



Siobhán Leyne
Inquiry Secretary
Joint Standing Committee on Electoral Matters
PO Box 6021, Parliament House, Canberra 2600

Dear Siobhán

I have revised the attached article which makes a case to replace above-the-line ticket voting with the optional marking of preferences in Senate elections. The arrangements used in the ACT provide a model which works well.

This improvement to Senate electoral provisions is unlikely to appeal to minor parties. For this reason the success of the reform probably depends on co-operation between Liberal and Labor Parties.

Important electoral reform is best done with the broadest possible base of support.

Please bring this revised submission to the attention of Committee Members.

Yours faithfully

Graham Hawkes

Dear Members of the Joint Standing Committee on Electoral Matters

SENATE VOTE REFORM

With the High Court soon to decide about a fresh Senate election for WA, it is worth examining whether there is a better system of voting that can produce a fairer result.

Results from the 2013 election have caused alarm because candidates who received a tiny number of first preference votes ended up being elected or very influential. In WA the initial count involved 166 distributions of preferences, the consequences of the 139th distribution were disputed and a candidate who received only 0.23% of first votes ended up being elected after a re-count. The potential to "game" the system was always there and it has now turned around to bite.

Above-the-line ticket voting was introduced was to reduce the number of informal votes which it did dramatically. It seemed like a good idea at the time but not for House of Representative elections where such control over the flow of preferences was unacceptable.

When 95.58% of voters choose to cast an above-the-line Ticket vote it is clear they want simplicity and speed. But the order of a ticket vote can be devious. To find out the order of these lists for this year's election an interested elector in WA had to wade through 62 names on the list registered by each of 26 groups. And, some groups registered more than one list. This is an unrealistic expectation of electors. There is power in having massive control over the flow of preferences which the system makes near to impossible for electors to understand. This is undemocratic. We need a system that is transparent, easy to use and keeps the power of election for voters. Optional preferential voting can achieve these objectives.

In Tasmania's House of Assembly elections voters must mark their preferences for at least the number to be elected, that is five, but are free to rank more if they wish. There is no ticket vote method.

Requiring voters to list preferences for at least the number to be elected sounds sensible at first but a likely consequence is that most voters do just that. It would take courage for a group to nominate less than a full complement of candidates so most votes are likely to start and end in the group. Parties know they cannot possibly win all the seats so this presents a dilemma. Shuffling the order of names on the ballot paper could lessen this effect as well as distributing the donkey vote.

ACT voters are instructed to mark preferences for at least the number to be elected like five or seven. They can vote for more if they wish. Nevertheless to qualify as formal a vote needs a preference for just one candidate. There is no ticket vote method. Under this system the informal vote at their 2012 election was 3.5% which is a better result than Tasmania [4.45%] or the House of Representatives in WA [5.38%]. ACT legislation provides a positive model for reform of the Senate ballot.

If someone uses the option of marking very few preferences their vote could become exhausted, that is it cannot flow on. The number of exhausted votes is variable. In Tasmania it was 3.97% at the last election and in the ACT ranges below and above that figure in different electorates. But a vote with few preferences is a person's opinion and it's hard to justify demanding that they rank every candidate or any arbitrary number. It would be a stretch of fancy to believe that WA voters held informed views of their preferences between Senate candidates numbered 52 and 53, for example, yet that is what all voters had to do.

It would improve our democracy if the new Commonwealth Parliament replaced above-the-line Ticket Voting with the optional marking of preferences.

Yours faithfully

Graham Hawkes

16 December 2013

Unsatisfactory solutions

- Some electoral systems impose a four or five percent threshold of votes which a group or candidate must achieve in order to remain in the count. This idea goes against the Australian concept of a fair go and contradicts the intention of preferential voting. There is an inconsistent assumption within this proposal in that it cannot apply to candidates below the threshold who are ranked towards the end of the list nominated by a group provided one or some candidate(s) in the group achieve a vote above the arbitrary threshold.
- The number of registered members required to qualify as a group and therefore for the privilege of participating in the above-the-line ticket vote could be raised. This would discriminate against minorities with a legitimate claim to influence elections.
- The Greens are reported to want optional preference marking above-the-line which would add an unwelcome level of confusion without resolving voting below the line.
- See also discussion about the system in Tasmania.]