

12 November

2016

Report on the Conduct of the Election

Orange State By-election

New South Wales Electoral Commission



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Commission (NSWEC)**

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Commission.

The Hon. Gladys Berejiklian MP
Premier
52 Martin Place
SYDNEY NSW 2000

Dear Premier

I am pleased to submit my report on the
conduct of the State By-election held on 12
November 2016 for the Legislative Assembly
District of Orange.

Yours sincerely



John Schmidt
Electoral Commissioner
21 June 2017

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Foreword

This report provides information on the conduct of the by-election held for the Orange Electoral District on 12 November 2016 following the resignation of Mr Andrew Gee MP on 30 May 2016.

The Writ for the Orange By-election was issued on Friday, 23 September 2016, giving the New South Wales Electoral Commission (NSWEC) seven weeks to prepare for the by-election.

The conduct of the election proceeded smoothly. The turnout and informality rates for the Orange By-election were 88.3 per cent and 2.7 per cent respectively. The turnout rate was higher than other recent State by-elections.

In an exceptionally tight election, the NSWEC provided the first preference count on 17 November 2016 and declared the poll on Monday 21 November 2016, nine days after the election. As the consequence of both a review of ballots and a recount, the declaration of the poll took place outside the time range established in earlier State by-elections.

The delivery of efficient, accurate and trusted elections, in accordance with NSW electoral legislation, relies heavily upon the capability of NSWEC staff. I would like to take this opportunity to record my thanks to these staff and the NSWEC's suppliers and contractors for their contribution and commitment to the successful conduct of the Orange By-election.

Overview

By-election Outcome

The candidate elected at the Orange By-election on 12 November 2016 was Mr Philip Donato (Shooters, Fishers and Farmers Party) with 11,487 votes, 23.76 per cent of first preference votes.

Candidates Standing for Election

Candidate Name	Party Affiliation
Bicknell, Janelle	The Greens
Barrett, Scott	National Party
Donato, Philip	Shooters, Fishers and Farmers Party
Duffy, Kevin	Independent
Munro, Scott	Independent
Fitzsimon, Bernard	Country Labor Party
Decker, Dianne	Christian Democratic Party
Donald, Ian	Independent

Cost data

Cost of By-election	\$684,434
Cost per Elector	\$12.17

By-election Summary

Enrolment	
Total Electors	56,242
Electors enrolled or re-enrolled via SmartRoll	1,165
Voting Venues	
Pre-poll voting venues	4
Polling Places (including Pre-poll and Declared Institutions)	65
Staff employed for election	205
Voter Turnout	
Formal votes	48,344
Informal votes	1,343
Total votes	49,687
Voter turnout	88.3%
Formality rate	97.3%
Non-voting penalty notices issued	5,138 ¹
Penalty notices issued as % of Roll	9.1%
Voting Options used by Electors	
Ordinary	29,843
iVote	1,541
Postal	1,433
Pre-poll	16,093
Declared Institution	185
Enrol and vote	410
Provisional/Silent	58
Absent votes	20
Candidates	
Total candidates	8

¹ A penalty notice is withdrawn if an elector provides a valid excuse for not voting. At the date of this report the enforcement process for failure-to-vote penalty notices for this by-election had not yet been completed.

By-election Key Dates

Date	Matter
23 September 2016	Issue of Writ
23 September 2016	Commencement of capped expenditure period
23 September 2016	Candidate and third-party campaigner registration opens
23 September 2016	Close of Authorised Roll (6:00pm)
23 September 2016	Candidate nominations open
25 October 2016	iVote Registration opens (10:00am)
26 October 2016	Close of party nominations at NSWEC HO (12 noon)
27 October 2016	Close of nominations at RO office (12 noon)
27 October 2016	Candidate registrations close (12 noon)
27 October 2016	Ballot paper draw (2:00pm)
27 October 2016	Registration of Electoral Materials commences
31 October 2016	Pre-poll voting opens (8:00am-6:00pm)
31 October 2016	iVote voting opens (8:00am)
4 November 2016	Registration of Electoral Material closes (5:00pm)
4 November 2016	Registration of third-party campaigners closes (5:00pm)
7 November 2016	Postal vote application (outside Australia) closes (6:00pm)
7 November 2016	Declared Institution voting starts
9 November 2016	Postal vote application (within Australia) closes (6:00pm)
11 November 2016	Pre-poll voting closes (6:00pm)
11 November 2016	Declared Institution voting ends
12 November 2016	Election Day (8.00am-6:00pm)
12 November 2016	End of capped expenditure period
12 November 2016	iVote registration closes (1:00pm)
12 November 2016	iVote voting closes (6:00pm)
16 November 2016	Receipt of postal votes declarations closes (6:00pm)
21 November 2016	Declaration of Poll
21 November 2016	Writ returned
25 November 2016	Last day of return of writ

Features of the Orange By-election



1. Internet and Telephone Voting (iVote)

The *Parliamentary Electorates and Elections Act 1912* provides for internet and telephone voting (iVote) to be used in Parliamentary by-elections

Both online and telephone voting were provided for the Orange by-election, with online voting being the preferred option for electors who use iVote.

The criteria applied to electors seeking to use iVote were the same as in other NSW Parliamentary elections. Electors were eligible to use iVote if they:

- had a visual impairment;
- had a disability;
- had their place of living 20 kilometres or more from a polling place; or
- were outside NSW on election day.

Registration to use iVote was open between 26 October and 12 November 2016. Voting using iVote commenced on 31 October 2016 and closed 12 November 2016

There were 1,541 votes cast using iVote (3.1 per cent of total votes).

