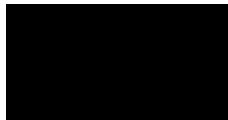


**Submission
No 2**

2012 LOCAL GOVERNMENT ELECTIONS

Name: Mr Doug Darlington

Date Received: 8/01/2013



7th January 2013

Jai Rowell MP
Chair
Committee on Electoral Matters
Legislative Assembly
Parliament House
Macquarie Street
Sydney
NSW 2000

Subject: INQUIRY INTO THE 2012 LOCAL GOVERNMENT ELECTIONS

Dear Jai

Please find below my comments on the 2012 election of Councillors for Wyong Shire. There are two elements upon which I would like to comment.

1. Above The Line Voting
2. How a Group's preferences are directed

Above the Line Voting

In both A and B Wards of Wyong Shire, the Liberal Party of Australia, the Australian Labor Party, The Save Tuggerah Lakes Party, The Greens Party and the Independents all elected to stand five candidates as a group to ensure they qualified for "Above the Line Voting". In the 2012, Wyong Shire, Local Government Election nearly all voters choose to vote above the line.¹

There seems to be a general ignorance among voters about how preferences are distributed when you vote above the line. Are the parties able to direct where their preference go? Or can they only advise voters to number additional squares above the line on their "How to Vote" cards?

How a Group's preferences are directed

When using Above The Line Voting, the potential for tactical voting by parties is greatly increased. Because voters are not usually aware of how a party's preferences are directed, "Above The Line Voting" has allowed minor parties with low support in the community to be elected almost exclusively on the preferences of other parties. In the Election results for Wyong Shire there has been widespread comment² about how Independent Candidates, Greg Best and Doug Eaton have manipulated the system to help their Electoral chances. "Evidence would suggest that these two Independent Councillors helped set up the Save Tuggerah Lakes Party and were the donors to their campaigns." In an ironic twist Doug Eaton ended up being the last to be elected in Ward B, while his Save the Tuggerah Lakes Party Candidate was elected second last. Doug Eaton went on to become Mayor even though he received the least votes at a time when 63% of the Wyong Shire voted to have a popularly elected Mayor.

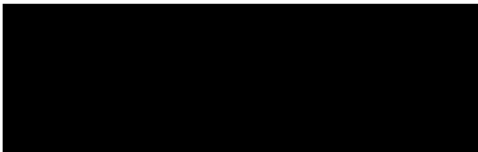
¹ See Attachment 1 on Page 3 Wyong Council Election Results 2012.

² See Attachment 2 on Page 6 Wyong Regional Chronicle Article dated 11th October, 2012.

Minor parties and Independent Candidates have trouble manning electoral booths to hand out "How to Vote" cards. As a result of the proportional representation system, small minority parties have an increased chance of representation. This is what happened in the Wyong Shire election of 2012. (A case can be made for the distribution of "How-To-Vote" cards at polling booths to be banned and each polling booth to display the registered "How-To-Vote" information for each group of Candidates.)

I would like to thank the Committee on Electoral Matters for the opportunity to bring to their attention things about the Local Government election in Wyong Shire that have generated concern over the current system of voting.

Yours sincerely

A solid black rectangular box used to redact the signature of Doug Darlington.

Doug Darlington

ATTACHMENT 1

Wyong Shire Council

The party composition of the council elected in 2008 was Labor three, Liberal two, Greens one and four Independents. The Party composition of the council elected in 2012 was Labor 3, Liberal 2, Independent 3, Save Tuggerah Lakes 2.

Council Election - Council divided into 2 Wards

Council Party Totals Party	Votes	%	Swing
Liberal Party of Australia	22559	27.3	+7.3
Australian Labor Party	21033	25.5	-3.0
Independent	20703	25.1	-15.1
Save Tuggerah Lakes	11465	13.9	+8.4
The Greens	6851	8.3	+2.4

A Ward

Enrolment - 56,704, 5 Councillors to elect

43,163 formal votes (83.3% counted, 8.7% informal) (FINAL)

