

Brewarrina Shire Council by-election

19 August 2017



Report on the conduct of the election

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ELECTION TIMETABLE

Activity	Date
Local Government expenditure period commenced	Thursday, 29 June 2017
Registration for candidates, third-party campaigners and official agents opened	Monday, 10 July 2017
Close of authorised rolls*	Monday, 10 July 2017, 6pm
Close of nominations	Wednesday, 19 July 2017, 12noon
Final date for registration of candidates	Wednesday, 19 July 2017, 12noon
Final date for registration of third-party campaigners	Friday, 11 August 2017
Local government expenditure period ended	Saturday, 19 August 2017
Registration of electoral material commenced	As this election was uncontested, these activities were not undertaken.
Pre-poll voting commenced	
Registration of electoral material closed	
Postal voting applications closed	
Declared Institution voting commenced	
Pre-poll voting finished	
Declared Institution voting concluded	
Election day	
Return of postal votes closed	
Distribution of preferences	
Declaration of the poll	

* For nominations and roll printing purposes.

FOREWORD

I am pleased to present the NSW Electoral Commission's report on the conduct of the Brewarrina Shire Council Local Government by-election.

The intended date for this by-election was Saturday, 19 August 2017. As only one candidate was nominated the poll was declared uncontested and the candidate elected at the close of nominations on Wednesday, 19th July 2017 was Michael HERTSLET (Independent).



John Schmidt
Electoral Commissioner
15 February 2018

OVERVIEW

By-election outcome

As only one candidate was nominated the poll was declared uncontested and the candidate elected at the close of nominations on Wednesday, 19th July 2017 was Michael HERTSLET (Independent).

