the non-residential roll requires amendment. After seeking proposals from stakeholders, the Local Government Acts Taskforce concluded that there was 'no strong case to change' to the present enrolment processes, with the notable exception of the City of Sydney.¹⁸⁸

Committee Comment

- 6.35 The Committee notes the concerns raised by various stakeholders with respect to various aspects of the non-residential roll process. Particular mention has been made of the enrolment application form and the lapsing of the non-residential roll following each election.
- 6.36 The Committee notes that these issues should not be significant impediments for businesses and other non-residential ratepayers to participate in the elections, if they wish to do so.
- 6.37 However, the Committee agrees that the lack of a uniform process means that there are potentially 152 different application forms unique to each council.

¹⁸⁴ Liberal Party of Australia – NSW Division, Submission 74, at p2

¹⁸⁵ Cllr Edward Mandla, City of Sydney, *Transcript of evidence*, 16 September 2013, at p13.

¹⁸⁶ Cllr Edward Mandla, City of Sydney, *Transcript of evidence*, 16 September 2013, at p13 and 14.

¹⁸⁷ Rt Hon Robert Doyle, Lord Mayor of Melbourne, *Transcript of evidence*, 28 February 2014, at p14.

¹⁸⁸ Local Government Acts Taskforce, *A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988*, October 2013, at p35

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- 6.38 To ameliorate this possible issue, the Committee refers to the template devised by the Electoral Commission as a model that all councils should customise and adopt, in the interests of uniformity across the State.
- 6.39 Lastly, the Committee believes that this roll should not be wiped following each election and should be made permanent in the same manner as the residential roll.
- 6.40 In any case, given that for most councils, the numbers of non-residential electors on the roll was in single digits, it does not appear to be a challenge for councils to maintain this document in between elections.

RECOMMENDATION 14

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.

City of Sydney

- 6.41 The provisions for enrolments for the City of Sydney are found under section 15 of the *City of Sydney Act 1988*. As with equivalent provisions under the *Local Government Act 1993*, a person is entitled to be enrolled as an elector for the City of Sydney if the person is an owner of rateable land within the City of Sydney, is a ratepaying lessee or occupier of rateable land, or is a resident. Only individuals entitled to vote at State or Federal elections are eligible for enrolment.
- 6.42 Further criteria that a person must meet before being eligible to enrol include being an occupier or rate paying lessee for a continuous period of three months prior to enrolment, and pay at least \$5,000 of rates per annum.¹⁸⁹
- 6.43 An elector cannot be on both the City of Sydney's residential roll and non-residential roll simultaneously, and an individual can only be on the non-residential roll once.¹⁹⁰
- 6.44 The Electoral Commission is responsible for preparing and certifying the non-residential rolls in accordance with provisions under section 18A of the *City of Sydney Act 1988*. This requirement is unique to the City of Sydney, as responsibility for the non-residential roll lies with the general manager of all other councils. As part of its requirements, the Electoral Commission must, at least 90 days before the closing date of an election, send an enrolment letter addressed to each elector on, or nominated by a company to be on, the non-residential roll for the previous election.¹⁹¹
- 6.45 The City of Sydney is the council with the largest non-residential roll. It included 1,709 electors at the close of the rolls before the last election.¹⁹² This constituted 53.8% of the entire non-residential roll of 3,178 in NSW.

¹⁸⁹ City of Sydney, Submission 77, at p2

¹⁹⁰ *City of Sydney Act 1988*, s16(4)

¹⁹¹ *City of Sydney Act 1988*, s18B(1)

¹⁹² Electoral Commission NSW, *Report on the Local Government Elections 2012*, at p60

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- 6.46 The reason that the City of Sydney constitutes such a high proportion of the non-residential roll can be attributed to a couple of key factors. First, the economic dominance of the CBD, with a substantial number of businesses, provides a correspondingly large number of ratepayers. A second reason is that, unlike arrangements for other councils, voting is compulsory for electors on the roll, and failure to vote may attract a fine.¹⁹³

Elector Enrolment

- 6.47 In order to raise awareness of the ability to enrol on the non-residential and encourage participation in the elections, the City of Sydney requested that the Electoral Commission develop and undertake an advertising campaign.
- 6.48 This campaign included: mail outs to over 80,000 individuals and business entities that may be eligible to enrol; contacting 125 property managing agents and requests that they email their clients with information about the ability to enrol; a dedicated call centre to field enquiries from prospective electors; and advertising in major metropolitan and commuter press. The cost of the campaign totalled \$243,242.00 and was borne solely by the City of Sydney.
- 6.49 Enrolment numbers had fluctuated considerably over the past few electoral cycles. While there were 2,059 enrolments on the non-residential roll ahead of the 2004 elections, this had decreased substantially to 396 for the 2008 elections. Following efforts to boost enrolment numbers, 1,709 people enrolled to vote at the 2012 elections, representing an increase of 331.6%. Although it is difficult to determine what proportion of total eligible electors this figure constitutes, it is apparent that the proportion remains extremely low.
- 6.50 At the Committee's hearing with the Lord Mayor and councillors of the City of Sydney, the issue of lack of enrolment relative to total eligible electors was canvassed in some detail. In particular, Councillor Mandla stated:
- ... 77 per cent of rate revenues came from business and yet they were effectively denied a vote, denied a voice and denied representation.¹⁹⁴
- 6.51 Councillor Forster concurred that a problem existed, advising the Committee that:
- These businesses can and should have a significant voice in the democratic process of determining who is elected as Lord Mayor and councillors in Australia's biggest commercial and only truly global city. Yet the numbers of non-residential voters have plunged over recent electoral cycles to levels at which the sector is virtually disenfranchised.¹⁹⁵
- 6.52 Councillor Forster continued:
- Many business owners and ratepayers even in the so-called big end of town are simply unaware that they have the right to vote. The process of enrolling is time consuming, complex and needs to be repeated after every election. In addition, the

¹⁹³ *City of Sydney Act 1988*, s22(1)

¹⁹⁴ Clr Edward Mandla, Transcript of Evidence, 16 September 2013 at p12

¹⁹⁵ Clr Christine Forster, Transcript of Evidence, 16 September 2013 at p14

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voting process is onerous for business owners who live outside the local government area due to the lack of a postal option.¹⁹⁶

- 6.53 It should be noted that there was disagreement amongst the councillors that the lack of non-residential enrolment was an issue. In her submission, the Lord Mayor of Sydney, Clover Moore, commented that:

The non-residential voting franchise for the City of Sydney is broader than for other councils in NSW. The current arrangements provide an appropriate balance with a significant opportunity for people conducting business in the City to be on the roll. Despite this, many eligible voters have chosen not to take up their right.¹⁹⁷

- 6.54 The issue is given added weight when considering that a total of \$243,242.00 was spent on an awareness and enrolment campaign that ultimately yielded only 1,709 enrolments. Otherwise put, this represents about \$142.00 per enrolment. Given that 211 people on the non-residential roll then failed to vote, then there were only 1,498 votes from the non-residential roll who voted, and the cost per vote cast is therefore even higher.
- 6.55 Questions arise as to whether this spend is value-for-money, and whether or not there are more appropriate and financially prudent methods of increasing the number of non-residential electors on the roll.
- 6.56 In determining the various possibilities, the Committee turned its attention to the City of Melbourne which has similar enrolment entitlements for non-resident landowners, occupiers and corporations, but entirely different processes for actual enrolment.
- 6.57 The significant difference between the City of Sydney and the City of Melbourne is with respect to the franchise provisions. In particular, in the City of Sydney, only those individuals who have actively enrolled by the closing date are entitled to vote. This is in contrast with the City of Melbourne in which those who do not apply to enrol voluntarily will nonetheless still be deemed to have voting rights.
- 6.58 These deeming provisions are a complex administrative exercise in which the City of Melbourne actively identify and determine eligible electors, and deem them onto the non-residential roll.
- 6.59 As explained by the Victorian Electoral Commission:
- They do get a deeming provision where, as the company does not nominate a voting representative, they work with ASIC to identify directors and company secretaries from that data and put them onto it...
- The councillors do a lot of work to bring people onto the roll if they have an entitlement. They write to properties where they are aware people are not enrolled and people are able to be enrolled at that property. As well as that they have their

¹⁹⁶ Clr Christine Forster, City of Sydney, *Transcript of Evidence*, 16 September 2013 at pp14-15

¹⁹⁷ City of Sydney, Submission 77, at p6

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own election information inquiry line that they operate in terms of people's eligibility.¹⁹⁸

- 6.60 The City of Melbourne accumulates information on eligible electors from a range of sources. For non-residential owners, this information is ascertained by reference to land and property information retained by Council. For corporations, the company secretaries and directors are determined from information sourced from ASIC records.¹⁹⁹ As representatives from the Victorian Electoral Commission further explained:

The city of Melbourne municipal voters roll is administered by the city of Melbourne itself, the Melbourne City Council. I understand that their process is very comprehensive for enrolling voters onto the municipal voters roll. They do get a deeming provision whereas the company does not nominate a voting representative they work with ASIC to identify directors and company secretaries from that data and put them onto it.²⁰⁰

- 6.61 Lastly, for occupiers of rateable land, the City of Melbourne canvasses all businesses six months before an election to determine the occupier's ability to vote. Key criteria include that the occupier is not a resident of the City of Melbourne, and has occupied the rateable land for one month or more.
- 6.62 The City of Melbourne also conducts a census of land use and employment every two years. This information gives Council a comprehensive statistical profile of various economic indicators – including land use and employment trends – in the City. Information gathered from this census is used to get the non-residential roll as close to accurate as possible.²⁰¹
- 6.63 To further canvass the viability and operability of establishing a similar deeming scheme in the City of Sydney, the Committee sought evidence from the Lord Mayor of Melbourne, the Rt Hon Robert Doyle at a hearing in Sydney on 28 February 2014.
- 6.64 One of the many issues the Committee explored were safeguards against misuse of the non-residential roll, in particular where non-eligible electors are erroneously or deliberately included. The Lord Mayor advised:

Where there have been questions about the validity of the roll, or the authenticity of the vote, particularly during election periods... the first hurdle, if you like, is the City of Melbourne itself and the professionalism of the integrity of the roll. Second, we do contract the election and its operations to the Victorian Electoral Commission. So there is that second hurdle. Third, there is in Victoria, I do not know if you have an equivalent, a local government inspectorate that sits in the Ministry of Local Government. It is essentially the policeman of local government. Anyone can make a

¹⁹⁸ Keegan Bartlett, Senior Contract Manager, Victorian Electoral Commission, *Transcript of evidence*, 28 February 2014, at pp7-8

¹⁹⁹ Local Government Acts Taskforce, *A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988*, October 2013, at p53

²⁰⁰ Keegan Bartlett, Senior Contract Manager, Victorian Electoral Commission, *Transcript of evidence*, 28 February 2014, at p7

²⁰¹ Rt Hon Robert Doyle, Lord Mayor of Melbourne, *Transcript of Evidence*, 28 February 2014, at p11

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complaint to that inspectorate about any electoral matter, including eligibility of a voter to be on the roll.²⁰²

6.65 In further evidence to the Committee, the Lord Mayor expressed overall satisfaction that the deeming provisions work in the City of Melbourne, and that there is little reason for concern.

6.66 The Committee notes the report of the Local Government Acts Taskforce which has stated that:

Similar deeming principles should be adopted for the voting entitlements of non-resident land holders, occupiers and corporations holding property or operating business in the City of Sydney area who have no voluntarily, before the due date, enrolled to vote.²⁰³

6.67 In particular, the Taskforce recommended that:

The Sydney City Council determines, from all available Council information and records as well as information provided by ASIC, the person deemed to be entitled to vote on behalf of non-resident owners and corporations.²⁰⁴

6.68 The Taskforce further recommended that in determining those occupiers that are entitled to vote, Council should canvass the businesses within Council boundaries six months before the elections to determine entitlement.²⁰⁵ This recommendation essentially mirrors existing practices in the City of Melbourne. The Taskforce also recommended that voting be compulsory for all people enrolled or deemed to be enrolled as non-residential enrolees.

Committee Comment

6.69 The Committee supports the proposition that the deeming provisions be established for the City of Sydney's non-residential roll. Given that other evidence received by the Committee is that 78.5% of ratepayer revenue is derived from the business community and other non-residents, it is imperative that the appropriate architecture is put in place to maximise business participation in City of Sydney elections. Deeming provisions achieve this by making non-residential enrolment the default position, distinct from current arrangements in which the onus is put on non-residential ratepayers to actively enrol.

6.70 The Committee also considers it financially more prudent that the money currently set aside for an awareness campaign promoting non-residents to enrol be used instead to prepare the roll by canvassing material from ASIC, land and property information retained by council, and through the periodic surveys of businesses.

²⁰² Rt Hon Robert Doyle, Transcript of Evidence, 28 February 2014, at p13

²⁰³ Local Government Acts Taskforce, *A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988*, October 2013, at p53

²⁰⁴ Local Government Acts Taskforce, *A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988*, October 2013, at p54

²⁰⁵ Local Government Acts Taskforce, *A New Local Government Act for New South Wales and Review of the City of Sydney Act 1988*, October 2013, at p54

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- 6.71 The Committee notes that the Victorian experience has largely been successful, and considers it timely and appropriate that NSW adopt and adapt the Victorian model for use in City of Sydney elections.
- 6.72 At present, section 22(1) of the *City of Sydney Act* provides that it is compulsory for all electors on the non-residential roll or the roll of occupiers and ratepaying lessees to vote. However, the onus is on the eligible elector to enrol.
- 6.73 Similarly, there is a provision under the *City of Melbourne Act 2001* which provides that all electors on the voters' roll in the City of Melbourne must vote at any local government election in that city. There is a defence for deemed representatives on the roll if they did not receive proper notice of their enrolment.²⁰⁶

RECOMMENDATION 15

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.

²⁰⁶ *City of Melbourne Act 2001*, s.19(5)

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Appendix One – List of Submissions

1	Mrs Debby Dewbery
2	Mr Doug Darlington
3	The Hills Shire Council
4	Ballina Shire Council
5	Randwick City Council
6	Homelessness NSW
7	Bland Shire Council
8	Wentworth Shire Council
9	Nambucca Shire Council
10	Murray Shire Council
11	Partially Confidential
12	Mr Ken Clarke
13	Broken Hill City Council
14	Port Stephens Council
15	Mr Keith Woodley
16	Mr Ian Uebergang
17	Confidential
18	Glen Innes Severn Council
19	Lake Macquarie City Council
20	Weddin Shire Council
21	Blue Mountains City Council
22	Christian Democratic Party
23	Lismore City Council
24	Clr Ian Scandrett
25	Lane Cove Council
26	Bogan Shire Council
27	Narrabri Shire Council
28	Confidential
29	Gosford City Council
30	Hurstville City Council

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31	Wingecarribee Shire Council
32	Waverley Council
33	City of Sydney
34	Holroyd City Council
35	South East Regional Organisation of Councils
36	Computing Research and Education Association of Australasia
37	Tumut Shire Council
38	Bega Valley Shire Council
39	Narrandera Shire Council
40	Port Macquarie Hastings Council
41	Everyone Counts
42	Strathfield Municipal Council
43	Clr Clinton Mead
44	Temora Shire Council
45	Penrith City Council
46	Tamworth Shire Council
47	Confidential
48	Camden Council
49	Canterbury City Council
50	Upper Lachlan Shire Council
51	Shoalhaven City Council
52	Gwydir Shire Council
53	Cowra Shire Council
54	Tweed Shire Council
55	Mr Peter Quirk
56	Great Lakes Council
57	Wollondilly Shire Council
58	Sutherland Shire Council
59	Mid-Western Regional Council
60	Vision Australia
61	Ms Anne Stanley
62	Albury Council

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63	The Greens NSW
64	Local Government Association of NSW and Shires Association of NSW
65	Fairfield City Council
66	City of Botany Bay
67	Division of Local Government
68	Ku-ring-gai Council
69	Moree Plains Shire
70	Bankstown City Council
71	Clr Mark Hanna
72	Australian Election Company
73	NSW Business Chamber
74	Liberal Party of Australia - NSW Division
75	Mr Greg Briscoe-Hough
76	Randwick City Council
77	City of Sydney

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Appendix Two – List of Witnesses

19 August 2013, Jubilee Room

Witness	Organisation
Mr Tony Wickham <i>Executive Officer</i>	Port Stephens Council
Mr Peter Gesling <i>General Manager</i>	Port Stephens Council
Mr Craig Wrightson <i>General Manager</i>	Lane Cove Council
Mr John Rayner <i>General Manager</i>	Sutherland Shire Council
Mr Trevor Rowling <i>Manager – Administration and Governance</i>	Sutherland Shire Council
Ms Petra Tinker <i>Group Manager, Information Management and Services</i>	Fairfield City Council
Ms Sonja Drca <i>Manager – Governance and Legal</i>	Fairfield City Council
Mr Greg Roberts <i>Executive Support Manager</i>	Shoalhaven Shire Council
Mr John Patterson <i>Manager, Special Projects</i>	Botany Bay Council
Mr John Sproule <i>Manager, Administration Services</i>	Wollondilly Shire Council
Mr Dave Walker <i>General Manager</i>	The Hills Shire Council
Mr Peter Doyle <i>Manager, Executive Services</i>	The Hills Hire Council
Ms Judy Charlton <i>Director, Corporate Services</i>	Albury City Council
Mr Glen Schuil <i>Senior Governance Officer</i>	Penrith City Council
Mr Stephen Britten <i>Chief Governance Officer</i>	Penrith City Council
Ms Rachel Symons <i>Team Leader Executive Services</i>	Bankstown City Council

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26 August 2013, Jubilee Room

Witness	Organisation
Mr Richard Kidd <i>Director/Principal</i>	Australian Election Company
Mr Colin Barry <i>Commissioner</i>	NSW Electoral Commission
Mr Paul Beeren <i>Director, Enrolment</i>	NSW Electoral Commission
Mr Brian De Celis <i>Director, Funding and Disclosure</i>	NSW Electoral Commission
Mr Trevor Follett <i>Director, Finance</i>	NSW Electoral Commission

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16 September 2013, Macquarie Room

Witness	Organisation
Mr Luke Aitken <i>Senior Manager, Policy</i>	NSW Business Chamber
Mr Ash Salardini <i>Policy Advisor, Sydney</i>	NSW Business Chamber
Ms Clover Moore <i>Lord Mayor</i>	City of Sydney
Ms Robyn Kemmis <i>Deputy Lord Mayor</i>	City of Sydney
Ms Christine Forster <i>Councillor</i>	City of Sydney
Mr Edward Mandla <i>Councillor</i>	City of Sydney
Mr James Zanotto <i>Chief of Staff, Office of the Lord Mayor</i>	City of Sydney
Mr Larry Galbraith <i>Policy Officer, Office of the Lord Mayor</i>	City of Sydney
Mr John Mant <i>Councillor</i>	City of Sydney
Ms Angela Vithoukas <i>Councillor</i>	City of Sydney
Ms Jenny Green <i>Councillor</i>	City of Sydney
Mr Peter Coulton <i>Director, Corporate Services</i>	Local Government

Appendix Three – Extracts from Minutes

Minutes of Proceedings of the Joint Standing Committee on Electoral Matters (no. 19)

1:00 pm, Wednesday, 21 November 2012
Room 1153, Parliament House

Members present

Mr Rowell (Chair), Mr Borsak (Deputy Chair), Ms Fazio, Mr Fraser, Mr Khan, Mr Lynch, Mr Maguire, Dr Phelps, Mr Primrose and Mr Ward.

