

INQUIRY INTO 2008 LOCAL GOVERNMENT ELECTIONS

Organisation: Fairfield City Council
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Position: City Manager
Date Received: 18/05/2009

In reply please quote: G01-31-001

Contact: Petra Tinker on [REDACTED]

18 May 2009

Ms Cherie Burton MP
Chairperon
Joint Standing Committee on Electoral Matters
Parliament House
Macquarie Street
Sydney NSW 2000



Dear Ms Burton

INQUIRY INTO 2008 LOCAL GOVERNMENT ELECTIONS

Fairfield City Council (Council) appreciates the opportunity to make a submission to the inquiry into the administration and conduct of the 2008 local government elections.

In order to prepare this submission, Council contacted all of its Councillors regarding their observations and experiences leading up to, during and after the 2008 elections. It has also interviewed those employees who were involved in the liaison with the Electoral Commission NSW and our Returning Officer, Ms Sheree Stuart.

All comments were collated into a separate document which is enclosed as **Attachment A** with a summation of the key issues provided below, under the headings of:

- General Comments
- Electoral Commission NSW
- Returning Officer
- Pre-polling
- Election Day
- Counting and Results

General Comments

All Councillors expressed concerns at the huge expense (three times the cost of the 2004 elections) to Council for the running of the elections for what they considered a very inferior service and lack of value for money. There is a general concern that the community blamed Council for all of the election problems.

The main issue was that there were insufficient staff and the staff that were in attendance, were not very well trained.

All Councillors reported very long queues with many people having to wait for more than one hour in the heat to vote. This circumstance does not encourage people to exercise their democratic right to vote.

At some booths where the ballot papers ran out, voters were told by Electoral staff not to worry because their names had been marked off so they wouldn't be fined. However, most of these people actually wanted to vote and were angry that they were not able to cast their vote.

Electoral Commission NSW (ECNSW)

It was felt that the ECNSW took a very high-handed approach by:

- Imposing unreasonable demands for accommodation for the returning Officer resulting in additional costs being incurred to lease 'suitable' premises.
- Ignoring our feedback about our concerns regarding the proposed polling places and the principal polling place.
- Ignoring our concerns about the proposed low staffing 266 versus 495 (who struggled with the workload) in 2004.
- Rejecting our request to spread the our election costs over two years

At the time of preparing this submission, we have not been provided with a reconciliation report showing the difference between the estimated and actual costs of our elections

Returning Officer (RO)

Our RO was very difficult to deal with, especially during the lead up to the elections. In a number of face to face discussions regarding the RO's accommodation she indicated that she was happy with the offer of our Civic Wing, only to advise us a few days later that this was not acceptable. This caused tension between our staff and the RO and resulted in a complaint being lodged with the ECNSW.

There were further complaints lodged regarding her conduct during the the pre-polling period.

One of our Councillors requested the roll information in paper format and he went as far as seeking permission from the ECNSW which was given, however, the RO never provided this, instead she gave him a CD just one day before election day.

Pre-polling

The premises that was eventually leased for the RO was a huge building which was not well utilised for pre-polling in that it was partitioned off right in the front so that only ten or so people could be inside at any one time. This left a lot of space that could have made the waiting public more comfortable, unused.

Again, there were very long queues outside and candidates were 'told off' for trying to bring elderly people inside out of the heat. On at least two occasions the doors were closed at 4.30pm and 5.00pm and were only re-opened after much protest.

The candidates were accused of stopping people in the street and urging them to vote which really wasn't necessary because the queues were so long anyway.

Election Day

All Councillors reported lengthy queues. Some booths ran out of ballot papers and where this occurred, people just had their names crossed off and sent home without having had the opportunity to cast their votes. People were still lined up until 7.00pm and 8.00pm waiting to vote.

There were not enough staff to handle the number of people wanting to vote and there was nowhere to call for back up.

It was a very hot day and there was no access to drinking water or toilets.

Counting and Results

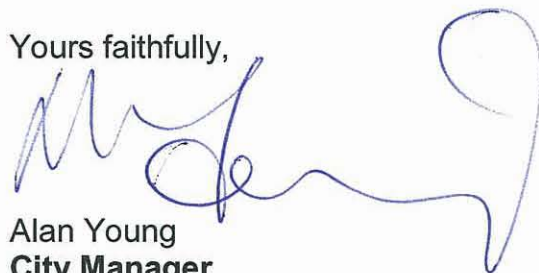
Some Councillors encountered problems with the counting of the votes. One Councillor reported that about 1,200 of his votes were initially allocated to another party. This was ultimately corrected but reflected badly on the professionalism of the whole process.

Some Councillors also questioned why Fairfield City Council was one of the last Councils to receive its results. It took almost two weeks where in the past, results were often available on the night of the election.

