

S T A T E   B Y - E L E C T I O N   R E P O R T



Cabramatta

2008

**Publication copyright**

*No part may be reproduced by any process, except in accordance with the Copyright Act 1968.*

*Please address all enquiries to the New South Wales Electoral Commission, Level 25, 201 Kent Street, Sydney 2000*



The Hon Nathan Rees MP  
Premier  
Level 40  
Governor Macquarie Tower  
1 Farrer Place  
SYDNEY NSW 2000

Dear Premier

I am pleased to submit to you, for presentation to Parliament, my report on the results and administration of the by-election held on 18 October 2008 for the Legislative Assembly District of Cabramatta.

Yours sincerely

A handwritten signature in black ink that reads 'Colin Barry'.

Colin Barry  
Electoral Commissioner

25 May 2009

# Contents

---

<b>Overview</b>	03
<b>Results</b>	09
First preference votes by candidate	09
Two candidate and two party preferred results	09
Voter turnout and informal votes at New South Wales by-elections – 2001 to 2008	10
Formal pre-poll votes as a percentage of total formal votes at New South Wales by-elections - 2001 to 2008	10
Formal postal votes as a percentage of total formal votes at New South Wales by-elections - 2001 to 2008	11
Composition of the Legislative Assembly following the 2008 by-elections	11
First preference votes polled for each candidate by polling place	12
Distribution of preferences results	13
<b>The district at a glance</b>	14
<b>Background information</b>	15
<b>Services to electors</b>	19
<b>Services to registered political parties and candidates</b>	29
<b>Services to media</b>	33
<b>The role of the New South Wales Electoral Commission</b>	35
<b>Counting of votes and declaration of the poll</b>	37
<b>Appendix 1</b>	38
Advertisements placed as part of the advertising campaign	38
<b>Appendix 2</b>	40
Elector brochure	40
<b>Appendix 3</b>	41
Ballot paper	41

---

# Overview

---

This Report provides information on the conduct, administration and results of the by-election held in the Cabramatta 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 Iemma 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 timeframe to undertake all necessary arrangements for the four by-elections was quite short (approximately one month). Tasks to be undertaken 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. Putting in place these arrangements 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.

---

## Overview

---

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 2008 by-elections was the fact that schools were on holiday at the end of September and beginning of October, which 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.

### 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.

## Overview

---

### Electoral material

Although the NSWEC conducted information seminars for candidates and details are 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 Cabramatta 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 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 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 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.

---

## Overview

---

### 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 at 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-box 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 (Eol) 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 staff were able to access their Eol 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.

---



## Overview

---

### 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 delays. This had occurred at several polling places in Cabramatta. 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. The NSWEC aimed to increase the number of bilingual election officials at polling places in Cabramatta. This may also have assisted in speeding up the process of finding electors on the roll.

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 11 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 *Sydney Morning Herald*, the *Daily Telegraph*, the *Sing Tao*, the *Chieu Dong*, the *Fairfield Advance* and the *Fairfield Champion* in the week of 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 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.

---

## Overview

---

### 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 who 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 from the responses.

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'.

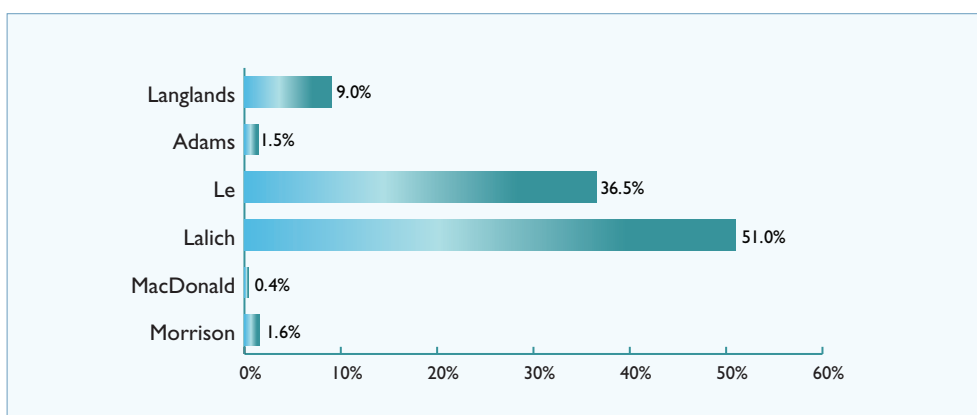
Similarly thought will be given as to how feedback from electors can be increased.

