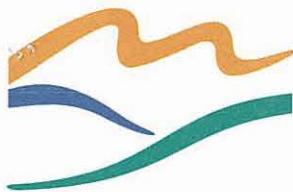


INQUIRY INTO 2008 LOCAL GOVERNMENT ELECTIONS

Organisation: Penrith City Council
Name: Mr Alan Stoneham
Position: General Manager
Date Received: 15/04/2009



Our Ref: 1894472
Contact: Glenn Schuil
Telephone: 02 4732 7856

8 April 2009

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



Dear Ms Burton

**Joint Standing Committee on Electoral Matters
Inquiry into the Administration and Conduct of the 2008 Local Government Elections**

Penrith City Council would like to make a submission to the Joint Standing Committee on Electoral Matters in relation to the following areas concerned with the administration and conduct of the 2008 Local Government Elections by the NSW Electoral Commission (NSWEC).

1. Centralised Counting Centre
2. Counting of Votes at Polling Places
3. How to Vote material
4. Awareness of Election
5. Polling Places
6. Pre Poll Voting
7. Cost of Election

Council has also raised these concerns with the NSW Electoral Commission and it has received responses from the Electoral Commissioner on 17 December 2008 (items 1-6) and 26 March 2009 (item 7).

Please find attached Council's submission to the Joint Standing Committee, together with the Electoral Commissioner's responses in relation to these matters.

Yours faithfully

Alan Stoneham
General Manager

AREA OF CONCERN	SUBMISSION TO THE JOINT STANDING COMMITTEE ON ELECTORAL MATTERS	RESPONSE FROM NSW ELECTORAL COMMISSION IN RELATION TO AREAS OF CONCERN
<p>Centralised Counting Centre</p>	<p>The Centralised Counting Centre at Riverwood undertook the data entry and count of Penrith City Council's ballot papers. This is the second occasion that the NSWEC has used a centralised counting centre to conduct Penrith's count rather than the returning officer being responsible for undertaking the count.</p> <p>Whilst improvements were noted in the Counting Centre system for the 2008 Election (including an on line progress schedule giving Data Entry Status, Date Due to Commence Data Entry and Date Due to be Counted), in Penrith's case, the ballot papers were sent to the Counting Centre on Monday afternoon, 15 September 2008 and the bulk of the counting did not actually take place until the weekend of 20 – 21 September 2008.</p> <p>Penrith's count was completed by Monday 22 September 2008, enabling the Returning Officer to declare the poll on Tuesday 23 September 2008, i.e. 10 days after the election.</p> <p>When compared to Penrith's 2004 Election, this represents an improvement of 2 days, as in 2004 the poll was declared 12 days after the election. Whilst this is an improvement, the delay in declaration of the poll is still a significant concern with the conduct of the election by the NSWEC, as when the elections were conducted by councils, the results were generally known by the Wednesday following the election i.e. 4 days.</p> <p>Council wishes to express its concern in regard to the time taken to process its ballot papers at the Centralised Counting Centre. In this regard, Council would like to raise the possibility of the counting for the Penrith City Council Local Government Area being undertaken locally in future, at a central venue, such as the Penrith Civic Centre.</p>	<p>Scheduling the data entry of elections naturally determines when election results will be available and therefore when the Returning Officer is able to declare the results. If Penrith City Council's elections had been scheduled for data entry on the first day of day entry, ie Tuesday 16 September 2008, then perhaps the results could have been declared the next day.</p> <p>Prior to 1987 when elections were conducted by councils, it had been common practice to count smaller elections on election night or the following day. Legislation now dictates that the distribution of preferences cannot commence before the Tuesday after election day to allow for the return of postal votes.</p> <p>As you are aware, prior to the 2004 Local Government elections the Local Government Act was amended to allow electors to indicate preferences in Group Voting Squares when voting above the line. This complicated the counting process to the extent that Returning Officers were no longer able to conduct these counts manually. It was therefore necessary to send ballot papers to the centralised Counting Centre where the votes were counted using software that had been developed for the NSW Legislative Council election and amended to cater for Local Government elections.</p> <p>I advise that this software will soon be undergoing further development and it is intended that it will include functionality that will provide the flexibility to deploy it to regions in 2012 or to councils for one-off elections, where "satellite" counting centres would be established.</p>

