



## The 2012 Port Stephens Council Elections



### How Macka Stole Port Stephens

by TRRA Webmaster -----September 2012

#### ***This is how it happened:***

We all have to accept the result of the recent local government election for Port Stephens Council, but we don't have to like the process. Tomaree Ratepayers and Residents Association Incorporated (TRRA) believes it is important to put on record the process failures, and dubious tactics employed by some candidates.

We note that while most of the Tomaree peninsula (our catchment) is in PS Council's East ward, Anna Bay, Fishermans Bay and Bob's Farm are in Central ward. While most of this analysis relates to East ward (and the council-wide Mayoral election) reference is made in some places to the Central ward contest.

#### ***The Referendum: A separate Mayor, less Councillors:***

Many voters appeared confused by having a separate ballot for Mayor. At the previous Council elections in 2008, a referendum was put to voters to reduce the representation from four Councillors per Ward, with a Mayor elected from and by the Councillors, to three Councillors per Ward plus a popularly elected Mayor. The decision by the voters to pass this referendum has had major implications for the Port Stephens LGA. While the role of Mayor under the Local Government Act is the same, a popularly elected Mayor can claim a mandate for much more control, even in our case when failing to secure a majority of primary votes, and only winning by a narrow margin on preferences. The reduction from 4 to 3 councillors per ward also increased the quota, making it more difficult for independents, and making the final result more dependent on clever use of preferences.

#### ***A privatised election – a false economy?***





The decision by Council, ostensibly to save money, to arrange the election itself and outsource the conduct of the election to a private company, instead of using the NSW Electoral Commission has also affected the way that this election has been managed. The process got off to a rickety start with the Returning Officer being replaced at the last minute (and then again half way through). There was confused advice to Candidates about the nomination process, a general lack of adequately trained staff to answer questions or process the proliferation of paperwork required.

TRRA rang the Returning Officer after the nominations were closed to get contact details so that we could invite the nominees to our Candidates Forums, and were told that they had scanned the longhand documents directly onto their website because they did not have enough staff to type them out, and the contact details would be available a week or so later when they had caught up. Further phone calls resulted in a refusal to provide anything and we had to resort to the White Pages and Google to contact the candidates.

We were only trying to find the 'lead' Candidates for each group and some of them were anything but high profile, and when we could not find any trace of them in White Pages or Google, we began to wonder if they actually existed! However the RO insisted that he had seen their 100 points of identification. One thing that was for sure, we certainly had not seen them taking any interest in the proceedings at any of the many Council meetings that TRRA has attended in the last few years!

The decision to outsource the election process may have saved some money, but we think that in the end you get what you pay for. The lack of experienced booth officials resulted in a breakdown of discipline at some booths, particularly at the Pre-Poll Booth. The argy bargy and harassment of voters by supporters handing out How To Vote leaflets (HTVs), clearly within six metres of the door, and sometimes following them in the door of the booth was unfortunate, and gave rise to many complaints. This form of voting is clearly becoming more popular, and should be better controlled, but inadequate staffing was more than likely the cause of the problem.

The time taken to get a result was also a major issue, with the website showing confusing spreadsheets of results from booths not in the right Wards for 12 days after the election (the company had promised returns within 7 days, as a major selling point for their bid). The candidates were sent the results initially in an attachment that nobody could open until a second effort was made the next day.

There were also some questionable and inconsistent determinations made about the format of the HTVs, some of which did not contain all the names of the other

candidates (All election material has to follow the prescribed rules although only material used on election day had to be registered with the returning officer)

Some of the Candidates are discussing the possibility of a complaint about the conduct of the election including anomalies in the interpretation of the rules.

There is also talk of a complaint to the Election Funding Authority by some Candidates. Regrettably the election expense disclosures do not have to be made until September 2013, but it will be interesting to see if they are any more credible than some of those lodged for the 2008 election.

We acknowledge that the staff employed by the Australian Election Company did their best in difficult circumstances. However, TRRA questions whether, in retrospect, the decision to employ a private contractor was sensible – in terms of either the efficiency or the credibility of the election process.