In conclusion I ask that the Committee takes the matters raised in this submission into careful consideration of so that there is no repeat of this debacle in 2011.

Should you require any further information regarding this submission, please do not hesitate to contact our Manager, Governance & Customer Service, Ms Petra Tinker on [REDACTED]

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Alan Young', with a large, stylized flourish extending to the right.

Alan Young
City Manager

Attachment A

Feedback from Councillors

Councillor No 1:

Pre-Polling	At the pre-poll, elderly people asked me to bring them in and the RO 'went off her nana' at me. There was mayhem and the whole thing was hopeless. On top of this, we were accused of pulling people off the street to vote. We didn't need to do that because the queues were always so long anyway. That's one of the problems of having the pre-poll in the CBD.
Election Day	They ran out of ballot papers. Misinformation was given to ratepayers about crossing off their names and votes not being counted. One polling booth was kept open until 7.30 to 8.30 because of the long delays for people to get in to vote.
Counting/ Results	At one of my booths, they gave 1,000 of my votes to the other Party. This was eventually sorted out but it was initially a problem.
General	I wrote a letter to Joe Tripodi about the issues. Copy attached – see Attachment B .

Councillor No 2:

Pre-Polling	I had minimal involvement with pre-poll, however, the following feedback was received from the community and colleagues. It was very slow at times. Staff on duty were not helpful and intimidating.
Election Day	A significant lack of staff in polling booths, electors lining up for up to 4 hours, it was one of the worst elections that I have been through, both as a voter and campaigners.
General	I don't want to see a repeat of this nature and want improvements and more polling booths and staff.

Councillor No 3:

Pre-Polling	The atmosphere at pre-poll was very bad. There was not enough staff, the queue was 100 metres outside and the staff did not care.
Election Day	It was even worse on election day. It was very hot weather and there was no water to drink and no toilets available. An elderly lady asked me where she could use a toilet so I took off my badge and official identification and took her inside where they opened the doors which they then left open. People came and went away because of the long queues. People came after work and were caught up in the queues. I had 100 volunteers and I supplied them with hats, fruit, drinks and sandwiches.
General	The atmosphere was very poor throughout. The worse problem was that at least 70% of the people blamed Council for the election problems. I have never seen such an election and I have been in office since 1974.

Councillor No 4:

Election Day	There were very long queues with people getting frustrated and walking away rather than waiting to vote. I was made aware that the Police were called to the Cabramatta community hall at about 5.00pm to control the crowd. At Canley Vale public school the queues were about 200 to 300 people long.
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Councillor No 5:

No Feedback due to illness

Councillor No 6:

Pre-Polling	Pre-poll was a joke regarding the size of the building, number of staff and the long queues outside
Election Day	The running out of ballot papers at a number of booths was not acceptable. Also the long lines of people waiting to vote and not having enough staff to deal with them.
Counting/ Results	Results were very slow to be posted on the web site.

Councillor No 7:

Pre-Polling	The shortage of staff on pre-poll days caused long queues of frustrated voters who experienced long delays.
Election Day	Shortage of staff was evident in some larger polling stations with similar results. In Smithfield West Primary, ballot papers ran out which caused further delays and frustration among voters which at the end were asked to travel to other polling booths for voting.

Councillor No 8:

Pre-Polling	There were long lines and long delays. They ran out of ballot papers at the pre-polling.
Election Day	There were long lines and long delays.

Councillor No 9:

Returning Officer	RO and staff were not very well trained. They did not handle the candidate enquiries well, including very general enquiries such as how to vote. They also provided us with some wrong information which wasted our time
Election Day	They did not have enough ballot papers. Everywhere I went the lines were too long, especially in the afternoon. I went to Canley Vale High School and the lines were huge. There were also some issues about the closing times with people still lined up at 7 and 8 pm. Some people lost patience and went home. At some places they closed the gates and told people to go home which made them angry.
Counting/ Results	It took far too long to get the results. We did not know until we found the results on the website some 2 - 3 weeks afterwards.

Councillor No 10:

Pre-Polling	At pre-poll - the Returning officer was sending a lot of people away - and on one occasion closed the doors before the advertised time - this is not good enough & she should never be employed to be a returning office again. She was ill prepared and didn't know the rules.
Election Day	<p>Lansvale East Public school ran out of ballot papers.</p> <p>Residents complained to me that they were told by Electoral staff: 'Don't worry - we'll mark your name off & you won't get a fine' That's not good enough - what about those people who actually wanted their vote heard and counted and wanted to voted for their elected officials.</p> <p>Plus they didn't have enough staff on at the booths, most people had to wait a least an hour.</p> <p>At 6.30pm there were still queues outside Cabramatta High School were people were waiting to get into the doors to vote.</p> <p>There was no consideration of elderly or frail people who had to queue up for long times.</p> <p>The time & queues were a problem at every polling booth I visited that day which included: Cabramatta high school, PCYC, Canley Heights PS, Kings Park PS</p> <p>On many occasions when people saw the queues, they said they would prefer to pay a \$100 fine, rather than wait for an hour.</p> <p>This doesn't bode well for our democratic system.</p> <p>Many of these people turned up to vote & would have voted, except for either being turned away - due to no ballot papers or put off by the queues.</p>
General	I think the organisation of the local government elections was appalling.