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Counting of votes at Polling Places	<p>The initial direction from the NSWEC for the September election was to package ballot papers as follows: Sort into three piles:</p> <ol style="list-style-type: none"> 1. Ballot papers that have a 1st preference for a group voting square – Above the Line (ATL) 2. Ballot papers that have a 1st preference for a candidate – Below the Line (BTL) 3. Informal/Others ballot papers <p>There were subsequent changes to these procedures communicated to Polling Place Managers by the Returning Officer prior to election day, which resulted in different interpretations being applied by Polling Place Managers in determining exactly what was required. This resulted in some inconsistencies in the Saturday night figures because some ballot papers were placed in wrong piles, but this was subsequently corrected at the Sunday check count.</p> <p>The directions to Returning Officers and Polling Place Managers need to be made more consistent and clearer in respect to sorting of Above the Line (ATL), Below the Line (BTL) and Other ballot papers at polling places on election night. All electoral staff need to be adequately trained in regard to counting and differentiating between formal and informal ballot papers.</p>	<p>With regard to the counting of votes at polling places, these procedures were clearly articulated in the Polling Place Manager's Handbook and no changes to these procedures were communicated from this Office to Returning Officers.</p>
How to Vote material	<p>One area of concern in regard to the 'How to Vote' material was that the name of the ward did not appear on some of the 'How to Vote' material. This was particularly confusing for polling places that operated as multi-ward polling places.</p> <p>Council asks for changes to the legislation to be made to require 'How to Vote' material to also include the ward name in councils that have an area divided into wards.</p>	<p>Electoral material, including how-to-vote material, is not required under the current regulations to indicate the name of the particular Ward. I will refer your comments to our legal officer for possible amendment when the regulations are being reviewed in the future.</p>

AREA OF CONCERN	SUBMISSION TO THE JOINT STANDING COMMITTEE ON ELECTORAL MATTERS	RESPONSE FROM NSW ELECTORAL COMMISSION IN RELATION TO AREAS OF CONCERN
Awareness of Election	<p>The NSWEC produced a standard election brochure which it mailed to households within the Penrith Local Government area. This brochure was partly customised with Penrith Council's name, RO's office details, polling place locations and details of pre-poll and postal voting.</p> <p>Some residents indicated that this brochure should have included a list of candidates so that they could be aware of the candidates standing prior to attending at a polling place or a pre-poll voting centre to vote. Whilst the details of candidates were advertised extensively in four local papers, not everyone either receives a local paper or reads it.</p> <p>Other residents have suggested that the newspaper advertisements listing the candidates in each ward should have indicated how many candidates they are required to vote for.</p> <p>These are valid suggestions which Council asks be implemented for the next election.</p>	<p>The New South Wales Electoral Commission (NSWEC) endeavours to provide as much information in the election brochures as possible. Council will appreciate that the production and proofing of these brochures are undertaken within limited time frames prescribed by legislation. While desirable, candidates' names could not be included in the election brochures taking into consideration design, time and resource constraints that applied to producing and distributing 135 different brochures simultaneously and the fact that, as you correctly pointed out, extensive public notice of the names of candidates standing for election is given by way of the statutory advertising campaign. This includes publication of the candidates' names on the NSWEC website.</p> <p>The Council's proposal to include voting directions in the statutory notices with respect to the number of candidates to be elected to each ward will be considered as part of the review of the 2008 Local Government elections.</p>
Polling Places	<p>In the Penrith City Council Local Government Area, there was a difficulty with the Orchard Hills Public School polling place, which was a polling place only for East Ward. Due to the proximity of this polling place to the East Ward/South Ward boundary, some residents from South Ward attended this polling place to vote, only to be redirected to Glenmore Park Public School or Glenmore Park High School.</p> <p>Council asks that Orchard Hills Public School be made a multi-ward polling place for East Ward and South Ward for the 2012 election.</p> <p>Reports were received that some polling places actually ran out</p>	<p>I advise that your comments about Orchard Hills Public School Polling Place have been noted and the venue will be made a multi-ward venue for future elections.</p> <p>You state in your letter that you have received reports that polling places actually ran out of ballot papers. The NSWEC has conducted an investigation and found that, in fact, one polling place in the Penrith area did run out of ballot papers. Once the Returning Officer was notified of the shortage, additional ballot papers were dispatched immediately. Very few people were affected as this occurred late afternoon and was for a very short period of time.</p>

