
INTRODUCTION

On Monday, 5 March 2007, Her Excellency Professor Marie Bashir, AC, CVO, Governor of New South Wales, issued the Writs for the election of 93 members of the Legislative Assembly and 21 members of the Legislative Council.

The issue of the Writs is a legal requirement and sets out the timetable for the election.

The 2007 New South Wales State election was held on Saturday, 24 March 2007.

In the Legislative Assembly the Australian Labor Party (ALP) won 52 seats, the Liberal Party 22, the National Party 13, and 6 Independents were elected.

In the Legislative Council the ALP won 9 seats, the Liberal/Nationals 8, the Greens 2, the Christian Democratic Party (Fred Nile Group) and the Shooters Party each won 1 seat. No Independents were elected to the Legislative Council at the 2007 State election.

A detailed breakdown of the election results can be found at pp144-349.

Voting system

The NSWEC conducts all New South Wales State elections and by-elections.

The New South Wales Parliament is made up of two Houses: the Legislative Assembly and the Legislative Council.

The Legislative Assembly, also referred to as the Lower House, is constituted by representatives elected by the people. The State is divided into 93 electoral districts with one Member representing each district for a four year term. An electoral district for the Legislative Assembly has approximately 47,000 electors. The Government of the day must have the support of a majority of Members in the Legislative Assembly.

The method of voting for the Legislative Assembly is known as optional preferential.

The Legislative Council, also referred to as the 'house of review' or Upper House, first met in 1824 when 5 legislative advisors to the Governor were appointed. Today the Legislative Council consists of 42 members democratically elected by the people of New South Wales for an 8 year term. The effect of this is that at each State election in New South Wales (every 4 years), half of the Legislative Council members (21) must stand for re-election if they wish to continue their parliamentary career.

The method of voting for the Legislative Council is known as optional preferential proportional representation.

In the Legislative Assembly each Member represents an electoral district. In the Legislative Council Members are elected to represent the whole State as one electorate.

Voting is compulsory at New South Wales State elections.

The New South Wales Electoral Commission

The NSWEC's mission is to provide high quality election services that are impartial, effective, efficient and in accordance with the law.

The Electoral Commissioner is appointed by the Governor for a ten year term. The Electoral Commissioner is responsible for the registration of political parties, enrolment of electors, preparation of lists and rolls of electors and the conduct of elections. The Electoral Commissioner is the returning officer for the Legislative Council election.

The key responsibilities of the NSWEC are to:

- conduct elections and by-elections for the Parliament of New South Wales;
- conduct elections for Local Government councils;
- conduct elections for registered clubs, statutory boards and State registered industrial organisations;
- prepare the New South Wales electoral roll in conjunction with the Australian Electoral Commission (AEC);
- provide administrative support to the Election Funding Authority;
- provide advice to the Premier on issues affecting the conduct of parliamentary elections, including administrative issues requiring legislative remedy;
- contribute to public understanding and awareness of elections and electoral matters; and
- report to the Parliament on the NSWEC's activities.

The NSWEC recognises the diversity of the New South Wales community and the demand for high quality electoral services to meet a wide range of needs, expectations and levels of understanding of the democratic system.

For this reason, accessible information on elections and electoral matters is provided through the website, public information campaigns and engagement with the media.

Elections are conducted in a high profile, legal environment where impartiality, accuracy, reliability and efficiency are essential.

The NSWEC is committed to continuing to respond effectively and efficiently to higher community expectations with respect to the handling of electors' personal information in accordance with New South Wales privacy laws.

Redistribution of electoral boundaries 2003 - 2004

New South Wales is divided into 93 State electoral districts. A Member of the Legislative Assembly represents electors in a particular district.

Under the Act electoral district boundaries are determined by a redistribution process which provides for an approximate equal number of electors in each electoral district.

In 2004 a redistribution of electoral district boundaries was conducted by the three Electoral District Commissioners. These new boundaries were used at the 2007 State election.

During a redistribution the public and interested organisations are given an opportunity to make suggestions for changes to the electoral district boundaries and names and to comment on the Commissioners' draft proposals. These submissions are considered by the Commissioners before they publish their final determination. The new boundaries come into effect at the next State election held after the redistribution.

In the 2003 – 2004 redistribution the Electoral District Commissioners made alterations to 34 electoral districts, and determined the names and boundaries of all 93 electoral districts.

Legislative amendments

Much of the work of the NSWEC is governed by legislation. The *Parliamentary Electorates and Elections Act 1912* (the Act) is the principal piece of legislation governing the conduct of State elections, and it was significantly amended in 2006. This Act also governs the determination of State electoral district boundaries.