Candidates standing for election

Candidate name	Party affiliation
HERTSLET, Michael	Independent

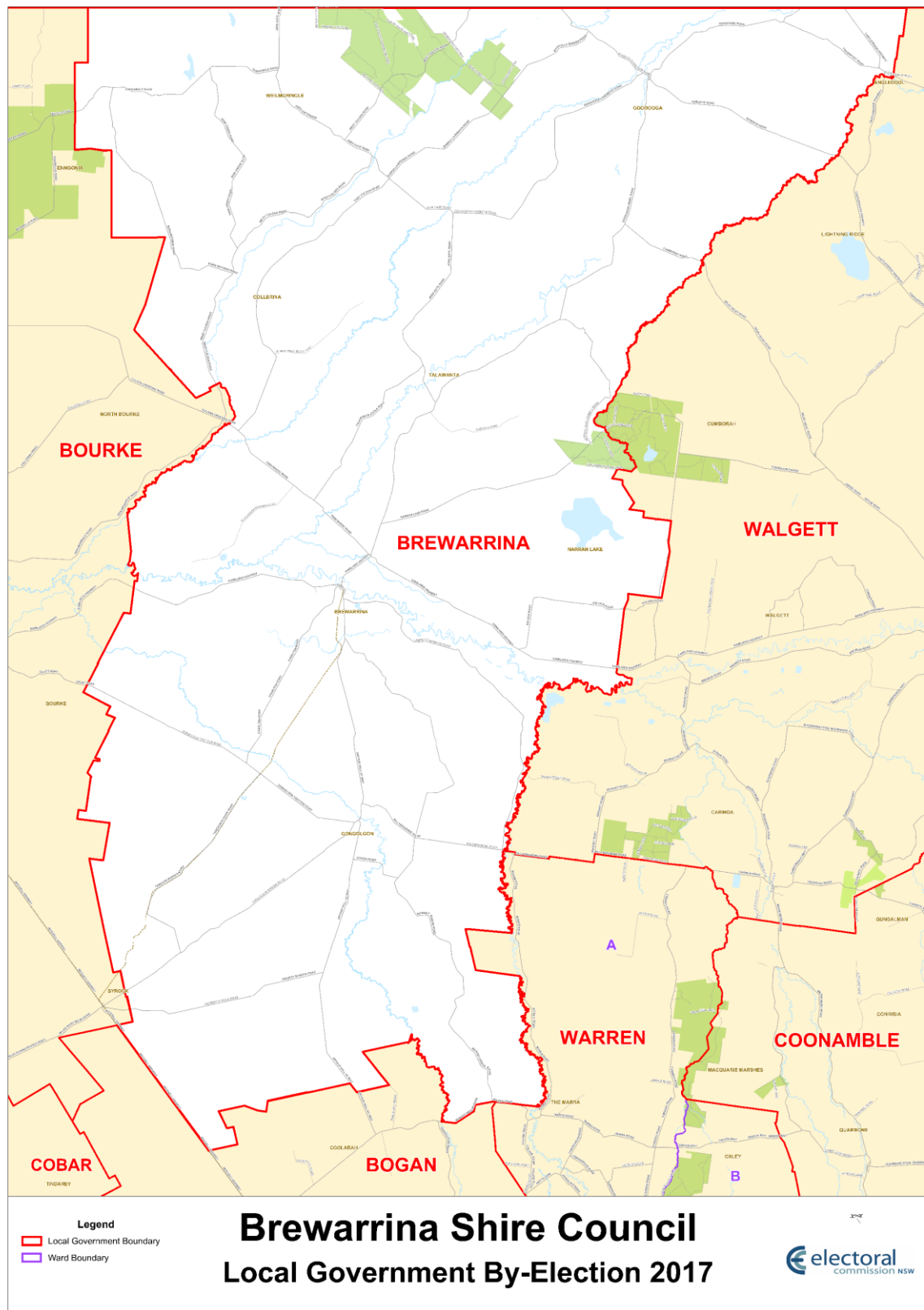
Cost data

Cost of by-election	\$4,715
Cost per elector	\$4.95

BY-ELECTION SUMMARY

Enrolment	
Total electors	953
Candidates	
Total candidates	1

BREWARRINA SHIRE COUNCIL



CONDUCT OF THE ELECTION

Background

Brewarrina Shire Council is an undivided council with nine councillors.

Performance

The service standards in the 2014-16 NSWEC Election Service Charter were applied to the Brewarrina Shire Council by-election. In short, the NSWEC undertakes to:

- foster participation in the democratic process
- provide seamless service delivery
- be customer focussed and commercially minded
- be innovative and fast adaptors.

The Service Charter can be found at Appendix A.

Comparisons to 2016 Local Government elections

Comparative data on key indicators for the Brewarrina Shire Council in the 2017 by-election and the 2016 ordinary election.

Voter Participation		
	2016 election	2017 By-election
Total electors	957	953
Formal votes	585	N/A
Informal votes	22	N/A
Total votes	607	N/A
Voter turnout	65.1%	N/A
Informality	3.6%	N/A
Election officials	3	N/A
Cost per elector	\$18.07	\$4.95

Communications

Advertising

The 2017 Local Government by-election advertising campaign for Brewarrina Shire Council consisted of council specific statutory advertisements and non-statutory advertising. Non-statutory advertising included information about registering as a third-party campaigner or candidate under the *Election Funding, Expenditure and Disclosures Act 1981* (EFED Act).

Statutory campaign

Prior to the election the NSWEC consulted with Brewarrina Shire Council to determine in which local newspapers the statutory advertisements, required under the legislation, were to be placed and the frequency of those placements.

Items covered in the statutory advertisements included:

- enrolment on residential and non-residential rolls
- nomination information
- election results.

Reproductions of these advertisements, and details of their placement in newspapers, can be viewed at Appendices B-D.

Social media

The NSWEC utilised social media to raise awareness of the election and communicate the responsibilities of political participants.

There was one Facebook post and one tweet published for the by-election covering the topics of:

- nominations
- the announcement of candidates

The Facebook post and tweet are shown on the following page. They were viewed a total of 1,043 times.



Direct communications with political participants

Direct communications to the candidate, including in his capacity as his own official agent, were made for the by-election using email and letters. The direct communications covered the topics of:

- confirmation of candidate registration
- advice to the nominated candidate about the requirements to appoint an official agent
- confirmation of official agent registration
- advice to official agent on the rules for managing the election campaign finances of candidates and third-party campaigners.

