



Victoria's State elections: November 2018

The quadrennial general elections for both houses of Victoria's Parliament, held on 24 November 2018, elected all members of both houses. The elections were notable for several features:

- A. an increase in the vote for non-major parties,
- B. a marked increase in the vote *below-the-line* for the Legislative Council (Upper House), and
- C. fairer overall representation of the voters' will in the Legislative Council.

The difference between the representation of the voters' will in the Legislative Assembly (Lower House) and that in the Legislative Council is shown in the following two tables:

Table 1: First preference votes versus seats won for the parties represented in the Legislative Assembly

Party	First preference votes (%)	Number of seats	% of seats
Labor	42.86%	55	62.5%
Liberal	30.43%	21	23.9%
Green	10.71%	3	3.4%
National	4.77%	6	6.8%
Independent	6.07%	3	3.4%
Others	5.16%	0	0.0%

Table 2: First preference votes and seats won by the major parties and others in the Legislative Council

Party	First preference votes (%)	Number of seats	% of seats
Labor	39.22%	18	45.0%
Liberal and National	29.39%	11	27.5%
All others	31.30%	11	27.5%

The Legislative Assembly consists of 88 single-member districts, with marking of all but the last preference being required for a ballot to be formal.

The 40 members of Victoria's Legislative Council are elected from eight 5-member regions by proportional representation using the single transferable vote (PR-STV), but with an *above-the-line* option of [Group Voting Tickets](#) still applying.

The governing party, the Australian Labor Party, is significantly over-represented in the Legislative Assembly in comparison with the first preference vote it received.

As would be expected, the PR-STV system used in the Legislative Council is in general much fairer.

The 31.3% of voters that did not vote for candidates of the two major party groups are represented in the Legislative Council by 11 MLCs, which is 27.5% of the 40 MLCs in the house.

However, the Greens Party, whose candidates received 9.25% of the first preference votes in the Legislative Council, where the quota per seat is 16.67% of the final vote, retained only one seat of the five seats they had held.

By contrast, parties whose candidates collectively gained a lower first preference vote, such as Derryn Hinch's Justice Party, whose candidates received 3.75% of the first preference votes, gained three MLCs. For a more detailed breakdown of the Legislative Council result, see www.prsa.org.au/qn/2018d_a.pdf

The reason for the Greens Party's failure to retain its 5 MLCs was that the preferences, in the Group Voting Tickets lodged, placed the Greens Party's candidates lower than much smaller 'micro-party' candidates in most cases, as a result of the so-called 'preference whispering'. For more details, see www.prsa.org.au/qn/2018d_b.pdf

It is reasonably likely that if voters had expressed their own preferences explicitly, rather than *via* the Group Voting Ticket option, the Greens would have retained one or two more of their MLCs at the expense of one or other of the micro-parties' candidates.

In Southern Metropolitan Region, for example, *below-the-line* votes brought the final result much closer than the *above-the-line* votes alone would have done.

Before the elections, the Society's Victoria-Tasmania Branch advocated that Victoria should adopt [Robson Rotation](#), and discontinue the Group Voting Tickets, which were future reforms that the Bracks Government's 2001 [Constitution Commission](#) Report had referred to favourably.

The Branch also opposed any *above-the-line* option.

Below-the-line voting in Victoria requires only five squares to be filled in each region, and is not onerous for voters. However, unlike New South Wales, South Australia and the Senate, Victoria has regrettably retained Group Voting Tickets so far.

However, there was a significant increase in the number and percentage of voters voting *below-the-line*, rising from 6.08% of all first preference votes to 8.78%. See www.prsa.org.au/qn/2018d_c.pdf

The incidence of *below-the-line* voting for candidates of smaller parties was much greater than that for the major parties. Overall, voters for Liberal and Nationals candidates had the lowest incidence of voting *below-the-line*.

In general, inner city areas had the highest incidence of those voting *below-the-line*.

An important aspect of those elections was the significant increase in the number and percentage of voters that voted before election day, particularly at the Early Voting Centres (pre-poll).