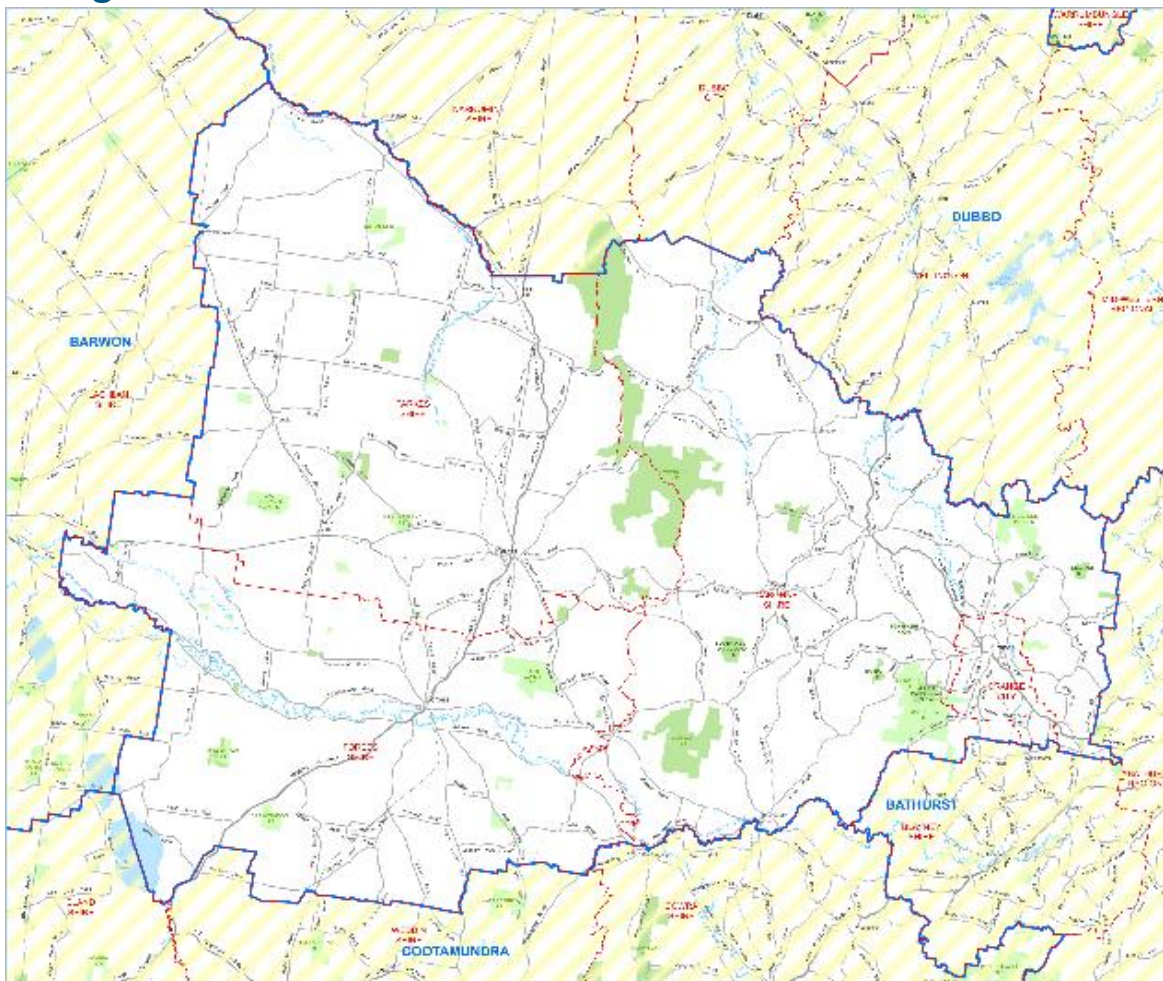


2. Automatic Enrolment and Re-enrolment

The NSWEC uses its SmartRoll system to increase elector enrolment through automatic enrolment and change of enrolment details. The SmartRoll system makes use of data held by other NSW public sector agencies, such as licensing authorities and the Registry of Births, Deaths and Marriage, as well as the Australian Electoral Commission. Changes of address and other information relevant to enrolment are forwarded automatically to the NSWEC when eligible electors update their details with certain government agencies.

At the time of the Orange By-election 56,242 electors were on the roll. Through the use of SmartRoll 1,165 Orange electors, 2.1 per cent of the total number of electors in that district, were either newly enrolled or had their enrolment details updated.

Orange Electoral District Profile



The State Electoral District of Orange covers the City of Orange, together with the Parkes, Forbes and Cabonne local government areas.

Area

16,981 square kilometres

Postcodes

2671, 2795, 2798, 2799, 2800, 2804, 2805, 2806, 2864, 2865, 2866, 2867, 2868, 2869, 2870, 2871, 2874, 2875, 2876, 2877

Local Government Areas covered

Cabonne, Forbes, Orange and Parkes.

Localities

Alectown, Amaroo, Baldry, Bedgerabong, Belgravia, Bocobra, Bogan Gate, Boomey, Boree, Borenore, Bowan Park, Bruie Plains, Bumberry, Byng, Cadia, Canobolas, Canowindra, Cargo, Clergate, Clifton Grove, Cookamidgera, Cooks Myalls, Corinella, Cudal, Cumnock, Daroobalgie, Derriwong, Emu Swamp, Eugowra, Eurimbla, Forbes, Forest Reefs, Four Mile Creek, Garema, Garra, Gooloogong, Goonumbla, Gowan, Gumble, Gunning Gap, Gunningbland, Guyong, Huntley, Jemalong, Kangarooie, Kerrs Creek, Lake Cowal, Larras Lee, Lewis Ponds, Lidster, Lower Lewis Ponds,

Lucknow, Mandagery, Manildra, March, Millthorpe, Molong, Moorbel, Mulguthrie, Mullion Creek, Mulyandry, Murga, Nashdale, Nelungaloo, Nyrang Creek, Obley, Ooma, Ootha, Ophir, Orange, Parkes, Paytens Bridge, Peak Hill, Shadforth, Spring Creek, Spring Hill, Spring Terrace, Springside, Summer Hill Creek, Tichborne, Toogong, Trewilga, Trundle, Tullamore, Vittoria, Waldegrave, Warroo, Winderera, Wirrinya, Yarrabandai, Yeoval, Yullundry.

