

Report on the conduct of the election

# Gosford

# State by-election

8 April 2017

## The New South Wales Electoral Commission (NSWEC)

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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 Saturday 8 April 2017 for the Legislative Assembly District of Gosford.

Yours sincerely



John Schmidt  
Electoral Commissioner  
30 November 2017

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## Foreword

This report provides information on the conduct of the by-election held for the Gosford Electoral District on 8 April 2017 following the resignation of The Hon. Kathleen Smith.

The Writ for the Gosford By-election was issued on Friday 17 March 2017, giving the New South Wales Electoral Commission (NSWEC) three weeks to prepare the by-election.

The conduct of the election proceeded smoothly. The turnout and informality rates for the Gosford By-election were 85.05 per cent and 2.70 per cent, respectively.

The NSWEC provided the first preference count on election night and declared the poll on Thursday, 13 April 2017, 5 days after the election. This was within the range for declaration of the poll for 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 Gosford By-election.

# Overview

## By-election outcome

The candidate elected at the Gosford By-election on 8 April 2017 was Liesl Tesch (Labor) with 22,931 votes, 49.5 per cent of first preference votes.

## Candidates standing for election

Candidate Name	Party Affiliation
<b>Abigail BOYD</b>	The Greens
Andrew CHURCH	Christian Democratic Party (Fred Nile Group)
Skyla WAGSTAFF	Animal Justice Party
Liesl TESCH	Australian Labor Party (NSW Branch)
Larry FREEMAN	Shooters, Fishers and Farmers
Jilly PILON	The Liberal Party of Australia, New South Wales Division

## Cost data

Cost of By-election	\$667,776
Cost per Elector	\$11.94

## By-election summary

<b>Enrolment</b>	
Total Electors	55,935
Electors enrolled or re-enrolled via SmartRoll	1,868
<b>Voting venues</b>	
Pre-poll venues	3
Polling Places (including Pre-poll and Declared Institutions)	40
Staff employed for election	189
<b>Voter Turnout</b>	
Formal votes	46,287
Informal votes	1,285
Total votes	47,572
Voter turnout rate	85.05%
Formality rate	97.30%
Non-voting penalty notices issued	6,369 <sup>1</sup>
Penalty notices issued as % of Roll	11.39%
<b>Voting Options used by Electors</b>	
Ordinary	29,802
iVote	1,547
Postal	2,275
Pre-poll	12,791
Declared Institution	420
Enrol and vote	572
Provisional/Silent	124
Absent	41
<b>Candidates</b>	
Total candidates	6

<sup>1</sup> 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
Friday 17 March	Issue of Writ
Friday 17 March	Commencement of capped expenditure period
Friday 17 March	Candidate and third-party campaigner registration opened
Friday 17 March	Close of Authorised Roll (6:00pm)
Friday 17 March	Candidate nominations opened
Wednesday 22 March	Close of party nominations at NSWEC HO (12 noon)
Thursday 23 March	Close of nominations at RO office (12 noon)
Thursday 23 March	Candidate registrations closed (12 noon)
Thursday 23 March	Ballot paper draw (2:00pm)
Thursday 23 March	Registration of Electoral Materials commenced
Monday 27 March	Pre-poll voting opened (8:00am-6:00pm)
Wednesday 29 March	iVote Registration opened (10:00am)
Friday 31 March	Registration of Electoral Material closed (5:00pm)
Friday 31 March	Registration of third-party campaigners closed (5:00pm)
Monday 3 April	Declared Institution voting started
Monday 3 April	iVote voting opened (8:00am)
Monday 3 April	Postal vote application (outside Australia) closed (6:00pm)
Wednesday 5 April	Postal vote application (within Australia) closed (6:00pm)
Friday 7 April	Pre-poll voting closed (6:00pm)
Friday 7 April	Declared Institution voting ended
Saturday 8 April	Election Day (8:00am-6:00pm)
Saturday 8 April	End of capped expenditure period
Saturday 8 April	iVote registration closed (1:00pm)
Saturday 8 April	iVote voting closed (6:00pm)
Wednesday 12 April	Receipt of postal votes declarations closed (6:00pm)
Thursday 13 April	Declaration of Poll
Thursday 13 April	Writ returned
Tuesday 16 May	Last day for return of Writ

# Features of the Gosford 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 Gosford 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 29 March 2017 and 8 April 2017. Voting using iVote commenced 3 April 2017 and closed 8 April 2017

There were 1,547 iVotes cast (3.25 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 Gosford By-election, 55,935 electors were on the roll. Through the use of SmartRoll 1,868 Gosford electors, 3.34 per cent of the total number of electors in that district, were either newly enrolled or had their enrolment details updated.

