

INQUIRY INTO 2008 LOCAL GOVERNMENT ELECTIONS

Organisation:

Name: Mr Lennard Roberts

Date Received: 13/05/2009

Submission to Parliamentary Inquiry into NSW Local Government Elections 2008

From Cr Len Roberts Great Lakes Council

There are several matters arising from the conduct of the 2008 Council Elections although arising in the Great Lakes Shire may be applicable across the state and therefore need to be taken into account for future Local government Elections. This submission is not comprehensive or detailed but highlights problems and questions that need to be examined.

1. **Cost:** The cost to Great Lakes Council was far greater than the cost for elections previously run by Council. It is important that the enquiry examine the true cost comparison so that Council and ultimately the ratepayers are guaranteed they are getting value for money. The previous costs to Council may not have included staff time and buildings etc but did have more public notice and pre-poll places making it easier to cast a vote particularly for remote areas.
2. **Efficiency:** The electoral Commission claimed that they run elections more efficiently. This claim is definitely open to debate. Whilst it is acknowledged that there is more experience and expertise with the Electoral commission there is more understanding of local needs and voter requirements by the Council. Having a shared returning officer with 2 other Councils is not efficient. Particularly when the Returning officer is at least 30 km away from the majority of the population and 100km away from a significant portion of population. The returning Officer was not located within a community of interest and this disadvantaged many voters, particularly the outlying areas. Over 1/3rd of the voters in Great Lakes were closer to 3 other returning offices than the one for Great Lakes. The return of the voting papers and subsequent counting could not be considered efficient. Not only were the votes taken to Sydney to be counted but the result time frame was a lottery dependent on the whim of the counting staff. Having the votes counted in Sydney also disadvantaged candidates as it virtually made it impossible and too costly to have scrutineers present. This is a fundamental democratic right that was not really available to all candidates. Counting locally as previously undertaken at Council would have had the result in days or at the worst within a week and scrutineers would have been able to attend.
3. **Consistency:** Consistency of electoral staff understanding of their roles and responsibilities was lacking. Although a criticism that can be levelled at all elections this was particularly noticeable at this election. It is important for transparency and greater perceived impartiality that no former or current Council employee should be employed by the electoral commission to conduct the elections. I paste below a copy of an email sent to the returning officer (who did an extremely good job as RO) after the election to highlight some of the problems with consistency and perhaps training. It must be noted I still have not received a response.

From: Len & Sue Roberts [mailto:]

Sent: Thursday, 25 September 2008 8:59 AM

To: 'taree@ro.elections.nsw.gov.au'

Subject: Official Complaint

Mr Stephen Murphy,

Returning Officer

Great lakes Council Elections.

Dear Stephen,

Now the dust has settled from the elections, I take the opportunity as advised by you to put my concerns in writing. There are a number of matters that go to procedure, process and impartiality that need to be addressed and hopefully do not occur in the future. (Please note reference to RO, I now know to mean electoral commission booth manager).

1. The returning Officer on polling day at the Council Chambers not impartial and in fact intimidatory and bullying to my 22 yo daughter. He threatened to have her removed if she came closer to the door than 12 metres. He did not single out any one else. Most onlookers were shocked by his behaviour. When the Mayor and local member handed out in the same area as my daughter did, he said and did nothing. When challenged by me later in the day about those two standing in the area he replied. "Of course you can go there you only need to be 6 metres from the door". One would expect a returning officer to be impartial and not show favouritism. The RO was a previous employee of council and a friend of the then Mayor and several Councillors.

I also understand that a complaint was made to him about an illegal sign and he refused to have it taken down until instructed by you several hours after the complaint. It is important that the electoral process is not only impartial, but seen to be impartial. This gentleman should not be employed by the electoral office and should be reprimanded.

2. I understand that you and the electoral office issued instructions to all RO's to ensure that material handed out on the day complied with the Act and how to votes were registered. Why then was HTV for Ross Matthews of Group C allowed to be handed out at Bulahdelah contrary to the Act? I.e. not registered or authorised. Why was no action taken? Why were signs at Green Point Booth (Wallis Lake) promoting Linda Gill which were unauthorised and displayed contrary to the Act not removed by the RO or made to comply? Surely if the Electoral Office requires RO's to act in accordance with their responsibilities some checks should have been made and matters addressed early.
3. I understand from my booth workers that a voter complained regarding the RO at the Salvation Army Hall, Tuncurry that he told her not to vote for John Stephens. This was said in public and I understand that John Stephens (candidate) was present at the time and he went in and confronted the RO who admitted that a comment was made but taken out of context. Surely the RO did not have the right to make any comment regarding candidates at all. The question must be asked what comments did he make about other candidates? Did he influence other voters? One would expect that the RO would have logged and noted the incident, if not why not? Surely the public has the right to expect to be

able to cast their vote without pressure. I believe this matter to be extremely serious and a full investigation is warranted.

I do not know the relationship of the RO's with Council and whether they were Council employees or not or relationship with other candidates, but if they were, it is a sad indictment on the calibre of RO's when the public questions their impartiality. I believe in future that no RO should have any connection with council and should be beyond reproach.

I do not write this out of sour grapes, on the contrary having topped the poll on the day I can write this with the freedom of being successful and in the hope of ensuring future impartiality and confidence of the public in the democratic process.

Kind regards

Len Roberts

4. **Irregularities:** From time to time during elections there are irregularities that occur. Some intentional others generally accidental. There need s to be a more consistent and practical approach to overcome these irregularities. There is no penalty. Perhaps on the spot infringement notices could be issued by the RO for breaches. This would definitely ensure that all candidates do the right thing. At the moment the only recourse for breaches is for action in the Administrative Decisions Tribunal. This is only recourse if the vote is close. In the last fortnight the ADT heard a matter between Tuffy V Weate, Vaughan and Gill in which irregularities were alleged and admitted but were not of consequence because the electoral act does not cover electronic media such as web pages and face book etc. Surely if Newspaper, radio and Television advertising is subject to advertising laws then the same should apply to web publishing. I understand that it is covered federally but not in this state. With the ever increasing use of the web it means that candidates will use election advertising on the web to a greater extent knowing there is no accountability. This needs to be rectified. May I suggest you read the transcript of the case?
5. **Electoral funding authority:** Whilst it is recognised that this is an important step in the right direction, the introduction and on the run changes during the last election was confusing and problematic. There were many errors that had to be corrected. Even now adjustments need to be made. May I suggest the enquiry work through the procedures as if they were a candidate and see the problems first hand. I do not believe that the requirements have tightened up on political donation transparency but sent it underground. It is perhaps not possible in this submission to highlight the perceived problems but I would be happy to explain the mater in more detail if required. I would particularly like to see a close examination of the requirements and their effectiveness and ease.

Kind regards

Len Roberts 13/5/09