
Understated and Uninspired: the 2023 NSW Election*

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Abstract: This article assesses the March 2023 New South Wales (NSW) election against the background of recent systematic studies showing that Australian state elections do not simply reflect national trends and that the performance of state governments is important for state election results. It outlines the positions of the NSW Government and Opposition in the period before the campaign, arguing that the Coalition Government's mix of policy achievements and controversies, along with Labor's 'small target' strategy, led to a campaign best described as 'understated and uninspired'. Labor's inability to win a majority derived partly from its failure to convince voters of any urgent need to change government. Electoral geography was also important. Like other states, NSW has a regional electoral pattern. Key regions that once favoured Labor are now more competitive or beyond Labor's grasp. The 'Teal revolution' in Liberal seats seen at the 2022 federal election failed to repeat itself at state level, partly because of the optional preferential voting system used in NSW elections. Finally, the election outcome continued the transformation of the NSW parliamentary system into one that includes significant roles for Independents and minor parties. Despite the new Labor Government being in a minority in both houses, there was no anticipation that the next four years of NSW government would prove impossible or chaotic.

INTRODUCTION

Despite the importance of state politics and government to the lives of Australians, state elections receive far less academic attention than national elections. Recent systematic studies demonstrate that Australian state elections do not simply reflect national trends and that the performance of state governments is important for the results of state elections.¹ In this article we assess the March 2023 New South Wales (NSW) election against this background. We outline the positions of the Government and Opposition in the period before the campaign, arguing that the Coalition Government's mix of policy achievements and controversies, along with Labor's 'small target' strategy, led to a campaign best described as 'understated and uninspired'.² Labor's inability to win a majority derived partly from its failure to convince voters of any urgent need to change government. The shifting electoral geography of NSW also made a Labor victory in 2023 harder than its previous victories from Opposition in 1995 and 1976. Like other states, NSW has a regional electoral pattern, and key regions that once favoured Labor are now more competitive or beyond Labor's grasp.³ The 2023 election also presented a new challenge for the Coalition. Would the 'Teal Independent revolution' witnessed in Liberal electorates at the 2022 federal election be repeated at state level?⁴ This article provides evidence that the optional preferential voting system used in NSW state elections dampened the Teal challenge.

¹ Dain Bolwell and Richard Eccleston, 'Ebb Tide in Blue: Recent Sub-National Elections in the Australian Federation'. *Regional and Federal Studies*, 28(3), 2018, pp. 253-274; Rodney Smith, Luke Mansillo and AJ Brown, 'Australian State and Territory Elections: Regional Incumbents Matter'. *Regional and Federal Studies*, 33(4), 2023, pp. 421-439.

² On recent Labor 'small target' campaigning, see 'Albanese's Small-Target Strategy May Give Labor a Remarkable Victory—Or Yet More Heartbreak', *The Conversation*, 2 September 2021. Accessed at: <<https://theconversation.com/albaneses-small-target-strategy-may-give-labor-a-remarkable-victory-or-yet-more-heartbreak-166752>>.

³ On NSW, see Michael Hogan and David Clune (eds), *The People's Choice: Electoral Politics in 20th Century New South Wales*, Volume 3: 1968 to 1999, Sydney, Parliament of New South Wales and University of Sydney, 2001; E. Clifford, A. Green and D. Clune, (eds.), *The Electoral Atlas of New South Wales 1856–2006*, Bathurst, New South Wales Department of Lands, 2006; Jim Hagan (ed.), *People and Politics in Regional New South Wales: Volume 1: 1856 to the 1950s; Volume 2: The 1950s to 2006*. Sydney: The Federation Press, 2006. On other states, see, for example, Paul D. Williams, 'Revisiting Six Queenslanders: Disaggregating the Regional Vote at the 2020 Queensland State Election'. *Australasian Parliamentary Review*, 38(1) 2023, pp. 108-127.

⁴ See Margot Saville, *The Teal Revolution: Inside the Movement Changing Australian Politics*. Melbourne: Hardie Grant, 2022.

Finally, we note that the election continued the evolution of the NSW parliamentary system over recent decades into one that includes significant roles for Independents and minor parties.⁵ Despite the new Labor government being in a minority in both houses, there was no anticipation that the next four years of NSW government would prove impossible or chaotic.

THE LEADERS

The campaign for the 25 March 2023 election, as in 2015 and 2019, saw a new Premier and Opposition Leader facing off against each other.

Dominic Perrottet became Premier on 5 October 2021 after the unexpected resignation of Gladys Berejiklian, triggered by an Independent Commission into Corruption inquiry into her relationship with disgraced former MP Daryl Maguire. A former corporate lawyer who had been involved in the Liberal Party since his student days, he was elected an MP in 2011 and moved rapidly through the ranks. At 39, Perrottet was the youngest Premier of New South Wales. One of 12 children, he was the father of seven. A conservative Catholic with a less than charismatic public image, Perrottet seemed an unlikely successor to the popular Berejiklian.⁶ However, he was a pragmatic politician who realised that rigid ideology did not make for good politics. Against the odds, Perrottet established himself as a competent and trustworthy, if 'dorky', Premier.

Chris Minns was elected Opposition Leader unopposed on 4 June 2021, after Jodi McKay was forced to resign following Labor's poor result in the Upper Hunter by-election.⁷ In his early 40s with three young children, Minns became an MP in 2015 and

⁵ David Clune and Gareth Griffith, *Decision and Deliberation: The Parliament of New South Wales 1856-2003*, Leichhardt, The Federation Press, 2006; Rodney Smith, *Against the Machines: Minor Parties and Independents in New South Wales, 1910-2006*, Leichhardt, The Federation Press, 2006; Rodney Smith, 'Parliament', in David Clune and Rodney Smith (eds.), *From Carr to Keneally: Labor in Office in NSW 1995-2011*, Sydney, Allen and Unwin, 2012, pp. 55-71.

⁶ Deborah Snow and Matt Wade, 'Dominic Perrottet, the archetypal man in a hurry', *Sydney Morning Herald*, 9 October 2021.

⁷ Alexandra Smith, Lucy Cormack and Tom Rabe, 'NSW Labor set for bitter leadership battle after Jodi McKay resigns', *Sydney Morning Herald*, 28 May 2021; Lucy Cormack, 'The 2023 campaign begins today: Minns's plan to rally the troops as NSW Labor leader', *Sydney Morning Herald*, 4 June 2021; Deborah Snow, 'Labor's Chris Minns: I still think it's a big uphill battle for us', *Sydney Morning Herald*, 7 October 2021.

a member of the shadow cabinet the following year. A Catholic and member of the right faction, he had previously been NSW ALP Assistant Secretary and an adviser to senior Labor ministers. Minns was soon touted as a potential leader – speculation he did nothing to discourage. He contested the Labor leadership unsuccessfully against Luke Foley in 2018 and McKay in 2019. Minns projected the image of the nice guy next door who always stops and has a chat and would lend you his lawn mower if yours had broken down. He was plausible and presentable – but some within and without the ALP asked is that enough? He has been dogged throughout his career by claims that he was a ‘show pony’ who displayed more ambition than application to the job.

