

INQUIRY INTO 2008 LOCAL GOVERNMENT ELECTIONS

Organisation: Shoalhaven City Council
Name: Mr Greg Roberts
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COUNCIL REFERENCE:

36733-02 (D09/73087)

CONTACT PERSON:

Greg Roberts

YOUR REF:

12 May 2009

Committee on Electoral Matters Secretariat
Legislative Assembly
NSW Parliament
Macquarie Street
SYDNEY NSW 2000

Dear Sir/Madam,

Submission to the Joint Standing Committee on Electoral Matters

Thank you for the opportunity to present this submission on behalf of Council. Council welcomed the call of the announcement of the Joint Standing Committee on Electoral Conduct at the last Local Government Election. A report was presented to the Council meeting of 28 April 2009 and the following resolution was unanimously adopted by Council:

"That a Committee consider Councils' proposed submission to the Joint Standing Committee on Electoral matters and that Councillor Ward present the submission at a hearing of the Joint Standing Committee."

The underlying principle of this submission is based on the fact that Local Government elections should be conducted in accordance with the highest possible standards of electoral probity and security.

There were some functions of the election process that were undertaken well. However there are other functions that did not meet "the same high standards" as promised by the State Electoral Commission.

This submission addresses the following principal concerns that were considered by the Council Committee that was established for the purpose of preparing this submission:

- The Cost of the Election
- The Location and Number of Polling Places
- The Pre-Poll process
- The timing of the results
- Access to the Electoral Commission hotline

- The concerns expressed by the Vincentia Ratepayers and Residents Association
- Other comments suggested for consideration.

The Cost of the Election

Council considered the cost of the election unreasonable. In making such a statement, there are many factors that were considered by the Committee that justifies this view. Firstly the 2000 and 2004 election costs were \$156,850 and 199,946 respectively. The State Electoral Commission previously seemed committed to minimising costs by using Council staff in the conduct of the election and use Council owned facilities as polling places. However, this cost minimisation process did not continue into the 2008 election.

It is considered that the floor area specified by the Commission for a Council of this size is unrealistic. This cost of accommodation for the Returning Officer alone was in excess of \$21,000. Council has accommodated the Returning Officer in the past and provided the Counting area and pre-poll voting facility, with accommodation at least equivalent to that used last year. It maintains that those facilities have not deteriorated to an extent that would render them unserviceable in the last four years.

The location of those facilities in the School of Arts in Berry Street, Nowra, for previous elections was far superior to that used last year.

It is noted in the budget that the administration fee, information services, finance services and Information Technology contributed 30% of the election cost.

The number and location of Polling Booths

The number and location of Polling Booths may be appropriate in a Federal and State election context, but are unreasonable in a Council that is divided by wards. There was a clear misunderstanding of this principle by the Electoral Commissioner. It was not until after significant pleading that one polling place only was changed, but Electoral staff failed to take into account the following concerns expressed by Council at the time:

- That the establishment of a principle polling place and pre-polling place outside of the Nowra CBD showed a lack of understanding of our community. This position was supported by the many complaints that staff received on this issue.
- It was also submitted that greater consideration be given to some of the polling places that were made available. Any suggestions by staff on this point was that the Electoral Commission did not wish to vary from what was provided at Federal and State elections. It may be of value to consider the position presented by Council in future as we consider that we are more in touch with our communities than staff that are based in Sydney.

- It was also submitted that greater consideration be given to some of the polling places that were made available. For instance, two polling places in Bomaderry and the operation of both the Shoalhaven City Administrative Centre and the Nowra Primary School Booth seem unnecessary
- Because of the fact that the Shoalhaven is divided into wards it is submitted that additional Polling places with voting availability in more than one ward should be available to electors.

The Pre-Poll Process

One concern that was publicly expressed was that electors were not able to exercise their democratic right to vote due to delays at the Pre Poll Booth at Bomaderry. It is also submitted that the location and accessibility of the Pre-Poll voting centre was unsatisfactory and that at least one should be located in the Principal administrative centre of a Local Government area.

In respect of this process, Council recommends that consideration be given to opening a larger pre-polling station in the Nowra CBD and that the present restrictions on reasons required to pre-poll be removed for Local Government Elections. Given that there is a lower voter turn-out for Local Government Elections; Council is of the view that allowing for greater flexibility to vote for electors is a sensible way to address this recurrent issue.

