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ELECTORAL MATTERS

29 March 2005

Joint Standing Committee on Electoral Matters	
Submission No.	*96*
Date Received	*29-3-05*
Secretary	

Senator John Cherry
Australian Democrats Senator for Queensland
PO Box 1549
Toowong BC Q 4066

Secretary
Joint Standing Committee on Electoral Matters
Parliament House
Canberra ACT 2600

Dear Sir,

INQUIRY INTO THE CONDUCT OF THE 2004 ELECTION

Please find attached a personal submission regarding your current Inquiry into the conduct of the 2004 election.

This submission deals with three matters. Two are to do with the redistribution process conducted in the lead up to the election, and the third is to do with the Senate voting system. All three matters are about seeking to ensure, as far as practical, that the election result best reflects the view of the Australian people.

The electronic copy of this submission does not include a series of electoral maps used to illustrate the first section. These will be included in the hard copy mailed to your office.

Yours sincerely,

Senator John Cherry

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1. IMPOSING A TEST OF ELECTORAL FAIRNESS ON REDISTRUBUTIONS:

1.1 The importance of 'fair' electoral boundaries:

Coming from Queensland, home of the infamous Bjelke-Peterson/Hanlon electoral gerrymanders, I am extremely sensitive to the issue of ensuring that electoral boundaries are fair and unbiased. As the Fitzgerald Commission of Inquiry into political corruption warned in 1989 in Queensland warned that the fairness of the electoral system and boundaries was central to democracy and "the first step in the rehabilitation of social cohesion, public accountability and respect for authority":

> "A fundamental tenet of the established system of parliamentary democracy is that public opinion is given effect by regular, free, fair election following open debate. A Government in our political system which achieves office by means other than free and fair elections lacks legitimate authority over that system.....The institutional culture of public administration risks degeneration if, for any reason, a Government's activities ceased to be moderated at the risk of losing power."[1]

The electoral malapportionment in Queensland was such that for the then Opposition to win a majority of the votes at the 1989 election, it would have needed more than 52% of the two party preferred vote.

What is concerning now is that the electoral system at a Federal level has now degenerated to the stage where for the now Opposition to win a majority of the seats would require a two party preferred swing of 4.33% and a two party preferred vote (assuming a uniform swing) of 51.6%. This is a level of political bias which the Australian people should find intolerable.

The Joint Standing Committee considered the question of electoral bias and electoral outcomes in some detail in Chapter 5 of its 1995 report. The report considered whether there was need for electoral redistributions to have regard to electoral outcomes, and concluded that there was not at that stage.

> "Since the 1983/84 amendment the Commonwealth redistribution process has produced the 'wrong answer" just once – in 1990, when the two party preferred vote was very evenly balanced at 49.9 per cent to 50.1 per cent. Even if augmented Electoral Commissions were directed to take political outcomes into account, there is no guarantee that such a close outcome could be precisely reflected in the break-up of seats between the parties.

> "In the absence of a clearly demonstrated need, the Committee does not recommend that Commonwealth redistributions be complicated by the addition of a 'fairness' test."[2]

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[1] Fitzgerald G "Report of Commission of Inquiry" 1989 Queensland Govt Printer p. 127
[2] JSCEC report 1995 p. 48

However, the need to revisit this issue is now becoming more and more paramount. In 1998, the system DID produce the 'wrong' result, with the Government returned with a majority of the seats with just 49% of the vote. For the Opposition to win in 1998 would have required the gain of a further 8 seats, or 51.92% of the two party preferred vote.

In 2001, the Government won 50.95% of the two party preferred vote, and Labor would have required a 1.69% swing and a two part-preferred vote of 50.74% to win a majority of the seats. In 2004, with incumbents members adding to their margins and redistributions in three states, the notional two party preferred vote that Labor requires is now 51.6% of the vote.

