

Local Government Participation and Elections Review

Discussion Paper

October 2023



Government of South Australia
Department for Infrastructure
and Transport

**Build.
Move.
Connect.**

Disclaimer

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We acknowledge the Traditional Custodians of the Country throughout South Australia and recognise their continuing connection to land and waters. We pay our respects to the diversity of cultures, significance of contributions and to Elders past, present and emerging.



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Minister's foreword



Nearly 35 years ago, I threw my hat in the ring and stood for election to my local council. And after 20 years as a council member—including six as Mayor—and 14 as a Member of Parliament, I can confidently say that this was one of the best decisions of my life.

I stood for council for the same reasons that many South Australians do; because I wanted to get involved in the local decisions that have such an impact on our day-to-day lives. It's a challenging role, but one that also has tremendous rewards. I can honestly say—and often do—that my time as a local elected member has been one of the best of my life.

I'm passionate about local government, local leadership, and local decision-making. That's why I am also passionate about encouraging every South Australian to get involved with their council—to have your say about council decisions and activities, and,

at election time, to make sure you have your say about who will represent you and make decisions on your behalf by voting.

I'm also passionate about making sure that we have as many South Australians as possible making the same decision that I did so many years ago—to turn my commitment to my community into a decision to run for council and put that commitment into action.

This discussion paper poses a number of questions about how we can improve participation in local government, both throughout councils' terms, and at election times.

It poses some bold ideas that might be challenging or even controversial. But I firmly believe that it is time for us to take real action to better connect people to their councils; to get serious about tackling the persistently low voter turnout that we see every four years at council election time, and to make sure that the future of local government is in the hands of the most diverse and capable local representatives that we can find.

I encourage everybody reading this paper to respond to the questions it poses. Let us know how we can build a future for South Australia where our councils represent and are supported by a local community that truly feels connected to their local government.

A handwritten signature in blue ink that reads "Brock".

Hon Geoff Brock MP

MINISTER FOR LOCAL GOVERNMENT

Introduction

Our local councils are often described as the sphere of government that is ‘closest to the people’. The services they provide are often those that touch our day-to-day lives most closely—the footpaths and roads we walk and drive on, the bins we put our rubbish in, the parks, gardens and ovals where we walk, exercise and play with our children, and our local libraries to name just a few.

Yet this involvement with our local services isn’t always reflected in close participation and engagement with our councils. While our local members are elected by the ratepayers and residents in their local areas, typically only around a third of voters choose to exercise their democratic right to vote for their council representatives. Councils can also struggle to have a good number of diverse candidates put their hand up to stand for election, to ensure that a local elected body has the best chance of representing and making the best decisions for its local community.

Over the past 20 years, the local government sector has been making increasingly large investments in promoting elections, both to encourage nominations, and to increase voter turnout. This participation is crucial, as elections establish the democratic foundations for the decisions that a council will make over a four-year term to spend ratepayers’ money on the services and facilities that the council decides its community can and wants to pay for.

Despite these investments, engagement with councils at election times has remained at consistently low rates. This discussion paper therefore tackles some fundamental questions, not only about how council elections should be run to improve the number and diversity of council members and increase voter turnout, but also how people engage with their council over the whole of a council term, so that when election time rolls around, they are interested and engaged with the future of their local council.

There are four key topics covered in this paper. They are:

1. How people engage and participate with their council;
2. How we can encourage greater numbers and more diverse candidates;
3. How we can increase voter turnout; and
4. How we can make sure that council elections are run efficiently, with the highest level of integrity.

For each of these topics, this discussion paper provides a brief snapshot of current requirements, and changes over time. Each section also puts forward some ideas for improvements—and we want to hear from you! Are these ideas good ones? If not, why not? What other ideas do you have to improve people’s engagement with councils—both at, and between, elections?

Topic 1: How people engage with their council

Community Engagement Charter

Councils continually engage with their communities on a range of critical decisions—their annual business plans and budgets, how council rates are set and collected, how parks and gardens and other council land should be used and managed, how a council's elected member body should be structured, and so on.

The *Local Government Act 1999* (the Act) requires all councils to have a public consultation policy in place. This policy must include some actions as a minimum—largely a requirement to consult for a minimum period of 21 days, to publish material on their website and in a newspaper, and to allow for submissions. The Act also requires councils to undertake more specific consultation on significant decisions, such as the requirement to hold an hour-long public meeting on its annual business plan and budget.