Website

A NSWEC website was specifically setup for the by-election for stakeholders to source information on:

- the election timetable
- election employment opportunities
- enrolment requirements and online enrolment confirmation
- methods for voting
- political parties
- nomination and registration of candidates, third-party campaigners and donors
- political donations
- list of nominated candidates
- polling place lookup facility
- election results.

An enrolment search facility on the NSWEC website was available to assist electors to verify their enrolment information.

Brewarrina Shire Council provided a link on its website to the NSWEC site.

Registrations

Registrations for third-party campaigners opened on Monday, 10 July 2017.

One candidate was registered under the EFED Act for the by-election. No candidates applied to be registered before the close of nominations as required by the EFED Act. One official agent was appointed as required under the EFED Act.

There were no third-party campaigners registered for the by-election. Following the declaration of the polls, we advised the elected candidate of his obligations under the EFED Act as an elected member. The elected member was designated by the NSWEC as his own official agent (as an elected member) and has an obligation to disclose on an annual basis (during his term as a councillor) any political donations made or received and electoral expenditure incurred.

Nominations

Nominations closed at noon on Wednesday, 19 July 2017.

One nomination was received by close of nominations.

For the nomination to be accepted by the Returning Officer, the candidate was required to complete a nomination form and a Candidate Information Sheet. The candidate was also required to submit a statistics form and pay a nomination deposit of \$125 to the Returning Officer.

The nomination deposit was refunded to the candidate as the election was uncontested.

Rolls

Residential roll

In New South Wales, enrolment and voting are compulsory at all Federal, State and Local Government elections. The New South Wales electoral roll is managed by the NSWEC in conjunction with the Australian Electoral Commission.

Legislation provides that for Local Government elections the electoral roll closes on the 40th day before the day of the election. Any person who was on the roll when it closed at 6pm on Monday, 10 July 2017 would have been required to vote had the election been contested.

There were 953 electors on the residential electoral roll for Brewarrina Shire Council. This was a decrease of four electors from the number on the roll for the Local Government Ordinary Elections in September 2016.

Non-residential roll

The non-residential roll is comprised of the roll of non-residential electors and the roll of occupiers and rate-paying lessees. The non-residential roll lapses after each election. Inclusion on the non-residential roll of electors is available to electors who pay rates to the council on property they own but do not occupy, as well as people who occupy or lease property. Under the *Local Government Act 1993*, the council's General Manager is responsible for compiling and maintaining the non-residential roll of electors.

There were no electors on the non-residential roll for Brewarrina Shire Council for the 2017 by-election.

SERVICES TO CANDIDATES AND POLITICAL PARTIES

Candidate information

A candidate information presentation was available on the NSWEC website to assist prospective candidates in their preparation for the election.

The presentation provided prospective candidates with the opportunity to familiarise themselves with the candidate process. Major topics covered in the presentation include:

- the election timetable
- candidate eligibility criteria and how to nominate
- groups of candidates and political party names on ballot papers
- campaigning (election advertising, 'how-to-vote' material and public scrutiny of candidates)
- complaints handling by NSWEC
- voting and counting ballot papers
- scrutineers
- election funding obligations.

The NSWEC *Handbook for Parties, Groups, Candidates and Scrutineers*, which outlines relevant electoral processes and procedures for local government elections, was also made available to stakeholders.

Information about election processes and election campaign finance rules was also provided to candidates, political parties and others who made telephone or email enquiries.

A fact sheet for local government by-elections was published on the website to support candidates and other political participants understand the requirements for managing political donations and electoral expenditure.

How-to-vote material

As the election was uncontested there was no electoral material registered for the by-election.

ELECTORAL STAFFING

Returning Officer

The Returning Officer had a number of responsibilities central to the running of the election, including:

- set up and decommissioning of a temporary office

- dealing with enquiries and complaints from candidates and the public
- processing candidate nominations
- declaring the result of the election.

Returning Officer Support Officer

A Returning Officer Support Officer (ROSO) was appointed in order to provide support to the Returning Officer on electoral matters and procedures in the conduct of the election.

Staffing

Staffing is a significant cost for elections and, as such, the NSWEC recognises the importance of accurately predicting the number of required staff while taking into consideration the associated costs without compromising the level of service to electors. For this by-election, staff were only required to set up and subsequently pack up the Returning Officer's office. Further activities, such as distributing and counting the votes were not undertaken.

