

**PARLIAMENTARY ELECTORATES AND ELECTIONS
(FURTHER AMENDMENT) BILL 1987**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Parliamentary Electorates and Elections Act 1912—

- (a) to allow Electoral Districts Commissioners (when carrying out an electoral distribution) a margin of allowance of plus or minus 3% in connection with their obligation under section 17A (a) of that Act to endeavour to ensure an equality in the number of voters in electorates at the time that the next general election is due;
- (b) to include mountain and other natural boundaries in the specific matters to which those Commissioners must give due consideration when carrying out electoral distributions;
- (c) to introduce in general elections for the Legislative Council a “list” system of voting (similar to the system for the Senate and the South Australian Legislative Council) in which a voter may (by a single mark) adopt the registered voting ticket of the group of candidates of the voter’s choice; and
- (d) to enable the Electoral Commissioner to direct the distribution of preferences in a Legislative Assembly election (notwithstanding a candidate’s election) in order to obtain statistical information of the results of the election on a two-party preferred basis.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will commence on a day or days to be appointed by proclamation.

Clause 3 is a formal provision that gives effect to the Schedules of amendments to the Principal Act.

Parliamentary Electorates and Elections (Further Amendment) 1987

SCHEDULE 1—AMENDMENTS RELATING TO ELECTORAL DISTRIBUTIONS

Schedule 1 (a) and (d) give effect to the objective referred to in paragraph (a) above of providing a 3% margin of allowance for future enrolments in electoral districts.

Schedule 1 (b) and (c) give effect to the objective referred to in paragraph (b) above of including mountains and other natural boundaries in the specific matters to which the Electoral District Commissioners must give due consideration. The specific mention of the matter among the existing matters in section 17A (b) of the Principal Act does not detract from the Commissioner's obligation to ensure equality of enrolments in electoral districts.

SCHEDULE 2—AMENDMENTS RELATING TO THE METHOD OF VOTING IN LEGISLATIVE COUNCIL ELECTIONS

Schedule 2 (1) inserts into the Principal Act definitions of "group voting ticket" (the written statement submitted by candidates in a group showing the allocation of preferences for voters who wish to adopt the voting ticket of that group) and "group voting ticket square" (the square printed on the ballot-papers above the names of the candidates in the group for voters wishing to adopt the voting ticket of that group).

Schedule 2 (2) gives the necessary directions for the manner of printing the ballot-papers when groups lodge group voting tickets. The form of the ballot-papers is set out in Schedules 4A and 15A (as proposed to be substituted by Schedule 2 (8)).

Schedule 2 (3) allows any group of candidates to lodge (within 24 hours after the close of nominations) either 1 or 2 group voting tickets. A group might lodge 2 tickets (each showing a different order of preferences after the candidates in their group) so as to offer voters who adopt their ticket a choice as to which other group the voter wishes to support as a second or later preference. Under the Senate system a group may lodge 3 tickets and under the South Australian Legislative Council system a group may lodge 2 tickets. However, in those other systems the voter is not able to choose between multiple tickets (instead, if a group lodges 2 tickets all the ballot-papers of voters who adopt the voting tickets of that group are divided into 2 halves—one half of those ballot-papers is deemed to adopt one of the tickets of that group and the other half of those ballot-papers is deemed to adopt the other ticket of that group). In New South Wales the entrenched requirements of the Constitution Act 1902 require the voter to indicate the voter's order of preference for candidates. The Bill therefore provides that if a group lodges 2 tickets the voter is given the choice of deciding which of those 2 tickets to adopt, rather than the decision being made by the arbitrary division of ballot-papers during the scrutiny.

A voter who wishes to vote for individual candidates will still be able to do so and, in accordance with the entrenched requirements of the Constitution Act 1902, will only be obliged to vote for a minimum of 10 candidates.

Schedule 2 (4) requires the Electoral Commissioner to display at each polling-place a poster showing all the group voting tickets so that voters may be informed of the order of preferences if they adopt a particular group voting ticket.

Schedule 2 (5) provides that a voter may record his or her vote by placing the number "1" in a group voting ticket square and thereby adopting the voting ticket of that group.

Schedule 2 (6) provides that a voter who adopts a group voting ticket is deemed to have recorded a formal vote in accordance with the order of preferences shown on the ticket.

Parliamentary Electorates and Elections (Further Amendment) 1987

Schedule 2 (7) deals with the determination of formal votes during the scrutiny. Provision is made to deal with cases in which a voter adopts a group voting ticket but also votes for individual candidates (the vote for individual candidates is to prevail). Further provision is made with respect to informality of votes and, in particular, a tick or cross in a group voting ticket square is deemed to be a formal vote.

Schedule 2 (8) sets out the form of ordinary ballot-paper (Schedule 4A) and the form of postal ballot-paper (Schedule 15A) for Legislative Council elections.

SCHEDULE 3—MISCELLANEOUS AMENDMENTS

Schedule 3 (1) provides (in similar terms to that proposed for Legislative Council elections) that a ballot-paper in a Legislative Assembly election is not informal if the voter has placed the number "1" or a tick in a square, even though the voter may have placed a cross in or a line through the other squares on the ballot-paper.

Schedule 3 (2) enables statistical information to be obtained of the result of a Legislative Assembly election on a two-party preferred basis.

Schedule 3 (3) enables the regulations to adopt for the purposes of the Principal Act the forms approved under the corresponding provisions of the Commonwealth Act (particularly in relation to the enrolment of electors under the joint roll arrangements).

Schedule 3 (4) ensures that the directions to postal voters in Legislative Assembly elections are expressed in gender neutral terms.
