

ITEM NO: 18

SUBJECT: PRECIS OF SELECTED CORRESPONDENCE, 11/11/2008

FILE NO: C00680

Recommendations:

That the Précis of Selected Correspondence be received and appropriate letters forwarded where necessary.

1. 30 September 2008 –The Hon. Barbara Perry MP, Minister for Local Government

Letter to the Hon. P Koperberg MP, Member for Blue Mountains (forwarded to the General Manager) regarding pre-poll facilities for the Local Government Election. **Attachment 1**

2. 21 October 2008 –Councillor Alison McLaren

Letter to the Mayor requesting leave of absence. **Attachment 2**

3. 22 October 2008 –Colin Barry, Chair Election Funding Authority of NSW

Letter to the GM informing Councillors and Mayoral obligations for reporting under the Election Funding and Disclosure Act 1981. **Attachment 3**

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Attachment 1



The Hon. Barbara Perry MP
Minister for Local Government
Minister Assisting the Minister for Health (Mental Health)

Time Recd.	
Rec'd Records	15 OCT 2008 BMCC
DATE	
REC No.	

6 OCT 2008

Ref:
MIN: eA1332955
Doc ID: A157845

The Hon P Koperberg MP
Member for Blue Mountains
Shop 3 The Greenway Centre
107-109 Macquarie Road
SPRINGWOOD NSW 2777

COPY 30 SEP 2008

Dear Mr Koperberg

I am writing in reply to your letter of 29 August 2008 to the former Minister for Local Government regarding Blue Mountains City Council and pre-poll facilities for the local government elections held on 13 September 2008.

While I have noted your comments, there are no discretionary funds available in the local government portfolio to provide funding for grants of this nature.

I am advised that on 18 June 2007, the NSW Electoral Commission provided Council with an estimate of the cost of conducting the 2008 ordinary election for its area based on a figure of \$7.14 per elector. I understand this estimate was intended to assist councils in making appropriate allocations in their 2008/2009 budgets.

Council was informed at the time that further detailed advice was to be provided to it following consultation with the NSW Electoral Commission's Client Service Officers about service levels and election arrangements.

Understandably, the Commission and Council wish to keep costs to a minimum. At the same time, electors have an expectation that the service delivered by the Commission should be as thorough and professional as that provided at State parliamentary elections. Historical ad-hoc arrangements where councils provided some of the electoral services in-kind, such as printing ballot papers, hiring staff and choosing polling places have been removed.

This means that election costs will no longer be hidden as they have in the past. In-kind election services previously provided by councils were not captured and costed.

It should be noted that section 296(7) of the *Local Government Act 1993* requires local councils to meet the costs of their elections. The expenses incurred are

recoverable from the Council as a debt owed to the Electoral Commissioner as the holder of that office.

I also note that Council has made a request to the NSW Electoral Commission seeking to pay its election costs over a two year period.

The Department of Local Government has advised me that following a review of Council's financial position based on its 2006/07 audited financial statements, the Department has written to the NSW Electoral Commissioner supporting Council's request for payment over a longer timeframe.

I trust this information is of assistance.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Barbara Perry', is written over a large, faint, blue watermark that says 'COPY'.

Barbara Perry MP
Minister

Attachment 2



Cr Adam Searle
Mayor
Blue Mountains City Council
2 Civic Place
Katoomba NSW 2780



**Councillor
Alison McLaren**

Dear Mayor

I am seeking a formal leave of absence from Blue Mountains City Council from 10 November 2008 until 25 January 2009 inclusive.

I will be overseas during this period for personal and family reasons. However, during this time I will visit the Cinque Terre area in Italy which has a connection with Blue Mountains City Council through its World Heritage Listing. I formally seek an introduction letter from you as Mayor to identify myself as a Councillor from the City of Blue Mountains.

Thank you for your consideration of these requests.

Yours sincerely,

A handwritten signature in cursive script that reads "Alison McLaren".

Alison McLaren
Councillor Ward Three
21 October 2008

CC Phil Pinyon, General Manager

Attachment 3

22 October 2008



Mr Phil Pinyon
General Manager
Blue Mountains City Council
Locked Bag 1005
KATOOMBA NSW 2780

Train No.	
Rec'd Records	24 OCT 2008 BMCC
REFER	G.M. / P. Pinyon
REMITTANCE	REC No.

Dear Mr Pinyon

Election Funding and Disclosure Act 1981 – councillors and mayors obligations for reporting

I write to inform you that we have written to each of the recently elected councillors in your local government area to advise them of their obligations under the *Election Funding and Disclosure Act 1981* with respect to the bi-annual reporting conditions.