The Timing of the Count

On this point, Council considers that there are two main concerns arising from the 2008 election. Firstly, the delay in finalising the count had a significant and detrimental effect on the Council operations. It was not until almost two weeks after the election that the results were finalised.

A further factor that challenged the patience of candidates and the Council operations was the lack of clarity on when the count for each Council Ward would be concluded.

Results from previous elections were finalised within four days following the election. The Commissioner reported that the observation team were impressed with the count process and could not fault it and that scrutineers and candidates should have no concerns regarding the process transparency and integrity of the central count conducted by the Commission.

Given the rapid pace and change of technology is developing exponentially, it is submitted that electronic voting should be considered in part of this review. It is conceivable that such a process would be relatively cost efficient and certainly, in the case of Council elections, should achieve a reduction in the time between the election and its result.

Access to the Electoral Commission hotline

Staff received many complaints about the delays experienced in accessing the Electoral Commission. Regularly, there were delays of up to thirty minutes experienced by electors who after that time had not spoken to an adviser. There were many questions that were fielded by staff in good faith, due to the lack of access to this service that was to be provided by the Electoral Commission.

Submission by the Vincentia Ratepayers and Residents Association

Council has a number of peak advisory bodies that provide information to Council to assist with improved decision making within Council. Its role is to also bring to the attention concerns of its residents. I have enclosed a copy of that submission and submit the following as the key concerns expressed by that group:

- Time taken for electors to be able to vote
- Staffing numbers
- Ballot box sizes and numbers
- Separation of Mayoral and Council ballot papers
- Votes deposited in bin and not Ballot Box
- Length of time for results to be known
- Cost for recount of close results

The concerns of the Vincentia Ratepayers and Residents Association are a cause for alarm and indicate issues with the administration of the Local Government Elections at a local and State level. It is important to point out that these significant concerns included a lack of ballot papers and the size of ballot boxes available and ballot papers being deposited in the garbage bin

This is particularly concerning when the justification for the additional costs presented by the Electoral Commissioner was to "ensure that local government elections are conducted to the same high standards as Federal and State Government Elections."

Other Factors

Other factors that are brought to your attention are as follows:

- Council reiterates its position that the Principal Polling Place should be in the principal centre of a Council area
- Any changes proposed to the Local Government Act regarding the election should be considered well before the election. It is submitted that the election date is set by the Local Government Act to occur every four years and as such any changes should be enacted well before the election and not on the election eve.

- If it is contended that the delay in the count is caused by the grouping, there is a need for the Electoral Commission to consider improvements in this area.
- A considerable number of Staff at Polling places appeared to have little understanding or interest in the election process.

In presenting this written submission, Council acknowledges the excellent work carried out by the Returning Officer in overseeing the conduct of the election, which reflects comments by Candidates and staff. Many of the suggestions contained in this submission do not reflect on his expertise in the electoral process.

Council has resolved to send our Deputy Mayor Cr Gareth Ward to present this submission to the Joint Standing Committee and we would therefore request that he be granted leave by the committee to speak to, and field questions on, Council's submission.

Finally, on behalf of Council, I thank you again for the opportunity to enable this submission to be considered by your Committee.

If you need further information about this matter, please contact Greg Roberts, Finance & Corporate Services Group on [REDACTED]. Please quote Council's reference 36733-02.

Yours faithfully



Greg Roberts
Executive Support Manager

VINCENTIA RATEPAYERS AND RESIDENTS
ASSOCIATION INC.

**PO BOX 149, VINCENTIA,
N.S.W. 2540.**

September 26, 2008

Electoral Commission NSW,
GPO Box 832,
Sydney.
NSW 2001

Dear Sir/Madam,

Local Government Election – Shoalhaven – September 13, 2008

I would like to bring to your attention the problems which were encountered at the Vincentia Public School Polling Booth for the Shoalhaven City Council election on Saturday, September 13, 2008.