ELECTION COSTS

Councils are required to meet the costs of conducting their elections. While the NSW Government does not provide direct funding for local government elections, some NSWEC services required for local government elections, such as enrolment and non-voting services, are provided by the NSWEC at no cost. It should also be noted that services provided to candidates, political parties and others regarding the requirements of the EFED Act are provided by the NSWEC at no cost.

Key cost drivers for the election included:

- election officials wages
- office accommodation for the Returning Officer
- information and technology support
- number of electors in council area
- newspaper and elector brochure advertising
- printing/materials for polling places.

The final cost of NSWEC conducting the election was \$4,715 (GST exclusive).

This was made up of election staffing \$2,935; other miscellaneous items \$1,260 and election management fee \$520. The cost per elector was \$4.95.

APPENDICES

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Appendix A: NSWEC Election Service Charter 2014-16

Goal 1 - Foster participation in the democratic process

To be achieved by:

- Conducting impartial and fair elections in accordance with the law
- Providing services and information to enable all election participants to participate fully including communities with historically lower participation rates
- Communicating election information in ways that encourage awareness and engagement
- Supporting events and activities that encourage participation in democracy

Success measured by:

- Election participants report conduct of election as impartial and fair and without barriers to participation
- Election participation equals or exceeds prior election levels
- Formality rates equal or exceed prior election levels
- There are no Court challenges to declared results

Goal 2 - Provide seamless service delivery

To be achieved by:

- Providing comprehensive services including:
 - information services
 - enrolment services
 - voting options including pre-poll and technology enabled voting
 - location and accessibility of polling places
 - services to assist those with particular needs
 - responsibilities and entitlements of candidates, groups and political parties including funding and disclosure requirements
- Providing efficient services to meet needs of participants according to legislative mandate
- Providing election services in timely, efficient and professional manner

Success measured by:

- Stakeholders feel well informed about election events
- Election participants report satisfaction with the NSWEC's electoral services

Goal 3 - Be customer focussed and commercially minded

To be achieved by:

- Understanding the needs of our stakeholders and users of our election services through liaison, consultation and structured feedback
- Ensuring elections are provided on a competitive basis
- Delivering well organised, reliable and quality elections

Success measured by:

- Participants report satisfaction with NSWEC's services and election staff
- Those entities using the NSWEC to conduct elections report satisfaction with services provided and see these are representing value (Note this is not applicable in the case of State Government elections and by-elections, which must be conducted by the NSWEC.)
- Costs of providing elections are recovered (Note this is not applicable in the case of State Government elections and by-elections.)
- The NSWEC actively seeks feedback on its services

Goal 4 - Be innovative and fast adaptors

To be achieved by

- Utilising new technologies to increase convenience for those participating in elections within the legislative mandate while maintaining integrity of the election and security of information
- Review developments in election services and funding and disclosure across Australia and internationally for possible application to NSW

Success measured by:

- The NSWEC is seen as seeking to adapt its services, within legislative requirements, to meet participants' needs
- The NSWEC advises Government of innovations that will strengthen the democratic system and improve administration of elections

Appendix B: Brewarrina Shire Council by-election –enrolment advertisement



**BREWARRINA SHIRE COUNCIL
BY-ELECTION
SATURDAY, 19 AUGUST 2017
Enrol To Vote**

A by-election will be held in the Brewarrina Shire Council area on Saturday, 19 August 2017 to elect one councillor.

Non-residential Rolls

If you are an owner, rate-paying lessee, or occupier of rateable land which is not your primary residence, you or a nominee may be entitled to be enrolled on the roll of non-residential owners of rateable land or the roll of occupiers and rate-paying lessees for this election.

Details of the eligibility criteria and enrolment claim forms may be obtained from the Brewarrina Shire Council office at 57 Bathurst Street, Brewarrina NSW 2839; Phone (02) 6830 5100; Fax (02) 6839 2100; Website: www.brewarrina.nsw.gov.au, or will be forwarded to you upon request to the council.