My state of Queensland – ironically the historical home of the nation's worst State Government gerrymanders – has produced the worst result in terms of fair Federal electoral boundaries. With 43% of the two party preferred vote, the Labor opposition has won just 21% (6 out of 28) of the seats. And, to win 14 out of 28 seats would require a two party preferred vote of 51.86%, a majority (15 out of 28) would require a vote of 52.03%.

The question has to be asked whether this is healthy for our democracy – for a Government to be able to be re-elected without a majority of the two party preferred vote. Some argue that electoral systems based on single member electorates are likely to throw up results that don't reflect the voting strength of the respective parties, as incumbency or 'landslide' effects come into play. However, the fundamental assumption underpinning our electoral system is that if one party receives a majority of the two party preferred vote, it will receive a majority of the seats. Our electoral system is no longer producing that result in close elections, and that is a serious challenge to the future of our democracy.

It is worth noting that in the 20 elections held between 1954 and 2004, the electoral system produced the 'wrong' result on 5 of the 21 occasions – one fifth of elections produced the wrong winner. Is that an error rate that is deemed appropriate for a functioning democracy?

Elections producing the wrong result 1954 – 2004

Election	Government vote	Government majority
1954	49.3%	64 – 59
1961	49.5%	62 – 61
1969	49.8%	66 – 59
1990	49.9%	78 – 70
1998	49.0%	81 – 67

International law also recognises the importance of developing electoral systems which are free and fair. The International Covenant on Civil and Political Rights, Article 25, provides that:

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

1. To take part in the conduct of public affairs, directly or through freely chosen representatives;

2. To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

3. To have access, on general terms of equality, to public service in his country.

The Human Rights Committee, in 1996, issued a General Comment on Article warning that "Article 25 lies at the core of democratic government based on the consent of the people and in conformity with the principles of the Covenant". Whilst accepting that the ICCPR does not oblige any particular electoral system, General Comment 25 insists that:

> "The drawing of electoral boundaries and the method of allocating votes should not distort the distribution of voters or discriminate against any group and should not exclude or restrict unreasonably the right of citizens to choose their representatives freely." [3]

1.2 The Constitutional requirement for 'representative democracy':

Several High Court cases have in recent years emphasised that the principle of 'representative democracy' is implicit in the Constitution, although the extent is still to be settled. Section 24 of the Constitution provides that:

> "The House of Representatives should be composed of members **directly chosen by the people** of the Commonwealth, and the number of such members shall be, as nearly as practicable, twice the number of senators. The number of members chosen in the serval states shall be in proportion to the respective number of their people..."

Several court cases have turned on whether the terms "directly chosen by the people" implies 'representative democracy'[4]. In *McGinty v Commonwealth (1997)HCA*, the Court considered the electoral weighting in the WA Parliament and found by a 4-2 majority that the principle did not imply 'one vote one value':

> "The principle of "representative democracy" can be given the status of a constitutional imperative, but only in so far as the meaning and content of that principle are implied in the text and structure of the Constitution."[5]

Justices Toohey and Gaudron dissented, arguing that representative democracy implied in the Constitution extended to equality of electorates. As Toohey J said:

> 34. The principle thus enunciated is not in absolute terms but it follows that a general principle of equal electorates is "a minimal requirement for a representative democracy". In that event the principle is part of the Australian Constitution, even if not expressed in any provision. It derives from s 24 ("chosen by the people") but more fundamentally from the very structure of the system of government enshrined in the Constitution. In the

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[3] CCPR General Comment 25 adopted by the HRC at its 1510th meeting (57th session) on 12 July 1996, paragraph 21

[4] Australian Capital Television v Commonwealth (1992) 177 CLR 106; Nationwide News v Willis (1992) 177 CLR 1; Theophanous v Herald & Weekly Times (1994) 182 CLR 104

[5] Brennan CJ in McGinty v Commonwealth (1997)HCA

end it must be accepted that equality of political rights is not achieved "if the vote of a person in one part of the country has a greater effect in securing parliamentary representation than the vote of a person in another part of the country". .