# Results

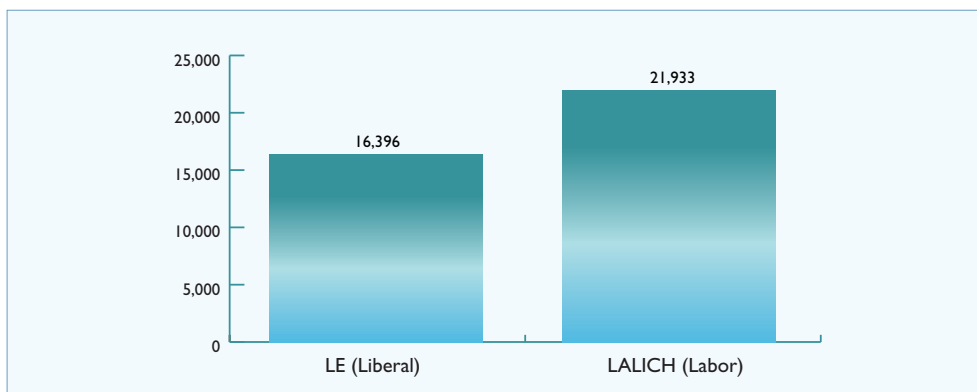
---

Enrolment:	50,383
Formal votes:	42,036
Informal votes:	1,321 (3.0% of total votes)
Total votes:	43,357 (86.1% of electors enrolled)