Demographic Profile

The 2011 census revealed that Orange had 73,206 residents (excluding overseas visitors) of whom 50.25 per cent were female (36,784) and 49.75 per cent were male (36,422). Indigenous Australians made up 6.4 per cent (4,710) of the population.

The median age was 38 years, compared with 37 years in Australia overall. Close to one sixth of the population was aged 65 or over (15.75 per cent) and 28.6 per cent were aged under 20.

The vast majority (86.4 per cent) of people were born in Australia. The most frequent countries of birth after Australia were England (1.9 per cent), New Zealand (1.0 per cent), the Philippines, Germany and South Africa (all 0.3 per cent).

Ninety-one per cent of people spoke only English at home. Other languages spoken at home included:

- Italian (0.3 per cent)
- Dinka (0.2 per cent)
- Arabic (0.2 per cent)
- German (0.2 per cent)
- Greek (0.1 per cent).

Historical Electoral Representation

Previous recent State representation for the Orange District has been:

Tenure	Name	Party
2011 – 2016	Andrew Robert GEE	National Party
1996 – 2011	Russell William TURNER	National Party
1976 – 1996	Garry Bruce WEST	National Party
1947 – 1975	Charles Benjamin CUTLER	Country Party

Services to Electors

The NSWEC undertook an advertising and communication campaign to raise awareness of the Orange By-election and provide necessary information to electors and candidates. The major aspects of this strategy involved paid advertisements, an elector brochure sent to each enrolled elector and active media liaison. All communications activity directed people to the NSWEC website which provided further detailed information about the election.

Advertising

The *Parliamentary Electorates and Elections Act 1912* prescribes that certain advertising must occur. The advertising strategy for the Orange By-election involved placing newspaper advertisements in state-wide and local newspapers supporting the phases of the election:

- Enrol to vote
- Issue of Writ / Nominations information
- Early voting options – including pre-poll, postal, iVote and register electoral material
- Remember to vote – including a list of candidates

In addition, digital display advertisements were placed to target eligible iVote users who were interstate or overseas.

Elector brochure

The vast majority of enrolled electors were sent a personalised elector brochure to their nominated mailing address. The brochure contained information about the by-election including a list of polling places. There were 56,027 brochures printed for the Orange electorate. See Appendix A.

Media Liaison

Targeted media releases supported the various phases of the election. The media officer provided live and pre-recorded interviews as required and answered all media enquiries about the election.

NSWEC Website

The NSWEC's website provided a range of information concerning participation in the by-election, including the election timetable, employment opportunities, enrolment, polling places, candidate requirements, names of candidates and poll results.

Use of the NSWEC's website is typically greatest on election night when users seek information on results. On election night, the Orange By-election results page had 12,026 unique views.

Election Reminder Service

This reminder service enables electors to register with the NSWEC to be kept notified, by SMS message, email, or both, of impending elections and sent one or more reminders to vote.

For the Orange by-election, the total number of email reminders sent was 744. There were 706 SMS reminders. In all, 401 electors availed themselves of the service.

Service Standards

The NSWEC seeks to meet the expectations of electors about its electoral services and to this end has developed a Service Charter which outlines the NSWEC's election service standards. The 2014-16 NSW State Election Service Commitments Charter was the overall service standard for this 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 D.

Culturally and Linguistically Diverse Electors

As detailed earlier in this report, the Orange electoral district does not have a high culturally and linguistically diverse (CALD) population. Accordingly, NSWEC election materials were not produced in languages other than English.

All electors had access to interpreters via the Translating and Interpreting Service. This service was promoted in the on-line training for Polling Place Managers and Election Officials.

Electors with Disabilities and Access to Polling Places

Securing appropriate premises for polling places can be difficult. The NSWEC does not own facilities within electoral districts. The pool of available rental premises is limited by the short-term nature of the lease and the NSWEC's space, accessibility, location and workplace health and safety requirements.

As far as practically possible, the NSWEC aimed to provide accessible and appropriately sited polling places for the Orange By-election. Detailed information was provided to assist electors with mobility issues or other disabilities to locate the most suitable polling place. This access information was provided on the NSWEC's website, in the elector brochure and by NSWEC staff.

The NSWEC used the Assisted Access rating system, which rated the accessibility of each of the polling places in the Orange District.

Arrangements for Voting before Election Day

Electors who were unable to vote on election day had the opportunity to vote early using iVote, postal or pre-poll voting. Early voting included voting in Declared Institutions.

A total of 16,093 electors voted early, representing nearly a third of total votes cast. This volume is in line with a general trend of early voting across NSW and other Australian jurisdictions.

Postal Voting

Electors who were unable to attend a polling place on election day were able to apply for a postal vote. Postal vote application forms were available from the Returning Officer and the NSWEC's website.

Of 1896 Postal Votes Issued, 1433 were accepted, 108 were rejected and 355 were not scrutinised, either because they were returned too late or not returned at all.

Pre-poll Voting

Pre-poll voting was open to electors at four locations; the Returning Officer's office, Forbes Pre-poll, Parkes Pre-poll and the NSWEC's office in the Sydney CBD. The pre-poll locations were listed in the elector brochure and on the NSWEC website.

Pre-polling for electors who were overseas or interstate was provided via postal voting and iVote.

Pre-poll Returning Officer's Office

123 - 125 Moulder Street, Orange

Access: Assisted accessible – No accessible toilet

Monday, 31st October to Friday, 11 November – 8am to 6pm, excluding Saturday 5 November 9am – 5pm, Sunday 6 November (closed) and Thursday 10 November 8am to 8pm.

Pre-poll NSWEC Head Office

Level 25, 201 Kent Street Sydney

Access: Assisted accessible - No accessible parking (Designated car park space approx. 3m), no accessible toilet

Monday, 31 October to Friday, 11 November – 9am to 5pm, closed Saturday and Sunday.

