

**Submission
No 4**

INQUIRY INTO CONDUCT OF ELECTIONS IN NEW SOUTH WALES

Organisation: Port Stephens Council

Date Received: 6 July 2022



PORT STEPHENS
COUNCIL

Hon Robert Borsak MLC
Chair
Select Committee on the Conduct of Elections in NSW
NSW Parliament
SYDNEY NSW 2000

Dear Chair

Re: INQUIRY INTO THE CONDUCT OF THE ELECTIONS UNDER COVID

Following the 2021 local government election, Council conducted a survey of candidates who nominated for the positions of mayor and councillor in the Port Stephens local government area.

A report was produced from the response from the survey, and it was tabled for Council's consideration on 24 May 2022.

A copy of the report is attached for the information of the Inquiry into the conduct of elections in New South Wales.

Please feel free to contact my office should you require any further information.

Yours sincerely,

Tim Crosdale
Acting General Manager

5 July 2022

Telephone enquiries
Tony Wickham
Governance Section Manager

Please quote file no: PSC2018-00494

ITEM NO. 4

FILE NO: 22/109122
EDRMS NO: PSC2018-00494

ELECTION SURVEY

REPORT OF: TONY WICKHAM - GOVERNANCE SECTION MANAGER
GROUP: GENERAL MANAGER'S OFFICE

BACKGROUND

The purpose of this report is to provide the results from the Council Election survey.

Council, at its meeting of 22 February 2022, (**ATTACHMENT 1**) resolved:

- "1) Acknowledges the 2021 Council Elections were held on 4 December 2021.
- 2) Agrees to prepare a report for submission to the NSW Electoral Commission, the State Member for Port Stephens, the Minister for Local Government and the Shadow Minister for Local Government.
- 3) Writes to all candidates at that Election inviting them to provide submissions to the Council on:
 - a. What worked well?
 - b. What did not work well?
 - c. What could be done better?
 - d. What could be done differently?
 - e. Anything else they wish to comment on in relation to the Election.
- 4) Request the General Manager prepare a report for consideration by Council following receipt of the responses from the candidates."

NSW local government elections were held on Saturday 4 December 2021. The NSW Electoral Commission conducted the election on behalf of Port Stephens Council. Nominations were called for a popularly elected mayor and 9 councillors. A total of 2 nominations were received for popularly elected mayor and 34 nominations for councillors.

Candidates were invited to participate in the survey and a **total of 8 responses were received**. Some candidates did not respond to Council's request to use their personal information or contact details were not available to Council. It should be noted that candidate nomination contact details are held by the NSW Electoral Commission and not available to Council.

Question 1 - Thinking about the election process, what worked well?

- a) 25% of respondents thought pre-poll and/or postal voting worked well, particularly given the challenging times with COVID-19.

- b) 37% of respondents thought the access to parking and having the ability to speak with electors worked well.
- c) The experience with iVote worked well, however, it was noted further development may be required.
- d) 12% of respondents acknowledged the Candidate Information session provided by Council, however, thought more support could be given to candidates, especially first time candidates.

Question 2 - What did not work well from your perspective?

- a) 12% of respondents believed all worked well.
- b) 25% of respondents held concerns about the iVote option and the potential failure of the system.
- c) 25% of respondents believe electors were confused by the instructions on the ballot papers and, with effectively no 'how to vote', contributed to a high informal vote.
- d) 25% of respondents raised concerns about the placement of election signage, particularly on public land, and the perceived limited action taken by Council to manage the placement of signage.
- e) Various views were held on one or more of the following:
 - the on-line nomination system was awful.
 - did not agree with the rules about displaying A-frames.
 - the results took too long to be displayed.
 - thought the time delays with the nomination draw and uploading the candidates list was frustrating.
 - the iVote option as less than effective and should be provided to everyone regardless of their status.
 - that 2 weeks pre-poll was not appropriate.
 - held concerns that some candidates/party's gaining access within school grounds and the limitation with the 100 metres exclusion zone that was implemented as part of the COVID-19 measures.
 - concerns about a polling booth being located at licensed premises.
 - difficulty in obtaining and delays in clarifying rules on election material.
 - there was some negativity on social media.
 - election official conduct and response times from NSW Electoral Commission were considered poor.

Question 3 - What do you think could be done better?

- a) 12% of respondents suggested there was nothing to improve on.
- b) 25% of respondents requested that the areas of concerns raised in Question 2 be improved, such as:
 - make improvements to the on-line nomination system.
 - review the rules about displaying A-frames.
 - improve timeframes to deliver election results.
 - make the nomination draw and uploading the candidates list timelier.
 - improve customer service and response times from NSW Electoral Commission.

ORDINARY COUNCIL - 24 MAY 2022

- c) 50% of respondents would like to see the iVote or on-line voting system improved and made available to everyone.
- d) 25% of respondents would like to see earlier/more communication about becoming a candidate (noting the COVID-19 challenges this election) and more support to candidates from Council.
- e) Improvements made in response to reports on illegal signage/material during an election.
- f) Improvements to any restrictions on 'how to vote' requirements, especially communicating to the electors, and the 100 metres exclusion zone.

Question 4 - What do you think could be done differently?

