

QUOTA NOTES

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The Constitution and the Rights of Voters

In September, the [Constitutional Commission](#) issued a booklet entitled 'Australia's Constitution - Time to Update'. It is described as a Summary of the Reports of the Advisory Committees to the Constitutional Commission'. The Commission invited comments on the reports and recommendations of the Advisory Committees.

The first sentence of Chapter 12 of the Report of the Individual and Democratic Rights Advisory Committee, entitled 'Australians at the Ballot Box: Constitutional Guarantees', reads 'Democracy is a political system in which the will of the people is sovereign'. The Committee reported that 'The single greatest area of concern which was expressed through submissions from all over Australia was that the Constitution should stipulate as a basic standard "one vote one value"'. It recorded its opinion that 'the conditions of choice should as far as possible ensure equality between voters'. Its recommendation for establishing these conditions was that a new section 24A should be inserted into the Constitution, to read 'The number of electors in each electoral division who may vote for each member shall not vary by more than 10 per cent'.

The Society, in a letter sent to the Commission in October, pointed out that 'limiting variation in enrolments in single-member electoral divisions does not ensure the equality that was specified by the Advisory Committee as essential'. It was shown that, although enrolments were very close to uniform at the time of the election of the House of Representatives in July, the results certainly were not consistent with the one vote, one value principle. Out of every 1000 people who voted formally, 477 did not get the representation they wanted, having indicated as their first preferences candidates who were not elected. There were serious discrepancies between voting support for the parties and the numbers of seats they won. This was not a peculiarity of this election. There is no way of drawing the boundaries of single-member electoral divisions so that one vote, one value is ensured.

The Society, in its submission to the Constitutional Commission in August 1986, advocated the inclusion in the Constitution of a requirement for proportional representation, with optional preferential voting and election by quota. The Advisory Committee reported that its view was that 'to prescribe any particular system in the Constitution would unduly interfere with the powers of the Commonwealth and the States to determine their own electoral system'.

The Society's recent letter points out that, 'if this view is accepted, it is necessary that the Constitution should specify the requirements for the performance of electoral systems so that existing or proposed systems may be assessed'. This would require that sections **9** and **31** of the Constitution be amended to guarantee, as nearly as practicable, equality of vote values, and detailed proposals for the necessary amendments were made.

Office-Bearers of the Society

The results of the election of [office-bearers](#) of the Society for the two-year period beginning on 1 January 1988 are as follows.

President	Mr Geoffrey Goode	(Victoria)
Vice-President	Mr David Higbed	(South Australia)
Secretary	Mr Andrew Gunter	(Victoria)
Treasurer	Mr Len Higgs	(South Australia)

Disappointment in Victoria

A [Bill](#) for reform of the Victorian Legislative Council was defeated in the Council shortly before the Parliament rose in November. Considerable efforts had been made by members of the Victorian Branch to inform Ministers and other members of the Parliament on the defects of the present arrangements for the election of the Council and the advantages of proportional representation. Unfortunately, the rights of voters were treated as less important than the interests of the parties and the existing electoral arrangements will continue to apply.

1 in a Box

On 21 October, the Premier of New South Wales, Mr Barrie Unsworth, announced that the Government proposes to introduce a Senate-style provision for voting in elections of the Legislative Council. If the proposals are adopted, parties will register 'how-to-vote' tickets and a voter will be able to endorse an entire ticket by writing the figure 1 in a square above the names of the candidates of the party. Voters who wish to choose between individual candidates will have to place numbers beside the names of at least ten candidates. Obviously, it will be much easier for party-ticket voters to vote formally than it will be for those who vote for individual candidates.

The [New South Wales Branch](#) of the Society has written to all members of the Parliament pointing out that the provision, if adopted, would discriminate against voters who do not wish to follow party tickets. The proposal for single-mark ticket endorsement is justifiable only if it is made as easy to vote formally for voters who do not wish to use this provision as for those who do. This would be so if preference marking were made fully optional, voters being left free to decide for themselves how many preferences to indicate.

The Senate and the House of Representatives

Since the withdrawal of the [Australia Card legislation](#), there has been some media discussion about the right of the Senate to stop legislation approved by the House. It has been argued that the Senate is not elected democratically since 300,000 Tasmanian voters have the same representation as 3.5 million voters in New South Wales. What has been overlooked is that this is [specified in the Constitution](#) and has nothing to do with the electoral system. The recent difference between the two Houses was along party, not State, lines. With proportional representation, the result in each of the States and Territories was as fair as possible, and across the nation, representation of the parties in the Senate corresponds accurately with their voting support. Even if Tasmanian representation had somehow been cut down according to the number of voters and that of New South Wales correspondingly increased, the party composition of the Senate would be about the same as now.

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