Pre-poll Forbes Town Hall

Concourse, Forbes Town Hall, 2 Court Street, Forbes

Access: Assisted Access – Poor access ramp (No Tactile indicators), No accessible parking (Designated car park space approx. 3m), no accessible toilet

Saturday 5 November to Friday 11 November 8am – 6pm, excluding Saturday 5 November 9am – 5pm, Sunday 6 November (closed) and Thursday 10 November 8am to 8pm.

Pre-poll Parkes Shire Library & Cultural Centre

Parkes Shire Library & Cultural Centre, 25 Bogan Street, Parkes

Access: Fully accessible

Saturday 5 November to Friday 11 November 8am – 6pm, excluding Saturday 5 November 9am – 5pm, Sunday 6 November (closed) and Thursday 10 November 8am – 8pm.

Polling Places

As noted earlier, securing appropriate premises for polling places and the Returning Officer's office can be difficult. The pool of available rental premises is limited by the short-term nature of the lease and the NSWEC's space, accessibility, location and workplace health and safety requirements.

Declared Institutions

The *Parliamentary Electorates and Elections Act 1912* allows the Electoral Commissioner to appoint hospitals, convalescent homes or similar institutions as places at which residents or inpatients of those institutions can cast their votes before election day.

In the conduct of the Orange By-election, 16 Declared Institutions were visited during the period Monday 7 November 2016 to Friday 11 November 2016. These Declared Institutions are identified in Appendix B. Seven venues originally designated as Declared Institutions requested postal votes, eliminating the need for NSWEC staff to visit.

Services to Candidates and Registered Political Parties

Nominations

Nomination forms were available from the NSWEC website and could be lodged after the issue of the Writ (Friday, 23 September 2016). The Writ set 26 October 2016 as the date for close of nominations for political parties lodging forms with the NSWEC's head office and 27 October 2016 for candidates lodging forms with the Returning Officer.

Registered Officers (or Deputy Registered Officers) of registered political parties could nominate candidates at the NSWEC's office in the city or at the Returning Officer's office in Orange. Independent candidates could only nominate at the Returning Officer's office.

There were eight nominated candidates. Following the close of nominations the Returning Officer conducted a draw to determine the order of candidates on the ballot paper.

Registrations

Candidates and third-party campaigners were required to register for the by-election before accepting political donations or making payments for electoral expenditure. Registration forms could be lodged with the NSWEC from the issue of the Writ (Friday, 23 September 2016).

Candidates had until Thursday, 27 October 2016 to submit a registration form, while third-party campaigners had until Friday, 4 November 2016.

Six candidates and seven third-party campaigners applied to be registered for the by-election. Two candidates were deemed to be registered when they were nominated.

'How-to-Vote' Material

Registration of 'How-to-Vote' material was handled centrally. Registration of this material opened on 31 October 2016.

Close of applications to register 'How-to-Vote' material was 5.00pm, Friday 11 November 2016.

Conducting the Orange By-election

Returning Officer Arrangements

The Returning Officer's office was situated at 123 - 125 Moulder Street, Orange.

Returning Officer's duties include:

- set up and decommissioning of the (temporary) office;
- training of office staff and polling place managers;
- arranging voting at polling places and Declared Institutions;
- issuing and processing postal and pre-poll votes;
- dealing with enquiries from candidates and electors and other feedback;
- processing candidate nominations and how-to-vote material; and
- counting votes and declaring the results of the election.

A Returning Officer Support Officer was appointed in the NSWEC's head office to provide support on electoral matters and procedures.

Election Costs

The expenditure on the Orange By-election was \$684,434. The cost per elector was \$12.16.

Logistical and Other Support

Staffing

The majority of casual election staff were employed to work on election day in polling places as Polling Place Managers or Election Officials. In addition casual staff were employed in the Returning Officer's office to pack materials for each polling place, operate pre-poll voting, visit Declared Institutions, count votes and pack materials after the election.

Recruitment of election staff took place via the NSWEC on-line registration system. Staff were made up of 38 Polling Place Managers, 27 Declaration Vote issuing Officers, 102 Election Officials, 34 Office Assistants, three Senior Office Assistants and the Returning Officer. Of the staff employed, 1.7 per cent identified as Indigenous, and the same proportion were bilingual. Four per cent had a disability.

The Polling Place Managers, their Deputies and Declaration Vote Issuing Officers all received online training. All Election Officials were issued a manual for study and use on election day.

The entire employment process is undertaken online, including the provision of bank, tax and superannuation details.

Supplies

A total of 87,200 ballot papers were printed by the NSWEC's preferred security printer. Ballot papers featured a security background. A copy of the ballot paper is at Appendix C.

Waste Management

The NSWEC is covered by the NSW Government's waste management policy. In providing electoral services the NSWEC seeks to use, wherever possible, paper and cardboard comprising recycled content and to ensure that those paper and cardboard materials are themselves recycled.

In the Orange By-election, standard cardboard materials were used in polling places. These included voting screens, wheelchair screens, ballot boxes, caution signs and recycle bins. After the election, the materials were taken to the nearest council recycling facility.

IT Support

For the Orange By-election the Election Management Application was used. This is an internet based application for the use of Returning Officers, office assistants and head office staff. It consists of a suite of software modules to assist with managing election processes such as enquiries, election day staffing, candidate nominations, the distribution and return of declaration votes, results and non-voter administration.

In addition, IT equipment is provided to the Returning Officer's office and polling places.

Results

On election night, the NSWEC provides the result of counts conducted at each polling place for the first preference vote for each candidate, and the result of the notional count for the two candidates considered most likely to receive the greatest number of votes (the two candidate preferred count). The results are shown on election night from 6:30pm and progressively updated.