Those that voted at the Early Voting Centres were significantly more likely to support the more right-wing parties, so the Labor two-party-preferred vote (TPP) fell greatly from the total of the election day polling booths to the final result.

That meant several Legislative Assembly seats that looked to be securely won by the ALP on the election night were in fact retained by the Liberal Party. Most notable were Caulfield (Labor's TPP vote on election day of 56.18%), and Sandringham (Labor's TPP on election day of 52.48%). However, both seats were retained by the Liberals. See details at www.prsa.org.au/qn/2018d_d.pdf

News from the PRSA National President

Plans for PRSA policies:

[Section 2](#) of the Constitution of the Proportional Representation Society of Australia states that the Society's objective is to '... *secure the adoption of the quota-preferential method of Proportional Representation for the election of representative bodies ...*'.

Members know that the term 'quota-preferential method of proportional representation' refers to 'proportional representation using the single transferable vote (PR-STV).' Also, they know that PR-STV can be implemented in various ways.

The Society's objective can be advanced by developing and adopting policies that all members can advocate.

For the Society - as opposed to its branches - the term 'policy' refers to Australia's House of Representatives and Senate. PRSA members have not yet adopted policies for those representative bodies.

To further the PRSA's development of policies, its National President, Dr Jeremy Lawrence, has established - but not yet publicized, or had a hyperlink to it appear on the [Society's website](#) - a specialist website at www.represent.org.au, which includes draft policies for the [Senate](#) and the [House of Representatives](#).

Jeremy has based those draft policies on [principles](#) and [design elements](#) viewable at those hyperlinks, and has emailed all of the Society's members requesting feedback on the following questions:

- Do you agree with the draft policies?
- Do you agree with the principles and design elements?
- Can they be better worded?

If he receives feedback, before June 2019, that the draft policies could receive majority support from the national membership, he proposes to put them to a postal ballot of all the Society's members, under [Section 8](#) of its Constitution. He looks forward to members' responses.

The PRSA is now on Facebook:

Members are invited to like the Society's Facebook page and contribute to discussions at: www.facebook.com/prsau

A gold standard district magnitude:

District magnitude is the number of representatives elected from an electoral district. As the district magnitude increases, the quota required for election decreases, and the proportionality of the result increases, which is **democratic**.

If the district magnitude is too large, there are usually more candidates, and the ballot paper's size can become onerous for voters; and representation is less local.

For large bodies, such as State and Federal parliamentary chambers, the **gold standard** district magnitude is 5 or 7. That has good proportionality, ensuring that the elected representatives' views reflect the views of the electors.

For smaller bodies, such as municipal councils, overall an odd number of councillors is desirable to avoid tied votes.

There, 7-member electoral districts function well in regional areas, but less well in metropolitan areas, where they attract very many candidates leading to a formidably large ballot paper.

Also, 5- and 7-member electoral districts only permit - given the desirability of **parity** among wards - councils of 5, 7, 15 or 21 members, assuming a maximum council size of 21, which is not very flexible.

Thus, for smaller bodies, the gold standard includes an option for 3 members per electoral district, to enable councils of 5, 7, 9, 15 or 21 members. Also, **Section 24** of the Constitution might sometimes necessitate a federal district magnitude of 3 MHRs.



Quota required for various district magnitudes

Transferable voting is the most democratic and flexible way to get fair representation of women

From the first House of Representatives election that used transferable voting in all divisions, in 1919, until 1951, both the Labor and the Coalition parties chose - over those 32 years - **30 divisions** in which they each had, at some stage, multiple candidates standing, from two to as many as **five**.

They could do that safely, in 59 different contests, because transferable ballots freed them from a major weakness of the previous **plurality system**, which was the **splitting of the vote**.

In Werriwa, in **New South Wales, in 1940**, there were five United Australia Party candidates. In Franklin, in **Tasmania, in 1919**, the only two candidates were each from the Nationalist Party, which at least gave voters a choice of candidates, rather than an unopposed election. The Australian Labor Party had multiple candidates on five occasions.

A revival of that practice of giving voters more choice would enable all parties to more properly deal with a widespread 21st Century concern about the relative dearth of women as Members of the House of Representatives, compared with men, if serious parties were to stand a candidate of each sex in each present single-member division.

