



## NSW COUNCIL FOR CIVIL LIBERTIES COMMENTS ON CITY OF SYDNEY AMENDMENT (ELECTIONS) BILL 2014

The voting changes proposed in the City of Sydney Amendment (Elections) Bill 2014 (the 'Borsak Bill') offend basic civil liberties principles.

The Bill proposes to give 2 votes to owners of rateable land, 2 votes to rate paying lessees, and 2 votes to occupiers of rateable land in the City of Sydney, for that council's elections.

The NSWCCL supports the fundamental democratic principle of one person one vote.

We do recognise that corporations and businesses have long been entitled to non-residential voting rights in the City of Sydney. This is not our preferred position which is that democracy is about representing people not property.

The debate about entitlement to the franchise in local government elections has been the subject of long and ongoing debate. We note the comment by Dr Shirley Fitzgerald the prior City of Sydney historian:

*The question of 'who is a citizen' has never been resolved according to any clear philosophical criteria, and the extent of the franchise has varied, with no discernible trend towards democratically elected Councils.'*<sup>1</sup>

This comment remains relevant.

In the context of the current Bill, we register our strong opposition to the profoundly undemocratic proposal to increase the current entitlements for corporations owning, leasing or occupying rateable land in the City of Sydney from one to two votes.

This is a move in precisely the wrong direction for democratic government. The notion of the property franchise should be being rejected in the interest of effective democracy- not strengthened as proposed in the Borsak Bill.

### **NSWCCL urges the NSW Parliament to reject the City of Sydney Amendment (Elections) Bill 2014 (the 'Borsak Bill')**

We note the alternative private members bill has been introduced into Parliament by the independent MP Alex Greenwich: City of Sydney Amendment (Business Voting and Council Elections) Bill 2014 (the Greenwich Bill). This Bill is preferable in that it maintains the current entitlements for eligible corporations and businesses to one vote.

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<sup>1</sup> Shirley Fitzgerald: **Sydney 1842-1992** Quoted in NSW Parliamentary Research Service: City of Sydney Amendment Bills 2014, No 8 September 2014, P2

If the parliament considers improvements are necessary to the current arrangements for registration on the electoral roll then the Greenwich Bill is acceptable in that it does not further offend against the fundamental democratic principle at stake.

**NSWCCL recommends that if the Parliament considers it appropriate to amend the current Act to improve arrangements for registration of corporations/businesses on the electoral roll then it should proceed with City of Sydney Amendment (Business Voting and Council Elections) Bill 2014 (the Greenwich Bill)**

Dr Lesley Lynch  
**Secretary**  
**NSW Council for Civil Liberties**  
0416497508  
10/9/14

Comment:  
Stephen Blanks  
President NSWCCL  
Mob: 0414448654