- The booth was severely undermanned – two clerks to mark off names when there were in excess of 1,500 voters.
- *Consequently there was a long queue of voters for almost the entire day – some voters waited for up to one hour before being able to vote.*
- There were insufficient ballot boxes – two small boxes which were issued were full by midday. One was stuffed so full it was splitting at the top and so was not secure.
- After the two small ballot boxes were filled, a brown cardboard box was brought in and secured with two tags at the top. Most people did not recognize this as an official ballot box and put their votes into a tall white cardboard box, similar to the ballot boxes used in the Federal and State elections, which was, in fact, the rubbish bin. The brown box was in a less obvious position than the white rubbish bin.
- In order to place their vote in the brown cardboard box which was the ballot box, people had to put their hand into the box to push the vote in, which they were able to do as there were only two security tags.
- There was no staff available to stand beside the ballot box – hence there was no one to stop a person actually removing ballot papers as they appeared to be putting their vote in as their hand disappeared beneath the top of the box.
- I understand that there were supposed to be six security tags on this box but if six tags had been used, there were not sufficient tags issued to secure the unused and spoilt ballot papers for return to the New South Wales Electoral Commission NSWEC.

- I understand that the NSWEC made the decision not to separate Mayoral and Council ballot papers into two separate ballot boxes. This was plainly stupid as it took from 6pm until 8.30pm – two and a half hours – for the staff to empty the bins, open the votes and separate them. Counting did not start until after 8.30pm.
- When the scrutineers arrived at 6pm, our first task was to help one polling official to go through the rubbish bin to try and find ballot papers which may have been deposited there instead of in the official ballot box which was the brown cardboard box.
- We found at least 26 ballot papers for both the Mayoral and the Council election – I understand that these have been returned as “discarded” and will not be counted. The majority of the papers were neatly folded and were obviously put in the white bin by mistake as it appeared to look more like a ballot box than a brown cardboard box.

I understand that as scrutineers we cannot touch a vote and we did touch these votes as we extracted them from the rubbish (voting papers, sticky cans of drink, tissues etc), but surely the most important consideration is the voting right of those people who mistook the bin for the ballot box. We should never have been put in the position of having to touch the votes in a rubbish bin.

- Many people said the voting experience on Saturday, September 13 was “Third World”. It is obvious, and I would have thought, elementary, that similar numbers would be voting in council elections as at State and Federal elections and the numbers through the Vincentia booth are known to the Commission. In fact, at the 2007 State election there were 1,800 voters at the Vincentia booth – figures from the Electoral Commission NSW.

This letter is in no way a criticism of the staff who were at the Vincentia booth. They worked under very difficult conditions and remained calm and professional.

I have worked at polling booths at many elections, Federal and State, as a party worker and scrutineer and this council election would have to be most badly organized I have seen. If the reason for lack of staff and stationery was a cost cutting exercise, then it was certainly a very poor decision.

And now we come to the aftermath – the results of the Shoalhaven City Council election were finally known 10 days after the election – a disgrace.

What did the count take so long? Why was Shoalhaven the last, or at least in the last three councils, to be counted? Is it a matter of money? Is it drawn out of a hat? What criterion is used? Is it a case of last this time, first next time in 2012?

In view of the completely amateurish and unprofessional way in which the election was organized at a booth level on the Saturday, how can we be sure of the integrity of the count when only two

votes separated the last candidate to be elected in Ward Three from the next candidate who was not elected? How outrageous to demand \$8,000 for a recount. Surely in the name of fairness and transparency there must be a provision for an automatic recount if the result falls into a certain percentage of the total vote – and two votes should surely qualify in any fair percentage.

The problem in Ward Three is outside the area covered by the Vincentia Ratepayers and Residents Association and the excluded candidate is not aligned to any group which this Association supports – our comments are simply reflecting the outrage which is presently being voiced in the community at the unfairness of the decision regarding the recount.

We are asking for definitive answers to the following questions –

Who made the decision to cut the staff manning level at the Vincentia polling booth, and why?

Who made the decision to under-resource the booth, and why? – e.g. lack of secure ballot boxes, and lack of sufficient security tags?

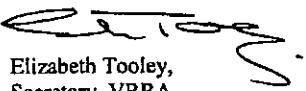
Who made the decision to put all votes into one ballot box and not separate them at the time of voting into two boxes, and hence save two and half hours of counting time, and why?

Why did the count take 10 days to finalise?

Why is there no automatic recount when only two votes separate two candidates, one of whom was elected and one who was not?

Democratic voting is a right of each and every Australian citizen and it is surely the responsibility the Electoral Commission, and, in this case, council, to ensure that the democratic process is carried out in a secure and professional manner. This did not happen at Vincentia on Saturday, September 13, 2008. The aftermath, (10 days to get a result and the refusal to do an automatic recount in Ward Three), is also a disgrace.

Yours sincerely,



Elizabeth Tooley,
Secretary, VRRRA

Cc Shoalhaven City Council