

STATE BY-ELECTION REPORT



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Contents

Overview	3
Results	10
First preference votes by candidate	10
Two candidate and two party preferred results	10
Voter turnout and informal votes at New South Wales by-elections – 2001 to 2008	
Formal pre-poll votes as a percentage of total formal votes at New South Wales by-elections – 2001 to 2008	
Formal postal votes as a percentage of total formal votes at New South Wales by-elections – 2001 to 2008	12
Composition of the Legislative Assembly following the 2008 by-elections	12
First preference votes polled for each candidate by polling place	13
Distribution of preferences results	14
The district at a glance	15
Background information	16
Services to electors	20
Services to registered political parties and candidates	29
Services to media	33
The role of the New South Wales Electoral Commission	35
Counting of votes and declaration of the poll	36
Appendix I	37
Advertisements placed as part of the advertising campaign	38
Appendix 2	39
Elector brochure	39
Appendix 3	40
Ballot paper	40

This Report provides information on the conduct, administration and results of the by-election held in the Lakemba District on 18 October 2008.

Following the resignation of the Hon John Watkins MP on 12 September 2008, the Hon Reba Meagher MP on 17 September 2008, and the Hon Morris lemma MP on 19 September 2008, Writs were issued on 22 September 2008 for by-elections to be held in the districts of Ryde, Cabramatta and Lakemba on 18 October 2008, the date on which the by-election for Port Macquarie was to be held, following the resignation of the Hon Rob Oakeshott MP on 13 August 2008.

Challenges

Timeframe

The short timeframe to undertake all necessary arrangements for these four by-elections which included appointing staff, finding suitable office premises for the Returning Officer as well as suitable polling places and printing ballot papers to enable postal voting and pre-poll voting to commence on Monday 29 September 2008, presented a challenge for the New South Wales Electoral Commission (NSWEC) as the statewide Local Government elections, held on 13 September 2008, were still being finalised.

Election venues

Securing appropriate premises for the Returning Officer's office can be a difficult task given the short-term nature of the lease, the requirement for sufficient space to conduct pre-poll voting, store stationery, materials and cardboard furniture and for the office to be in a convenient location.

While Returning Officers attempt to secure the same venues as polling places that are used at Federal, State and Local Government elections this is not always possible. The NSWEC does not own any facilities and therefore relies on venues which meet its needs being available.

It would appear from comments made by some electors that this fact may not be understood. The view seems to be that because a venue has been a polling place at a previous election, it will always remain a polling place in a particular district. Although each elector was sent an elector brochure listing the polling places in the district, a number of electors referred to not being able to vote at their 'usual' polling place. Consideration may need to be given to this aspect in the advertising campaigns run by the NSWEC prior to elections.

Another difficulty in organising venues for the 18 October by-elections, was the fact that schools were on holiday at the end of September and beginning of October, and this had an impact on finalising arrangements. Moreover, in many instances, voting occurs in school halls and the timing of these by-elections coincided with the running of the HSC, which meant halls were already set up for exams to be held and some schools were not keen for this set-up to be disturbed.

The NSWEC is also mindful when selecting Returning Officers' offices and polling places of the need for these locations to be easily accessible for the elderly, those with disabilities or people with prams or strollers. Unfortunately, it is not always possible to find such premises available in the market within the timeframe that also meet the floor space requirements.

Hospitals and declared institutions

Under section 87A of the Parliamentary Electorates and Elections Act 1912 (the Act), hospitals or similar institutions can be appointed as polling places and operate on election day using mobile facilities.

Similarly the Electoral Commissioner has the power to appoint nursing homes, retirement villages and like facilities as declared institutions, which are visited by election officials on the Monday, Tuesday or Wednesday in the week of the election.

While it is important to ensure people are given every opportunity to vote, the use of these facilities raises a number of challenges. In the case of hospitals there is the issue of infection control, particularly in relation to election officials taking votes, and the wellbeing of the patients. Consequently, in some institutions voting opportunities may be limited by hospital administrators.

In the case of declared institutions there is a difficulty in identifying all such facilities in a district, and then it is up to individual managers of these facilities to agree to visits by election officials. The imposition on residents who may be frail or unwell needs also to be considered. Duplication of votes can also be an issue. This occurs where a person casts a vote with the election officials visiting the facility but then completes a postal vote previously applied for or is taken by a relative to vote in person on election day.

Postal vote applications by parties

Another issue raised in relation to postal voting was the applications used by the registered political parties and/or candidates. Many electors thought that this material had come from the NSWEC. Moreover, where applications had a contact number for the party or candidate, some electors rang this number in the mistaken belief that they were ringing the NSWEC enquiry service. They were then directed to the NSWEC enquiry service where they often expressed surprise that they had received and/or completed an application for a postal vote that had been provided by the parties or candidates. It would be helpful if parties and candidates explained that the telephone number is the party/candidate contact and include the NSWEC number for election enquiries.

Electoral material

Although the NSWEC conducted information seminars for candidates and details were available on the website, there were a number of instances of electoral material being displayed or distributed on election day not complying with the legislative requirements. This included content in the electoral material contrary to the instructions on the ballot paper and lack of authorisation details on posters.

The NSWEC received a query on election day in relation to how-to-vote cards that were distributed in the Lakemba District. The how-to-vote cards of one party did not explicitly direct electors to vote 1 for its candidate. Rather the how-to-vote card suggested that if the elector was thinking of voting 1 for another party contesting the election then the elector should direct their second preference to the party whose how-to-vote card it was.

The question was whether this how-to-vote card should have been registered as it did not direct a first preference to its candidate as required under section 151G(8)(c)(ii) of the Act. The view of the NSWEC was that the how-to-vote card was able to be registered as the wording did not actually direct a first preference to a candidate other than the party's endorsed candidate, but suggested merely that if an elector was going to vote 1 for another candidate, the elector should give his or her second preference to its candidate.

