

Cover sheet for submissions

Electoral Reform Green Paper – Strengthening Australia’s Democracy

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SENATE ELECTION REFORM

INTRODUCTION

This submission is directed particularly at Chapter 5: Representation and voting systems. We are strongly in agreement with the statement made on page 1 of the Green paper that “there should be no unnecessary barriers placed between someone who has the right to vote, and that person effectively exercising that right.”

Group voting tickets, and the requirement to mark more than one preference for a formal vote are two barriers to the effective exercise of the right to vote.

Another major barrier is the sheer number of groups and candidates, most of whom have no real chance of being elected to the Senate, and whose purpose is often to confuse and undermine the electoral process.

The suggested reforms seek to reduce candidates and groups by using methods which make it in the parties’ and groups’ own interests to limit their numbers, and to restore the choice of preference allocation to the voters themselves.

TOO MANY CANDIDATES AND GROUPS STANDING FOR ELECTION

The excessive number of candidates now standing for Federal and State elections is a scourge on the democratic process. Paradoxically, the greater the number of candidates and parties contesting the election, the less real choice voters have.

Frivolous candidates, bogus parties, preference harvesting, the size of the ballot paper and the unwieldy number of makeweight candidates undermine the integrity of elections.

Australian voters should not have to consider the relative merits of scores, sometimes hundreds, of candidates when confronted with the ballot paper on polling day. They should be able to express their own preferences for candidates who have a real chance of winning, and they should not be the unwitting pawns in hidden preference deals.

At the last Senate election in NSW there were 79 candidates comprising 25 groups and 4 ungrouped candidates. Eight groups ran 4 or more candidates and a number ran 6 candidates. Surely Labor, Liberal and the Greens understood that they would be unlikely to gain the 85% of the vote needed to win all six seats. The other States show similar numbers.

In NSW over 50 candidates received less than 0.01% of the vote, many receiving less than 0.001%. Their very presence on the ballot paper probably increased the number of informal votes by more than their combined total vote.

The last NSW Legislative Council election with 333 candidates was even worse.

(The actions of the Christian Democratic Party (CDP) in standing nine candidates for a single-member constituency in the 2009 Bradfield by-election demonstrates that there are parties and groups that will attempt to make a mockery of the democratic process. The CDP has demonstrated that the Parliament can not assume that goodwill and fair play will prevail.

If the CDP is prepared to lose \$4,500 in electoral deposits in a by-election, it must be assumed that they and other groups would consider undermining the integrity of the next Senate and/or

House of Representatives election)

Voters should be able to choose who they want to have as their representatives without needing to consider frivolous candidates and those seeking to harvest preferences and distort the election result.

For Australian voters to be able to deliver a genuine expression of their desires the number of candidates standing for election must be reduced.

A reduction in the number of candidates would also have other benefits:

- i. reducing the informal vote.
- ii. making it easier for voters -- less intimidating ballot papers that will fit into polling booth cubicles.
- iii. reducing printing costs, of both ballot papers and how-to-votes.
- iv. more environmentally friendly elections.
- v. making the count quicker, over days not weeks.
- vi. making the count less expensive by reducing the hours required.

The number of candidates standing in Senate elections can be reduced by:

1. ABOLITION OF GROUP VOTING TICKETS (GVTS)

The abolition of group voting tickets would substantially reduce the number of groups. Bogus groups now know that they can deliver up to 98% of their preferences as they wish and that preference harvesting is possible. These bogus groups are prepared to lose their deposits in return for delivering a stolen vote to their preferred party or in the hope of the preference harvesting paying off in an opportunistic election victory.

In a half Senate election six candidates are elected. At the 2007 Federal elections historical voting patterns and the opinion polls guaranteed that in NSW the top two Liberal/National candidates and top two Labor candidates would be elected on quotas. All serious commentators agreed that the last two seats would be won by the third Liberal candidate (Senator Marise Payne) or the third Labor candidate (Senator Ursula Stephens) or The Greens (Senator Kerry Nettle). The only question was who would lose. The other 72 candidates were, in effect, spoilers.

Abolition of group voting tickets would also prevent the Australian public from being misled. The Carers Alliance at the 2007 election had two registered tickets (see footnote*). They appeared to be even handed, perhaps pro-Labor, but it was in fact a split vote between Liberal and the Greens. Labor was placed after all other possible candidates, including all the hopeful beneficiaries of preference harvesting. Look at their two GVTs and note the subtleties. Firstly, the second Labor candidate (Campbell) is given the lowest preference (remember low is good) on both tickets, but since he will be elected on a quota before the Carers Alliance vote is

* Carers Alliance (2 Registered Group Voting Tickets)

| | Ticket 1 | Ticket 2 |
|---------------------|----------|----------|
| Coonan (Liberal) | 56 | 56 |
| Williams (National) | 75 | 75 |
| Payne (Liberal) | 20 | 19 |
| Arbib (Labor) | 27 | 27 |
| Campbell (Labor) | 18 | 18 |
| Stephens (Labor) | 74 | 74 |
| Nettle (Green) | 19 | 20 |

distributed, he does not need it and can not use it. Secondly, both the top two Labor candidates have lower preferences than the top two Liberal/National candidates, but since all are elected on quotas this is irrelevant. Thirdly, John Williams, the National Party candidate, is given preference number 75 and is ahead of only the four ungrouped candidates; but again, since he is elected on the initial quotas it is irrelevant. Ursula Stephens (third Labor) is placed at number 74 on both tickets, seemingly better placed than Williams, but since she is in the “death seat” on the Labor Party ticket she is in fact the candidate targeted by the Carers Alliance. Carers Alliance supporters could not be expected to understand this contrived machination even if they had the time and inclination to study the GVTs.