## First preference votes by candidate

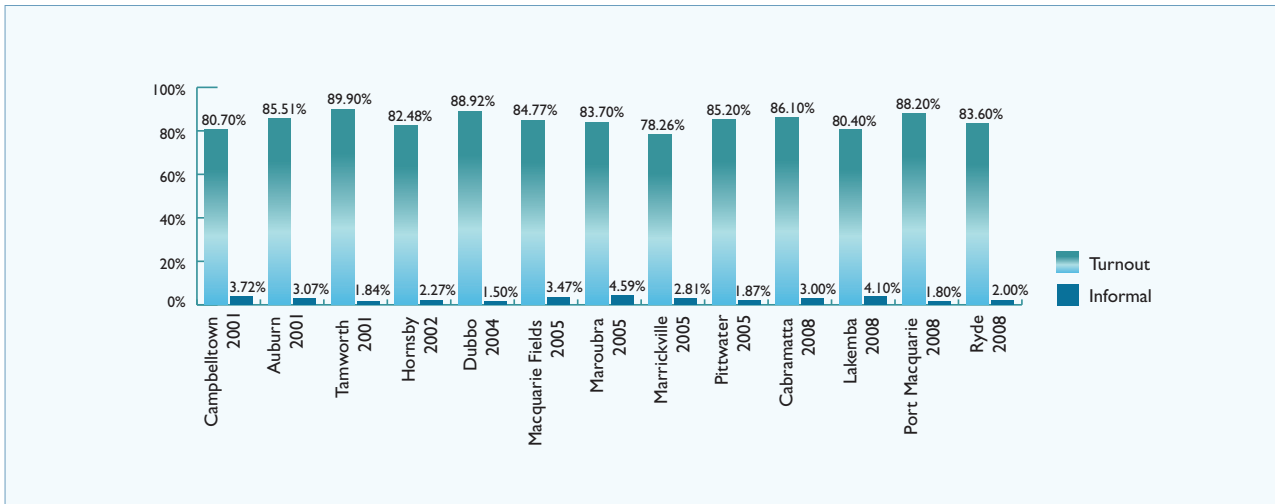


## Two candidate and two party preferred results

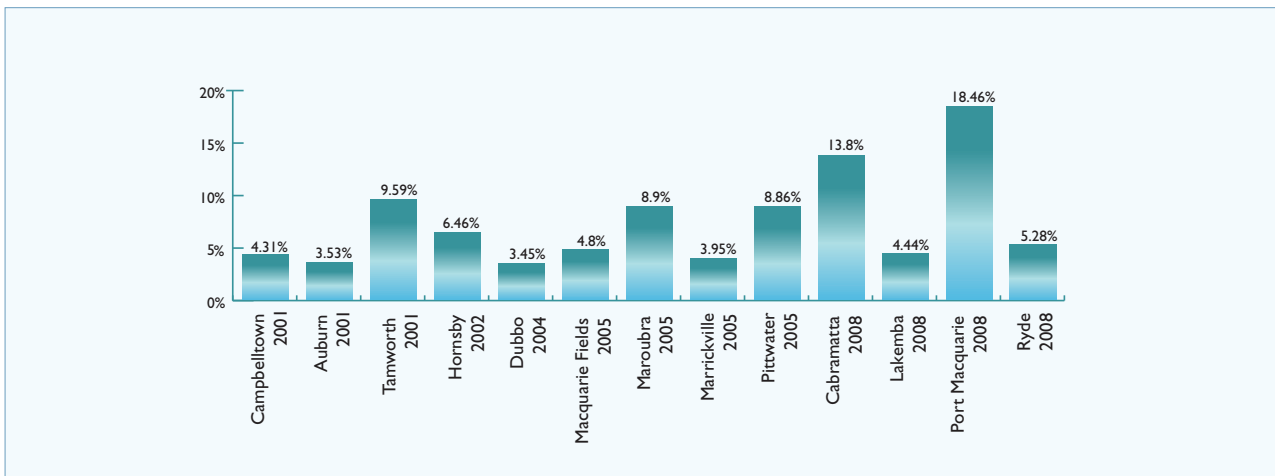


## Results

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

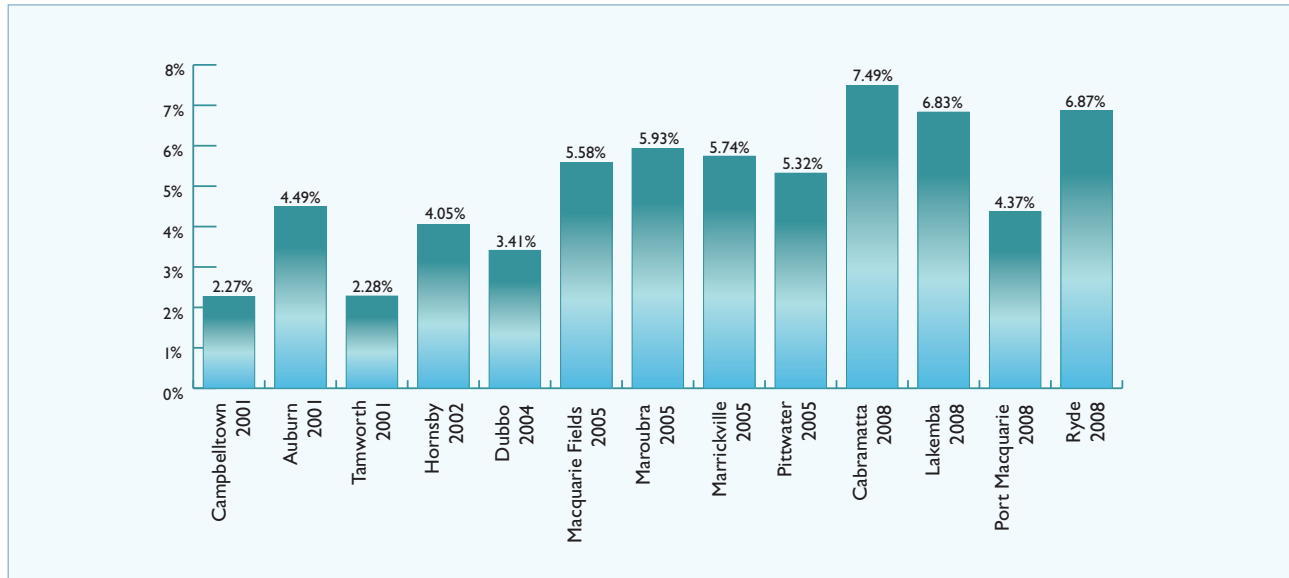


### Formal pre-poll votes as a percentage of total formal votes at New South Wales by-elections - 2001 to 2008

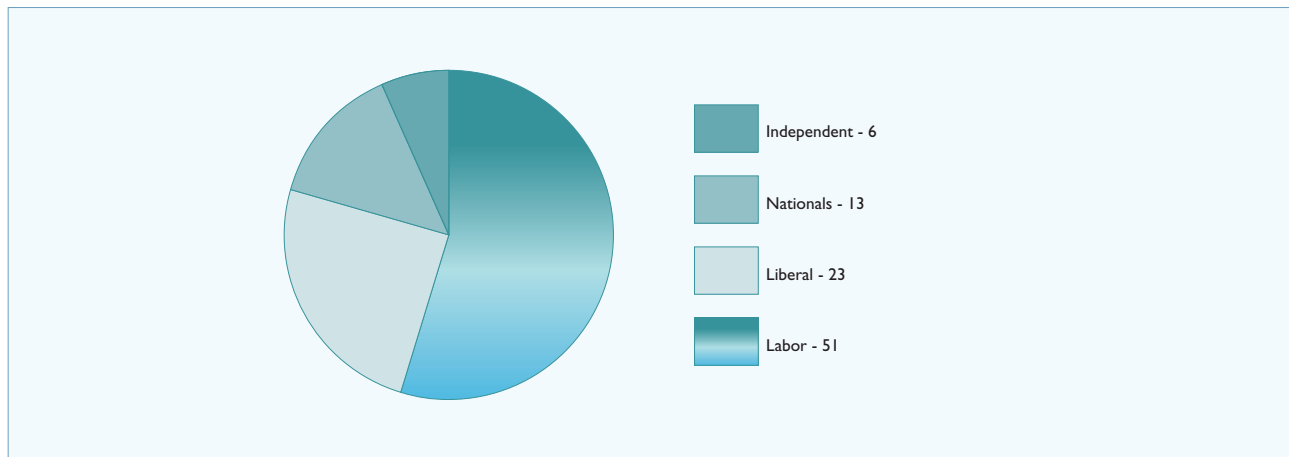


## Results

### 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



## Results

### First preference votes polled for each candidate by polling place

Polling Place	LANGLANDS The Greens	ADAMS	LE Liberal	LALICH Labor	MACDONALD	MORRISON CDP	Formal Votes	Informal Votes	Total Votes
Bonnyrigg	133	35	457	875	10	19	1,529	56	1,585
Bonnyrigg High	181	32	618	915	9	26	1,781	70	1,851
Cabramatta	51	2	229	286	4	4	576	15	591
Cabramatta East	172	8	758	863	4	20	1,825	41	1,866
Cabramatta High	152	9	765	761	6	19	1,712	40	1,752
Cabramatta West	156	11	677	880	8	20	1,752	61	1,813
Cabravale	147	9	804	1,041	4	10	2,015	60	2,075
Canley Heights	278	18	973	1,294	10	33	2,606	105	2,711
Canley Vale	215	110	941	1,370	4	22	2,662	89	2,751
Canley Vale High	104	18	341	379	2	10	854	32	886
Harrington Street	248	39	1,269	1,445	7	35	3,043	116	3,159
Lansvale	94	14	532	468	4	25	1,137	40	1,177
Lansvale East	106	13	558	524	9	26	1,236	54	1,290
Mount Pritchard	331	47	1,020	1,207	4	50	2,659	98	2,757
Mount Pritchard East	211	35	509	895	9	34	1,693	77	1,770
St Johns Park	266	38	957	1,532	9	69	2,871	104	2,975
Wakeley	299	90	770	1,730	18	96	3,003	164	3,167
<b>Total Ordinary Votes</b>	<b>3,144</b>	<b>528</b>	<b>12,178</b>	<b>16,465</b>	<b>121</b>	<b>518</b>	<b>32,954</b>	<b>1,222</b>	<b>34,176</b>
Absent	6	1	4	9	0	1	21	0	21
Declared Institutions	0	0	0	0	0	0	0	0	0
Postal	306	69	1,027	1,680	28	106	3,216	33	3,249