Toohey noted " the method of giving expression to the concept (representative democracy) varies over time and according to changes in society" and that "it is the current perception which is embodied in the Australian Constitution." He and Gaudron J cited with approval the judgement of McTiernan and Jacobs JJ in an earlier 'one vote one value' case, *Attorney-General (Cth) (Ex rel McKinlay) v The Commonwealth (1975) CLR 1*. In this case, the Court found 6-1 that there was no implied requirement in the Federal Constitution for electorates to be exactly equal. McTiernan and Jacobs JJ argued that this is a standard that could change over time:

> " The words 'chosen by the people of the Commonwealth' fall to be applied to different circumstances at different times and at any particular time the facts and circumstances may show that some or all members are not, or would not in the event of an election, be chosen by the people within the meaning of these words in s 24. **At some point choice by electors could cease to be able to be described as a choice by the people of the Commonwealth. It is a question of degree.**"[6]

This view was also echoed by some judges in the majority. Gummow J said:

> 109. I would accept that the variations in numbers of electors or people in single-member divisions could be **so grossly disproportionate as to deny ultimate control by popular election.** I would, with respect, also agree with the point made by McTiernan and Jacobs JJ in *McKinlay* that, when it arises, such a question is to be determined by reference to the particular stage which then has been reached in the evolution of representative government.
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> . . . . .
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> 110. I agree also with the statement by McTiernan and Jacobs JJ in the same passage in McKinlay to the effect that the point at which there ceases to be a system of representative government because there is a failure in ultimate control by periodic popular election involves a question of degree and is one which cannot be determined in the abstract.

On the role of administrative bodies in electoral distributions, Gummow warned of the heavy responsibility on such bodies to promote "representative democracy":

> 113.... In any given case, it will be a question to be determined by reference to the circumstances of that case whether judicial review is required to ensure that the exercise in the particular case of the authority conferred by the legislature is confined within constitutional limits.[7]

McHugh was strongly of the view that there was no implied need for parity in the Constitution. His obiter is very relevant because he recognised that malapportionment can take whose forms than electoral weighting:

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[6] Attorney-General (Cth) (Ex rel McKinlay) v The Commonwealth (1975) 135 CLR 1 at 36

[7] See Miller v TCN Channel Nine Pty Ltd (1986) 161 CLR 556 at 614-615 per Brennan J.

72. ...Once the party system became firmly established, voters' loyalties were to the parties and their leaders rather than to individual members of Parliament. **Not equality of voting power but the extent to which a political party's vote translates into seats in Parliament is now seen by many political scientists as the surest guide to the fairness of a particular political system.**[8] Equality of numbers in electorates does not guarantee representative government. Because of the party system, electorates can be gerrymandered notwithstanding that they meet the equality standard.[9] Of course, that does not mean that equality of numbers in electoral divisions is not extremely important if an electorate is divided into divisions.

He cites the Supreme Court case of *Karcher v Daggett* (1983) 462 US 725 at 765, where Stevens J. said:

"(I)f population equality provides the only check on political gerrymandering, it would be virtually impossible to fashion a fair and effective remedy in a case like this. For if the shape of legislative districts is entirely unconstrained, the dominant majority could no doubt respond to an unfavourable judgment by providing an even more grotesque-appearing map that reflects acceptable numerical equality with even greater political inequality."

McHugh also pointed out that:

73. Conversely, inequality in the numerical sizes of electoral divisions does not necessarily mean a party is unfairly represented....**The way that a party's voters are dispersed through the electorate is likely to have a greater effect on representation in the Houses of Parliament than is equality of electoral districts.....**

Gummow also noted that:

"Experience in the United States demonstrates that to insist, on constitutional grounds, upon equal numbers of electors in constituencies does not necessarily avoid any skewing of the overall party vote away from party representation in the legislature."