Principles of engagement

The Charter is underpinned by these engagement principles:

1. Members of the community should have reasonable, timely, meaningful and ongoing opportunities to gain access to information about proposed decisions, activities and processes of councils and to participate in relevant processes.
2. Information about issues should be in plain language, readily accessible and in a form that facilitates community participation.
3. Participation methods should seek to foster and encourage constructive dialogue, discussion and debate in relation to proposed decisions, activities and processes of councils.
4. Participation methods should be appropriate having regard to the significance and likely impact of proposed decisions, activities and processes.
5. Insofar as is reasonable, communities should be provided with information about how community views have been considered and reasons for actions and decisions of councils.

These principles are consistent with principles adopted by individual councils over many years. They are informed by the International Association for Public Participation (IAP2) Core Values.

These basic requirements have now been in place in the Act for more than 20 years, however, community and council expectations regarding consultation have changed. For example, many councils have moved towards more modern methods of communication and engagement—for instance, using social media to 'get the word out' rather than relying on ratepayers reading notices published in the back of a local newspaper, or undertaking more fit-for-purpose engagement methods such as 'drop in' events at council venues.

Yet while councils may wish to invest in more modern and effective engagement—and their communities may expect them to—they must still comply with two-decades-old statutory requirements.

Changes to the Act will replace these inflexible requirements with a 'Community Engagement Charter' (the Charter). Councils' community engagement policies must be consistent with the Charter and comply with its requirements. These changes will commence when a Charter has been developed—which needs your input!

A flexible or prescriptive approach?

There is broad scope to create a Charter that reflects community and councils' views on how it should direct council's community engagement.

For example, the Charter could specify mandatory requirements that largely replicate the current requirements contained within the Act. Councils would then be required to undertake 'engagement tasks' as the Charter instructs them—for example, to release information online for a specific period of time; or to publish material elsewhere in a particular way. However, placing these requirements on councils may not support councils to invest in community engagement in a way that they feel best meets their community's particular needs.

Another option would be for the Charter to set out a range of general principles or performance outcomes then enable the specifics of each councils' community engagement to be determined in its own community engagement policy. With this approach, there might be concerns in the community that not all councils would engage in a similar way or might not engage to the level that a community may like to see.

The Charter could also be a mixture of these approaches. For example, it could contain more specific requirements for significant council decisions that affect the whole council area, but also allow for a more flexible approach for more localised matters.

While the public consultation requirements have traditionally covered the method of engagement (e.g., minimum consultation periods and publishing requirements), the Charter could also cover the type of information that should be made available during community engagement, or how public consultation feedback should be considered. This approach may fulfil the principle that engagement should encourage constructive dialogue and discussion.

A Charter might include that a council should provide information in a form that is appropriate for the council's community to engage with and make a submission on. Councils could then determine what this information looks like in their community engagement policies.

The intent of the change to a Charter is to enable councils to take a more fit-for-purpose approach to public consultation, taking into account the significance of the matter under consideration, the needs of their local community, and the advantages of new technology. It should also bolster community confidence that their council will engage with them properly on the decisions and actions that affect them.

To achieve this aim, the Charter may:

- include categories of consultation;
- specify mandatory requirements or set out more general principles and performance outcomes related to engagement, for each category;
- provide guidance on specific measures or techniques to achieve outcomes; and
- set out measures to evaluate how outcomes have been achieved, or to what degree.

And, of course, there will be mandatory public consultation on both the Charter and the related council community engagement policies.

One proposal is that the Charter set some minimum standards for more significant council tasks, such as the annual business plan and budget, but largely focus on a 'principles-based approach' to allow councils to determine the exact activities they will undertake to best engage with their communities on their business under their own policies. Another approach could be for the Charter to more specifically dictate exactly what activities councils must undertake to consult on particular matters and decisions, more like the current legislative requirements.

Of course, the Charter will not preclude councils from undertaking non-statutory consultation, which councils may choose to include in their community engagement policies.

Ideas and questions

- What requirements should be set for councils' community engagement for what decisions?
- What should be included in the Charter and what should be left for councils' own community engagement policies?
- Should councils have the capacity to determine how they will engage with their communities, or should the Charter be more directive in its approach?
- What other ideas do you have for councils' community engagement?
- How would you like to see councils engage with you?
- What are the types of information you would like to see councils include when they engage with you?

Council meetings

While community engagement on council decisions is a critical part of councils' business, councils also have other opportunities to engage their communities. Chief amongst these tools is council meetings, which are open, public meetings where all community members should have the opportunity to view council debates and decisions.

Traditionally, council meetings have been held in the council's chambers, with a gallery open to those who wish to spectate. The COVID-19 public health emergency, however, accelerated an increase in people's desire to watch council meetings at home, either at the meeting time or at a time of their own choosing. There is also an increasing need for councils to ensure the safety of people attending council meetings in person, particularly when contentious or highly debated matters are being discussed.