THE LEAD UP TO THE CAMPAIGN

Perrottet was already facing an uphill battle to convince the voters that the 12-year-old Coalition Government deserved another term in office. Few Premiers can, in fact, have had a worse lead up to an election. At by-elections in February 2022, the Government lost Bega with a swing to Labor of 13 per cent. The Liberal Party narrowly retained Berejiklian’s seat of Willoughby with a swing to Independent Larissa Penn of 18 per cent.⁸ Long-running industrial action by rail workers seriously inconvenienced commuters. The Government, particularly Transport Minister David Elliott, was criticised for ham-fisted handling of the dispute.⁹ Perrottet was blamed for an ineffective response to catastrophic floods in regional NSW in the first half of 2022. He conceded that the response had been inadequate and accepted full responsibility.¹⁰

In early 2022, Liberal MP for Kiama, Gareth Ward, was charged with serious sexual offences.¹¹ In July, an Independent Commission Against Corruption investigation found

⁸ Michael McGowan, ‘Bega loss and big byelection swings are a clear warning to vulnerable NSW government’, *Guardian*, 13 February 2022.

⁹ Alexandra Smith, ‘What a train wreck: commuters’ pain felt in higher places’, *Sydney Morning Herald*, 31 August 2022.

¹⁰ Alexandra Smith and Catherine Naylor, ‘NSW flood response to include buybacks, land swaps for northern rivers homes’, *Sydney Morning Herald*, 6 August 2022.

¹¹ Michael McGowan, ‘Former NSW minister Gareth Ward to contest election with sexual abuse charges still outstanding’, *Guardian*, 13 February 2023.

Liberal MP for Drummoyne, John Sidoti, had acted corruptly.¹² Both were forced on to the crossbench and Ward was subsequently suspended from parliament. This, combined with the loss of Bega, put the Government into a minority position in the lower house with 45 of the 93 seats. On 5 August, Perrottet was forced to sack Liberal Minister, Eleni Petinos, over allegations she had bullied her staff.¹³

The ill-advised and short-lived attempt to appoint former Nationals Leader John Barilaro to a highly paid trade commissioner position in New York was a continuing disaster as serious failures in the process were revealed.¹⁴ Deputy Liberal Leader, Stuart Ayres, was forced to resign as a result of his inappropriate interference in the appointment. He was succeeded by Treasurer Matt Kean on 9 August 2022.¹⁵ Transport Minister David Elliott's relations with Kean were antagonistic and both indulged in public criticism of the other to the detriment of the Government as a whole.¹⁶ In early January 2023, enemies in the Premier's right faction leaked the fact that Perrottet had worn a Nazi uniform at his 21st birthday party.¹⁷ Soon after, a Liberal MLC was disendorsed over his circulation of revealing photos of a female colleague.¹⁸

¹² NSW ICAC, 'ICAC finds member for Drummoyne John Sidoti MP corrupt', Media Release, 20 July 2020, Sydney. Access at: <<https://www.icac.nsw.gov.au/media-centre/media-releases/2022-media-releases/icac-finds-member-for-drummoyne-john-sidoti-mp-corrupt>>.

¹³ Natassia Chrysanthos, 'Fair Trading Minister Eleni Petinos sacked following bullying allegations', *Sydney Morning Herald*, 31 July 2022.

¹⁴ NSW Legislative Council, Public Accountability Committee, *Appointment of Mr John Barilaro as Senior Trade and Investment Commissioner to the Americas*, Final Report, February 2023, Accessed at: <<https://www.parliament.nsw.gov.au/lcdocs/inquiries/2891/Report%20no.%2014%20-%20Special%20Report%20to%20the%20House.pdf>>.

¹⁵ Heath Parkes-Hupton and Jamie McKinnell, 'Treasurer Matt Kean elected unopposed as NSW deputy Liberal leader', *ABC News Online*, 9 August 2022. Accessed at: <<https://www.abc.net.au/news/2022-08-09/matt-kean-elected-nsw-deputy-liberal-leader/101314042>>.

¹⁶ Tom Rabe, 'Send a boy in to do a man's job: Elliott launches fresh attack on Kean', *Sydney Morning Herald*, 14 August 2022.

¹⁷ Michael McGowan and Tamsin Rose, 'Ashamed: NSW premier Dominic Perrottet reveals he wore a Nazi uniform at his 21st birthday', *Guardian*, 12 January 2023.

¹⁸ Michael Koziol, 'Liberal upper house MP suspended, disendorsed over explicit photo scandal', *Sydney Morning Herald*, 18 February 2023.

Minister for Finance Damien Tudehope resigned over his failure to disclose shareholdings.¹⁹

Bitter factional divisions in the Liberal Party caused damaging in-fighting and delays in pre-selections. A month before polling day, the Party did not have candidates selected in almost 20 seats.²⁰ Perrottet strongly pushed for the endorsement of more women candidates, but with limited success. Legislative Councillor Natasha Maclaren-Jones withdrew her nomination for Pittwater on the northern beaches when it became apparent she did not have the numbers.²¹ Despite being supported by Perrottet, MLC and Metropolitan Roads Minister Natalie Ward was unsuccessful in her attempt to win preselection for the safe Liberal seat of Davidson.²² In the Liberal Party's heartland on Sydney's north shore, the party had only one female lower house candidate.

Perrottet tried to refute allegations about the Liberal Party's lack of women candidates by replacing three incumbent male upper house members with women. This much touted arrangement almost fell apart when the Liberal factions, who had not been consulted by their leaders, revolted. A face-saving deal was patched together at the last minute, involving the replacement of one of the proposed female candidates by another woman.²³

On the other hand, the Government did have some creditable achievements, such as its solid environmental record. As Energy and Environment Minister since April 2019, Matt Kean showed that a Coalition Government could be a pacesetter in climate change policy. In November 2020, for example, the *Electricity Infrastructure Investment Act* was passed to provide the legislative framework to transition the State from

¹⁹ Tamsin Rose, 'NSW finance minister Damien Tudehope quits cabinet over shares in toll giant Transurban', *Guardian*, 17 February 2023.

²⁰ Alexandra Smith and Tom Rabe, 'NSW Liberals race to find candidates for almost 20 seats', *Sydney Morning Herald*, 25 February 2023.

²¹ Alexandra Smith, 'Libs fail to fix women problem, and they'll pay on the north shore', *Sydney Morning Herald*, 27 October 2022.

²² Alexandra Smith, 'Roads Minister Natalie Ward fails in push to move to NSW lower house', *Sydney Morning Herald*, 28 November 2022.

