QUOTA PR NOTES

SA's Upper House changes do not assist voters

The 2013 Senate election success of micro-parties based on group voting tickets focused attention on South Australia's Legislative Council, which is elected similarly. With 11 vacancies at the March 2014 Upper House election, the media and the major parties suddenly became concerned that "preference-harvesting" agreements between minor groups could happen in SA. There was no such concern when those agreements previously favoured the major parties or the Australian Democrats.

Each MLC needs a quota of 8.3% of the total votes (first preferences plus further transfers). All elected candidates are on the same footing with no excess votes being piled up. Almost all voters contribute directly to electing one or more members, and the number of wasted votes is low.

The Committee for Economic Development of Australia, and the Electoral Regulation Research Network held a function on 15 October 2013 to discuss the options, challenges and opportunities for Upper House voting reform. The main speaker was the ABC election analyst, Antony Green who gave an overview of Australia's Upper Houses and the methods of election used for them.

Mr Green argued against introducing exclusionary thresholds as these are not a natural fit with quota-preferential PR. He said voters need to have control of their preferences: the NSW system under which they can rank large party columns or mark at least 15 preferences for individual candidates gets closest to this, though there is debate about the level of exhausted votes.

While he felt it was too late to change SA's voting system, he suggested other solutions such as increased hurdles for nomination and changing the rules for grouping of candidates, in a bid to limit nominations. He argued that quality of choice, not quantity of choice, is required.

Attorney-General Hon John Rau spoke of a long-term need for much reform including removing eight-year terms and proportional representation. In the short term, little time remained to consider optional preferential voting, changing nomination requirements, or introducing exclusionary thresholds. The ALP had no firm position, but wanted to participate in any discussion.

Shadow Attorney-General Hon Stephen Wade felt the 2013 Senate elections showed the essence of what can happen with preferential voting, and in single-member electorates too: in 1997, an Independent, Rory McEwen, won Gordon with just 22.5% of first preference votes. The micro-parties and their issues can become mainstream.

More education on preferences is essential. Diffusion of power is important. Rather than introducing distorted reforms, there is the need to enhance democracy. A vote for one party should not be better than a vote for another party. At this stage the Liberals would not support changes, but would consider them after the election.

Greens Leader Hon Mark Parnell asked whether there should be pragmatism or principle. The game of preferences needed to be played differently, and he was ready to table a Bill for optional preferential voting for those wanting to vote above the line. If voting below the line, electors would still need to number all candidates. He was prepared to consider making changes to get rid of party voting tickets, and restore power to voters, and would use NSW software to facilitate the minimal changes.

Independent Senator Nick Xenophon said the system is broken and must be fixed. Deals behind closed doors which did not occur when he was first elected MLC in 1997 must be stopped. He wanted the NSW system, accepting 11 preferences below the line as formal in SA. Representation for the whole State was a more important consideration than representing a small district.

With only weeks of pre-Christmas Parliamentary sittings before the March election, four amending bills emerged.

Mr Parnell's *Electoral (Optional Preferential Voting) Amendment Bill* dealing with ranking of party or group columns was introduced on 16 October and achieved Labor support. It lost by one vote near the end of sittings when former Valuer-General Hon John Darley, who was appointed in place of Mr Xenophon when the latter switched to federal politics, remained unconvinced that the software system changes for automated counting would definitely be made and independently validated successfully in the limited time available.

Mr Darley's *Electoral (Preferential Voting Reform) Amendment Bill*, introducing fully optional preferential voting below the line as well as placing electors in charge of ranking columns to the degree they wished, was presented on 13 November but not debated nor voted on.

The *Electoral (Legislative Council Voting) Amendment Bill* was introduced on 12 November by Mr Rau, to make what he termed minor changes to the *Electoral Act 1985*: passed by the Assembly in just 25 minutes, it sought to greatly increase signatures and fees for nomination of independents who could only have two further descriptive words beyond "Independent", placed registered political parties on the left of the ballot paper, followed by grouped independents and

then other individual independents, and prevented individuals from lodging a preference ticket.

Mr Rau argued, "The reforms seek to reduce the likelihood of outcomes where poorly supported candidates obtain a seat in the Upper House, ahead of candidates who receive far greater popular support." He seemed untroubled that, at the last Upper House election, three Liberal and two ALP members were elected, who each received fewer than 200 first preferences when the quota was almost 80,000 votes.