The claim must be completed and lodged with the General Manager of Brewarrina Shire Council by **6pm Monday, 10 July 2017**.

If a claim for non-residential enrolment was made for a previous election, and you wish to claim enrolment for this election, you must re-apply.

Residential Roll

All electors enrolled on the Commonwealth/State electoral roll as at **6pm Monday, 10 July 2017** residing in Brewarrina Shire Council will be included on the roll for the election.

To check your enrolment details or to obtain a residential enrolment form visit www.elections.nsw.gov.au or call 1300 135 736. Enrolment forms are also available from any Australia Post office. Enrolment forms must be received by **6pm Monday, 10 July 2017**.

Voting in Local Government elections is compulsory for all electors included on the residential roll.

Information: www.elections.nsw.gov.au or 1300 135 736

For enquiries in languages other than English call our interpreting service on 13 14 50
For hearing and speech impaired enquiries, call us via the National Relay Service on 13 36 77

John Schmidt, Electoral Commissioner

Enrol

Bourke Western Herald

Thursday, 29 June 2017

Appendix C: Brewarrina Shire Council by-election – nominations and candidate registration advertisement



**BREWARRINA SHIRE COUNCIL
BY-ELECTION
SATURDAY, 19 AUGUST 2017**

A by-election will be held in the Brewarrina Shire Council area on Saturday, 19 August 2017 to elect one councillor.

Nominate as a candidate

If you intend to nominate as a candidate, it is important that you read this notice. As a candidate, you have certain obligations and responsibilities under law. Check the website www.elections.nsw.gov.au for further details.

How to nominate
To nominate for councillor, you must lodge a nomination form and \$125 nomination deposit by 12 noon Wednesday, 19 July 2017 with the council.

Candidate Information sheets: Every candidate is required to lodge the candidate information sheet which is included in the nomination form.

Where to get a nomination form
Nomination forms and other important nomination and electoral information are available from the council or the NSW Electoral Commission website: www.elections.nsw.gov.au.

Where and when to nominate
Your nomination form and deposit must be lodged at the council offices, 57 Bathurst Street, Brewarrina, during council business hours from Monday, 10 July 2017 to 12 noon Wednesday, 19 July 2017.

You must also register as a candidate for funding purposes

In addition to being nominated, candidates must be registered and have an official agent before accepting political donations or making payments for electoral expenditure.

The last date for registration is 12 noon, Wednesday, 19 July 2017. If you registered as a candidate for a previous election, you must reapply to be registered for this by-election. Nomination forms, registration forms, and the Handbook for Parties, Groups, Candidates and Scrutineers – Local Government elections are available from the Returning Officer or from the NSW Electoral Commission website.

Nomination enquiries should be directed to the Candidate Helpdesk: 1300 088 942 and registration enquiries to our funding and disclosure team on 1300 022 011.

**Candidate Information
Presentation**

A candidate information presentation can be found at www.elections.nsw.gov.au. As a candidate you will have legal obligations and responsibilities. The presentation covers:

- the election timetable, candidate nominations and registrations, election advertising and how-to-vote material, voting and formality, vote counting, scrutineering; and
- appointment of official agents, campaign accounts, political donations, campaign expenditure and disclosure obligations.

**Information: www.elections.nsw.gov.au or
1300 088 942**

For enquiries in languages other than English call our interpreting service on 13 14 50
For hearing and speech impaired enquiries, call us via the National Relay Service on 13 36 77

Nominations, Candidate seminar, Register as a candidate

Bourke Western Herald

Thursday, 6 July 2017

Appendix D: Brewarrina Shire Council by-election – declaration of poll advertisement



**BREWARRINA SHIRE COUNCIL
BY-ELECTION
SATURDAY, 19 AUGUST 2017
Declaration of Uncontested Election**

Election of one Councillor

As the number of candidates nominated for election as councillor is not greater than the number of councillors to be elected, I declare that

Michael Hertslet

is taken to be elected on and from Wednesday, 19 July 2017 as councillor until the next ordinary election of the Council in September 2020.

Deborah Bourke
Returning Officer
Wednesday, 19 July 2017

Declaration of poll - uncontested

Bourke Western Herald

Thursday, 27 July 2017