Pre-poll	318	52	2,117	3,248	19	48	5,802	65	5,867
Section/Silent	1	0	21	21	0	0	43	1	44
<b>Grand Totals</b>	<b>3,775</b>	<b>650</b>	<b>15,347</b>	<b>21,423</b>	<b>168</b>	<b>673</b>	<b>42,036</b>	<b>1,321</b>	<b>43,357</b>

## Results

### Distribution of preferences results

	Count No. 1	Count No. 2		Count No. 3		Count No. 4		Count No. 5	
	First Preference Votes	Excluded Candidate Name: MACDONALD Alasdair		Excluded Candidate Name: ADAMS Joseph		Excluded Candidate Name: MORRISON Doug		Excluded Candidate Name: LANGLANDS Lindsay	
Candidates in ballot paper order		168		667		684		3,920	
LANGLANDS Lindsay	3,775	13	3,788	65	3,853	67	3,920		
ADAMS Joseph	65	17	667						
LE Dai	15,347	6	15,353	101	15,454	156	15,610	655	16,265
LALICH Nick	21,423*	7	21,430	54	21,484	61	21,545	480	22,025
MACDONALD Alasdair	168								
MORRISON Doug	673	6	679	5	684				
<b>Total Formal Votes</b>	<b>42,036</b>	<b>49</b>	<b>41,917</b>	<b>225</b>	<b>41,475</b>	<b>284</b>	<b>41,075</b>	<b>1,135</b>	<b>38,290</b>
Exhausted Votes		= 119	=119	+ 442	= 561	+400	= 961	+ 2,785	=3,746
Total Informal Votes	1,321		1,321		1,321		1,321		1,321
<b>Total Votes</b>	<b>43,357</b>	<b>168</b>	<b>43,357</b>	<b>667</b>	<b>43,357</b>	<b>684</b>	<b>43,357</b>	<b>3,920</b>	<b>43,357</b>
<b>Absolute Majority</b>	<b>21,019</b>		<b>20,959</b>		<b>20,738</b>		<b>20,538</b>		<b>19,146</b>

*LALICH elected at count 1*

# The district at a glance

## The Cabramatta electorate

### Area:

24 square kilometres.

### Location:

From Orphan School Creek in the north to Cabramatta Creek in the south, and from Prospect Creek in the east to Smithfield Road in the west.

### Suburbs:

Bonnyrigg, Cabramatta, Cabramatta West, Canley Heights, Lansvale, Mount Pritchard and St Johns Park.

### Demographic rating:

Outer Metropolitan.