# Gosford Electoral District

## Gosford District profile



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2013 Redistribution Electoral District names and boundaries (Based on the 2013 State Election) © 2013 Electoral Commission of NSW  
Local Government Area names and boundaries (as at 1 June 2014)

NSW  
STATE OF NEW SOUTH WALES  
MAP OF THE ELECTORAL DISTRICT OF  
**GOSFORD**  
As determined by the Electoral Districts Commissioners pursuant to the Parliamentary Electorates and Elections Act, 1912 (Consolidation Act, 1962) September 2013

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Further information, including copies of this map, may be obtained at: [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au)

0 3.5 7 10.5 14  
Kilometres

The State Electoral District of Gosford covers all or part of the local government area of Central Coast.

## Area

867.15 square kilometres

## Postcodes

2083, 2250, 2256, 2257, 2775

## Localities

Bar Point, Blackwall, Booker Bay, Calga, Central Mangrove, Cheero Point, Cogra Bay, East Gosford, Ettalong Beach, Glenworth Valley, Gosford, Greengrove, Gunderman, Horsfield Bay, Kariong, Koolewong, Kulnura, Little Wobby, Lower Mangrove, Mangrove Creek, Mangrove Mountain, Marlow, Mooney Mooney, Mooney Mooney Creek, Mount White, Narara, Niagara Park, North Gosford, Patonga, Pearl Beach, Peats Ridge, Phegans Bay, Point Clare, Point Frederick, Somersby, Spencer, Springfield, Tascott, Umina Beach, Wendoree Park, West Gosford, Wondabyne, Woy Woy, Woy Woy Bay.

## Demographic profile

The 2016 census revealed that Gosford had 73,851 residents (excluding overseas visitors) of whom 51.4 per cent were female (37,976) and 48.6 per cent were male (35,870). Indigenous Australians made up 3.4 per cent (2,499) of the population.

The median age was 44 years which is above the overall average for Australia of 38. Approximately 16,002 of the population was aged 65 or over (21.7 per cent) 22.2 per cent were aged under 20.

Almost 47,000 (63.6 per cent) residents were born in Australia. The most frequent countries of birth after Australia were England (6.8 per cent), New Zealand (2.6 per cent), Scotland (1.3 per cent), and China (1.3 per cent).

Throughout the electorate 85.0 per cent of people speak only English at home. Other languages spoken at home included:

- Mandarin (0.9 per cent)
- Spanish (0.6 per cent)
- Cantonese (0.4 per cent)
- Korean (0.4 per cent)
- Italian (0.4 per cent)

## Historical electoral representation

Previous recent State representation for the Gosford District has been:

Date	Name	Party
2017-Present	Liesl Dorothy TESCH	Australian Labor Party
2015-2017	(Kathy) Kathleen SMITH	Australian Labor Party
2011-2015	(Chris) Christopher David HOLSTEIN	Liberal Party
2007-2011	Marie Therese ANDREWS	Australian Labor Party
1988-2007	(Chris) Christopher Peter HARTCHER	Liberal Party
1976-1988	Brian McGOWAN	Australian Labor Party

## Services to Electors

The NSWEC undertook an advertising and communication campaign to raise awareness of the Gosford 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;
- active social media posting and moderation (Facebook, Twitter, Instagram); and
- 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 Gosford By-election involved placing newspaper advertisements in state-wide and local newspapers supporting the following phases of the election:

- 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

Paid advertisements comprised print, boosted Facebook posts and digital display. The digital display advertisements were placed to target eligible iVote users who were interstate or overseas.

### Elector brochure

All enrolled electors were sent a personalised elector brochure to their nominated mailing address. The brochure contained information about the by-election including early voting options and a list of polling places. 55,583 brochures were distributed to electors. See Appendix A for brochure artwork.

### Media liaison

Targeted media releases supported the various phases of the election. The media officer provided live and pre-recorded radio interviews as required and answered media enquiries to assist the media cover the elections.

