

SUBMISSION 60

PROPORTIONAL REPRESENTATION SOCIETY OF AUSTRALIA (VICTORIA-TASMANIA) INC.



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1st June 2006

The Committee Secretary
Joint Standing Committee on Electoral Matters,
Department of the House of Representatives
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Committee Secretary,

SUBMISSION TO THE JSCEM INQUIRY INTO CIVICS AND ELECTORAL EDUCATION

SUMMARY OF MAIN POINTS, IN RELATION TO THE INQUIRY'S 11 TERMS OF REFERENCE

1. The current status of young people's knowledge of, and responsibilities under, the Australian electoral system:

Some members - teachers or parents – tell us of the absence for a very long time of a substantial culture of awareness of electoral matters among Australian school age youth. They instance that having produced people at senior levels in law, politics and business that reveal, by statements, attitudes, embarrassment or simple inaction, a surprisingly poor grasp of the significance of electoral systems. Unless that dismal pattern of early and continuing indifference ends, this will sadly persist.

2. The nature of civics education and its links with electoral education:

A very neglected aspect of civics education is the teaching of the significant pioneering reforms in civic and electoral matters that have occurred, and are still underway, in Australia, and have since been adopted widely elsewhere. We give examples of these below. These largely-forgotten achievements have the potential to spark major well-deserved and responsible feelings of national pride that can engage the interest of youth if properly presented to them.

3. The content and adequacy of electoral education in government and non-government school programs of study, as well as in TAFE colleges and universities:

No comment here

4. The school age at which electoral education should begin:

No comment here

5. The potential to increase electoral knowledge through outside school programs:

Given our concerns above about the absence of a substantial culture of awareness of electoral matters among youth of school age, we can cite examples of games, role playing and appealing software we have found to have captured youth interest, and which should be instituted more widely and regularly.

6. The adequacy of electoral education in indigenous communities:

Since this term of reference was produced, national attention has been sharply focused on major problems in indigenous communities. Substantial efforts are obviously needed to deal with those problems, and such efforts should not overlook the long-term need for electoral education.

7. The adequacy of electoral education of migrant citizens:

Anecdotal observations that our members have made relate to the differences immigrant citizens (even New Zealanders) find between the non-preferential electoral systems they are used to, whether they be the crude first-past-the-post system that was superseded in Australia nearly 90 years ago or the elaborate but indirect party list systems whose stronghold is continental Europe. PRSAV-T Inc. notes that such citizens do not seem to have been well briefed on the advantages Australia's pioneering use of preferential voting confer, leaving pockets of opposition or indifference to it that it should be in Australia's interest to remedy.

8. The role of the Australian Electoral Commission and State and Territory Electoral Commissions in promoting electoral education:

PRSAV-T Inc. commends the improving nature of education efforts by the above Commissions, including their Web sites and their Electoral Education Centres, but instances certain continuing deficiencies, and suggests some further measures to strengthen electoral education.

9. The role of Federal, State and Local Governments in promoting electoral education:

Federal and State Governments in recent years have greatly expanded advertising campaigns on a range of matters. Observers noting many pages of full page newspaper advertising weighted much more to persuasion than information have wondered whether far better value would be gained from publicizing material where the balance leans more to information than persuasion, as the incidence of the material being actually read and remembered would be much higher.

We show why the Federal Government should take serious stock of how misleading and deceptive the operation of Group Voting Tickets and 'above-the-line' Senate voting has become in practice, and how corrosive that is proving to be for maintaining voters' identification with 'their' senators.

10. The access to, and adequacy of funding for, school visits to the Federal Parliament: *No comment*

11. Opportunities for introducing creative approaches to electoral education taking into account approaches used internationally and, in particular, in the United States, Canada, Germany, United Kingdom and New Zealand:

PRSAV-T Inc. gives an example of US activity that should inspire similar interest in Australia.