**Detailed Statistical analysis of the PSC Council Election Results [HERE](#)**

### ***The Mayoral Race***



The Mayoral election was pretty straightforward. Bruce Mackenzie, Sally Dover and Geoff Dingle were standing for popularly elected Mayor as well as for ward councillors. The rules provided for the Mayoral position to be decided first, then the unsuccessful candidates could remain in the contest for the Councillor positions. This necessitated the Mayoral candidate groups having to run at least four contenders with a 'genuine' candidate in the second position because that person would become a Councillor if the Mayoral candidate of that group was successful.

The campaign kicked off with a large white A-frame sign being towed around by a white truck and parked for short periods in strategic locations. It did not have a candidate's name on it but a strategic leak to the '5th column' in the Port Stephens Examiner suggested that the message: "*I Am Running For Mayor Because, I Do Care About Getting Results*" <http://www.idocare.com.au/> was in fact a message from Bruce Mackenzie, and if you went on the internet, the link displayed took you to his website:

[http://www.mackaformayor.com.au/Macka\\_for\\_Mayor/Welcome.html](http://www.mackaformayor.com.au/Macka_for_Mayor/Welcome.html) (now taken down)



We will discuss the TRRA Candidate forums later in more detail, but the significance of them in relation to the Mayoral race was that Bruce Mackenzie stated to the TRRA Chair that: *"He would be getting reports on the first one and if it turned into a 'shit-fight' he would not attend any of them"*. His son (who was also his election agent) attended the first Forum, and even though it did not get out of hand at all, Mr Mackenzie did not attend any of the subsequent forums anyway.

The big story that came out of the first forum at Soldiers Point, attended by 200 people, was, that when asked in a question from the floor who she would be giving her preferences to, Sally Dover revealed that she would be supporting Mr Mackenzie. Former Mayor Bob Westbury, running in third position on Geoff Brown's ticket also revealed under questioning that he was also supporting Mr. Mackenzie *"because you have to support somebody don't you, what is wrong with that?"* Geoff Dingle's response to the same question was that he would not be directing any preferences, and that *"A vote 1 for Geoff Dingle is a vote for me, what you see is what you get, a vote for Sally is actually a vote for Macka"*. These revelations provoked strong reactions from the audience. They also prompted warnings from TRRA, eventually picked up in the Examiner, about the effect that preferences could have in subverting the intentions of voters, if they did not understand the underlying 'deals'.

Immediately prior to the formal campaign, Cllr Mackenzie publicly floated an old suggestion of a high-rise Casino resort on the Tomaree lodge site at Tomaree Headland (PS Examiner 21 June 2012). While this was not well received by the local community, and may have cost Mackenzie some votes, it may also have served a purpose of diverting attention away from media coverage of a controversial issue then in the news. This was the action of the last Council to resume land for access to a Stockton Bight sand mine in which Mr Mackenzie has an interest.

Immediately prior to the formal campaign, in an effort to divert attention away from newspaper headlines about his conflict with the Towers family in relation to the development of his sand mine (and the controversial and expensive action of the last Council to resume land to open the Stockton Bight Track for him to gain access to it), Mr Mackenzie revisited an old story in the Examiner. This was the old chestnut of building a high-rise Casino on the Tomaree lodge site on Tomaree Headland. That may have taken the heat out of the Stockton Bight

track issue, but it caused an adverse reaction in the letters pages, and judging by feedback at the booths, seems to have influenced many East Ward voters in the election.

Bruce Mackenzie not only declined to subject himself to any public scrutiny at the TRRA Candidate Forums but also refused to take part in a Mayoral forum on ABC local radio. He apparently told the producer that *"He could not stand being in the same room as Geoff Dingle,"* which does not bode well for the operation of the new Council. When questioned by the ABC presenter on this, Mr Dingle said *"that he would be prepared to work with whoever was elected to ensure Council was able to function correctly."*

Sally Dover did attend the first TRRA Forum, then complained in the Examiner that it was biased and negative about the performance of the former Council and that she did not get equal time with other candidates. She recanted on a promise to attend all the rest of the forums. When the video footage was reviewed after her complaint, it was found that she had spoken longer than any of the other candidates! She did go on the ABC radio show and talked about her ambition to be the first female Mayor of Port Stephens but did not support this ambition with a vision for what she hoped to achieve.