# Background information

---

The Cabramatta electorate was established in 1981 and held for the first time by Mr Eric Bedford. It has been held by the Australian Labor Party since 1981 and been represented by the following Members:

Date Elected	Member	Party Affiliation
1981	Eric BEDFORD	ALP
1986	John NEWMAN	ALP
1994	Reba MEAGHER	ALP
2008	Nick LALICH	ALP

## By-elections

There have been two previous by-elections: the first was on 1 February 1986, and the second was on 22 October 1994 when Ms Reba Meagher became the Member for Cabramatta.

The 2008 by-election was held due to the resignation of Ms Meagher on 17 September 2008 after having served 13 years, 10 months and 27 days.

Ms Meagher served as Minister for Fair Trading and Minister Assisting the Minister for Commerce (April 2003 – Jan 2005), Minister for Community Services and Minister for Youth (Jan 2005 – April 2007), Minister for Aboriginal Affairs and Minister Assisting the Premier on Citizenship (Nov 2006 – April 2007) and Minister for Health (April 2007 – Sep 2008).

---

## Background information

---

### State election results

#### 2007

Electors enrolled	48,760	n/a
Total Votes	45,145	92.59%
Formal votes	43,375	96.08%
Informal votes	1,770	3.92%
Non-voters	3,615	7.41%

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

Gutierrez (The Greens)	2,988	6.89%
Smith (Liberal)	7,082	16.33%
Meagher (Labor)	29,962	69.08%
Su (Unity Party)	3,343	7.71%

#### Two candidate preferred result

Smith (Liberal)	8,373	20.96%
Meagher (Labor)	31,584	79.04%

---

## Background information

---

### 2003

Electors enrolled	42,839	n/a
Total Votes	39,494	92.19%
Formal votes	38,138	96.57%
Informal votes	1,356	3.43%
Non-voters	3,345	7.81%

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

Meagher (Labor)	25,374	66.53%
Wong (Unity Party)	2,608	6.84%
Newton (Liberal)	4,245	11.13%
Hampsey (Christian Democratic Party (Fred Nile Group))	647	1.70%
Treyvaud (Independent)	3,830	10.04%
Taunton-Webb (One Nation)	337	0.88%
Grant (The Greens)	1,097	2.88%

### Two candidate preferred result

Meagher (Labor)	27,328	81.72%
Newton (Liberal)	6,115	18.28%

## Background information

---

### 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 2008 (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	1 November 2008

# Services to electors

---

## 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 Cabramatta District speak a language other than English at home. The most common languages were Vietnamese (26.2%) and Cantonese (8.9%) and so selected advertisements were placed in the appropriate community language papers.

(See **Appendix I** for advertisements placed).

## Advice of by-election

Following the resignation of Ms Meagher, 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.

<b>Newspaper</b>	<b>Date of Publication</b>
<i>Daily Telegraph</i>	20 September 2008
<i>Sydney Morning Herald</i>	20 September 2008
<i>Sun Herald</i>	21 September 2008
<i>Sunday Telegraph</i>	21 September 2008

---

## Services to electors

---

### 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 Cabramatta 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
<i>Daily Telegraph</i>	22 September 2008
<i>Sydney Morning Herald</i>	22 September 2008

---

## Services to electors

---

### 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:

<b>Newspaper</b>	<b>Date of Publication</b>
<i>Chieu Duong</i>	30 September 2008
<i>Sing Tao</i>	30 September 2008
<i>Fairfield Advance</i>	1 October 2008
<i>Fairfield Champion</i>	1 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:

<b>Newspaper</b>	<b>Date of Publication</b>
<i>Daily Telegraph</i>	1 October 2008

---

## Services to electors

---

### 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:

<b>Newspaper</b>	<b>Date of Publication</b>
<i>Daily Telegraph</i>	10 October 2008
<i>Sing Tao</i>	10 October 2008
<i>Sydney Morning Herald</i>	11 October 2008
<i>Chieu Dong</i>	15 October 2008
<i>Fairfield Advance</i>	15 October 2008
<i>Fairfield Champion</i>	15 October 2008

### Results

A final advertisement advising that Mr Nick Lalich had been elected as the Member for Cabramatta was placed in:

<b>Newspaper</b>	<b>Date of Publication</b>
<i>Daily Telegraph</i>	27 October 2008

---



## Services to electors

---

### Elector brochure

An elector brochure was also produced by the NSWEC and mailed to the electors in the Cabramatta 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; and
- location of polling places and those with disability access.

### How to vote correctly

It was also decided to include an additional message in Vietnamese on the elector brochure distributed in the Cabramatta District, which asked electors to bring the brochure with them to the polling place on election day. This would provide an easy means of obtaining the correct spelling of electors' names and assist in minimising any possible delays at the polling place as a result of either language difficulties or lack of familiarity with the Vietnamese naming pattern (last name, middle name, first name).

