Report on the
Burwood District by-election
11 December 1999

The Hon Bruce Chamberlain, MLC
President of the Legislative Council
The Hon Alex Andrianopoulos, MP
Speaker of the Legislative Assembly

I am pleased to submit to you, for presentation to Parliament, my report on the administration of the Burwood District by-election held on 11 December 1999.

The report is presented to Parliament as required by section 144D(1)(d) of The Constitution Act Amendment Act 1958.

Colin Barry
Electoral Commissioner
1 August 2000
# Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Burwood District by-election at a glance</td>
<td>5</td>
</tr>
<tr>
<td>Background information</td>
<td>8</td>
</tr>
<tr>
<td>By-election dates</td>
<td></td>
</tr>
<tr>
<td>The former Member</td>
<td></td>
</tr>
<tr>
<td>The electorate</td>
<td></td>
</tr>
<tr>
<td>Map of Burwood District</td>
<td></td>
</tr>
<tr>
<td>Past results</td>
<td></td>
</tr>
<tr>
<td>Services to registered political parties and candidates</td>
<td>10</td>
</tr>
<tr>
<td>Appointment of a returning officer</td>
<td></td>
</tr>
<tr>
<td>Support for candidates</td>
<td></td>
</tr>
<tr>
<td>Registration of how-to-vote cards</td>
<td></td>
</tr>
<tr>
<td>Provision of election results</td>
<td></td>
</tr>
<tr>
<td>The VEC’s performance in providing services to registered political parties and candidates</td>
<td></td>
</tr>
<tr>
<td>Services to voters</td>
<td>12</td>
</tr>
<tr>
<td>Enrolment</td>
<td></td>
</tr>
<tr>
<td>Arrangements for voting before election day</td>
<td></td>
</tr>
<tr>
<td>Voting in person</td>
<td></td>
</tr>
<tr>
<td>Voting by post</td>
<td></td>
</tr>
<tr>
<td>Voting at special hospitals</td>
<td></td>
</tr>
<tr>
<td>Registered general postal voters</td>
<td></td>
</tr>
<tr>
<td>Arrangements for voting on election day</td>
<td></td>
</tr>
<tr>
<td>Polling place arrangements</td>
<td></td>
</tr>
<tr>
<td>Information to voters</td>
<td></td>
</tr>
<tr>
<td>Voter information campaign</td>
<td></td>
</tr>
<tr>
<td>Voter information leaflet</td>
<td></td>
</tr>
<tr>
<td>Newspaper advertisements</td>
<td></td>
</tr>
<tr>
<td>Telephone enquiry service</td>
<td></td>
</tr>
<tr>
<td>The VEC’s performance in providing services to voters</td>
<td></td>
</tr>
<tr>
<td>Information services to the media</td>
<td>15</td>
</tr>
<tr>
<td>Information kit and information on the web site</td>
<td></td>
</tr>
<tr>
<td>News releases</td>
<td></td>
</tr>
<tr>
<td>Media enquiries</td>
<td></td>
</tr>
<tr>
<td>Provision of results</td>
<td></td>
</tr>
<tr>
<td>The VEC’s performance in providing information services to the media</td>
<td></td>
</tr>
<tr>
<td>VEC personnel</td>
<td>17</td>
</tr>
<tr>
<td>VEC support</td>
<td></td>
</tr>
<tr>
<td>Employment of staff</td>
<td></td>
</tr>
</tbody>
</table>
Counting the votes and return of the writ

Appendices

1. Detailed voting statistics
2. Registered how-to-vote cards
3. Voter information leaflet
4. Advertisements
The Burwood District by-election at a glance

Result

<table>
<thead>
<tr>
<th>Enrolment:</th>
<th>34,964</th>
</tr>
</thead>
<tbody>
<tr>
<td>Formal votes:</td>
<td>29,767</td>
</tr>
<tr>
<td>Informal votes:</td>
<td>741</td>
</tr>
<tr>
<td>Informal vote rate</td>
<td>2.43%</td>
</tr>
<tr>
<td>Total votes:</td>
<td>30,508</td>
</tr>
<tr>
<td>Total vote rate</td>
<td>87.26%</td>
</tr>
</tbody>
</table>