Geoff Dingle attended all the forums and answered all questions by TRRA and from the floor about the previous Council's performance and his role in it, and was well received by the audiences when he gave no-nonsense replies. For someone like Mr. Mackenzie, with more than 30 years on Council, often in controversial circumstances, to feel that he was under no compunction to be accountable to his constituents, but still hold himself out to become the popularly elected Mayor, and get away with it, says a lot about his style.

Full page ads were placed in the Examiner, a double sided colour pamphlet and later a four sided colour 'Macka for Mayor' production were distributed to all mailboxes, and the LGA was liberally sprinkled with his picture on posters sporting his grim smile. A flash mackaformayor website, and a FaceBook page with 467 friends were all part of the campaign, we suspect that Liberal party apparatchik and former Council aspirant Josh Hodges may have helped with this. Expenditure on these media will have been very substantial, and clearly far in excess of spending by other candidates – public disclosure of election expenses in late 2013 will prove very interesting



Probably the most revealing indication of the strategy employed by the Mackenzie-Dover alliance, was the quote used on his website and in the widely distributed, coloured election pamphlets:

*"He's got courage, he's got determination: all the qualities that a Mayor needs. He's been a very proactive Mayor and is very keen to see this place move forward."* Cllr. Sally Dover, Newcastle Morning Herald, 11 September 2010.

Preferences from Sally Dover's ballot papers were always likely to get Mackenzie over the line, and they did, although it is worth noting that more than half of the voters who gave her their first preference declined to follow her recommendation – more than half not expressing any preference and almost as many preferencing Geoff Dingle second as chose to follow Ms Dover's recommendation to preference Mackenzie.

The result of the mayoral ballot was Geoff Dingle polling 13,048 votes to Mackenzie's 13,667 in the primary count with Sally Dover on 11,001. Of the 40,581 votes cast 2,865 were declared informal, so the formal vote was 37,716. Sally Dover was excluded and her preferences were distributed. Despite her recommendation to preference Bruce Mackenzie, only 2465 ballot papers did so, with almost as many (2,185) preferencing Geoff Dingle. This still resulted in Bruce Mackenzie being declared Mayor with 51.43% of the vote and Geoff Dingle on 48.57%. Well done Sally and Bruce, preferences are the name of the game.!

***However, the mayoral ballot was only the first chapter in the saga of the 2012 election and the first part of a carefully thought out plan for "The Team to Achieve."***

# A Team To Achieve

As your Mayor, I can best achieve great things for our region with the support of a team of hard working Councillors. I ask you to support the appropriate ward candidate of your choice in your area from those shown below and follow their how to vote card on Election Day.

## Central Ward

**Steve Tucker, Bruce Mackenzie, Steve Hufnagl, Shirley O'Brien**

*"It is very satisfying to be part of a team when there is such a strong Mayor who supported me in working for you to make this a better place. His efforts have pulled our Council back up where it should be."* - Cr Steve Tucker



## West Ward

**Paul Le Mottee, Bruce Mackenzie, Ken Jordan**

*"He's by far and away, without a shadow of a doubt, the best mayor I've ever seen. He's definitely a person who says what he thinks, calls a spade a spade."* - Cr Ken Jordan



## East Ward

**John Morello, Bruce Mackenzie, Geoff Brown, Ron Swan**

*"I have no hesitation in backing Macka for Mayor because his achievements show I am backing a winner."* - Cr Geoff Brown



*(From Leaflet delivered to letterboxes throughout Pt Stephens)*

### **The Councillors Race - Cardboard Candidates.....?**

It was about this time that TRRA began to suspect that an organised move was afoot to influence the result of the election and consolidate power in the hands of Mayor Mackenzie and his faction if the strategy was successful.