INTRODUCTION TO THE PRSAV-T INC. SUBMISSION

Proportional Representation Society of Australia (Victoria-Tasmania) Inc. was originally the Proportional Representation Society of Victoria, founded in 1946 to campaign for PR for the Senate. It became a branch of the Proportional Representation Society of Australia in 1982. PRSAV-T Inc. welcomes the decision by the Joint Standing Committee on Electoral Matters to inquire into ways of improving the teaching of how democracy works.

An educated public, aware of its rights and aware of the considerable strengths of our electoral system, is a great benefit in a democratic society. Reports that large numbers of young people and indigenous people are not on the electoral roll, and consequently not participating in our democratic system, should be a cause of concern for all. We therefore strongly urge a significant increase in the funds and time devoted to electoral education in schools.

Australian democracy has a variety of systems of voting. Not all of those are equally effective in giving power to the voters and ensuring that voters' wishes are reflected in Parliament. In schools, we would advocate students conducting their own elections under different systems at some point during their schooling, as well as exploring the role voters are meant to play in a democracy and how that relates to the requirements prescribed for casting a formal vote.

PRSA(V-T) Inc. considers that more effort should be undertaken to inform all Australians of their rights in electoral matters, not just school students. Most voters are unaware of what happens to their preferences when they vote '*above-the-line*' in a Senate election. We contend, for example, that probably not one ALP or Australian Democrat voter in one hundred would have realized in 2004 that by voting for their chosen party '*above-the-line*' in the Senate, they were giving their preferences to the Family First candidates ahead of the Australian Greens candidates.

It is mainly by education that the population will become aware of their considerable rights and power as voters. A better-educated public will not only make better use of the existing electoral arrangements, but is more likely to insist on improvements, such as the removal of the quite unnecessary and unjustifiable requirement for '*below-the-line*' voters to mark more preferences on Senate ballot-papers than there are positions to be filled, which is a restrictive imposition that has not been included in Victoria's new Legislative Council PR system, and has never existed in Tasmania's longstanding Hare-Clark electoral system.

We would like to appear before the Committee if it conducts hearings. Our Council members are available to appear at any hearing that might be held in Melbourne.

DETAILS OF PRSAV-T INC. SUBMISSION, IN RELATION TO THE INQUIRY'S 11 TERMS OF REFERENCE

1. The current status of young people's knowledge of, and responsibilities under, the Australian electoral system:

Some members - teachers or parents - tell us of the absence **for a very long time** of a substantial culture of awareness of electoral matters among Australian school age youth. They instance that having produced people at senior levels in law, politics and business that reveal, by statements, attitudes, embarrassment or simple inaction, a surprisingly poor grasp of the significance of electoral systems. Unless that dismal pattern of early and continuing indifference ends, this will sadly persist.

2. The nature of civics education and its links with electoral education:

A very neglected aspect of civics education is the teaching of the significant pioneering reforms in civic and electoral matters that have occurred, and are still underway, in Australia, and have since been adopted widely elsewhere. We give examples of these in Table 1 below. These largely-forgotten achievements have the potential to spark major well-deserved and responsible feelings of national pride that can engage the interest of youth if properly presented to them.