First-preference votes

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bob Stensholt (ALP)</td>
<td>13,410</td>
</tr>
<tr>
<td>Lana McLean (Liberal)</td>
<td>12,054</td>
</tr>
<tr>
<td>Philip Crohn (Australian Greens)</td>
<td>1,875</td>
</tr>
<tr>
<td>Peter Ferwerda (Democratic Labor Party)</td>
<td>453</td>
</tr>
<tr>
<td>Stephen Mayne</td>
<td>1,975</td>
</tr>
</tbody>
</table>

Detailed voting figures, including figures for each polling place, are contained in Appendix 1.
The Burwood District by-election at a glance

Two-party-preferred vote: Burwood District by-election 1999

<table>
<thead>
<tr>
<th>Party</th>
<th>Votes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Labor</td>
<td>15,963</td>
</tr>
<tr>
<td>Coalition</td>
<td>13,804</td>
</tr>
</tbody>
</table>

Composition of the Legislative Assembly following the Burwood District by-election

Note: The Burwood District by-election decreased the number of seats held by the Liberal Party from 36 to 35, and increased the number of seats held by the ALP from 42 to 43.

Two-party-preferred vote: Burwood District 1988 to 1999

<table>
<thead>
<tr>
<th>Year</th>
<th>Labor (%)</th>
<th>Coalition (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1988</td>
<td>55.6</td>
<td>44.4</td>
</tr>
<tr>
<td>1992</td>
<td>40.7</td>
<td>59.3</td>
</tr>
<tr>
<td>1996</td>
<td>41.4</td>
<td>58.6</td>
</tr>
<tr>
<td>1999</td>
<td>43.2</td>
<td>56.8</td>
</tr>
<tr>
<td>Burwood by-election</td>
<td>46.4</td>
<td>53.6</td>
</tr>
</tbody>
</table>

Election

Note: The Burwood District by-election decreased the number of seats held by the Liberal Party from 36 to 35, and increased the number of seats held by the ALP from 42 to 43.
Voter turnout and informal votes at Victorian State by-elections 1996-1999

Notes:
1. Voter turnout at a by-election is generally lower than that for a State election.
2. Voter turnout is generally greater in country electorates.
3. Voter turnouts at the Doutta Galla Province by-election held on 30 March 1996, and at the three Province by-elections held on 18 September 1999 were particularly high as these by-elections were held in conjunction with a State election.

Votes cast before election day at Victorian State by-elections 1996-1999

Cost
The cost of the Burwood by-election was $193,400. This cost includes all direct costs, plus apportioned costs of VEC general expenses.
The Honourable Jeffrey Kennett, MP, Member for the Electoral District of Burwood, resigned from the Legislative Assembly, effective on 3 November 1999.

By-election dates

The Speaker of the Legislative Assembly announced the following dates for the by-election.

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Issue of writ</td>
<td>11 November 1999</td>
</tr>
<tr>
<td>Close of roll</td>
<td>15 November 1999</td>
</tr>
<tr>
<td>Close of nominations</td>
<td>22 November 1999</td>
</tr>
<tr>
<td>Election day</td>
<td>11 December 1999</td>
</tr>
<tr>
<td>Return of writ</td>
<td>on or before 31 December 1999</td>
</tr>
</tbody>
</table>

The former Member

Mr Kennett was the Member for Burwood from March 1976. He was the Premier from October 1992 to November 1999 and the Minister for Multicultural Affairs and for the Arts from April 1996 to November 1999. Mr Kennett was the Leader of the Opposition from 1982-89 and again from 1991-92, Shadow Minister for Housing, and Immigration and Ethnic Affairs in 1982 and for Youth and Ethnic Affairs from 1988-89. Mr Kennett’s ministerial portfolios between 1981 and 1996 have comprised Housing, Immigration and Ethnic Affairs, Aboriginal Affairs, and Ethnic Affairs. His committee service has included Company Takeover from 1976-81, and he was an Executive Councillor in December 1980. Before entering Parliament, Mr Kennett founded KNF Advertising Pty Ltd in 1971.