On the day after polling day, all the ballot papers from every polling place are recounted to ensure the election night count is accurate (the check count). Declaration votes are added progressively with postal votes accepted up to 6:00pm on the Wednesday after election day. At this point, the final distribution of preferences is conducted.

Candidates' scrutineers are welcome to attend all counts.

Table 1: Final Results Orange By-election held 12 November 2016

Candidates	First preference Votes	
Bicknell, Janelle	2,739	
Barrett, Scott	15,267	
Donato, Philip	11,487	ELECTED
Duffy, Kevin	3,182	
Munro, Scott	4,527	
Fitzsimon, Bernard	8,865	
Decker, Dianne	1,633	
Donald, Ian	644	
Total Formal Votes	48,344	
Total Informal Votes	1,343	
Total Votes	49,687	
Absolute Majority	24,173	

More detailed information on the counts is available on the NSWEC's website www.elections.nsw.gov.au.

The availability of results met the NSWEC's service standards as shown below. However, the unexpectedly strong support for a third-party candidate and the closeness of the vote led to the initial two-party preferred count being stopped. The poll was declared after both a review of ballots and a recount had been completed.

Table 2: Orange By-election Results Provision and Targets 12 November 2016

Polling Places (44)	TARGET		ACTUAL	
	First Preference	Two Candidate Preferred	First Preference	Two Candidate Preferred
8:00pm	80%	N/A	80%	N/A
9:00pm	90%	N/A	100%	N/A
10:30pm	-	N/A	-	N/A
11:00pm	-	N/A	-	N/A

Declaration of the Poll

On Tuesday, 21 November 2016, the Returning Officer declared Mr Philip Donato elected.

This was an elapsed time of nine days from polling day. This compares with a period of five days for the Canterbury and Wollongong by-elections which were also held on 12 November 2016. The equivalent time period for by-elections held in 2014 was five days, while the by-elections held in 2013 for Miranda and Northern Tablelands were declared in three and six days, respectively.

Enforcement of Compulsory Voting

Failure to Vote

Under electoral legislation, the Electoral Commissioner is required to issue 'Failure to Vote' notices to those electors whose names were not marked off the electoral roll as having voted or recorded as providing a valid excuse. The penalty for not voting in a State by-election is \$55.00. The funds generated from penalty notices are not retained by the NSWEC but are directed to NSW Government consolidated revenue.

All electoral rolls marked at polling places or in the Returning Officer's office were scanned after election day to create a list of non-voters for the Orange by-election.

The number of electors who were issued with penalty notices was 5,138 (9.13 per cent of electors enrolled.). The remainder of electors who did not vote had provided a valid excuse for not voting either prior to or immediately after election day. Higher rates of non-voting tend to be a feature of by-elections as compared to State General elections. For the 2015 State Government Elections, 2,057 people appeared to have failed to vote, of whom 1,080 provided valid and sufficient reasons for failing to do so.

Initial Apparent Failure to Vote notices for the 2016 State by-elections were issued on 7 February 2017. Responses can be submitted by mail, email, or through the NSWEC online portal. The notice provides options to satisfy the matter by either

- Paying the penalty of \$55.00;
- Notifying us of the polling place in which they attended;
- Submitting a reason for failure to vote for review; and
- Electing for the matter to be dealt with by a court.

If a person does not respond to the initial Apparent Failure to Vote notices by the due date (28 days from the issue of the notice), a reminder notice is issued, giving a further 28 days to deal with the matter. These notices are effectively identical to the initial Apparent Failure to Vote notice.

If the elector's reason for failing to vote is not accepted, a Final Notice will be issued giving two options: paying the penalty of \$55.00 or electing for the matter to be dealt with by a court. On 8 May 2017, 585 final notices were issued.

If no response to the reminder notice or final notice is received by the due date, the matters are referred to State Debt Recovery for enforcement action.

To help electors avoid this penalty in future elections, the penalty notice advises non-voters of the availability of the 'Voter Reminder Service'. Voters can be notified by email, text message, or both, and can receive both an early warning and a reminder.

Compliance Operation – State by-elections November 2016

Overview and Objectives

The NSWEC is responsible for ensuring compliance with and enforcement of the *Parliamentary Electorates and Elections Act 1912* (PEE Act) and the *Election Funding, Expenditure and Disclosures Act 1981* (EFED Act). The Funding, Disclosure and Compliance (FDC) Division oversees the enforcement functions.

Until 2014, the NSW Police Force was responsible for the investigation and enforcement of offences against the PEE Act. Where offences were suspected, Returning Officers and/or Polling Place Managers were responsible for their management and reporting. Significant breaches were reported to the NSW Police and or the NSWEC's Elections Branch some time after the election. In December 2014, the NSWEC assumed responsibility for the investigation and enforcement of offences under the PEE Act.

In 2015, the FDC division was restructured to include a new Compliance Unit, with investigators, auditors and an intelligence analyst with the power to investigate offences against the PEE and EFED Acts.

The By-election Compliance Operation was the first such operation by the new Compliance Unit. The operation provides an opportunity for the NSWEC to further its objective of establishing a stronger regulatory function.

Table 3: Potential Offences under the EFED Act

Section	Offence	Penalty
s96AA s96l(1)	Third-party Campaigner – Failure to register and appoint an agent`	\$44,000 or 2 years imprisonment or both

Table 4: Potential Offences under the PEE Act

Section	Offence	Penalty
s87A(2)	Obstruct mobile polling station	\$55
s90(4)	Offences by scrutineers	\$1100
s93(2)	Offences at Polling Place	\$550
s112(1)(d)	Multiple Voting	\$1100 or 3 years imprisonment
s113	Obstructing elector	\$55
s114(4)	Contravene direction of Returning Officer or Polling Place Manager	\$550
s114U	Scrutineer Offences	\$1100 or 3 years imprisonment
s150	Treating	\$11000 or 3 years imprisonment
s151	Intimidation	\$11000 or 3 years imprisonment
s151A	Printing false information	Corporation: \$5500. Individual: \$1100 or 6 months imprisonment
s151B	Poster offences	\$330
s151E	Distribution of election material – Name, address, author and printer details	\$1100 or 6 months imprisonment
s151F	Distribution of electoral material on polling day	\$1100 or 6 months imprisonment
s151H	Canvassing at polling place	\$550

Execution

The Compliance Operation took place from the opening of pre-poll on 31 October 2016 until election day. Six investigators from the NSWEC participated in the operation. In addition to their functions as inspectors under the EFED Act, they were also appointed to the role of Election Assistant under the PEE Act so they could exercise functions under that Act throughout the operation.