The *Constitution Act 1902* sets out provisions regarding election to the New South Wales Legislative Assembly and Legislative Council.

Increased responsibility of the Electoral Commissioner

The amendments made to the Act in 2006 enhanced the role and responsibilities of the Electoral Commissioner in the administration and conduct of elections. This had clear benefits at the 2007 State election. An example of where this worked well was the transferring of responsibility for advertising the various details concerning the election process from returning officers to the Electoral Commissioner. This ensured that there was a consistency in the message, deadlines were met, the possibility of error was reduced as all advertising was centrally placed, and better State-wide coverage was achieved.

Another area where the powers of the Electoral Commissioner have been enhanced relates to the appointment of returning officers. The Electoral Commissioner, after assessing the performance of each returning officer, is now able to ensure that only those who have discharged their duties to an appropriate standard are considered for future appointments.

Procedural changes

Some of the amendments that had a bearing on procedural aspects of the conduct of the election were also beneficial to stakeholders. For example, giving registered political parties the option of nominating all their Legislative Assembly candidates 'in bulk' with the Electoral Commissioner, and providing the nomination deposit in one payment, as opposed to each candidate having to nominate with the returning officer for their particular district, simplified the process for the parties and the NSWEC.

The amendment to enable a single ballot paper to be used for both ordinary and postal voting resulted in a significant reduction in paper, printing and handling costs for the NSWEC and simplified the process for electors.

Another aspect of postal voting, which was improved by the 2006 amendments, was the provision to allow both returning officers and the NSWEC to receive and process applications for postal ballot papers.

Improvements in pre-poll voting were also achieved by enabling voters to make an oral declaration that they meet the eligibility requirements although they are still required to complete the written declaration on the envelope in which they put their ballot papers. This speeds up the process for both electors and election officials, and cuts down on paper, printing and handling costs.

Pre-polling at declared institutions (hospitals, nursing and convalescent homes and retirement villages) takes place over the first three days in the week of the election. These electors now have access to a folder of candidates' how to vote cards. The folder of registered how to vote cards is provided by the returning officer to the election officials conducting declared institution voting. This is an improved service to electors in declared institutions.

In the interests of transparency, a new provision was introduced to enable electoral material registered by the NSWEC to be available for inspection by electors enrolled in the electoral district or scrutineers at the returning officer's office on election day.

Other amendments, that had attracted initial attention from the media or had been raised during the Parliamentary debate, proved to be of little consequence in practice. For example, the amendment enabling the Electoral Commissioner, in certain circumstances, to permit polling to take place in licensed premises. Apart from polling at venues such as the Sydney Town Hall and other similar premises which have liquor licences, there was no need to use other licensed premises such as bowling clubs.

Removing the requirement for the Electoral Commissioner to place certain notices regarding the election in the Government Gazette in the lead up to the election had no impact on community awareness as this information was presented in a timely manner on radio, television and in the press. To ensure an accurate historical record of these details was kept, the material was published in the Government Gazette on Friday, 13 July 2007.

Posters at polling places

The Bill submitted to the Parliament in September 2006 proposed to amend the Act by removing the restriction that electoral posters must be no larger than 8,000 sq cm. It also proposed a limit (6 metres from the entrance to the polling place) be introduced within which canvassing for votes or distribution of electoral material could not occur so that electors would be able to make their way easily into the polling places.

During the Parliamentary debate however it was agreed that the size restriction could be lifted in the lead up to election day, but that the 8,000 sq cm limit should remain for posters at a polling place on election day within 5 metres of the entrance to the polling place or the grounds.

The effect of the amendments was to permit posters (not exceeding 8,000 sq cm) to be placed within 5 metres of the entrance to the polling place and on the outer wall, fence or other boundary of the grounds (if any). However, any size poster was permitted in the space from the 5 metre mark to the outer wall, fence or other boundary.

From a practical point of view it would have been desirable if the 5 metre restriction had been 6 metres to be consistent with the restriction on the canvassing of votes.

Canvassing for votes at polling places

The Act was amended to prescribe that candidates and party workers cannot canvas for votes (distribute how to vote cards) within 6 metres of the entrance to the building used as a polling place. This is consistent with similar provisions at Federal elections and seemed to work well at the election.

Registration of electoral material

If a candidate, party, group, community organisation or member of the public wishes to distribute material on election day it must have been submitted to the NSWEC, assessed against certain criteria contained in the Act, and if it complies, registered by the Electoral Commissioner. It is an offence to distribute electoral material on election day that has not been registered. While the substance of this provision remains appropriate, and these provisions worked well, it is recommended that some amendments be made.