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	<p>of ballot papers. The number of ballot papers issued to polling places was based on figures supplied to the Returning Officer from the NSWEC on expected voter numbers at each polling place. Council considers that the NSWEC needs to conduct a careful review of expected voter numbers for all polling places in the Penrith City Local Government Area using voter attendance figures from the 2008 Penrith City Council election and the 2007 State election.</p> <p>For instance, the following Projected/Actual Vote comparison figures compiled by the Penrith Returning Officer indicated that actual votes exceeded projected votes by 10% or more at the following UPPN's within the Penrith City Council Local Government Area:</p> <table><tr><th>UPPN</th><th>Venue</th><th>Projected Votes</th><th>Actual Votes</th><th>Difference</th><th>% Diff</th></tr><tr><td>Cranebrook</td><td>Samuel Terry Public School</td><td>1900</td><td>3439</td><td>1539</td><td>81.00</td></tr><tr><td>Glenmore Park Central</td><td>Glenmore Park High School</td><td>3400</td><td>3765</td><td>365</td><td>10.74</td></tr><tr><td>Kemps Creek (Penrith)</td><td>Kemps Creek Public School</td><td>300</td><td>750</td><td>450</td><td>150.00</td></tr><tr><td>Kingswood Park</td><td>Kingswood Park Public School</td><td>800</td><td>1439</td><td>639</td><td>79.88</td></tr><tr><td>Kingswood South</td><td>Kingswood South Public School</td><td>1600</td><td>1779</td><td>179</td><td>11.19</td></tr><tr><td>Oxley Park</td><td>Oxley Park Public School</td><td>2000</td><td>2342</td><td>342</td><td>17.10</td></tr><tr><td>Penrith North</td><td>St Dominic's College</td><td>600</td><td>1010</td><td>410</td><td>68.33</td></tr><tr><td>Stuart Street</td><td>Jamisontown Uniting Church Hall</td><td>1000</td><td>1109</td><td>109</td><td>10.90</td></tr><tr><td>Werrington</td><td>Werrington Public School</td><td>1900</td><td>2103</td><td>203</td><td>10.68</td></tr><tr><td>York</td><td>York Public School</td><td>3200</td><td>4219</td><td>1019</td><td>31.84</td></tr></table>	UPPN	Venue	Projected Votes	Actual Votes	Difference	% Diff	Cranebrook	Samuel Terry Public School	1900	3439	1539	81.00	Glenmore Park Central	Glenmore Park High School	3400	3765	365	10.74	Kemps Creek (Penrith)	Kemps Creek Public School	300	750	450	150.00	Kingswood Park	Kingswood Park Public School	800	1439	639	79.88	Kingswood South	Kingswood South Public School	1600	1779	179	11.19	Oxley Park	Oxley Park Public School	2000	2342	342	17.10	Penrith North	St Dominic's College	600	1010	410	68.33	Stuart Street	Jamisontown Uniting Church Hall	1000	1109	109	10.90	Werrington	Werrington Public School	1900	2103	203	10.68	York	York Public School	3200	4219	1019	31.84	<p>With regard to your comments relating to the projected votes compared with the actual number of votes taken on election day, it should be noted that each Returning Officer is provided with a schedule which calculates the number of ballot papers to be packed for each polling place. The formula used to calculate this builds in an additional 30% to the actual projected number of votes. This additional 30% normally caters for the instances where polling places do take more votes on election day.</p> <p>In relation to how the votes are projected, the NSWEC uses as much information and statistical data as possible as part of the review of polling places leading up to each election. For the 2008 Local Government elections data such as previous figures from the 2004 Local Government elections, figures from the 2007 State General election, latest census data and Bureau of Statistics figures were used. Forecasting where electors will vote is not an exact science and is further complicated with wards and no absent voting for Local Government elections. The figures from the recent election will be used when projecting votes and resources for the next election.</p> <p>I note your comments about selecting more appropriate polling places. The NWSEC aims to provide the most appropriate voting facilities available for electors. As you will appreciate, the NSWEC does not own the facilities that are used as polling places on election day. We require some 2,200 facilities to be used as polling places across New South Wales. As stated in your letter, Penrith City Council was consulted on this matter and I advise that your concerns will be taken into consideration when planning polling places for future elections.</p>