Councillor No 11:

Pre-Polling	Not enough staff. There were long queues and it was very hot. The building for the RO was very large and they could have made the people a lot more comfortable if they had used the room inside better.
Election Day	<p>Not enough staff. All amenities were closed which was a problem because people had to wait such a long time in the queues. At about 6.30 300 to 400 people were sent home. I know that some of these people subsequently received penalties and I asked Council to write to the ECNSW asking for the penalties to be waived. They also ran out of ballot papers at some polling booths.</p> <p>Going forward they will need special lines for elderly and disable people. We took these people inside but the people in the queue complained because they had waited such a long time.</p>

Councillor No 12:

Returning Officer	I requested roll information in paper format and I had to make 3 - 4 calls to get approval from the EC which I finally received, however even with the permission of the EC, the RO did not give it to me. One day before the election the RO gave me a CD. On election day I saw that there were books with this information all over the place so this information was clearly available in the requested format but the RO just did not give it to me even though I was entitled to receive this.
Pre-Polling	RO accommodation was in a huge building, yet, it was partitioned off in the front so that only a few people could fit in at any one time. Queues were long out into the street and the doors were closed at 4.30pm one day and at 5.00pm another. The candidates were ushering in the elderly and disabled but we were told by the RO not to do that.
Election Day	Service was very slow. There was not enough staff. They ran out of ballot papers. People had to wait up to one hour in the heat to vote. Some people were turned away because they did not have ID to verify who they were, even though this is not a requirement. Other people saw that IDs were requested and turned away because they did not have this with them. Overall there were horrendous lines. At Fairfield Heights people were still voting close to 7.30pm. Candidates were monitoring the gate because EC staff refused to do this. Some people had raced from work to get to the polling place. At lunch time a lot of the staff just walked out and went to lunch. This should have been foreseen and catered for. The EC should have known about the expected number of voters who would turn up at each polling place and therefore there should have been enough staff and ballot papers to cater for these. There was nowhere to call for back up.
Counting/ Results	It took 2 - 3 weeks to get our results. In the past we would have a result on the night of the election. Papers were taken to Riverwood but candidates were barred from going there. Also, why were we one of the later Councils to get our results? During the counting they lost 1200 votes which they eventually found 2 - 3 days later. Candidates had their figures from their scrutineers which were different from the computer system. Candidates knew that the vote count was down and the number of people voting was up, so they were aware of the difference in the vote numbers.
General	Paying three times the price for very inferior service! Overall there were insufficient staff, they were not well trained. The debacle of the 2008 elections do not encourage people to vote.

Employee No 1:

Returning Officer	<p>KEYS - FCC attempted to provide NSW Electoral and the R.O with the highest level of security available. FCC's locksmith was commissioned to 'build' new restrictive lock mechanisms and matching keys to provide confidence that access was not available to prior tenants of the building. The locksmith was booked for 27/06/09 but the R.O declined all opportunities to have these locks fitted prior to occupation. The R.O on 1st July 08, denied access to the Property Development Services Manager and locksmith after arranging to meet them on-site. The R.O was given FCC locksmith's details (and vice versa) but the R.O chose to use another locksmith, thereby duplicating the costs of the locks unnecessarily. FCC's locksmith was paid for a call-out fee, lock creation, key cutting in the order of \$500.00</p> <p>FILM ON GLASS. It was agreed that a film would be placed on the street front glass panels to provide more privacy. An appointment was arranged with ABC Glass Tinting and an appointment made to meet on site. The appointment with ABC Glass went ahead on the footpath as The R.O again denied access for measuring. This work did not go ahead as access was never granted by the R.O.</p> <p>FURNITURE QUOTES - Several quotes for the furniture required by NSW Electoral Commission were obtained.</p> <p>CLEANING - The premises were cleaned on the 27/6/9 by the managing agents cleaner. The R.O was given the opportunity to do "a pre-leasing' inspection and all offers and dates were declined as unsuitable by the R.O. On the 1st July the R.O began accepting deliveries in via the front sliding glass doors. (FCC were present on the footpath with the locksmith at the time). Whilst accepting deliveries, leaves and detritus 'blew inside'. This is not an issue with the pre-occupation cleaning as stated by the R.O and is in fact several days after possession of the property was taken by the R.O. It was the landlord's agent that informed us of the additional cleaning requested and not the R.O. A clear lack of communication by the R.O to speak with stakeholders and a clear lack of appreciation regarding the spending of our money.</p> <p>The attitude, behaviour and protocol established by the R.O clearly precluded us from the work being 'commissioned'. The R.O's lack of financial restraint towards commissioning work was very distressing given our industry knowledge and contacts and the commitment from NSW Electoral for a "cost-effective" Election. The RO's stance was in direct contrast to the levels of support and commitment given by more senior NSW Electoral staff.</p>
General	<p>FCC went out of its way to provide a high level of assistance to the NSW Electoral Commission and the Returning Officer to - identify, negotiate, establish and operate appropriate facilities in the Fairfield CBD.</p> <p>FCC understood it had the support and commitment to "cost-effective" arrangements. The high levels of co-operation and communication between FCC and NSW Electoral Commission was eroded by the 'hostile attitude' of the Returning Officer.</p>

