

Non-residential Register
METHODOLOGY AND PLAN LGE2024

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Section 1: Introduction

1.1 Background

Legislation introduced by the NSW state government in 2015 via changes to the *City of Sydney Act* 1988 requires the Chief Executive Officer of the City of Sydney (City) to:

- keep and maintain an accurate register of all persons with possible entitlement to vote at City local government elections as non-residents
- use the register to produce up-to-date electoral rolls of entitled non-residents for verification by the NSW Electoral Commissioner.

These obligations are continuous and the CEO must maintain and regularly revise the register to ensure it is accurate. The obligations are not limited to the register being accurate at a particular point in time.

The continuing business requirement is that the City must be able to produce accurate non-residential rolls at any time, including in circumstances where a casual vacancy occurs between local government elections (i.e. for a by-election). The non-residential register (the Register) must be maintained and regularly revised to ensure it is accurate.

A schedule of business-as-usual activities ensures the Register remains current in order to comply on a best-endeavours approach with the legislative requirement for accuracy.

Additional work is required to prepare for a local government election, incorporating amended business as usual activities with election specific activities.

Since the legislation was introduced the City has delivered non-residential rolls for the local government elections on 10 September 2016 and 4 December 2021.¹

The Non-residential Register Methodology and Plan LGE2024 (this document) describes how the legislative deadlines for the September 2024 election will be met.

1.2 Approach

The City sought feedback from internal stakeholders and NSW Electoral Commission on the maintenance of the Register and delivery of the non-residential rolls for the local government election on 4 December 2021 in order to identify good practice and potential improvements for incorporation into this plan (noting that, with no substantive legislative change, the requirements remain the same as for LGE2021).

Overall feedback was that delivery of the 2021 non-residential rolls and associated processes was successful. System and process improvements allowed for a doubling of the non-residential rolls since 2016 with a stable annual investment of resources. Stakeholders are confident that the Register system and experienced staff in the Council Elections team can maintain the Register and deliver non-resident electoral rolls under the current legislative requirements.

The key recommendations for improvement were:

1. Focus on social media to engage occupiers as this generated the most applications in the lead up to LGE21.
2. Review outbound applicant letters and emails, within the context of City-wide correspondence, to maximise them being opened and read.

¹ The election planned for 12 September 2020 was postponed first to September 2021 and ultimately to 4 December 2021 by the NSW state government under sections 318B & 318C of the Local Government Act in response to the Covid-19 pandemic.

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To reflect these outcomes, the primary consideration of this methodology and plan continues to be the legislated requirement for continuous accuracy. Secondary considerations are to ensure, within the required legal framework, that:

- applicant engagement, including registration, is as positive as possible
- costs are minimised.

Any substantive legislative amendments will likely require changes to this methodology and plan. The impact will be dependent on the nature and timing of any changes. The provision for partners and chief executives of partnerships to be considered as company officers, currently under the City of Sydney Regulation 2016, will be moved on 13 January 2023 to the City of Sydney Act 1988 but this is not substantive and will have no impact on the methodology and plan.

1.3 Assumptions and key external risk factors

The methodology has been developed on the assumption that external factors will remain unchanged. The impact of possible changes to the legislation and external data supply are heightened because of the short time available to implement associated system changes before LGE24 deadlines. The first deadline after the state election is 14 September 2023, the next is 7 May 2024. Key external risks:

Risk event	Impact	Treatment strategies
Legislative change following the state election in March 2023 requiring system changes.	<ul style="list-style-type: none"> • Non-compliance (including inability to produce accurate non-residential rolls) if system development cannot be implemented in the restricted timeframe available to meet legislated deadlines; the current shortage of IT expertise heightens this impact • Reputational damage as stakeholders perceive the City has caused the issue • Cost – high level estimate to re-build system is \$3m 	<ul style="list-style-type: none"> • Ensure stakeholders are aware of the possible impacts • Ensure internal system development team is aware of likelihood and scope of change
Introduction of Director Identification Numbers by ATO/ASIC will affect deeming of company officers.		<ul style="list-style-type: none"> • On-going dialog with ATO/ASIC over the timing and method of introduction • Negotiation of new data supply contract in January 2023 to ensure continuity of data until LGE24
NSW Electoral Commission change access protocols to the electoral roll.		<ul style="list-style-type: none"> • Negotiation of new data safeguard agreement in December 2022 to ensure continuity of data until LGE24

1.4 Fundamental Impossibility

The maintenance of the Register is complex and challenging. The legislation is impractical and arguably impossible for the City to comply with in places.