Many councils have met this demand by livestreaming their meetings, or by making recordings available after the meeting.

Ideas and questions

- Should councils be required to livestream their meetings, and make recordings available?
- All metropolitan councils hold their council meetings during the evenings, but councils in regional areas often hold their meetings during business hours. Should councils be required to hold their meetings at a particular time to maximise community participation?

Support council members to engage with communities

Council members are elected to represent their communities. However, many people do not realise that their local elected members are available to speak to about their concerns and priorities and to advocate on their behalf. Instead, people will contact their council administration directly, which can lead to a sense of frustration that they are not being heard, or that their concerns are not being acted on.

Members themselves may not feel empowered or supported to engage with community members, particularly if this is presented as engaging with operational rather than strategic council matters. Additionally, it can be difficult for members to spend time with their community, particularly if they are also busy with work and other life matters.

This can result in a lack of understanding that council members are elected to make decisions on their community's behalf and can also cause a sense of disconnection between citizens and their councils. Conversely, supporting stronger engagement between council members and constituents can increase engagement with local matters and decisions.

Ideas and questions

- How should members be supported to engage directly with their communities?
- Should all council members be provided with a specific allowance to support constituent work, similar to the allowance that is provided to Members of Parliament?
- What other ideas do you have to strengthen the relationship between council members and their local community members?

Topic 2: How can we encourage a greater number of more diverse candidates?

Every four years, elections are held so that local communities can decide who should represent them and make decisions on their behalf about the services and facilities that are provided in their local area. These elections are the foundation of local government—as is the case with state and federal elections, communities exercising their choice on their representation is what makes councils governments in their own right.

For these elections to truly deliver this democratic foundation of councils, community members should be choosing who they vote for from as wide a selection of candidates as possible. Councils that reflect the diversity of their communities are better able to make decisions for, and provide services to, these communities.

However, council elections often struggle to attract enough candidates to fill all vacancies, let alone a wide range of candidates. For example, at the 2022 council elections, 683 positions needed to be filled, but 93 of these positions were filled without an election being held. The voters in these elections had no opportunity to exercise their democratic right to vote for their local representation. Additionally, some positions—including two mayoral positions—did not receive enough nominations, meaning that nine supplementary elections were then needed to fill these roles.

There is also a strong perception that councils are dominated by older people, usually men. Female representation has increased enormously in recent decades, but it is true that candidates for council continue to be dominated by older people.

While the commitment of every person who puts their hand up to stand for council should be acknowledged and appreciated, a more varied range of candidates would better reflect our increasingly diverse community.