The electorate

Burwood District is part of the East Yarra Province and is an established, residential, metropolitan electorate about 13 kilometres east of central Melbourne. It covers 21 square kilometres and encompasses the suburbs of Ashwood and Ashburton and parts of the suburbs of Burwood, Glen Iris, Surrey Hills, Canterbury, Camberwell, Box Hill South, Hartwell and Chadstone.

Map of Burwood District
Past results

1999 State election results

Electors enrolled 34,668
Total votes 32,234 (92.98% of electors enrolled)
Informal votes 789 (2.45% of total votes)

First-preference votes

Mark Bunn (Natural Law Party) 734 2.33%
Jeff Kennett (Liberal) 17,455 55.51%
Bob Stensholt (ALP) 13,062 41.54%
Justice Abolish Child Support and Family Court (Abolish Child Support and Family Court) 194 0.62%

Two-party-preferred vote

Labor 13,585 43.21%
Coalition 17,858 56.79%

1996 State election results

Electors enrolled 33,722
Total votes 31,704 (94.02% of electors enrolled)
Informal votes 546 (1.72% of total votes)

First-preference votes

Neil Phillips (Natural Law Party) 1,001 3.21%
Jeff Kennett (Liberal) 17,836 57.24%
Helen Matthews (ALP) 12,321 39.54%

Two-party-preferred vote

Labor 12,895 41.42%
Coalition 18,234 58.58%

Historical pattern

LCP/Liberal 1955-67*
Liberal 1976-1999
ALP 1999-present

*Burwood District was abolished in 1967, and re-established in 1976.
Services to registered political parties and candidates

Appointment of a returning officer

Mr Brian Ritchie, who was the returning officer for Burwood District at the 1999 State election, was appointed as the returning officer for the Burwood by-election.

The returning officer’s duties included:

- staffing an office;
- receiving candidates’ nominations;
- conducting the draw for ballot paper positions;
- dealing with electoral enquiries;
- issuing postal votes;
- securing venues for polling places within the electorate;
- employing polling place managers and polling officials;
- training polling place managers;
- the registration of how-to-vote cards;
- supervising polling, and receiving and recording voting figures; and
- declaring the poll.

Mr Ritchie was assisted in the conduct of the by-election by experienced election staff who had worked in the returning officer’s office at the recent State election.

Support for candidates

Candidates’ information kits containing electoral information and material were made available to candidates for the by-election. The kits contained:

- a copy of the Candidate’s Handbook for State Elections;
- a map of the electorate and information about the electorate;
- previous election results for the electorate;
- contact details of the returning officer’s office;
- a list of names and addresses of polling places appointed for the by-election;
- a candidate nomination form;
- Appointment of Scrutineer forms;
- a How-to-vote Card Declaration form; and
- a supply of postal vote application forms.

Candidates were also provided with the following roll products for the Burwood District:

- Reference rolls
- a list of Streets
- a list of General Postal Voters

Registration of how-to-vote cards

As at all State by-elections, how-to-vote cards registered by the VEC were the only printed electoral material permitted to be distributed within 400 metres of a polling place on election day. Any person or organisation could submit a how-to-vote card for registration. The following six cards were registered by the returning officer for the Burwood by-election.

- Australian Labor Party–Victorian Branch 3 cards
- Liberal Party of Australia–Victorian Division 1 card
- The Australian Greens–Victoria 1 card
- Stephen Mayne 1 card

Appendix 2 contains samples of how-to-vote cards registered for the by-election.

Provision of election results

Results were received by the VEC and relayed by telephone and fax to the media and to candidates and political parties. In addition the results were available on the VEC’s web site.
The VEC's performance in providing services to registered political parties and candidates

The VEC did not receive any formal complaints from registered political parties or candidates during the period of the by-election.