In *Lange v ABC (1997) HCA*, in a unanimous judgement, the High Court clarified its understanding of the principles of 'representative democracy'

Sections 7 and 24 of the Constitution, read in context, require the members of the Senate and the House of Representatives to be directly chosen at periodic elections by the people of the States and of the Commonwealth respectively. This requirement embraces all that is necessary to effectuate the free election of representatives at periodic elections. What is involved in the people directly choosing their representatives at periodic elections, however, can be understood only by reference to

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[8] Birch, Representative and Responsible Government: An Essay on the British Constitution, (1964) at 74-75, 76-78. Rose, "Elections and electoral systems: choices and alternatives" in Bogdanor and Butler (eds), Democracy and Elections: Electoral systems and their political consequences (1983) at 40-43; Lijphart, Electoral Systems and Party Systems: A Study of Twenty Seven Democracies 1945-1990, (1993) at 124-130.

[9] Bagger, The Supreme Court and Congressional Apportionment: Slippery Slope to Equal Representation Gerrymandering, (1985) 38 Rutgers Law Review 109 at 110-111.

the system of representative and responsible government to which ss 7 and 24 and other sections of the Constitution give effect.

....Freedom of communication on matters of government and politics is an indispensable incident of that system of representative government which the Constitution creates by directing that the members of the House of Representatives and the Senate shall be "directly chosen by the people" of the Commonwealth and the States, respectively. At federation, representative government was understood to mean a system of government where the people in free elections elected their representatives to the legislative chamber which occupies the most powerful position in the political system. As Birch points out:[10] "it is the manner of choice of members of the legislative assembly, rather than their characteristics or their behaviour, which is generally taken to be the criterion of a representative form of government." However, to have a full understanding of the concept of representative government, Birch also states that[:

"we need to add that the chamber must occupy a powerful position in the political system and that the elections to it must be free, with all that this implies in the way of freedom of speech and political organization."

.... ss 7 and 24 and the related sections of the Constitution necessarily protect that freedom of communication between the people concerning political or government matters which enables the people to exercise a free and informed choice as electors.

More recently, in the case of *Mulholland v AEC* (2004) HCA 41, several justices again warned that the matter of whether an electoral system breached the principle of representative democracy was a matter of degree. Gleeson CJ accepted that the requirements of sections 7 and 24 of the Constitution went "...beyond a mere prohibition of indirect election, as by an electoral college". He notes the silence of the Constitution "on many matters affecting our system of representative democracy and responsible government has some positive consequences" in that:

9. Leaving it to Parliament, subject to certain fundamental requirements, to alter the electoral system in response to changing community standards of democracy is a democratic solution to the problem of reconciling the need for basic values with the requirement of flexibility.....Constitutional arrangements on such matters need to be capable of development and adaptability. **Concepts such as representative democracy and responsible government no doubt have an irreducible minimum content, but community standards as to their most appropriate forms of expression change over time, and vary from place to place.**

McHugh J also acknowledged that there could be a point where the somewhat limited concept of representative democracy is in constitution could be impinged:

86. ...the Court will not - indeed cannot - substitute its determination for that of Parliament as to the form of electoral system, as long as that system complies with the requirements of representative government as provided for in the Constitution. **No doubt a point could be reached where the electoral system is so discriminatory that the requirements of ss 7 and 24 are contravened.**

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[10]   Birch, *Representative and Responsible Government*, (1964) at 17; *ACTV* (1992) 177 CLR 106 at 230; *Theophanous* (1994) 182 CLR 104 at 200.

Gummow and Hayne JJ refer to Gaudron J's comments in McGinty's case in concluding:

> 156.....there may be some feature of the electoral system which means that it cannot be said that those elected by it are "chosen by the people", but that "[t]he problem is to identify the process by which it may be determined whether or not that is so".