Staff in attendance: Ms Rachel Simpson, Mr Jason Arditi, Mr Jonathan Elliott and Mr Rohan Tyler.

The Chair opened the meeting at 1:08 pm.

1. Apologies

None received.

2. Confirmation of minutes

Resolved, on the motion of Mr Fraser, that the minutes of the deliberative meeting No. 18 be confirmed.

3. ***

4. ***

5. 2012 Local Government elections

The Committee noted correspondence that it had received from the Hon Don Page MP, Minister for Local Government, dated 13 November 2012, referring matters relating to the 2012 Local Government elections to the Committee for its inquiry.

Resolved, on the motion of Mr Primrose:

1. That the Committee accept the referral to conduct an inquiry into matters relating to the 2012 Local Government elections.
2. That the Committee:
 - write to the Minister for Local Government informing him of the Committee's decision;

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- issue a call for submissions, including advertising; and
 - write to interested parties to seek their views.
3. That the Committee direct committee staff to make the administrative arrangements in relation to the inquiry, including setting dates for public hearings.

The Committee adjourned at 1:55 p.m., sine die.

Minutes of Proceedings of the Joint Standing Committee on Electoral Matters (no. 22)

1:30 pm, Wednesday, 27 March 2013
Room 1153, Parliament House

Members present

Mr Rowell (Chair), Mr Borsak (Deputy Chair), Ms Fazio, Mr Khan, Mr Maguire, Dr Phelps and Mr Primrose.

Staff in attendance: Ms Rachel Simpson, Mr Jason Arditi, Mr Jonathan Elliott, Mr Rohan Tyler and Ms Meike Bowyer.

The Chair opened the meeting at 1:34 pm.

1. Apologies

Apologies were received from Mr Fraser, Mr Lynch and Mr Ward.

2. Confirmation of minutes

Resolved, on the motion of Mr Primrose, seconded by Mr Borsak:

'That the minutes of the deliberative meeting No. 21 be confirmed.'

3. ***

4. Inquiry into the 2012 Local Government Elections

Resolved on the motion of Mr Primrose:

'That the Committee agrees to accept and publish those submissions, or parts of submissions, that are not confidential in the table, on its website; and treats as confidential any submissions listed as such in the table.'

5. ***

The Committee adjourned at 1:42 pm sine die.

Minutes of Proceedings of the Joint Standing Committee on Electoral Matters (no. 24)

1:30 pm, Tuesday, 25 June 2013
Room 1254, Parliament House

Members present

Mr Rowell (Chair), Mr Borsak (Deputy Chair), Mr Fraser, Mr Maguire and Mr Primrose

Staff in attendance: Ms Rachel Simpson and Mr Jason Arditi

The Chair opened the meeting at 1:32 pm

1. Apologies

None received

2. Minutes

Resolved, on the motion of Mr Fraser, seconded Mr Maguire: 'That the minutes of the deliberative meeting No. 23 be confirmed'

3. Inquiry into the 2012 Local Government Elections

3.1 Acceptance of Submissions

Resolved, on the motion of Mr Fraser, seconded Mr Maguire: 'That the Committee accepts submissions numbered 71 to 75, and publishes them on the Committee's webpage'

3.2 Reporting Deadline

Resolved, on the motion of Mr Maguire, seconded Mr Fraser: 'That the Committee resolves to write to the Minister of Local Government to advise that the Report will be drafted and tabled by the last sitting day of November'

3.3 Hearing and Roundtable Forum

Resolved, on the motion of Mr Maguire, seconded Mr Fraser: 'That the Committee invites selected stakeholders to appear at a hearing, invite selected Local Government authorities to appear at a roundtable forum, and that an indicative list of stakeholders and Local Government authorities is circulated to Members by Committee staff following this meeting'

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4. ***

The Committee adjourned at 1:36 pm *sine die*.

Minutes of Proceedings of the Joint Standing Committee on
Electoral Matters (No. 25)

1:00pm, Monday, 19 August 2013
Jubilee Room, Parliament House

MEMBERS PRESENT

Mr Ward (Chair), Mr Borsak (Deputy Chair), Ms Fazio, Mr Fraser, Mr Maguire, Mr Khan, Mr Phelps, Mr Primrose and Mr Rowell

Staff in attendance: Ms Rachel Simpson, Mr Jason Arditi and Mr Leon Last

The Chair opened the meeting at 1:00 pm

1. Apologies

Apologies were received from Mr Fraser, Mr Lynch and Mr Ward.

2. ***

3. Minutes

Resolved, on the motion of Mr Fraser, seconded Mr Rowell: 'That the minutes of the deliberative meeting No. 24 be confirmed'

4. Inquiry into the 2012 Local Government Elections

4.1 Consideration of Stakeholders

Resolved, on the motion of Mr Fraser, seconded Mr Maguire: 'That the Committee accepts the indicative list of witnesses, as previously circulated, to participate in the hearing'

4.2 Media

Resolved, on the motion of Ms Fazio, seconded Mr Rowell: 'That the Committee authorises the media and general public to attend the hearing'

4.3 Local Government Roundtables

Committee Members discussed conduct of the roundtables.

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Roundtable participants and members of the public then entered the room and the Chair commenced the hearing.

5. Public Hearing

The invited witnesses for the first roundtable, together with the press and public, were admitted at 1:00pm.

1:01pm, the chair opened the hearing and gave a brief opening address.

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.

The witnesses made brief opening statements, followed by questions from Committee members.

The evidence concluded at 2:45pm, the chair thanked the witnesses for their attendance, the witnesses withdrew.

The Committee took a short adjournment at 2:47pm, and resumed the public hearing at 3:15pm.

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 city council,

Glenn Schuil, Senior Governance Officer, Penrith City Council,

Stephen Britten, Chief Governance Officer, Penrith City Council,

Rachel Symons, Team Leader Executive Services, Bankstown City Council, sworn and examined.

The witnesses made brief opening statements, followed by questions from Committee members.

The evidence concluded at 4:30pm, the chair thanked the witnesses for their attendance, the witnesses withdrew.

6. Inquiry into the 2012 Local Government Elections: Post-Hearing Items

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6.1 Publication of Transcript

Resolved, on the motion of Mr Rowell, seconded Mr Phelps: 'That the Committee publishes the transcript of the day's proceedings and posts it on the Committee's webpage.'

6.2 Consideration of Questions of Notice and Supplementary Questions

Resolved, on the motion of Mr Rowell, seconded Mr Phelps: 'That the Committee invite the return of questions taken on notice for fourteen days following the hearing'

Resolved, on the motion of Mr Maguire, that supplementary questions concerning the cost per vote, or per enrolled voter, be sent to all councils that participated in the roundtables

7. ***

8. ***

The Committee adjourned at 4:36pm

Minutes of Proceedings of the Joint Standing Committee on Electoral Matters (no. 26)

10:30am, Monday, 26 August 2013
Jubilee Room, Parliament House

MEMBERS PRESENT

Mr Ward (Chair), Mr Borsak (Deputy Chair), Mr Fraser, Mr Maguire, Mr Lynch, Mr Phelps, Mr Primrose and Mr Rowell

Staff in attendance: Ms Rachel Simpson, Mr Jason Arditi and Mr Leon Last

The Chair opened the meeting at 10:31am

1. Apologies

Apologies were received from Ms Fazio and Mr Khan.

2. Minutes

Resolved, on the motion of Mr Fraser, seconded Mr Rowell: 'That the minutes of the deliberative meeting No. 25 be confirmed'

3. Inquiry into the 2012 Local Government Elections: Pre-Hearing Items

3.1 Consideration of Stakeholders

Resolved, on the motion of Mr Borsak, seconded Mr Phelps: 'That the Committee accepts the indicative list of witnesses, as previously circulated, to attend the hearing'

3.2 Media

Resolved, on the motion of Mr Rowell, seconded Mr Maguire: 'That the Committee authorises the media and general public to observe the hearing'

4. Inquiry into the 2012 Local Government Elections: Public Hearing

The invited witnesses, together with the press and public, were admitted at 10:41am.

10:41am, the chair opened the hearing and gave a brief opening address.

Richard Kidd, principal, Australian Election Company, sworn and examined,

The witness made an opening statement, followed by questions from committee members.

The evidence concluded at 11:30am, the chair thanked the witness for his attendance, and the witness withdrew.

The committee took a short adjournment at 11:32am, and resumed the public hearing at 11:45am.

Colin Barry, commission, NSW Electoral Commission,

Paul Beeren, director, enrolment, NSW Electoral Commission, and

Trevor Follett, director, finance, NSW Electoral Commission, affirmed and examined

Brian de Celis, Director, funding and disclosure, NSW Electoral Commission, sworn and examined,

The witnesses made brief opening statements, followed by questions from committee members.

The evidence concluded at 12:43pm, the chair thanked the witnesses for their attendance, the witnesses withdrew.

5. Inquiry into the 2012 Local Government Elections: Post-Hearing Items**5.1 Publication of Transcript**

Resolved, on the motion of Mr Rowell, seconded Mr Phelps: 'That the Committee publishes the transcript of the day's proceedings and posts it on the Committee's webpage.'

5.2 Consideration of Questions on Notice and Supplementary Questions

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS
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Resolved, on the motion of Mr Phelps, seconded Mr Rowell: 'That the Committee invite the return of questions taken on notice for fourteen days following the hearing'

6. ***

7. ***

The Committee adjourned at 12:48pm

Minutes of Proceedings of the Joint Standing Committee on Electoral Matters (no. 27)

9:41am, Monday, 16 September 2013
Macquarie Room, Parliament House

Members present

Mr Ward (Chair), Mr Fraser, Mr Maguire, Mr Khan and Dr Phelps

Staff in attendance: Ms Rachel Simpson, Mr Jason Arditi and Mr Leon Last

The Chair opened the meeting at 9:31am

1. Apologies

Mr Borsak, Ms Fazio, Mr Lynch, Mr Primrose, Mr Rowell

2. Minutes

Resolved, on the motion of Mr Fraser: 'That the minutes of the deliberative meeting No. 26 be confirmed'

3. Inquiry into the 2012 Local Government Elections: Pre-Hearing Items

3.1 Consideration of Stakeholders

Resolved, on the motion of Mr Khan, seconded Mr Phelps: 'That the Committee accepts the indicative list of witnesses, as previously circulated, to attend the hearing'

3.2 Media

Resolved, on the motion of Mr Maguire: 'That the Committee authorises the media and general public to observe the hearing'

4. Inquiry into the 2012 Local Government Elections: Public Hearing

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The invited witnesses, together with the press and public, were admitted at 9:45am.

9:46am, the Chair opened the hearing and gave a brief opening address.

Luke Aitken, Senior Manager, Policy, New South Wales Business Chamber, and

Ash Salardini, Policy Adviser, New South Wales Business Chamber, affirmed and examined.

The witnesses made an opening statement, followed by questions from Committee Members.

The evidence concluded at 10:30am, the Chair thanked the witnesses for their attendance, and the witnesses withdrew.

The Committee took a short adjournment at 10:32am, and resumed the public hearing at 10:45am.

Edward Henry Mandla, Councillor, City of Sydney,

Clover Moore, Lord Mayor, City of Sydney,

Christine Forster, Councillor, City of Sydney, and

Angela Vithoukias, Councillor, City of Sydney, sworn and examined, and

John Heywood Mant, Councillor, City of Sydney, affirmed and examined:

The witnesses made brief opening statements, followed by questions from Committee Members.

Following an objection by Mr Khan that a question asked was outside the terms reference for the Inquiry, the question was then withdrawn.

The evidence concluded at 11:52am, the Chair thanked the witnesses for their attendance, the witnesses withdrew.

Maria Jane Woods, Councillor, Shires Association, and

Peter James Coulton, Director of Corporate Services, Local Government NSW, affirmed and examined:

Kevin William Schreiber, Treasurer, Local Government Association, sworn and examined:

The witnesses made brief opening statements, followed by questions from Committee Members.

The evidence concluded at 12:20pm, the Chair thanked the witnesses for their attendance, the witnesses withdrew.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS
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5. Inquiry into the 2012 Local Government Elections: Post-Hearing Items

5.1 Publication of Transcript

Resolved, on the motion of Mr Khan: 'That the Committee publishes the transcript of the day's proceedings and posts it on the Committee's webpage'

5.2 Acceptance of Submission

Resolved, on the motion of Dr Phelps: 'That the documents tendered by the Lord Mayor be accepted as a submission from the City of Sydney'

6. ***

7. ***

The Committee adjourned *sine die*

Minutes of Proceedings of the Joint Standing Committee on
Electoral Matters (no. 28)

9:30am, Thursday, 14 November 2013
Room 1153, Parliament House

Members Present

Mr Ward (Chair), Mr Borsak, Mr Fraser, Mr Maguire, Mr Rowell and Mr Primrose

Staff in attendance: Ms Rachel Simpson, Mr Jason Arditi and Mr Leon Last

The Chair opened the meeting at 9:33am

1. Apologies

Apologies were received from Ms Fazio, Mr Khan, Mr Lynch, Mr Phelps

2. Minutes

Resolved, on the motion of Mr Fraser, seconded Mr Rowell: 'That the minutes of the deliberative meeting No. 26 be confirmed'

3. Inquiry into the 2012 Local Government Elections

3.1 Consideration of Stakeholders

Resolved, on the motion of Mr Maguire, seconded Mr Rowell that: 'the Committee accepts the item of correspondence received from the Electoral Commissioner, Mr Colin

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Barry, re clarification of his evidence the hearing, and that his letter be appended to the hearing transcript'

3.2 Submission 76

Resolved, on the motion of Mr Maguire, seconded Mr Fraser that: 'the Committee accepts the submission from Randwick City Council'

3.3 Inquiry Hearing

Resolved in the motion of Mr Fraser, seconded Mr Rowell that: 'the Committee invites the following witnesses to attend a hearing at Parliament House:

- Rt Hon. Robert Doyle, Lord Mayor of Melbourne, and senior staff;
- Warwick Gately AM, Victorian Electoral Commission, and senior staff.'

3.4 Reporting Deadline

Resolved, on the motion of Mr Maguire that: 'the Committee extends its reporting deadline until the last sitting day in March 2014. Further to this, that the Chair write to the Minister of Local Government and the Clerks of both Houses to advise them of the changed timeframe.'

4. ***

5. ***

The Committee adjourned at 9:45am *sine die*

**Minutes of Proceedings of the Joint Standing Committee on
Electoral Matters (no. 29)**

9:45am, Friday, 28 February 2014
Mitchel Room, State Library

Members Present

Mr Ward (Chair), Mr Borsak, Mr Fraser, Mr Khan, Mr Lynch, Mr Maguire, Mr Rowell, Dr Phelps and Mr Primrose

Staff in attendance: Mr Jason Arditi, Mr Leon Last and Ms Meike Bowyer

The Chair opened the meeting at 9:47am

1. Apologies

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS
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An apology was received from Ms Fazio

2. Minutes

Resolved, on the motion of Mr Maguire, seconded Dr Phelps: 'That the minutes of the deliberative meeting No. 26 be confirmed'

3. ***

4. Inquiry into the 2012 Local Government Elections: Pre-hearing Items

4.1 Media

Resolved, on the motion of Dr Phelps, seconded Mr Maguire: 'That the Committee authorises the media and general public to observe the hearing'

5. Inquiry into the 2012 Local Government Elections: Public Hearing

The invited witnesses, together with the press and public, were admitted at 10.02am.

10.02am, the Chair opened the hearing and gave a brief opening address.

Warwick Gately, Electoral Commissioner, Victorian Electoral Commission, sworn and examined;

Elizabeth Williams, Electoral Commissioner, Victorian Electoral Commission; and

Keegan Bartlett, Senior Contract Manager, Victorian Electoral Commission, affirmed And examined.

The witnesses made an opening statement, followed by questions from Committee members.

The evidence concluded at 10:45am, the Chair thanked the witnesses for their attendance, and the witnesses withdrew.

The committee took a short adjournment at 10:45am, and resumed the public hearing at 11:01am.

Robert Doyle, Lord Mayor of Melbourne, sworn and examined.

The evidence concluded at 11:41am, the Chair thanked the witness for their attendance, and the witness withdrew.

6. Inquiry into the 2012 Local Government Elections: Post-Hearing Items

6.1 Consideration of Questions on Notice and Supplementary Questions

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Resolved, on the motion of Mr Khan: 'That three days be given for Committee Members to provide supplementary questions to Committee staff, and a return date of two weeks for responses to Questions on Notice'

6.2 Publication of Transcript

Resolved, on the motion of Dr Phelps, seconded Mr Fraser: 'That the Committee publishes the transcript of the day's proceedings and places it on the Committee's webpage'

7. ***

8. ***

The Committee adjourned at 11:55am sine die

UNCONFIRMED MINUTES OF PROCEEDINGS OF THE JOINT
STANDING COMMITTEE ON ELECTORAL MATTERS (NO. 30)

8:30, Thursday 27 March 2014
Waratah Room, Parliament House

MEMBERS PRESENT

Mr Ward (Chair), Mr Borsak, Ms Fazio, Mr Fraser, Mr Khan, Mr Maguire, Mr Rowell, Dr Phelps and Mr Primrose

Staff in attendance: Mr Jason Arditi, Mr Leon Last, Ms Carly Maxwell and Ms Meike Bowyer

The Chair opened the meeting at 8:32am

1. Apologies

An apology was received from Mr Lynch

2. Minutes

Resolved, on the motion of Mr Phelps, seconded Mr Rowell: 'That the minutes of the deliberative meeting No. 29 be confirmed'

3. Inquiry into the 2012 Local Government Elections: Responses to
Questions on Notice

Resolved, on the motion of Mr Maguire, seconded Mr Fraser: 'That the Committee accept the responses to questions of notice from the Victorian Electoral Commission, and the Office of the Lord Mayor of Melbourne, and place them on the Committee's webpage'

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JOINT STANDING COMMITTEE ON ELECTORAL MATTERS
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4. Inquiry into the 2012 Local Government Elections: Report Consideration

Mr Primrose moved that:

1. This Committee notes that the terms of reference for the Inquiry into the 2012 Local Government Elections was referred for inquiry on 13 November 2012 and that during the course of the Inquiry:
 - a) Hearings were held on 19 August 2013, 26 August 2013, 16 September 2013 and 28 February 2014 at which evidence was taken from 33 witnesses and which generated 117 pages of transcript.
 - b) Submissions were received from 77 individuals and organisations.
 - c) A 915 page report was received from the State Electoral Commission on the Conduct of the 2012 Local Government.
2. This Committee further notes that the deliberative meeting to be held on Thursday 27 March 2014 was notified to members on Tuesday 25 March 2014 at 4.07pm and that attached to the email notice was a 95 page draft report containing 15 Recommendations;
3. This Committee considers that the time frame for the consideration of the report was inadequate.
4. Given that inadequate time was provided to members to fully consider the report and recommendations, that the deliberative meeting be deferred until Monday, 5 May 2014'.

Discussion ensued. Question put.

The Committee divided

Ayes: Mr Primrose

Noes: Mr Ward, Mr Borsak, Mr Fraser, Mr Maguire and Mr Rowell

Question resolved in the negative.

Resolved, on the motion of Mr Rowell, seconded Mr Fraser: 'That the Committee consider the draft report on the *Inquiry into the 2012 Local Government Elections* chapter by chapter

Dr Phelps moved, seconded Mr Maguire: 'That Chapter One be agreed to'.

Question put.

The Committee divided.