Table 1: Pioneering Reforms in Civic and Electoral Matters in Australia		
Action in which Australia led the World	Date	Detail
First public proportional representation election	1840	Election of the first Adelaide City Council under a South Australian statute that prescribed quota PR counting
First legislation prescribing election of a parliament using the secret ballot	1857	The secret ballot, first prescribed by Victorian, and soon afterwards SA legislation, has been emulated world-wide. It is called the “ <i>Australian Ballot</i> ” in the USA. That term is used to describe it in a Maine law.
First legislation prescribing election of a parliamentary house by quota-preferential PR	1907	<i>Tasmania’s Electoral Act 1907</i> prescribed www.vicnet.net.au/~prsa/history/hareclar.htm quota-preferential counting for filling all seats in the House of Assembly
First legislation prescribing election of a parliamentary house by the “alternative vote” (preferential voting in single-vacancy polls)	1907	<i>Tasmania’s Electoral Act 1907</i> prescribed www.vicnet.net.au/~prsa/history/history#Tasmania preferential counting at each future poll in the Legislative Council
First legislation for filling casual vacancies in a parliamentary house by direct election by counting the general election ballots	1918	<i>Tasmania’s Electoral Act 1918</i> prescribed www.vicnet.net.au/~prsa/history/countbac.htm “ <i>countback</i> ” for filling casual vacancies in the House of Assembly
First legislation prescribing the popular election of an upper house of a national parliament by quota-preferential PR	1948	The <i>Commonwealth Electoral Act 1948</i> www.vicnet.net.au/~prsa/history/hv_evatt.htm required the Senate to be elected by quota-preferential PR.
First legislation prescribing the neutralizing of the effect of “donkey voting” on ballot-papers in preferential voting systems	1979	<i>Tasmania’s Electoral Act 1979</i> prescribed www.vicnet.net.au/~prsa/history/tasearob.htm Robson Rotation for rotating candidates’ names in the columns of candidates’ names at polls for both houses of Parliament
First successful referendum to entrench the full details of a Hare-Clark PR system	1995	The Australian Capital Territory’s Proportional Representation Entrenchment Bill 1994 www.vicnet.net.au/~prsa/history/history.htm#ACT was approved at a 1995 referendum and now protects the ACT’s Hare-Clark system against change except by a 2/3 majority of the Assembly or a referendum

3. The content and adequacy of electoral education in government and non-government school programs of study, as well as in TAFE colleges and universities:

No comment here

4. The school age at which electoral education should begin:

No comment here

5. The potential to increase electoral knowledge through outside school programs:

Given our concerns above about the absence of a substantial culture of awareness of electoral matters among youth of school age, we can cite examples of games, role playing and appealing software we have found to have captured youth interest, and which should be instituted more widely and regularly.

Probably the earliest example of such games and role playing is the “schoolboy election” that the first recorded proponent of quota PR, Thomas Wright Hill, in 1820, an English schoolmaster, had his class participate in. See www.vicnet.net.au/~prsa/counting/tom_hill.htm PRSAV-T Inc. members have found that scout groups, for example, have very much enjoyed a mock ballot to elect one of their members as the local MP, with a leader playing the part of the poll clerk, and soon afterwards the Returning Officer. Ten years later former scouts, now in their mid-twenties enjoy mentioning that they remember those games when they now vote at parliamentary elections.

The internet certainly has examples of good software that encourages involvement in electoral education. The ACT Electoral Commission has such material on its Web sites including an electoral quiz, a crossword and resources to run a mock election. The South Australian Electoral Commission recently had good software graphically illustrating different electoral systems, but a redesign seems to have aborted and stalled that progress. A 10-minute mid-1980s video produced by the former Social Democrat party in the UK starring comedian John Cleese, details for purchasing which are on the PRSA Web site, is still very watchable. The Centre for Voting and Democracy in Washington DC has an electronic version of the PRSA’s Gerrymander Wheel on its Web site, but the elementary truth that reveals might be too uncomfortable for MHRs, although it would be re-assuring to senators.

6. The adequacy of electoral education in indigenous communities:

Since this term of reference was produced, national attention has been sharply focused on major problems in indigenous communities. Substantial efforts are obviously needed to deal with those problems, and such efforts should not overlook the long-term need for electoral education.

7. The adequacy of electoral education of migrant citizens:

Anecdotal observations that our members have made relate to the differences immigrant citizens (even New Zealanders) find between the non-preferential electoral systems they are used to, whether they be the crude first-past-the-post system that was superseded in Australia nearly 90 years ago or the elaborate but indirect party list systems whose stronghold is continental Europe. PRSAV-T Inc. notes that such citizens do not seem to have been well briefed on the advantages Australia’s pioneering use of preferential voting confer, leaving pockets of opposition or indifference to it that it should be in Australia’s interest to remedy.

About the only immigrant citizens that Australia does not need to put effort into acquainting about our systems of preferential voting are those from Malta, where the 1904-09 Governor of Tasmania, inspired by the Hare-Clark system, encouraged its adoption, and Eire, where its use is entrenched in the national Constitution.