- a) 12.5% of respondents did not believe anything was needed to be done differently.
- b) 12.5% of respondents thought improvements could be made to candidates' profiles and election policies of candidates.
- c) 12.5% of respondents believe pre-poll should be reduced to 1 week.
- d) 12.5% of respondents believe on-line voting and more advertising about on-line voting to raise awareness is needed.
- e) 12.5% of respondents believe the iVote system should be changed and remove face to face voting to save money.
- f) 12.5% of respondents suggested all COVID measures should be repealed.
- g) 12.5% of respondents called for fairer opportunities and ensure all candidates display signage correctly.
- h) 12.5% of respondents repeated their request for improvements made in question 3.

Question 5 - Please provide any additional comments relevant to the election process.

- a) 12.5% of respondents considered the election process to be professional.
- b) 12.5% of respondents considered the COVID-19 period very challenging with the number of lockdowns during the campaign.
- c) 12.5% of respondents suggested that if Council was unable to make improvements to accessing candidate profiles and election policies of candidates, then Council should liaise with the Minister for Local Government and the NSW Electoral Commission.
- d) 12.5% of respondents believe the NSW Electoral Commission needs to make improvements to the training of returning officers to ensure rules are interpreted correctly, which will improve the overall electoral participation. Suggesting information needs to be centralised and improvements made to expectations of electoral staff.

The following information is provided to clarify some responses received:

1. Council is limited in the support it can provide to candidates. Council provided an on-line Candidate Information session (due to COVID-19), with candidates invited to ask questions on the role of a councillor or aspects of Council's operations.

ORDINARY COUNCIL - 24 MAY 2022

Under normal circumstances, these sessions would be held in person and would provide greater opportunities for candidates to interact with senior staff. The session was also recorded and accessible from Council's website. Council provides a wealth of information through the "Councillor Development Program" on its website. This information is freely available to candidates and the community.

2. Council investigated any reports of illegal signage and candidates were requested to remove the signage. If this did not occur, Council would then remove the signage if it was found to be illegally placed.
3. The Local Government (General) Regulation 2021 requires pre-poll to be conducted for a period of 2 weeks.
4. A number of measures were introduced at this election due to COVID-19, therefore it is not envisaged they will be in place at the next election.

ATTACHMENTS

- 1) Council resolution of 22 February 2022. [↓](#)

COUNCILLORS ROOM

Nil.

TABLED DOCUMENTS

Nil.

MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022

NOTICE OF MOTION

ITEM NO. 8

FILE NO: 22/46131

EDRMS NO: PSC2021-04195

ELECTION REPORT

COUNCILLOR: GIACOMO ARNOTT

THAT COUNCIL:

- 1) Acknowledges the 2021 Council Elections were held on 4 December 2021.
- 2) Agrees to prepare a report for submission to the NSW Electoral Commission, the State Member for Port Stephens, the Minister for Local Government and the Shadow Minister for Local Government.
- 3) Writes to all candidates at that Election inviting them to provide submissions to the Council on:
 - a. What worked well
 - b. What did not work well
 - c. What could be done better
 - d. What could be done differently
 - e. Anything else they wish to comment on in relation to the Election.
- 4) Request the General Manager prepare a report for consideration by Council following receipt of the responses from the candidates.

**ORDINARY COUNCIL MEETING - 22 FEBRUARY 2022
MOTION**

061	<p>Councillor Giacomo Arnott Councillor Peter Francis</p> <p>It was resolved that Council:</p> <ol style="list-style-type: none">1) Acknowledges the 2021 Council Elections were held on 4 December 2021.2) Agrees to prepare a report for submission to the NSW Electoral Commission, the State Member for Port Stephens, the Minister for Local Government and the Shadow Minister for Local Government.3) Writes to all candidates at that Election inviting them to provide submissions to the Council on:<ol style="list-style-type: none">a. What worked wellb. What did not work well
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MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022

	<ul style="list-style-type: none">c. What could be done betterd. What could be done differentlye. Anything else they wish to comment on in relation to the Election. <p>4) Request the General Manager prepare a report for consideration by Council following receipt of the responses from the candidates.</p>
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Councillor Matthew Bailey left the meeting at 9:20pm.
Councillor Matthew Bailey returned to the meeting at 9:23pm.

The motion was carried.

BACKGROUND REPORT OF: TONY WICKHAM – GOVERNANCE SECTION MANAGER

BACKGROUND

The Port Stephens Council local government election was held on Saturday 4 December 2021.

A total of 36 candidates (Mayoral – 2, East Ward – 11, Central Ward – 13 and West Ward – 10) nominated for the 2021 election in Port Stephens.

Pursuant to section 393AA of the Local Government Act 1993, the NSW Electoral Commissioner is required to provide the Minister with a report on the conduct of the election within 6 months after the election day.

The report is required to include, but not limited to:

- (a) the names of the areas whose elections were conducted by the Electoral Commissioner
- (b) details of the declared results in those elections
- (c) details of any requests for recounts of ballot-papers in those elections
- (d) details of any proceedings commenced in a court or tribunal relating to those elections
- (e) any recommendations by the Electoral Commissioner to the Minister regarding changes to the Act or this Regulation relating to the conduct of elections.

In addition to the above, the NSW Electoral Commission also surveys all candidates, general managers of the councils and the Commission's employees on the election process to inform the report.

MINUTES ORDINARY COUNCIL - 22 FEBRUARY 2022

FINANCIAL/RESOURCE IMPLICATIONS

Source of Funds	Yes/No	Funding (\$)	Comment
Existing budget	No		
Reserve Funds	No		
Developer Contributions (\$7.11)	No		
External Grants	No		
Other	No		

ATTACHMENTS

Nil.