When nominations closed on 8 August, 63 candidates had nominated for the 10 positions available. It soon became very clear that 35 of these candidates identified with the 'Team To Achieve', 'Macka for Mayor' faction. Despite the reluctance of some participants to reveal their allegiances, it was there for all to see on the 'Macka for Mayor' website, and subsequently in the four page 'Team To Achieve' colour brochure, with the would be Mayor, pictured in posed colour photographs with his various 'teams', which bizarrely included six candidates leading their own groups, with no indication to voters other than in HTVs as to any affiliation with the Mackenzie 'team'. Bruce Mackenzie was obviously keen

to project the image of a unified team even if some members of the team were not. An interesting question, to which we may never get an answer, is who was footing the bills for election materials for all these related groups? The 'Macka For Mayor' logo seemed to be on everything!

### ***East Ward Shenanigans And Preference Deals***

Booth workers on election day commented on the strange behaviour of 'Team to Achieve' supporters handing out 'How To Vote' (HTV) leaflets, with the 'Macka for Mayor' logo which was on the right side of the pamphlets folded under so that it was not visible until the pamphlet was opened right out. A number of them were noticed deliberately doing this including Ron Swan and Geoff Brown themselves. We are not sure of the significance of this but they were all observed doing it at a number of booths.



The antics of former mayor Ron Swan in the election campaign seemed somewhat confused. On the pre-poll booth in Nelson Bay, and on other booths on election day, Swan appeared in full highland kilt regalia, complete with sporrán and dirk shoved in his sock and was a sight to be seen. He seemed to be more interested in promoting the 'Clans On The Coast' festival rather than talking about the Council election. When TRRA rang him to get an email address and invite him to attend our TRRA 'Candidate Forums' he stated that he had no interest in standing for the elections and was too busy with organising his 'Clans on the Coast' and a Police cadets function. He said he would not have time to attend anything to do with the election. He also stated that *"I had no interest in standing for Council, but a bunch of blokes turned up at my place on Tuesday, just before nominations closed, waving some papers around and told me to just sign them and they would fix everything up!"* We can only assume that this is how some other candidates ended up on 'The Team To Achieve' – while appearing to uninformed electors to be standing independently.

Other candidates contacted by TRRA were less forthcoming about their motives but extremely vague when asked if they would be attending the Forums. Most said that they would get back to us (they obviously had to 'check with the Mother Ship' before committing to anything.) This was in contrast to the genuine

Independent and Greens Candidates who had heard about the Forums in the press and were contacting TRRA, wanting to present themselves to electors.

Geoff Brown's role was an interesting, if subversive one. He heard that Colin Howard was running and spoke to him about joining his campaign. He indicated that his involvement with the local Radio Station bay FM would be an advantage. Colin invited him to be No. 2 on his ticket, he attended the original meetings of this group and was privy to most of the information about Colin's campaign strategy. Colin announced his team to the Examiner and was almost immediately informed by Geoff Brown that he had changed his mind, and that he would be standing as the lead candidate of his own group in East Ward, against Colin. A little later Geoff Brown appeared in a photo with Bruce Mackenzie on the 'Team To Achieve' website, with the quote *"I have no hesitation in backing Macka for Mayor because his achievements show that I am backing a winner"*. We can only conclude that the Mackenzie 'Achievers' team must have been worried about the prospect of a Colin Howard success in East Ward. Even though they must have been pretty sure that John Nell and Sally Dover would be re-elected, they ran the reluctant Ron Swan, Geoff Brown and John Morello as separate Groups (but all preferencing each other), against him, splitting the vote for the third East Ward position between four 'independent' groups and the Greens. With the three 'Achiever' groups and Sally Dover, all preferencing each other, the fix was in, and the intelligence gained by the infiltration was used to inflict maximum damage.