Where there are issues with the legislation, or the legislation is silent, assumptions are made so that a complete set of business requirements can be developed. The following overarching principles continue to be used in the determination of the requirements:

1. The legislative intent is that every person (natural person or corporation) with an interest in rateable property in the City must vote in City of Sydney elections.
2. Corporations with multiple interests in rateable land are not over-represented on the electoral roll.

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3. The non-residential enrolment process, and maintenance of the rolls, is fair and transparent.

While a complete set of business requirements was determined, and this methodology and plan has been devised to best deliver the requirements, it is fundamentally impossible for the City to fully comply with the legislation as it currently stands.

The legislation requires the City to achieve continual and absolute accuracy of the non-residential register. It is not subject to the City making reasonable endeavours. Given there will always be persons that do not provide the required information, and there are day-by-day changes to entitlements to rateable land, it is impossible for the register to be completely accurate at any point.

The proposed methodology and plan is considered to be the City's best attempt to practically meet the current legislative requirements. While it will not meet all the requirements (due to their inherent impossibility), it is considered the best approach the City can take if the issues identified with the legislation are not addressed.

The City has asked the Minister for Local Government and the Office of Local Government to address these issues on multiple occasions. Section 4 below describes the outstanding legislative issues.

Section 2: Methodology

2.1 Summary of Requirements

The maintenance of the non-residential register is comprised of the following processes:

1. Identify rateable land.
2. Identify the persons that own, lease and occupy rateable land.
3. Determine each person's entitlement.
4. Receive nominations from those eligible and deem in cases where nominations are not received.
5. Manage changes to nominations.
6. Manage revocations of nominations.
7. Manage changes to information about a person.
8. Manage changes to rateable land.
9. Seek missing information for persons.
10. Assess objection to an entry or claim for inclusion on the non-residential rolls.
11. Verify and confirm the non-residential rolls for each election.

These processes reflect the business requirements for all aspects of the Register, based on the current legislation.

The legislated dates that apply to the next City local government election on 14 September 2024 are:

1. Providing non-resident rolls to NSW Electoral Commission: 14 September 2023 (1 year before election day)
2. Enrolment letters sent: 7 May 2024 (130 days before election day)
3. Nomination cut-off date: 8 July 2024 (68 days before election day)
4. Close of rolls: 6:00pm 5 August 2024 (40 days before election day)

The City is required to deliver non-residential rolls for any election, including by-elections. The current requirement is that an election to fill a casual vacancy must happen within 89 to 121 days of the vacancy occurring. Under the current legislation, the City could not send enrolment letters within the

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time required if a by-election is called. The City has raised this issue with the Office of Local Government multiple times.

No by-election will be required should a casual vacancy for one of the councillors occur before 4 May 2023 because Council resolved at its first meeting that a countback of votes cast on 4 December 2021 will be used to fill any casual vacancy should one occur before 4 May 2023.

In addition, the risk of a by-election is reduced until 14 March 2026 because Council can:

- request that the Minister dispenses with a by-election in the 18-month period before an ordinary election (assuming the Minister agrees to the request)
- resolve that a countback of votes cast on 14 September 2024 be used to fill any casual vacancy should one occur before 14 March 2026 (assuming Council makes such a resolution).

For any casual vacancy in the office of Lord Mayor:

- the countback provision does not apply and a by-election would be required to be held within 3 months (with the Deputy Lord Mayor fulfilling the functions of the Lord Mayor in the interim) if the vacancy occurs before 14 March 2023;
- the Governor is to appoint as Lord Mayor a councillor nominated by the Council if the vacancy occurs in the 18-month period before an ordinary election (i.e., 14 March 2023).