Ayes: Mr Ward, Mr Borsak, Mr Fraser, Mr Maguire, Mr Rowell and Dr Phelps

Noes: Mr Primrose

Question resolved in the affirmative

Ms Fazio and Mr Khan entered the meeting

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Resolved, on the motion of Dr Phelps, seconded Mr Fraser: 'That Chapter Two be agreed to'.

Question put.

The Committee divided.

Ayes: Mr Ward, Mr Borsak, Mr Fraser, Mr Khan, Mr Maguire, Dr Phelps and Mr Rowell

Noes: Ms Fazio, Mr Primrose

Question resolved in the affirmative

Resolved on the motion of Ms Fazio: 'That Paragraph 3.15 be amended by omitting the word 'deepen' and inserting the word 'enhance'.

Resolved on the motion of Ms Fazio: 'That Recommendation 4 be amended by inserting the words 'or that are not conducting their elections in-house' after the words '... utilising the services of the Electoral Commission'.

Resolved, on the motion of the Chair: 'That Paragraphs 3.116 and 3.117 be amended by replacing the words

'The Committee supports the concept of returning to Councils the fine revenue for those that failed to vote in their elections. Just as the NSW Government funds the operation of the NSW Electoral Commission for the purposes of conducting State Elections and receives fine revenue accordingly, Councils should be no different.

Indeed, Councils currently utilise the State Debt Recovery Office for fines issued by Councils for breaches of local by-laws and receive the corresponding revenue. Given that Councils are paying for the conduct of their elections, they should receive any corresponding fine revenue that accrues from this exercise.'

With

'The Committee supports the concept of returning fine revenue to councils for electors that fail to vote in elections. Councils currently use the State Debt Recovery Office for fines issued by Councils for breaches of local by-laws and receive the corresponding revenue. Given that councils are paying for the conduct of their elections, they should similarly receive any corresponding fine revenue that accrues from this exercise.'

Dr Phelps moved, Mr Fraser seconded: 'That Chapter Three as amended be agreed to'.

Question put.

The Committee divided.

Ayes: Mr Ward, Mr Borsak, Mr Fraser, Mr Khan, Mr Maguire, Mr Rowell and Dr Phelps

Noes: Ms Fazio and Mr Primrose

Question resolved in the affirmative

Mr Rowell left the meeting

Ms Fazio moved: 'That Paragraphs 4.37 and 4.38 be deleted'. Discussion ensued.

Question put.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS
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The Committee divided.

Ayes: Ms Fazio and Mr Primrose

Noes: Mr Ward, Mr Borsak, Mr Fraser, Mr Khan, Mr Maguire and Dr Phelps

Question resolved in the negative

Resolved, on the motion of Mr Primrose: 'That Paragraph 4.38 be amended by inserting footnotes that refer to the evidence in Paragraphs 4.21 and 4.26'

Ms Fazio moved: 'That Paragraphs 4.56, 4.57, 4.58, 4.59 and Recommendation 8 be deleted'. Discussion ensued.

Question put.

The Committee divided.

Ayes: Ms Fazio, Mr Fraser, Mr Khan and Mr Primrose

Noes: Mr Ward, Mr Borsak, Mr Maguire and Dr Phelps

Question resolved in the negative on the casting vote of the Chair

Ms Fazio moved: 'That Paragraphs 4.70, 4.71, 4.72, 4.73, 4.74, 4.75 be deleted'. Discussion ensued.

Question put.

The Committee divided.

Ayes: Ms Fazio and Mr Primrose

Noes: Mr Ward, Mr Borsak, Mr Fraser, Mr Khan, Mr Maguire, Mr Rowell and Dr Phelps

Question resolved in the negative

Ms Fazio moved: 'That Paragraphs 4.88 and Recommendation 9 be amended by replacing the words '18 months' with '12 months' wherever appearing'. Discussion ensued.

Question put.

The Committee divided

Ayes: Ms Fazio and Mr Primrose

Noes: Mr Ward, Mr Borsak, Mr Fraser, Mr Khan, Mr Maguire and Dr Phelps

Question resolved in the negative

Dr Phelps moved, Mr Maguire seconded: 'That Chapter Four as amended be agreed to'.

Question put.

The Committee divided

Ayes: Mr Ward, Mr Borsak, Mr Fraser, Mr Khan, Mr Maguire and Dr Phelps

Noes: Ms Fazio and Mr Primrose

Question resolved in the affirmative

Moved, on the motion of Ms Fazio: 'That Paragraphs 5.50 and Recommendation 11 be deleted'. Discussion ensued.

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Question put.

The Committee divided

Ayes: Ms Fazio and Mr Primrose

Noes: Mr Ward, Mr Borsak, Mr Fraser, Mr Maguire, Mr Khan and Dr Phelps

Question resolved in the negative

Resolved, on the motion of Mr Borsak: 'That Recommendation 13 be amended by inserting the words 'The Committee recommends that there is an independent software review and report on the integrity of iVote systems prior to implementation' after the first sentence.

Dr Phelps moved, Mr Maguire seconded: 'That Chapter Five as amended be agreed to'. Discussion ensued.

Question put.

The Committee divided.

Ayes: Mr Ward, Mr Borsak, Mr Fraser, Mr Khan, Mr Maguire and Dr Phelps

Noes: Ms Fazio and Mr Primrose

Question resolved in the affirmative

Ms Fazio moved: 'That Paragraphs 6.11 and 6.12 be deleted'. Discussion ensued.

Question put.

The Committee divided

Ayes: Ms Fazio, Mr Primrose

Noes: Mr Ward, Mr Borsak, Mr Fraser, Mr Khan and Dr Phelps

Question resolved in the negative

Ms Fazio moved: 'That Paragraph 6.15 be amended by deleting the words 'However, to address the issues raised, the focus should be on increasing non-residential voter participation, rather than abolishing the franchise'. Discussion ensued.

Question put.

The Committee divided

Ayes: Ms Fazio, Mr Khan and Mr Primrose

Noes: Mr Ward, Mr Borsak, Mr Fraser, Mr Maguire and Dr Phelps

Question resolved in the negative

Ms Fazio moved: 'That Paragraphs 6.23 and 6.24 be deleted.' Discussion ensued.

Question put.

The Committee divided

Ayes: Ms Fazio and Mr Primrose

Noes: Mr Ward, Mr Borsak, Mr Fraser, Mr Maguire and Dr Phelps

Question resolved in the negative

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Ms Fazio moved: 'That Paragraphs 6.28, 6.29 and 6.30 be deleted.' Discussion ensued.

Question put.

The Committee divided

Ayes: Ms Fazio and Mr Primrose

Noes: Mr Ward, Mr Borsak, Mr Fraser, Mr Maguire and Dr Phelps

Question resolved in the negative

Resolved, on the motion of Ms Fazio: 'That Paragraph 6.34 be amended by deleting the words: 'This is both unnecessary and there is the likelihood that many of those forms are overly complex and cumbersome, although the Committee has not had the benefit of examining each of them'.

Moved, on the motion of Ms Fazio: 'That Paragraphs 6.36 and 6.37 be deleted'. Discussion ensued.

Question put.

The Committee divided

Ayes: Ms Fazio and Mr Primrose

Noes: Mr Ward, Mr Borsak, Mr Fraser, Mr Maguire and Dr Phelps

Question resolved in the negative

Ms Fazio moved: 'That Paragraphs 6.47, 6.48 and 6.49 be deleted'. Discussion ensued.

Question put.

The Committee divided

Ayes: Ms Fazio and Mr Primrose

Noes: Mr Ward, Mr Borsak, Mr Fraser, Mr Maguire and Dr Phelps

Question resolved in the negative

Mr Primrose left the meeting

Resolved, on the motion of Ms Fazio: 'That Paragraph 6.50 be amended by replacing the words 'was not universal agreement' with 'disagreement' in the first sentence'.

5. Next Meeting

The Committee adjourned at 9:30am to reconvene at 1:00pm

UNCONFIRMED MINUTES OF PROCEEDINGS OF THE JOINT STANDING COMMITTEE ON ELECTORAL MATTERS (NO. 31)

1:00pm, Thursday 27 March 2014
Room 1153, Parliament House

MEMBERS PRESENT

Mr Ward (Chair), Mr Borsak, Ms Fazio, Mr Fraser, Mr Khan, Mr Maguire, Mr Rowell, Dr Phelps and Mr Primrose

Staff in attendance: Mr Jason Arditi, Mr Leon Last, Ms Carly Maxwell and Ms Meike Bowyer

The Chair opened the meeting at 1:30pm

1. Apologies

An apology was received from Mr Lynch

2. Inquiry into the 2012 Local Government Elections: Report Consideration

Dr Phelps moved, Mr Fraser seconded: 'That new paragraphs be inserted following Paragraph 6.30 to read as follows

'6.31 Councillor Mandla from the City of Sydney also reported difficulties for non-residents caused by the lapsing of the roll:

First of all, there is no electoral roll as it gets wiped after every election so there are no reminders. A business has to figure out that it is not a business but a non-residential ratepayer. A non-residential ratepayer has a small window of between two weeks and three months before the council election in which to enrol. You cannot enrol prior to this period and if you are not enrolled more than two weeks out from the election then you will miss out.

6.32 To improve the situation, he recommended 'a permanent roll where eligible non-residential voters ... are automatically enrolled' and that the introduction of a permanent roll would 'have to apply across the State'.

6.33 The Committee heard that this is the case in the City of Melbourne, where non-residential voter turnout is much higher. According to the Lord Mayor of Melbourne the non-residential roll is updated:

... continuously. People are coming on and going off ... If the State electoral roll changes, that changes the roll too because that is the first thing we take in.'

Discussion ensued.

Question put

The Committee divided

Ayes: Mr Borsak, Mr Fraser, Mr Rowell and Dr Phelps

Noes: Ms Fazio

Question resolved in the affirmative

Mr Khan and Mr Primrose entered the room

Ms Fazio moved: 'That Paragraph 6.64 be deleted.' Discussion ensued.

Question put.

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS
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The Committee divided

Ayes: Ms Fazio and Mr Primrose

Noes: Mr Ward, Mr Borsak, Mr Fraser, Mr Khan, Mr Rowell and Dr Phelps

Question resolved in the negative

Ms Fazio moved: 'That Paragraphs 6.66, 6.67, 6.68, 6.69 and Recommendations 14 and 15 be deleted and the following words be inserted instead 'However, the Committee is concerned that the cost such a system is not justified given the low inclusion on the roll to date'. Discussion ensued.

Question put.

The Committee divided

Ayes: Ms Fazio and Mr Primrose

Noes: Mr Ward, Mr Borsak, Mr Fraser, Mr Khan, Mr Maguire, Mr Rowell and Dr Phelps

Question resolved in the negative

Resolved, on the motion of Mr Khan: 'That Paragraph 6.66 be amended by inserting the words 'other evidence received by the Committee is that' after the words 'Given that' in the second sentence.'

The Chair moved:

'That a new paragraph be inserted following paragraph 6.69, which reads:

'6.70 Similarly, there is a provision under the City of Melbourne Act 2001 which provides that all electors on the voters' roll in the City of Melbourne must vote at any local government election in that city. There is a defence for deemed representatives on the roll if they did not receive proper notice of their enrolment.

Recommendation 14 be amended by the addition of the following words at the end of the first sentence:

... including the deeming provisions and the compulsory voting aspect for electors on the non-residential roll.'

Question put

The Committee divided

Ayes: Mr Ward, Mr Borsak, Mr Fraser, Mr Khan, Mr Rowell and Dr Phelps

Noes: Ms Fazio and Mr Primrose

Question resolved in the affirmative

Resolved, on the motion of Mr Fraser: 'That Recommendation 15, found on page 68, which reads:

'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' be moved to follow paragraph 6.37, on page 63, and consequently become Recommendation 14.' Discussion ensued

Question put.

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The Committee divided.

Ayes: Mr Ward, Mr Borsak, Mr Fraser, Mr Khan, Mr Rowell and Dr Phelps

Noes: Ms Fazio and Mr Primrose

Question resolved in the affirmative

Dr Phelps moved: 'That Chapter Six be adopted as amended' Discussion ensued

Question put.

The Committee divided.

Ayes: Mr Ward, Mr Borsak, Mr Fraser, Mr Khan, Mr Rowell and Dr Phelps

Noes: Ms Fazio and Mr Primrose

Question resolved in the affirmative

Mr Rowell moved, seconded Mr Fraser: 'That the Committee adopt the report as amended as the report of the Committee.'

Question put.

The Committee divided.

Ayes: Mr Ward, Mr Borsak, Mr Fraser, Mr Khan, Mr Rowell and Dr Phelps

Noes: Ms Fazio and Mr Primrose

Question resolved in the affirmative

Mr Fraser moved, seconded Dr Phelps: 'That the Report be signed by the Chair and presented to the House'.

Question put.

The Committee divided.

Ayes: Mr Ward, Mr Borsak, Mr Fraser, Mr Khan, Mr Rowell and Dr Phelps

Noes: Ms Fazio and Mr Primrose

Question resolved in the affirmative

Resolved on the motion of Mr Fraser, seconded Mr Rowell: 'That the secretariat be permitted to correct stylistic, typographical and grammatical errors; and that, once tabled, the report be published on the Committee's webpage.'

Attachment 2



The Hon Paul Toole MP
Minister for Local Government

(LAC12/097)



Ref:
MIN:
Doc ID: A395793



22 OCT 2014

Ms Ronda Miller
Clerk of the Legislative Assembly
Parliament House
Macquarie Street
SYDNEY NSW 2000

Dear Ms Miller

I am writing in relation to the Joint Standing Committee on Electoral Matters' Report No 4/55 entitled 'Inquiry into the 2012 Local Government Elections' published on 28 March 2014.

I enclose the Government's response to the Report.

Yours sincerely

Paul Toole MP
Minister

GPO Box 5341, Sydney NSW 2001
Phone: (61 2) 8574 7000 Fax: (61 2) 9339 5552 Email: office@toole.minister.nsw.gov.au

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**RESPONSE TO THE JOINT STANDING COMMITTEE ON ELECTORAL
MATTERS'**

REPORT NO 4/55 2012

LOCAL GOVERNMENT ELECTIONS

The Government has considered the report "Inquiry into the 2012 Local Government Elections" tabled on 27 March 2014 by the Joint Standing Committee on Electoral Matters ("the Committee").

The Government is pleased to provide the following response to the Committee's report ("the Report") in relation to its recommendations.

Recommendations to improve the administration of Local Government elections

Recommendation 1 proposes that both the Department of Premier and Cabinet and the Joint Standing Committee on Electoral Matters review the administration of future elections.

The Government recognises the importance of accountability in the conduct of Local Government elections and will continue to support future inquiries by the Committee into local government elections.

In relation to the role of the Department of Premier and Cabinet, the *Local Government (General) Regulation 2005* ("the Regulation") requires General Managers of councils that administer their own elections to report to the Minister for Local Government on the administration of the elections. Following the 2012 Local Government elections, the then Division of Local Government (now the Office of Local Government) undertook a review of the council run elections based in part on this information. The Office of Local Government is best placed to continue this role and no change is therefore required in relation to this for council administered elections.

However, it is proposed to amend the Regulation to also require the NSW Electoral Commissioner to report to the Minister on the council elections he has administered.

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Recommendation 2 proposes that each council that administers its own election be required to submit information relating to candidate participation and voter turnout to the Office of Local Government.

The Office of Local Government currently collects statistical data on candidates at all ordinary council elections through the completion of statistical information sheets contained in the prescribed nomination paper. The Office reports on this data following the election.

It is proposed to add to the data currently collected by the Office, information about candidate membership of registered political parties for the purpose of identifying candidate participation trends to inform future policy development. This information is already provided in Candidate Information Sheets but is not available for evaluation after the election. This will apply to all council elections including those administered by the NSW Electoral Commissioner.

The Government will also amend the Regulation to include information on voter turnout at council administered elections in the information General Managers of councils that administer their own elections are required to report on to the Minister for Local Government following ordinary elections and to include this in the information the Electoral Commissioner will be required to report on to the Minister under the new reporting requirements that will apply to him.

Recommendation 3 proposes that each council that resolves to administer its election in-house be required to prepare a report for the Office of Local Government at least 15 months prior to the 2016 elections in which it demonstrates its capacity to conduct a successful election including access to suitably qualified returning officers and possible substitutes.

Recommendation 4 similarly proposes that the Department of Premier and Cabinet take steps to ensure that councils not utilising the services of the Electoral Commission or that are conducting their elections in-house, have secured contracts with an electoral service provider at least 15 months prior to the 2016 elections.

The Government agrees that it is important that councils that make the decision to administer their own elections should only do so where they can demonstrate the capacity to do so successfully. However, the Government considers that it would make little sense to return the power to councils to administer their own elections if the responsibility for ensuring that councils that decide to administer their own election have the capacity to do so successfully remains with the State. It is the Government's view that this responsibility should remain with those councils who decide to administer their own elections.

Under section 296 of the *Local Government Act 1993* ("the Act"), the last time councils can resolve to engage the Electoral Commissioner to conduct their elections is 18 months prior to the election. The Government therefore considers that it would

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be more prudent to require councils to take the necessary steps to demonstrate the capacity to successfully administer their own election prior to this time. To these ends, the Government proposes to seek amendments to the Act to provide that where a council does not intend to enter into an arrangement with the Electoral Commissioner to administer its elections, it must, at least 18 months before the next ordinary election, demonstrate to its community that it has the capacity to successfully administer its own elections by way of a resolution of the council that provides the following information:

1. That it proposes to administer its own ordinary election
2. Whether it proposes to administer the ordinary election itself or through a contracted electoral service provider and if so, the name of the provider
3. If it proposes to administer the ordinary election itself, whether it has access to a suitably qualified returning officer to oversee the election and at least one appropriately qualified substitute returning officer.

Requiring councils to notify their communities of this information by way of a council resolution will ensure that the governing body of the council is provided with all the information necessary to make an informed decision on their council's capacity to do so at a time when it is still possible to change its mind and enter into an arrangement with the Electoral Commissioner for the administration of its ordinary election.

Recommendation 5 proposes that the Office of Local Government provide guidance to the Electoral Commissioner with respect to the extent and mode of electoral roll data that can be disclosed to councils that administer their own elections and that particular weight should be given to ensuring councils are granted sufficient access to roll data while safeguarding elector privacy.

The Government agrees with the Committee's view that the Electoral Commissioner has a democratic obligation 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. However, the Government also agrees that it is important to safeguard elector privacy.

To this end, the Government proposes to seek amendments to the Act to require the Electoral Commissioner to provide councils that administer their own elections with access to such soft copy information contained in the electoral roll reasonably necessary for the effective administration of their elections and to allow councils to provide access to this information to their contracted electoral service providers for this purpose. Councils and their contractors that are provided with access to such information are to use it solely for the purpose of administering their elections.

Recommendations to improve candidate participation

Recommendation 6 proposes that the Government raise the threshold for a candidate to open a campaign account to \$2,500, indexed annually to inflation.

Recommendation 7 proposes that the Government remove the mandatory requirement for a candidate to appoint an official agent but retain the option to appoint an official agent if they wish to do so.

Recommendation 8 proposes that the Government remove the requirement that a candidate information sheet is made in the form of a statutory declaration.

The Government agrees with the Committee that the current requirements for candidates to open a campaign account where they receive political donations or incur electoral expenditure that exceeds \$1,000 and to appoint an official agent are unduly onerous in the context of Local Government elections and serve as a disincentive to participation by candidates in Local Government elections.