There is no limit on how many pieces of electoral material (how to vote cards) can be registered by any one person or group. As only registered material can be distributed on election day it is understandable why a number of items are registered as this allows the choice to be made on the day as to which registered materials will be used. However, the volume of material received for the 93 Legislative Assembly districts and the 19 groups/333 candidates for the Legislative Council election in the prescribed period was considerable. Approximately 850 items were received by the NSWEC for processing and registration. The registered material then needed to be provided to each returning officer. Of particular importance was the how to vote material, which needed to be included in the folder for the declared institutions, as that voting commenced on Monday, 19 March 2007.

To improve how this process is managed, it is recommended that independent candidates submit their electoral material direct to each returning officer for assessment and registration. Registered political parties should continue to submit their material to the NSWEC. The NSWEC will ensure instructions are issued to returning officers to ensure consistency in approach and, in the case of questionable material, returning officers will be required to refer such items to the NSWEC for consideration. If each returning officer has a limited amount of material to process then approval should be given more quickly. This will assist candidates and leave the NSWEC more time to process material from registered political parties.



Election timetable

Under the Act, New South Wales has a State election every four years and election day is the fourth Saturday in March. As the date is known in advance, the NSWEC has time to effectively prepare and plan election activities. The Governor formally commences the election process by issuing Writs to the Electoral Commissioner on the advice of the Premier.

The Writs specified the following dates for the 2007 State election:

- Close of the roll: 6pm Monday, 5 March 2007
- Close of nominations: 12 noon Thursday, 8 March 2007
- Election day: Saturday, 24 March 2007
- Return of the Writs: Wednesday, 2 May 2007

Pre-election preparation

The conduct of a State election is the culmination of four years planning and preparation by the NSWEC. The administrative infrastructure and large number of personnel that must be put in place make a State election one of the largest and most logistically complex operations undertaken in New South Wales. Liaison with the NSW Police Force also occurs regarding security requirements and management of the State election.

The NSWEC operates with 33 permanent staff, which are supplemented by temporary and casual staff. At the time of the State election contractors were engaged to provide specialist services such as project management, IT support and software development.

The NSWEC employed over 19,000 additional people to work as returning officers, returning officer support officers, senior election officials, election officials or clerical assistants at the 2007 State election.

Category of casual staff

Returning officers	93
Returning officer support officers	10
Senior election officials	24
Election officials and clerical assistants	18,962
Total	19,089

Election initiatives

The NSWEC implemented a number of initiatives at the 2007 State election to improve services to electors, registered political parties, candidates and media. These included:

- **Equal Access to Democracy Plan**
This Plan was designed to improve the access to and participation in the democratic process for people with disabilities following consultation with peak disability consumer and industry organisations in New South Wales.
- **NSWEC website**
The NSWEC website was re-designed to ensure comprehensive and up to date election information was available to stakeholders.
- **Election official staffing website**
An online staffing module was established to allow electors to register for employment as an election official or clerical assistant. Then this information was used to interview and select staff.
- **Recruitment and training of senior election officials**
An improved recruitment and training strategy was used to ensure a quality pool of senior election officials was available from which to fill the role of returning officer.
- **Election Management Application (EMA)**
A computer software application consisting of four modules (staffing, candidates, declaration votes and results) was introduced to automate many of the routine tasks otherwise performed by the election officials.
- **iRoll**
A Personal Digital Assistant on which the electoral roll was loaded for the use of election officials to assist them in determining the correct enrolment details for absent voters.

Each of these initiatives is discussed in further detail later in this Report.

Election costs

This is the first time the NSWEC has reported on the cost of the State election, which was \$38.5 million.

The activities listed below show the major expenditure in 2006/2007 including the production of election forms, materials and ballot papers, rental of returning officers' offices and polling places, and roll-out of the election information campaign.

Cost of key election activities	\$
Returning officers' offices	8,623,774
Polling places	8,047,146
Ballot papers	3,559,252
Legislative Council count	3,556,976
Information campaign	3,027,407
Election forms and materials	2,769,235
Returning officers	2,154,011
IT services	1,376,318
Election information centre	612,958
Payroll and accounts processing	513,243
Training of election staff	491,533
Tally room	391,235
Recruitment website	326,311
Returning officers' support centre	259,819
Overseas and interstate postal voting	224,709
Electoral rolls production	209,843
Polling place mapping project	167,758
Declaration vote exchange	124,859
Electoral profiles publication	114,683
Sydney Town Hall	33,617