

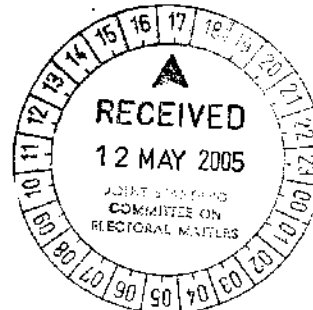
Joint Standing Committee on Electoral Matters
Submission No. 157
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Secretary <i>[Signature]</i>

SUBMISSION NO. 157

675 Grassdale Road  
GUMDALE QLD 4154

11 May 2005

Committee Secretary  
Joint Standing Committee on Electoral Matters  
Department of House of Representatives  
Parliament House  
CANBERRA ACT 2600



Dear Sir/Madam

**Re: Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto**

I refer to the Joint Standing Committee's current inquiry into the above matter and wish to provide the following comments and observations for its consideration.

In the weeks and months following the Federal Election on 9 October 2004 the media related the re-elected Government's possible intentions to alter the way voting and Senate elections are conducted in Australia. Any realisation of such intentions would have fundamental ramifications for this country. The following information considers several issues in this regard.

Compulsory voting

It has been reported that Government members were advocating for the abolition of compulsory voting and for it to be replaced by "voluntary" voting. For instance, the Courier Mail reported that, "*Pressure is building within Coalition ranks to use the Federal Government's newly won Senate majority to abolish compulsory voting.*"<sup>1</sup> The reason for any such a move is most likely to be political: research has found that the Liberal Party would increase its share of the two-party preferred vote by about five percent if compulsory voting was abolished, an outcome that would give it a permanent electoral advantage over other political contenders.<sup>2</sup>

Compulsory voting has been in place in Australia for more than 80 years. Originally introduced in Queensland in 1915, it was subsequently adopted nationally in 1924. It was initiated because of poor voter turnout – prior to 1924 this was as low as 47 percent whereas since this time it has been between 94 and 96 percent – and because it was thought that compulsory voting would encourage greater political awareness on the part of the populace.<sup>3</sup>

<sup>1</sup> Courier Mail, *Libs unlock the gates of power*, 30 October 2004, Queensland Newspapers, p. 1

<sup>2</sup> *Ibid*, p. 4; Courier Mail, *Every vote counts, except ...*, 21 February 2005, Queensland Newspapers, p. 9

<sup>3</sup> "Compulsory Voting", source: <http://geography.about.com/library/weekly/aa060100a.htm>

The primary argument of many Government members against compulsory voting appears to be that people should not be compelled to vote and that they should be able to choose not to vote.<sup>4</sup> However, this is not a strong argument given that citizens are compelled to perform many other duties, such as to pay taxes.<sup>5</sup> (Interestingly, calls are yet to be heard from Government members for citizens to be able to exercise free choice as to whether or not they pay taxes.) One of the benefits of compulsory voting is that it ensures that a government is elected on the basis of the support of the majority of the population.<sup>6</sup> This may be contrasted with countries with voluntary voting systems where low voter turnout can affect the confidence of a government to proceed with implementing its election platform.<sup>7</sup> Australians are used to, and have widely accepted,<sup>8</sup> compulsory voting and they would rightly be apprehensive of the motives of any government that sought to abolish it without first seeking their endorsement for any such proposal.

### Senate electoral system

It has been reported that the Government could use its impending Senate majority to alter the Senate electoral system to reduce the electoral prospects of minor parties and independents.<sup>9</sup> The view of one Government member was reported to be that such changes were needed to end the “*rule of minorities*” which was considered to be “*getting in the way of effective government*.”<sup>10</sup> Such sentiments echo statements in the Prime Minister’s 2003 discussion paper, “*Resolving Deadlocks: A Discussion Paper on Section 57 of the Australian Constitution*”, which contained proposals to minimise the influence of the Senate. If implemented, such proposals would have circumvented the Senate’s proportional representation system that has been in existence since 1948. On the issue of proportional representation, the 2003 discussion paper referred to its introduction as if it was a radical innovation that somehow contradicted the original intent of Australia’s constitutional Founding Fathers.<sup>11</sup> However, the reality is that even during the constitutional conventions of the 1890s it

<sup>4</sup> Courier Mail, *Libs unlock the gates of power*, 30 October 2004, Queensland Newspapers, p. 4

<sup>5</sup> For an outline of arguments for and against compulsory voting see “Compulsory Voting”, source: <http://geography.about.com/library/weekly/aa060100a.htm>. Some benefits of compulsory voting are briefly described in “Compulsory Voting”, source: <http://democratic.audit.anu.edu.au/Comp%20Vote.pdf>.

<sup>6</sup> Widespread popular support would also help to strengthen the claim of a government to possess a mandate.