Candidate	Party	Votes	%	Quotas
GROUP A: LIBERAL		12210	28.3	1.70
Group Votes	Liberal Party of Australia	11231	26.0	1.56
NAYNA Luke (Elected 2)	Liberal Party of Australia	635	1.5	0.09
ARNEIL Scott	Liberal Party of Australia	102	0.2	0.01
STOLZ Troy	Liberal Party of Australia	64	0.1	0.01
DRINAN Karen	Liberal Party of Australia	103	0.2	0.01
ANDERSON Donna	Liberal Party of Australia	75	0.2	0.01
GROUP B: LABOR		13081	30.3	1.82
Group Votes	Australian Labor Party	12046	27.9	1.67
* VINCENT Doug (Elected 1)	Australian Labor Party	753	1.7	0.10
GREENWALD Ken (Elected 5)	Australian Labor Party	62	0.1	0.01
HITCHENS Michael	Australian Labor Party	42	0.1	0.01
SCHWARTZ Kaye	Australian Labor Party	27	0.1	..
HOOK Jessica	Australian Labor Party	151	0.3	0.02
GROUP C:		8287	19.2	1.15
Group Votes	Independent	7141	16.5	0.99
* BEST Greg (Elected 3)	Independent	1036	2.4	0.14
BEST Maree	Independent	24	0.1	..
BEST Jess	Independent	29	0.1	..
BEST Joshua	Independent	22	0.1	..
WALLISCH John	Independent	35	0.1	..
GROUP D: THE GREENS		3843	8.9	0.53
Group Votes	The Greens	3445	8.0	0.48
* WYNN Sue	The Greens	309	0.7	0.04
WYNN Ben	The Greens	33	0.1	..
RICKARD Scott	The Greens	22	0.1	..
HENDERSON Chris	The Greens	22	0.1	..
HALE Lesley	The Greens	12	..	..

GROUP E: SAVE TUGGERAH LAKES**5742 13.3 0.80**

Group Votes	Save Tuggerah Lakes	5252	12.2	0.73
TROY Adam (Elected 4)	Save Tuggerah Lakes	386	0.9	0.05
DAVIS Amber	Save Tuggerah Lakes	44	0.1	0.01
TROY Kaylene	Save Tuggerah Lakes	25	0.1	..
TROY Courtney	Save Tuggerah Lakes	13	..	..
TROY Joshua	Save Tuggerah Lakes	22	0.1	..

B Ward

Enrolment - 51,463, 5 Councillors to elect

39,448 formal votes (83.2% counted, 7.9% informal) (FINAL)

Candidate	Party	Votes	%	Quotas
GROUP A: SAVE TUGGERAH LAKES		5723	14.5	0.87
Group Votes	Save Tuggerah Lakes	5260	13.3	0.80
TAYLOR Lloyd (Elected 4)	Save Tuggerah Lakes	339	0.9	0.05
GAUT Leonard	Save Tuggerah Lakes	36	0.1	0.01
TAYLOR Helaine	Save Tuggerah Lakes	28	0.1	..
WILLIAMS Tina	Save Tuggerah Lakes	39	0.1	0.01
TAYLOR Charles	Save Tuggerah Lakes	21	0.1	..
GROUP B:		8610	21.8	1.31
Group Votes	Independent	7520	19.1	1.14
* GRAHAM Bob (Elected 2)	Independent	894	2.3	0.14
BARTON Bob	Independent	52	0.1	0.01
HEY Ken	Independent	65	0.2	0.01
PERICLEOUS Laurinda	Independent	32	0.1	..
MORLEY Mick	Independent	47	0.1	0.01
GROUP C: THE GREENS		3008	7.6	0.46
Group Votes	The Greens	2722	6.9	0.41
JINKS Deidrie	The Greens	175	0.4	0.03
TURNER Vanessa	The Greens	55	0.1	0.01
McKINNON Ian	The Greens	28	0.1	..
NEWMAN Tony	The Greens	16	..	..
McKINNON Jean	The Greens	12	..	..
GROUP D:		3806	9.6	0.58
Group Votes	Independent	3306	8.4	0.50
* EATON Doug (Elected 5)	Independent	449	1.1	0.07
McCULLY Bill	Independent	10	..	..
WACHER Edna	Independent	15	..	..
PERCEVAL Bob	Independent	7	..	..
WEST John	Independent	19	..	..