The Government supports in principle amendments to the *Election Funding Expenditure and Disclosures Act 1981* to address this, but considers that any proposed amendments should be deferred pending the completion of the work by the Expert Panel on Political Donations so that this issue may be considered in the context of the outcomes of that review.

The Government does not support the proposal to remove the requirement for candidate information sheets to be made in the form of a statutory declaration. Candidate information sheets are an important accountability mechanism and the requirement for candidates to attest to the accuracy of the information they provide in them serves as an important reminder of this. The Government considers that the need for electors to have confidence in the integrity of the information provided in candidate information sheets outweighs any inconvenience of having them witnessed.

Recommendation 9 proposes 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.

The Government acknowledges the resource impacts on councils of having to conduct by-elections and agrees that where vacancies arise within 18 months of an ordinary election, councils should have the option of being able to avoid the cost of a by-election through use of a countback system to fill the vacancy. It is proposed to amend the Act to allow for this.

The use of a countback system will not be available however where the vacancy arises in the office of a popularly elected Mayor. The Government considers that it is important that the community has an opportunity to directly elect a replacement for

popularly elected Mayors at a by-election, given the important community leadership role of that office.

The use of a countback system will also not be available where the original election of the councillor to the vacated office was uncontested meaning that there are no alternative candidates to replace the departing councillor.

Where, as is proposed, the use of a countback system is to be optional and at the discretion of the council, there is a risk that councils will make a decision on whether to use a countback system to fill a vacancy based on knowledge of the outcome this will yield.

To safeguard against this, it is intended to require councils to decide by resolution at the start of their term whether vacancies that arise in the 18 months following the election are to be filled by way of a countback system. Councils will not be allowed to change this decision.

Recommendations to improve voter participation

Recommendation 10 proposes that the Government abolish the existing eligibility requirements with respect to whether an elector is qualified to cast a postal vote.

Recommendation 11 proposes that 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.

Postal voting provides a potentially cheaper alternative to attendance voting and makes it easier for electors to participate in Local Government elections. The Government therefore supports councils being given the option of offering postal voting as an alternative to attendance voting and giving individual electors the choice to exercise their vote in this way where a council decides to conduct their election by way of an attendance vote.

However, before this can be implemented, further work needs to be done to ensure systems are in place to support universal postal voting. It is unlikely that this will occur before the September 2016 Local Government elections.

In the meantime, it is proposed to abolish the current postal voting eligibility requirements for all electors for the City of Sydney. This is discussed further in the response to recommendation 15 below.

This will support the likely significant expansion in the numbers of enrolled non-residential electors that automatic enrolment will give rise to by reducing red tape requirements for non-residential and other voters who wish to cast their vote by post instead of attending a polling place on election day. If successful, it is proposed to expand this change to all council areas in the future.

Recommendation 12 proposes that the Government retains the existing two week pre-poll period but abolish the existing eligibility requirements with respect to whether an elector is qualified to cast a pre-poll vote.

The Government supports any measure that maximises voter participation and agrees that maintaining a pre-poll voting alternative is an important voting option. The Government agrees that the best way to achieve this is to maintain the existing 2 week pre-polling period and to abolish the criteria electors must meet before being able to cast a pre-poll vote.

However, as with the recommended abolition of the current postal voting eligibility requirements, further work needs to be done to prepare for implementation. The Government proposes to do this first for the City of Sydney before extending it to all councils in the future.

Recommendation 13 proposes 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 and that there be an independent software review and report on the integrity of iVote systems prior to implementation.

The Government acknowledges the potential benefits of extending the availability of iVote to all electors at Local Government and State elections in promoting greater voter participation at elections. However before iVote can be made available for use at Local Government elections, a number of logistical questions need to be settled, including the feasibility of its use for individual council elections, the likely costs, and its availability and cost to those councils that are administering their own elections.

Considering councils need to make a decision on the conduct of the 2016 Local Government elections by March 2015 at the latest, it is unlikely that these questions can be settled in time for iVote to be available to councils at the 2016 elections. However, the Government will explore the feasibility of making iVote available for use at the 2020 Local Government elections.

Recommendation 14 proposes that the Government amend the Act to provide for the permanency of the non-residential rolls (i.e. the roll of non-resident owners of rateable land and the roll of occupiers and ratepaying lessees) across all NSW councils, so that electors are not required to re-apply for inclusion prior to each election.

The Government acknowledges the frustration and red tape burden of non-residential electors having to re-enrol ahead of every election in order to vote at Local Government elections. The Government agrees that this is also a potential deterrent to participation by non-residential electors at Local Government elections.

The Government proposes to address this by seeking an amendment to the Act to make the non-residential rolls permanent.

Recommendation 15 proposed that the Government introduce the model for non-residential elector enrolment 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 rolls. It was also proposed that the Government consider applying this model in local government areas with significant economic centres such as Newcastle, Wollongong and Parramatta.

The Government agrees that where, as is the case for the City of Sydney, 78.5% of ratepayer revenue is derived from the business community and other non-residents, electoral architecture needs to be put in place to ensure equity and fairness.

For this reason, the Government supported the Bill introduced into the Parliament by the Shooters and Fishers' Party to amend the *City of Sydney Act 1988* which gave effect to the Committee's recommendation.

The *City of Sydney Amendment (Elections) Bill 2014 (the Bill)* passed the Parliament on 17 September 2014 including additional amendments to address issues of fairness and to improve the operation of the Act.

The Government responded to concerns raised through the parliamentary process and made a number of important amendments to the Bill to ensure that in future City of Sydney Council elections businesses would not be disenfranchised and that the elections would be administered effectively. These amendments included:

- ensuring businesses operating in shopping centres retain eligibility to vote;
- a provision allowing the City of Sydney to request help to run the election; and
- the model would only apply to the City of Sydney.

Key features of the legislation as passed through Parliament include:

- Making the rules for non-residential voters consistent and fairer for different kinds of businesses, setting a maximum of two eligible persons to be enrolled per business, including for each business operating in shopping centres;
- Non-residential electors will only be able to vote once in the City of Sydney elections;
- To be eligible to vote, a non-residential elector will need to be an Australian citizen who lives in NSW;
- Non-residential electors will now be automatically enrolled to vote;
- The City of Sydney, consistent with all other councils in NSW, will be responsible for preparing and maintaining the non-residential roll and will be able to engage an appropriately skilled service provider to assist it in doing so;
- The electoral roll will be regularly updated, available for public inspection and verified by the Electoral Commissioner to ensure transparency and integrity;
- The changes will only apply to the City of Sydney. Possible extension to other economic centres may be considered in the future.



Monthly Report

Camden Council

November 2014

ORD07

Attachment 1

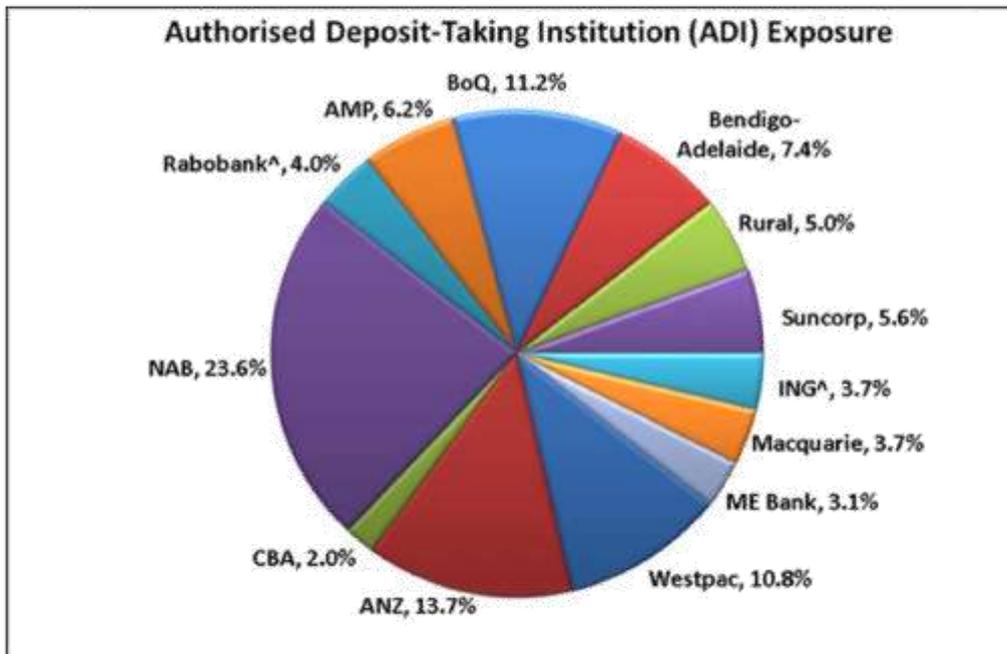
Investment Exposure

Council is reaching capacity limits with, NAB, Rabobank and ING. Council will continue to diversify the investment portfolio across the higher rated ADIs (A1 or higher).

ADI	Exposure \$M	Rating	Policy Limit	Actual	Capacity
Westpac	\$8.70M	A1+	25.0%	10.8%	\$11.44M
ANZ	\$11.00M	A1+	25.0%	13.7%	\$9.14M
CBA	\$1.65M	A1+	25.0%	2.0%	\$18.49M
NAB	\$19.00M	A1+	25.0%	23.6%	\$1.14M
Rabobank^	\$3.20M	A1	5.0%	4.0%	\$0.83M
AMP	\$5.00M	A1	15.0%	6.2%	\$7.08M
BoQ	\$9.00M	A1	15.0%	11.2%	\$3.08M
Bendigo-Adelaide	\$6.00M	A1	15.0%	7.4%	\$6.08M
Rural	\$4.00M	A1	15.0%	5.0%	\$8.08M
Suncorp	\$4.50M	A1	15.0%	5.6%	\$7.58M
ING^	\$3.00M	A1	5.0%	3.7%	\$1.03M
Macquarie	\$3.00M	A1	15.0%	3.7%	\$9.08M
ME Bank	\$2.50M	A2	10.0%	3.1%	\$5.56M
Total	\$80.55M			100.0%	

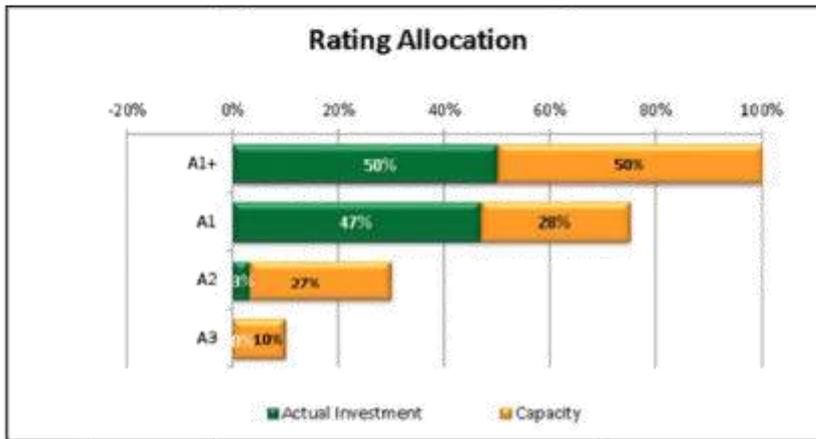
^Foreign subsidiary banks are limited to 5% of the total investment portfolio as per Council's investment policy.

Apart from investments with the regional ADIs, the investment portfolio is predominately directed to the higher rated entities led by NAB and ANZ.



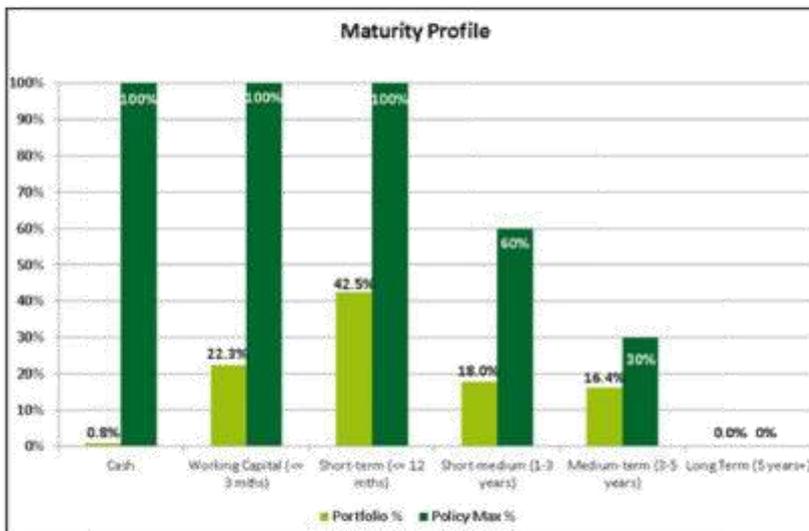
Credit Quality

A1+ (the domestic majors) and A1 (the high rated regionals) rated ADIs are the largest share of Council's investments.



Term to Maturity

The portfolio remains highly liquid with approximately 1% of investments at-call and around another 22% of assets maturing within 3 months. There is still substantial capacity to invest in terms greater than 1 year. In consultation with its investment advisors, Council has strategically diversified its investments across various maturities up to 5 years.



In the current low interest rate environment, as existing deposits mature, they will generally be reinvested at much lower rates than preceding years. A larger spread of maturities in medium-term assets would help income pressures over future financial years. This is becoming increasingly difficult as the banks continue to reduce their deposit rates, as well as talks of future interest rate cuts.

2014-15 Budget

Current Budget Rate	3.50%
Source of Funds Invested	November
Section 94 Developer Contributions	\$36,381,700
Restricted Grant Income	\$479,900
Externally Restricted Reserves	\$9,120,800
Internally Restricted Reserves	\$27,397,200
General Fund	\$7,170,400
Total Funds Invested	\$80,550,000

Council's investment portfolio has increased by \$3.030 million since the October reporting period. This increase is primarily a result of second instalment payments for rates and charges and the receipt of a number of significant Section 94 contributions cash payments.

INTEREST RECEIVED DURING 2014/15 FINANCIAL YEAR				
	November	Cumulative	Projected Interest	*Original Budget
General Fund	\$92,857	\$521,605	\$1,101,100	\$899,200
Restricted	\$141,615	\$722,595	\$1,306,000	\$871,900
Total	\$234,472	\$1,244,200	\$2,407,100	\$1,771,100

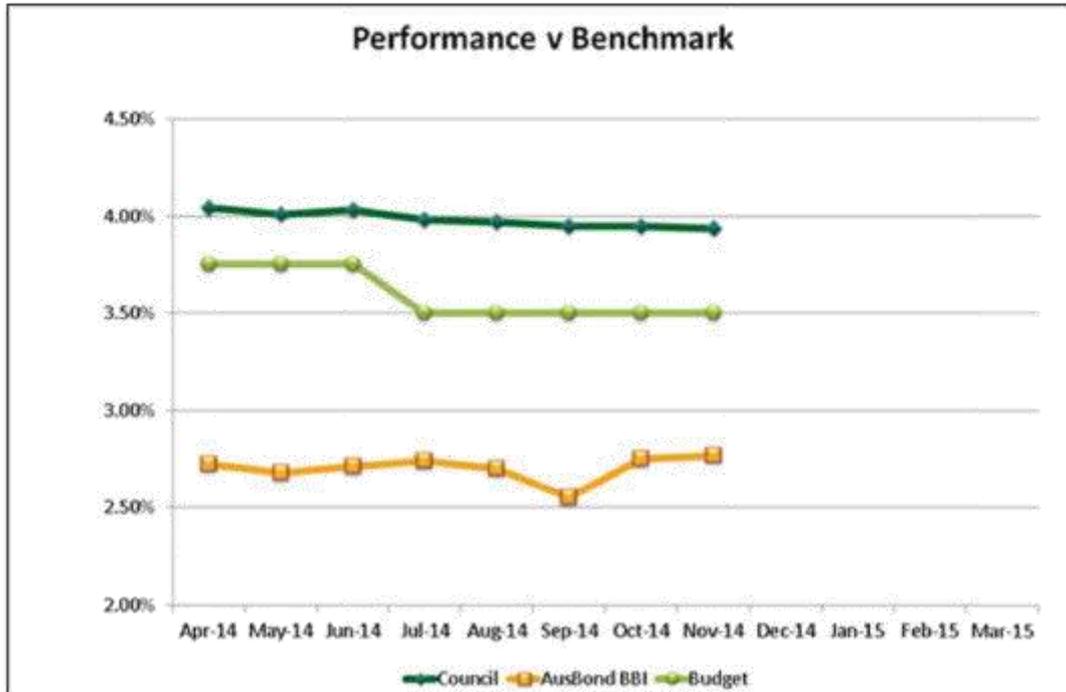
*The Original Budget is reviewed on a quarterly basis as part of the Budget Process

Interest Summary

The portfolio's interest summary as at 30 November 2014 is as follows:

NUMBER OF INVESTMENTS	65
AVERAGE DAYS TO MATURITY	472
AVERAGE PERCENTAGE	3.93% p.a.
WEIGHTED PORTFOLIO RETURN	3.93% p.a.
CBA CALL ACCOUNT *	2.50% p.a.
HIGHEST RATE	5.10% p.a.
LOWEST RATE	3.40% p.a.
BUDGET RATE	3.50% p.a.
AVERAGE BBSW (30 Day)	2.64% p.a.
AVERAGE BBSW (90 Day)	2.75% p.a.
AVERAGE BBSW (180 Day)	2.81% p.a.
AUSBOND BANK BILL INDEX	2.77% p.a.

*Note: CBA call account is not included in the investment performance calculations



Outperformance over the benchmark AusBond Bank Bill Index (previously called the UBS Bank Bill Index) continues to be attributed to the longer-dated deposits in the portfolio (particularly early investments placed above 4.5%). Recent deposits invested above 4% will also contribute to outperformance and Council’s budgeted income over the current financial year. As existing deposits mature, performance will generally fall as deposits will be reinvested at much lower prevailing rates.

With the adoption of a longer term strategy, the FY15 budget return of 3.50% should be achieved in the absence of any unexpected interest rate cuts by the Reserve Bank of Australia (RBA).