8. The role of the Australian Electoral Commission and State and Territory Electoral Commissions in promoting electoral education:

PRSAV-T Inc. commends the improving nature of education efforts by the above Commissions, including their Web sites and their Electoral Education Centres, but instances certain continuing deficiencies, and suggests some further measures to strengthen electoral education.

Examples of interesting research material on the AEC Web site are given below, but it unfortunately does not come to grips with the fact that young people are not all stupid when it comes to observing matters such as branch stacking and the poverty of political debate, and many fail to see the point of participating in foregone conclusions in safe seats.

www.aec.gov.au/_content/How/research/papers/paper6/index.htm deals with electorally engaging the homeless.

There are two reports on the Youth Electoral Study that included a sizeable national school survey www.aec.gov.au/_content/What/publications/youth_study_1/index.htm Conclusions included:

- Young people do not trust politicians
- Politicians are seen as liars and promise-breakers
- Only about one half of the students agreed that parliamentarians could be trusted to do what is right for the country, with males more "trusting" than females.
- Only one-fourth agreed that parliamentarians are honest, with males more likely to agree than females.
- About one-third of the student agreed that parliamentarians were smart and knew what they were doing when running the government.

Such views are not particularly surprising when a 'whatever it takes' mentality has for some time prevailed in 'winner take all' arrangements, and membership of political parties has been declining for many years without much shedding of bitter tears by party machine operators.

www.aec.gov.au/_content/What/publications/youth_study_2/index.htm has a section on Political engagement and "Active Citizenship".

AEC's Failure in its Statutory Duty: The immediate past Special Minister of State, Senator the Hon. Eric Abetz, has admitted in a letter to the PRSAV-T that the Australian Electoral Commission has failed at recent elections in its statutory duty to display posters or provide pamphlets giving voters details of Group Voting Tickets, and that serious criticism of the AEC has a bearing on the issue of voters being misled by the GVT system as instanced in the example under Point 9 below relating to the 2004 half-Senate polls in Victoria and Tasmania.

Vanishing and Incomplete Data on VEC Web site: A major urban activist group, Save Our Suburbs (Victoria) has a Web page www.saveoursuburbs.org.au/news/VEC.htm complaining about deficiencies of the Victorian Electoral Commission Web site. They refer to swift removal of voting figures at the very end of local government polling. PRSAV-T has also noted the absence of useful archival material and full scrutiny sheets, which compares very poorly with the Tasmanian Electoral Commission where those materials are readily available, and enable students and interested voters to properly understand the processes involved. The VEC Web site, unlike its Tasmanian counterpart, gives no details at all on voting figures at municipal *countbacks*, thus denying voters and students any evidence of practical examples.

9. The role of Federal, State and Local Governments in promoting electoral education:

Bland advertising campaigns: Federal and State Governments in recent years have greatly expanded advertising campaigns on a range of matters, but they have become masters of bland spin rather than imparting insights or seriously useful information. Observers noting many pages of full page newspaper advertising weighted much more to persuasion than information have wondered whether far better value would be gained from publicizing material where the balance leans more to information than persuasion, as the incidence of the material being actually read and remembered would be much higher.

GVT works against Electoral Education: The example below contrasts the operation of Group Voting Tickets in the election of a Family First senator from Victoria and a Greens Party senator from Tasmania. Voting data at <http://results.aec.gov.au/12246/results/SenateResultsMenu-12246.htm> apply.

In Victoria the Greens Party candidates together gained 8.8% of the first preference vote, compared with 1.88% for Family First. All commentators recognized that a Family First candidate accumulated a quota whereas no Greens Party candidate did essentially because the ALP and Australian Democrats Group Voting Tickets both placed Family First ahead of the Greens. What made that action and hence the system of Group Voting Tickets and above-the-line disreputable here was the normal expectation, which nearly all ALP and Democrat voters could be expected to have had, that those Group Voting Tickets would have had the opposite order in relation to those two parties. That reasonable expected order would have had the effect of electing the Greens Party candidate, who had more than half a quota of first preferences already, and not the Family First candidate, whose quota consisted almost entirely of votes transferred from Group Voting Tickets. None of the above-mentioned parties in Victoria had an incidence of usage of Group Voting Tickets below 91.1%.