Another issue which arose in all four districts was the placement of posters and the canvassing of votes by candidates and/or party workers at pre-poll locations. The Act was amended in 2006 to impose limits at polling places on election day within which posters could not be placed and canvassing for votes could not occur. The rationale for this amendment was to enable electors to make their way easily into polling places. This restriction does not currently apply to pre-poll locations and a number of complaints from electors were made that either access was impeded by posters or behaviour by party workers was felt to be overly enthusiastic.

Regulation is also required to prevent electoral material being placed in close proximity to pre-poll locations to ensure that no perception of bias or advantage towards a particular party or candidate is given.

The NSWEC will recommend an amendment to the Act to regulate electoral material at pre-poll locations consistent with the requirements at polling places on election day.

Impact of recent Local Government elections

Despite the advertising campaign conducted by the NSWEC and the elector brochure sent to all those enrolled in the district, there was a degree of confusion expressed by people attending pre-poll locations or polling places as to whether they were required to vote. This may have been because of the recent Local Government elections and people assuming the boundaries for the State district were the same for the Local Government area.

It is also important for those working on behalf of parties and candidates that they clarify the actual boundaries of the district in which they letter-box candidate information. Many of those who attended to vote, only to find they were not in the district, stated that they had received party or candidate information in their letter-boxes and that this was what prompted them to attend a pre-poll office or polling place.

Improvements

NSWEC website

Refinements were made to the computer software application, introduced at the 2007 State election, to automate many of the routine tasks otherwise performed by election officials. The most significant change was the online registration of prospective staff where previous experience could also be captured which assisted Returning Officers in making informed decisions when employing staff.

Election officials who had worked or registered to work at the 2008 Local Government elections were contacted by email or SMS and invited to access the Expression of Interest (EoI) website to apply for a position to work as an election official or office assistant at the by-election. The Returning Officer was then able to access the details of prospective staff to make offers of employment by phone or email, and applicants were able to access their EoI to check for offers of employment. If an offer had been made the person could see what position they had been offered and where it was located. They could also accept or decline the offer; and if they accepted, enter bank, tax and superannuation details for payment. The implementation of this system means that the entire employment process is now undertaken online.

Reduction in queues and delays

At the Local Government elections voters in some areas attended in greater numbers than had been anticipated, which resulted in queues and delay. To ensure there was not a repeat of this occurrence, the NSWEC allocated more staff to polling places on election day.

Queues and delays were reduced at the by-election which may have been due to the additional staff but it may also be due to other factors such as a quicker, simpler process because there were fewer candidates on a smaller ballot paper, or voters and election officials were more familiar with what to do given the recent Local Government experience.

In the Lakemba District the use of the NSWEC warehouse at Riverwood as a polling place in addition to the usual polling places may have had an impact on the numbers of electors at nearby polling places and lead to reduced queues and less time taken to vote as a result.

It may have also been that attendance was spread more evenly over the day as a result of advertising undertaken by the NSWEC. Figures from the State Election in 2007 showed that the busiest hours of voting were in the morning before I I am, with numbers then decreasing until 3 pm when there was a steady flow until the close of the polls at 6 pm.

To draw attention to this fact and assist electors in planning their visit to the polling place, the advertisement placed in the *Daily Telegraph*, *Sydney Morning Herald*, *Bankstown Torch*, *Canterbury Express*, *An-Nahar*, *El Telegraph*, *Chieu Duong*, *Greek Herald* and *Sing Tao* before the election specifically stated: 'Polling places are often busy in the morning. To minimise delay please consider voting after 2 pm'.

There were no complaints from electors, candidates or parties regarding the time it took for electors to vote.

Rolls sorted by street and date of birth details

The NSWEC provided a hard copy of the electoral roll sorted by street and a hard copy sorted by date of birth to each polling place. Election officials reported that this was of assistance for common surnames to ensure the correct elector was marked off the roll.

Feedback from electors, election officials and candidates

For the first time feedback from electors was sought by the NSWEC through the provision of a link on the NSWEC website to an online survey, asking any electors who voted at the October 2008 by-elections, to comment on the information and services provided by the NSWEC. This was available from election day until 7 November 2008 and covered areas such as the usefulness of the NSWEC advertising, the conduct of the election and the timeliness of results.

Although there was only a limited response (44 voters: 11 from Cabramatta, 4 from Lakemba, 14 from Port Macquarie and 15 from Ryde), those that did complete the survey indicated high levels of overall satisfaction with the services provided by the NSWEC.

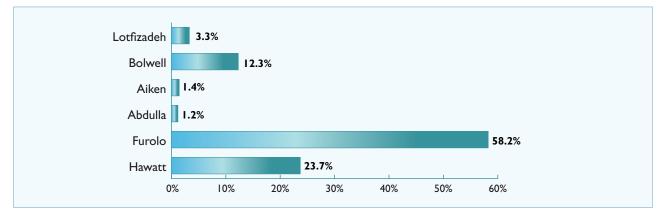
Feedback was also sought from candidates and staff involved in the by-elections. This was done by means of email where this information was available to the NSWEC. As the pool of candidates was much smaller than that at a State election or Local Government elections it is perhaps not surprising that the survey participation rate was low (7 responses). Such a number does not allow any valid conclusions to be drawn.

There were 324 responses to the survey sent to election officials working on election day, which ranged from aspects relating to recruitment and training to processes in the polling places and the counting of votes. This feedback indicated a high level of satisfaction with the online application process, training and payment and also with the staffing levels in the polling places on election day. The NSWEC will examine all comments made in response to this survey to ensure the approach adopted by the NSWEC is 'best practice'.