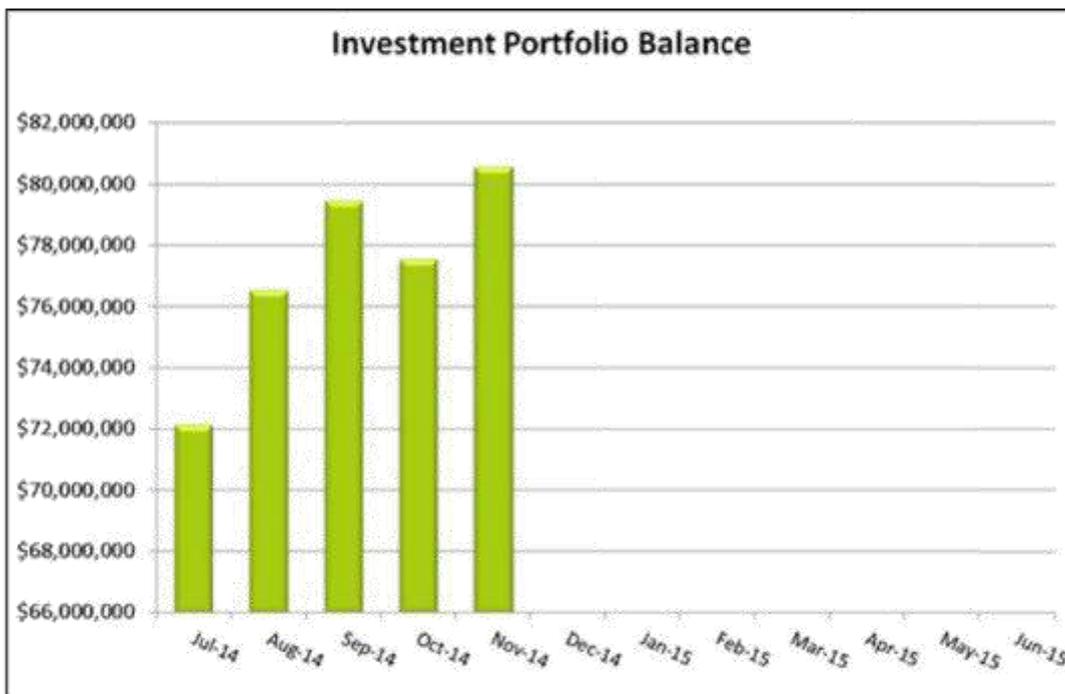
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Attachment 1

Appendix A – List of Investments

Camden Council Investment Portfolio as at 30 November 2014							
Institution	Type	Amount	Interest Rate	Date Invested	Maturity Date	Original Term of Investment (days)	Interest Accrued as at 30/11/2014
NAB	TD	\$500,000.00	4.50%	7/02/2013	5/02/2015	728	\$10,308.72
Westpac	TD	\$700,000.00	4.35%	1/05/2013	7/05/2015	736	\$17,852.88
Westpac	TD	\$2,900,000.00	4.35%	6/05/2013	14/05/2015	738	\$49,816.44
Westpac	TD	\$500,000.00	4.35%	17/05/2013	21/05/2015	734	\$11,798.63
Westpac	TD	\$500,000.00	4.55%	17/05/2013	19/05/2016	1098	\$12,341.10
BOQ	TD	\$2,500,000.00	5.00%	4/11/2013	1/11/2018	1823	\$9,339.04
BOQ	TD	\$1,500,000.00	4.50%	7/11/2013	2/11/2016	1091	\$4,438.36
BOQ	TD	\$1,000,000.00	5.10%	25/11/2013	22/11/2018	1823	\$838.36
ING Bank	TD	\$1,000,000.00	4.63%	28/11/2013	28/11/2017	1456	\$280.55
BOQ	TD	\$1,000,000.00	4.85%	28/11/2013	28/11/2017	1456	\$398.63
BOQ	TD	\$1,000,000.00	4.50%	28/11/2013	24/11/2016	1092	\$369.86
CBA	TD	\$1,000,000.00	4.00%	2/12/2013	2/12/2015	736	\$39,890.41
AMP	TD	\$1,000,000.00	3.80%	5/12/2013	4/12/2014	364	\$17,583.56
ME Bank	TD	\$1,500,000.00	3.90%	12/12/2013	18/12/2014	371	\$56,736.99
AMP Bank	TD	\$1,000,000.00	3.80%	12/12/2013	11/12/2014	364	\$36,854.79
Macquarie Bank	TD	\$1,000,000.00	3.90%	19/12/2013	19/12/2014	365	\$37,076.71
Westpac	TD	\$1,000,000.00	3.61%	19/12/2013	19/12/2014	365	\$34,319.73
Macquarie Bank	TD	\$1,000,000.00	4.15%	26/01/2014	26/01/2016	730	\$35,815.07
BOQ	TD	\$1,000,000.00	4.65%	27/02/2014	22/02/2018	1456	\$35,289.84
Rabobank	TD	\$1,000,000.00	5.00%	28/02/2014	28/02/2019	1826	\$37,808.22
Rabobank	TD	\$1,200,000.00	5.00%	3/03/2014	6/03/2019	1829	\$44,876.71
Westpac	TD	\$1,500,000.00	4.55%	15/05/2014	15/05/2019	1826	\$37,397.26
Westpac	TD	\$1,500,000.00	4.55%	21/05/2014	22/05/2019	1827	\$36,275.34
Bendigo Adelaide Bank	TD	\$1,500,000.00	4.05%	22/05/2014	24/05/2017	1098	\$32,122.60
Bendigo Adelaide Bank	TD	\$1,000,000.00	4.05%	27/05/2014	31/05/2017	1100	\$20,860.27
Rural Bank	TD	\$1,500,000.00	3.61%	29/05/2014	14/01/2015	230	\$27,594.25
Bendigo Adelaide Bank	TD	\$2,000,000.00	4.05%	30/05/2014	31/05/2017	1097	\$41,054.79
Suncorp Metway	TD	\$1,500,000.00	3.61%	3/06/2014	16/12/2014	196	\$26,852.47
Rural Bank	TD	\$1,500,000.00	3.75%	5/06/2014	21/01/2015	230	\$27,585.62
NAB	TD	\$2,000,000.00	4.00%	5/06/2014	7/06/2017	1098	\$39,232.88
NAB	TD	\$1,500,000.00	3.61%	12/06/2014	28/01/2015	230	\$25,517.26
NAB	TD	\$1,000,000.00	3.61%	3/07/2014	7/01/2015	188	\$14,934.52
NAB	TD	\$1,500,000.00	3.62%	3/07/2014	4/02/2015	216	\$22,463.84
NAB	TD	\$1,500,000.00	3.62%	3/07/2014	11/02/2015	223	\$22,463.84
ING Bank	TD	\$1,000,000.00	3.53%	18/07/2014	18/02/2015	223	\$18,926.58
NAB	TD	\$1,000,000.00	3.61%	23/07/2014	25/02/2015	217	\$12,956.44
NAB	TD	\$1,000,000.00	3.61%	24/07/2014	4/03/2015	223	\$12,857.53
ANZ	TD	\$1,000,000.00	3.60%	31/07/2014	11/03/2015	223	\$12,131.51
ANZ	TD	\$1,000,000.00	3.60%	31/07/2014	18/03/2015	230	\$12,131.51
Macquarie Bank	TD	\$1,000,000.00	4.00%	31/07/2014	31/07/2017	1096	\$33,479.45

Camden Council Investment Portfolio as at 30 November 2014							
Institution	Type	Amount	Interest Rate	Date Invested	Maturity Date	Original Term of Investment (days)	Interest Accrued as at 30/11/2014
BDO	TD	\$1,000,000.00	4.15%	5/08/2014	1/08/2018	1457	\$13,416.44
NAB	TD	\$1,000,000.00	3.62%	6/08/2014	25/03/2015	231	\$11,603.84
ANZ	TD	\$1,000,000.00	3.55%	14/08/2014	1/04/2015	230	\$10,601.37
NAB	TD	\$1,500,000.00	3.60%	26/08/2014	8/04/2015	231	\$15,238.36
ANZ	TD	\$2,000,000.00	3.55%	22/08/2014	15/04/2015	236	\$19,646.58
ANZ	TD	\$2,000,000.00	3.55%	26/08/2014	22/04/2015	237	\$18,479.45
NAB	TD	\$2,000,000.00	3.61%	1/09/2014	29/04/2015	240	\$18,000.55
ANZ	TD	\$2,000,000.00	3.64%	2/09/2014	2/05/2015	265	\$17,950.69
NAB	TD	\$1,500,000.00	3.61%	3/09/2014	6/05/2015	245	\$13,203.70
ANZ	TD	\$1,000,000.00	3.64%	10/09/2014	9/05/2015	264	\$8,177.53
ANZ	TD	\$1,000,000.00	3.64%	16/09/2014	16/05/2015	265	\$7,579.18
NAB	TD	\$1,000,000.00	3.56%	17/09/2014	20/05/2015	245	\$7,315.07
Suncorp Metway	TD	\$1,000,000.00	3.50%	1/10/2014	27/05/2015	238	\$5,849.32
NAB	TD	\$1,000,000.00	3.50%	8/10/2014	3/06/2015	238	\$5,178.08
NAB	TD	\$1,000,000.00	3.51%	22/10/2014	10/06/2015	231	\$3,846.58
Suncorp Metway	TD	\$1,000,000.00	3.45%	29/10/2014	17/06/2015	231	\$3,119.18
Westpac	TD	\$1,000,000.00	3.45%	29/10/2014	17/06/2015	231	\$3,119.18
Suncorp Metway	TD	\$1,000,000.00	3.50%	7/11/2014	24/06/2015	229	\$2,301.37
AMP	TD	\$1,000,000.00	3.40%	13/11/2014	13/06/2015	273	\$1,676.71
ME Bank	TD	\$1,000,000.00	3.55%	20/11/2014	24/06/2015	216	\$1,069.86
Rural Bank	TD	\$1,000,000.00	3.50%	26/11/2014	17/06/2015	203	\$479.45
AMP	TD	\$2,000,000.00	3.40%	28/11/2014	19/06/2015	264	\$558.90
Rabobank	TD	\$1,000,000.00	4.10%	27/11/2014	27/11/2019	1826	\$449.32
ING Bank	TD	\$1,000,000.00	3.59%	27/11/2014	1/07/2015	216	\$393.42
Bendigo Adelaide Bank	TD	\$1,500,000.00	4.25%	28/11/2014	4/12/2015	1832	\$523.97
BTI Investments	65	\$79,900,000.00	3.92%				\$1,163,749.35
CBA	Call Account	\$650,000.00	2.50%				
		\$80,550,000.00					



Appendix B – Ratings Definitions

Standard & Poor's Ratings Description

Standard & Poor's (S&P) is a professional organisation that provides analytical services. An S&P rating is an opinion of the general credit worthiness of an obligor with respect to particular debt security or other financial obligation – based on relevant risk factors.

Credit ratings are based, in varying degrees, on the following considerations:

- Likelihood of payment
- Nature and provisions of the obligation
- Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganisation or other laws affecting creditors' rights
- The issue rating definitions are expressed in terms of default risk.

S&P Short-Term Obligation Ratings are:

- **A-1:** This is the highest short-term category used by S&P. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.
- **A-2:** A short-term obligation rated A-2 is somewhat more susceptible to the adverse changes in circumstances and economic conditions than obligations in higher rating categories. However the obligor's capacity to meet its financial commitment on the obligation is satisfactory.
- **A-3:** A short-term obligation rated A-3 exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

S&P Long-Term Obligations Ratings are:

- **AAA:** An obligation/obligor rated AAA has the highest rating assigned by S&P. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.
- **AA:** An obligation/obligor rated AA differs from the highest rated obligations only in small degree. The obligor's capacity to meet its financial commitment on the obligations is very strong.
- **A:** An obligation/obligor rated A is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations/obligors in higher rated categories. However the obligor's capacity to meet its financial commitment on the obligation is strong.
- **BBB:** A short-term obligation rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.
- **Unrated:** Financial Institutions do not necessarily require a credit rating from the various ratings agencies such as Standard & Poor's and these institutions are classed as "Unrated". Most Credit Unions and Building societies fall into this category. These institutions nonetheless must adhere to the capital maintenance requirements of the Australian Prudential Regulatory Authority (APRA) in line with all authorised Deposit Taking Institutions (Banks, Building societies and Credit Unions).
- **Plus (+) or Minus(-):** The ratings from "AA" to "BBB" may be modified by the addition of a plus or minus sign to show relative standing within the major rating categories

Fitch and Moody's have similar classifications.

Appendix C – Recently Invested ADIs

Rural Bank

Historically, the Bank was formed as Elders Rural Bank and received its banking licence in 2000. In August 2009, Elders Rural Bank Limited changed its name to Rural Bank Limited and, in December 2010, Rural Bank became a fully-owned subsidiary of the Bendigo and Adelaide Bank Group.

In December 2010, Bendigo and Adelaide Bank announced that it would increase its shareholding in Rural Bank from 60% to 100% for \$165m, or approximately 1.2 times book value. As such, Rural Bank takes on its parent's company's long-term credit rating of A- by S&P.

Over the years, the bank's business model has expanded, but its core business has not changed. They specialise in lending to the agricultural sector in rural and regional centres across the country. Rural Bank's products and services are now available at more than 400 locations nationally.

Financial Results

As at 30 June 2014, Rural Bank's Tier 1 Capital Ratio stood at 11.70% and its Total Capital Ratio at 13.26%, well above Basel III minimum capital requirements.

At a group level, Bendigo-Adelaide Bank Ltd announced a statutory profit after tax of \$191.6 million for the 6 months ending 30 June 2014, an 6.0% decrease on the prior corresponding period. The cash earnings result is \$196.4 million for the 6 months ending 30 June 2014, a 5.7% increase on the prior corresponding period. Retail deposits stood at \$44.84 billion (up from \$42.65 billion in December 2013), an increase of 5.0%.

Rabobank Australia

With over 110 years of history, the Rabobank Group is a leading provider of financial services around the world and has a strong historical presence for the global food and agriculture industry. Headquartered in Utrecht, the Netherlands, Rabobank is a cooperative bank with over AUD\$926.4 billion in assets (€732 billion)¹, approximately 10 million clients, more than 59,000 employees, and a presence in 48 countries. Rabobank is one of the 30 largest financial institutions in the world based on Tier 1 Capital.

Rabobank established an office in Australia in 1990 and acquired the Primary Industry Bank of Australia (PIBA) operating in Australia and New Zealand in 1994. With headquarters in Sydney, Rabobank has 61 branches throughout Australia and 32 branches in New Zealand. As at December 2011, the Group employed more than 1,000 people in Australia and New Zealand, with more than half based in regional locations.

In early November, ratings agency Standard & Poor's downgraded the Dutch Rabobank group, and therefore Australia's long-term credit rating from AA- to A+ (short-term rating from A-1+ to A-1). Rabobank Australia itself remains financially solid with a Tier 1 Capital of 10.17% and Total Capital Ratio of 12.05% as at June 2014. The downgrade has been reflected in this months report.

¹ As a comparison, CBA has approximately AUD\$750 billion in total assets and 45,000 employees

From May 2015, new Rabobank Australia deposits will not be guaranteed by the global group, but existing deposits will have their guarantee grandfathered.

ORD07

Attachment 1

ORD08



Attachment 1

Monthly Report

Camden Council

December 2014

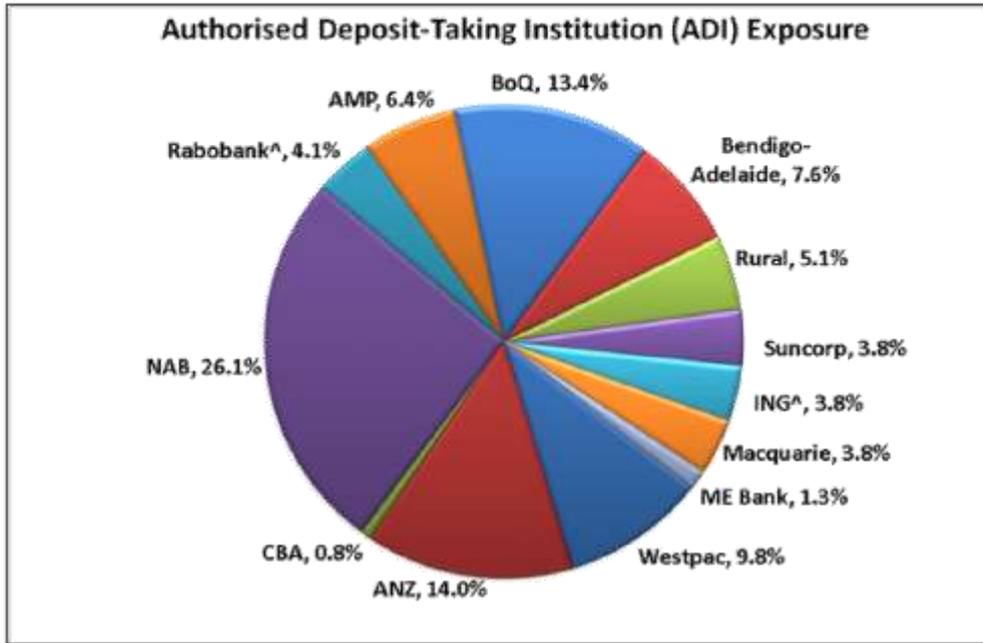
Investment Exposure

Council was marginally above the capacity limit of 25% (26.1%) with NAB. This is a direct result of the balance of the overall investment portfolio decreasing from \$80.55M (November 2014) to \$78.50M (December 2014). The decrease in total investment funds held impacts the percentages held by each financial institution. This will be corrected upon the maturity of investments or upon the overall portfolio increasing.

ADI	Exposure \$M	Rating	Policy Limit	Actual	Capacity
Westpac	\$7.70M	A1+	25.0%	9.8%	\$11.93M
ANZ	\$11.00M	A1+	25.0%	14.0%	\$8.63M
CBA	\$0.60M	A1+	25.0%	0.8%	\$19.03M
NAB	\$20.50M	A1+	25.0%	26.1%	-\$0.88M
Rabobank^	\$3.20M	A1	5.0%	4.1%	\$0.73M
AMP	\$5.00M	A1	15.0%	6.4%	\$6.78M
BoQ	\$10.50M	A1	15.0%	13.4%	\$1.28M
Bendigo-Adelaide	\$6.00M	A1	15.0%	7.6%	\$5.78M
Rural	\$4.00M	A1	15.0%	5.1%	\$7.78M
Suncorp	\$3.00M	A1	15.0%	3.8%	\$8.78M
ING^	\$3.00M	A1	5.0%	3.8%	\$0.93M
Macquarie	\$3.00M	A1	15.0%	3.8%	\$8.78M
ME Bank	\$1.00M	A2	10.0%	1.3%	\$6.85M
Total	\$78.50M			100.0%	

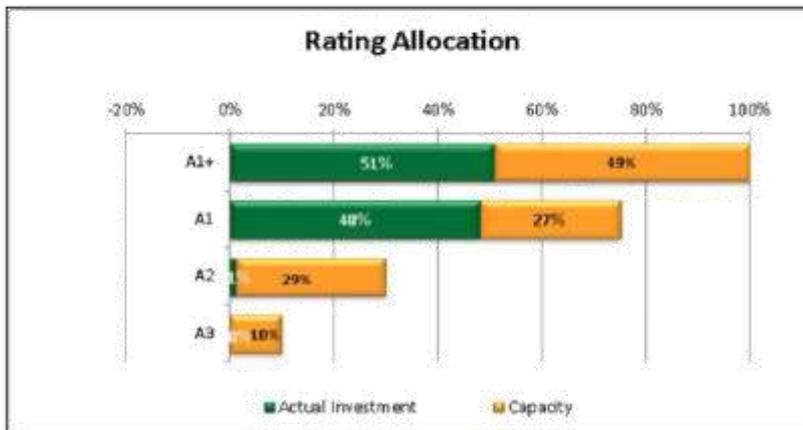
^Foreign subsidiary banks are limited to 5% of the total investment portfolio as per Council's investment policy.

Apart from investments with the regional ADIs, the investment portfolio is predominately directed to the higher rated entities led by NAB and ANZ.



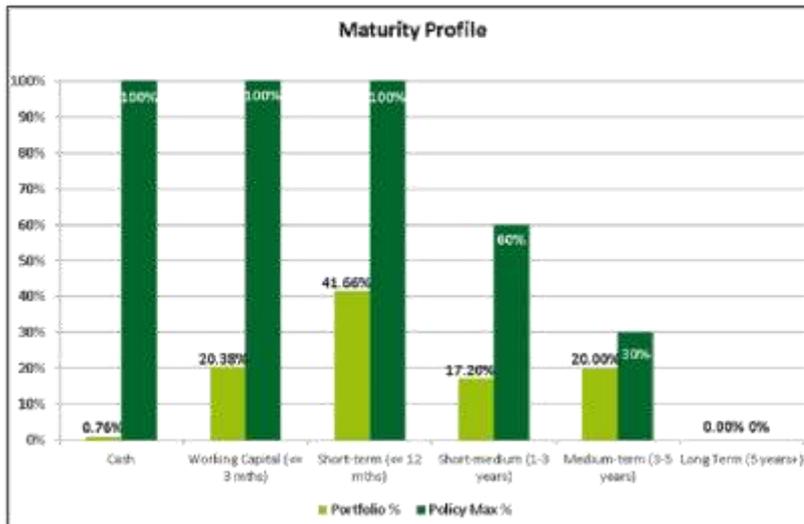
Credit Quality

A1+ (the domestic majors) and A1 (the high rated regionals) rated ADIs are the largest share of Council's investments.