2.2 Methodology Rationale

The methodology proposes to meet compliance requirements (as far as is possible, see Section 1.4 above) which maximise the applicant engagement experience, while taking a responsible approach to the use of public funds. This methodology has been adopted because:

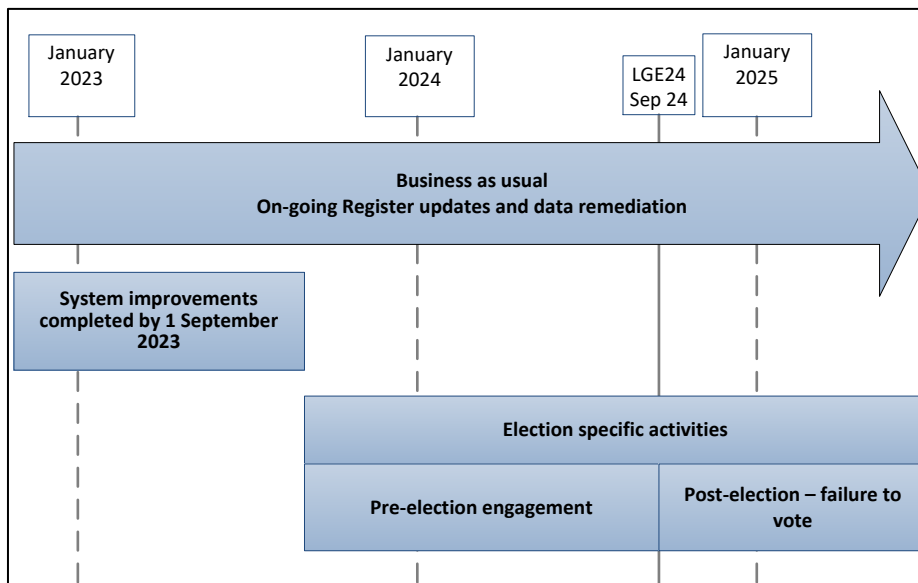
- The City does not hold the required information to comply with its obligation to register persons with a non-residential voting entitlement. The City must source this information directly from the persons involved and/or alternative external sources. No current dataset with all of the required information about persons that may have an entitlement exists.
- The requirement to maintain the Register as an accurate record of all persons with entitlement is continual. As such, a campaign or survey to ascertain information at a point in time cannot meet this requirement. Instead, the City must create a culture where persons actively provide and update their information, even at times when there is no scheduled election imminent.
- Post-implementation feedback identified that:
 - social media is the most effective way to engage occupiers and encourage them to register as non-residents
 - some entitled non-residents were unaware of their requirement to vote because they chose not to read our communications, thinking they were unimportant or spam.

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2.3 Methodology Overview

The proposed methodology to maintain an accurate non-residential register and deliver non-residential rolls for LGE24 consists of three distinct groups of activities:



This methodology is described in terms of delivering non-residential electoral rolls in September 2024 as the date of this election is known and can be planned for. If a by-election is called the City will enact those elements that are possible within the required timeframes. Business as usual activities are designed to ensure the Register is as accurate as possible if a by-election is required.

2.4 Key Methodology Components

The core elements of the proposed methodology can be summarised as:

- On-going review of internal policies, standard operational procedures and delegations to ensure continuing compliance with the legislation and City policies and standards.
- Continual updates to the Register from a range of data sources.
- Minor system enhancements to improve data accuracy and visibility.
- Engagement of occupiers in the pre-election period focussed on social media.
- Leveraging internal messaging and external applicant networks to encourage registration by occupiers and rate paying lessees.
- Using email as a contact medium where possible.
- Contacting all entitled persons on the Register to request confirmation or update of their details at least once before the enrolment letter in April 2024.
- Distributing flyers to every property within the City local government area before close of rolls, giving notice of the election.

More detailed descriptions of each stage are outlined in sections 2.5 to 2.8 below.