On election day concern was raised about unauthorised material being distributed outside a polling place in the Burwood District. Election material was being distributed by a group called ‘Vote Informal Today, Democracy Tomorrow’. The material was advocating an informal vote. Victoria police were asked to intervene and collected this material from outside the Elgar Park polling place.
Services to voters

Enrolment

Burwood voters had the opportunity to update their enrolment for a four day period once the by-election was announced. Enrolment forms were available at the usual outlets prior to the close of the roll (post offices and the returning officer's office). In addition, enrolment forms were able to be downloaded from the VEC's web site. During the enrolment period, from the issue of the writ on 11 November to the close of roll on 15 November 1999, 388 people updated their enrolment for the District.

Arrangements for voting before election day

There is a continuing trend towards an increasing number of voters opting to vote before election day. This is because of a growing awareness amongst voters of pre-poll and postal voting facilities. There were 3,257 people who voted before election day (10.68% of voters). This is the second highest proportion on record for a by-election in Victoria, exceeded only by the Frankston East supplementary election of October 1999.

Voting in person

The returning officer’s office was located at 621 Camberwell Road, Camberwell. The office was open to the public from 8.30 am to 5.00 pm on weekdays from Monday, 11 November to Thursday, 9 December, and until 6.00 pm on Friday, 10 December for postal voting purposes. Pre-poll voting commenced from the close of nominations (22 November 1999), at the returning officer's office. The VEC also provided facilities for Burwood electors to record postal votes in person at the VEC's office at 505 Little Collins Street, Melbourne. Some 1,106 people voted at the returning officer's office whilst 127 electors used the VEC service.

Voting by post

Burwood electors who applied for and were qualified to receive a postal vote were able to vote by post. Postal voting services were provided for Burwood electors travelling interstate or overseas at the time of the by-election at interstate electoral offices, and at Victoria House, London. Four Burwood electors took advantage of these services. Postal voting material was issued to 1,958 people. Subsequently, 1,732 of these votes were returned and admitted to the count.

Voting at special hospitals

The Electoral Commissioner may appoint certain institutions to be 'special hospitals'. Mobile polling teams visit these 'special hospitals' in the week before polling day to enable patients or residents to vote without having to apply for a postal vote or go to a polling place on election day.

There are a number of special accommodation services and hospitals located within the Burwood District. The Electoral Commissioner appointed five of these institutions to be 'special hospitals' for the by-election. The number of votes cast at special hospitals was 292.

Registered general postal voters

Electors who are permanently disabled or who care for those who are permanently disabled, who live 20 kilometres or more from a polling place, who cannot vote on a Saturday for religious reasons, who are 'silent' electors, or who have another lawful reason why it is always extremely difficult to get to a polling place on election day, may apply to be registered as general postal voters.
Registered general postal voters are automatically sent postal voting material when an election is announced to enable them to record their votes.

Postal voting material was sent to 301 general postal voters at the by-election. (General postal votes are included in the 1,732 postal votes quoted above.)

Arrangements for voting on election day

Polling place arrangements

Thirteen polling places were appointed for the Burwood by-election. The venues used as polling places were the same as those used for the State election held on 18 September 1999. Polling places were located throughout the electorate and were generally known to electors.

Information to voters

Voter information campaign

During the Burwood by-election, a campaign to provide information to the electorate on enrolment and postal voting, and on how, when and where to vote was developed by the VEC.

The main elements of the VEC’s voter information campaign were:

- an information leaflet delivered to every household in the electorate;
- newspaper advertisements in metropolitan daily and five local newspapers; and
- news releases.

Voter information leaflet

The VEC produced a voter information leaflet for the by-election, which was distributed to every household. The leaflet, which was distributed from 23 to 25 November 1999, informed people of:

- the date of the by-election;
- the fact that voting was compulsory;
- when and where to vote on election day;
- how to obtain a postal vote;
- where to vote in person before election day; and
- how to vote correctly.

Appendix 3 contains a copy of the voter information leaflet.

Newspaper advertisements

Advertisements were placed in two metropolitan daily newspapers (Herald Sun and The Age) and five local newspapers covering the Burwood District (Monash Journal, Progress Press, Waverley Gazette, Whitehorse Gazette and Whitehorse Journal) in order to convey information to the entire electorate at various stages of the voter information campaign.