By contrast, in Tasmania, both the Greens Party and Family First started the scrutiny with a higher percentage of first preference votes, being 13.29% and 2.38% respectively. As in Victoria the other parties mentioned above, and the Coalition parties, all placed Family First ahead of the Greens Party on their Group Voting Tickets. The key difference between the two States however was the distinctly lower usage of Group Voting Tickets by voters for the major parties and the Democrats, where none of those groups' voters had an incidence of usage of Group Voting Tickets above 86.5%. Tasmania has a customarily lower use of Group Voting Tickets because of voters' awareness of the power of their choice of voting order under Robson Rotation, and because the smaller number of candidates that is usual renders the onerous task of voting *below-the-line* without error less forbidding and risky.

The above is a classic example of how the Group Voting System and *above-the-line* voting, combined with the draconian and unnecessary requirement for a *below-the-line* vote to show all preferences marked rather than just a number equal to the number of places to be filled, as in the Hare-Clark system, distorts and corrupts Australia's federal voting system, and entrenches voters' increasing cynicism.

The present indefensible provision for below-the-line voting should be altered to the partial optional preferential provision that now applies in other PR polls in Australia if education of voters is to be taken seriously.

Why no statutory requirement to publicize Senate appointees? Another example of total non-provision of any effective information or awareness is the absence of any statutory requirement for the Government or the AEC, to publicly advertise, in newspapers, and in the electronic media, the name, and a photograph and background about a senator whose position is vacated during a senate term, and similar information about the senator that replaces such a vacating senator. Voters are almost totally

unaware of much about such replacement senators, and that very much helps decrease interest in and connection to the Senate.

10. The access to, and adequacy of funding for, school visits to the Federal Parliament:

No comment

11. Opportunities for introducing creative approaches to electoral education taking into account approaches used internationally and, in particular, in the United States, Canada, Germany, United Kingdom and New Zealand:

One of the most promising directions in which electoral education is developing internationally is associated with work towards voting using computers whether online or offline. Young people are aware that electronic voting is likely to grow considerably and, together with young people's general disposition to trust, be impressed by, and enjoy computer operations, that augers well for experiments to try to harness such possibilities.

Appendix 1 below illustrates such opportunities. It was prepared by an associate of the Australian company Everyone Counts Pty. Ltd. who has worked with members of PRSAV-T Inc. That company, which began life as an Australian software development firm, was recently bought by the US company that presently owns it. Such international approaches should inspire similar interest in Australia.

Australia's electoral systems are far more refined and satisfactory than those in the above-mentioned nations, and Australia needs to be careful that it adapts or enhances material and ideas properly so that Australia's superior practices are not compromised.

Yours sincerely,

Geoffrey Goode
President
Proportional Representation Society of Australia (Victoria-Tasmania) Inc.

APPENDIX 1:

Everyone Counts (E1C): EIC www.everyonecounts.com believes that electronic voting is coming and it may change the way the populace engages with the government. We have a strong understanding of why the current paper system works as it does and why it has persisted for so long. We are confident that information and communication technologies will eventually provide a better system, whether at polling-places or for remote voting. We have followed the *e-voting* controversy in the USA, and we have seen the Irish *evoting* system rolled out and recalled primarily because it was not transparent enough. This remains the ultimate hurdle for *evoting* systems.

We think that Victorian children should be informed about *evoting*. Many are already quite familiar with online popular polls, but we worry they do not see why such weak systems cannot form the basis of binding elections. We think Victorian students are computer literate enough to see what computers can and cannot do with regards to democracy. We hope Victorian students will demand adequate systems when they are old enough to vote. We think that understanding democratic processes, computers and the Internet together bring many concomitant lessons in the value and risks of online communities, online identities or pseudo-identities, remote-others and cyber worlds where young people can experiment

socially. We hope transparency remains the foremost concern for new systems, including transparency of the government itself. Finally, we hope young people may devise ways in which computers can go further in providing fair tools for consensus building. Paper voting is necessarily spartan for logistical reasons, but a richer technology for democracy may somehow allow future voters to contribute more than single choices.

