

Electoral Reform Australia

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Mr President,

Many of you would have seen the email exchange between Geoffrey, Bogey and myself from last March. The upshot was that I was invited to this meeting to present the NSW Branch's views on reforming our electoral system.

May I thank Geoffrey – he has real old world charm. His phone call when he invited me to this meeting was generosity itself.

Bogey, despite his obvious anger, wrote a very civilized chastisement in his email at the time.

In mitigation for my own rudeness, I have perhaps spent too long amongst some of the rudest people in Australia. I refer to my twenty five years involvement in local government – sixteen years in a chair around the council table and the rest campaigning from the public gallery.

But my background and experience lead me to believe that the only people who achieve anything worthwhile are those that push the boundaries. Incremental change is not an option. If the proportional representation movement misses this opportunity there will be no further change for another thirty five years.

We, NSW, are looking for three things in any reform of an electoral system. They are:

1. The complete abolition of any form of above-the-line voting.
2. The rights of voters to have their vote counted.
3. Equality for voters.

The complete abolition of any form of above-the-line voting

Very briefly, for any reform to succeed it is essential that voters have returned to them the right to control and express their own preferences to the extent that they choose.

Without the above-the-line boxes, the two sets of instructions and the big distracting black line the ballot paper instantly becomes much smaller and less intimidating and more user friendly.

The rights of voters to have their vote counted

What sends my blood cold is the phrase, “we will require voters to ...”; it then continues with various endings like “number all the candidates”, “number twice the number to be elected plus one” or various arbitrary numbers like six, ten, twenty, etc.

The PRSA website has a good laugh at H.V. Evatt and his insistence on the compulsory numbering of all candidates in a Senate election. Of course he was arrogant, did not listen to reason and probably did not even undertake the simplest of simulations to see the dangers inherent in the requirement, but as a former

High Court judge, arrogance is at least understandable and he clearly believed, wrongly we know, in the requirement.

However, I do wonder why the PRSA website is silent about the fact that although the Liberal Country Party coalition opposed this compulsory numbering requirement in 1948 they then kept it in place for the next thirty five years.

Fully optional preferential voting is a fundamental right of the people. Anything else is a civil rights violation. You don't have to be Margaret Thatcher with her poll tax or the Ku Klux Klan with their burning crosses to prevent voters from exercising their franchise - making the ballot paper more complex is just as effective.

The vote belongs to the voter. We laugh at the United Kingdom and Canada with their first past the post system but if a voter votes for a candidate they count it!

We want fully optional preferential voting and we maintain that with fully optional preferential voting voter participation actually goes up. That both informal and exhausted votes drop. What is voter participation? Turnout minus the informal vote minus the exhausted vote. It is pleasing, but irrelevant, that voter participation goes up with fully optional preferential voting as we would still object to any form of compulsory numbering even if there was clear evidence that voter participation would fall without it.

It is their vote - we cannot require voters to do anything except give a single unambiguous first preference. Advise, recommend, encourage and educate voters that continuing preferences to further candidates can never harm the chances of their first choice, Yes - but require, No.

While we are at it, let's get rid of that other nonsense put forward by various commentators, including Kevin Bonham in Tasmania, who are worried about the problems posed to parties should they run, to quote Bonham, "strong candidates who have a cult-like popular appeal." They appear to be worried that should such candidates receive too many single first preferences the surplus might increase to above one and thereby reduce the vote available to the party as a whole.

My response to that is:

- STV elects candidates not parties.
- There have never been any such candidates. Can anybody name one?
- It does not happen. Can anyone cite an example of this happening when available candidates from the same party were still in the count?
- A full quota of votes must be just a single No. 1 before a "problem" begins to manifest itself. Candidates are still grouped in party columns and it is very hard for voters to resist voting for other candidates within the party group. A candidate with 1.5 quotas will need to have two thirds of their votes cast as a single No. 1. In the 2012 ACT election for the seven member electorate of Molonglo Katy Gallagher received 23996 votes – over two quotas. Only 124 of these were single No.1s and none exhausted.
- Since this candidate is a hugely popular candidate they will, by definition, take more votes from opposition parties and this, despite the fears, will benefit their party.
- The voting instructions on the ballot paper, how to vote tickets and the AEC's advertising campaigns will encourage voters to express their preferences to the maximum.
- In the unlikely event that this will occur counting the ballot by Meek will reduce the impact.
- It does seem an overreaction to have votes at every election declared informal, even those given to non-cult-like candidates, just to prevent the possibility of this happening.