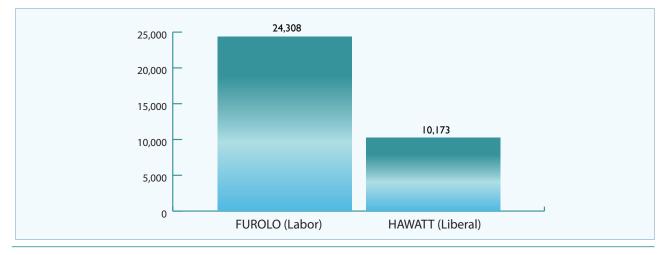
Similarly thought will be given as to how feedback from electors can be increased.

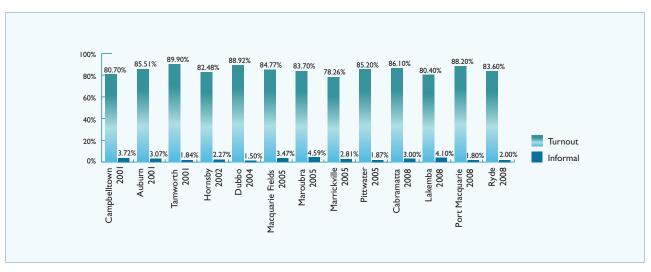
Enrolment:	51,288
Formal votes:	39,540
Informal votes:	1,696 (4.1% of total votes)
Total votes:	41,236 (80.4% of electors enrolled)

First preference votes by candidate



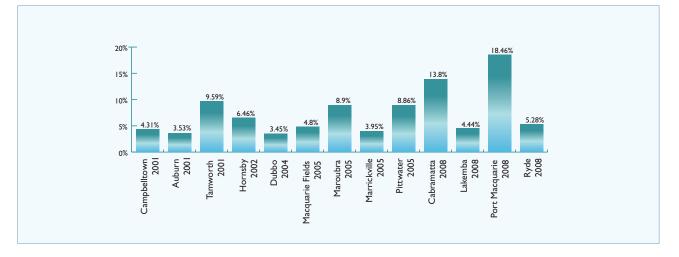
Two candidate and two party preferred results

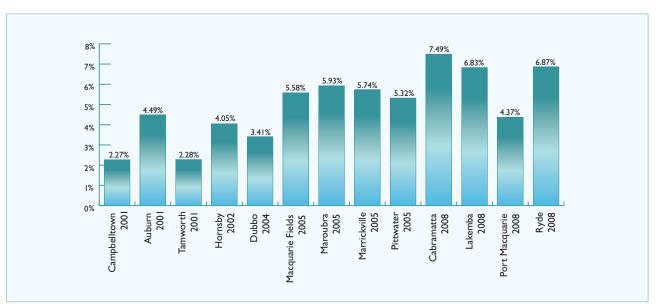




Voter turnout and informal votes at New South Wales by-elections - 2001 to 2008

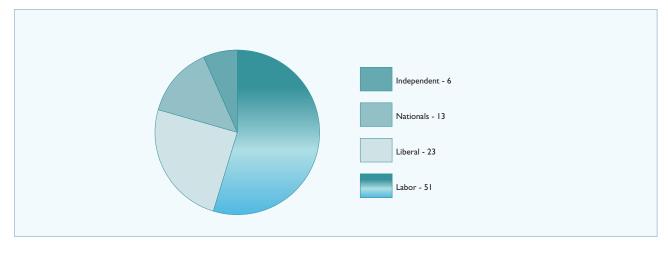






Formal postal votes as a percentage of total formal votes at New South Wales by-elections - 2001 to 2008

Composition of the Legislative Assembly following the 2008 by-elections



First preference votes polled for each candidate by polling place

Polling Place	LOTFIZADEH- CDP	BOLWELL The Greens	AIKEN	ABDULLA CDP	FUROLO Labor	HAWATT Liberal	Formal Votes	Informal Votes	Total Votes
Belmore Central	68	218	9	11	863	336	I,505	61	1,566
Belmore North	53	236	22	26	922	302	1,561	82	1,643
Belmore South	72	282	29	33	I,288	482	2,186	116	2,302
Beverly Hills North	101	225	34	15	1,344	671	2,390	79	2,469
Canterbury	19	90	9	7	383	134	642	25	667
Clemton Park	63	303	17	13	I,055	473	1,924	89	2,013
Hannans Road	67	232	40	23	1,199	487	2,048	62	2,110
Kingsgrove North	35	154	6	12	490	243	940	51	991
Lakemba	57	223	19	19	1,189	384	1,891	71	1,962
Lakemba Central	75	232	10	26	977	35 I	١,67١	109	1,780
Lakemba North	31	196	9	37	1,136	341	I,750	96	1,846
McCallums Hill	107	433	41	35	1,699	819	3,134	145	3,279
Peakhurst East	49	340	42	27	942	677	2,077	106	2,183
Punchbowl	142	352	43	64	2,603	835	4,039	214	4,253
Riverwood	17	25	3	2	140	66	253	4	257
Riverwood North	44	154	18	14	861	238	1,329	74	1,403
Riverwood South	47	315	41	25	920	564	1,912	82	1,994
Wiley Park East	35	178	14	17	859	310	1,413	55	I,468
Wiley Park West	71	242	25	22	۱,398	459	2,217	127	2,344
Total Ordinary Votes	1,153	4,430	43 I	428	20,268	8,172	34,882	I,648	36,530
Absent	0	4	2	0	14	I	21	2	23
Declared Institutions	3	0	3	2	23	19	50	0	50
Postal	78	221	97	35	I,584	778	2,793	24	2,817
Pre-poll	57	191	30	14	I,086	379	١,757	20	1,777
Section/Silent	I	I	I	0	29	5	37	2	39
Grand Totals	1,292	4,847	564	479	23,004	9,354	39,540	1,696	41,236