Term to Maturity

The portfolio remains highly liquid with approximately 1% of investments at-call and around another 20% of assets maturing within 3 months. There is still substantial capacity to invest in terms greater than 1 year. In consultation with its investment advisors, Council has strategically diversified its investments across various maturities up to 5 years.



In the current low interest rate environment, as existing deposits mature, they will generally be reinvested at much lower rates than preceding years. A larger spread of maturities in medium-term assets would help income pressures over future financial years. This is becoming increasingly difficult as the banks continue to reduce their deposit rates, as well as talks of future interest rate cuts.

2014-15 Budget

Current Budget Rate	3.50%
Source of Funds Invested	
Section 94 Developer Contributions	\$36,577,900
Restricted Grant Income	\$479,900
Externally Restricted Reserves	\$9,167,600
Internally Restricted Reserves	\$26,858,100
General Fund	\$5,416,500
Total Funds Invested	\$78,500,000

Council's investment portfolio has decreased by \$2.050 million since the November reporting. The decrease primarily relates to payments for capital works and operational expenses prior to the end of the calendar year.

INTEREST RECEIVED DURING 2014/15 FINANCIAL YEAR				
	December	Cumulative	Projected Interest	*Original Budget
General Fund	\$87,741	\$609,346	\$1,101,100	\$899,200
Restricted	\$149,458	\$872,053	\$1,306,000	\$871,900
Total	\$237,199	\$1,481,399	\$2,407,100	\$1,771,100

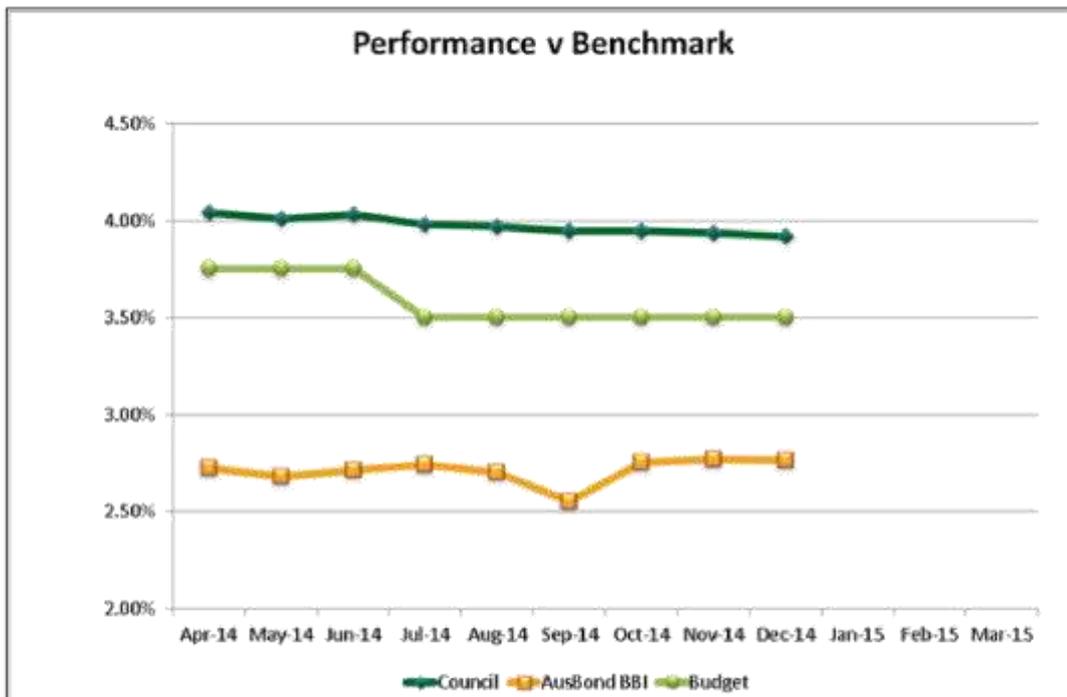
*The Original Budget is reviewed on a quarterly basis as part of the Budget Process

Interest Summary

The portfolio's interest summary as at 31 December 2014 is as follows:

NUMBER OF INVESTMENTS	63
AVERAGE DAYS TO MATURITY	518
AVERAGE PERCENTAGE	3.92% p.a.
WEIGHTED PORTFOLIO RETURN	3.92% p.a.
CBA CALL ACCOUNT *	2.50% p.a.
HIGHEST RATE	5.10% p.a.
LOWEST RATE	3.40% p.a.
BUDGET RATE	3.50% p.a.
AVERAGE BBSW (30 Day)	2.63% p.a.
AVERAGE BBSW (90 Day)	2.75% p.a.
AVERAGE BBSW (180 Day)	2.78% p.a.
AUSBOND BANK BILL INDEX	2.76% p.a.

*Note: CBA call account is not included in the investment performance calculations



Outperformance over the benchmark AusBond Bank Bill Index (previously called the UBS Bank Bill Index) continues to be attributed to the longer-dated deposits in the portfolio (particularly early investments placed above 4.5%). Recent deposits invested close to or above 4% will also contribute to outperformance over the current financial year. As existing deposits mature, performance will generally fall as deposits will be reinvested at much lower prevailing rates.

With the adoption of a longer term strategy, the FY15 budget return of 3.50% should be achieved in the absence of any unexpected severe interest rate cuts by the Reserve Bank of Australia (RBA).

ORD08

Attachment 1

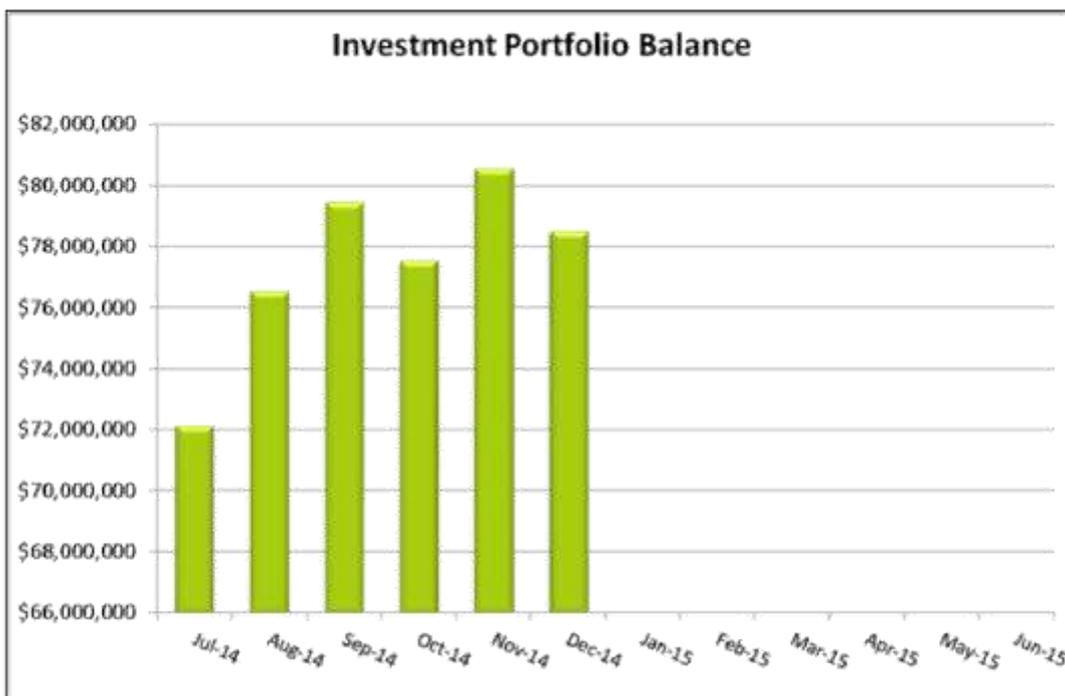
ORD08

Attachment 1

Appendix A – List of Investments

Camden Council Investment Portfolio as at 31 December 2014							
Institution	Type	Amount	Interest Rate	Date Invested	Maturity Date	Original Term of Investment (days)	Interest Accrued as at 31/12/2014
NAB	TD	\$500,000.00	4.50%	7/02/2013	5/02/2015	728	\$18,308.22
Westpac	TD	\$700,000.00	4.35%	1/05/2013	7/05/2015	736	\$17,852.08
Westpac	TD	\$2,000,000.00	4.35%	6/05/2013	14/05/2015	738	\$49,816.44
Westpac	TD	\$500,000.00	4.35%	17/05/2013	21/05/2015	734	\$11,798.63
Westpac	TD	\$500,000.00	4.55%	17/05/2013	19/05/2016	1090	\$12,341.10
BOQ	TD	\$2,500,000.00	5.00%	4/11/2013	1/11/2018	1823	\$9,339.04
BOQ	TD	\$1,500,000.00	4.50%	7/11/2013	2/11/2016	1091	\$4,438.36
BOQ	TD	\$1,000,000.00	5.10%	25/11/2013	22/11/2018	1823	\$898.36
ING Bank	TD	\$1,000,000.00	4.53%	28/11/2013	23/11/2017	1456	\$380.55
BOQ	TD	\$1,000,000.00	4.85%	28/11/2013	23/11/2017	1456	\$395.63
BOQ	TD	\$1,000,000.00	4.50%	28/11/2013	24/11/2016	1092	\$369.86
Macquarie Bank	TD	\$1,000,000.00	4.15%	20/01/2014	20/01/2016	730	\$38,339.73
BOQ	TD	\$1,000,000.00	4.65%	27/01/2014	22/02/2018	1456	\$39,238.36
Rabobank	TD	\$1,000,000.00	5.00%	28/02/2014	28/02/2019	1826	\$42,054.79
Rabobank	TD	\$1,200,000.00	5.00%	3/03/2014	6/03/2019	1829	\$49,972.60
Westpac	TD	\$1,500,000.00	4.55%	15/03/2014	15/05/2019	1826	\$48,133.84
Westpac	TD	\$1,500,000.00	4.55%	21/05/2014	22/05/2019	1827	\$42,071.92
Bendigo Adelaide Bank	TD	\$1,500,000.00	4.05%	22/05/2014	24/05/2017	1098	\$37,282.19
Bendigo Adelaide Bank	TD	\$1,000,000.00	4.05%	27/05/2014	31/05/2017	1100	\$24,300.00
Rural Bank	TD	\$1,500,000.00	3.61%	29/05/2014	14/01/2015	230	\$32,133.29
Bendigo Adelaide Bank	TD	\$2,000,000.00	4.05%	30/05/2014	31/05/2017	1097	\$47,934.25
Rural Bank	TD	\$1,500,000.00	3.75%	5/06/2014	21/01/2015	230	\$32,363.01
NAB	TD	\$2,000,000.00	4.00%	5/06/2014	7/06/2017	1098	\$46,027.40
NAB	TD	\$1,500,000.00	3.61%	12/06/2014	28/01/2015	230	\$30,116.30
NAB	TD	\$1,000,000.00	3.61%	3/07/2014	7/01/2015	188	\$18,000.55
NAB	TD	\$1,500,000.00	3.62%	3/07/2014	4/02/2015	216	\$27,075.62
NAB	TD	\$1,500,000.00	3.62%	3/07/2014	11/02/2015	223	\$27,075.62
ING Bank	TD	\$1,000,000.00	3.53%	18/07/2014	18/02/2015	223	\$16,924.66
NAB	TD	\$1,000,000.00	3.61%	23/07/2014	25/02/2015	217	\$16,022.47
NAB	TD	\$1,000,000.00	3.61%	24/07/2014	4/03/2015	223	\$15,923.56
ANZ	TD	\$1,000,000.00	3.60%	31/07/2014	11/03/2015	223	\$15,189.04
ANZ	TD	\$1,000,000.00	3.60%	31/07/2014	18/03/2015	230	\$15,189.04
Macquarie Bank	TD	\$1,000,000.00	4.00%	31/07/2014	31/07/2017	1096	\$16,076.71
BOQ	TD	\$1,000,000.00	4.15%	5/08/2014	1/08/2018	1457	\$16,941.10
NAB	TD	\$1,000,000.00	3.62%	6/08/2014	25/03/2015	231	\$14,678.36
ANZ	TD	\$1,000,000.00	3.55%	14/08/2014	1/04/2015	230	\$13,616.44
NAB	TD	\$1,500,000.00	3.60%	20/08/2014	8/04/2015	231	\$19,824.66
ANZ	TD	\$2,000,000.00	3.55%	22/08/2014	15/04/2015	236	\$25,676.71
ANZ	TD	\$2,000,000.00	3.55%	28/08/2014	22/04/2015	237	\$24,509.59
NAB	TD	\$2,000,000.00	3.61%	1/09/2014	29/04/2015	240	\$24,132.60
ANZ	TD	\$2,000,000.00	3.64%	3/09/2014	2/09/2015	365	\$24,139.70
NAB	TD	\$1,500,000.00	3.61%	3/09/2014	6/05/2015	245	\$17,802.74
ANZ	TD	\$1,000,000.00	3.64%	10/09/2014	9/09/2015	364	\$11,269.04
ANZ	TD	\$1,000,000.00	3.64%	16/09/2014	16/09/2015	365	\$10,670.68
NAB	TD	\$1,000,000.00	3.56%	17/09/2014	20/05/2015	245	\$10,338.63
Suncorp Metway	TD	\$1,000,000.00	3.56%	1/10/2014	27/05/2015	238	\$8,821.92

Camden Council Investment Portfolio as at 31 December 2014							
Institution	Type	Amount	Interest Rate	Date Invested	Maturity Date	Original Term of Investment (days)	Interest Accrued as at 31/12/2014
NAB	TD	\$1,000,000.00	3.50%	8/10/2014	3/06/2015	238	\$8,150.68
NAB	TD	\$1,000,000.00	3.51%	22/10/2014	10/06/2015	231	\$6,827.67
Suncorp Metway	TD	\$1,000,000.00	3.45%	29/10/2014	17/06/2015	231	\$6,049.32
Westpac	TD	\$1,000,000.00	3.45%	29/10/2014	17/06/2015	231	\$6,049.32
Suncorp Metway	TD	\$1,000,000.00	3.50%	7/11/2014	24/06/2015	229	\$5,273.97
AAMP	TD	\$1,000,000.00	3.40%	13/11/2014	13/08/2015	273	\$4,564.38
ME Bank	TD	\$1,000,000.00	3.55%	20/11/2014	24/06/2015	216	\$4,084.93
Rural Bank	TD	\$1,000,000.00	3.50%	26/11/2014	17/06/2015	203	\$3,452.05
AAMP	TD	\$2,000,000.00	3.40%	28/11/2014	19/08/2015	264	\$6,334.25
Rabobank	TD	\$1,000,000.00	4.10%	27/11/2014	27/11/2019	1826	\$3,931.51
ING Bank	TD	\$1,000,000.00	3.55%	27/11/2014	1/07/2015	216	\$3,442.47
Bendigo Adelaide Bank	TD	\$1,500,000.00	4.25%	28/11/2014	4/12/2019	1832	\$5,938.36
AAMP	TD	\$1,000,000.00	3.40%	4/12/2014	28/08/2015	267	\$2,608.22
BOQ	TD	\$1,500,000.00	3.60%	3/12/2014	8/07/2015	217	\$4,298.41
AAMP Bank	TD	\$1,000,000.00	3.40%	11/12/2014	9/12/2015	363	\$1,956.16
NAB	TD	\$1,500,000.00	4.00%	16/12/2014	11/12/2019	1821	\$2,630.14
Macquarie Bank	TD	\$1,000,000.00	3.05%	19/12/2014	19/12/2019	1026	\$1,371.23
#TD Investments	63	\$77,900,000.00	3.92%				\$1,099,618.26
CBA	Call Account	\$600,000.00	2.50%				
		\$78,500,000.00					



Appendix B – Ratings Definitions

Standard & Poor's Ratings Description

Standard & Poor's (S&P) is a professional organisation that provides analytical services. An S&P rating is an opinion of the general credit worthiness of an obligor with respect to particular debt security or other financial obligation – based on relevant risk factors.

Credit ratings are based, in varying degrees, on the following considerations:

- Likelihood of payment
- Nature and provisions of the obligation
- Protection afforded by, and relative position of, the obligation in the event of bankruptcy, reorganisation or other laws affecting creditors' rights
- The issue rating definitions are expressed in terms of default risk.

S&P Short-Term Obligation Ratings are:

- **A-1:** This is the highest short-term category used by S&P. The obligor's capacity to meet its financial commitment on the obligation is strong. Within this category, certain obligations are designated with a plus sign (+). This indicates that the obligor's capacity to meet its financial commitment on these obligations is extremely strong.
- **A-2:** A short-term obligation rated A-2 is somewhat more susceptible to the adverse changes in circumstances and economic conditions than obligations in higher rating categories. However the obligor's capacity to meet its financial commitment on the obligation is satisfactory.
- **A-3:** A short-term obligation rated A-3 exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.

S&P Long-Term Obligations Ratings are:

- **AAA:** An obligation/obligor rated AAA has the highest rating assigned by S&P. The obligor's capacity to meet its financial commitment on the obligation is extremely strong.
- **AA:** An obligation/obligor rated AA differs from the highest rated obligations only in small degree. The obligor's capacity to meet its financial commitment on the obligations is very strong.
- **A:** An obligation/obligor rated A is somewhat more susceptible to the adverse effects of changes in circumstances and economic conditions than obligations/obligors in higher rated categories. However the obligor's capacity to meet its financial commitment on the obligation is strong.
- **BBB:** A short-term obligation rated BBB exhibits adequate protection parameters. However, adverse economic conditions or changing circumstances are more likely to lead to a weakened capacity of the obligor to meet its financial commitment on the obligation.
- **Unrated:** Financial Institutions do not necessarily require a credit rating from the various ratings agencies such as Standard & Poor's and these institutions are classed as "Unrated". Most Credit Unions and Building societies fall into this category. These institutions nonetheless must adhere to the capital maintenance requirements of the Australian Prudential Regulatory Authority (APRA) in line with all authorised Deposit Taking Institutions (Banks, Building societies and Credit Unions).
- **Plus (+) or Minus(-):** The ratings from "AA" to "BBB" may be modified by the addition of a plus or minus sign to show relative standing within the major rating categories

Fitch and Moody's have similar classifications.

Appendix C – Recently Invested ADIs

Rural Bank

Historically, the Bank was formed as Elders Rural Bank and received its banking licence in 2000. In August 2009, Elders Rural Bank Limited changed its name to Rural Bank Limited and, in December 2010, Rural Bank became a fully-owned subsidiary of the Bendigo and Adelaide Bank Group.

In December 2010, Bendigo and Adelaide Bank announced that it would increase its shareholding in Rural Bank from 60% to 100% for \$165m, or approximately 1.2 times book value. As such, Rural Bank takes on its parent's company's long-term credit rating of A- by S&P.

Over the years, the bank's business model has expanded, but its core business has not changed. They specialise in lending to the agricultural sector in rural and regional centres across the country. Rural Bank's products and services are now available at more than 400 locations nationally.