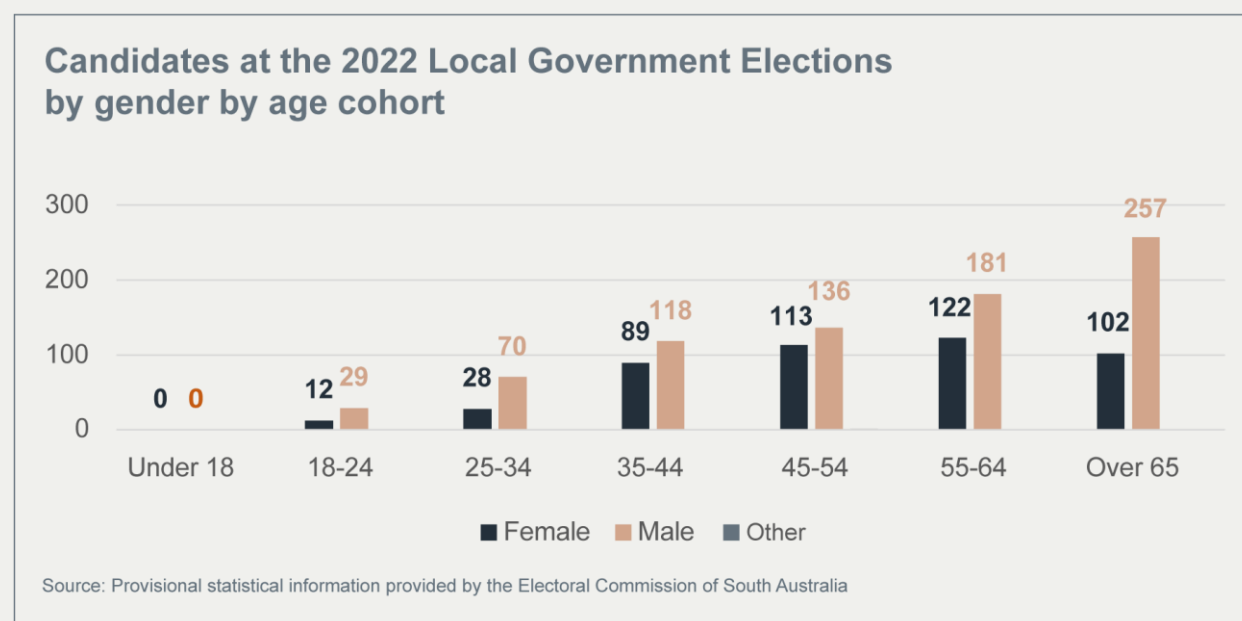
Ideas and questions

Many people choose to stand for their council as they have a real commitment to their local community and want to ‘make a difference’ by being part of the decision-making body that determines the vitality and sustainability of their local area. However, there would be many community-minded people who already commit many hours to community service but would not consider running in a council election. Why is this? Some ideas to tackle this issue are included below.

2022 periodic council elections—provisional statistics

Provisional statistical information provided by the Electoral Commission of South Australia shows that at the 2022 periodic council elections, elections were held for 565 of a possible 683 (82.7%) vacant positions. This was the lowest proportion of elections held for vacant positions since 2006. Related to this, nine supplementary elections were held following the 2022 periodic council elections, which was the highest number required since, at least, the elections held in 2000. Both statistics point to a drop in the number of candidates nominating, with a record number of positions receiving no nominations.

Of 791 male candidates, over a half (438, or 55.4%) were aged over 55 years.



Both the number and proportion of female candidates have continued to increase, with a record 466 females (37%) nominating for election. Of 466 female candidates, 224 (48%) were aged over 55 years.

Of all 1258 candidates, 1043 (82.9%) were born in Australia. The next largest group by birth was the United Kingdom (78, or 6.2%), followed by India (42, or 3.3%).

While the total number of nominations declined at the 2022 Local Government elections, the long-term trend has seen an increase in people nominating for election, particularly amongst women. From the 2000 council elections until 2014, women consistently made up between 25% and 29% of nominees. At the 2022 council elections, the number of women nominating reached an all-time high, with women representing 37% of all nominees.

Increase council members' allowances

Most council members receive a small independently determined annual allowance of between \$7,192 and \$25,838, depending on the council. Mayors receive an allowance four times more than the councillors of their council. The City of Adelaide is an exception to this: council members' allowance is \$28,692, and the Lord Mayor's allowance is \$195,851.

These allowances are not intended to be remuneration or a salary, as is the case for Members of Parliament. This often results in council members performing their roles in addition to paid employment or other income, or—as is often the case—being retired.

Would more, and a more diverse range of, people be attracted to the role if allowances were increased?

Make council meetings more flexible

Are there elements of council business that might put people off nominating?

For example, if a council meets during business hours, does that prevent people from standing for council if they are in the workforce or have family or other responsibilities? Or does it enable others, who may not be able to attend evening meetings, to run for council?

Currently, council members are required to attend council meetings in person. Enabling members to attend meetings electronically may also provide the flexibility that is needed to encourage a wider range of people to nominate for council. However, this should also be considered in the context of additional matters, including:

- Challenges that can arise when a meeting is held with some members in the room, and some are on screen, which can make meeting discussion and management difficult.
- The need to ensure that important integrity matters are properly managed, such as members not participating where they have a conflict of interest in a matter or ensuring that sensitive matters are discussed in confidence.
- Providing an assurance to communities that their council members are physically present in their local area, for at least a good proportion of time. If members are able to attend meetings electronically, there may be no guarantee that they are in the local area at any time.

Should council members be able to attend some council meetings electronically?

More local promotion

Local government invests in raising the profile of councils and council elections shortly before elections to increase awareness of and interest in, nominating for elections.

Close to each council election, the Local Government Association of South Australia (LGA) runs a campaign on the sector's behalf to generate awareness of the upcoming elections, and to encourage interest in standing.

This approach has the benefit of providing a statewide, funded campaign, but may also mean that promotion on a local level doesn't necessarily reflect what is going on in each council area, or the local issues. It may also mean that people don't draw a strong connection between a wider, consistent campaign and their own local area and council.

Are there other efforts that councils could make to increase interest in standing over a council term, for example, by working with ratepayer or other community organisations?

Would councils get a better local result if they make greater investments in local promotion and initiatives, particularly ahead of election periods?