Distribution of preferences results

	Count No. I	Count	: No. 2	Count	: No. 3	Count	: No. 4	Count	No. 5	
	First Preference		Excluded Candidate Name:		Excluded Candidate Name:		Excluded Candidate Name:		Excluded Candidate Name:	
	Votes	ABDULI	LA Zarif	AIKEN	Robert	LOTFIZA	DEH Allan	BOLWEL	L Kristian	
Candidates in ballot paper order		479		579		١,402		5,228		
LOTFIZADEH Allan	1,292	88	١,380	22	I,402					
BOLWELL Kristian	4,847	19	4,866	95	4,961	267	5,228			
AIKEN Robert	564	15	579							
ABDULLA Zarif	479									
FUROLO Robert	23,004	43	23,046	34	23,080	140	23,220	1,061	24,281	
HAWATT Michael	9,354	33	9,387	32	9,419	297	9,716	490	10,206	
Total Formal Votes	39,540	197	39,258	183	38,862	704	38,164	1,551	34,487	
Exhausted Votes		=282	=282	+396	=678	+698	=1,376	+3,677	=5,053	
Total Informal Votes	۱,696		۱,696		۱,696		۱,696		۱,696	
Total Votes	41,236	479	41,236	579	41,236	١,402	41,236	5,228	41,236	
Absolute Majority	19,771		19,630		19,432		19,083		17,244	
FUROLO elected at count	: 1									

The district at a glance

The Lakemba electorate

Area:

21 square kilometres.

Location:

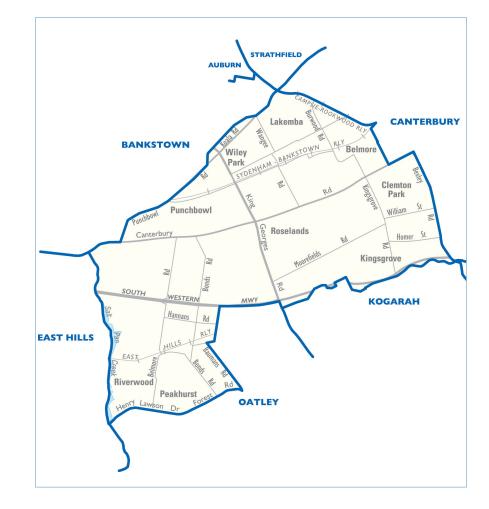
From the Campsie – Rookwood Railway in the north to Henry Lawson Drive in the south and from Bexley Road in the east to Salt Pan Creek in the west.

Suburbs:

Belmore, Clemton Park, Kingsgrove, Lakemba, Lansdowne, Peakhurst, Upper Lansdowne, Punchbowl, Riverwood, Roselands, Wiley Park.

Demographic rating:

Inner Metropolitan.



The Lakemba electorate was established in 1927 and held first by Mr Fred Stanley. It has been held by the Australian Labor Party since 1927 and been represented by the following members:

Р	Party Affiliation
ANLEY A	ALP
s WYATT A	ALP
DURICK A	ALP
VOREN A	ALP
ewart a	ALP
	ALP
	ALP
	IS WYATT A DURICK A WOREN A EWART A EMMA A

By-elections

There has been only one previous by-election in Lakemba, which was held on 19 September 1964.

The 2008 by-election was held due to the resignation of Mr lemma on 19 September 2008, after having served 17 years, 3 months and 26 days.

Mr lemma, who was Premier from 3 August 2005 to 5 September 2008, served as the Minister for Public Works and Services and the Minister Assisting the Premier on Citizenship (April 1999 - April 2003), Minister for Sport and Recreation (Nov 2001 – April 2003), Minister for Health (April 2003 – Aug 2005), Treasurer (Aug 2005 – Feb 2006), Minister for Citizenship (Aug 2005 – Sep 2008) and Minister for State Development (Feb 2006 – April 2007).

State election results

2007

Electors enrolled	48,919	n/a
Total Votes	45,080	92.15%
Formal votes	43,178	95.78%
Informal votes	1,902	4.22%
Non-voters	3,839	7.85%

Percentages for the 'Total Votes' and 'Non-voters' taken as a percentage of electors enrolled. Percentages for 'Total formal votes' and 'Informal votes' are taken as percentages of the 'Total Votes'.

First preference results

lemma (Labor)	31,907	73.90%
Sawalha (The Greens)	۱,67۱	3.87%
Moussa (Unity Party)	I,476	3.42%
Sammut (Christian Democratic Party (Fred Nile Group))	1,716	3.97%
Dalrymple (Australian Democrats)	473	1.10%
Mansour (Liberal)	5,698	13.20%
Kuniansky	237	0.55%

Two candidate preferred result

lemma (Labor)	33,596	83.97%
Mansour (Liberal)	6,415	16.03%

2003

Electors enrolled	42,897	n/a
Total Votes	39,093	91.13%
Formal votes	37,472	95.83%
Informal votes	1,621	4.15%
Non-voters	3,804	8.87%

Percentages for the 'Total Votes' and 'Non-voters' taken as a percentage of electors enrolled.

Percentages for 'Total formal votes' and 'Informal votes' are taken as percentages of the 'Total Votes'.