## **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 Gosford By-election results page had 2,544 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 Gosford by-election, the total number of email reminders sent was 939. There were 828 SMS reminders. In all, 529 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**

The Gosford district is not considered to be a high culturally and linguistically diverse (CALD) district. Nevertheless, 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 Gosford 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.

## **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 (including voting in Declared Institutions).

A total of 14,916 electors voted early, representing approximately one 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 3,532 Postal Votes Issued, 2,281 were accepted, 423 rejected and 828 not scrutinised, because they were either returned too late or not returned at all.

## **Pre-poll voting**

Pre-poll voting was open to electors at the Returning Officer's office 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**

Gosford RO Office, 8-16 Watt Street, Gosford  
Access: Assisted Access – no accessible toilet.

Monday 27 March – Friday 7 April 2017

Monday – Friday 8.00am – 6.00pm

Thursday 6 April 8.00am – 8.00pm

Saturday 9.00am – 5.00pm

Closed on Sunday

### **Pre-poll Woy Woy**

Clock Tower Building, 1st Floor, 26-30 Railway Street, Woy Woy  
Access: Fully Wheelchair Accessible.

Monday 27 March – Friday 7 April 2017

Monday – Friday 8.00am – 6.00pm

Thursday 6 April 8.00am – 8.00pm

Saturday 9.00am – 5.00pm

Closed on Sunday

### **Pre-poll NSWEC head office**

Level 25, 201 Kent Street Sydney

Access: Assisted Access – no designated accessible parking space, no accessible toilet.

Monday 27 March 2017 – Friday 07 April 2017

Monday - Friday: 9.00am – 5.00pm

closed Saturday and Sunday.

## **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 Gosford By-election, 11 venues were designated as Declared Institutions and, of these, one requested postal votes. Election staff visited the other Declared Institutions between Monday, 3 April and Friday, 7 April 2017.

# 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 17 March 2017). The Writ set Wednesday 22 March 2017 as the date for close of nominations for political parties lodging forms with the NSWEC's head office and Thursday 23 March 2017 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 Gosford. Independent candidates could only nominate at the Returning Officer's office.

There were six 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. Candidates who intended receiving political donations or incurring electoral communication expenditure before nominating were required to register and appoint an official agent.

Third-party campaigners were required to register before incurring \$2,000 in electoral communication expenditure during the capped State expenditure period.

Registration forms could be lodged with the NSWEC from the issue of the Writ (Friday, 17 March 2017).

Candidates had until 23 March 2017 to lodge a registration form, while registrations for third-party campaigners closed on 31 March 2017.

Six candidates were registered for the by-election, five of whom were deemed to be registered when they nominated. All six candidates were endorsed. Six third-party campaigners applied to be registered for the by-election.

## 'How-to-Vote' material

Registration of 'How-to-Vote' material was handled centrally. Registration of this material opened on Thursday 23 March 2017.

Close of applications to register 'How-to-Vote' material was 5.00pm, Friday, 31 March 2017.

# Conducting the Gosford By-Election

## Returning Officer arrangements

The Returning Officer's office was situated at 8-16 Watt Street Gosford, NSW.

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

Key cost drivers for the election included:

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

The final cost of NSWEC conducting the election was \$667,776 (GST exclusive).

This was made up of election staffing \$198,842; venues \$35,885; logistics \$13,293; ballot papers and electoral rolls \$21,201; electronic voting \$209,331 and other miscellaneous items \$189,225. The cost per elector was \$11.94.

## 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 recruit staff, pack and prepare 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. There was 190 people employed to work at the Election. The election staff was made up of:

- 26 polling place managers,



- 10 deputy polling place managers,
- 26 Declaration Vote issuing officers,
- 79 Election Officials
- 43 Office Assistants,
- 5 Senior Office Assistants
- 1 Returning Officer.

Of the staff employed, four staff members identified as being Aboriginal (2.8%) six election staff members had a disability (4.25 %) and 19 (13.48%) staff members spoke another language other than English.

All polling place staff must complete an online training program that is mapped to their job role. Furthermore all polling places staff are issued with an Instruction Manual to prepare them for work and reference on Election Day.

## Supplies

A total of 74,700 ballot papers with security backgrounds were printed by a security printer. 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 the paper and cardboard materials are themselves recycled.