²³ Remy Varga, 'NSW Liberals set to replace to replace male MPs with women candidates ahead of election', *Australian*, 27 December 2022.

dependence on coal to use of renewable energy.²⁴ A significant, signature Perrottet reform was of stamp duty. On 16 January 2023, he announced that ‘eligible first home buyers will be able to ditch upfront stamp duty from today in favour of a smaller annual fee on properties purchased up to \$1.5 million’.²⁵

Despite the fact that he had spent most of his Premiership in damage control, Perrottet personally remained surprisingly competitive. According to the *Sydney Morning Herald’s* Resolve Political Monitor, in February 2023 he was preferred as Premier by 38 per cent compared to 34 per cent for Minns. The Government was, however, behind in the primary vote, 32 per cent to 38 per cent.²⁶ The *Australian’s* Newspoll survey in February had Perrottet ahead as preferred Premier 43 per cent to 33 percent for Minns. The Government’s primary vote was 37 per cent to the ALP’s 36 per cent.²⁷

The Legislative Assembly expired on 3 March 2023, writs for the election were issued three days later, and polling day was 25 March. At the time of dissolution, there were 45 Coalition MPs (33 Liberal, 12 Nationals), 36 ALP, three Greens, one from One Nation, and 8 independents. Labor needed a two-party preferred swing of 6.2 per cent to win the 47 seats needed for victory. In the Legislative Council, half of the 42 MLCs were up for re-election. The make-up of the house after the 2019 election was: Coalition 17, ALP 14, Greens 3, Shooters 2, One Nation 2, Animal Justice 2, Christian Democrats 1, independent 1.

²⁴ NSW, *Parliamentary Debates*, 19 November 2020, Legislative Council, pp 4520-4553; 20 November 2020, pp 4558-4568, 4586-4646.

²⁵ Dominic Perrottet Premier of NSW and Matt Kean Treasurer Minister for Energy, ‘First Home Buyer Choice and Stamp Duty Refunds Begin Today’, Media Release, 16 January 2023. Accessed: <<https://www.treasury.nsw.gov.au/sites/default/files/2023-01/Dominic-Perrottet-Matt-Kean-med-rel-First-Home-Buyer-Choice-and-stamp-duty-refunds-begin-today.pdf>>.

²⁶ *Resolve Political Monitor*, conducted by *Resolve Strategic* on behalf of *The Sydney Morning Herald* and *The Age*. Accessed at: <<https://www.smh.com.au/national/resolve-political-monitor-20210322-p57cvx.html>>.

²⁷ NewsPoll, conducted on behalf of *The Australian*. Accessed at: <<https://www.theaustralian.com.au/nation/newspoll>>.

MINNS' MANIFESTO

The term 'small target strategy' has become a cliché but Minns provided a definition of it. From his appointment as Opposition Leader, he consistently pursued a policy of low-key, unimaginative, amiable politics, criticising when necessary but supportive of the Government when he felt it was justified. Inspiration was not his strength – there was no Whitlamite program of transformative policies. Labor undeviatingly stuck to 'a deliberately narrow platform focused on cost-of-living relief and services'. Minns argued that after a tumultuous few years the electorate was not interested in 'big picture' politics: 'We're going to run a commonsense operation ... It's not a big experiment'.²⁸ Labor's campaign slogan, 'A fresh start for NSW', was hardly a rallying cry or very original. In 1976, Neville Wran's slogan was 'Let's put this State in better shape'; Barry O'Farrell's in 2011 was 'Make NSW number one again'. Throughout the campaign, Minns was forceful but not aggressive. He generally declined to 'go negative' in spite of the cornucopia of ammunition the Government had presented him with.

In his Fresh Start plan, Minns said that since he became Opposition Leader, he had travelled around NSW 'listening to you'. Everywhere he went, he was told

*things could be better: more teachers for our schools; more healthcare workers and beds for hospitals; transport to make life easier, not harder and more expensive; housing that is affordable and supported by good services and infrastructure; and an environment that we can enjoy now and in the future. The community knows what is needed and, after 12 long years, you just need a government that listens and delivers a fresh start.*²⁹

The main elements of the Fresh Start manifesto were:³⁰

²⁸ Michael McGowan, 'No second prize: Chris Minns and his pursuit of the NSW political throne', *Guardian*, 29 January 2023.

²⁹ Chris Minns and Labor, 'Fresh Start Plan: a summary of key policies', NSW ALP, 2023 [held in NSW Parliamentary Library].

³⁰ Chris Minns and Labor, 'Fresh Start Plan: a summary of key policies', NSW ALP, 2023 [held in NSW Parliamentary Library]; Paige Cockburn, 'What the major parties have promised during the 2023 NSW election campaign' ABC

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- restoring integrity in government by over-hauling the processes of making grants to prevent political interference
 - boosting the availability of preschool places and providing stronger connections between early learning and primary education
 - reducing teacher workloads, making salaries more competitive, and converting 10,000 temporary teaching roles into permanent ones
 - mandating minimum safe staffing levels for public hospitals and recruiting 1,200 extra nurses and midwives and 500 paramedics
 - giving 2,000 health care students a \$12,000 subsidy to assist with the cost of their studies
 - abolishing Perrottet's stamp duty reform scheme and instead eliminating stamp duty for first home buyers purchasing a home worth up to \$800,000 while offering a concessional rate to first-home buyers purchasing a property up to \$1,000,000
 - strengthening tenants' rights and appointing a Rental Commissioner to be an advocate for renters
 - halting the privatisation of state assets and changing the Constitution to prevent future privatisation of essential services such as Sydney Water
 - abolishing the 'unfair and ineffective' cap on public sector wages
 - providing relief to users of privatised toll roads
 - creating a publicly owned Energy Security Corporation to accelerate investment in renewables.

To fund his program, Minns promised to abandon the \$10 billion northern beaches toll road (which would benefit only Liberal electorates) and the controversial \$3 billion

raising of the wall of Warragamba Dam. Other cost-savings related to reducing the number and remuneration of senior executives in the public service.³¹

Labor concentrated particularly on Sydney's western suburbs, where it hoped to win seats held by the Liberals, the last vestige of O'Farrell's huge 2011 victory. In a fast-growing area home to many public sector workers, infrastructure and services were stretched thin and families were struggling. Many of Minns' key promises were aimed at this constituency. He also pushed the line that the Coalition Government had discriminated against Sydney's west, describing the Government's housing development targets for the western suburbs as 'monstrously unfair'.³²

PERROTTET'S PITCH

Perrottet's campaign persona was built around his best-known characteristic, familial fecundity. Liberal propaganda prominently featured Dom the family man photographed with some or all of his (admittedly cute) bunch of seven kids. At his campaign launch, 36 young children were on the stage! The Premier's plan to 'take the pressure off families' featured heavily in Liberal advertising.