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2.5 Business As Usual

These are activities required to maintain an accurate Register that complies, using a best endeavours approach, with the requirements of the City of Sydney Act 1988:

- On-going update of new owner and property details within the Register system, with data updates from the City's rates system, the NSW electoral roll and ASIC.
- Contacting all new eligible non-residents to inform them of their status and request missing enrolment details.
- On-going pursuit of legislative changes with the Office of Local Government.
- Exploring opportunities to collaborate with City external messaging and external applicant networks to embed registration requirements.
- On-going review of systems, processes and associated standard operation manuals to identify and action possible improvements.
- Reminding current owners, occupiers and rate-paying lessees of their eligibility and requirement to vote.
- Reviewing applications (on-line, email, hard copy) and updating the Register where required.
- Contacting applicants to request any missing details.
- Performing automatic enrolment and deeming processes.
- Acknowledging successful or failed nominations and enrolments.
- Requesting new nominations where appropriate.
- Monthly ASIC check to ensure corporation and nominee details remain current with appropriate follow-up.
- Monthly NSW Electoral Commission checks to monitor entitlement with appropriate follow-up.
- Review and update the website, FAQs and information materials as required.
- Register system enhancements as required.

2.6 System Enhancements

Minor system enhancements have been identified which would improve the visibility of system data by users. The enhancements will be progressed where possible until 1 September 2023 to ensure a stable system is available to produce the draft rolls for NSW Electoral Commission, required under the Electoral Funding Act 2018, in September 2023.

2.7 Election specific activities: pre-election engagement

Several specific activities are necessary in the lead up to an election. This includes any by-election, where timings allow.

For LGE24 this period will run from September 2023 to September 2024.

During this stage the following activities will be completed:

- Providing NSW Electoral Commission with non-resident rolls as at 14 September 2023 to comply with requirements under the Electoral Funding Act 2018.
- Actively collaborating with the City's external messaging and external stakeholder groups who engage with City occupiers and rate paying lessees to encourage registration and updates.
- Liaising with NSW Electoral Commission to agree roll verification and failure to vote processes.

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- Sending legislated enrolment letters.
- Deeming entitled company officers where insufficient nominations have been made and sending associated required communications.
- Additional resources in place to respond to election related enquiries.
- Contacting registered occupiers to confirm their status.
- Social media campaign targeted at encouraging occupiers to register prior to close of rolls
- Notice of election flyers delivered to every property in the City prior to close of rolls, notifying occupiers of the election date, encouraging them to update their enrolment details with NSW Electoral Commission or register as non-residents.
- Draft non-residential rolls produced at close of rolls for verification by NSW Electoral Commission.
- Verified non-residential rolls confirmed by CEO and made available to the public.
- Ensuring that the appeal process and associated delegations are in place.
- Supporting NSW Electoral Commission with non-resident related inquiries.

2.8 Election specific activities: post-election failure to vote

The City will work with NSW Electoral Commission to manage the apparent failure to vote process, with a focus on inter-state non-residents.

2.9 Alternative Methodologies Considered

A number of possible methodologies were considered in the development of this plan. As discussed in section 1.2 above, the overriding approach is to maximise compliance, whilst minimising cost and maximising the applicant experience. Each possible methodology was reviewed against these three considerations.

Possible methodology	Reason rejected
Shut down, do nothing until 12 months prior to the election, and then re-populate the Register following a large-scale communications campaign.	High risk as: <ul style="list-style-type: none"> • does not attempt to comply with the requirement for ongoing accuracy • the City could not deliver non-residential rolls were a by-election called • corporate knowledge to accurately populate the Register would be lost • estimated costs to restart operations costed as higher than ongoing maintenance • loss of relationship with Office of Local Government, NSW Electoral Commission and others who want to engage with the City about the Register during the shut-down period.
Mass communication to all current occupiers and rate paying lessees on a quarterly basis to ensure entitlement thresholds are still met.	<ul style="list-style-type: none"> • High cost. • Requirement to respond on a quarterly basis would deter applications.
Communicating directly with business owners prior to the election, requesting that they register as non-residents.	<ul style="list-style-type: none"> • High cost. • Previous efforts with this activity generated a response rate under 4%.

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2.11 Likely Future Scale of the Non-residential Register

It is likely that the non-residential register will be slightly larger than that used to create the non-residential rolls for LGE 2021 because:

- minor opportunities remain to obtain missing details from potential non-residents
- the number of rateable properties within the City will increase, with an associated rise in the number of non-residents.