Everyone Counts Inc (E1C): E1C is now a US-owned company with its technology development done at its Australian subsidiary, Everyone Counts Pty. Ltd, which was started in 1998 as the Online Assessment Company. That company created and ran online software for examinations. In 2000 it was made a K-Venture (a KPMG Company) company incubation and was spun off in 2003 after a large, successful pioneering public election in the UK. E1C was the first company in the world to provide a binding public Internet election using an "end-to-end" cryptographic solution, delivering encrypted votes directly from the voter to the Returning Officer. In 2005 E1C was asked to testify before members of the Victorian Parliament who had convened to consider *edemocracy* technologies. E1C presented details of its UK public election and answered criticisms of Internet voting that had led to the late cancellation of a US military voting pilot (executed by a competitor of E1C).

Software as a service: E1C provides a web-based system that lets current electoral offices build and run an online ballot without their needing programming or even HTML experience. The system guides them in a step-by-step process for building the ballot(s). A basic poll can be created and disseminated online in minutes. The system scales up to providing entire above-and-below line senate ballots, pictorial candidate biographies and the created ballots guide the voter to complete the ballot so it is as formal as required. The system has many fine settings, which allow it to accommodate a wide range of ballot styles, formality constraints, counting requirements and interaction with third-party systems. The system is unique in the world in that it provides a practical framework for software-code level audits of an election and the specific configuration of that election. Normally this is not practical with a large software suite.

PRSAV-T Inc: E1C has enjoyed some interaction with the PRSAV-T Inc. via Dr Lee Naish, PRSAV-T Inc.'s Vice-President, who has helped us with the testing and calibration of our PR counting software, has provided PR vote benchmark data, and has advised us on the finer points of an election run at Deakin University in 2002, debating aspects of PR with Tony Lang, who was the returning officer for the Victorian ALP.

Technical advances: E1C has published internationally on its work in privacy, security, cryptography and transaction research. Online elections pose some of the hardest problems in computer science and E1C has contributed to the field. Our most advanced work to date was produced in collaboration with the University of Melbourne and constitutes a denial-of-service resistant ballot return mechanism for the Internet. Other research is being executed in biometrics. E1C has followed the US *e-voting* machine controversy and has gained strong understanding of the issues at hand. E1C has attended most of the Electoral Assistance Commission hearings in Washington DC and has attended NIST workshops on *e-voting*.

E1C and *edemocracy* for young people: E1C has examined the Australian Government's excellent program for school children entitled "Discovering Democracy" and has proposed its own program, eCCE the e-Civics and Citizenship Education program. This is introduced at www.everyonecounts.com/en/ecce.

This builds on E1C's experience providing in the US, for America's 2004 Presidential Election, the *National Student Parent Mock Election* www.nationalmockelection.org The NSPME is a charity that provides curriculum materials for junior, middle and high school students to engage them and then, in the lead up to a major US election, students in all 50 states are served federal and state ballots as they will be voted by their parents. E1C was fortunate to run this massive Internet election when AOL had to give it

up only two weeks before the planned run. E1C provided a staff member in New Jersey, and built a large volume installation of its software in San Diego, ultimately collecting more than four million votes.

Shortly after this run, E1C ran *Kids Vote Too* for Okaloosa, Florida, which provided another mock ballot to about 30 schools and offered federal, state and county ballots.

In Victoria, E1C presented at the Victorian Information Technology Teachers Association in 2005 introducing its agenda for eCCE. E1C is seeking Victorian pilot schools to try out its voting, polling and deliberative democracy tools to support CCE.

In San Diego, E1C is preparing to provide mock voting systems for Boys and Girls Clubs of America later in 2006.

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