The *Sydney Morning Herald's* Alexandra Smith observed of the many crises Perrottet had weathered: 'Rather than end him, they have humanised him'.³³ He may even have won some grudging respect for staying 'cool under fire'. The great irony was that many expected Perrottet to be an unpopular Premier who would drag the Government down. In fact, the behaviour of members of his Government dragged him down.

It became the battle of the plans, as the Premier unveiled a rival plan 'to keep NSW moving forward'. His message was: 'We can't take NSW's economic resilience for granted ... Strong economic management and a long-term plan to grow our economy

³¹ 'Chris Minns speech at Parramatta campaign rally', *Sydney Times*, 19 March 2023, Accessed at: <<https://www.sydneytimes.net.au/chris-minns-speech-nsw-labor-campaign-rally-parramatta-Sunday-19-march-2023/>>.

³² Tom Rabe and Angus Thomson, 'Perrottet tells election debate Berejiklian wasn't unfairly treated by ICAC', *Sydney Morning Herald*, 15 March 2023.

³³ Alexandra Smith, 'Can this 'Teflon premier' reclaim power, or has too much stuck to his team?', *Sydney Morning Herald*, 2 February 2023.

are essential to everything a government can do for its people'.³⁴ The State would stall under Labor. Emphasising the Coalition Government's generally sound economic record, the Premier's oft-repeated line was that past performance 'is the best indication of future performance'.³⁵

Specific elements of the Perrottet program were:³⁶

- recruiting 10,000 new nurses, midwives and doctors
- hiring 2,500 more teachers
- providing a year of free preschool education for every four-year-old and building 500 new preschools
- establishing a Kids Future Fund with a \$400 government contribution invested in an account for every child in NSW which they could access with interest when they turned 18
- funding 120,000 free training places to combat the skills shortage
- widening the stamp duty exemption scheme for home buyers
- appointing a Supply Chain Commissioner to lower prices by addressing supply chain issues
- offering a \$250 energy rebate for households who use a government website to compare energy plans and providers
- matching Labor's promise to reduce the number and remuneration of senior executives in the public service.

In terms of policy, Perrottet was the more daring, for example, with his reform of stamp duty. He had to show that his ageing Government still had vigour and vision. The

³⁴ Liberal Party of Australia, NSW Division, 'Our plan to keep NSW moving forward', 2023.

³⁵ Alexandra Smith, 'Dom-the-builder's pitch falls flat with unsatisfied voters', *Sydney Morning Herald*, 2 March 2023.

³⁶ See Paige Cockburn, 'What the major parties have promised during the 2023 NSW election campaign' *ABC News Online*, 9 March 2023. Accessed at: <<https://www.abc.net.au/news/2023-03-09/nsw-election-2023-promises-liberal-labor/102067290>>; NSW Liberal Party, 'First 100 Day Plan to keep NSW Moving Forward'. Accessed at: <<https://nswliberal.org.au/news/first-100-day-plan-to-keep-nsw-moving-forward>>.

Sydney Morning Herald's pre-election editorial commented that Perrottet 'has proven himself to be a premier with promise. He has exhibited more political bravery than Minns on the key economic and social issues'.³⁷

Perrottet's most ambitious policy was aimed at dealing with problem gambling arising from the large number of poker machines in hotels and clubs. A report from the NSW Crime Commission revealed that they were a major means of money laundering. Gambling was a serious social problem, with gamblers losing \$2.1 billion on poker machines in 100 days in 2022.³⁸ The Premier decided to take on the gambling industry, particularly the well-resourced, powerful and aggressive club lobby, which many of his predecessors had been reluctant to do. His key policy was a cashless gaming card linked to an individual who had to prove their identity. The card would be mandatory from 2028 and would require people to set limits before gambling. Cooling-off periods and breaks in play would be compulsory and the transfer of funds from credit cards and automatic top-ups prohibited. Veteran anti-gambling crusader Tim Costello, the Police Commissioner, Crime Commission and Unions NSW all backed Perrottet's proposal.³⁹ Minns was wrong-footed: his alternative policy of a trial of cashless gaming for 500 machines was widely criticised as weak and beholden to the gambling industry.⁴⁰ However, gambling never became a major issue in the campaign.

THE CAMPAIGN

The campaign rarely rose above mundane, 'bread and butter' issues. Apart from the personal approaches of the Leaders as described above, a significant cause was the backdrop: increasing interest rates, rising inflation, housing unaffordability, growing

³⁷ 'Both leaders are decent, smart and capable but one offers a more ambitious vision for NSW', *Sydney Morning Herald*, 24 March 2023.

³⁸ Alexandra Smith, 'Perrottet's poker machine revolution passes snap meeting of cabinet', *Sydney Morning Herald*, 5 February 2023.

³⁹ Alexandra Smith, 'A no-brainer: Unions NSW joins Perrottet's cashless pokies push', *Sydney Morning Herald*, 5 January 2023.

⁴⁰ Tom Rabe and Luck Cormack, 'NSW Labor promises to cut pokies as gambling reform ignites debate', *Sydney Morning Herald*, 16 January 2023; Tim Costello, 'Perrottet has rolled the dice. Now Minns must up the ante', *Sydney Morning Herald*, 6 February 2023.

pressure on public services such as health and education, and a deteriorating economic situation. As a result of COVID, natural disasters and rising interest rates, the Budget was deeply, and increasingly, in deficit. A *Herald* survey in March showed that 50 per cent of voters ranked the cost of living as their priority issue.⁴¹

The issues that dominated the campaign were public sector wages and privatisation. Minns repeatedly promised to abolish the wage cap which had been put in place by O'Farrell soon after he was elected. It had significantly contained recurrent expenditure but had resulted in public sector wages trailing the private sector and the inflation rate. Labor claimed abolishing the wage cap would be cost neutral over four years because any increase would be offset by savings within the public sector.⁴² It was a popular move, particularly as many voters were sympathetic to the plight of front-line workers such as nurses and paramedics.

Perrottet went on the attack arguing 'removing that cap will result in expenses spiraling out of control, and that means services will have been cut, infrastructure, schools and hospitals not built. Just like last time that they [Labor] were in office'.⁴³ He was assisted by the Parliamentary Budget Office which said in its review of election costings that a Labor government would struggle to find the cost savings needed to pay increased salaries.⁴⁴ Minns was vague about the details of his alternative remuneration plan and could not guarantee that public servants would receive a rise higher than the 3 per cent the Government was offering.⁴⁵

Minns took advantage of the unpopularity of privatisation, one of the Government's most consistent policies throughout its term, to launch an effective attack. Although asset recycling had, chiefly through the privatisation of the electricity 'poles and wires', delivered a massive infrastructure program, voters had become *blasé* and it was no

⁴¹ Resolve Political Monitor, conducted by Resolve Strategic on behalf of *The Sydney Morning Herald* and *The Age*. Accessed at: <<https://www.smh.com.au/national/resolve-political-monitor-20210322-p57cvx.html>>.