Predicting the size of any future Register or associated non-residential rolls is impossible because of the diverse and unknown variables including:

- the number of entitled non-residents who are also entitled as residents
- the number of non-citizens who own, occupy or lease property in the City of Sydney
- the numbers of residential rated property owners who live outside the City
- the growth in residential and business rated properties
- the number of single natural person owners, occupiers or rate paying lessees because their entitlement will deliver a single vote
- the number of single properties with multiple occupiers and/or joint occupiers of the same space
- the number of corporation nominees who are also entitled as City residents
- changes to the numbers, scale and type of multiple property owners, occupiers and rate paying lessees, especially where these are corporations as corporations can only be involved in a single nomination
- the number of corporations with a single, entitled company officer.

Section 3: Plan

3.1 Structure and Scope

The maintenance of the non-residential register will continue to be managed within a dedicated unit to ensure the integrity of the Register. To reflect the compliance nature of the program, the unit will continue to report directly to the City's Director Legal and Governance within the Legal and Governance Division.

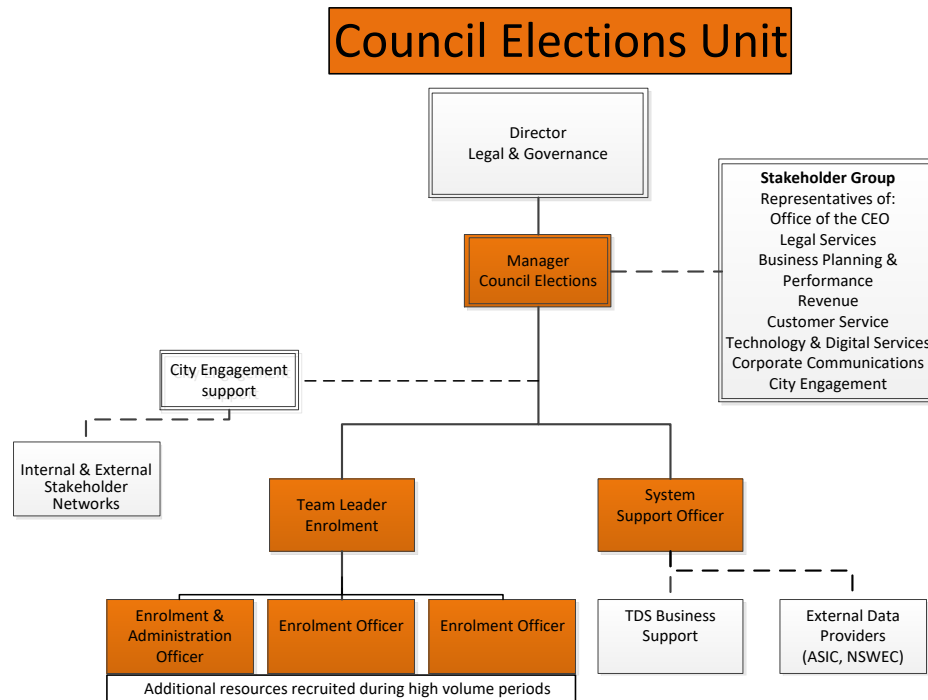
The Council Elections Unit will draw on a mix of internal resources and external service providers to deliver the following four work strands:

1. **Program Management:** Program management and governance.
2. **Enrolment:** Applicant review and follow-up.
3. **Systems:** Maintenance of the Register system that holds and manages applicant information and creates the non-residential rolls.
4. **Engagement:** Engaging potential and existing applicants to inform and encourage registrations.

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The organisational structure to deliver these activities is:



Responsibilities for each work strand are:

1. Program Management led by Manager, Council Elections

- Ensuring scope and implementation of workplan remains relevant and on track to deliver non-residential rolls for LGE24.
- Risk management and update of risk register with identified controls and mitigation strategies.
- Relationship management with key stakeholders, including NSW Electoral Commission and Office of Local Government.
- Reporting to an internal stakeholder group, with members from Office of the CEO, Legal Services, Business Planning & Performance, Revenue, Customer Service, Technology & Digital Services, Corporate Communications and City Engagement.
- Establishing a cross-divisional working group of key stakeholders in the lead up to LGE24.
- Biannual reporting to Council via CEO update.
- Biannual reporting within the Legal & Governance report to Executive.
- Regular review of policies, standard operating procedures and delegations to ensure they meet current legislative and City requirements.