In the Gosford 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 Gosford By-election the Election Management Application was used. 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 vote). 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 6pm 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 Gosford By-election held 8 April 2017**

Candidates	Votes	
Abigail BOYD	3,454	
Andrew CHURCH	1,475	
Skylla WAGSTAFF	1,841	
Liesl TESCH	22,931	ELECTED
Larry FREEMAN	2,378	
Jilly PILON	14,208	
<b>Total Formal Votes</b>	<b>46,287</b>	
<b>Total Informal Votes</b>	<b>1,285</b>	
<b>Total Votes</b>	<b>47,572</b>	
<b>Absolute Majority</b>	<b>23,144</b>	

More detailed information on the counts is available on the NSWEC's website [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au)

# Declaration of the poll

On Thursday 13 April 2017, the Returning Officer declared Liesl Tesch elected.

This was an elapsed time of five days from polling day. By-elections held in 2017 had elapsed times of five days. This is the same interval for by-elections held in 2016 and 2014. 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 collected or retained by the NSWEC but 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 Gosford State by-election.

The number of electors who were issued with penalty notices was 6,369 (11.39 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, 2,228 people appeared to have failed to vote, of whom 1,033 provided valid and sufficient reasons for failing to do so.

Initial Apparent Failure to Vote notices for the Gosford State by-election were issued on 3 July 2017. Responses can be submitted either 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/or
- 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. By 14 August 2017, 126 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 Revenue NSW 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 April 2017

### Overview and Objectives

The NSWEC is responsible for ensuring compliance with and enforcement of the *Parliamentary Electorates and Elections Act 1912* (PE&E 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. In December 2014, the NSWEC assumed responsibility for the investigation and enforcement of these offences under the PEE Act.

The By Election Compliance Operation provides an opportunity for the NSWEC to further its objective of establishing a stronger regulatory function by:

- Proactively engaging with stakeholders
- Ensuring compliance with legislations
- Promoting enforcement capabilities

**Table 2: Potential Offences under the EFED Act**

Section	Offence	Penalty
s96AA s96I(1)	Third-party Campaigner – Failure to register and appoint an agent`	\$44,000 or 2 years imprisonment or both

**Table 3: 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	\$11,000 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 6 months imprisonment
s150	Treating	\$11,000 or 3 years imprisonment
s151	Intimidation	\$11,000 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 27 March 2017 until election day. Six investigators from FDC participated in the operation covering all three by-elections held in April 2017. 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 that they could exercise functions under that Act throughout the operation.

Investigators attended pre polling venues for the opening and closing of pre-poll. On Election Day, investigators were in the field inspecting polling places and speaking with various stakeholders, including the Returning Officer, polling place managers, candidates and their campaigners or volunteers. The presence of the investigators served the dual purpose of educating stakeholders in their obligations under the PEE Act and the EFED Act and acting as a deterrent to non-compliant behaviour.

In total 14 polling places in the Gosford District were visited on Election Day. No significant breaches were detected.

There were no complaints received regarding breaches of legislation for the Gosford District.

## Comparison to 2015 State General Election and other by-elections

### Turnout and informality rates

In the 2015 NSW State Election there were six candidates for the Gosford District. The number of electors enrolled was 55,001, the voter turnout figure was 90.61 per cent and the informality rate was 3.16 per cent.

At the April 2017 by-election, there were six candidates and the enrolment figure had increased to 55,935. The turnout and informality rates were 85.05 per cent and 2.70 per cent, respectively. Traditionally, turnout rates tend to be lower in by-elections than general elections and informality rates higher.

The turnout for the Gosford by-election was higher than the average for State by-elections over the past five years, (78.93 per cent), and the informality rate lower than the average across the same period of 3.63 per cent.

## Non-voters and penalty notices<sup>2</sup>

There were 6,369 penalty notices (PNs) issued for the Gosford by-election (11.39 per cent of those on the electoral roll). This is lower than the Manly and North Shore by-elections, both of which took place on the same date.

**Table 4: Penalty Notices, Gosford by-election 8 April 2017 frequency and percentages**

By-election	No. on Roll	PNs issued	No. PN as % Roll
Gosford	55,935	6,369	11.39%
Manly	55,105	8,909	16.17%
North Shore	54,762	8,998	16.43%

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<sup>2</sup> 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.