> 157. An appreciation of the interests involved with the presence in the Constitution on the one hand of the broad specification of direct choice, and of the empowerment of successive parliaments to "otherwise provide" with respect to elections on the other, is assisted by reference to Professor Tribe's discussion of the United States experience. He writes: **"Few prospects are so antithetical to the notion of rule by the people as that of a temporary majority entrenching itself by cleverly manipulating the system through which the voters, in theory, can register their dissatisfaction by choosing new leadership."** [11]

Kirby J refers also to the issue:

> 223. The precise details for the election of senators and members to the Parliament may not be spelt out in the constitutional text. But the critical phrase, and the overall purpose of Ch I, indicate that any attempt to introduce methods of election that are undemocratic[12], or liable to frustrate an exercise of real choice on the part of "the people"[13], will be examined most carefully because they may put at risk the achievement of the overall constitutional requirements. .....I agree with Professor Tribe's warning against laws that permit temporary majorities to entrench themselves against effective democratic accountability.

Justices Callinan and Heydon preferred a narrower view of section 24.

The US Supreme Court has considered a string of gerrymandering cases, most recently in early 2004 in *Vieth v Jubelirer*.[14] In that case, the majority 5-4 held that gerrymandering cases were justicable, but, also by a different 5-4 majority found no suitable standard for determining malapportionment had been established. As the swing vote, Justice Kennedy, concluded:

> A determination that a gerrymander violates the law must rest on something more than the conclusion that political classifications were applied. It must rest instead on a conclusion that the classifications, though generally permissible, were applied in an invidious manner or in a way unrelated to any legitimate legislative objective. The object of districting is to establish "fair and effective representation for all citizens." *Reynolds v. Sims*, 377 U.S. 533, 565—568 (1964). At first it might seem that courts could determine, by the exercise of their own judgment, whether political classifications are related to this object or instead burden representational rights. The lack, however, of any agreed upon model of fair and effective representation makes this analysis difficult to pursue.

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[11] *American Constitutional Law*, 2nd ed (1988), §13-18.

[12] *McKenzie v The Commonwealth* (1984) 59 ALJR 190 at 191; 57 ALR 747 at 749.

[13] *McGinty* (1996) 186 CLR 140 at 170, 189

[14] Vieth v Jubelirer (2004) US 02-1580

He finished his judgement with a warning that:

> The ordered working of our Republic, and of the democratic process, depends on a sense of decorum and restraint in all branches of government, and in the citizenry itself. Here, one has the sense that legislative restraint was abandoned. That should not be thought to serve the interests of our political order. Nor should it be thought to serve our interest in demonstrating to the world how democracy works.

In summary, it is suggested that the law is gradually recognising the need for electoral systems to be free and fair, and that electoral systems that fail to properly reflect the will of the people are unlikely to be defensible at law, domestic and international. Indeed, it may be that electoral boundaries that are tantamount to a gerrymander as the current Queensland boundaries are would be open to legal challenge, notwithstanding that they were drawn in accordance with the section 66 criteria rather than a political agenda. Effect is as important as purpose.

1.3 How fair is the Australian Federal Electoral system?

In the leadup to the 2004 election, redistributions were conducted in three states (Queensland, Victoria and South Australia). The Queensland redistribution produced boundaries which were seriously skewed in favour of the Government, the boundaries in South Australia and Victoria were less so. The Australian Democrats objected to the draft boundaries produced by the Redistribution Commission arguing that the boundaries would have required the Opposition to obtain a two party preferred vote of 51.5% of the vote to win 14 out of 28 seats. The submission argued:

> This level of bias breaches the overriding duty of the Commission to promote elections which are free and fair. This duty is implicit in the High Court's recognition of a principle of representative democracy underlined by section 24 of the Constitution, particularly that "elections must be free"[15], and that at some point "there ceases to be a system of representative government because there is a failure in ultimate control by periodic popular election".[16] It is submitted that, while the Commission's principal duty is to apply the statutory criteria in the Act, in recognising that these criteria lend themselves to numerous complying possible geographic permutations, the Commission should prefer a permutation that best supports the constitutional principle of representative democracy and its pre-condition of free and fair elections.