2. Enrolment led by Team Lead, Enrolment

- Develop team members to ensure a shared understanding of the legislation.
- Manage team members to ensure standard operating procedures are followed.
- Manage direct communication with persons with possible entitlement.

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- Establish and follow due diligence protocols before adding or removing a person from the register.
- Enable City Customer Service to respond to incoming queries.

3. Systems led by Systems Support Officer

- Maintenance and enhancement of Register system to maximise data accuracy.
- Data analysis and report generation.
- Technical support and training for Enrolment team.
- Manage data extracts and inputs from external sources such as ASIC and NSW Electoral Commission.

4. Engagement, led by Manager Council Elections supported by City Engagement and Corporate Communications resources.

- Map and engage stakeholder networks of persons with potential entitlement as occupiers and rate paying lessees:
 - map existing relevant City of Sydney networks
 - identify and fill gaps with external networks
 - engage persons with potential entitlement through these networks.
- Develop and manage content and artwork for all external communications, including social media campaign, flyers, website, standard correspondence, forms and other applicant information materials.

3.2 Resources and Costings

Internal Resourcing

The plan assumes that responsibility and costs for the following activities are absorbed by the relevant Division:

Division	Activity
Legal and Governance	Continuing support and advice on governance, legal and risk issues
	Potential court appearances
	Audit
Strategic Development & Engagement	Continuing support with stakeholder engagement
	Social media & website support
	Artwork and template development
	Sourcing external networks and supporting engagement
	Printing and mail out management
People, Performance & Technology	Support for HR processes, including recruitment
	Records management, advice and support
	System maintenance and enhancements
	Customer Service (for inbound calls)
City Life	Sourcing external networks and supporting engagement
CFO	Determination of rateable land
	Supply of rateable property, ownership, rate paying lessee and occupancy data from Pathway
	Procurement and contract advice

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Operational Cost Estimate

Non-residential Register forecast spend to 2025	Forecast (\$000s)		
	2022/23	2023/24	2024/25
Management & system support	343.9	355.2	366.0
Applicant processing	518.0	570.9	620.2
Election engagement	0.0	61.6	30.8
Outbound correspondence	31.2	115.1	85.0
ASIC data	8.0	8.2	8.3
TOTAL NRR operational costs	901.0	1,111.0	1,110.3

3.3 Milestones

	Milestone	Achieved by:
1	Biannual report to Council by CEO update	31 May 2023
2	System fixes complete	31 Aug 2023
3	Non-residential rolls submitted to NSW Electoral Commission	22 September 2023
4	Confirmation of eligibility and notice of LGE2024	30 November 2023
5	Biannual report to Council by CEO update	30 November 2023
6	Applicant responses reviewed and followed up	1 March 2024
7	Contact current occupiers & rate paying lessees to confirm status	1 March 2024
8	Enrolment letters and requests for nomination sent	7 May 2024
9	<i>Notice of Election</i> delivered to every property in the City	31 May 2024
10	Biannual report to Council by CEO update	31 May 2024
11	Occupier engagement plan delivered	22 July 2024
12	<i>Save the date</i> flyer delivered to every property in the City	22 July 2024
13	Deeming completed	5 August 2024
14	Draft rolls produced	16 August 2024
15	Roll verified, confirmed by CEO and available for inspection	23 August 2024
16	Biannual report to Council	30 November 2024

If a by-election is called, milestones will be re-scheduled to conform to the by-election date, where possible, noting that a by-election is unlikely until 14 March 2026 (see section 2.1 above).

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3.4 Key External Stakeholders

Stakeholder	Impact of program
City ratepayers	Expectation that the City will discharge its obligations in a professional and compliant way.
Office of Local Government	Our link into state government, having primary oversight of local government.
NSW Electoral Commission	<ul style="list-style-type: none"> Requirement for continuing verification of those on the Register and final verification of the proposed Rolls. Processing failure to vote/excuses.
Australian Electoral Commission	Requirement for continuing verification of those on the Register
ASIC	Information source.
Stakeholder networks	Offer access to those with potential entitlement.