TRRA contacted John Morello by phone to invite him to the Forums. He gave an email address but did not respond to our invitation. We tried several times to contact him by phone and were eventually told by his secretary that he would not be available for the Soldiers Point forum. This seemed odd behaviour for someone wanting to get publicity for a first time election campaign. However it became clear that with a large billboard painted right along the side of a semitrailer, a large array of coloured corflutes, a full page ad in the Examiner and an army of young people handing out HTVs, (all of his material carrying the 'Macka for Mayor' logo) he, like the other 'Team to Achieve'

candidates, did not really need to present before residents concerned enough to attend public meetings.

In the end, preferences from the other 'Achievers' sealed the deal while Morello was 29 votes behind Howard in the primary vote Morello won the third East Ward Councillor position 2051 to 1641, 410 votes ahead after preferences were distributed. Preferences are clearly effective, even if most voters would have been completely unaware of the orchestrated nature of the Mackenzie team campaign.

It would have been very interesting if some of these 'Cardboard Candidates,' as we have dubbed them, had actually come out from behind their cardboard pictures and presented themselves to the community for scrutiny and appraisal by the electorate at the Forums that TRRA provided. It is one thing to place large press adverts with the Macka for Mayor logo on the bottom and promise to look after: roads, cycle ways, footpaths, local businesses, youth, aged, tourism, sustainable development, recreational and sporting facilities, and faster Council processing times, as Mr Morello did (the Mother of all motherhood statements, he certainly did not miss anything!) It is another to actually stand up and explain why the previous Council did not do all those things properly, why you think that you can, and how it will be paid for. To possibly have to face a few straight questions and provide some answers was obviously not considered necessary by these people. A good head to head debate on current Council issues between Colin Howard and John Morello, Ron Swan, Geoff Brown and the Greens candidate Nathan Warburton could have been very revealing.

A public debate between the incumbent Councillors running for re-election – John Nell and Sally Dover, about what went wrong in the previous Council would also have helped. Questions about who was preferencing who would have been enlightening (as they were at the Soldiers Point Forum in the context of the mayoral contest). In the period before the election, TRRA did not see any of the apparently independent candidates who were actually members of the Mackenzie team attending Council meetings, addressing public meetings or even writing letters to the media, unlike genuine independents Howard and McEachern, and the Greens Warburton and Spiller. Voters were left with very little information about who the new candidates were or what they stood for.

Colin Howard had been active in the Soldiers Point area and was involved in setting up a Community Group in response to the proposed Marina expansion there. He gave presentations to TRRA on that issue, wrote a number of letters to the Examiner and attended both of the Tomaree Peninsula Forums. He had attended some Council meetings and held his ground well with the incumbent Councillors at the Soldiers Point Forum in front of 200 people. He produced and circulated a 'broadsheet' which covered all the major hot button issues confronting the last term of Council, it contained information and articles on local projects and newspaper clippings on controversial matters involving Council.

These materials offered criticism of the status quo and solutions rather than just motherhood statements. Similarly, Nathan Warburton and Caitlin Spiller, leading the Greens groups in East and Central wards respectively, promoted the Greens election platform in a letterbox leaflet and in media releases, and attended the Candidates Forums in the wards in which they were running.

### ***The TRRA Meet The Candidate Forums***

The TRRA Forums, held at Soldiers Point, Anna Bay, Medowie and Tanilba Bay (the last three in conjunction with local community groups) were designed to introduce the Candidates to their constituents and expose them to the questions that came from those voters, from TRRA meetings, in emails to us, letters, through our website and developed by our Committee. Despite criticisms of bias from some candidates, video recording proves that the Forums were conducted fairly and with equal opportunity for all candidates attending to state their case. A digital timer on a screen visible to all was part of the presentation. TRRA does not resile from the pre-prepared questions which were put to candidates, including critical questions about the last Council's performance – if some of the sitting Councillors chose to see this as biased, that is their choice – TRRA stands by its objective of holding existing Councillors to account, as well as asking both them and new candidates about their vision for the future. We note that sitting Councillor Geoff Dingle was prepared to answer all questions put to him about the Council's past performance, at all four forums