Reports from election officials in the polling places in Cabramatta found that a majority of electors brought their elector brochures, which helped in processing people in an orderly fashion.

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

## Services to electors

---

### 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), inquiring as to which district they were in (582), requesting postal vote applications (420), seeking details of how to vote early (315) or 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, and 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 Cabramatta 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 43,357 total votes counted, 3,249 were postal votes. Of these, 3,216 were formal and 33 were informal votes.

## Services to electors

---

### Registered general postal voters

Electors may apply to become registered general postal voters 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 905 registered general postal voters in the Cabramatta electorate, with 780 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 Cabramatta between 9 am and 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 5,867 pre-poll votes were cast, 65 of which were informal.

## Services to electors

---

### 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 no declared institutions in the Cabramatta electorate as no facilities were identified within the district's boundaries.

## Services to electors

---

### 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 the 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 17 polling places available on election day in the Cabramatta 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.

## Services to electors

---

### 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](http://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 Terry Albrew was appointed Returning Officer for the Cabramatta By-election and he leased premises at Suite 4, 76 Bloomfield Street, Cabramatta from which to conduct the by-election.

The Returning Officer's duties included:

- locating office premises;
  - arranging office fit out and setup;
  - 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.
-

## *Services to registered political parties and candidates*

---

### Party and candidate support and training

A handbook for parties and candidates and one for scrutineers was produced and could be obtained from the Returning Officer or 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 Wednesday 1 October 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.



## Services to registered political parties and candidates

---

### 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.

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 Cabramatta 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 NSWEC VTR 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 6.45 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.

## 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.

## *The role of the New South Wales Electoral Commission*

---

### Staff

The Returning Officer employed 25 casual staff in his office at various times over the election period, and 189 people worked as election officials on election day in the 17 polling places open in Cabramatta. The majority of these polling places had between five and eight vote issuing tables, one polling place had three tables and one had nine.

Training was conducted for the 33 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 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 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 Cabramatta By-election was conducted on the Wednesday following election day, with Mr Nick Lalich elected at count 1.

The result was declared by the Returning Officer on Thursday 23 October 2008 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

LEGISLATIVE ASSEMBLY BY-ELECTIONS  
Saturday 18 October 2008

DISTRICT OF CABRAMATTA  
DISTRICT OF LAKEMBA  
DISTRICT OF RYDE

## Enrol to vote

By-elections for the State Districts of Cabramatta, Lakemba and Ryde will be held on Saturday 18 October 2008.

**The electoral rolls will close at 6pm Monday 22 September 2008.**

To be eligible to vote, you must be correctly enrolled. If you've changed address you'll need to update your enrolment. If you've turned 18 or become an Australian citizen, you'll need to enrol to vote for the first time.


To check your enrolment or for an enrolment form visit [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au) or call **1300 135 736**. Enrolment forms are also available from any Medicare, Centrelink or Australia Post office.

You can enrol in person at any Australian Electoral Commission divisional office including:  
Fowler/Prospect: Suite 3, Level 2, Neeta City Shopping Centre, 54 Smart Street Fairfield NSW 2165  
Bennelong: Level 12, 67 Albert Avenue, Chatswood NSW 2067  
Watson: Level 1, 145 Forest Road Hurstville NSW 2220

Completed enrolment forms can also be faxed to:  
New South Wales Electoral Commission - Fax: (02) 9290 5991  
Australian Electoral Commission - Fowler Fax: (02) 9726 4101, Prospect Fax: (02) 9725 7846, Bennelong Fax: (02) 9779 1006, Watson Fax: (02) 9570 9636

**Remember, voting is compulsory and all enrolment forms must be received by 6pm Monday 22 September 2008.**

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) (02) 9247 3558.

Your vote is your voice. Be heard. 

Authorised by Colin Barry, Electoral Commissioner, Level 25, 201 Kent Street, Sydney NSW 2000.

1

LEGISLATIVE ASSEMBLY BY-ELECTIONS  
Saturday 18 October 2008

DISTRICT OF CABRAMATTA  
DISTRICT OF LAKEMBA  
DISTRICT OF RYDE

## Issue of writs

On 22 September 2008 I received from the Speaker of the Legislative Assembly, the Honourable Richard Torbay, MP, writs for the election of one member for each of the Legislative Assembly Electoral Districts of Cabramatta, Lakemba and Ryde. The writs are returnable by 1 November 2008.

Colin Barry, Electoral Commissioner

### HOW TO NOMINATE AS A CANDIDATE

To nominate you must lodge a nomination form, child-related conduct declaration and a \$250 nomination deposit by 12 noon Friday, 26 September 2008 with the relevant Returning Officer.

Nomination forms and the *Handbook for Candidates and Parties - State By-elections* are available from the Returning Officer or from the NSW Electoral Commission website, [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au).