⁴² Ann Hyland, 'Chris Minns' plan to cut the public service doesn't add up', *Sydney Morning Herald*, 12 March 2023.

⁴³ Tom Rabe and Angus Thomson, 'Perrottet tells election debate Berejiklian wasn't unfairly treated by ICAC', *Sydney Morning Herald*, 15 March 2023.

⁴⁴ Matt Wade and Alexandra Smith, 'Warning sounded after cost of promises put under microscope', *Sydney Morning Herald*, 20 March 2023.

⁴⁵ Tom Rabe and Angus Thomson, 'Perrottet tells election debate Berejiklian wasn't unfairly treated by ICAC', *Sydney Morning Herald*, 15 March 2023.

longer the vote-winner it had previously been. The director of the *Herald's* Resolve Political Monitor, Jim Reed, said that 'in a sign of just how offensive voters find the prospect of further [asset] sales now, they would rather that spending is cut, taxes raised or additional debt taken on than go down that path'.⁴⁶ Minns promised that there would be no further privatisation and blamed previous asset sales by the Coalition for rising electricity prices and toll road charges.

In a sign that the issue was biting, Perrottet responded with a commitment that under a re-elected Government there would be no more privatisation. This played into Labor's hands, allowing it to claim that, to fund his heavily promoted infrastructure program, Perrottet would either have to increase debt to dangerous levels or break his promise. Minns ran an effective scare campaign on the latter theme, claiming that the Coalition was covertly planning to sell Sydney Water.⁴⁷

Neither Leader faltered under pressure on the campaign trail. Like Minns, Perrottet preferred to play the game 'hard but fair' - the two avoided personal attacks, had civil exchanges and seemed to have a mutual respect. The final Resolve poll on 19 March still showed Perrottet as the more popular, with 40 per cent preferring him as Premier to 34 per cent for Minns. In the primary vote, Labor and the Coalition were on 38 per cent each.⁴⁸ Newspoll on 24 March was more favourable for the ALP, with Minns slightly ahead as preferred Premier, 41 per cent to 39 per cent. On primary votes, Labor led 38 per cent to 35 per cent.⁴⁹

⁴⁶ Alexandra Smith, 'There's one issue dominating the thoughts of NSW voters', *Sydney Morning Herald*, 2 March 2023.

⁴⁷ Tamsin Rose, 'Dominic Perrottet promises not to sell any more NSW public assets if re-elected', *Guardian*, 28 February 2023; *Sydney Morning Herald*, 1 March 2023.

⁴⁸ *Resolve Political Monitor*, conducted by *Resolve Strategic* on behalf of *The Sydney Morning Herald* and *The Age*. Accessed at: <<https://www.smh.com.au/national/resolve-political-monitor-20210322-p57cvx.html>>.

⁴⁹ NewsPoll, conducted on behalf of *The Australian*. Accessed at: <<https://www.theaustralian.com.au/nation/newspoll>>.

INDEPENDENTS AND MINOR PARTIES

The Liberals faced challenges in safe seats, particularly in Sydney’s northern suburbs, from ‘Teal’ and other community-based independent candidates hoping to replicate their counterparts’ success at the 2022 Federal election. These state level independents faced four disadvantages compared with their federal counterparts. First, unlike the federal Teals, most did not begin campaigning until relatively close to the election. Second, the long-standing presence of the NSW Independent Commission Against Corruption and the NSW government’s record on environmental issues made the state Liberals harder to target on the key issues of integrity reform and climate change than the federal Liberals under Scott Morrison.⁵⁰ Third, NSW election funding rules placed more stringent limits on the amounts the state Teals and their supporters could spend campaigning.⁵¹ Finally, the NSW optional preferential voting system made the independents’ task more difficult than that of their federal counterparts competing in a full preferential system, who could rely on strong preference flows from voters supporting other candidates to defeat Liberal candidates (see below). The Liberal campaign in northern Sydney electorates featured generic ‘You can just vote 1’ posters designed to reduce the flow of preferences to independents.⁵² Regardless of these disadvantages, the potential Teal challenge forced the Liberal Party to expend resources in normally safe seats that would otherwise have gone into ‘sandbagging’ marginal electorates.⁵³

Beyond the Teals, the three independents elected in 2019—Alex Greenwich in inner-Sydney, Greg Piper in the Hunter region and Joe McGirr in rural NSW—all looked likely to hold their seats. Suspended Liberal MP Gareth Ward’s attempt to hold Kiama as an independent was aided by the Liberal Party’s failure to announce a candidate until 7 March, just two and a half weeks before polling day. The Liberal State Executive

⁵⁰ Saville, *The Teal Revolution*.

⁵¹ Margot Saville, ‘NSW rules won't help teals in coming 'Kmart election', *Sydney Morning Herald*, 31 January 2023.

⁵² Tamsin Rose, ‘Election sign row triggers teal push to make preferential voting compulsory in NSW’, *The Guardian*, 23 March 2023.

⁵³ Samantha Hutchinson, ‘NSW Liberals fear revolt in key marginal seats’, *Australian Financial Review*, 25 March 2023.

endorsed MP Melanie Gibbons, who had represented Holsworthy and lived outside Kiama. Some unhappy local Liberals threatened to campaign for Ward.⁵⁴

Twelve registered minor parties contested the election, including four that had won seats in previous NSW elections: The Greens NSW, the Shooters Fishers and Farmers Party (SFF), Pauline Hanson's One Nation Party (PHON) and the Animal Justice Party (AJP). The Greens had been the most successful. In 2023, they hoped for another 'Greenslide',⁵⁵ a reference to the 2011 NSW election, in which they won a record 11.1 percent vote, three Legislative Council seats and a breakthrough Legislative Assembly victory in the inner-Sydney electorate of Balmain.⁵⁶ The Greens goals in 2023 were to 'kick the Liberals out' and hold the balance of power in the Legislative Assembly, forcing a Labor government to adopt progressive legislation.⁵⁷ As in recent NSW elections, the Greens were the only minor party to run a candidate in all 93 Assembly seats. Incumbent Green MPs Jenny Leong in inner-Sydney Newtown and Tamara Smith in Ballina on the north coast recontested their seats but Jamie Parker retired from Balmain after 12 years. Sensing the opportunity to regain a spiritual heartland, Labor put considerable resources into its Balmain campaign against Greens candidate Kobi Shetty.⁵⁸

After a period in relative inactivity in NSW, PHON revived its fortunes at the 2019 election under the leadership of Mark Latham, winning two Legislative Council seats. In October 2022, Latham announced he would resign his Council seat four years early to contest the 2023 election, clearly hoping that his name on the ballot paper would result in PHON gaining another two seats, while allowing the party to nominate a replacement for the rest of his original eight-year term. Commentators acknowledged

⁵⁴ Kelly Fuller, 'NSW Liberals 'Blindsided' by Last-Minute Kiama Candidate as Some Seek to Back Gareth Ward', *ABC News Online*, 11 March 2023.