Under the Australian Constitution, unlike local government and state governments, it is impossible to ensure that every multi-member electorate will have the same number of members. Each state has a predetermined number of members and prime numbers abound.

We should strive for an STV electoral system, that doesn't have above-the-line voting and where the quotas are as even as possible.

The latest (2004) proportional representation simulation published on the PRSA website has multi-member electorates ranging from three to nine members. That is a 15% difference in quotas. That is not treating all Australian voters equally. Why should a voter in a three member electorate be denied the opportunity of electing a minor party candidate? Or, if their allegiance goes another way, why should a voter in a nine member electorate get stuck with having a minor party candidate represent them just because they could get 10% of the vote?

Even within a state the same PRSA simulation gives electorates with widely varying district magnitudes. There is no reason why the district magnitudes within an individual state should vary by more than one.

For instance, NSW has 9, 7 and 5 member electorates; a quota difference of 6.66%

Victoria has 9 (1) and 7 (4). This is better - only a 2.5% difference. But why not two 8 member electorates and three 7 member electorates? This gives a difference of only 1.1% How about 3 nine member electorates and 1 ten member electorate – a difference of 0.9% ? And how about 2 twelve member electorates and one thirteen member electorate, a difference of only 0.55%?

These different district magnitudes are designed to prevent electorates returning an even numbered cohort of members. But even numbered electorates are not the problem that some people think. It is not necessary to achieve a two party majority vote in every electorate. The Liberal, National, Labor and any minor party members elected from a Western Victoria multi-member electorate will not be caucusing about how to solve the problems in Mildura.

Electorates are just the device by which members are elected to parliament. Only having uneven numbered electorates will not prevent the 150 member House of Representatives ending up as 75 Government and 75 Opposition members. Indeed, an undue insistence on uneven numbered electorates may distort the proportionality of the entire election. It certainly distorts the quotas.

Two small wins for the same side of politics in two five member electorates may give a 6:4 result. The true proportional result may actually be 5:5 The socio-economic divide in Australia is sufficiently wide and diverse that a 54.55% two party win, and therefore a genuine 6:4 split in a ten member electorate, would not be unusual.

We have come to “electoral stasis” so a quick definition would be appropriate.

Electoral stasis occurs when an electorate cannot realistically change its political composition regardless of the swing occurring in a general election. In an STV proportional representation ballot, electoral stasis is the equivalent of a safe seat in a single member electoral system.

Electorates, in electoral stasis, are also so small that it is generally not possible to change the composition of members within the same party.

The problem for small, even numbered electorates is the same problem that we get with small, uneven numbered electorates. They are too small! There is a high probability that they will be in electoral stasis.

In the 2004 PRSA simulation using small, albeit uneven, electorates of mostly five and seven, approximately one third are in electoral stasis. It is easy to check; if the two party vote is between 54% and 62% then we have electoral stasis.

When formulating policies or allocating campaign resources party strategists will not need to consider seats that are in electoral stasis. The major parties won't seriously campaign in these electorates and will not run extra candidates so voters are not given a choice of candidates even within the same party.

Change every one of these electorates in the PRSA simulation to six member electorates and again approximately one third will be in electoral stasis. It will just be a different third! This time the two party vote will be between 46% and 54%.

South Australia is the problem when trying to devise an STV electoral system for the House of Representatives.

With eleven members, a prime number, South Australia cannot be divided into sensible electorates. Any division has one or more of the following problems -

- Quota difference is too great. The PRSA simulation is 5,3,3 This gives an 8.3% difference. Why should a candidate need 25% to be elected in one electorate but only 16.7% in an adjoining electorate? Even a 6/5 electorate gives a quota difference of 2.3%
- Electorates that are too small and are therefore, potentially, in electoral stasis.
- Electorates that are too big geographically to service, or more to the point, that are *perceived* as too big.
- Gerrymandering. Even a 5/6 split can be gerrymandered by the simple decision of having Grey in the five or six member electorate. An ACT example - make Molonglo a five member electorate and Brindabella a seven member electorate and, bang, there goes the Green member of the Legislative Assembly.

If dividing South Australia into small electorates is unsatisfactory what happens if South Australia is one electorate with eleven members? This achieves many positives -

- The same quota of 8.34% for every voter and every candidate.
- The electorate will not be in electoral stasis. The likelihood that political swings will change the political representation is high.
- Parties will be forced to run sufficient candidates enabling voters to choose candidates from within party groups.
- Gerrymandering will be impossible.
- Redistributions will be unnecessary. Should the State gain or lose a Member then the electorate just returns one more or one less Member.