Investigators visited a total of 14 pre-poll and polling places in the electorate and made contact with various stakeholders, including the Returning Officer, Polling Place Managers, candidates and their campaigners or volunteers. The presence of the investigators served a dual purpose: educating stakeholders in their obligations under the PEE Act and the EFED Act and acting as a deterrent to non-compliant behaviour.

Investigators also made enquiries concerning allegations of breaches of legislation. Across the three by-elections held on 12 November the most common allegations received involved:

- material that did not display the name and address of author and printer
- unregistered material being distributed on election day
- unregistered third-party campaigner

In the case of allegations that electoral material did not display the name and address of author and printer, investigators identified the person responsible for the material, requested that the material be corrected or taken down, and either explained the legislation or issued an official warning. For allegations of unregistered material being distributed on election day, investigators verified that the material distributed on election day had in fact been registered.

Investigators dealt with unregistered third-party campaigners by identifying the person responsible for the material, assessing the content of the material and the amount spent on electoral communication expenditure (e.g. requested copies of invoices from vendors) to confirm whether or not the person was a third-party campaigner, and educating the responsible person about the legislation through communication and/or official warning.

Comparison to 2015 State General Election and other by-elections

Turnout and Informality Rates

In the 2015 NSW State Election there were five candidates for the Orange District. The number of electors enrolled was 54,880, the voter turnout figure was 91.5 per cent and the informality rate was 2.87 per cent.

At the November 2016 by-election, there were eight candidates and the enrolment figure had increased to 56,242. The turnout and informality rates were 88.34 per cent and 2.7 per cent, respectively. Traditionally, voting rates tend to be lower in by-elections than general elections and informality rates higher.

The turnout for the Orange by-election was higher compared with the average for State by-elections over the past five years, (85.7 per cent), and the informality rate lower than the average across the same period of 2.9 per cent.

Non-voters and Penalty Notices²

There were 5,138 penalty notices (PNs) issued for the Orange by-election (9.13 per cent of those on the electoral roll). This is markedly lower than the Canterbury and Wollongong by-elections, both of which took place on the same date.

Table 5: Penalty Notices, Orange By-election 12 November 2016 frequency and percentages

By-election	No. on Roll	PNs issued	No. PN as % Roll
Orange	56,242	5,138	9.13
Canterbury	57,112	9,512	16.65
Wollongong	59,640	6,723	11.27

² As noted earlier, a penalty notice is withdrawn if an elector provides a valid excuse for not voting. At the date of this report the enforcement process for failure-to-vote penalty notices for these by-elections had not yet been completed.

Orange

State By-election

Saturday, 12 November 2016

This brochure contains important information about the election. It's particularly important to remember:

- Polling places will be open from 8am to 6pm on Saturday, 12 November 2016;
- Voting is compulsory for all enrolled electors in the electoral district of Orange; and
- The penalty for not voting at the by-election is \$55.

Do I need to vote?

You have received this brochure because you are enrolled in the Legislative Assembly District of Orange. Voting is compulsory for all enrolled electors.

Who do I vote for?

You will vote to elect a candidate to represent the electorate of Orange in the NSW Legislative Assembly. The full list of candidates is available at www.elections.nsw.gov.au or by calling us.

Where can I vote?

On election day you can vote at the polling places listed in this brochure. Visit the NSWEC website for more details.

Making political donations to a candidate or political party.

Did you know that if you make a political donation to a candidate or political party of \$1,000 or more you must report it to the NSW Electoral Commission at the end of the financial year? For more information visit www.elections.nsw.gov.au/orange/donors

What if I can't get to a polling place on election day? If you can't vote on election day you may be eligible to vote early.

Pre-poll voting.

Pre-poll voting is available at the following locations:

Venue	Address	Opening times
The Coventry Room, Parkes Shire Library & Cultural Centre	25 Bogan Street, Parkes NSW 2870	5 Nov 2016 - 11 Nov 2016 Mon - Wed, Fri: 8:00am - 6:00pm Thu: 8:00am - 8:00pm Sat: 9:00am - 5:00pm Closed on Sun
Concourse, Forbes Town Hall	2 Court Street, Forbes NSW 2871	5 Nov 2016 - 11 Nov 2016 Mon - Wed, Fri: 8:00am - 6:00pm Thu: 8:00am - 8:00pm Sat: 9:00am - 5:00pm Closed on Sun
Orange Returning Officers' Office	123 - 125 Moulder Street, Orange NSW 2800	31 Oct 2016 - 11 Nov 2016 Mon - Fri: 8:00am - 6:00pm Thu (10 Nov): 8:00am - 8:00pm Sat: 9:00am - 5:00pm Closed on Sun
Sydney Pre-poll	Level 25, 201 Kent Street, Sydney NSW 2000	31 Oct 2016 - 11 Nov 2016 Mon - Fri: 9:00am - 5:00pm Closed on Sat, Sun

Vote via internet or telephone

People who are blind, vision impaired or who have another disability, live more than 20kms from the nearest polling place, or who will be outside NSW on election day, can apply to use the Vote@ system to vote via the internet or the telephone.

To register visit Vote.nsw.gov.au or call 1300 2 Vote (1300 24 86 83) or from outside Australia call +612 9290 5287. Registrations close at 1pm EDT on Saturday, 12 November 2016.