Returning Officer details:


**Cabramatta**  
Mr Terry Albrew  
Suite 4, 76 Bloomfield St, Cabramatta NSW 2166  
Nomination enquiries - Ph: 0488 490 514

**Lakemba**  
Mr Barry Pittman  
713 Canterbury Rd, Belmore NSW 2192  
Nomination enquiries - Ph: 0408 216 597

**Ryde**  
Ms Maryanne Rosen  
Suite 2, 55 Talavera Rd, North Ryde NSW 2213  
Nomination enquiries - Ph: 0437 379 927

**Information: [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au) or call 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) (02) 9247 3558.

Your vote is your voice. Be heard. 

Authorised by Colin Barry, Electoral Commissioner, Level 25, 201 Kent Street, Sydney NSW 2000.

2

LEGISLATIVE ASSEMBLY BY-ELECTION  
Saturday 18 October 2008

DISTRICT OF CABRAMATTA

### EARLY VOTING OPTIONS

The Cabramatta 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, Cabramatta**  
Suite 4, 76 Bloomfield Street, Cabramatta  
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 5pm

You can vote pre-poll at the Returning office for Lakemba, Port Macquarie and Ryde. For further details visit our website or call 1300 135 736.


**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-poll voting, and to obtain a postal vote application form visit our website or call us. Postal vote application forms are also available from any Australia Post office.

**Information: [www.elections.nsw.gov.au](http://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) (02) 9247 3558

Your vote is your voice. Be heard. 

Authorised by Colin Barry, Electoral Commissioner, Level 25, 201 Kent Street, Sydney NSW 2000.

3



## Appendix I

- 4 Advice on registration of electoral material
- 5 Advice on candidates and polling places
- 6 Results

LEGISLATIVE ASSEMBLY BY-ELECTION  
Saturday 18 October 2008

DISTRICT OF CABRAMATTA  
DISTRICT OF LAKEMBA  
DISTRICT OF RYDE

**REGISTER YOUR ELECTORAL MATERIAL**

Electoral material, including how to vote cards, to be distributed on election day by candidates, registered political parties or any person or organisation, must be registered.

Information about electoral material is available in the Handbook for Parties and Candidates\* - State by-elections available from the NSWEC or [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au)

Applications to register electoral material should be forwarded to the NSW Electoral Commission:

Fax - (02) 9290 5939  
Mail - GPO BOX 832 Sydney NSW 2001  
Deliver in person - Level 25, 201 Kent St Sydney 2000


Applications must be received by 5 pm Friday, 10 October 2008. Material received after the deadline will not be considered.

Inquiries: (02) 9290 5999

Electoral material distributed before election day is not required to be registered but must comply with electoral legislation.

**Information: [www.elections.nsw.gov.au](http://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) (02) 9247 3558

Your vote is your voice. Be heard. 

Authorised by Colin Barry, Electoral Commissioner, Level 25, 201 Kent Street, Sydney, NSW 2000.

4

LEGISLATIVE ASSEMBLY BY-ELECTION  
Saturday 18 October 2008

DISTRICT OF CABRAMATTA

**Candidates**

The following candidates have nominated for election:

**LANGLANDS** Lindsay THE GREEN  
**ADAMS** Joseph  
**LE** Dai LIBERAL  
**LALICH** Nick LABOUR  
**MACDONALD** Alaa'dale  
**MORRISON** Doug CHRISTIAN DEMOCRATIC PARTY (RED NILE GROUP)

**Polling Places**


Voting will take place at the following places between 8am and 6pm, Saturday 18 October 2008.  
Polling places are often busy in the morning to minimise delay please consider voting after 2pm.

Berrigrigg	Berrigrigg High School	Elizabeth Drive
Berrigrigg	Berrigrigg Public School	Harrington Parade
Cabramatta	Cabramatta Community Hall	Prindley Road*
Cabramatta	Cabramatta High School	Abolara Avenue
Cabramatta	Cabramatta Public School	Lavelle Street
Cabramatta	Cabramatta West Public School	Broad Street
Cabramatta	Cabramatta/Fairfield PCTC	164 Railway Parade
Cabramatta	Harrington Street Public School	Harrington Street
Carley Heights	Carley Heights Public School	Cambridge Street
Carley Vale	Carley Vale High School	Prospect Road*
Carley Vale	Carley Vale Public School	Carley Vale Road*
Carley Vale	Lansvale Public School	Chancery Street*
Lansvale	Lansvale East Public School	Waverley Road
Mount Pritchard	Mount Pritchard East Public School	Townview Road
Mount Pritchard	Mount Pritchard Public School	104-122 Meadow Road
St Johns Park	St Johns Park Public School	Cardington Street
Walsley	King Park Public School	Humphries Road

\* (Wheelchair Accessible)

**Returning Officer**  
Beryl Akbarov

**Information: [elections.nsw.gov.au](http://elections.nsw.gov.au) or 1300 135 736**  
**Translation Service: 131 450**

Your vote is your voice. Be heard. 