In those first three decades of Australia's use of transferable voting for federal polls, when the major parties quite often stood multiple candidates, and let the voters choose between them, they very rarely stood female candidates.

That is, however, no reason why that admirable quality of the single transferable vote cannot be once again utilized to give voters, in each of the 151 divisions, a choice of male and female candidates from the same party, and let them decide the result, rather than keep having it pre-determined by the pre-selectors alone in each Lower House division as has been the case since 1951.

That would provide the flexibility of **letting the voters decide** how that concern will be resolved at each particular election - relative to other competing priorities - rather than resorting to a rigid form of **stage management** by imposing a **pre-determined dogmatic sex ratio** regardless of the qualities of the candidates, or the opinions of the voters on the particular candidates.

A much more representative solution than that above, which also would not require any alteration to the Australian Constitution, would be to amend the *Commonwealth Electoral Act 1918* to group numbers of the present single-member divisions as **multi-member divisions** with **PR-STV**, so each major party would seek diversity in its candidates in order to maximize its vote.

The first federal election in 1901 had Tasmania as a 5-member division whose members were elected by Tasmania's longstanding **Hare-Clark** system of proportional representation using the single transferable vote.

Tasmania's House of Assembly and the Australian Capital Territory's Legislative Assembly, which each use the Hare-Clark electoral system, are Australia's first and only legislative chambers where voters have freely chosen a majority of female members.

That did not happen in Tasmania as a result of party pre-selectors restricting the choice of candidates in a large number of electorates to women only, but happened with each major party nominating enough male candidates in each multi-member division to have enabled the election of a majority of male candidates if voters so chose.

Concentration on **equalizing the numbers of members of each sex** in an elected chamber seriously misses the very much more important point of ensuring that the EXPRESSED WISHES of as many as practicable of the voters for those members are given effect to.

That point is not implemented by any system that uses single-member electoral districts, which are inherently **winner-take-all** systems, nor is it implemented by proportional representation systems - such as **party list systems** or Australia's *above-the-line* contrivances - that lack, or are designed to thwart, the **direct election** of members.

As **Tasmania's 2018 Assembly election** showed, Tasmania's system of **Robson Rotation**, and its filling of casual vacancies by **countback**, which prompts parties to nominate more candidates than they expect to be elected, is needed to ensure that the members elected correspond to the voters' EXPRESSED WISHES, rather than to some imposed sex ratio.

British Columbia's third advisory poll on replacing its single-member electoral system

British Columbia's third advisory poll, after those of **2005 and 2009** - on whether the Province's electors favoured replacing the electoral system for its unicameral parliament's single-member electorates decided by plurality counting with a proportional representation system - resulted in a vote of 60.9% for the retention of the present system. See **QN2018C** for background.

A second question at the same 2018 poll asked electors which of three predominantly PR systems they would prefer if a change was supported. The **second question** was answered by a transferable vote at which the plain MMP option received an absolute majority of votes after the transfer of preferences from the Rural-Urban PR option, which sought **PR-STV** in all but the electoral districts with the largest areas, where MMP would apply.

The obvious flaw in not using a two-stage process, such as New Zealand's polls on a possible **replacement of its national flag**, is that voters for some change in the first question might have supported one or two of the three options provided, but opposed the others, and thus faced a dilemma.

The uncertainty about exactly what would result could easily have kept voters staying with the known *status quo*.

The high point so far in attempts to replace Canada's ubiquitous single-member plurality electoral systems with a more representative system was the highly popular British Columbia's 2005 advisory poll for a straightforward **PR-STV** system of direct election, which was stymied by the prior requirement for a 60% vote for its enactment.

Unfortunately, as Fair Vote Canada's **website** shows, Canadian reformers are not concentrating on advocating straightforward **PR-STV** system of direct election, but are digressing into a range of less democratic forms of PR, such as Mixed Member Proportional systems, and unproven idiosyncratic locally-devised alternatives.

That approach has appeared to turn off voters, and has seen the Prime Minister, Justin Trudeau, **renege** on his earlier promise to reform the federal system.