Term limits for council members

Council members have no limit to the terms that they can serve on council—it's not unusual for council members to serve for 20, 30, or even 40 years. While this commitment is commended, limiting council members to a maximum of two or three terms may 'open up' vacancies to a wider range of candidates, who may otherwise be dissuaded by having to run against a long-established incumbent member. Limiting council members to a maximum of two or three terms may also allow for fresh ideas and perspectives to be brought in by new candidates.

Should term limits for council members be introduced?

Required training for candidates

A question that is increasingly being asked is whether people considering nominating for council should be required to undertake some kind of formal or informal training, such as a short online course, before they nominate.

This might ensure that potential candidates better understand a council member's role before they put the time and energy into running, and also maximise the chances of a person being really committed before they stand and are potentially elected. It may also reassure people considering standing that if they are elected, they will be joining a group of people who all have sufficient commitment to the role to complete this training.

However, requiring some form of training might also put people, who would potentially make great elected members, off standing. Should people be required to complete an online course before nominating?

What forms of training could both benefit candidates and generate more community confidence in the people that are standing for election?

Consider real-time publishing of nominations

Historically, candidates have deposited their nomination with the council, who would forward it to the Electoral Commission of South Australia (ECSA) for lodgement. Councils were then required to display names of people who had successfully nominated for election on the noticeboard in their principal office once notified by ECSA.

Following requests from councils, changes were made ahead of the 2022 periodic council elections that removed councils' role in displaying candidate details in council offices.

ECSA then managed the nominations as it does for State elections by receiving and publishing all of them online at the close of nominations—this is also the case for federal elections, as managed by the Australian Electoral Commissioner. This harmonised the nomination process for all three spheres of government, and also responded to concerns that some candidates were 'ward shopping', that is, withdrawing their nomination for a contested election to re-nominate for another, uncontested ward after reviewing nominations displayed at the council.

However, some councils reported that not publishing nominations at council offices meant that potential candidates did not know that not enough nominations had been received to fill all council positions, and—if local people had known that only two or three people, or no-one had nominated—they otherwise may have put their hand up to stand.

There is also a view, though, that the publication of these details encourages people to stand for reasons that may not be considered the best reasons—for example, because they know that they will not have to run in a contested election—rather than simply because they wish to contribute to improving their local community.

Should councils have a role in the nomination process?

If ECSA continues to receive nominations directly, should there be a requirement for nominations to be published throughout the nomination process, not just at the end? If so, how should these be published?

Remove council wards

Thirty of South Australia's 68 councils have a ward structure, where a council is divided into smaller areas for the purposes of elections.

Traditionally, maintaining a ward structure has been regarded as a way to bolster representation from all parts of a council's whole area, rather than just its major population centres—although it should be remembered that all wards are required to have equivalent elector and member ratios to ensure the 'one vote, one value' principle.

Once a member has been elected from a ward, though, they have a clear obligation to make decisions in the interests of the whole council area, not just their ward. It can be difficult for members to be able to do this, as they will respond to the concerns and views of the constituency that elected them—the electors of their ward—even if this may not be consistent with the interests of the council as a whole.

Wards can also determine—and to a degree, restrict—who can stand, as they essentially require candidates to form a constituency from within a limited geographic area, rather than across a whole council area.

For example, one candidate may wish to stand on a platform of advocating for additional services for parents, and while they may not have a sufficient constituency within their local ward to support their views, they may well do so across the whole council. Yet the requirement to standing for a ward also restricts them to forming a like-minded community within that small area.

Removing wards from councils could ‘open up’ opportunities for a much wider, more diverse group of candidates, by giving them much more flexible options to find their own community of potential voters.

Many councils, particularly regional councils, have already removed wards as some wards were heavily contested, and others not at all. Occasionally, where wards had fewer nominations than positions, this resulted in the need for a supplementary election. It could also be possible for wards to be removed from a council if elections for all, or some wards, are not contested.

However, especially in larger councils, wards can provide a way for the council’s population to maintain a closer level of connection to their council member. An alternative approach to removing wards for all councils may therefore be to set a ‘size threshold’ for councils to retain wards. This threshold could be the size of the council’s roll, or the ratio of council members to voters.

Should councils continue to have wards? If so, why? And if not, what would be the benefits of removing them?

Should wards only be kept in councils where a council’s size warrants their retention?

Lack of nominations trigger for boundary reform

A council’s existence as a local government is predicated on having a locally elected body. Smaller councils often point towards the support for their local elections as evidence that amalgamation, or other boundary change is not necessary or desirable to help the council deliver the services that their community expects. However, this is hard to argue when not enough people stand to fill all council positions at election time.

Increasing the size of a council’s area, or making other structural changes, may support a greater number of more diverse candidates to stand for that council, giving its citizens greater choice and a stronger local representative body.