# Appendices

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# Appendix A: Gosford By-election 8 April 2017 elector brochure

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

Here's where to vote on election day\*

Legislative Assembly By-election  
Saturday, 8 April 2017

Election Day Polling Places		
Locality	Venue and Address	Access
Booker Bay	Booker Bay Pre-School 32 Telopea Street	3, 4, 5
East Gosford	Gosford East Public School Webb Street	3, 4, 5
Ettalong Beach	Ettalong Public School Ullydell Street	3, 4, 5
Gosford	Henry Kendall High School Faunce Street	3, 5
Gosford	TAFE NSW Hunter Institute Gosford Campus Building F - Margin Street	5
Kariong	Kariong Public School Truscott Avenue	2, 3
Kulnura	Kulnura Public Hall 1066 George Downes Drive	2, 3, 4, 5
Mangrove Mountain	Mangrove Mountain Public Hall Waratah Road	1, 3, 4, 5
Mooney Mooney	Mooney Mooney Public School Point Road	3, 4, 5
Mount White	Galga Mount White Bush Fire Brigade Pacific Highway	3, 4, 5
Narara	Glenvale Special School Narara Creek Road	5
Niagara Park	Niagara Park Public School 205 Niagara Valley Drive	3, 4, 5
Patonga	Patonga Progress Hall Brisk Street	1, 3, 4, 5
Peats Ridge	Peats Ridge Public School 1231 Peats Ridge Road	5
Point Clare	Point Clare Public School Takarl Avenue	5
Point Clare	Point Clare Scout Hall Ulrah Avenue	3, 4
Somersby	Somersby Public School 840 Wisemans Ferry Road	5
Spencer	Spencer Community Hall 4776 Wisemans Ferry Road	4, 5
Umina Beach	Brisbane Water Secondary College Umina Campus - Veron Road	3, 5
Umina Beach	Umina Community Hall 6 Sydney Avenue	4, 5
Umina Beach	Umina Public School Sydney Avenue	2, 3, 4
Umina Beach	Umina Uniting Church Neptune Street	3, 4, 5
Woy Woy	Brisbane Water Secondary College Woy Woy Campus - Edward Street	4
Woy Woy	South Woy Woy Progress Association Hall 76 Woy Woy Road	1, 4, 5
Woy Woy	Woy Woy South Public School The School Mall	4, 5
Wyoming	Wyoming Public School Maldens Brush Road	5

\*Information correct as at 23 March 2017.



Your guide to voting in  
**Gosford**

YOUR STATE.  
YOUR LIFE.  
YOUR VOTE.

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Gosford

State By-election

Saturday, 8 April 2017

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, 8 April 2017.
- Voting is compulsory for all enrolled electors in the electoral district of Gosford; 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 Gosford. Voting is compulsory for all enrolled electors.

#### Who am I voting for?

You will vote to elect a candidate to represent the electorate of Gosford in the NSW Legislative Assembly. The full list of candidates is available at [www.elections.nsw.gov.au](http://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/gosford](http://www.elections.nsw.gov.au/gosford)

#### What if I can't get to a polling place on election day?

If you can't vote on election day you can vote early.

##### Pre-poll voting

Pre-poll voting is available at the following locations:

Venue	Address	Opening times
Gosford Returning Officer's Office	8-16 Watt Street Gosford 2250	27 Mar - 7 Apr 2017 Mon - Fri: 8am - 6pm Sat (1 Apr): 9am - 5pm Thu (6 Apr): 8am - 6pm Closed on Sun
Woy Woy Pre-poll	Clock Tower Building, 1st Floor 26-30 Railway Street Woy Woy 2256	27 Mar - 7 Apr 2017 Mon - Fri: 8am - 6pm Sat (1 Apr): 9am - 5pm Thu (6 Apr): 8am - 6pm Closed on Sun
Sydney Pre-poll	Level 25, 201 Kent Street Sydney 2000	27 Mar - 7 Apr 2017 Mon - Fri: 9am - 5pm Closed 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 iVote® system to vote via the internet or the telephone.

To register visit [iVote.nsw.gov.au](http://iVote.nsw.gov.au) or call 1300 2 iVote (1300 24 86 83) or from outside Australia call +612 9290 5287. Registrations close at 1pm EST on Saturday, 8 April 2017.

#### Vote by post

Postal voting is also available for eligible voters. Application forms are available from [www.elections.nsw.gov.au](http://www.elections.nsw.gov.au) or by contacting the Returning Officer.