A copy of the letter provided to each councillor is enclosed.

You may consider adding this item to a meeting of council to ensure that all councillors have acknowledged that they have received the correspondence and that they are aware of their obligations under the above Act.

There are significant penalties for any councillor who fails to lodge a declaration every six months.

I note that General Managers have no obligation regarding the administration of these provisions. General Managers should not undertake to submit declarations to the Authority on behalf of their councillors.

If you require additional information regarding the funding and disclosure provisions please visit our website at www.efa.nsw.gov.au.

Yours sincerely

Colin Barry
Chair



Name
Street
Suburb Postcode

22 October 2008

Dear First Name,

I write to inform you that as a Local Government Councillor in New South Wales, you must comply with the provisions of the *Election Funding and Disclosure Act 1981* ('the Act'). You must submit to the Election Funding Authority ('the Authority') a declaration of political donations received and electoral expenditure incurred every six months. The following information is a guide to your obligations, but it is not a substitute for the law. Further information regarding your obligations is to be found on the Authority's website at www.efa.nsw.gov.au.

Between now and 30 days after the 2012 Local Government Election, you cannot receive political donations or incur electoral expenditure totalling or exceeding \$1,000 unless you have a campaign account and an official agent. 'Electoral expenditure' includes any expenditure of your own private funds on your campaign in the lead-up to the 2012 Election.

If you are required to have an official agent, you may either retain the agent you appointed prior to the recent Local Government Election or appoint a fresh one.

If you wish to appoint a fresh official agent, he or she must complete the prescribed on-line training and assessment available through the Authority's website. If you are endorsed by a Registered Political Party, you may wish to appoint as your official agent "the party agent" of that party.

If you are required to appoint an official agent, the agent is the only person authorised to operate your campaign account, handle the receipt of political donations and make payments for electoral expenditure. You are required to immediately inform the Authority in writing if, at any time, any of the following occur:

- you revoke the appointment of your official agent;
- you appoint a fresh official agent;
- your agent dies; or
- your agent resigns.

The agent is required to make the appropriate disclosures to the Authority. The declaration for the current disclosure period (1 July 2008 to 31 December 2008) must be lodged between 1 January and 25 February 2009. In the event that you have no donations or expenditure to disclose in the current disclosure period, you are nevertheless required to lodge a 'nil' declaration.

Election Funding Authority of New South Wales

Level 25, 201 Kent Street Sydney 2000 GPO Box 832, Sydney 2001 T 02 9290 5999 F 02 9290 5991 1300 135 736 A.B.N 63 203 011 077 www.efa.nsw.gov.au



Your campaign account must be separate from any personal account(s). The official agent must keep a record of all donations and expenses (and loans of or in excess of \$1,000) associated with your campaign. Donations of \$1,000 or more must be receipted to the donor and disclosed to the Authority. This includes multiple donations received from a single source within one financial year which together equal or exceed \$1,000.

Whether or not you are required to appoint an official agent, the total amount of individual 'small donations' (each being of an amount less than \$1,000) must be disclosed to the Authority, as must the total number of persons who made those donations.

Whether or not you are required to appoint an official agent, loans of \$1,000 or more from any source (other than a bank or financial institution) must be disclosed to the Authority. This includes multiple loans received from a single source within each six month period (ending on 30 June and 31 December each year) which together equal or exceed \$1,000.

Donations 'in kind' of office accommodation, vehicles, computers, advertising or other equipment usable in election campaigns and any of which have a value of in excess of \$1,000 are prohibited. Multiple 'in kind' donations received from a single source within one financial year are aggregated for this purpose.

If at any time you are required to appoint an official agent and establish a campaign account, you must maintain these arrangements until the 2012 Local Government Election. These arrangements must be maintained even if you do not receive any political donations or incur any electoral expenditure during a particular six-month period. In the event that you have no donations or expenditure to disclose in a particular six-month period, you are nevertheless required to lodge a 'nil' declaration. If it is necessary for whatever reason to replace your official agent (e.g. because your original agent resigns, dies or their appointment is revoked by you), you must ensure that all relevant records maintained by the original agent are transferred to the new agent.

Please be aware that failure to lodge a disclosure declaration every six months will result in either you or your official agent (as applicable) being in breach of the Act and liable to a penalty of up to \$22,000.

For more information go to the Authority's website www.efa.nsw.gov.au. The handbook and frequently asked questions will answer most of your enquiries.

From now on you should regularly monitor the EFA website for additional information regarding your disclosure obligations.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brian DeCelis'.

Brian DeCelis
Acting Director
Funding and Disclosure