Financial Results

As at 30 June 2014, Rural Bank's Tier 1 Capital Ratio stood at 11.70% and its Total Capital Ratio at 13.26%, well above Basel III minimum capital requirements.

At a group level, Bendigo-Adelaide Bank Ltd announced a statutory profit after tax of \$191.6 million for the 6 months ending 30 June 2014, an 6.0% decrease on the prior corresponding period. The cash earnings result is \$196.4 million for the 6 months ending 30 June 2014, a 5.7% increase on the prior corresponding period. Retail deposits stood at \$44.84 billion (up from \$42.65 billion in December 2013), an increase of 5.0%.

Rabobank Australia

With over 110 years of history, the Rabobank Group is a leading provider of financial services around the world and has a strong historical presence for the global food and agriculture industry. Headquartered in Utrecht, the Netherlands, Rabobank is a cooperative bank with over AUD\$926.4 billion in assets (€732 billion)¹, approximately 10 million clients, more than 59,000 employees, and a presence in 48 countries. Rabobank is one of the 30 largest financial institutions in the world based on Tier 1 Capital.

Rabobank established an office in Australia in 1990 and acquired the Primary Industry Bank of Australia (PIBA) operating in Australia and New Zealand in 1994. With headquarters in Sydney, Rabobank has 61 branches throughout Australia and 32 branches in New Zealand. As at December 2011, the Group employed more than 1,000 people in Australia and New Zealand, with more than half based in regional locations.

In early November, ratings agency Standard & Poor's downgraded the Dutch Rabobank group, and therefore Australia's long-term credit rating from AA- to A+ (short-term rating from A-1+ to A-1). Rabobank Australia itself remains financially solid with a Tier 1 Capital of 10.17% and Total Capital Ratio of 12.05% as at June 2014. The downgrade has been reflected in this months report.

¹ As a comparison, CBA has approximately AUD\$750 billion in total assets and 45,000 employees

From May 2015, new Rabobank Australia deposits will not be guaranteed by the global group, but existing deposits will have their guarantee grandfathered.

ORD08

Attachment 1



ORD09

Attachment 1

ORDINARY COUNCIL

ORD11

SUBJECT: EXPRESSION OF INTEREST - MANAGEMENT OF COUNCIL'S TENNIS COURT COMPLEXES
FROM: Acting Director Community Infrastructure
TRIM #: 14/164109

PURPOSE OF REPORT

To inform Council of the progress of the Expression of Interest (EOI) for the Management of Council's tennis court complexes and to request the endorsement of advertising for a 21 year licence agreement with South Camden Tennis Club Incorporated for the use of South Camden Tennis Complex.

BACKGROUND

Previously the management of Council's tennis court complexes, including Onslow Park (but excluding South Camden), has been undertaken by Camden District Tennis Assn.

Camden District Tennis Association provided notice to Council that they no longer wish to continue management of all tennis centres apart from Onslow Park for which they currently have a license agreement to manage. Reasons provided for this decision were the difficulty in finding caretakers for each site, the financial viability of each service and vandalism. However, they have agreed to continue management of these sites except for Narellan Vale, until new arrangements are in place. Camden District Tennis Association has also submitted an EOI to manage Narellan tennis complex.

MAIN REPORT

Council has undertaken an open invitation EOI process for the management of Council's tennis court complexes (except for Onslow Park tennis complex which is subject to a long term license agreement), which closed on 22 August, 2014.

Three submissions were received as part of this process from the following parties:

- Camden District Tennis Association – submission for Narellan complex
- South Camden Tennis Club Incorporated – submission for South Camden complex
- South West Region Tennis Association. – submissions for Narellan, Harrington Park, Narellan Vale and Camden South complexes however stated, Camden South was only to be a choice should South Camden Tennis Club Incorporated decline to express interest for this site.

There was only one instance of two submissions expressing interest for the same complex, that being Narellan.

During the EOI process no submissions were received for Catherine Field and Leppington tennis centres.

This is the report submitted to the Ordinary Council held on 28 October 2014 - Page 1



Further discussions are required with the Camden Tennis Association and South West Region Tennis Association regarding their submissions. These discussions are related to the sites requested and details included in their submissions. At the same time further discussion will also occur in relation to the two sites that were not included in their submissions, these being Catherine Field and Leppington tennis centres. If these discussions are unsuccessful, Council will review options for future management of these particular sites.

As these discussions may take some time, it is requested that Council proceed with the advertisement of the proposed license agreement with South Camden Tennis Club Incorporated for the management of the South Camden complex. The license agreement conditions will be the same as those that the Club is currently operating under.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

CONCLUSION

That Council endorse the advertisement of a license agreement with South Camden Tennis Club for a period of 21 years, for the management of South Camden Tennis Complex and receive a further report on the outcome of the advertising period.

It is also advised that a further report will be presented to Council on the outcome of discussions with Camden Tennis Association, and South West Region Tennis Association for the management of the remaining tennis centres.

RECOMMENDED

That Council:

- i. **endorse the advertisement of a 21 year license agreement with South Camden Tennis Club Incorporated for South Camden Tennis complex for a period of 28 days;**
- ii. **receive a further report on the outcome of the advertising period; and**
- iii. **receive a further report on the management of the remaining tennis complexes at completion of discussions with Camden District Tennis Association and South West Region Tennis Association.**

ORD11 EXPRESSION OF INTEREST - MANAGEMENT OF COUNCIL'S TENNIS COURT COMPLEXES

Resolution: Moved Councillor Dewbery, Seconded Councillor Fedeli, that Council:

- i. endorse the advertisement of a 21 year license agreement with South Camden Tennis Club Incorporated for South Camden Tennis complex for a period of 28 days;
- ii. receive a further report on the outcome of the advertising period; and
- iv. receive a further report on the management of the remaining tennis complexes at completion of discussions with Camden District Tennis Association and South West Region Tennis Association.

ORD1/14 THE MOTION ON BEING PUT WAS CARRIED

This is the report submitted to the Ordinary Council held on 28 October 2014 - Page 2



20 Million Trees Programme Round One 2014-15
Nepean River Trail – Habitat Enhancement and Extension Project



ORD15

Attachment 1



19 December 2014

The General Manager
Camden Council
PO Box 183
Camden NSW 2570

Dear Sir/Madam,

Attention: Dick Webb

Western Sydney Infrastructure Plan – Local Roads Package

In December 2014 the Australian Government, via the federal Department of Infrastructure and Regional Development, advised Council that funding would be provided to the NSW Government for Argyle St/Camden Valley Way Corridor Upgrade stage 1(Delivery), Argyle St/Camden Valley Way Corridor Upgrade stage 2 (Identification) and Camden Valley Way/Macarthur Road Intersection (Scoping). The extent of these projects is in accordance with the Project Proposal Reports submitted by Council.

Roads and Maritime Services will be administering funds on behalf of the Australian Government and I would like to formalise the funding and project management process as discussed in a phone meeting held on 16 December 2014, between Council and RMS officers.

Project Management

Camden City Council will be responsible for managing the successful delivery of projects, including tender documentation, tender process, awarding of contract/s, contract management including variations, management of successful contractor/s, financial management, risk management, traffic management, road occupancy licenses and all other tasks associated with NSW road infrastructure project management processes as required.

Please provide name and contact details of Council's project manager and alternative contact person.

Roads & Maritime Services

27-31 Argyle St, Parramatta NSW 2150
PO Box 973 Parramatta NSW 2124

www.rms.nsw.gov.au | 13 17 82

Funding Allocation

The following table summarises the funding allocation against each successful project proposal. A provisional allocation, to the P50 estimate level, has been made against each project. Completion of the specified milestone will trigger a transfer of funds from the Australian Government to the NSW Government. Payments to Council will be made following the presentation of invoices as the project progresses in accordance with Council's project delivery plan.

Program	WBS	PROJECT DESCRIPTION	2014-15 Allocation (\$million)	2014-15 Milestone	2015-16 Allocation (\$million)	2015-16 Milestone
TBA	TBA	Argyle St/Camden Valley Way Corridor Upgrade stage 1(Delivery)	TBA	Advertisement of tender	TBA	Project completion Post completion report
				P50 project estimate		\$1,904,835
				P90 project estimate		\$2,142,939
TBA	TBA	Argyle St/Camden Valley Way Corridor Upgrade stage 2 (Identification)	TBA	Advertisement of tender/procurement	TBA	Project completion Post completion report
				P50 & P90 project estimate		\$150,000
TBA	TBA	Camden Valley Way/Macarthur Road Intersection (Scoping)	TBA	Advertisement of tender/procurement	TBA	Project completion Post completion report
				P50 & P90 project estimate		\$50,000

Funding allocations are made in accordance with P50 project estimates; variations above the P50 estimate require the approval of the Department of Infrastructure and Regional Development. In addition to variation approvals, all project costs above the P90 project estimate must be borne by Council, since the P90 estimate represents the upper limit of funding for each project. Can you please provide a project delivery (timeline) plan and include completion dates for the three key milestones shown in the above table.

Procurement

For all traffic signal projects and for road construction projects on State roads Councils must use an RMS pre-qualified contractor. All traffic signal designs are subject to approval by RMS and road designs for State road projects will be required to undergo an RMS review process. A list of pre-qualified contractors can be found on the RMS web site at the following address:

www.rms.nsw.gov.au/business-industry/partners-suppliers/tenders-contracts/prequalified-contractors.html

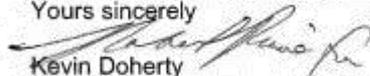
Reporting

Formal reporting will be required on a monthly basis and must include a project status report, a financial report showing year to date expenditure and forecasting and a report outlining risks and proposed mitigation measures. Reports are to be presented to a project control group (PCG) consisting of an RMS representative (chairperson), Council's project manager and other relevant council officers as required. It would be appreciated if Council can determine a schedule of meeting dates and provide venue and administrative services to the PCG. It is envisaged that the first PCG meeting should be held in the last week of January 2015.

The RMS representative is Robert Picone, Interface Manager, Western Sydney Infrastructure Plan. Robert can be contacted on 0408 467 341 or 8849 2914; email: Robert.picone@rms.nsw.gov.au

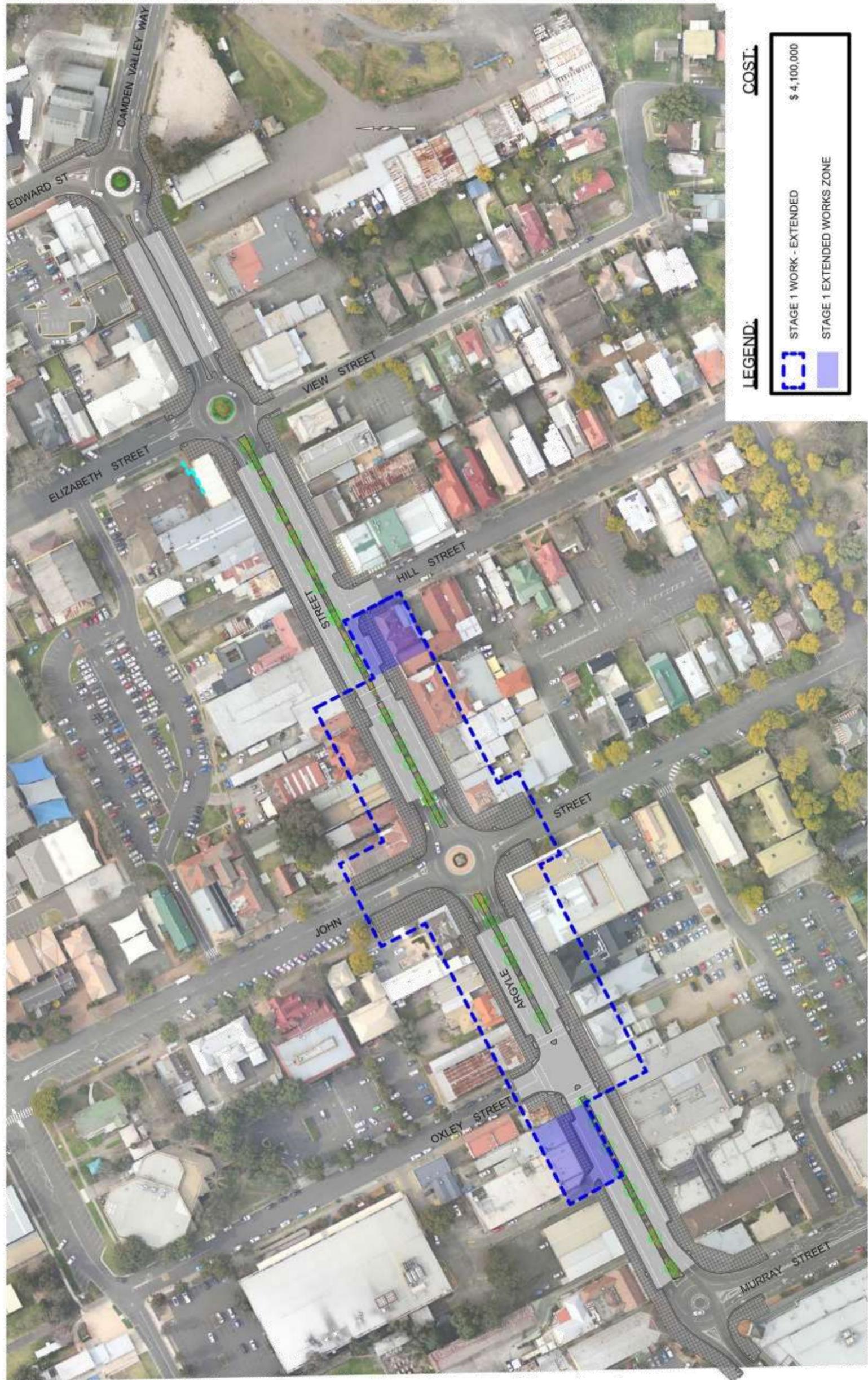
RMS looks forward to working with Council to ensure the successful delivery of these projects.

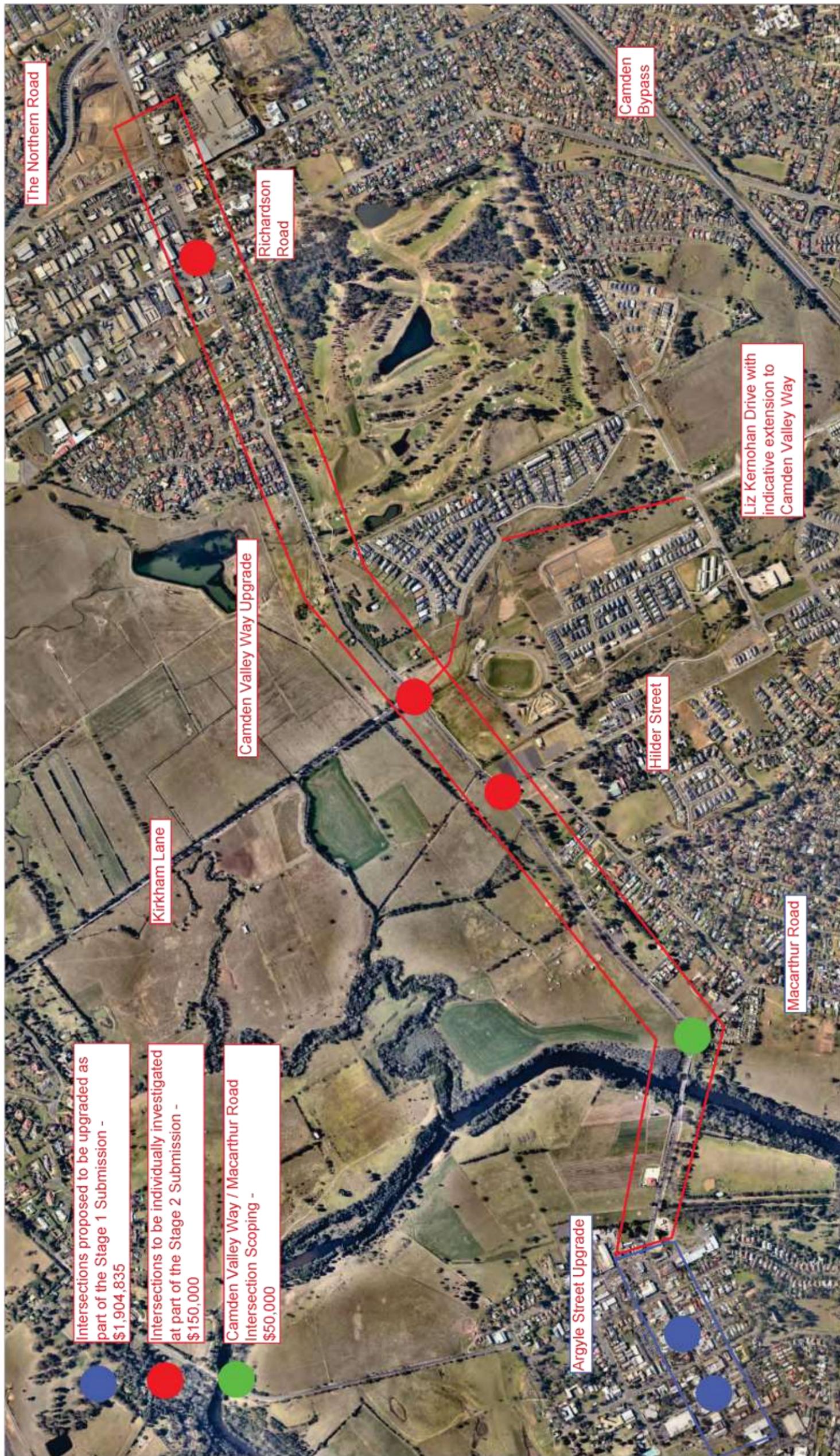
Yours sincerely



Kevin Doherty
General Manager
Western Sydney Infrastructure Plan

PROPOSED STAGE 1 WORK FOR CAMDEN TOWN CENTRE IMPROVEMENTS





Argyle Street & Camden Valley Way Corridor Upgrade



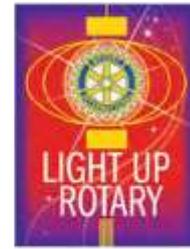
This map has been prepared from Council records by the Land Information section. If you intend to rely on this information you should have this verified.

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Scale: 1:11000 Printed Date: 27/08/14

The Rotary Club of Macarthur Sunrise Inc

(ABN 14 922 650 741)



Sunday 18 January 2015

Dear Mayor Lara Symkowiak

I am writing this letter on behalf of the Rotary Club of Macarthur Sunrise regarding the funding of the Science and Engineering Challenge (SEC) which is a series of workshops held all round Australia. The purpose of the SEC is to inspire students in Years 9 and 10 to take up careers in science and engineering in Years 11 and 12 and then onto university.

This challenge is a Rotary initiative run in conjunction with Newcastle University and has been running for over 20 years. It is a two day event and caters for up to 526 students from 16 schools. There are eight schools/day and the students are in teams of four. Each school has to tackle 12 technical challenges which are run by the university with the assistance of volunteers who are mainly Rotarians.

Last year 24000 children from almost 800 schools were involved. There are three levels of competition – Regional, Super and Grand with the winners at each competing at the next level.

A competition like this requires funding but unfortunately all sources of funding have ceased in 2015. Previously, schools had not been charged for taking part in the event, but this will not be possible this year. Some schools have already replied that this cost will mean that they will not be able to attend this year. In order to make this event available to all schools in the Macarthur area free of charge to the schools and their students we require funding of \$13,814.00. The seven Rotary Clubs of Macarthur have each committed to paying \$1000, making \$7,000.00 but we still require support to run this very successful event for the students.

