

**Submission
No 37**

2012 LOCAL GOVERNMENT ELECTIONS

Organisation: Tumut Shire Council
Name: Mr Allan Tonkin
Position: Director Corporate Services
Date Received: 8/02/2013

a) Cost: The Tumut Shire Council election was conducted within budget.

b) NA

c) NA

d) Tumut Shire Council experienced very low non-residential enquiries. There was a focus on non-residential voting in Talbingo given the high incidence of absentee landlords.

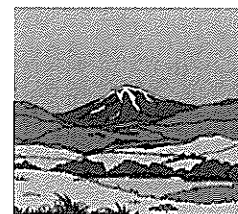
e) No feedback was provided by candidates

f) 1 Please find attached documentation regarding serious concerns experienced in Talbingo. The problems described need to be investigated and a reply sent to the Talbingo Progress Association.

2 The number of pre-poll votes increased dramatically and this will need to be considered in future election planning.



Talbingo Progress And Ratepayers Association.



The Secretary
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7 January 2013

Re - NSW Electoral Commission error in issuing Penalty Notices for Failure to Vote at the Recent Local Government Elections.

NSWEC Code of Conduct

The NSW community is entitled to expect the NSWEC to conduct its business efficiently, economically, fairly, impartially and with integrity.

At our meeting last night we noted the Commissioner Mr Colin Barry's response to our concerns.

We hold the Commissioner must accept full responsibility for the error of our names not being marked off the authorised roll, the subsequent loss of that roll and placing our names on a list of non-voters as required under Section 120B of the Parliamentary Electorates and Elections Act 1912.

He attempts to explain away the error by referring to his provision of "excellent online training and manuals" for electoral officials. Obviously the training was insufficient. We still maintain our alarm that such an error can occur from an entity which by its own charter should have maintained the utmost probity.

We are expected to maintain trust in a flawed Commission but the Commissioner has by his actions, no trust in the citizens of Talbingo.

Given the Commissioner's admission of human error, we are dismayed, not only that he has wrongly assumed our failure to vote and issued everyone with a penalty notice, but he continues to require us to complete option three of the notice in our own time and at our own expense. This smacks of the arrogance of his presumption that we are guilty until we can prove our innocence. We are a village of 201 people (2011 Bureau of Statistics) and according to the Commissioner 109 votes were recorded here.

Is the State Government so short of revenue that it continues processing penalty notices even after an error has been admitted in that process? In our last letter to you concerning this matter we requested you notify the Premier as the responsible Minister about this debacle. Is the Premier aware of these continuing revenue raising errors? What measures is the Premier taking to prevent our further prosecution?

If this matter were to come under the jurisdiction of NSW Fair Trading, we could be seeking some redress from a supplier of goods who failed to comply with their warranty.

Unfortunately the Commission is outside such scrutiny and Mr Barry's attitude seems to flout his responsibilities for reasonable accountability and customer relations norms. Surely under the circumstances he should be treating all of Talbingo's law abiding voters with more respect.

Mr Barry also requests the Community (the untrained and unofficial) to draw up a list of those people who did vote at the Talbingo Public School. We can't imagine anything less professional and less accurate than this proposed process. How are we to verify if people did actually vote or not?

We suggest Mr Barry use Commission resources to verify it's own processes. If he wants to sort the voters from the non-voters. And it beggars belief that for the amount of revenue likely to be generated from this exercise he doggedly continues to defy common sense and sensibility.

We reiterate our anger in the knowledge that both our Local Government dollars paying the Commission to run the election and State Government taxes maintaining the Commission have been completely wasted by such unprofessionalism and we call on the Premier to invoke his powers under Section 21 AB (3) (a) of the Electoral Act and review the Commissioner's competency.

In his reply to us, the Commissioner states "...the NSWEC would like to send a written apology to each elector for the inconvenience caused, however, until we know who they are we are unable to do so". His statement is incorrect. Lester and Myrna Thomas (Voting Fines Stack Up, T&A Times 25 January 2013) completed option 3 of the penalty notice stating they did in fact vote. They're reported as "seething" and said the least the Commission could do was send them an apology letter. We are aware of at least three Talbingo voters who have completed option 3 stating they have voted. One of them travelled 83 kms return to obtain a Doctor's certificate for his invalid wife to fulfill option 3. For himself he filled option 3 as having voted. None of these people have received apologies.

Given the disruption and angst already foisted on our local voters, compared to the Commissioner's minimalist public relations skills (perhaps some training needed here), we recommend the Commissioner cuts his losses for Talbingo, withdraw all our names on the list prepared under Section 120B of the Act (at a minimal revenue loss) and issue all residents on the Talbingo Electoral Roll a personal apology.

Your sincerely,

Gary Bilton.
Secretary

NB. We are also sending a letter to the Governor requesting she invoke her powers under Part 3A 21AB (2). ie. "The Electoral Commissioner may be suspended from office by the Governor for misbehaviour or incompetence."