Once it is decided that South Australia should be one electorate, the other mainland states can be divided to make electorates as close as possible in size to South Australia's eleven. The states that have to be divided are divided so that the quota difference between the electorates is at a minimum.

Queensland (30) 3 x 10

NSW (47) 3 x 12; 1 x 11

Victoria (37) 2x12; 1x13.

The option for Victoria (37) of 3 x 9; 1 x 10 is not recommended as the difference between the quota for the 9 member electorates and South Australia's 11 member electorate of 1.66% is greater than the difference of 1.2% between the 13 member electorate and the 11 member electorate.

Western Australia 1 x 16.

Two 8 member electorates have a bigger quota difference from South Australia's eleven than does the sixteen member electorate. [$11.11 - 8.34 = 2.77$ compared to $8.34 - 5.88 = 2.46$]

Should Western Australia grow to have seventeen members it would divide into two electorates of eight and nine. The quota difference with eight and nine member electorates is smaller than a single seventeen member electorate.

Tasmania - Australia's Constitution makes it impossible to include Tasmania within the proposed model. But Tasmania, with over a hundred years' experience, is better able than most to utilize STV to its maximum, even though it is limited to a single electorate returning five members. Tasmanians may also take comfort from the fact that constitutionally they are entitled to five members but mathematically to only four members.

The quota in the mainland States varies between 5.55% and 9.09% - a difference of 3.54%

Compare the difference between 3 and 5 member electorates, which is 8.33%; 5 and 7 is 4.16%; 5 to 9 is 6.66%; 3 to 9 is 15%

The advantages of the NSW model are many.

Electorates returning between ten and sixteen members incorporate all those ideals that we in the proportional representation movement hold so dear, and then most of us ignore.

- Equality

The maximum quota variation within individual States is 0.65% and between States is 3.54%

- Proportionality

Apart from Tasmania and the Territories, every electorate has a quota that is less than 10% and more than 5%. There appears to be around the world, a consensus that where thresholds apply these thresholds should be at 5%

Whilst I don't agree with the arbitrary nature of thresholds I do believe that any candidate unable to poll at least 5% should struggle to be elected. These quotas will achieve that. I also believe that candidates who achieve 10% of the vote have met the proportionality requirement and deserve to be guaranteed election via a quota. These electorates also achieve that.

- Choice of Candidates

Electorates of ten or more will force parties hoping for a favourable result to stand more candidates than they might expect to be elected. This will give supporters of these parties more choice. To avoid looking like a bunch of clones the parties will also have to offer a diversity of candidates.

- Electoral Stasis

There will be no safe seats. The quotas for all these electorates are sufficiently small so that even moderate political swings are likely to change the political composition of the electorate and the Parliament as a whole will be responsive to the mind of the electorate.

- Redistributions

Redistributions are easy. Should a State gain entitlement to a seat all that is required is for the most populous electorate to gain another member. If a State loses a seat all that is required is for the least populous electorate to lose a member. However, if even numbered electorates are forbidden then redistributions will entail major boundary and district magnitude changes.

- Members Of Parliament servicing electorates

There is a mistaken concern that with large multi-member electorates Members of Parliament will not be able to adequately represent the voters. Parties that elect more than one candidate will be able to share responsibilities. Elected members will live and have past careers in different parts of the State or

electorate and because of the rotation of candidates on the ballot paper will probably have campaigned in different parts of the State or electorate. It would be electorally disadvantageous to the party if they did not. These more popular parties will delegate the appropriate member or members to deal with an area or issue. Voters will understand this – their concern is being dealt with by a member of the party for whom they voted.

Elected members who are the sole representative of their party in a State or electorate are under a disadvantage and will have to decide how best to service their constituents. Senators from a party with only a single member have the same problem. This is an inevitable downside of belonging to an unpopular party. The upside is that without these large multi-member electorates, with their small quotas, they would not have been elected in the first place.

An Alternative Division of Electorates

It is possible to divide every State, including South Australia, into five and some six member electorates. For those who insist that even numbered electorates will not be permitted, just stop listening for a while, because you will be back with the PRSA simulation where electorates vary from three to nine.