Abolition of GVTs means that the choice of where preferences go returns to the voter. Parties and groups are still able to stand, and, if eliminated from the count, every voter who chose to support those groups can be confident that their preferences will go to candidates of their own choosing. Abolishing GVTs removes the incentives and rewards for the party apparatchiks.

It is sophistry to pretend that, under the current rules, voters can easily express their preferences by voting below-the-line. With the requirement to number every candidate, and the potential for 333 or more candidates, Informal is the clear winner.

Removal of the above-the-line voting boxes and the distracting big black line would make the ballot paper smaller, cleaner and more user friendly.

2. IMPLEMENTATION OF FULLY OPTIONAL PREFERENTIAL VOTING

A single **1** should be a formal vote, with all subsequent preferences being optional.

Since the only benefit of group voting tickets (apart from the power of directing preferences) is the reduction in the informal vote, this reform is essential if GVTs are to be abolished.

The argument that too many votes will exhaust and therefore distort the final result is wrong.

Most voters vote for all of the candidates in their preferred party group. An examination of ACT Legislative Assembly elections confirms that very few votes become exhausted while there are still viable candidates left in the party group. A viable candidate is one neither elected nor excluded and therefore available to receive a preference. The number of votes that exhaust at this stage is smaller than the number of votes that otherwise would have been declared informal because of incomplete numbering. There is a net gain in voter participation.

If more than one preference is required for a formal vote, there is a corresponding increase in the informal vote.

If the number of compulsory preferences required is small, say equal to the number of candidates to be elected, then each group will run as many candidates as is required to avoid votes being informal. This practice can be confirmed by observation of Local Government and NSW Legislative Council elections. The increase in candidate numbers increases the informal vote. It also increases the exhausted vote, as voters feel that with a full team of candidates their vote will count right through to the end.

If the number of preferences required is excessive, the result is an unreasonable and discriminatory increase in the informal vote.

With fully optional preferential voting, parties can reduce the number of candidates standing in the group so as to maximise each individual candidate’s vote and increase the likelihood of the return of their electoral deposits.

3. INCREASING ELECTORAL DEPOSITS

The deposit to stand for election should be increased, made payable by the candidate (not the party) and refundable only if the candidate reaches the threshold or is elected.

At the 2007 Federal election in NSW a group of two candidates, Group V, stood for election. Its registered GVT gave preferences directly to the Liberal Party. At a cost of \$2000 in lost electoral deposits Group V delivered 1215 votes to the Liberal Party. At just under \$2 a vote it was probably the most cost effective donation the Liberal Party received in the campaign, especially if you think how many Labor voters, having left their glasses behind and voting in poorly lit community halls, mistook (the unnamed) group V for the Labor Party's group W.

The current \$1000 deposit is not a disincentive for these groups and the likelihood that even more candidates will stand in future elections can not be discounted.

In 2007 in NSW only three groups reached 4% of the vote and only seven groups reached 1%.

The threshold for the return of the deposit may be reduced to 1% of the vote, but since candidates will rotate (see below) this is in effect 2, 3 or 4% depending on the number of candidates in a group. The deposit applying to candidates rather than parties will encourage parties to limit the number of candidates standing so as to concentrate the vote and save money. The result is a less complicated ballot paper.

Elections are expensive; if frivolous candidates and bogus parties still wish to run then the forfeited deposits will offset some of the election expenses.

There is a great reward for parties that reach the public funding threshold so it is only reasonable that frivolous parties and candidates pay a cost if they don't.

Genuine parties with genuine electoral support have nothing to fear from an increase in the electoral deposit. With fewer bogus parties confusing the election their own policies should be clearer to the Australian public.

4. ROTATION OF THE NAMES OF THE CANDIDATES ON THE BALLOT PAPER

A central element of Senate election reform is to rotate the names of candidates within each party group on the ballot paper.

Only when the names are rotated can a truly proportional result be obtained.

It is the rotation that eliminates the donkey vote, evening out the vote within each party group and keeping all genuine candidates in the count. Only a candidate remaining in the count can benefit from preferences as other candidates are excluded. If a candidate already has a quota these preferences are of no value to them; only continuing candidates can benefit.

It is the rotation of candidates that more than any other reform will prevent the aberrant election of candidates with miniscule first preference votes. It will make preference harvesting impossible and Australian voters can be confident that the candidates elected have genuine community support.

Under this reform party groups would remain and each party would preselect its candidates and be able to exhort its supporters to vote for the party by voting for Group A, B or K.

In Senate elections where the voters probably do not have a preference for an individual

candidate, but are not handicapped in any way if they do, a simple linear rotation of the names would be sufficient. With three candidates in a group there would be three different ballot paper variations with each candidate having top position a third of the time.

The use of above-the-line party boxes negates any benefit conferred by the rotation of candidates.

CONCLUSION

Under the suggested reforms Senators are still elected by Proportional Representation. Candidates with quotas are still guaranteed election. Voters are able to choose candidates they favour without the fear of voting informally and are able to give preferences to other candidates or groups as *they* choose.

All of the above reforms utilise simple procedures and do not attempt to increase the requirements for party registration or prevent candidates from exercising their democratic right to stand for election. Any attempt to prevent candidates standing for election by increasing the number of nominators required would fail. Zealots, such as ones who try to pervert the electoral system or who are on some form of ego trip, are generally very active, even if unpopular, and such a requirement would merely become part of their electoral campaign strategy.

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26 November 2009