3.5 High Level Risks

The high-level risks of changes to our external environment are described in section 1.3 above.

Risk Description	Treatment Strategies
Change to legislation and/or the project's objectives and requirements	<ul style="list-style-type: none"> Act on the decisions as appropriate Council updated on progress and any changes of scope biannually Office of Local Government are aware of plans for LGE2024
Dependence on small, highly experienced team	<ul style="list-style-type: none"> Active engagement of all unit staff to encourage good physical and mental health Shared decision making All processes fully documented Create part-time and job-sharing opportunities
Few verified occupier/rate paying lessees on register	<ul style="list-style-type: none"> Ensure application process is easy to use, online registration and change of detail forms available Targeted, planned contact to request the required/ updated information Ongoing engagement of Office of Local Government to request changes to legislation around penalty process Effective tracking of engagement in NRR to demonstrate activity Automatically registering entitled persons where possible
NRR System Failure	<ul style="list-style-type: none"> Documentation System support officer within team Internal resources in place for support
Legal challenge to NRR or election outcome	<ul style="list-style-type: none"> Ongoing correspondence with Office of Local Government and Electoral Commission to raise legislative issues and request amendments Methodology encourages declaration by persons with entitlement and adopts a best endeavours approach Taking broad approach regarding corporation definition on legal advice The City demonstrates a determination to resolve identified issues

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Section 4: Potential Legislative Changes

4.1 Impact on Methodology and Plan

The City has requested legislative updates on many occasions. The period with the highest likelihood for change is after the NSW State election in March 2023.

The exact impact of any changes cannot be known until the nature and timeframe of the changes have been determined.

Work will continue based on the legislation as is, with a view to changing the methodology and/or plan if any changes occur.

The following schedule lists the elements that the City has requested to be addressed following meetings with representatives of the Office of Local Government and the NSW Electoral Commission.

Some changes would affect entitlement and nomination processes, requiring significant changes to business processes together with system updates to the Register and communication to existing non-residents.

4.2 Legislative changes requested

	Issue	Change required to resolve	Impact/outcome of change
1	It is impossible to keep the Register accurate at all times as required in the legislation. Note that there is no such obligation on the CEO of the City of Melbourne under the City of Melbourne Act 2001 (VIC) or on the NSW Electoral Commissioner under the Electoral Act 2017.	Accuracy of register and rolls is <i>best endeavours</i> or <i>genuine efforts</i> and not absolute. [City of Sydney Act 1988 section 18D(4)]	This would enable the City to meet its obligations under the legislation. All past & planned activities are considered the City's best endeavours to maintain the Register.
2	It is impossible for the City to meet legislated requirements for by-elections.	Timing requirements for a City of Sydney by-election are amended to ensure the City can meet its obligations under both the City of Sydney Act 1988 and the Local Government Act 1993. A minimum of six months would be required from a casual vacancy occurring to the by-election. Alternatively, change enrolment letter and occupier/rate paying lessee requirements for by-elections.	The City would be able to meet its obligations in terms of notifying applicants about the election date and of their requirement to vote at the upcoming election.
3	Corporation entitlement is unclear.	Include a definition of a corporation within the Act. [City of Sydney Act 1988 section 14]	The City can make a transparent determination of entitlement for entities such as incorporated associations, trade unions, statutory corporations etc.