GROUP E: LABOR	7952	20.2	1.21	
Group Votes	Australian Labor Party	7374	18.7	1.12
* MATTHEWS Lisa (Elected 3)	Australian Labor Party	386	1.0	0.06
MEHAN David	Australian Labor Party	91	0.2	0.01
CASTLES Margot	Australian Labor Party	38	0.1	0.01
MULVEY Robert	Australian Labor Party	25	0.1	..
SOHIER Brandon	Australian Labor Party	38	0.1	0.01
		10349	26.2	1.57
GROUP F: LIBERAL				
Group Votes	Liberal Party of Australia	9641	24.4	1.47
* WEBSTER Lynne (Elected 1)	Liberal Party of Australia	437	1.1	0.07
MAY Tyson	Liberal Party of Australia	108	0.3	0.02
SCOTT Vivienne	Liberal Party of Australia	51	0.1	0.01
SARGEANT Clive	Liberal Party of Australia	42	0.1	0.01
SLATER Rod	Liberal Party of Australia	70	0.2	0.01



Harris calls for investigation into mayoral election

Former Member for Wyong, Mr David Harris has called for an investigation into the relationship between the Save Tuggerah Lakes Party and independent councillors Greg Best and Doug Eaton in the wake of the recent local government elections and the vote for Wyong Shire mayor.

"Former Wyong Shire mayor, Cr Bob Graham, must be scratching his head after being defeated for the mayor's position at last night's (October 3) Council meeting by a candidate that was elected last in the recent local government elections, but there might be more that meets the eye," said Mr Harris.

"A large number of local people have contacted me in regards to the relationship between Cr Eaton and Best and the Safe Tuggerah Lakes Party, asking whether it is proper for candidates to fund and nominate other candidates in the same election and this has been fuelled by Cr Eaton; the least popular councillor at the recent elections being voted in as mayor.

"Evidence would suggest that the two independent Councillors helped set up Save Tuggerah Lakes and were the donors to their campaigns.

"It's all on the public record and one local resident sent me copies

of all the documentation backing his claims that people were being misled.

"I have viewed the documents which include Electoral Funding Returns faxed from Mr Eaton's business which show Cr Eaton as the public officer and that the Eaton and Best families have been the major donors.

"A Toukley resident contacted me through Facebook claiming that they felt conned because they didn't realise that in the past a vote for Save Tuggerah Lakes was really a vote for Cr Best and Eaton.

"In fact, upon checking, Cr Eaton beat former mayor Brenton Pavier in the 2008 local government election with the help of Save Tuggerah Lakes preferences and now he has been elected as mayor of the Shire even though he received the least number of votes in the election.

"Clearly, given the result of the ballot for mayor, the Save Tuggerah

Lakes councillors would seem to 'owe' Cr Eaton because of his donations and 'ownership' of their group.

"I have asked for an investigation into the matter as Election Day material indicated that a preference swap had once again been arranged between the parties and it was suggested to me by the person who sent me the material that it could be conceivable that the donations were made in return for a vote swapping deal.

"The person thought that this would make the deal illegal.

"Personally I don't know whether it is within the rules to set up a Party and fund its operation when you are a candidate in the same election and that's why I want the Minister to investigate.

"I want the Minister for Local Government, Don Page MP, to look into the matter and if it is found to be legal then perhaps the law should change so that people can understand who is really behind these

small, one issue parties and how independent independents really are.

"The Minister would have to amend the law to rule out this type of action.

"I have also asked Shadow Local Government Minister, Sophie Costis MLC, to commit a future Labor State Government to tighter scrutiny of this kind of arrangement.

"If Crs Best and Eaton really subscribe to the purposes of Save Tuggerah Lakes Party, one has to wonder why they didn't themselves nominate as candidates to represent them.

"Former mayor, Cr Bob Graham, can feel very aggrieved that despite his experience, despite his own high personal vote in the election, he has been defeated for the mayoral position because of a dubious deal between certain parties on the new Wyong Shire Council.

"Residents could be in for an interesting four years," said Mr Harris.

Mr Harris is in the process of writing to the Minister for Local Government, Don Page.

Media release, 4 Oct 2012
David Harris, Hamlyn
Terrace