⁵⁵ The Greens, 'The Next Greenslide'. Accessed at: < <https://greens.org.au/magazine/2023-nsw-state-election>>.

⁵⁶ Rodney Smith, 'Non-Rural Independents and the Minor Parties', in David Clune and Rodney Smith (eds.), *From Carr to Keneally: Labor in Office in NSW 1995-2011*, Sydney, Allen and Unwin, 2012, 39-52; Stewart Jackson, *The Australian Greens: From Activism to Australia's Third Party*, Melbourne, Melbourne University Press, 2016, pp. 56-57.

⁵⁷ The Greens, 'The Next Greenslide'.

⁵⁸ Lucy Cormack and Tom Rabe, 'Balmain Greens MP Jamie Parker to quit politics at state election', *Sydney Morning Herald*, 14 October 2022; Jessica Wang, 'Labor Hit with Pork Barrelling Accusations over \$20k Promise to School', *news.com.au*, 15 March 2023.

the constitutionality of Latham's unusual move but some questioned its ethics. They also noted how reliant PHON remained, after 25 years in NSW politics, on the profile of its leader.⁵⁹ PHON nominated candidates in 17 Assembly seats and ran on a broad slate of policies; however, Latham gained most attention for arguing that LGBTQI activism and a 'grab-bag of gender, sexual and relationship indoctrination courses' in schools were undermining parental rights and religious freedoms.⁶⁰

Latham's prominence on these issues was aided by the collapse of the CDP in 2022. The 2023 election was notable as the first in over four decades not to feature candidates from the conservative Christian party (originally named Call to Australia). CDP's first and only leader, the 88-year-old Reverend Fred Nile, had served in the Legislative Council, except for a brief hiatus, since 1981. Nile had regularly fallen out with key colleagues over the decades.⁶¹ A new round of power struggles led to internal legal challenges and the CDP's deregistration. Nile and his wife Silvana contested the 2023 Legislative Council election without the benefit of a registered party name or an 'above the line' voting square on the ballot paper.⁶² Lyle Shelton, whom Nile had briefly anointed in 2021 as CDP leadership successor, headed a rival Christian ticket, also without the benefit of a party name but with an above the line voting square. It seems that these events led key conservative Christian bodies to support Latham as the most visible fellow traveler contesting the election.⁶³

Another well-established minor party also faced damaging internal conflicts in the 12 months before the election. The SFF, originally formed as the Shooters Party in 1992 and represented in the Legislative Council since 1995, had a successful 2019 election. It retained a Legislative Assembly seat won from the National Party at a 2016 by-election and picked up two further Assembly seats from the Nationals. In March 2022, Helen Dalton quit the SFF over water policy to sit as an independent MP. Following

⁵⁹ Michael McGowan, 'Mark Latham's Bid to Leave NSW Parliament to Run Again a Question of 'Ethics', not Legality', *The Guardian*, 13 October 2022.

⁶⁰ Pauline Hanson's One Nation, 'NSW One Nation's Policies and Achievements'. Accessed at: <<https://nsw.onenation.org.au/our-policies-achievements/#policies>>; 'Editorial: Politics of Hate Cast a Pall over State Election Campaign', *Sydney Morning Herald*, 22 March 2023.

⁶¹ Rodney Smith, *Against the Machines*, pp. 184-186.

⁶² Ben Raue, 'NSW Election: Slim Rightwing Majority in Upper House is Under Threat, Polls Suggest', *The Guardian*, 23 March 2023.

⁶³ See, for example, 'Mark Latham and the ACL - Wendy Francis || 20Twenty with Neil Johnson'. Accessed at: <<https://www.youtube.com/watch?v=NiplKuXMcCk>>.

threatening comments made by SFF Leader Robert Borsak against Dalton, MPs Philip Donato and Roy Butler left the party in December. All three MPs recontested their rural seats as Independents in fields that included SSF candidates.⁶⁴

Other minor parties received little attention. Some observers gave the Legalise Cannabis Party an outside chance in the Council race, given its ticket was headed by former Green MLC Jeremy Buckingham, it had recently won two upper house seats in both Victoria and Western Australia, and it had prominent individual donor support.⁶⁵

THE LEGISLATIVE ASSEMBLY RESULTS

The understated and uninspired campaign described above led to an indecisive result. The election night vote count suggested that Labor had done better than most commentators expected. At the close of the night's counting, veteran ABC election analyst Antony Green predicted Labor would win a slim majority with 50 Assembly seats.⁶⁶ As counting continued over the next few days, however, it became clear that earlier predictions of a hung parliament had been borne out. Labor ultimately improved on its 2019 result, increasing its primary vote by 3.7 percent and winning 45 seats, two short of majority government (see Table 1). Labor came close to a majority, failing to win Ryde by 0.1 percent of the vote and Holsworthy by 0.4 percent.⁶⁷

The seats that moved to Labor included Bega, which Labor won at a 2022 by-election and retained in 2023, and Heathcote, which had notionally become a Labor electorate following the 2021 redistribution. Labor took a further seven seats from the Coalition, one fewer than its state-wide 'two-party' swing of 6.3 percent predicted, according to the ABC's pre-election electoral pendulum. Three of the seven seats (East Hills, Penrith

⁶⁴ Ashleigh Raper and Kristy Reading, 'Shooters, Fishers and Farmers MPs Resign from Party over Behaviour of Leader Robert Borsak', *ABC News Online*, 12 December 2022.

⁶⁵ Tamsin Rose, 'NSW Election: Legalise Cannabis Eyeing an Upper House Seat in Bid to Overturn Drug-Driving Law', *The Guardian*, 20 March 2023.

⁶⁶ Paige Cockburn, Kevin Nguyen and Leigh Tonkin, 'NSW Elects Labor's Chris Minns to be Premier, Dominic Perrottet Stands Down as Liberal Leader—As It Happened', *ABC News Online*, 26 March 2023.

⁶⁷ NSW Electoral Commission, 'NSW State Election Results 2023'. Accessed at: <https://pastvtr.elections.nsw.gov.au/SG2301>.

and Riverstone) were electorates that the pendulum indicated Labor should win.⁶⁸ Labor's other seat gains came with two-party swings above 6.3 percent: Parramatta (6.5 percent), Camden (7.3 percent), South Coast (10.6 percent) and Monaro (11.6 percent).⁶⁹

Table 1. Table 1. 25 March 2023 Legislative Assembly Results

	First preference votes (%)	Swing from 2019 (%)	Seats contested	Seats won	Seat change from 2019
Labor	37.0	3.7	93	45	+9
Liberal	26.8	-5.2	75	25	-10
National	8.6	-1.0	20	11	-2
Greens	9.7	0.1	93	3	0
Sustainable Australia	2.2	0.7	82	0	--
One Nation	1.8	0.7	17	0	--
Shooters, Fishers and Farmers	1.6	-1.9	20	0	-3
Legalise Cannabis	1.3	1.3	23	0	--
Animal Justice	1.1	-0.4	33	0	--
Independents	8.8	4.0	^b 53	9	+6
Others ^a	1.2	-0.6	^b 25	0	--

⁶⁸ Antony Green, 'Pendulum—NSW Election 2023'. Accessed at: <<https://www.abc.net.au/news/elections/nsw/2023/guide/pendulum>>.