The advertisements provided information about enrolment, publicised the key dates for the by-election, invited nominations, informed voters how they could vote if they were unable to vote on election day, advertised the location of polling places and provided information on how to complete a ballot paper. The telephone numbers of a multi-language enquiry service were included in major advertisements to assist electors from non-English speaking backgrounds.

The newspaper advertisements are reproduced in Appendix 4.
Telephone enquiry service

During the by-election, the VEC operated a telephone enquiry service from its Melbourne office to provide information such as names of candidates, polling place addresses and what to do if an elector could not vote on election day.

The VEC’s performance in providing services to voters

The voter turnout at the by-election was 87.26 per cent of all enrolled electors, and the informal voting rate was 2.43 per cent of total votes. These figures are better than the average figure for metropolitan by-elections during the past ten years. The voter turnout and informal voting rates are pleasing considering that the by-election was held within three months of the State election and the Federal referendum on the republic issue. These factors might be expected to reduce voter turnout and increase the informal vote because Burwood voters were voting so often in a short period of time.

It seems that the substantial media and political attention focussed on the by-election supplemented the VEC’s voter information campaign, ensuring that electors were made well aware of the by-election.

The VEC did not receive any formal complaints from voters during the by-election.

Leaving the Ashwood Secondary College polling place after voting.
Information services to the media

Information kit and information on the web site

An information kit, prepared for the by-election, and the VEC’s web site: www.vec.vic.gov.au provided detailed information about the Burwood District for the media.

News releases

The VEC distributed to the media five news releases and an electorate profile containing key electoral information.

Media enquiries

The Burwood by-election raised a good deal of media interest from the outset, as it was the first by-election contested by the newly formed State Labor government, and the seat had been held by the former Premier, the Hon Jeff Kennett, since 1976.

Enquiries received from the media related to:

- key dates and arrangements for the by-election;
- the 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.

There was also a large contingent of media present at the returning officer’s office to witness the draw for candidates’ positions on the ballot paper after the close of nominations.

Provision of results

VEC staff were on hand at the returning officer’s office on election night to answer media enquiries and to fax progressive results to the media, candidates and political parties. Results to polling place level were also available on the VEC’s web site.
The VEC’s performance in providing information services to the media

Background information provided by the VEC was well used in a variety of media reports during the course of the by-election.

On election night the first polling place results were provided to the media at approximately 7.00 pm, and the last at about 8.30 pm, with a clear indication of the result and swing being evident by about 8.00 pm.

This compares favourably with other by-elections and was particularly pleasing given the high profile nature of this by-election.
VEC personnel

VEC support

The role of the VEC at the by-election was to support the returning officer by providing:

- advice on election management;
- equipment and furniture, telephone and facsimile installation, ballot boxes, voting screens and polling place furniture;
- Help Desk support and assistance for the VEC’s election management system and other technical issues;
- electoral materials, including polling place and office manuals and forms;
- a voter information campaign for the by-election;
- assistance with public and media relations; and
- electoral rolls for use in polling places.

Employment of staff

The returning officer employed 102 staff to work as election officials on election day. Training was conducted for the thirteen polling place managers (PPMs) appointed for the by-election.

The training enabled the returning officer to:

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

The returning officer was very satisfied with the level of support provided by the VEC.
Counting the votes and return of the writ

Votes were counted in the polling places and progressively relayed to the returning officer after 6.00 pm on election night. All pre-poll and postal votes on hand were also counted in the returning officer’s office on election night. A recheck of ballot papers was completed on the Sunday after election day which meant that the final results, including the preference distribution, were available by Monday 13 December.

Eighty-four declaration votes were checked after election day, using the State Roll System to determine the eligibility of voters whose names could not be found on the by-election roll.

On 13 December 1999, the returning officer declared Mr Bob Stensholt (Australian Labor Party) elected, and the Acting Electoral Commissioner returned the writ to the Speaker of the Legislative Assembly.

On 14 December 1999, Mr Stensholt was duly sworn-in by the Speaker of the Legislative Assembly as the Member for the Electoral District of Burwood.