First preference results

Briscoe-Hough (Independent)	1,167	3.11%
Sawalha (The Greens)	2,499	6.67%
Abdulla (Christian Democratic Party (Fred Nile Group))	I,055	2.82%
Try (Liberal)	6,503	17.35%
Aiken (Independent)	204	0.54%
lemma (Labor)	24,060	64.21%
Habib (Peter Breen - Reform the Legal System)	344	0.92%
Chen (Unity Party)	I,640	4.38%

Two candidate preferred result

Try (Liberal)	7,493	22.55%
lemma (Labor)	25,734	77.45%

2008 by-election timetable

Issue of Writ	Monday 22 September 2008
Close of roll	6 pm Monday 22 September 2008
Close of nominations	Noon Thursday 25 September (for registration at the NSWEC) or Noon Friday 26 September 2008 (for registration with the Returning Officer)
Draw of candidates	2 pm Friday 26 September 2008
Start pre-poll voting	Monday 29 September 2008
Close of applications to register how-to-vote material	Friday 10 October 2008
Close of receipt of postal vote applications outside Australia	6 pm Monday 13 October 2008
Close of receipt of postal vote applications within Australia	6 pm Wednesday 15 October 2008
Close of pre-poll voting	6 pm Friday 17 October 2008
Election day	Saturday 18 October 2008
Close of receipt of completed postal vote ballot papers	6 pm Wednesday 22 October 2008
Date for return of the Writ	I November 2008

Newspaper advertisements

The NSWEC placed a series of advertisements in major newspapers, local newspapers and the ethnic press to inform electors of the various stages of the by-election process.

According to the Australian Bureau of Statistics Census 2006 data, a significant number of people in the Lakemba District speak a language other than English at home. The most common languages were Arabic (15.9%), Greek (9.6%), Cantonese (6.6%), Vietnamese (3.9%) and Mandarin (3.9) and so selected advertisements were placed in the appropriate community language papers.

(See Appendix I for advertisements).

Advice of by-election

Following the resignation of Mr lemma, advertisements were placed in the newspapers listed below, advising electors that a by-election was to be held. Electors were also advised to enrol to vote before the close of rolls and to update enrolment details if they had changed address or name. Information was provided on where enrolment forms could be obtained along with the address of the appropriate Australian Electoral Commission (AEC) office and website.

Newspaper Date	e of Publication
Daily Telegraph20 SSydney Morning Herald20 SSun Herald21 S	September 2008 September 2008 September 2008 September 2008

Issue of Writ

A Writ is a document issued by the Governor (or the Speaker of the Legislative Assembly in the case of a by-election) directing the Electoral Commissioner to conduct the election. The roll for an election must close at 6 pm on the day of the issue of the Writ.

The Writ for the Lakemba By-election was issued on Monday 22 September 2008.

The Writ itself contains all the information necessary for the Returning Officer to arrange the conduct of the poll. It states:

- the last day for nomination by candidates;
- the date of the election; and
- the date the Writ is to be returned.

Advertisements containing details of the Writ and how to nominate as a candidate were placed in:

Newspaper	Date of Publication
Daily Telegraph	22 September 2008
Sydney Morning Herald	22 September 2008

Advice on pre-poll and postal voting

Advertisements were then placed advising electors that as voting is compulsory if they could not vote on election day they may be eligible to vote early. Details on how to obtain a postal vote application as well as the times and locations for voting at a pre-poll location were placed in:

Newspaper	Date of Publication
An-Nahar	30 September 2008
Canterbury Express	30 September 2008
Chieu Duong	30 September 2008
Sing Tao	30 September 2008
Bankstown Torch	October 2008
El Telegraph	October 2008
Greek Herald	l October 2008

Advice on registration of electoral material

Advertisements about the need to register electoral material, including how-to-vote cards, to be distributed on election day were placed in:

Newspaper	Date of Publication

Daily Telegraph

I October 2008

Advice on candidates and polling places

Advertisements containing the names and party affiliations of the candidates contesting the by-election and the addresses of all the polling places in the district, and whether they were wheelchair accessible were placed in:

Newspaper	Date of Publication
Daily Telegraph	10 October 2008
Sing Tao	10 October 2008
Sydney Morning Herald	II October 2008
An-Nahar	4 October 2008
Canterbury Express	4 October 2008
El Telegraph	4 October 2008
Bankstown Torch	5 October 2008
Chieu Duong	5 October 2008
Greek Herald	5 October 2008

Results

A final advertisement advising that Mr Robert Furolo had been elected as the Member for Lakemba was placed in:

Newspaper	Date of Publication
Daily Telegraph	27 October 2008

Elector brochure

An elector brochure was also produced by the NSWEC and mailed to the electors in the Lakemba District in the weeks prior to election day. It contained the following information:

- the fact that voting is compulsory;
- date of the by-election;
- location and voting times at pre-poll centres;
- voting hours on election day;
- location of polling places and those with disability access; and
- how to vote correctly.

(See Appendix 2 for the elector brochure distributed in Lakemba.)

NSWEC enquiry service and website

The NSWEC established an enquiry service on 1300 135 736, which was available from Monday 29 September 2008 until Monday 24 October. 2008. There were seven staff members available to answer queries from the community regarding any of the four by-elections, or to take the details of people wishing to work and to process postal vote applications sent in by the registered political parties.

The service took over 2,600 calls. The majority of calls fell into five categories: people wishing to be excused from voting on election day (781), enquiring as to which district they were in (582), requesting postal vote applications (420), seeking details of how to vote early (315) and wishing to clarify whether voting was compulsory (119).

Details of the Returning Officer, the by-election timetable, the electorate profile and district map showing the location of polling places, candidates, how and where to vote before election day were all available on the NSWEC website. Following the close of polls progressive results could also be found on the website.

Postal voting

Postal voting for the Lakemba By-election was available to electors meeting at least one of the criteria set out in section 114A(1) of the Act. These include: not being within the State on election day, being seriously ill or infirm or because religious beliefs preclude attendance on the day. Applications were available from the Returning Officer's office, the NSWEC and the NSWEC website. Interstate electoral offices were also equipped to issue in person postal votes. This service is provided at all State elections and by-elections.

Out of the 41,236 total votes counted, 2,817 were postal votes. Of these, 2,793 formal and 24 informal votes were cast.