Employee No 2:

Returning Officer	Our RO was quite difficult to deal with, particularly in relation to the RO's accommodation. When face to face, we would reach an agreement and we thought the matter was finalised only to be contacted by ECNSW a few days later to advise that the RO had contacted them that our offer was not satisfactory. This was very frustrating for us and caused some tension between our staff and the RO and also resulted in significant extra cost being incurred by Council.
Pre-Polling	I went to the RO's office during pre-polling and found long queues outside the office on a very hot day. The front of the room had been partitioned off so that only a few people could fit into the building at any one time.
Election Day	Apart from my role at Council, I am also a resident in the Fairfield area and had to wait over one hour to cast my vote. There was some confusion with people in front of us getting out identification but I knew that this was not required. This could have caused some people to leave because they might have thought that this was a requirement.
Counting/ Results	It was my job to monitor the web site and look out for the results to be finalised. I noticed that we were one of the last councils to be counted and it took almost two weeks before our result was declared.
ECNSW	<p>The main problem concerned the cost of the elections and the invoicing of 85%. Our request to pay our costs over 2 years was rejected. To this day, we have NOT received a reconciliation between our estimated and actual costs.</p> <p>What the ECNSW called 'consultation' was considered to be merely token consultation as we were told 'you can give us your feedback but it won't make any difference'. When we received advice from ECNSW regarding our proposed polling places and staffing levels (266 employees), we contacted them to advise that in previous elections we had 495 employees who had struggled with the workload on election day. We were advised that it didn't matter what we suggested, ECNSW would not listen to us even though they asked for our input.</p>

Attachment B

From: frankcarbone2@bigpond
Sent: Monday, 6 October
Subject: Re: Draft of letter sent to MP for Fairfield Joe Tripodi. Council elections

Dear Joe Tripodi MP

I was a standing candidate for the ALP, at Fairfield City local government elections, held on 13\09\2008.

It is with regret that I have to inform you, of the inadequate performance, by the NSW Electoral Commission during the pre-poll period and of the Election Day itself.

During the voting process, the public expressed their frustrations and disgust of the long waiting times and inability of the NSWEC to adequately deal with the process of conducting the election itself.

During the 10 days of Pre.Poll, voters including the elderly were left consistently waiting in lines for over 2 hours, so they could fulfil their obligations of voting. Furthermore, the returning officer closed the doors at 4.30pm, then proceeded to tell voters waiting in line, to go home and come back tomorrow, leaving 150 voters who had lined up for 2 hours, shut out side.

Ten minutes later, she reopened the doors, only after the intervention of candidates and voters, who phoned the NSWEC hot line to complain.

The Election Day itself got worse. I was at Fairfield Heights Public school, where the waiting time was 3 hours in the sun. Voters were in disbelief, with the line up extending outside the school Boundaries. Most expressed their anger and frustration, while many more, simply asked how much the penalty was for not voting, before deciding to walk away, happy to incur a fine.

At 6 pm, there were 300 people still in the line. To my amazement, a polling administrator then announced that voting had ceased, they wouldn't be casting a vote, but their names would be struck from the role, so that a fine wouldn't be incurred.

Again this decision was only overturned after complaints by the candidates and the voters themselves. However due to the lack of understanding by some of the

public, most voters blamed the State Government for the handling of the election.

I left the polling area at 7.30 pm, with still 150 people in line to vote.

The NSWEC has failed in the administration of this election. The election process was under resourced and inconsistent. The public was forced to wait an unreasonable amount of time; others were turned away, while at Lansvale to mention one, names were crossed off the register without voting, as they ran out of ballot papers. This is not acceptable voting procedure.

I ask that as the member for Fairfield, you make representation to the appropriate authority, so not to allow this to happen again.

Faithfully yours

Frank Carbone