



4 November 2011

The Hon Barry O'Farrell MP
Premier of NSW
GPO Box 5341
Sydney NSW 2001

Dear Premier,

Your election to office in March 2011 was met by the Associations and the Local Government sector with optimism. It was hoped that your election would deliver a new era of cooperation, communication and respect to local Government and the communities they represent.

Your announcement that the choice as to who could manage the 2012 Local Government elections would be returned to Local Government was met with similar anticipation and hope.

Your letter received 4 November 2011 leaves nothing but extreme disappointment and a very bitter taste.

Neither the spirit nor the intent of the amending legislation have been met.

The forced 30 November 2011 deadline, the Guidelines issued by the Department of Local Government, the actions of the New South Wales Electoral Commissioner and your lack of support have all but destroyed any "choice" which Councils may be afforded.

Councils which resolve to manage their own elections will clearly be afforded no support, advice or assistance of any kind from the NSWEC, and will do so under uncertain tendering requirements.

Councils which resolve to use the NSWEC will do so with no clear idea of what their costs will be, an utterly ludicrous situation which at any other time would no doubt have a Council under a Departmental investigation for inappropriate procurement practices.

It is noted that the Minister for Local Government, the Hon Donald Page MP, at the recent LGA Conference in Nowra as part of his speech was bitterly scathing towards the conduct of the NSWEC.

We met with you on the 19 September 2011 and outlined a series of concerns, none of which you have addressed:

- We requested an extension of time to 31 March 2012 for Councils to resolve who would manage their elections to enable councils to properly undertake their

appropriate tendering obligations. As an alternative it was pointed out that the Government could formally permit Councils to waive these obligations. Given neither option was addressed Councils are not provided with a level playing field.

- We suggested that for the purposes of the Local Government elections that the NSWEC should be functionally “split” so that one part could offer advisory services to all Councils and the other part could delivery services for Councils who elected to have the NSWEC conduct their elections. This would have provided all Councils an impartial, standardised advisory service.
- We discussed the issue of the failure to vote fines. As we pointed out the last elections cost Local Government some \$26 million. The issued failure to vote fines totaled some \$21.9 million. The actual amount collected is unknown but regardless, this amount was paid directly into the NSW Government’s Consolidated Fund. This money rightfully should be used to offset Local Government’s costs to fund the elections.

Your letter advises that the NSWEC claims that during Council visits concerns about compliance with the 30 November deadline were not raised at meetings. This is false. Councils advise the Associations that at these meetings numerous issues have been raised with the NSWEC and his staff concerning the proposed conduct of the elections, and the aggressive conduct and tone of the NSWEC staff.

We believed that purpose of the amending legislation was to provide Councils with a choice, a return to some semblance of autonomy which Councils and their communities both expect and rightfully deserve. In this matter you and your government have failed the Associations and the sector, as they were under the previous Government remain frustrated and bitterly disappointed.

Yours Sincerely,



Cr Keith Rhoades AFSM
President



Cr Ray Donald
President