***TRRA published a wrap-up of the Forums on our website [the week before the election: HERE](#)***

We still don't know what frightened the other Candidates off. The stock questions that TRRA asked at all the forums, about the performance of the last Council were;

- 1) **Financial Performance of PSC, \$5 mill. Underlying Deficit, etc.**
- 2) **Planning Decisions Taken against Council Staff, & State Govt. Recommendations.**
- 3) **PSC Response to 36 Recommendations from DLG Review of Council. (Department of Local Govt.)**
- 4) **Excessive Litigation Costs generated by PSC.**
- 5) **Closed Meetings and Transparency of Decisions taken.**



- All Questions were Sourced from Council Documents, DLG Review of PSC, PSC Customer Satisfaction Survey, PSC Annual Accounts, PSC End Of Term Review.
- We see these Questions as being quite appropriate for Ratepayers to have the answers to when they evaluate Candidates to represent them
- Obviously these 'No Show' Candidates, particularly the previous Councillors, do not see themselves as having any obligation to be held accountable to the community that they say they seek to represent.
- They showed absolutely no respect for their 355 constituents that attended the forums to hear them speak on a cold winter's night.
- To accuse the TRRA of bias in the Examiner, when we went to so much trouble to make sure each speaker got the same questions, the same ability to comment, and digitally timed the answers just shows how arrogant they really can be. A perfect example of the 'Born to Rule' syndrome. (All forums were Video Recorded for accuracy, we DO know what actually happened!)
- We can only hope that TRRA has achieved some of its objective of seeking to expose ALL Candidates to some public scrutiny and that the voters will make an informed choice.
- We can only note that Geoff Dingle fronted up to all 4 Forums as a two term Councillor. He answered all the above questions in a direct and forthright manner and his explanations were well received by the public.
- Sally Dover and Bob Westbury behaved in a very defensive manner, revealed their allegiances to Bruce Mackenzie and the audience reacted accordingly. They then tried to 'shoot the messenger' by attacking the integrity of the TRRA and used that and the 'incident' outside the hall at Anna Bay as an excuse to avoid attending any more of the Forums, despite Sally Dover's email committing herself to all four..
- If the questions were as negative and biased as they say, how come Dingle is not missing a lot of skin as well, and why did he keep coming?
- The 'new' candidates who turned up, took full advantage of the opportunity provided by the Forums to get some exposure, got a free

kick, and were also well received by the public. We thank them for 'Having a go,' think most of them have a lot of potential and wish them the best of luck.

- Macka, we do think you were hiding all your 'Team to Achieve' from TRRA, you were obviously hiding from the ABC discussion with Aaron Kearney on Monday morning as well. This 'keep a low profile' stuff seems very unusual for you, why are you so keen to avoid any questions before the election?
- Here's another question that we would like to have asked you, Geoff Dingle said that he was prepared to work with anyone, including you in a new Council, If as you have stated, you can't stand being in the same room with him, how is that going to work? Back to the bad old days? I don't think we want to go there. Please make this clear before the election.
- Voters, please **take care who you give your preferences to** and how you assign them if you decide to do it yourself. **Make sure you know who is going to end up with your vote.** The future of this great place we live in, that we all love, is in your hands, don't blow it!

*Further detailed reports are available by clicking on the links below:*

### **'Meet The Candidate' Forums**

Soldiers Point Bowling Club at 7:00pm on Monday 20 August, [\*\*REPORT\*\*](#)

Anna Bay Birubi Community Hall at 7:00pm Wed 22 August, [\*\*REPORT\*\*](#)

Medowie Community Hall at 7:00pm Monday 27 August, [\*\*REPORT\*\*](#)

Tilligery RSL Sports Club, Tanilba Bay at 7:00pm Wed 29 August [\*\*REPORT\*\*](#)

Report on first Meeting of new PSC Council 25 September 2012 [\*\*REPORT\*\*](#)

*TRRA is apolitical and does not support any individual candidate in this election. We do however reserve the right to hold Past, Present and Future Candidates to account for what they do with our resources.*