Vote by post

Postal voting is also available for eligible voters. Application forms are available from www.elections.nsw.gov.au or by contacting the returning officer.

Applications must be received by the returning officer by 6.00pm Wednesday, 9 November 2016 if sent within Australia, or 6.00pm Monday, 7 November 2016 if sent from overseas.

Electors who are general postal voters will automatically be sent their ballot papers without further application.

Can I get assistance in any other language?

For assistance in a language other than English please call 13 14 50.

العربية	Italiano	Bahasa Indonesia	Polish
العربية	日本語	Tiếng Việt	한국어
Tiếng Việt	Русский	Türkçe	Їгpи
中文	Português	Македонски	Хрватски
فارسی	ગુજરાતી	فارسی	Espanol
Ελληνικά	Cymraeg	Հայերէլ	Български

For more information:

www.elections.nsw.gov.au or call 1300 135 736.

For hearing and speech impaired enquiries, call us via the National Relay Service on 13 36 77.



Here's where to vote on election day*

Legislative Assembly By-election
Saturday, 12 November 2016

Bring this brochure
with you on election
day. It will make
voting easier.

Election Day Polling Places

Locality	Venue and Address	Access
Alectown	Alectown Soldiers Memorial Hall - Newell Highway	3, 4
Badgerabong	Badgerabong Public School - North Condooboin Road	+
Bogan Gate	Bogan Gate Public School - 5 Bogan Street	3, 4, 5
Borenore	Borenore Public School - 1243 The Esport Way	+
Canobolas	Canobolas Public School - 386 Canobolas Road	+
Canowindra	Canowindra High School - Browns Avenue	2, 3, 4, 5
Cargo	Cargo Public School - Hutton Street	3, 4, 5
Cudall	Cudall Public School - Toogong Street	+
Cummock	Cummock Community Centre - MacLaughlin Street	3, 4
Edgewra	Edgewra Public School - Hill Street	3, 4, 5
Forbes	Forbes High School - 18 Wyncham Avenue	+
Forbes	Forbes Tennis Club - Church Street	3, 4, 5
Forbes	Forbes Town Hall - Hand Street	2, 4
Lucknow	Lucknow Community Hall - Newman Street	3, 4, 5
Manildra	Manildra Soldiers Memorial Hall - 61 Kiwra Street	3
Molong	Molong Community Hall - 96-98 Bank Street	3, 4, 5
Mullion Creek	Mullion Creek Public School - 45 Long Point Road	3, 4
Nashdale	Nashdale Public School - Nancarrow Lane	3, 4, 5
Orange	Anson Street School - 94 Anson Street	2, 3, 4, 5
Orange	Betchington Public School - Matthews Avenue	3, 4
Orange	Bowen Public School - Park Street	3, 4
Orange	Calais Public School - Frost Street	+
Orange	Fiveways Uniting Church Hall - 1 Summer Street	2
Orange	Glenoi Heights Public School - Maxwell Avenue	3, 4
Orange	Kenna Hall - 88 Hill Street	1, 3, 4
Orange	Orange Health Service Community Health Meeting Room - 1130 Forest Road	2, 3, 5
Orange	Orange High School - Woodward Street	2, 3, 5
Orange	Orange Public School - Sale Street	4
Parokes	Coventry Room, Parkes Shire Library - 23 Bogan Street	@
Parokes	Parkes Parkes Assemblies of God Hall - 7 Rees Avenue	3, 4, 5
Parokes	Parkes East Public School - Rankine McGirr Way	2, 3, 4, 5
Peak Hill	Peak Hill Central School - Denbong Street	4
Spring Hill	Spring Hill Public School - Seaton Street	3, 4
Spring Terrace	Spring Terrace Public School - 573 Forest Road	3, 4
Trundle	Trundle Central School - Croft Street	3, 4
Tullamore	Tullamore Central School - Hinkler Street	4, 5
Yeoval	Yeoval Central School - Obley Street	3, 4

Legend

Legend	Does not meet accessibility requirements	Assisted Access
+	Does not meet accessibility requirements	
1	Access ramp does not meet standards	
2	Building has lifts and/or steps	
3	No accessible toilet	
4	No designated accessible parking spot	
5	Path of travel from car park may be difficult	
2, 3, 4, 5	Full Wheelchair Access	

*Information correct as at 20 October 2016.



Your guide to voting in

Orange

**YOUR STATE.
YOUR LIFE.
YOUR VOTE.**



Appendix B: Orange By-election 12 November 2016 Polling Places

Pre-poll voting venues

Venue	Address	Suburb/Town
Forbes Town Hall	2 Court Street	Forbes
Coventry Room, Parkes Shire Library	25 Bogan Street	Parkes
Orange Returning Officers' Office	123 - 125 Moulder Street	Orange
Sydney Pre-poll	Level 25, 201 Kent Street	Sydney

Declared Institutions

Venue	Address	Suburb/Town
Ascott Gardens (Astill House Aged Hostel & Westcott Lodge)	83 Spring Street	Orange
Bloomfield Hospital	Forest Road	Orange
Calare Residential Aged Care Facility	124 March Street	Orange
Canowindra Soldiers Memorial Hospital	Browns Avenue	Canowindra
Cherrywood Grove RACF	152 Sieben Drive	Orange
Dudley Private Hospital	261 March Street	Orange
Forbes Health Service	Elgin Street	Forbes
Frazer Court Hostel	Frazer Avenue	Peak Hill
Gosling Creek	1501-1503 Forest Road	Orange
Jemalong Retirement Village	240 Edward Street	Forbes
Mater Aged Care	1 Prince Street	Forbes
Molong Hospital	King Street	Molong
Niola Nursing Home	29 Bushman Street	Parkes
Parkwood Aged Care Facility	74 Prince Street	Orange
Prunus Lodge	Bells Lane	Molong
Rosedurante Nursing Home	46 Orange Street	Parkes
Southern Cross Village Aged Care	2-10 Middleton Street	Parkes
St Francis Aged Care	85-89 Clinton Street	Orange
The Salvation Army Moyne	161 Nangar Road	Canowindra
Trundle Multi-Purpose Service	44 Brookview Street	Trundle
Tullamore District Hospital	1-5 Hinkler St	Tullamore
UPA Yeoval	3-7 Lord Street	Yeoval
Wontama Nursing Home	27 Summer Street	Orange