Registered general postal voters

Electors may apply to become a registered general postal voter providing they meet the relevant criteria as prescribed in section 114AA(1) of the Act, for example, an elector does not live within 20kms of a polling place. Following amendments to the Act in 2006, silent voters and those caring for a person who has an illness are also able to apply to be registered general postal voters. These electors do not have to apply for a postal vote at each election. Details are kept by the AEC which provides the Returning Officer with a list of such electors and they are automatically issued with ballot papers.

(See Appendix 3 for sample ballot paper.)

Postal votes were issued to 989 registered general postal voters in the Lakemba electorate, with 826 of the postal vote certificates returned.

Pre-poll voting

Electors wishing to vote pre-poll must meet one of the criteria under section 114P(1) of the Act, which include that the elector will be travelling under conditions which preclude him or her from voting at any polling place on election day, or who is a carer of a person who is seriously ill or infirm.

Pre-poll voting was available at the Returning Officer's office in Lakemba between 9 am to 6 pm from Monday 29 September 2008 until Friday 17 October 2008, with the office also being open for pre-poll voting on Saturday 11 October 2008 from 9 am to 1 pm. As well electors could vote pre-poll during regular office hours for the same period at the NSWEC.

A total of 1,777 pre-poll votes were cast, 20 of which were informal.

Declared institutions

The Electoral Commissioner has the power to appoint hospitals, nursing homes, retirement villages and like facilities as declared institutions. These facilities are visited by election officials on the Monday, Tuesday or Wednesday in the week of the election for the purpose of taking votes from residents who are unable to attend a polling place on election day.

It should be noted, however, that it is up to the manager of each facility to agree to these visits. In many cases managers advise the NSWEC that this service will not be required as their residents are too sick or frail to vote.

The NSWEC wrote to all establishments known from the past State and Federal elections. Unfortunately there is no one State agency which can provide details of all establishments that come within the declared institutions classification. As a result, it is difficult to identify all possible declared institutions to make early arrangements.

There were five declared institutions appointed in the Lakemba electorate. These were:

- Lakemba Masonic Caring Centre;
- Leigh Place Retirement Housing;
- Lourantos Village;
- Peakhurst Lodge; and
- Wallgrove Residential Aged Care Facility.

There were 50 votes admitted to the count with no informal votes cast.

Mobile polling

Under section 87A of the Act, hospitals or similar institutions can be appointed as polling places and operate on election day using mobile facilities. This mobile polling is available to electors who are resident in a hospital or similar institution in which the booth is situated, and who are unable to attend a polling place by reason of illness, infirmity or approaching maternity.

A mobile polling booth is taken to the elector during polling hours on election day so that they may cast their vote in all respects as if the vote were recorded in a polling booth under usual conditions.

Polling places available on election day

There were 19 polling places available on election day in the Lakemba District, with four being fully wheelchair accessible.

Polling places are established mainly in schools and church and community halls and, where possible, buildings with full wheelchair access are selected. To be classified as fully wheelchair accessible, a building needs to comply with certain criteria such as having a disabled car parking space and level access to its entrance.

The fact that the NSWEC does not own the buildings used as polling places, and only leases them for the day, restricts the level of modification possible.

Facilities available at polling places

Wheelchair accessible polling places had voting screens suitable for electors in a wheelchair or for electors who require a chair when voting. These screens are lower and wider than a standard voting screen. Table top voting screens were also available at pre-poll voting centres and polling places.

Certain cardboard furniture used at the election had luminous contrast markings to assist electors with depth perception.

All polling places and pre-poll voting centres had hand-held magnifiers and user-friendly pencils available to all electors. Electors could ask an election official if they required either of these items.

Electors with a disability, who required assistance to vote, could nominate a person or ask an election official at the polling place. This assistance may have been reading out how-to-vote materials or the instructions or candidates' names on the ballot paper or, under the elector's instruction, marking the elector's ballot paper or placing the ballot paper in the ballot box. Any person assisting someone to cast their vote is required to mark the ballot paper in accordance with the elector's wishes.

How-to-vote guides were also available in 24 languages to assist electors from culturally and linguistically diverse backgrounds.

Provision of election results

Results were available to electors from approximately 6.30 pm on Saturday 18 October 2008 on the NSWEC website 'virtual tally room' (VTR) at **www.elections.nsw.gov.au** and subsequently as the progressive results of two candidate preferred voting became available.

Services to registered political parties and candidates

The Returning Officer

Mr Barry Pittman was appointed Returning Officer for the Lakemba By-election and he leased premises at 713 Canterbury Road, Belmore from which to conduct the by-election.

The Returning Officer's duties included:

- locating office premises;
- arranging office fit out and set-up;
- staffing the office;
- receiving nominations from candidates;
- conducting the draw for ballot paper positions;
- dealing with enquiries from the general public, candidates, parties and media;
- managing the issue of postal votes;
- securing venues for polling places;
- employing Polling Place Managers and other election day staff;
- managing the issue of pre-poll votes;
- conducting training sessions for candidates and parties;
- conducting training sessions for Polling Place Managers;
- training teams visiting declared institutions;
- supervising polling, receiving and recording of results;
- declaring the poll; and
- ensuring materials required by the NSWEC are returned.

Party and candidate support and training

A "Candidates Handbook for State By-Elections" and a "Guide for Scrutineers" were produced and could be obtained from the Returning Officer and NSWEC upon request or downloaded from the NSWEC website. Candidates could also download the necessary forms from the website.

All candidates, who nominated for the election, were sent copies of the map of the electoral district, and could request a copy of the roll for their district on CD Rom.