Should potential boundary changes be referred to the South Australian Boundaries Commission when a council receives significantly fewer nominations than it has vacancies?

What are other factors that might encourage—or dissuade—people to stand for election to their councils?

What ideas do you have to increase nominations?

Topic 3: How can we achieve a better voter turnout?

One of the unique factors about local government in South Australia is the way in which people vote for their council. Unlike federal and state elections, where voting is compulsory and in person, voting for councils is voluntary and done through the postal system.

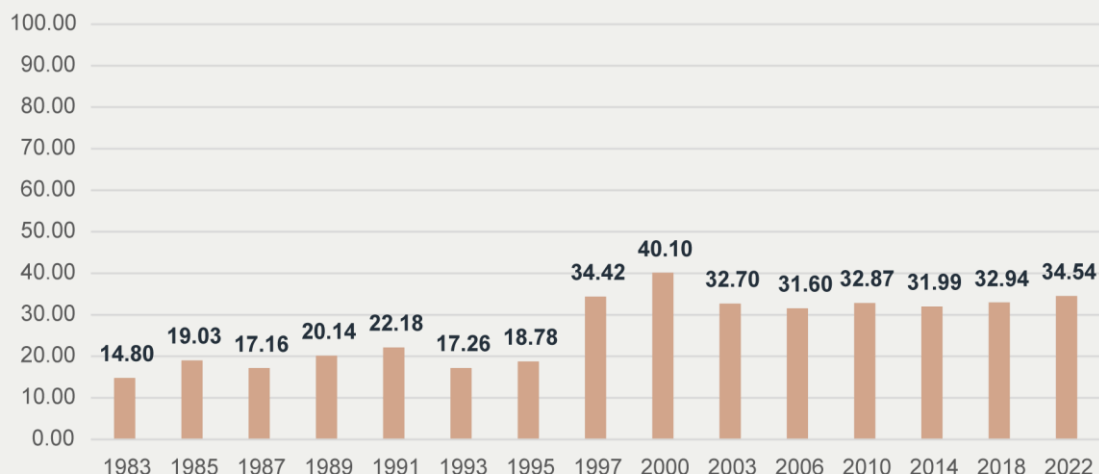
Many people are not aware that postal voting was introduced in 1997. Before this, voting was done in person, but voter turnout rarely exceeded 20%. Over the six elections since the turn of the century, voter turnout has remained consistently low. This held true for the most recent periodic council elections held in November 2022, when the voter turnout was 34.5%.

This means that around two-thirds of people who could vote for their local council representatives are choosing not to vote.

Democratically elected councils are the foundation of local government. Yet citizens are not exercising their right to choose who will represent them, make the decisions about how to spend their rates, and determine what services their local area should receive.

Some ideas to improve voter turnout are detailed below.

Local Government Election voter turnout (percentage), 1983 - 2022



Source: Information provided by Councils to 1997 and by the Electoral Commission of South Australia from 2000 (provisional statistical information provided for 2022)

Make voting for councils compulsory

Over time, most other Australian jurisdictions have made voting in council elections compulsory. South Australia is now one of only two states that have maintained voluntary voting in council elections, along with Western Australia.

Tasmania is the most recent state to make this change, following concerns that voluntary voting had dipped to 68%. Following the introduction of compulsory voting, this increased to 84.8%, with the increase in participation higher amongst electors aged under 34 years, whose participation rates in past elections was below 46%.

Making voting for your council compulsory would be the most certain way to increase voter turnout. It would also remove a significant difference between council elections and both the Australian Government and South Australian Government elections.

Is there any particular reason why councils do not warrant compulsory voting, when the two other spheres of Australian governments do?

Should voting for councils be compulsory in South Australian council elections?

How do people vote for their council in other Australian jurisdictions?

Queensland—voting for councils is compulsory in Queensland. Voting is by attendance, but councils can apply to the Minister to request postal voting to apply for all or part of their area. For the March 2024 Queensland council elections, the Minister approved full postal elections for 15 councils. Hybrid elections (a mix of attendance and postal voting) were approved for a further two councils.

Victoria—in Victoria, it is compulsory for residents in a council area who are enrolled for state elections to vote in council elections. However, voting it is not compulsory for other voters, including property-owning ratepayers, except in Melbourne City Council. The Victorian Minister for Local Government decides before an election whether council elections will be held by postal vote or attendance vote.

Tasmania—as with Victoria, voting at council elections is compulsory for voters on the state roll in Tasmania, but not for other voters. Postal voting is the voting method.

New South Wales—in NSW, voting is compulsory for electors on the residential roll, but not for other voters. Voting is by attendance.