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	<p>A review of the application of the definition of a “polling place” and the minimum distance that candidate assistants are required to be from polling place entrances is needed. In the Penrith election, the inconsistent application of these provisions resulted in some candidate assistants being relocated to areas that were either too close to vehicular traffic or where there was no shade from the sun. In these cases more appropriate locations were available while still at a distance of at least 6m from the polling place entrance.</p> <p>Whilst Council and the NSWEC originally agreed to the location of all polling places, in retrospect, some venues proved to be unsuitable in practice because they did not have access to adequate parking, or adequate shelter for candidate assistants.</p>	
Pre Poll Voting	<p>It would have been of considerable assistance to electoral staff employed at our Penrith’s Pre Poll Voting Centres to have had details of the location of pre-poll voting facilities in adjoining Local Government Areas. The NSWEC should provide this information in future elections to enable voters attending a pre poll voting facility outside their area to be easily re-directed to a pre poll voting facility in the correct Council area.</p>	<p>While details of all pre-poll voting centres were widely advertised through the NSWEC website and in local advertising undertaken by the Returning Officers, I will instruct Returning Officers to ensure this information is available at pre-poll voting centres in the future.</p>
Cost of Election	<p>Council is concerned with the cost of conducting its 2008 Election as compared to its 2004 Election.</p> <p>Penrith City Council’s 2004 Election cost \$398,218.15, including the fee of \$86,071.25 paid to the State Electoral Office (now NSWEC).</p> <p>Penrith City Council was originally advised by the NSWEC that its 2008 election was likely to cost \$7.14 per elector, calculating to a total amount of \$802,200, which represented an approximate increase of over 100% compared to the 2004 election.</p>	<p>As you are aware, the New South Wales Electoral Commission (NSWEC) provided a budget estimate of costs for the conduct of the Local Government election for your council. We invoiced council for 85% against this estimate in August 2008 and advised that once final costs were known the NSWEC would invoice for the balance.</p> <p>The NSWEC has worked to contain costs as much as possible. We are pleased to advise that in almost all council areas we have been successful in delivering the election for less than the budget estimate.</p>

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	<p>However, the final cost of Penrith's 2008 election is now known and has been determined at \$627,000 which represents an increase of 57.4% over Penrith's 2004 election costs.</p> <p>This still represents a substantial increase over Penrith's 2004 election costs.</p>	<p>Attached please find your council's final summary of costs and invoice or credit note where applicable. An Electronic Funds Transfer form is attached where a credit is payable by the NSWEC.</p> <p>Unlike previous Local Government elections we have now captured all costs associated with the conduct of the elections. This will be helpful to both the NSWEC and your council in planning and budgeting for the 2012 elections.</p> <p>Should you have any questions regarding the final calculation of costs please contact Trevor Follett, Director Finance and Administration, at Trevor.follett@elections.nsw.gov.au</p>