Voting venues

Venue	Address	Suburb/Town
Alectown Soldiers Memorial Hall	Newell Highway	Alectown
Anson Street School	94 Anson Street	Orange
Ascott Gardens (Astill House Aged Hostel & Westcott Lodge) (DI)	83 Spring Street	Orange
Bedgerabong Public School	North Condobolin Road	Bedgerabong
Bletchington Public School	Matthews Avenue	Orange
Bloomfield Hospital (DI)	Forest Road	Orange
Bogan Gate Public School	5 Bogan Street	Bogan Gate
Borenore Public School	1243 The Escort Way	Borenore
Bowen Public School	Park Street	Orange
Calare Public School	Frost Street	Orange
Calare Residential Aged Care Facility (DI)	124 March Street	Orange
Canobolas Public School	386 Canobolas Road	Canobolas
Canowindra High School	Browns Avenue	Canowindra
Canowindra Soldiers Memorial Hospital (DI)	Browns Avenue	Canowindra
Cargo Public School	Hutton Street	Cargo
Cherrywood Grove RACF (DI)	152 Sieben Drive	Orange
Cudal Public School	Toogong Street	Cudal
Cumnock Community Centre	McLaughlin Street	Cumnock
Dudley Private Hospital (DI)	261 March Street	Orange
Eugowra Public School	Hill Street	Eugowra
Fiveways Uniting Church Hall	1 Summer Street	Orange
Forbes Health Service (DI)	Elgin Street	Forbes
Forbes High School	18 Wyndham Avenue	Forbes
Concourse, Forbes Town Hall	2 Court Street	Forbes
Forbes Tennis Club	Church Street	Forbes
Forbes Town Hall (PP)	Harold Street	Forbes
Frazer Court Hostel (DI)	Frazer Avenue	Peak Hill
Glenroi Heights Public School	Maxwell Avenue	Orange
Gosling Creek (DI)	1501-1503 Forest Road	Orange
Jemalong Retirement Village (DI)	240 Edward Street	Forbes
Kenna Hall	88 Hill Street	Orange
Lucknow Community Hall	Newman Street	Lucknow
Manildra Soldiers Memorial Hall	61 Kiewa Street	Manildra
Mater Aged Care (DI)	1 Prince Street	Forbes
Middleton Public School	Medlyn Street	Parkes
Molong Community Hall	96-98 Bank Street	Molong
Molong Hospital (DI)	King Street	Molong

Voting venues (continued)		
Mullion Creek Public School	45 Long Point Road	Mullion Creek
Nashdale Public School	Nancarrow Lane	Nashdale
Niola Nursing Home (DI)	29 Bushman Street	Parkes
Orange High School	Woodward Street	Orange
Orange Health Service	Community Health Meeting Room 1530 Forest Road	Orange
Orange Public School	Sale Street	Orange
Orange Returning Officers' Office	123 - 125 Moulder Street	Orange
Parkes Assemblies of God Hall	7 Rees Avenue	Parkes
Parkes East Public School	Renshaw McGirr Way	Parkes
Coventry Room, Parkes Shire Library (PP)	25 Bogan Street	Parkes
Parkwood Aged Care Facility (DI)	74 Prince Street	Orange
Peak Hill Central School	Derribong Street	Peak Hill
Prunus Lodge (DI)	Bells Lane	Molong
Rosedurante Nursing Home (DI)	46 Orange Street	Parkes
Southern Cross Village Aged Care (DI)	2-10 Middleton Street	Parkes
Spring Hill Public School	Seaton Street	Spring Hill
Spring Terrace Public School	573 Forest Road	Spring Terrace
St Francis Aged Care (DI)	85-89 Clinton Street	Orange
Sydney Pre-poll (PP)	Level 25, 201 Kent Street	Sydney
The Salvation Army Moyne (DI)	161 Nangar Road	Canowindra
Trundle Central School	Croft Street	Trundle
Trundle Multi-Purpose Service (DI)	44 Brookview Street	Trundle
Tullamore Central School	Hinkler Street	Tullamore
Tullamore District Hospital (DI)	1-5 Hinkler St	Tullamore
UPA Yeoval (DI)	3-7 Lord Street	Yeoval
Wontama Nursing Home (DI)	27 Summer Street	Orange
Yeoval Central School	Obley Street	Yeoval

DI denotes Declared Institution
PP denotes pre-poll voting venue

Appendix C: Orange By-election 12 November 2016 Ballot Paper

Ballot Paper
Legislative Assembly Election – Electoral District of
Orange
Held on 12 November 2016

DIRECTIONS FOR VOTING
PLEASE READ CAREFULLY

- Write the number **1** in the square next to the candidate of your choice.
- You can show more choices, if you want to, by writing numbers in the other squares, starting with the number **2**.
- Fold this ballot paper so your vote cannot be seen and place it in the ballot box (or in the envelope provided).

CANDIDATES

BICKNELL Janelle
THE GREENS

BARRETT Scott
THE NATIONALS

DONATO Philip
SHOOTERS, FISHERS AND FARMERS

DUFFY Kevin
INDEPENDENT


MUNRO Scott
INDEPENDENT

FITZSIMON Bernard
COUNTRY LABOR

DECKER Dianne
CHRISTIAN DEMOCRATIC PARTY (FRED NILE GROUP)

DONALD Ian
INDEPENDENT

You must not take a ballot paper out of the polling place

 electoral
commission

Appendix D: 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