<sup>7</sup> This was a concern with the recent British election where prior to the election it was predicted that voter turnout could fall to a century-low 53 percent (refer: [www.csmonitor.com/2005/0425/p07s01-woeu.html](http://www.csmonitor.com/2005/0425/p07s01-woeu.html); <http://safety.websoaring.com/index.php?itemid=898&catid=10>).

<sup>8</sup> Surveys have found that many Australians support compulsory voting (refer: [www.smh.com.au/news/Opinion/Voluntary-voting-may-not-favour-the-Liberals/2005/03/28/1111862319506.html?oneclick=true#](http://www.smh.com.au/news/Opinion/Voluntary-voting-may-not-favour-the-Liberals/2005/03/28/1111862319506.html?oneclick=true#)).

<sup>9</sup> Courier Mail, *Minor parties may be further marginalised*, 19 February 2005, p. 6

<sup>10</sup> Senator Helen Coonan, as reported in the Courier Mail, *Every vote counts, except ...*, 21 February 2005, Queensland Newspapers, p. 9. It should be noted that for a number of years prior to the 2004 Federal Election, it appears that voters were deliberately opting for representatives of different political persuasions in the House of Representatives and the Senate in order to prevent any government from exercising absolute control over the parliamentary/legislative process (Saunders, C. 1998, *It’s Your Constitution*, The Federation Press, Sydney, p. 65; Odger’s *Australian Senate Practice* 10<sup>th</sup> Edition, Edited by H. Evans, Clerk of the Senate, p. 8, source: [www.aph.gov.au/senate/pubs/html/htoc.htm](http://www.aph.gov.au/senate/pubs/html/htoc.htm); Goot, M. “Can the Senate claim a mandate?”, source: [www.aph.gov.au/senate/pubs/papers.htm](http://www.aph.gov.au/senate/pubs/papers.htm)).

<sup>11</sup> *Resolving Deadlocks: A Discussion Paper on Section 57 of the Australian Constitution* 2003, pp. 6, 28

was intended that the Senate should be elected on a different basis to the House of Representatives and that this should be achieved by proportional representation.<sup>12</sup> Odger's Australian Senate Practice points out, "*An effective bicameral system requires that the two houses of the legislature be constituted on different bases: if they are constituted in the same way they would be likely to have the same political colour and therefore not be an effective check upon each other.*"<sup>13</sup> The clear expectation of the Founding Fathers was that the Senate should act as a check on executive power through its representation of a wide diversity of views.<sup>14</sup> Accordingly, people would rightly question whether the Senate provided any value if all it did was to simply endorse the actions of the executive-dominated House of Representatives. It is noteworthy that in light of the public opposition to the proposals contained in the Prime Minister's 2003 discussion paper, the decision was made to not pursue them further.<sup>15</sup> Despite this decision there is a real possibility that with the Government's impending control of the Senate, it may again seek to change the electoral rules for the Senate. The concern, however, is that any such action could potentially compromise its original purpose.

The Australian people have long been used to proportional representation in the Senate and, as with any move to abolish compulsory voting, they would likely be very wary of the motives of any government that sought to change this system without their concurrence first being sought.

Given the above information, any move to abolish compulsory voting or to alter the electoral rules for the Senate would need to be underpinned by a high degree of popular acceptance and support. Consequently, if the Government intended to move in these respects it would be essential for it to obtain the explicit approval of the Australian electorate. Before doing this it would first be necessary for a comprehensive public education program to be undertaken to enable the electorate to make an informed decision with respect to the issues involved.

I trust the above comments and observations will assist the committee in its deliberations.

Yours faithfully

Don Willis

<sup>12</sup> Uhr, J. "*Why we chose proportional representation*", source: [www.aph.gov.au/senate/pubs/papers.htm](http://www.aph.gov.au/senate/pubs/papers.htm); Odger's Australian Senate Practice, p. 8, source: [www.aph.gov.au/senate/pubs/html/htoc.htm](http://www.aph.gov.au/senate/pubs/html/htoc.htm)

<sup>13</sup> Odger's Australian Senate Practice, p. 3, source: [www.aph.gov.au/senate/pubs/html/htoc.htm](http://www.aph.gov.au/senate/pubs/html/htoc.htm)

<sup>14</sup> "*The Constitution reflected [the Founding Fathers'] conclusion that in order to perform the representative role assigned to it, the Senate, like its United States counterpart, must have the power to veto and to suggest changes to any proposed law. It could not be merely a debating and delaying chamber*" (Ibid, pp. 4 - 6, source: [www.aph.gov.au/senate/pubs/html/htoc.htm](http://www.aph.gov.au/senate/pubs/html/htoc.htm)).

<sup>15</sup> Refer to: [www.pmc.gov.au/conschange/index.cfm](http://www.pmc.gov.au/conschange/index.cfm)