Western Australia—voting for councils is not compulsory in Western Australia. Most voting is through the postal system—while attendance voting is also available to electors, it is not primarily used. Eight out of 139 local government areas run in-person elections.

States that have attendance voting for councils (Victoria, NSW and Queensland) allow voters to cast a 'pre-poll' vote at a polling centre before polling day, or apply for a postal vote, if they cannot attend a polling place on election day. Additionally, some states—including South Australia—offer telephone voting to assist vision-impaired voters, and/or voters who are overseas or interstate and may not otherwise be able to return a vote in time.

Change the method of voting

Voting for Australian councils is done by postal or attendance voting, or a hybrid of the two. In a postal voting system, electors are sent their ballot papers in the post. They fill them out and then return via post, or by depositing the envelope in a ballot box at their local council. Attendance voting requires electors to 'attend a polling place' in person, where their enrolment details are checked, and they then vote—as is the case for state and federal elections.

Hypothetically, it should be easy for voters to open the envelope that is sent directly to them, read the candidate profiles, decide who they want to vote for, mark the ballot paper, sign the declaration, and return the vote in the post. However, the stubbornly low rate of people who do this indicates that in our busy lives, it can become one more administrative task to do—and easy to put to one side.

Given this, it may be worth re-visiting the question of whether voting for councils should be through the post, or return to attendance (in person) voting, particularly given the increase in pre-polling and postal voting in recent state and federal elections.

But it must also be acknowledged that voter turnout in a postal voting system for local government has always been higher than it was for in person voting. As noted, the change from attendance to postal voting in 1997 saw a bump in voter turnout, however, this turnout then dropped and has consistently stayed at around 32–34% since.

How should people vote for their councils?

Consider who can vote for their council

People who can vote for their council are:

- Residents in a council area who are enrolled for state elections. These people automatically receive ballot papers in the post.
- Persons, business lessees, business owners, bodies corporate or groups that are ratepayers, or occupy a rateable property, within the council area (often referred to as the 'property franchise'). Those falling under this category, who wish to vote in council elections, must self-enrol for each council election by completing an enrolment form (except in the City of Adelaide, where they are automatically enrolled).

Voters exercising their property franchise do not need to live in the area of the election they are voting in, and do not need to be Australian citizens.

Additionally, residents within a council area who are not Australian citizens may also self-enrol to vote for their council, if they have been a resident in the area for at least one month immediately before the date they apply to vote. This reflects the general tenor of council elections—that local people who use local services should have a say in the local decision-making body that determines them. However, some people argue that this is not appropriate, or that a longer period of residency should be required before non-Australian citizens can enrol to vote.

While one month's residency may not sound like a long time, non-citizens choosing to vote for their council will have been living in their area for a longer period. For the 2022 council elections, the final date to enrol to vote was 29 July 2022. This means that a person would have needed to have resided in a council area for at least the period from 29 June 2022 to the point at which ballot papers were posted out at the end of October 2022—approximately four months in total.

Should the franchise for council elections be changed in any way?

Online voting

Often people ask why they can't vote online for their council, particularly now that so many transactions—including government processes—are conducted online.

However, Australia is not yet in a position to introduce any large-scale system of online voting without seriously compromising the integrity of our elections. There is a very serious risk that personal computers, as well as servers, storing and counting votes could be hacked.

Any move to online voting must consider a number of factors:

- **Security**—can the system be made secure from tampering?
- **Operational**—can the system be securely and effectively administered by electoral officials?
- **Authenticity**—how does the system know that the person voting is who they say they are? Can votes be verified and scrutinised? How does the system guarantee the secrecy of a person's vote, and that it was cast without undue pressure?
- **Perception**—is the system robust enough to assure all citizens that the election is secure, and the results can be trusted?

These challenges explain why there are very few examples of fully online voting around the world.

NSW is the only jurisdiction in Australia where online voting has been permitted. The remote voting system iVote has been used in a limited capacity for state elections since 2011, and more recently in council elections. However, in March 2022, the NSW Supreme Court ruled that three council elections held in December 2021 were invalid due to an error with the iVote system.

Additionally, in these elections, the iVote system suffered outages—the NSW Electoral Commission estimated that more than 10,000 people could not cast a vote. iVote was then not used for the 2023 NSW State elections.

Change the timing of council elections

Currently, council elections are held in November of the same year as State government elections. This can mean that three elections—state, federal and local—could be all held in the same year—as was the case in 2022. Many people argue that this generates 'voter fatigue'—that by the time council elections roll around, people struggle to have interest in and enthusiasm for another election.