On Friday 26 September 2008 the Returning Officer conducted an information session for the candidates and parties. This covered such topics as the elector brochure, postal, pre-poll and interstate voting, declared institutions, polling places, method of voting, formality, registration of electoral material, conduct of scrutineers and party workers, arrangements for election day, Sunday check count, explanation on the distribution of preferences, when the result could be expected, Court of Disputed Returns and responsibilities under the *Election Funding Act* 1981.

Election funding kits, including the Election Funding Authority Handbook, receipt book and acknowledgement book, were sent directly to candidates from the Returning Officer.

A Circular to registered political parties was sent by the Electoral Commissioner to bring key information to the attention of candidates and parties.

Registration of how-to-vote cards

The Act prohibits any person from distributing any "*electoral material*" in a public place on election day unless the material has been registered with the NSWEC.

What constitutes electoral material for registration purposes is governed by the legislation. Section 151F specifically defines "*electoral material*" as meaning any how-to-vote card, handbill, pamphlet or card containing any representation of a ballot paper or part thereof or having on it any directions or suggestions in relation to the casting of votes.

Services to registered political parties and candidates

An advertisement was placed in the *Daily Telegraph* on 1 October 2008 advising candidates that material to be distributed on election day must be registered with the NSWEC. It also contained information on what is considered to be electoral material, where an application could be obtained and where material was to be lodged for registration.

Electoral material to be distributed on election day was registered for five of the six candidates contesting the Lakemba By-election.

Posters

There are certain requirements under sections 151B and 151E of the Act to which any person displaying a poster on election day must adhere.

Posters which exceed 8,000 square centimetres, the prescribed size, must not be displayed within five metres of a building used as a polling place or on the fence of grounds enclosing a polling place.

Posters must also contain the name and address of the person on whose instructions the matter was printed, and the name of the printer and address at which it was printed.

Services to registered political parties and candidates

Provision of election results

All candidates and major registered political parties were contacted and advised that progressive results would be available on the NSWECVTR on the evening of the by-election from approximately 6.30 pm.

The Polling Place Managers telephoned through the first preference and notional distribution results to the Returning Officer for their polling place. The results were then emailed by the Returning Officer to the NSWEC. The first results were posted on the website at approximately 6.30 pm, with updates being made as further results became available during the course of the evening.

All votes were recounted on Sunday 19 October 2008, and the results published on the VTR. Results continued to be updated on the VTR from Monday 20 October 2008 to Wednesday 22 October 2008 as pre-poll, section and postal votes were received and entered into the count.

The results of the official distribution of preferences were published upon completion on Thursday 23 October 2008.

Services to media

NSWEC media protocol

The NSWEC has established a protocol to manage the flow of information to the media to ensure issues of public interest are dealt with in a professional, accurate, consistent and timely manner.

The NSWEC Media Liaison Officer established contacts with political reporters in both local and state-wide media to facilitate getting relevant information out to the public.

Enquiries received from the media related to:

- key dates and arrangements for the by-election;
- names and contact details of candidates;
- requests for descriptive information and maps of the electorate;
- previous election results for the electorate; and
- arrangements for receiving election results on election night.

Representatives from the local media and a number of the candidates were present at the Returning Officer's office to witness the draw for the position of candidates' names on the ballot paper after the close of nominations, and the winning candidate attended the declaration of the poll.

Internet resources

The NSWEC provided the media with comprehensive information about the by-election through the Media Centre page on the NSWEC website. A complete electorate profile was provided, which included geographic and demographic information (based on statistical information from the Australian Bureau of Statistics 2006 Census data) as well as the results of the State elections in 2003 and 2007.

Services to media

Media releases

The NSWEC issued a number of media releases to inform candidates and electors of key stages in the electoral process. These were:

- Electoral roll deadline: 6 pm Monday issued on 19 September 2008;
- Nominations open for State by-elections issued on 24 September 2008;
- Nominations close tomorrow for State by-elections issued on 25 September 2008;
- Early voting opens for by-elections issued on 29 September 2008;
- Postal voting closes soon for State by-elections issued on 8 October 2008;
- Deadline for electoral material for State by-elections issued on 8 October 2008; and
- State by-election results issued on 16 October 2008.

Provision of results

The NSWEC advised the media that the election night results would be published on the VTR from approximately 6.30 pm on Saturday 18 October 2008, with results being progressively updated in the following week as pre-poll, section and postal votes were received and entered into the count. The results of the official distribution of preferences were published upon completion on Thursday 23 October 2008.

The Media Liaison Officer was available to answer all queries regarding results during this period.

The role of the New South Wales Electoral Commission

NSWEC support

The role of the NSWEC at the by-election was to support the Returning Officer by providing:

- advice on election management;
- the voter information campaign for the by-election;
- assistance with enquiries from the general public as well as the media;
- electoral materials, including manuals and forms to be used in the Returning Officer's office and the polling places;
- ballot boxes, voting screens and polling place furniture; and
- support and assistance for the NSWEC's election management system and other IT matters.

Staff

The Returning Officer employed 16 casual staff in his office at various times over the election period, and 180 people worked as election officials on election day in the 19 polling places open in Lakemba. The majority of these polling places had between three and seven vote issuing tables, one polling place had two tables and two had nine.

Training was conducted for the 34 Polling Place Managers and Deputy Polling Place Managers by the Returning Officer in the days prior to the by-election.

The training enabled the Returning Officer to:

- emphasise procedures and draw the Polling Place Managers' attention to by-election requirements;
- explain polling place staffing and equipment arrangements;
- explain arrangements for the preliminary counting of votes and for the two candidate preferred distribution of votes; and
- discuss any issues raised by the Polling Place Managers.

Mr Brian Nugent was appointed as the Returning Officer Support Officer (ROSO) for the four Returning Officers responsible for the October 2008 by-elections. The ROSO acted as the point of contact between the Returning Officer and NSWEC staff, and ensured consistent advice concerning the administration of the by-elections was given.

