

The facts about the City's non-residential rolls

- In addition to the authorised residential electoral roll prepared and maintained by the NSW Electoral Commission, the NSW Government has imposed an obligation on the City of Sydney to create and maintain a non-residential register that requires certain non-residents to vote in City elections.
- Non-residents who may be included on the non-residential register include owners, occupiers and rate-paying lessees, including corporations, of all rateable land within the City's boundaries. You cannot be included on the non-residential rolls if you are already on the City of Sydney residential electoral roll.
- The City has taken all reasonable steps and committed substantial resources to create a complete non-residential register. The NSW Government has imposed the cost of this program – up to \$12 million over two years – on the City's ratepayers, with no compensation. No other local government in NSW is required to create and maintain a non-residential register of this nature.
- The NSW Government's legislation is extremely complex, ambiguous and difficult to implement. The City obtained independent legal advice that identified the difficulties of complying with the legislation, and provided this to the NSW Government along with several requests to clarify the legislation – but no action to amend or correct it has been taken.
- All City of Sydney Councillors have been fully briefed on the complexity of the legislation. In August 2015, before any work preparing the non-residential register commenced, Council unanimously endorsed the detailed [methodology](#) that City staff proposed to implement. Any changes to the methodology have also been unanimously endorsed by Council.
- The City has complied fully with the approved methodology in its preparation of the non-residential register. Documents detailing the proposed methodology were also made available to the community for their feedback.
- The City wrote directly to 138,000 property owners, corporations, occupiers, sole traders and others informing them of their potential right to vote, and asking them to register. The City received more than 40,000 responses, all of which were assessed against the eligibility criteria set out in the NSW Government's legislation.
- As a result of the City's extensive work, a total of 22,972 non-residential voters have been verified by the Electoral Commission to vote at the 2016 City of Sydney election. This is more than 13 times the 1,709 voters registered at the last election in 2012.
- The Electoral Commission is responsible for determining who from the City's non-residential register is transferred to the final electoral rolls.
- There are a number of reasons why a person may be included on the City's register but not on the final electoral rolls – including if they are already on the City's residential roll, or if they are not an Australian

citizen. Only the Electoral Commission holds this information, and all inquiries on this should be directed to them.

- The non-residential rolls consist only of individuals. Some will own, occupy or lease rateable land in their own right, while others will do so as nominees or deemed representatives of corporations. The legislation does not refer to ‘businesses’ and the City will never know how many businesses have been added to the register or rolls.
- As required by the legislation, the City has ‘deemed’ some non-residents for inclusion on the register. This may have been done even if they did not contact the City in relation to the non-residential register, because the City already held enough information to establish that they had an entitlement to be included. If the Electoral Commission has found them to be eligible, those people will appear on the non-residential rolls and will be required to vote.
- The number of businesses operating out of rateable properties in the City’s local government area fluctuates considerably, but is estimated to be around 20,000, according to the City’s most recent Floor Space and Employment Survey. Many more companies are registered in the City – between 60,000 and 80,000 – but these registered addresses are not necessarily the actual place of business for those companies.
- Determining eligibility is extremely complex. For example, there are 10 steps to verify if an occupier is entitled to be on the non-residential rolls. These include verifying that the property occupied is rateable, that the occupier is paying a certain amount of rent each year, and that the occupier has occupied the property for three months prior to being placed on the register. Simpler and clearer legislation could result in a more straightforward process.
- The City has done everything in its power to contact and alert those with potential entitlement to vote as non-residents in the upcoming City election in September.
- The City wrote directly to every owner, occupier and rate-paying lessee it was able to identify. The databases used included the City’s rates information and a purchased list containing occupier details. This was further developed by visits to properties across the local government area.
- The City sent 321,109 mail-outs to 138,000 property owners, corporations, occupiers, sole traders and others informing them of their potential right to vote, and asking them to register. The letters urged potentially eligible voters to visit the City’s election website or call its hotline to find out if they were required to provide information for the register.
- Follow-up letters were sent to those persons that didn’t respond, and thousands more were contacted to ensure they provided the information required by the legislation before the cut-off dates.
- The City conducted communications campaigns, including print and radio advertising, and translated materials into 10 community languages. Twenty drop-in sessions across the local area were also held to help people get more information and determine their eligibility.

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- Six staff have answered more than 17,000 calls about the requirements on a dedicated hotline, and 16 other staff have spent more than 15,000 hours entering data received from potentially eligible voters.
- When the new legislation was created, the City could not compel people to answer questions relating to the non-residential register without taking court action against them, because the NSW Government did not legislate the ability of the City to issue penalty notices.
- Many months after the City alerted them to this issue, a regulation was made that enables the City to do so. In the interests of fairness – as this is the first time the process has been in place – the City has chosen not to issue penalties at this election.
- The Electoral Commission still has the power to fine people who are on the electoral rolls \$55 if they do not vote – this is a standard fine across all NSW elections.
- All voters on the final non-residential rolls will receive a letter from the City in mid-August advising them of this, and of their responsibility to vote.
- The City's Council Elections Unit is the only City unit with access to information provided by individuals in relation to the register. The information will not be available to the Lord Mayor or councillors.
- The City must maintain the non-residential register beyond the 2016 election, and will ensure it is up to date through ongoing engagement with those already registered, and further promotion to reach those who are not.
- There are important differences between the Sydney and Melbourne non-residential voting models that mean the City could not simply have adopted Melbourne's process:
 - The City of Melbourne has access to an existing, ongoing survey process that is required for rates purposes – something that Sydney does not have and could not replicate;
 - Melbourne is required to ensure its non-residential register and rolls are accurate only at a particular point in time prior to each local government election – rather than at all times, as required in Sydney; and
 - Melbourne's non-residential rolls are able to include non-citizens – unlike in Sydney.
- **Note:** The non-residential *register* holds information on corporations and natural persons who own, occupy or lease rateable property in the City of Sydney and may be entitled to be included on the City's non-residential rolls. The non-residential *rolls* include every individual who is eligible to be included as a non-residential voter, as verified by the Electoral Commission.