The Bill passed in the Upper House with only two amendments, increasing to three words the description allowed of independent groups or candidates, and increasing further to 250 the minimum nominees for an independent candidate. As the Palmer United Party was not registered with the Electoral Commission SA by the September deadline, a group nomination by it would have to comply with the extra stipulations for participation.

The Electoral Reform Society of South Australia said the Bill discriminated in favour of the major parties. SA's Upper House ballot paper for a long time had a degree of fairness to all candidates in eligibility conditions and the draw for ballot-paper places that is now absent.

A draft *Electoral (Legislative Council Voting Reform) Amendment Bill*, to introduce the Sainte-Laguë vote-counting system for the Upper House, was tabled by Mr Rau on 12 November, but not debated. Now in the public domain, it might be discussed after the State election. The Sainte-Laguë system uses vote-to-seat averages, allocating seats sequentially on the basis of the highest quotient when party totals are divided by successive odd numbers. Fortune in averaging schemes can be fairly random, especially after a few vacancies have been filled and the larger parties' quotients start dropping rather slowly. In addition, more voters will often find their votes not electing anyone.

ERSSA argued against this Bill as it was a departure from the traditional Australian method of electing members from multi-member electorates, an electoral system based on votes for party rather than votes for candidates, with no quota minimising wasted votes, despite SA being the first place in the world where the quota was used in a public election (for the 1840 election for the City of Adelaide); as no preferences were allowed despite South Australia's experience since 1930, there would also be confusion with preferential voting for the Lower House.

PRSA President Bogey Musidlak contacted MLCs during the final week of sittings about the need for voter influence to be placed at the forefront of reform considerations and the deficiencies of list systems and exclusionary thresholds that were floated late by Family First. The changes made do not remove the prospect of a group being elected through flows of above-the-line preferences about which most voters concerned would be unaware, surprised or alarmed.

A first step in Senate voting reform

As foreshadowed during counting, Independent Senator Nick Xenophon moved quickly to "reform the current system to remove group voting tickets for the Senate - essentially preference deals - and make it easier for voters to demonstrate their democratic will" by establishing a partial optional preferential system above and below the line. The Senate has referred the *Commonwealth Electoral Amendment (Above the Line Voting) Bill 2013* to the Finance and Public Administration Legislation Committee for inquiry and report by the first sitting Wednesday in March 2014, with submissions due by 31 December 2013. While party boxes should be abolished to declutter ballot papers and simplify official messages about voting, PRSA welcomes this initiative to increase voter influence.

Municipal Electoral News: Tasmania and Victoria

Tasmania recently improved its municipal electoral system by replacing the staggered elections for a half - or nearly a half - of each council's members each two years with general elections for the entire council every four years. PRSA's Victoria-Tasmania Branch had made a submission supporting the Government's plan for that reform.

The Victoria-Tasmania Branch made both written and oral input to the Local Government Electoral Review Panel that Victoria's Minister set up to advise her on possible improvements in Victoria's law on municipal elections following low turnout and public complaints about processes and candidate behaviour: the focus was on optional preferential voting and Robson Rotation, non-circulation of preference orders in official candidate material, and uniform odd-numbered ward sizes in councils as large as 15. Branch officers also met the Shadow Minister Hon Richard Wynne to discuss views on these matters.

Death of The Honourable Neil Robson AM

Hon Neil Robson AM - instigator of what has become known as Robson Rotation - died on 14 December 2013 in Launceston, at 85, after a recent illness. He had been made an Honorary Life Member of the PRSA in recognition of his energetic support for the Hare-Clark system, both as a Liberal Minister in charge of the electoral system, and through his ready help in successfully extending its PR virtues to the ACT Legislative Assembly and to Victoria's Legislative Council. Neil is survived by his widow, Mrs Desiree Robson, to whom he was married for 65 years, and their descendants, who include great-great-grandchildren.

PRSA National Office-bearers for 2014-15

Mr Patrick Lesslie, Returning Officer for the recent elections of PRSA National Officers, has declared the following candidates elected for the two-year term beginning on 1 January 2014:

President:	Mr Bogey Musidlak
Vice-President:	Mr John Pyke
Secretary:	Dr Stephen Morey
Treasurer:	Ms Julie McCarron-Benson

Two outgoing officers were returned unopposed. For President, Mr Musidlak received 38 votes, and Mr Anthony van der Craats 12 votes. For Secretary, Dr Morey received 39 votes, and Mr van der Craats 9 votes. The past service of the candidates nationally appears here.