Applications must be received by the Returning Officer by 6pm Wednesday, 5 April 2017 if sent within Australia, or 6pm Monday, 3 April 2017 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	Polski
日本語	Русский	Tiếng Việt	한국어
Телугу	Türkçe	తెలుగు	
中文	Português	Менанджри	Hrvatski
हिन्दी	සිංහල	فارسی	Español
Ελληνικά	Српски	മലയാളം	bi-Maltà

For more information:  
[www.elections.nsw.gov.au](http://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.

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## Appendix B: Gosford By-election 8 April 2017 polling places

### Pre-poll voting venues

Venue	Address	Suburb
Gosford Returning Officer's Office	8-16 Watt Street	Gosford
Sydney Pre-poll	Level 25, 201 Kent Street	Sydney
Woy Woy Pre-Poll	Clock Tower Building, 1st Floor	Woy Woy

### Declared Institutions

Venue	Address	Suburb
Aubrey Downer Memorial Orange Home & Hostels	23 Sunnyside Avenue	Point Clare
Baptist Care Orana Centre	193-201 Brisbane Water Drive	Point Clare
Blue Wave Living	6 Kathleen Street	Woy Woy
Boronia Court Age Care Facility	6B Kathleen Street	Woy Woy
Brisbane Waters Private Hospital	21 Vidler Avenue	Woy Woy
Gosford District Hospital	Holden Street	Gosford
Gosford Private Hospital	Burrabil Avenue	North Gosford
Peninsula Village	91 Pozieres Avenue	Umina
Woy Woy Hospital	Ocean Beach Road	Woy Woy
Evergreen Lifecare Yallambee Lodge	Yallambee Avenue	West Gosford

### Voting venues

Venue	Address	Suburb
Booker Bay Pre-School	32 Telopea Street	Booker Bay
Brisbane Water Secondary College-Umina Campus	Veron Road	Umina Beach
Brisbane Water Secondary College-Woy Woy Campus	Edward Street	Woy Woy
Ettalong Public School	Uligandi Street	Ettalong Beach
Glenvale Special School	Narara Creek Road	Narara
Gosford East Public School	Webb Street	East Gosford
TAFE NSW Hunter Institute Gosford Campus - Building F	Margin Street	Gosford
Henry Kendall High School	Faunce Street	Gosford
Kariong Public School	Truscott Avenue	Kariong
Kulnura Public Hall	1066 George Downes Drive	Kulnura
Mangrove Mountain Public Hall	Waratah Road	Mangrove Mountain
Mooney Mooney Public School	Point Road	Mooney Mooney
Calga - Mount White Bush Fire Brigade	Pacific Highway	Mount White
Niagara Park Public School	205 Narara Valley Drive	Niagara Park
Patonga Progress Hall	Brisk Street	Patonga
Peats Ridge Public School	1231 Peats Ridge Road	Peats Ridge

Venue	Address	Suburb
Point Clare Public School	Takari Avenue	Point Clare
Point Clare Scout Hall	Jirrah Avenue	Point Clare
Somersby Public School	840 Wisemans Ferry Road	Somersby
Spencer Community Hall	4776 Wisemans Ferry Road	Spencer
South Woy Woy Progress Association Hall	76 Woy Woy Road	Woy Woy
Umina Community Hall	6 Sydney Avenue	Umina Beach
Umina Beach Public School	Sydney Avenue	Umina Beach
Umina Uniting Church	Neptune Street	Umina Beach
Woy Woy South Public School	The School Mall	Woy Woy
Wyoming Public School	Maidens Brush Road	Wyoming

## Appendix C: Gosford By-election 8 April 2017 ballot paper

**Ballot Paper**  
Legislative Assembly Election – Electoral District of  
**Gosford**  
Held on 8 April 2017

**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**

**BOYD Abigail**  
THE GREENS

**CHURCH Andrew**  
CHRISTIAN DEMOCRATIC PARTY (FRED NILE GROUP)


**WAGSTAFF Skyla**  
ANIMAL JUSTICE PARTY

**TESCH Liesl**  
LABOR

**FREEMAN Larry**  
SHOOTERS, FISHERS AND FARMERS

**PILON Jilly**  
LIBERAL

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

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## **Appendix D: NSWEC Election Service Charter 2014-2016**

### **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
- 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