Therefore we would very much appreciate the support of the Camden Council in running the 2015 Macarthur Science and Engineering Challenge. We would like to use the Camden Civic Centre for two days in June and require use of the Macarthur Room, the Ferguson Gallery and the foyer. We have considered the University of Western Sydney but suitable space is not available at this time; the Minto Indoor Recreation was previously available at no cost from Campbelltown City Council but they have notified us that we will be charged the full hire cost this year.

Please send all correspondence to the Secretary at the above address

ORD16

Attachment 1

ORD16

Attachment 1

In order to run the event we request that the Camden Council assist in the funding of the hire of the Macarthur Room, the Ferguson Gallery and the foyer, and the provision of refreshments which is a cost of \$2300. We need a further \$4,514 to enable us to run the event at no cost to the schools. For a total of \$6,814 we would be pleased to offer sole naming rights for the event. You or a member of your Council would be invited to address the assembled school children and teachers and you would be invited to hand the prizes to each school team. Alternatively for joint naming rights we seek a total of \$3,500 with the opportunity to address the teachers and children on both days and to present the awards on one of the days.

All high schools in the Camden Local Government area, both public and private, will be invited to attend. The following schools are situated within 5kms of Camden: Aspect Macarthur School, Macarthur Anglican School, Mater Dei School, Mount Annan HS, Mount Annan Christian College, Oran Park Anglican College. The following schools lie within 10kms of Camden, but may not necessarily lie within the Camden District: Airds HS, Ambarvale HS, Broughton Anglican College, John Thierry, Leumeah HS, Bellfield College, Sherwood Hills Christian School. Other schools that have previously attended SEC will also receive notification of the event.

I look forward to your positive response.

Yours in Rotary

Cathie Richardson
President
Rotary Club Macarthur Sunrise

cc Dr Malcolm Nearn (local co-ordinator of SEC)

Please send all correspondence to the Secretary at the above address



District 9750

The Science and Engineering Challenge

In Australia there is a serious shortage of scientists and engineers needed to address the technical challenges of the 21st century. The University of Newcastle and Rotary have developed a very successful event called the Science and Engineering Challenge (SEC). It runs nation-wide. It is run by scientists from the University of Newcastle with the assistance of volunteer members of Rotary in the Macarthur area. All universities benefit, which is why various universities, including the University of Western Sydney (Parramatta campus) and the University of Macquarie are strong supporters. This programme has been running for over 20 years.

The purpose of the Challenge is to inspire year 9 or 10 students to take up careers in science and engineering in years 11 and 12 and then by going to University or taking up an apprenticeship. The sad fact is that Australia urgently needs people in these areas, but we are 3rd last in the OECD countries when it comes to students studying these subjects at University. With the end of the mining boom the prosperity and well-being of Australians will depend greatly on the creativity and commitment of our scientists and engineers.

What is the Science and Engineering Challenge?

The Science and Engineering Challenge is a series of workshops held all round Australia. For a 2-day event 16 schools are involved with up to 32 students from each school, i.e. up to 526 students. Each school has to tackle up to 12 technical challenges. The attached tables illustrate its success.

- Last year 24,000 children from almost 800 schools were involved.
- There are three levels of competition – Regional, Super and Grand with the winners at each competing at the next level.

Costs of running the event

Although the Rotarians are unpaid there are various costs.

The basic cost of the two day event is \$4,474 payable to the University of Newcastle. In addition there may be the cost of hiring a venue, tables and chairs, and providing refreshments for the volunteers and school teachers. Assuming that we use either Camden Civic Centre or Minto Indoor Recreation Centre the cost of hiring the venue and of supplying refreshments to volunteers will be an additional \$2300, bringing the total to **\$6,774**.

In past years there has been no charge to the schools, because SEC was funded by the Commonwealth Government, and in Sydney by AUSGRID. Unfortunately both sources of funding will have ceased in 2015. So for 2015 the 16 participating schools will be required to pay a total of \$7,040, i.e. \$440 per school. If the schools pass the cost onto the students this will amount to \$15/student. While this may not seem a lot, it will mean that some children and some schools will not be able to take part. In order to make this event available to all schools in the Macarthur area free of charge we require funding of **\$13,814**. Lesser amounts of funds would make it possible to subsidise cases where children are unable to pay to go.

Alternative venues

We have considered alternative venues. We have been negotiating with the University of Western Sydney Campbelltown campus to find rooms there, but the only time slot available is right at the start of a school term, when most teachers have a pupil free day and the kids will not remember that SEC is happening. In short, school teachers report that it is not practical to hold the event so early in a term.

The Camden Civic Centre meet our needs and is our preferred option. It is available at the times we need to use it (2 days in June 2015).

Sponsorship

Four of the Rotary Clubs in the Macarthur area have each pledged \$1,000 = \$4,000. We have applied for other sponsorships, such as Smartty grants but to no avail, so far.

There are various forms that additional sponsorship can take:

- 1) Sponsor the refreshments and venue hire (\$2300).
- 2) Naming rights. For instance "The Macarthur Science and Engineering Challenge, sponsored by Camden Council and the Rotary Clubs of

Macarthur". We are open to negotiation depending on the extent of sponsorship.

Who should you contact?

Rotarian Dr Malcolm Nearn 46258336; mnearn@bigpond.net.au I live locally and would be pleased to attend a meeting to answer any questions.

Other contacts:

Rotarian Gavin Ralston 94524666 gadr@bigpond.net.au.

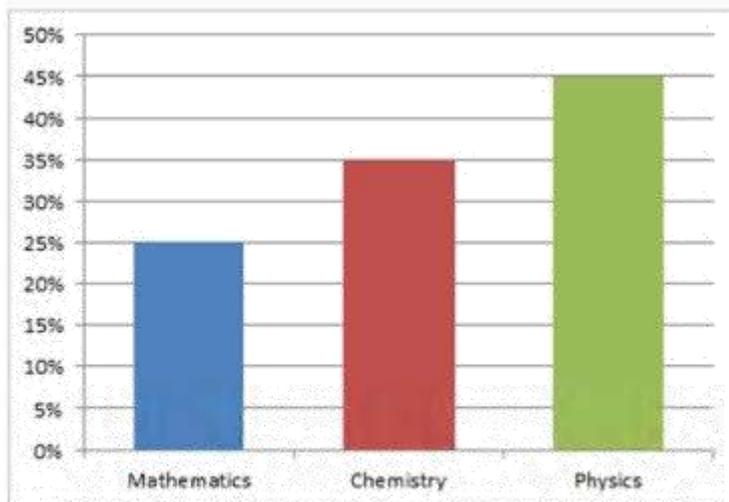
Rotarian Cathie Richardson 0407783277 richoc@bigpond.com

Table 1

Last year, the Science and Engineering Challenge involved more than 24,000 students from almost 800 schools across Australia. From our survey, past participants in the Challenge said:

- 93% - Found the Challenge rewarding
- 84% - Found the Challenge informative about relevant potential careers

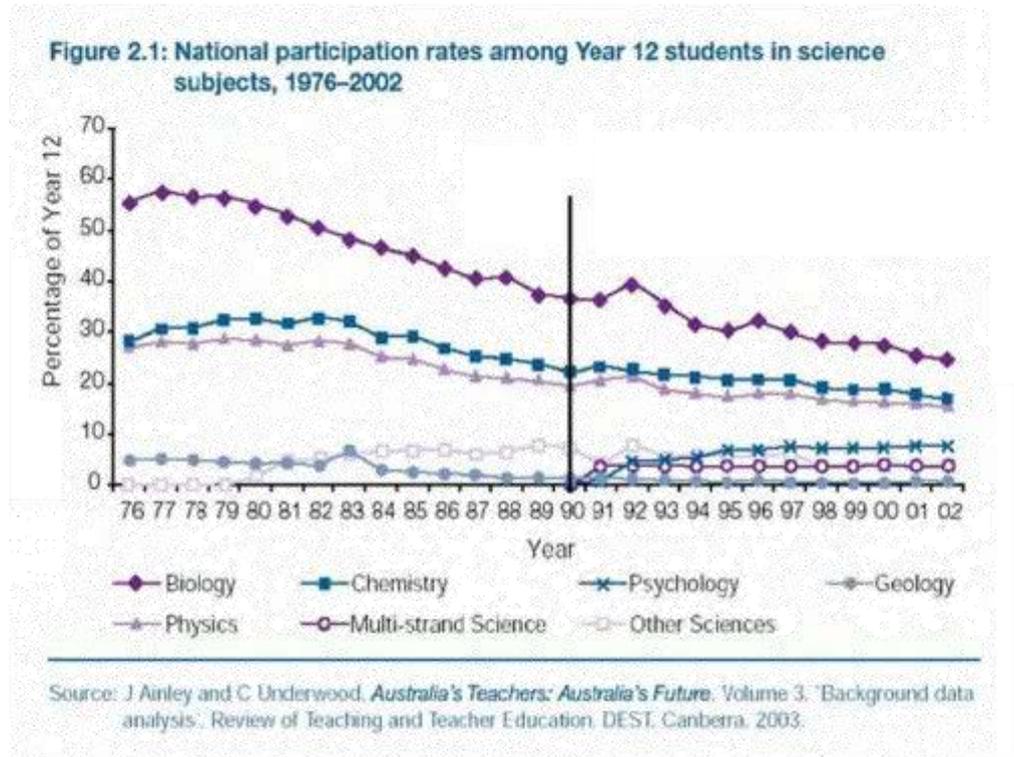
Of those students who participated in the Challenge and went on to study science and mathematics in Year 11, many were influenced to choose their subject as shown:



STUDENT FEEDBACK: IT WAS A GREAT DAY, VERY REWARDING. IT OPENED MY EYES TO POSSIBLE CAREER CHOICES. THANK YOU. LISMORE HIGH SCHOOL, NEW SOUTH WALES

TEACHER FEEDBACK:

A unique opportunity to expose students to a series of challenges of a real world nature where they had to reach beyond their normal skill sets and experience.



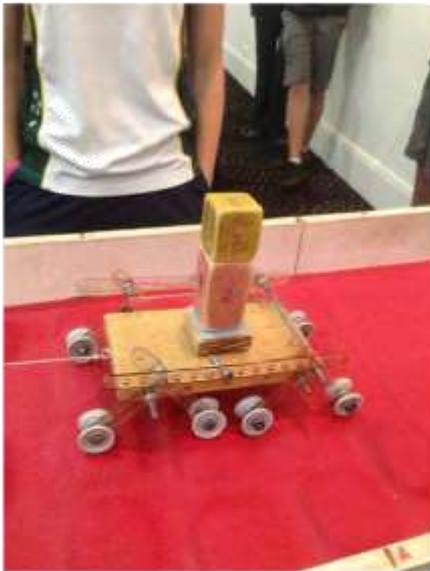
An example of a typical individual challenge

STUDENT'S QUICK START GUIDE Hover Frenzy

Scenario: Your team has been selected as one of the final qualifiers to supply the new hovercraft to evacuate IARG personnel in the event of an emergency. Today you are building a model hovercraft that will be tested for against the other finalists. Aim The aim of this full-day activity is to design, build and fly a model hovercraft that is fast, manoeuvrable and has a good hover height. What to do. Each team gets a lift fan, two motor/propellers, a battery, a controller, saw, scissors and consumables (balsa wood, styrofoam trays, tape, etc.) to make a hovercraft. Some things to consider when building the hovercraft are: • Should

your hovercraft have a skirt? If so, what type? • Is there some way to optimize airflow underneath the hovercraft? • Where and how should the motors and fans be mounted? • How much drag does the hovercraft experience? How can this be reduced? • How is weight distributed around the hovercraft? What effect does it have? • Is speed the most important design goal? Discuss these design questions and build the craft! Improve it by trial and error. Get as much practice as possible using the control box to „fly“ the hovercraft. Rules 1. For all the tests, the lift fan and thrust propellers may only be turned on when the coordinator is watching and indicates that it is time to do so. 2. Steering or braking the hovercraft by pulling on the power cable is not allowed. There is a 10 point penalty per offence. 3. In the obstacle course the hovercraft must fly between the red and the white witches' hats in the correct order. 4. The hovercraft must start the hover height test sitting on the rubber matting with the rear of the craft level with the end of the matting. Scoring: The overall score is obtained by adding together the results of three individual tests: 1. A speed test over 12 metres, worth a maximum of 100 points. 2. An obstacle course worth a maximum of 200 points. Points are based on the time taken to negotiate the course and the number of obstacles hit. 3. A hover height test, also worth a maximum of 150 points, is a combination of the number of steps crossed and the time taken. Tips: The lift fan only blows air in one direction. This is denoted on the fan by a coloured dot; placing this dot down will push the air beneath the craft. A pair of motor/propellers is used to provide forward movement and to steer the hovercraft. Slowing the right propeller causes the craft to turn right etc. Consider carefully if your craft will have a skirt and, if so, what type.

Example 2 Mission to Mars



ORD16

Attachment 2

Example 3 A different interpretation of a Mission to Mars



Example 4 Bridges ready for weight testing



The end of the bridge! Wild cheering all round!!



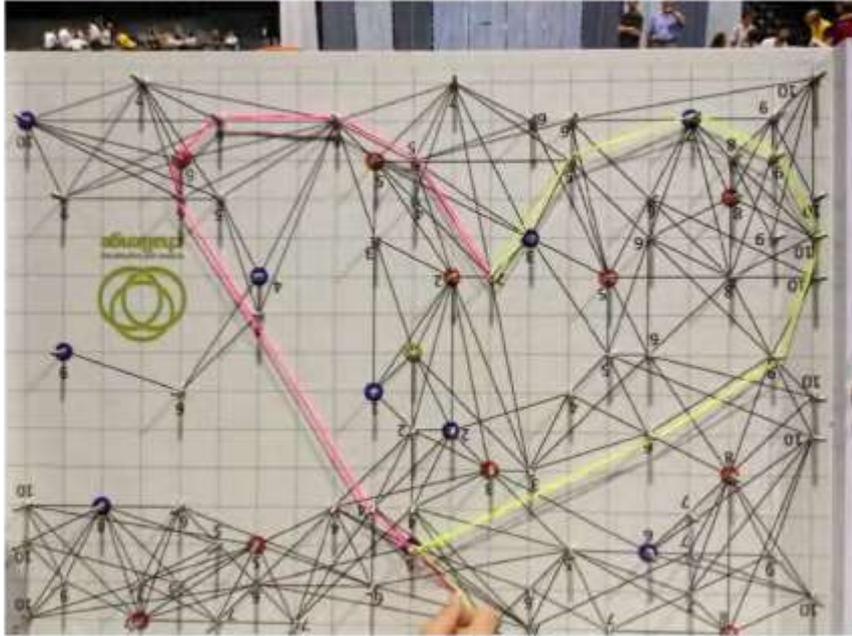
Example 5 Hover Frenzy



ORD16

Attachment 2

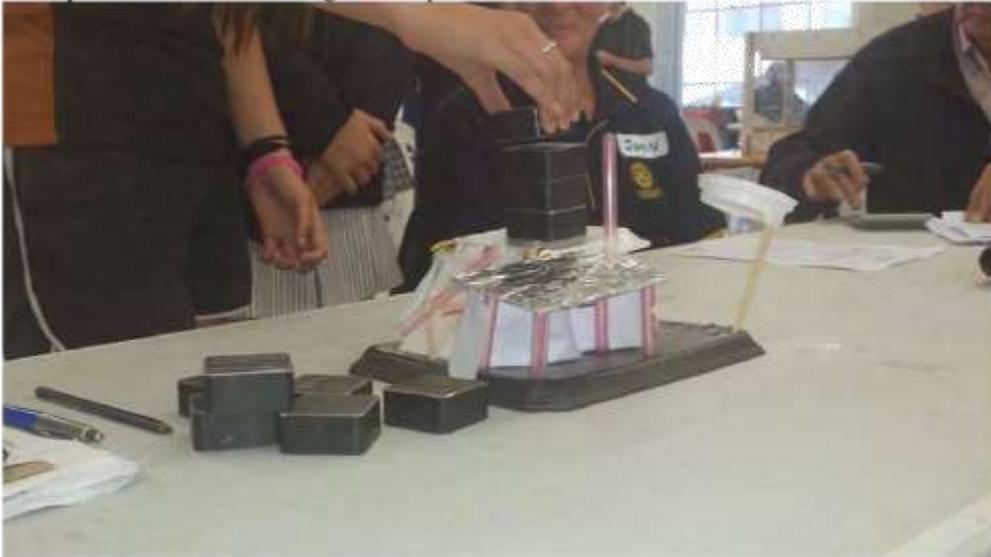
Example 6 Stringways (a maths problem for network design) Yes it is upside down.



Example 7 Flight of the Navigator



Example 8 Ecohouse – testing the helipad



Example 9 Helter skelter shelter



ORD17

Attachment 1



NARELLAN RANGERS SOCCER CLUB Inc.

President:
Steve Holzer 0404 810 206
president@narellanrangers.com.au

Vice President/Sponsorship:
Secretary:

Simon O'Keeffe 0419 606 983
Peter Head 0418 166 244 secretary@narellanrangers.com.au

Postal Address:
Clubhouse:
Web Address:

PO Box 92 Narellan NSW 2567.
Nott Oval, corner Richardson Road and Elyard Street, Narellan 2567.
www.narellanrangers.com.au

ABN: 80 943 041 054

Subject:- Nott Oval Grant Request

19 January 2015

To: CR Lara Symkowiak - Mayor of Camden,

Firstly I would like to thank you for previously meeting with myself and other representatives from the club to discuss how we can work together to grow soccer in the community.

As you would be aware the Narellan Rangers Soccer Club has been using Nott Oval as one of its home grounds since 1976, the club is now one of the largest in the Camden district with over 1000 members in 2014 and continuing to grow.

As a club we have been working hard to improve the facilities at Nott Oval including upgrading the lighting which will allow the club to play night games. The improved lighting will enable the club to utilise the field more and provide the club with more options to continue to grow the club and involve more kids from the community to be active in soccer 12 months of the year.

We applied for a grant to improve Nott Oval Facilities through the State Government and with great support from Chris Patterson we have been successful in attaining a \$50,000- grant to upgrade the lighting and facilities at Nott Oval.

As a club we have set aside funds to assist in the upgrades and seek support from Camden Council to match the grant we have received from the State Government to allow us to complete the upgrade.

Your support is greatly appreciated by the club and its members, we hope the Council can support the club in the facilities upgrade.

Steve Holzer

Regards
Steve Holzer
President
Narellan Rangers Soccer Club



January 16 2015

Mayor Lara Symkowiak
Camden Council
P O Box 183
CAMDEN NSW 2570

Dear Mayor

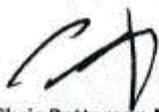
The NSW Government recently granted the Narellan Rangers Soccer Club \$50,000 under the Community Building Partnership Program to assist with the installation of lighting at their home ground.

I understand the Narellan Rangers Soccer Club will also be contributing \$50,000 towards the project.

Could you advise if Camden Council would be in a position to also contribute a further \$50,000 towards the project?

I await your response.

Yours sincerely



Chris Patterson MP
Member for Camden

Phone: (02) 4655 3333 **Fax:** (02) 4655 3325 **Mail:** PO Box 669, Camden NSW 2570
Electorate Office: 66 John Street, Camden NSW 2570 **Email:** camden@parliament.nsw.gov.au
Website: www.chrispatterson.com.au