⁶⁹ NSW Electoral Commission, 'NSW State Election Results 2023'.

Total	100.0	N/A	N/A	93	N/A
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^a Combined parties each with less than 1.0 percent of the state-wide vote.

^b Includes seats contested by multiple Independent and 'other' candidates.

Source: Calculated from NSW Electoral Commission figures.

In contrast with the 2019 election, when Labor won votes across some regions but lost ground in others, in 2023 Labor increased its first preference and two-party preferred vote shares across all regions in NSW.⁷⁰ As Table 2 shows, however, the swings to Labor ranged widely, from a high of over nine percent in southern Sydney to below one percent in inland rural electorates. Although Labor increased its first preference vote across western Sydney, in two-party terms Labor made weaker gains in Sydney's west than anywhere else across the state, except for the rural coastal and inland rural regions. All four seats within the 6.3 percent range that Labor failed to take from the Coalition came from western Sydney (Winston Hills and Holsworthy) and inland rural NSW (Upper Hunter and Goulburn).

The Coalition endured a 6.2 percent first preference swing against it and won 36 Assembly seats, 12 fewer than its 2019 result (see Table 1). The Liberal Party suffered most, losing 5.2 percent of the vote and 11 seats. Including Bega, nine Liberal seats were lost to Labor (see above), with a further three seats (Wakehurst, Wollondilly and Kiama) lost against Independents. The Liberal Party had one gain of sorts, when Leslie Williams, who had defected from the Nationals to the Liberals in September 2020, retained her seat of Port Macquarie. The National Party lost just one seat (Monaro) to Labor but failed to regain the seats it had lost between 2016 and 2019 to Shooters, Fishers and Farmers Party candidates, who were now running as Independents.⁷¹

⁷⁰ See e.g. David Clune and Rodney Smith, 'Back to the 1950s: the 2019 NSW Election', *Australasian Parliamentary Review* 34(1), Autumn/Winter 2019: 86-101.

⁷¹ NSW Electoral Commission, 'NSW State Election Results 2023'.

Table 2. 2023 NSW Legislative Assembly Election Results by Region

	Inner Sydney	Northern Sydney	Southern Sydney	Western Sydney	Central Coast	Hunter/ Illawarra	Rural Coastal	Inland Rural	State- wide
Liberal-National average first preference vote (%)	29.6	45.0	39.6	32.9	32.9	18.7	42.5	43.2	35.4
Liberal-National average first preference swing (%)	-3.6	-10.2	-9.9	-6.3	-6.8	-10.3	-5.7	-1.7	-6.3
Labor average first preference vote (%)	39.8	23.6	43.7	45.7	46.7	49.8	27.6	20.0	37.0
Labor average first preference swing (%)	4.1	4.3	9.4	4.0	5.3	2.6	2.1	0.5	3.7
Liberal-National two party preferred vote versus Labor (%)	36.6	57.3	45.6	41.4	39.6	28.1	54.1	65.6	45.7
Liberal-National two party preferred swing versus Labor (%)	-8.6	-8.5	-9.3	-5.6	-7.2	-8.6	-3.4	-0.1	-6.3
Greens average first preference vote (%)	19.2	9.9	8.8	6.6	8.9	10.2	12.5	5.0	9.7
Greens average first preference swing (%)	1.8	-2.4	1.4	0.6	-0.2	0.4	-0.9	0.1	0.1
'Other' average first preference vote (%)	11.4	21.5	8.0	14.7	11.6	21.2	17.4	31.7	17.9
'Other' average first preference swing (%)	-2.3	8.3	-0.9	1.8	1.7	7.3	4.4	-0.3	4.7

The Coalition won its highest votes in its northern Sydney, rural coastal and inland rural heartlands, whether measured by first preferences or its two-party preferred vote against Labor. While the Nationals more or less halted the vote losses they suffered in 2019 in their inland rural electorates, the Liberals suffered relatively high swings both on first preference votes (-10.2 percent) and the two-party preferred vote versus Labor (-8.5 percent) in northern Sydney seats. The lower negative swings suffered by the Liberals in western Sydney lend weight to the conclusion that the city's west remains a competitive battleground for the major parties (Table 2).⁷²

The election left a crossbench of 12 (see Table 1). The Greens held their three Assembly seats but no 'Greenslide' eventuated. The Greens' stronghold is evident in Table 2, as is their relative weakness in western Sydney. The three ex-SFF MPs retained their seats as Independents, as did the three successful Independents from 2019, along with the ex-Liberal Independent Ward. Two community Independents—Michael Regan in Wakehurst on Sydney's northern beaches and Judy Hannan in semi-rural Wollondilly to Sydney's south-west—won seats.

⁷² Clune and Smith, 'Back to the 1950s', pp. 94-96.

Table 3. ‘Teal’ Independent Results under Optional Preferential Voting and Predicted Results under Full Preferential Voting

1	2	3	4	5	6	7	8
Electorate	Independent Candidate	Independent Two Candidate Preferred Vote	Independent Shortfall below ‘True’ Majority	Preference Flow Required for Independent to Win a ‘True’ Majority	Actual Preference Flow to Independent	Winner under OPV	Predicted Winner under FPV
Lane Cove	Victoria Davidson	19913	6118	93.1%	81.5%	Liberal	Liberal
Manly	Joeline Hackman	21027	5386	86.1%	78.9%	Liberal	Liberal
North Shore	Helen Conway	18329	5760	84.6%	81.8%	Liberal	Liberal
Pittwater	Jacqui Scruby	22759	1997	59.0%	80.3%	Liberal	Independent
Willoughby	Larissa Penn	22277	4139	71.0%	82.9%	Liberal	Independent

Source: Calculated from NSW Electoral Commission figures.

The ‘Teal’ Independents failed to replicate their federal success in Sydney, winning no seats. Table 3 suggests that another two Teal Independents may have won their contests had full preferential voting, rather than optional preferential voting, been used in the election. Column 3 in Table 3 shows the two candidate preferred votes received by each Independent against their Liberal rivals. Column 4 shows the additional votes each Independent would have needed to secure a majority if the ballots that were excluded from the count as ‘exhausted’ had contained a full set of preferences and therefore remained in the count until the end. Column 5 shows the preference flow each Independent would have needed from the exhausted ballots to achieve that ‘true’ majority of all votes cast. Column 6 shows the actual preference flow that the Independent achieved in the ballots that indicated preferences between the Independent and the Liberal candidate.