Authorised by Colin Barry, Electoral Commissioner, Level 25, 201 Kent Street, Sydney NSW 2000.

5

LEGISLATIVE ASSEMBLY BY-ELECTIONS  
Held Saturday, 18 October 2008


**Result of By-elections**

On Friday, 24 October 2008 I returned to the speaker of the Legislative Assembly, the Honourable Richard Torbay, MP, the writs for the election of one member for each of the Legislative Assembly Districts of Cabramatta, Lakemba, Port Macquarie and Ryde.

The following candidates were elected:

**Cabramatta** Nick Lalich  
**Lakemba** Robert Furolo  
**Port Macquarie** Peter Besseling  
**Ryde** Victor Dominello

Colin Barry,  
Electoral Commissioner

Your vote is your voice. Be heard. 

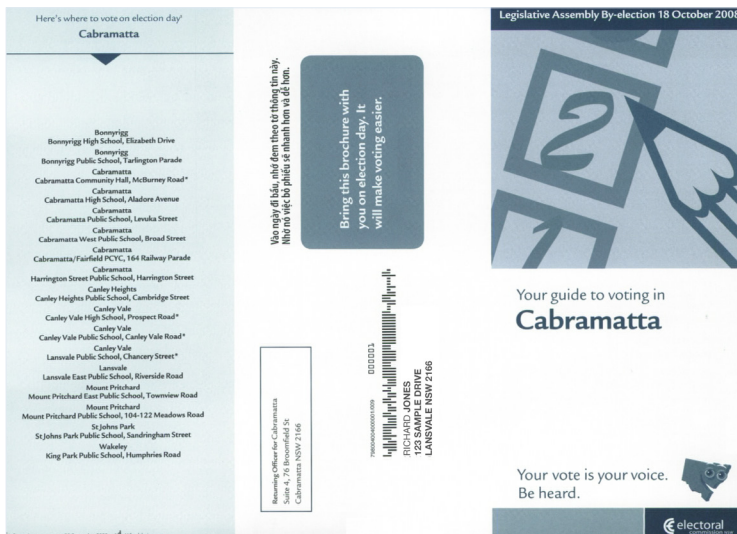
Authorised by Colin Barry, Electoral Commissioner, Level 25, 201 Kent Street, Sydney NSW 2000.

6

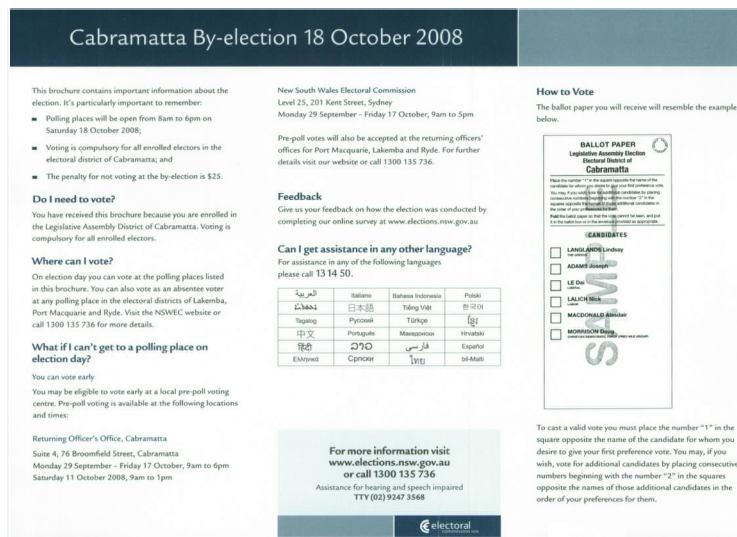
# Appendix 2

## Elector brochure

- 1 Front
- 2 Back



1




2

# Appendix 3

---

## Ballot paper

**BALLOT PAPER**  
**Legislative Assembly Election**  
**Electoral District of**  
**Cabramatta**



---

Place the number "1" in the square opposite the name of the candidate for whom you desire to give your first preference vote. You may, if you wish, vote for additional candidates by placing consecutive numbers beginning with the number "2" in the squares opposite the names of those additional candidates in the order of your preferences for them.

**Fold** the ballot paper so that the vote cannot be seen, and put it in the ballot box or in the envelope provided as appropriate.

---

**CANDIDATES**

**LANGLANDS Lindsay**  
THE GREENS

**ADAMS Joseph**

**LE Dai**  
LIBERAL

**LALICH Nick**  
LABOR

**MACDONALD Alasdair**

**MORRISON Doug**  
CHRISTIAN DEMOCRATIC PARTY (FRED NILE GROUP)