There are some advantages:

- This gives a very reasonable quota difference of only 2.38%;
- Redistributions are relatively easy, usually just adding a seat to a five member electorate or subtracting one from a six member electorate. (Difficult should Queensland drop to twenty nine members and impossible should South Australia drop to nine members)

However, there are major disadvantages:

- Proportional representation would be compromised. Candidates would need to receive 14.2% before reaching the smaller quota and at least 10% of the vote before they could expect to have any chance of being elected.
- Many of these electorates would be in electoral stasis.
- Paradoxically, electorates will be too big geographically to service, or more to the point, will be *perceived* as too big. Once the urban conglomerations are removed from large district magnitude electorates all that remains is electorates of almost the same geographic size but with half the members to service it.
- Reduced choice of candidates within a party group.

Senate Reform

NSW's views on Senate reform are very simple.

- No above-the-line voting of any kind.

Voters must be given back the right to express their own preferences to the extent that they choose.

- Fully optional preferential voting.

Just a reminder. Voter participation goes up with fully optional preferential voting because both the informal and exhausted votes go down.

- A simple linear rotation of candidates.

In a modern STV ballot the rotation of candidates is essential.

- It spreads the vote of the popular parties amongst all their candidates.
- It allows voters to choose their favourite candidate with a reasonable chance of success .
- It helps keep the occasional single No.1 vote from exhausting.
- It helps ensure that votes for micro, or less popular parties, eventually help elect candidates from the more popular parties instead of the other way around.
- It helps ensure that quotas have some meaning in determining which candidates are elected.

The Robson rotation, however, especially as it has been modified in the ACT, has taken this concept too far.

There are too many variations and, whilst there would be no problem with six candidates on a Senate ballot paper, it would be impossible with twelve candidates in a double distribution. There will always be the possibility that some billionaire will think that running twelve candidates will be beneficial.

Senate elections are largely anonymous with regard to individual candidates. Who can name two of the four Labor Senators for Victoria and how many Victorian Labor voters would be able to name any? Yet even a New South Welshman can name the minor party Senators that no one voted for.

With the Robson rotation it is likely that where second and subsequent candidates are elected they may beat their fellow party candidates not on merit but by luck, or worse because there is just enough avoidance of candidates because of their name or sex to change the result.

Preselectors, the members of political parties, are not evil people who have to be thwarted at every opportunity. Rotating candidates is essential for them, the party members, as they are likely to get more candidates elected, but their input into who is elected should be respected. Allowing political parties to present their list of candidates in the order of their choice will respect the parties' choice. Preferences are more likely to flow along the order of the parties' choice. If the voters believe the party has made an error, as they may with the recent Tasmanian Senate preselection, then they can still correct the decision. If the voters are supportive or neutral about the preselection then the party's choice has a higher chance of success.

All that is needed is a simple linear rotation. Three candidates three variations – six candidates six variations and so on.

- Electoral Deposits

Substantial electoral deposits should be required. \$20,000 at a minimum.

A Senator gets a base salary of \$195,000 a year plus perks.

If an independent wants to be elected they have to be prepared to do what Nick Xenophon did - spend ten or twenty years building a profile and get the support of hundreds of friends. If they do this they have a chance of being elected and having their deposit returned – if they don't then they are a joke candidate and deserve to lose their deposit.

We have to stop thinking that election to Parliament is available to anyone who wants it. 110 Senate candidates in NSW, 97 in Victoria, but only six get elected each time. “What! I didn't get elected? Oh well, only two thousand bucks down the drain. But I did have fun.”

Fifty parties and one hundred candidates is not necessarily a sign of a healthy democracy.

- Meek Counting

The vote should be counted using Meek. Should a vote exhaust it is as if the voter did not vote at all and the quota is adjusted down accordingly. At the end of the count every candidate is elected with a quota. No candidate is elected with the largest remainder.

Conclusion

We need to trust the voters and incremental change is not an option.

Before this parliamentary term is over there will be some reform. This will happen regardless of what we do. Our job should be to keep pushing for genuine reform. We might even succeed – at worst we can laugh at the politicians and say – “We told you so!”

Stephen Lesslie
Electoral Reform Australia

Electoral Reform Australia’s Model for the House of Representatives

Electorate	Quota	No. of Electorates	No. of Members	Majority Vote
2	33.34	2	4	66.67%
3	25%	-		50%
4	20%	-		60%
5	16.67	1	5	50%
6	14.29	-		57.14%
7	12.5	-		50%
8	11.11	-		55.55%
9	10.00	-		50%
10	9.09	3	30	54.55%
11	8.34	2	22	50%
12	7.69	5	60	53.83%
13	7.14	1	13	50%
14	6.66	-		53.28%
15	6.25	-		50%
16	5.88	1	16	52.92%
17	5.55	-		50%
Total		15	150	