Counting the votes and declaration of the poll

Votes were counted in the polling places and the results progressively relayed to the Returning Officer after 6 pm on election night. The first preference votes and the two candidate preferred results were then forwarded to the NSWEC so that they could be placed on the VTR.

On the Sunday after election day, a check count of first preference figures was conducted at the Returning Officer's office and those results were published on the VTR.

Counting of postal, pre-poll, declared institution votes and section votes began on the Monday after election day. The count could not be finalised until after 6 pm on the Wednesday following election day as postal votes are still able to be received up till this time, provided the postal vote certificate has been completed on or before election day.

The procedure for counting the Legislative Assembly votes is specified in the Seventh Schedule to the New South Wales Constitution Act 1902. To be elected, a candidate must receive more than half the number of the formal first preference votes taken in the electoral district, that is, 50% + 1 of the total formal first preference votes.

If no candidate receives more than half of the first preference votes, a distribution of preferences takes place. In this process the candidate with the fewest votes is eliminated and his/her ballot papers are distributed to the remaining candidates according to the next available preference shown.

Those ballot papers on which only a first preference is shown cannot be distributed and are set aside. They are said to be 'exhausted' and no longer remain in the count. This reduces the number of votes remaining in the count and therefore the number of votes required to be elected.

The distribution process is repeated with one candidate being eliminated at a time, until there is a candidate with more than half the number of the votes remaining in the count.

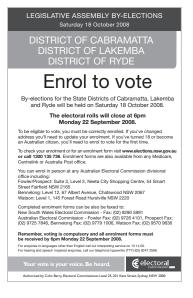
Such a distribution of preferences for the Lakemba By-election was conducted on the Wednesday following election day, with Mr Robert Furolo elected at count 1.

The result was declared by the Returning Officer on Thursday 23 October and the Writ returned to the Hon Richard Torbay MP, the Speaker of the Legislative Assembly, on Friday 24 October 2008.

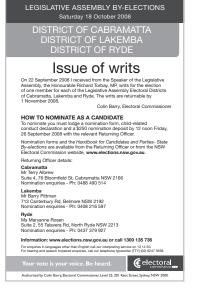
Appendix I

Advertisements placed as part of the advertising campaign

- **1** Advice of by-election
- 2 Issue of Writ
- 3 Advice on pre-poll and postal voting



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EARLY VOTING OPTIONS

The Lakemba By-election is on Saturday, 18 October. If you can't get to a polling place, or you're out of the State on election day you may be eligible to vote early.

Remember voting is compulsory

Vote early in person You can vote before election day by visiting a pre-poll voting centre from Monday. 29 September to Friday, 17 October at the following locations:

Returning Office, Lakemba 713 Canterbury Rd, Belmore Monday 29 September – Friday 17 October 9am to 6pm Saturday 11 October 2008, 9am to 1pm

New South Wales Electoral Commission Level 25, 201 Kent St, Sydney Monday 29 September – Friday 17 October 9am to Spm You can vote pre-201 at the Returning offices for Cabranatta, Port Macquarie and Ryde. For further details visit our website or call 1300 135 736.

135 736. Vote early by post

Vote early by post You can vote by post by lodging a postal vote application by Monday, 13 October 2008 if you're overseas or Wednesday, 15 October 2008 if you're in Australia.

For more information on postal and pre-poil voting, and to obtain a postal vote application form visit our website or call us. Postal vote application forms are also available from any Austrial Post office. 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 our telephone typewriter (TTY) (22) 9247 33

Your vote is your voice. Be heard.

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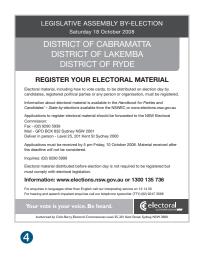
Appendix I



Advice on registration of electoral material

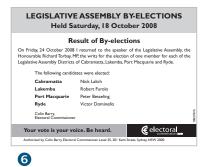
6 Results

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LEGISLATIVE ASSEMBLY BY-ELECTION Saturday 18 October 2008 DISTRICT OF LAKEMBA 8 October 2008. oting after 2pm. homcraft Parad 75 Bexley Road ichland Street lampden Road lice Street 103 Centerhum Demton Park Public Scho Gingsgrove North High S Hampden Park Public Sch akemba Public School Earlwood Kingagrove Lakemba Lakemba Lakemba Lakemba Peakhurst Punchbowi Riverwood Riverwood lice Street 203 Canterbury Road arrong Road onds Road sosmore Avenue lannans Road init 11, 100 Belmore Rd^a hion Street Littleton Street I herese School ikhurst Public Scho nchbowl Public Schr McCallum Street McCallums Hill Public Sc Wiley Park Public School Roselands Wiley Park Barry Pittman, Returning Officer Information: elections.nsw.gov.au or 1300 135 736 Translation Service: 131 450 Celectoral Your vote is your voice. Be heard.



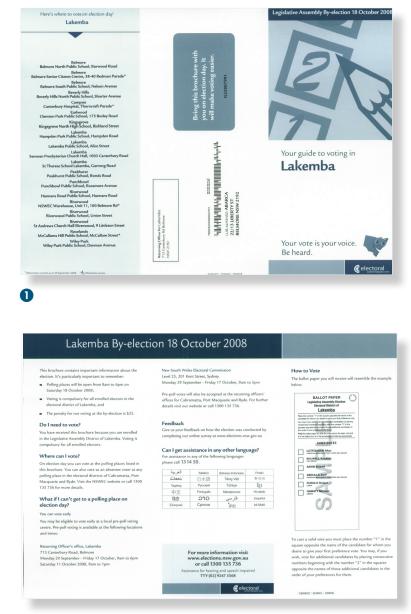


Appendix 2

Elector brochure

Front

2 Back



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Appendix 3

Ballot paper