Many will argue that giving council elections ‘clear air’, well separated from South Australian Government elections, gives local government the opportunity to gain the attention that it deserves as an independent sphere of government. Others argue that a close alignment between local and state elections means that councils and the South Australian Government have the majority of their respective four-year terms to build close working relationships.

Additionally, both councils and the Electoral Commissioner have also expressed concerns that requiring ECSA to hold South Australian Government and council elections in the same year places a huge burden on ECSA, which, while it has enormous experience in running multiple processes at once, cannot really turn its whole attention to council elections until all aspects of a state election are completed. This may not be the best result for councils.

Should council elections be moved to a different year from South Australian Government elections?

Election promotion

As described in Topic 2, the LGA undertakes promotion before council elections to encourage people to stand for election. Councils also provide funding to the Electoral Commissioner to run a promotional campaign to let people know the election is underway, and to encourage people to vote.

While this approach results in a centrally funded and organised election promotion campaign, as is the case with encouraging nominations, it doesn’t necessarily link the elections to a local area in a way that might prompt voters to consider voting for their council members.

Should councils have a stronger role in promoting elections locally to increase voter turnout?

Removing wards

Topic 2 includes discussion on the reasons that councils have wards, and the impact that wards may have on nominations for council elections.

It is also noted that removing wards would provide voters with a greater choice of candidates to choose from and may therefore encourage more people to vote. Where wards are in place, voters only have the opportunity to consider and vote for a relatively small number of candidates for a small number of places. This can be particularly noticeable where voters in some wards do not get to vote at all, as there is the same number of candidates as positions, but other wards in the same council area are heavily contested.

Varying voter participation rates across different wards in the same council can also give rise to inconsistencies in the number of votes that are needed for a candidate to win a position at that council. For example, in the 2022 periodic elections, a candidate in one council ward was elected with 722 votes, while other candidates in different wards for that council did not get elected, despite receiving between 786 to 998 votes.

Would removing wards provide voters with greater choice, and produce fairer results?

Consider candidate information

Currently, information about all candidates is included in the ballot pack distributed to voters. This includes the 'candidate profile' that is prepared by each candidate, along with information on any political party membership, and a 'tick the box' statement of whether the candidate lives in the area being contested.

This information is crucial in helping voters decide who they will vote for, particularly in larger council areas where it may be more difficult to know your candidates personally. But it can also be difficult for voters to work out who to vote for based on the brief candidate profile that is included in a ballot pack. If voters want more information about people running for their council, then they must generally make their own efforts to find it, by searching social media, or contacting councils directly.

There may be a role for councils to play in providing a platform for candidates to use to make themselves known to voters, and for voters to gain a better understanding of their choices. This may be through online 'town hall' or 'question and answer' sessions. Council administrations may have concerns, however, that this may be inappropriate involvement in an election for a body that must be, and must be seen to be, impartial.

Some feedback received after the 2022 periodic council elections was that the newly introduced requirement for members to include information on political party membership was helpful to voters, but also that additional information—including a National Police Check—may help people to know more about the candidates, and therefore encourage them to return their vote. This raises a question, however, as to whether requiring what can be sensitive information may dissuade people who may make good council members from standing. Is it fair for someone who has 'served their time' to have to release this information?

What information should candidates be required to include with their nominations?

Is there a role for councils to play in enabling all candidates to reach potential voters?

What are other factors that might encourage—or dissuade—people to stand for election to their councils?

What ideas do you have to increase nominations?

Topic 4: Election improvements

As the foundation of our local democracy, it is essential that council elections are run as efficiently as possible and with the greatest level of integrity. This review is therefore an opportunity to consider any needed improvements to our system of council elections, particularly considering that a number of changes were introduced before the 2022 periodic council elections.

After each periodic council election, the Electoral Commissioner undertakes a review of the elections. The Electoral Commissioner has advised that he will provide a report of his review of the 2022 periodic council elections to the Minister towards the end of the 2023 calendar year. Any recommendations that the Electoral Commissioner makes will be considered for inclusion in this review.

In summary, therefore, this review will look at the following:

- Any modifications that may be needed following changes introduced in 2022. In particular, the obligations for council election candidates to provide their campaign donations returns directly to ECSA, and the automatic loss of council office for failure to do so will be considered, given the significant issue this caused in early 2023, when special legislation needed to be passed to restore 45 council members to office who had lost their positions for this reason.
- Any matters raised by the Court of Disputed Returns, or other illegal practices found by the Electoral Commissioner, which may require legislative amendment to protect the integrity of council election processes.
- Any other matters raised, or improvements identified by the Electoral Commissioner in his review of the 2022 periodic council elections.

Do you have any ideas to improve council elections?