



## No vote of the people elected 10 current senators

*Quota Notes* again raises, after its similar report in 2004, the embarrassing fact - for a country like Australia, which prides itself on its democratic values - that a significant percentage of its senators can hold office for up to nearly six years without having had to face the voters in a public election.

The 1977 Constitution alteration that discontinued the previous requirement that the persons filling Senate casual vacancies should be required to have been 'chosen by the people', has once more resulted in a significant number of appointed, rather than elected senators.

The table below gives details of the ten unelected senators. No State or major party is without such a senator. Of those ten unelected senators, six filled long-term vacancies, and can sit until 30 June 2022.

Vacating senator (elected by the people)	Substitute senator (unelected by the people)	State	Party	Date substitute became a senator (unelected by the people)	Years able to sit in the Senate unelected
S Conroy	K Kitching	Vic	ALP	2016-11-07	5.6
C Back	S Brockman	WA	Lib	2017-08-16	4.9
N Xenophon	R Patrick	SA	CA	2017-11-15	4.6
S Dastyari	K Keneally	NSW	ALP	2018-02-15	4.4
G Brandis	A Stoker	Qld	LNP	2018-03-22	4.3
D Bushby	W Askew	Tas	Lib	2019-03-06	3.3
L Rhiannon	M Faruqi	NSW	Grn	2018-08-20	0.9
A Bartlett*	L Waters	Qld	Grn	2018-09-06	0.8
J Collins	R Ciccone	Vic	ALP	2019-03-06	0.3
D Leyonhjelm	D Spender	NSW	LD	2019-03-20	0.3

### NOTES:

- Long-term senators to 30 June 2022 are shown in red type.
- Senator Bushby's substitute, W Askew, was his sister.
- \* The High Court declared Senator Andrew Bartlett, who was an unsuccessful Greens candidate at the 2016 Senate election, to have been duly elected instead of Larissa Waters at that election, but he resigned to allow her to be appointed after she had renounced her Canadian citizenship, which had earlier disqualified her.

In the Senate debate on the [Constitution Alteration \(Senate Casual Vacancies\) Bill 1977](#), the PRSA supported the eight senators opposing the Bill, and argued for *countback* instead of party appointment.

## Victoria's municipal representation reviews

The PRSA's Victoria-Tasmania Branch has lodged preliminary submissions to the first twelve of the above reviews, thirty-one of which are to be completed by April 2020.

It should soon be lodging response submissions, after considering the recommendations for various municipal councils' configuration of electoral districts the Victorian Electoral Commission has published on its website, which also displays preliminary and response submissions lodged by members of the public, and interested organizations, such as the councils themselves, local citizens' bodies, and the PRSAV-T Inc.

Regularly updated details of the reviews - and the submissions made by PRSAV-T Inc. - are accessible at [www.prsa.org.au/time2019.pdf](http://www.prsa.org.au/time2019.pdf).

The Victoria-Tasmania Branch is pleased that the VEC's preferred configuration for the first three councils being reviewed, which are in small rural municipalities, is for a continuation of their existing arrangement as single electoral districts electing all seven of the councillors, in each case.

Victoria's *Local Government Act 1989* requires that elections in such multi-councillor electoral districts be counted by proportional representation using the single transferable vote (**PR-STV**), and that casual vacancies be filled, if possible, by countback.

The PRSA's Victoria-Tasmania Branch often makes the case that it is important for **parity** in the **district magnitude** among the wards of a municipality to be an important principle of municipal electoral arrangements.

It is still open to the Victorian Electoral Commission, in its recommendations to the Minister for Local Government, to incorporate that parity in its preferred options.

The Andrews Labor Government introduced a Bill for a new Local Government Act to replace the present 1989 Act, which would have made such parity mandatory, but unfortunately that Bill lapsed before the 2018 election, and a new Bill has not been introduced yet.

It does seem inconsistent that the VEC has not seen the value of parity, as had the drafters of that Bill.

### A third ‘referendum’ on Prince Edward Island on a Mixed Member Proportional system

Prince Edward Island is the smallest of Canada’s ten Provinces in [both](#) area and population. With most of its land used for agriculture, it is Canada’s most densely-populated province, but its population is less than a third of that of Australia’s smallest State, Tasmania, whose land area is almost 240% larger.

In 2018, the Province’s unicameral 27-seat parliament legislated to hold its third poll this century involving a possible replacement of the province’s electoral system of single-member electoral districts using [plurality](#) counting with a Mixed Member Proportional system.

Details of this and the previous two polls, the second of which included three other options, are shown in the table below.

Date	Type	Hurdles for adoption		Result
		Percentage of the overall vote required to approve	Percentage of electoral districts required to approve	
2005	Advisory poll: <i>Status quo</i> versus MMP	60	60	Vote for MMP was <a href="#">only 36.4%</a> .
2016	Advisory preferential poll: <i>Status quo</i> versus MMP and 3 other options	-	-	Rejected for <a href="#">low 36.5% turnout</a> , with 52.4% for MMP after transfers
2019	<a href="#">Quasi-referendum</a> : <i>Status quo</i> versus MMP	50	60	To be <a href="#">declared</a>

The date for the poll was set for 23 April 2019, concurrently with the general election for the Legislative Assembly of Prince Edward Island.

### Some US Democrat senators propose replacing the Electoral College with a direct national vote

Several Democrat senators in the United States have added their voices to [long-standing proposals](#) for an alteration to the US Constitution that would replace the indirect method of electing the President and the Vice-President of the United States, known as the [Electoral College](#), by a direct nation-wide election.

Unfortunately there has been no apparent move to use [single transferable vote](#) counting instead of the longstanding [plurality](#) counting used. An alteration would require the approval of 75% of the States, so it is hard to see how the present State control of that, and most details of the process, would result in a uniform national system.

Already [Maine and Nebraska](#) have different rules for electing their presidential electors from the rest of the US. Alabama’s provision for the election of electors [in 1960](#) is an example of another decision by an individual State.

It might prove hard for the direct method they propose to disregard State and Territory borders, and give no special weighting to smaller States, unlike the present US Constitution, whose provisions have had those restrictions since it was [adopted in 1788](#).

In her post-election book, *What Happened*, Hilary Clinton does mention that she received over 2.8 million more votes than the winner, Donald Trump, but she does not mention that all her votes (non-transferable) amounted to only [48.2%](#) of the popular vote, as 5 candidates stood.

There has been interest in a direct popular vote, but reformers would be wise to avoid the form of two-stage direct popular plurality vote, with a runoff, used for presidential elections in France. Its problem in the [2002](#) election was demonstrated again in the [2017](#) election, where the two top candidates in the first round together gained only 45.31% of the vote.

Neither of those two top candidates was from the broad, but more fragmented, groupings of the right, and of the left, that together gained much of the remaining 54.69% of the vote. Without votes being transferred until one candidate gained over 50% of the vote, the procedure restricts the candidates in the second round to the two most-strongly supported candidates at the first round.

A much sounder, transferable vote system is used to elect the President of Eire, as can be seen by the results of the [2011 election](#), where the seven candidates standing was the highest number that have ever stood. The winner of that election after transfer of preferences, Michael Higgins, gained 39.6% of the first preference vote. He was re-elected, as one of the six candidates at the [2018 election](#), with 55.8% of the first preference votes.