

THE AUSTRALIAN GREENS

Submission to the Joint Standing Committee on Electoral Matters
Inquiry in to the *Commonwealth Electoral Amendment Bill 2016*

Introduction

Reform of Senate voting is long overdue.

The Australian Greens have been advocates for voting reform that puts an end to backroom preference deals for over a decade. We believe that Group Voting Tickets have taken control away from voters and has led to results that do not reflect the will of voters. Abolishing Group Voting Tickets was a key recommendation that we put to this committee following the last election.

With this in mind we welcome the introduction of the *Commonwealth Electoral Amendment Bill 2016* which addresses many of our concerns about the role of Group Voting Tickets that encourage the creation of micro-parties to harvest preferences, and result in the election of parties who do not have any significant community support.

Abolishing Group Voting Tickets

As we noted in our *Additional Submission to the JSCEM Inquiry into the 2013 Federal Election*, the Australian Greens are “strongly committed to the abolition of Group Voting Tickets and... have introduced legislation to that effect.”

The need for a change to the regulation of Senate voting has reached a critical point. 2013 was the year that the Sports Party candidate in Western Australia was elected on 0.2% of the vote (that’s less than 3000 votes out of more than a million votes).¹ It was also the year when ballot papers grew to over a metre long, despite font sizes being reduced to a point where the AEC handed out magnifying glasses to some voters.

After the 2013 election, voters expressed concern that if they voted above the line, then their vote ended up electing a Senator that was significantly opposed to the things that their first preference candidate stood for. Further, there was no realistic way for voters to predict this outcome before casting their vote. While below-the-line voting provides an opportunity for voters to directly control their preferences, the huge number of candidates on the ballot paper (in some cases over 100 boxes to number in order) was cited as a barrier and voting statistics show that this option was used by less than 10% of voters. To reduce the rate of informal voting and to make it simpler for voters, the Australian Greens also prefer that in relation to below the

¹ Note: this ballot was re-run as part of the 2014 WA Senate By-Election and this candidate was not re-elected.

line voting the requirement be that voters number at least 12 candidates rather than be obligated to number every candidate.

As we stated in our *Submission to the JSCEM Inquiry into the 2013 Federal Election*,

“The 2013 election delivered a Senate result which doubled the number of parties elected compared to 2010. However, it is questionable that some of the outcomes represented the true wishes of voters. Two candidates were initially elected with less than one percent of the primary vote (including one in the WA Senate recount) and another was elected with less than four percent.

The Australian Greens believe that it is important to democracy that a diversity of voices is able to participate and be heard. Some of the great achievements in public policy that we take for granted were first put forward by minor parties – such as ending discrimination on the basis of sexuality, world heritage protection, and carbon pricing... However, it is essential that those voices can demonstrate a reasonable level of support in the community at an election and that our electoral system does not encourage political parties intent on gaming the current Group Voting Ticket (GVT) senate preferences system.”

We believe that these problems will be addressed by the *Commonwealth Electoral Amendment Bill 2016*.

Wording of the voting instructions

We believe the wording of the above the line voting instructions is sufficient but should be reviewed by both the AEC and this committee after a Senate election is conducted under these new rules.

For example, the use of the phrase, “at least six” could be improved by stating that voters should “number at least six boxes, 1 to 6 in the order of your choice, and then number additional boxes 7, and so on if you wish.” Similarly, it needs to be clear to AEC counting staff that ballot papers expressing a preference beyond the 6th preference will be treated as formal and distributed correctly.

These are not matters that should delay the passage of this important reform but the effectiveness of the voting instructions in assisting voters to cast formal votes should be analysed after the next election.

Savings Provisions & Public Education of Voters

Our *Additional Submission* recommended that, “the rules of any potential new system be devised to maximize formality and ensure the voter’s intent is used wherever possible to retain a ballot as formal.”

We believe that this has been adequately captured by the design of the *Commonwealth Electoral Amendment Bill 2016*.

We welcome the inclusion of an emphasis on encouraging voters to express a clear preference as to how they would want all of the available Senate positions to be filled and note the efforts undertaken within the legislation to prevent a “*Just Vote 1*” campaign by any party.

We believe that any savings provisions need to be accompanied by education of voters designed to encourage them to indicate multiple preferences and to ensure that AEC staff consistently apply the savings provision when counting ballots. The information that we have received to date about how the reform will be implemented suggests that this will be undertaken. However, we note the need to ensure that the AEC is adequately resourced to provide a public education campaign, as well as re-train its staff in ballot counting and upgrade its systems.

Below the line voting

The Australian Greens note that the JSCEM recommendations on optional preferential below the line voting have not been incorporated into the Bill at this stage. We believe the Bill would be stronger if voters were not required to fill in all squares when expressing a preference below the line.

Registered Officers and Protections for Small Parties

The Greens value the vital role small parties play in our democracy. With this in mind, we are pleased to note that there are no changes within the Bill to party membership requirements and nomination fees. Increases to the required membership numbers and nomination fees would have adversely and disproportionately impacted on small parties. The Greens remain opposed to such proposed changes that would disadvantage genuine small parties.

However, we do welcome the requirement for parties to have unique registered officers – a provision which limits the ability of any individual to run multiple parties simultaneously for the purpose of swapping preferences.

We note that there may be a need to review the application of this amendment, with regards to Registered Officers who perform the responsibility for both the State and Federal bodies of the same political party. It should still be acceptable to be the Registered Officer of a party registered under the *Commonwealth Electoral Act* as the national party, and to also be the Registered Officer of a State body of the same party that is also registered under the Act. This is currently the arrangements for the Australian Greens, which allows candidates to be nominated under the Australian Greens registration, or under the registration of their State organisations.

This is not a significant problem for a party with significant support, such as the Australian Greens, which has enough members to be able to supply separate State and Federal Registered Officers if required. It is not significant enough on its own to delay this reform; however, it should be reviewed and changed in the future if it proves to be a disadvantage for federated parties. On balance, we believe this Bill protects the rights of smaller parties to contest elections and get candidates elected - if the party has genuine voter support. It does, however, remove the incentive for micro-parties to set up "front parties" to funnel preferences through secretive and convoluted backroom deals.

Election Night Count

The inclusion of a first preference count on election night is a useful indicator of the final Senate result especially in electorates where upper and lower house voting diverges significantly. We note that the Government has already amended the Bill during its passage through the lower house to address this and welcome those amendments.

Party Logos

We welcome the inclusion of Party Logos on the Ballot Paper to reduce voter confusion in situations where two parties have similar names.

We note that the Bill will allow for joint-ticket parties to display multiple logos. The impact of this on the voters is unclear. It could provide an unfair advantage, or it could be perceived as confusing to voters. This aspect of the legislation will need to be reviewed by JSCEM in the future.

Timing

We do not agree with the arguments of some submitters that more time needs to be spent examining this Bill. The 2013 JSCEM inquiry was comprehensive and included a substantial interim report.

The case for reform is clear and the legislative solution straight-forward. Given this, we do not support any unnecessary delays to finalising the legislation.

Conclusion

Reforms to our electoral system should serve to make it more transparent, fairer and more democratic. We believe this Bill meets that condition because voters will be empowered to choose where their preferences go whether they vote above or below the line.

Increasing the degree of control of expression for each elector's vote is an important part of the progress towards an improved electoral system. And while there are still other

recommendations from the 2013 JSCEM inquiry to be implemented, this reform is an important first step, and we recommend that the Bill be passed before the next Senate Election.

Hon. Giz Watson

Co-convenor, The Australian Greens, 29 February 2016.