



Premier of New South Wales
Australia

Cr Genia McCaffery
President
Local Government Association of NSW
GPO Box 7003
SYDNEY NSW 2001

- 2 MAR 2009

Cr Bruce Miller
President
Shires Association of NSW
GPO Box 7003
SYDNEY NSW 2001

Local Government Association of NSW Shires Association of NSW	
- 9 MAR 2009	
SGU.....	CORP.....
POLICY.....	
WPLACE.....	NO ACTION.....
FILE No.	R06/0036.

Dear Councillors

I refer to your letter dated 2 December 2008 requesting a review of the recent local government elections conducting by the NSW Electoral Commission.

I am writing to inform you that I have decided to refer certain matters, including the costs associated with the 2008 local government elections, to the Joint Standing Committee on Electoral Matters (the "Committee") for inquiry.

I believe that the Committee's oversight of State elections is of substantial benefit in terms of transparency and accountability. I also believe that the same degree of oversight should be applied to local government elections.

A copy of my letter to the Committee is enclosed. Thank you for bringing your views on this matter to my attention.

Yours sincerely

Nathan Rees MP
Premier



Premier of New South Wales
Australia

TCO/22139 – LB

- 2 MAR 2009

Ms Cherie Burton MP
Chairperson
Joint Standing Committee on Electoral Matters
Parliament House
Macquarie Street
SYDNEY NSW 2000

COPY

Dear Ms Burton

I am writing to refer certain matters to the Joint Standing Committee on Electoral Matters (the "Committee") for inquiry.

Under the Committee's terms of reference, the Committee may:

"(2) ...inquire into and report upon such matters as may be referred to it by either House of the Parliament or a Minister that relate to:

(a) The following electoral laws:

- (i) Parliamentary Electorates and Elections Act 1912 (other than Part 2);*
- (ii) Election Funding Act 1981; and*
- (iii) Those 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 sections 27, 28 and 28A);*

(b) The administration of and practices associated with the electoral laws described at (a)".

I wish to refer all matters that relate to (a) and (b) above in respect of the September 2008 Local Government Elections to the Committee for any inquiry the Committee may wish to make, including in relation to the costs of the 2008 Local Government elections.

I note that section 21AA(2) of the *Parliamentary Electorates and Elections Act 1912* (the "PE&E Act") provides that the Electoral Commissioner has the responsibility of administering the PE&E Act and any provisions of any other Act, so far as they relate to the enrolment of electors, the preparation of rolls of electors, and the conduct of elections.

Section 21AA(3) also provides that, in addition to the functions conferred or imposed by the PE&E Act, the Electoral Commissioner has the functions conferred or imposed on him by or under any other Act.

Additional functions are conferred upon the Electoral Commissioner under Part 6 of the *Local Government Act 1993* for the purpose of conducting Local Government elections.

I am advised, therefore, that to the extent that section 21AA(2) of the PE&E Act confers upon the Electoral Commissioner a general responsibility for administering electoral provisions contained in other Acts, the Committee is entitled to inquire into and report on those provisions, including matters arising under the *Local Government Act 1993* so far as they relate to the conduct of local government elections.

I believe that the Committee's oversight of State elections is of substantial benefit in terms of transparency and accountability. I see no reason why the same degree of oversight should not be applied to Local Government elections in the interests of transparency.

I would be grateful if the Committee could report on the outcome of its inquiry within 12 months of the date of this referral.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nathan Rees', written in a cursive style.

Nathan Rees MP
Premier