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	Issue	Change required to resolve	Impact/outcome of change
4	In the case of occupiers and ratepaying lessees, the current wording of the requirement to answer questions can only be applied to persons who the City already knows are occupiers or ratepaying lessees. The City cannot penalise persons who it believes are occupiers or ratepaying lessees if they do not respond to requests for information because, under the existing legislation, the City cannot know whether persons meet the criteria to be ratepaying lessees or occupiers until they have responded.	That the City can require any person whom it believes <u>may be</u> a ratepaying lessee or an occupier of rateable land within the City of Sydney to answer enrolment questions. [City of Sydney Act 1988 section 18D(6)(b)]	The City will be able to issue penalty notices to those potential occupiers and ratepaying lessees who do not respond to requests for information.
7	References to <i>parcels</i> of land are meaningless and confusing.	Replace instances of <i>parcels</i> of land with <i>rateable</i> land. [City of Sydney Act 1988 section 14(4)(a)].	Certainty around entitlement.
8	The NSW Electoral Commission is required to give the City the <i>age</i> of entitled persons, but it only knows their dates of birth.	Replace <i>age</i> with <i>date of birth</i> in the City of Sydney Act 1988 section 18D (8)(a)	This change would enable the NSW Electoral Commission to comply with the intent of the legislation and supply dates of birth where required.
9	The opportunity for vote stacking where corporations and natural persons jointly own/occupy/lease rateable properties.	Insertion of an overriding clarifying provision that a maximum of two natural persons (whether individuals or corporation nominees) can ever be enrolled in relation to ownership, leasing or occupation of the same piece of rateable property.	This will give clarity and ensure there can be no vote stacking as the City will not be required to deem an unlimited number of natural persons where they own, lease or occupier jointly with one or more corporations and no nomination has been made.
10	The City is not provided with explicit protection from breaches of privacy legislation.	Exemption from the provisions of the Privacy and Personal Information Protection Act 1998 by insertion of equivalent of section 44(3) of the Electoral Act 2017.	This would bring City provisions into line with those applying to the NSW Electoral Commission.
11	Lack of a workable appeal process for inclusion or omission from the rolls.	Amend Local Government Act 1993 section 303(1) and Local Government (General) Regulation 2021 section 281 to enable an appeal process with a practical outcome.	A useful appeal process.
12	There is a lack of clarity regarding who should receive an enrolment letter.	Replace: <ul style="list-style-type: none"> <i>believes is entitled</i> with <i>believe will be entitled</i> in City of Sydney Act 1988 section 18E(2)(e) and <i>believes are entitled</i> with <i>believe will be entitled</i> in City of Sydney Act 1988 section 18E(3)(d) 	Clarity regarding who should receive an enrolment letter.

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	Issue	Change required to resolve	Impact/outcome of change
13	<p>The NSW Electoral Commission is unable to verify any silent electors enrolled outside NSW. The Australian Electoral Commission will not share details of silent electors with NSWEC. In addition, the NSW Electoral Commission send apparent FTVs to the entitlement address of non-residents enrolled outside NSW which are unlikely to be received by the non-resident within the time constraints (if at all). The outcome of this process is unknown.</p>	<p>Remove <i>or an election of members of the Commonwealth House of Representatives</i> from the City of Sydney Act 1988 sections 15(2), 16AB(1)(e), 16AC(4)(b), 16B(2)(c), 18B(2)(b), 18B(3)(a), 18D(8)(c) or add that interstate silent electors cannot be included</p>	<p>Improved compliance by NSW Electoral Commission and the City.</p>
14	<p>There is lack of clarity regarding the information that can be provided to the City by NSWEC.</p>	<p>Electoral Act 2017 section 50 Provision of enrolment information to other persons</p> <ul style="list-style-type: none"> • Add a section: <p>Council of the City of Sydney. The Electoral Commissioner must provide to the Council of the City of Sydney, free of charge, a list specifying enrolled persons and their particulars for the State of New South Wales in an electronic form determined by the Commissioner</p> <ol style="list-style-type: none"> (a) once a month (b) particulars of each elector to include enrolled given name, enrolled family name, date of birth and enrolled address and any other particulars as determined by the Electoral Commissioner. <p>Electoral Act 2017 section 51 Use of enrolment information</p> <ul style="list-style-type: none"> • Add a section: <p>The permitted purposes in relation to the Council of the City of Sydney are:</p> <ol style="list-style-type: none"> (a) any purpose in connection with ensuring the City of Sydney non-residential register remains accurate as required in section 18D of the City of Sydney Act 1988 No 48. 	<p>Ensures sufficient information is provided to the City to enable accurate and efficient maintenance of the register and clarifies the level of information that can be provided by NSWEC.</p>
15	<p>Corporation groups can game the legislation by appointing secretaries and directors just prior to an election</p>	<p>Include a definition of secretary and director of corporations registered with ASIC as being listed with ASIC in their roles.</p>	<p>Will not damage reputation of elections as being fair.</p>