As shown in Column 6, the actual preference flows to the Teal Independents against Liberal candidates were consistently very high (between 78.9 percent and 82.9

percent). In Pittwater, the actual preference flow to Independent Jacqui Scruby (80.3 percent) was well above the required preference flow required for her to gain a 'true' majority of all votes (59.0 percent), suggesting she would have won the seat under full preferential voting. The case of Willoughby is more marginal; however, the actual preference flow achieved by Larissa Penn was 10.9 percent ahead of the preference flow required for her to win the seat under full preferential voting. The concerns expressed by Independent candidates before polling day that optional preferential voting would disadvantage them seem to have been borne out.

THE LEGISLATIVE COUNCIL RESULTS

The quota of statewide votes needed for election to the Legislative Council in 2023 was 209,858. Labor's primary vote of 36.9 percent gained it eight quotas without having to rely on preferences from voters for other groups. The Liberal/Nationals ticket similarly secured six quotas with 29.8 percent of the primary vote. The Greens and PHON each claimed single seats by securing full quotas of primary votes. In this way, 16 of the 21 Council seats were decided after seventeen rounds of counting. Determining the final five seats took a further 270 rounds of preference distributions. The second Greens candidate won a seat at Count 277 after reaching a full quota. The final four seats were decided on Count 287. One candidate each from Legalise Cannabis, the Liberal Democrats, the Shooters Fishers and Farmers and the Liberal/National ticket secured seats without achieving full quotas but having more votes than the only other remaining candidate, the Animal Justice Party's Alison Waters, who was eliminated (see Table 4).

Several features of the Council result deserve comment. First, Labor secured a stronger swing in the Council election than in the Assembly election. Much of its Council swing appears to have occurred at the expense of the Coalition but not all of it can have been. It is impossible to tell from the aggregate figures but Labor may have benefitted from the small statewide swing away from the Greens that occurred in the Council election. Since Labor's catastrophic loss in 2011, it has increased its share of the Council vote by 13.2 percent, while the Greens vote share has declined by 2.0 percent.

Table 4. 2023 Legislative Council Votes and Seats

Party	First preference vote 2023(%)	Swing in from 2019 (%)	Seats won in 2023(n)	Change in seats won 2019-23	Total seats after the 2023 election ^a
Labor/Country Labor	36.9	6.9	8	+1	15
Liberal/National	29.8	-5.0	7	-1	15
Greens	9.1	-0.6	2	--	4
One Nation	5.9	-1.0	1	-1	3
Legalise Cannabis	3.7	n/a	1	+1	1
Liberal Democrats	3.5	1.3	1	+1	1
Shooters, Farmers and Fishers	3.1	-2.4	1	--	2
Animal Justice	2.2	0.2	0	-1	1
Elizabeth Farrelly Independents	1.3	n/a	0	n/a	0
Group A	1.3	n/a	0	n/a	0
Other ^b	3.2	0.7	0	n/a	0
Total	100.0	n/a	21	--	42

^a Members of the Legislative Council serve eight year terms, with half of the 42 seats contested at each election.

^b Combined parties and Independents with less than 1.0 percent of the state-wide vote each.

Source: Compiled from NSW Electoral Commission figures.

Second, Mark Latham's strategy of seeking early re-election did not prevent One Nation from losing votes or reducing its seat return from two seats in 2019 to one in 2023. With Latham re-elected, Tania Mihailuk filled his vacated seat. She soon became the sole One Nation MLC, as Latham and another One Nation MLC left the party

following a dispute with Pauline Hanson over One Nation's performance in the election and its electoral funding arrangements.⁷³

Third, the election saw the Council continue its long record of diverse party representation. The demise of the Christian Democrats means the Council no longer has a conservative Christian voice; however, two minor parties—Legalise Cannabis and the libertarian Liberal Democratic Party—won Council representation for the first time. Although these parties hold a shared position on drug reform, they are likely to be opposed on many other issues.

CONCLUSION

The 2023 NSW election raised at least two key questions. One is whether Labor could have won a more decisive victory against a 12-year-old Government that showed classic signs of having been in office too long: scandals, disunity, and a decline in its personnel. Barry O'Farrell, facing a Labor Government in disarray in 2011, achieved a two-party preferred swing of 16.5 per cent and a 23 seat majority, compared with Minns' 6.3 per cent and minority government. One factor may have been that the Coalition Government's problems really only began with Gladys Berejiklian's resignation 17 months before the election, a shorter period than the four years of increasing chaos that marked the last term of the Labor Government. Another factor, noted earlier, may have been the ability of Perrottet to present himself and his Cabinet as competent policymakers. The small target strategy adopted by Minns of agreeing with the Government wherever possible and offering few new major policies of his own may also have left many voters unconvinced that there was any fundamental crisis in NSW that required a change of government.

The second question concerns the impact of the election results on NSW parliamentary politics until the next election in March 2027. Politics in the Legislative Council are likely to follow what the Clerk of the Council has called the 'new normal',⁷⁴ with the

⁷³ Samantha Hutchinson, 'Latham quits One Nation, accuses Hanson of roting NSW', *Australian Financial Review*, 22 August, 2023.

⁷⁴ David Blunt, 'Clerk's Review', in Department of the Legislative Council, *Annual Report 2022*. Sydney: Parliament of New South Wales, 2022, p. 5.

Government having to accept high levels of parliamentary scrutiny via crossbench and Opposition use of ‘orders for papers, private members business, amendments to bills, and searching committee inquiries’. The Minns Government will know what to expect, given its participation in this scrutiny while in Opposition.

Minority government in the Legislative Assembly is more unusual, although as noted earlier in this article, the Perrottet Government was in minority for most of its final year. With the Independent Greg Piper taking the Speakership, Labor retained all its 45 Assembly votes in divisions, making its task of securing majorities a little more straightforward. The early signs are that the Opposition and crossbenchers in the Legislative Assembly may combine to strengthen the Assembly’s legislative committee work and increase scrutiny on the Government.⁷⁵ Nonetheless, the Assembly is unlikely to repeat the levels of parliamentary assertiveness it achieved in the last full period of minority government in NSW from 1991 to 1995. Within days of the election, Labor secured ‘confidence and supply’ agreements with three key Independents, who apparently did not demand or request any specific concessions in return.⁷⁶ None of the current group of crossbench Members appears to have the sort of parliamentary reform agenda that drove the Independents in 1991. Equally importantly, the Minns Government’s modest policy agenda is less likely to stir up the crossbench than the ambitious reforms of Premier Nick Greiner did in 1991

⁷⁵ See the Legislative Assembly Select Committee on the Residential Tenancies Amendment (Rental Fairness) Bill 2023.

⁷⁶ Lucy Cormack and Matt Wade, ‘Supply assured but majority in the balance’, *Sydney Morning Herald*, 28 March 2023.