The Commission rejected this argument, arguing that:

> "Under section 66(3)(b) of the Act there are no provisions for including the consideration of political outcomes in the redistribution process. The Commission is of the firm view no political outcome was contemplated in the Redistribution Committee's proposal.[17]

While I accept that argument, the unintended consequences of the Commission's decision are an electoral system that fails to ensure that the political will of the people is represented in the Parliament. In a closely fought election, an inbuilt bias towards the Government in electoral boundaries could become a source of substantial concern.

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[15] Lange v ABC (1997)

[16] Gummow J in McGinty v Commonwealth (1997)

[17] AEC "2003 Redistribution of Queensland into Electoral Divisions' report p. 5

In my view, section 66 of the Act needs to be amended to require boundaries that are fair and unbalanced.

A precedent for this is found in the South Australian Constitution. Since changes to the South Australian Constitution in 1991 (inserted after the Bannon Labor Government was re-elected with just 48% of the vote), electoral divisions in South Australia have been subject to an overriding requirement of electoral fairness. Section 83 of the Constitution Act provides:

Electoral fairness and other criteria

83. (1) In making an electoral redistribution the Commission must ensure, as far as practicable, that the electoral redistribution is fair to prospective candidates and groups of candidates so that, if candidates of a particular group attract more than 50 per cent of the popular vote (determined by aggregating votes cast throughout the State and allocating preferences to the necessary extent), they will be elected in sufficient numbers to enable a government to be formed.

(2) In making an electoral redistribution, the Commission must have regard, as far as practicable, to—

*(a)*the desirability of making the electoral redistribution so as to reflect communities of interest of an economic, social, regional or other kind;

*(b)*the population of each proposed electoral district;

*(c)*the topography of areas within which new electoral boundaries will be drawn;

*(d)*the feasibility of communication between electors affected by the redistribution and their parliamentary representative in the House of Assembly;

*(e)*the nature of substantial demographic changes that the Commission considers likely to take place in proposed electoral districts between the conclusion of its present proceedings and the date of the expiry of the present term of the House of Assembly,

and may have regard to any other matters it thinks relevant.

(3) For the purposes of this section a reference to a group of candidates includes not only candidates endorsed by the same political party but also candidates whose political stance is such that there is reason to believe that they would, if elected in sufficient numbers, be prepared to act in concert to form or support a government.

To achieve this, the South Australian Commission:

"...redraws the boundaries to meet the new quota determining in doing so, as best it can, what the result would have been at the previous election had the electors been voting in the new districts and then making whatever adjustments appear necessary to satisfy the fairness requirements of s.83."[18]

Arguments to the Joint Committee in 1995 centred on the impracticability of imposing such a requirement on the Federal system because redistributions occur on a State by State rather than a national basis. In states with very small numbers of members, it could prove very difficult to produce boundaries that meet the "50% of the vote equals 50% of the seats requirement". However, interestingly, the smaller states would require no change to meet the requirement – the real problem is in the larger states of Queensland and New South Wales, while Victoria and South Australia have a slight advantage to the ALP:

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[18] Electoral Boundaries Commission "Report on the 2003 Redistribution" South Australian Government para 20.

Vote required by the Opposition 50% of more of the seats

NSW: 53.23%
VIC: 48.06%
QLD: 51.86%
WA: 50.9%
SA: 46.57%
TAS: 50.51%

Even these figures cloak the true nature of the biases in the electoral system. While Labor hold a majority of the seats (19 out of 37) in Victoria with just 49% of the two party preferred vote, it would require a uniform swing of almost 5% (and a state wide two party vote of 54%) to win any more. In South Australia, while there are three marginal seats that would swing with a vote of less than 1%, the next seat would require a swing of 5.4%. Further, parties rarely receive a majority of the vote in all states at the one time – typically swings are not uniform across the states.

1.4 Proposals for a test of electoral fairness

Given swings are not uniform, a better measure of the bias of the electoral system is more is RESPONSIVENESS to swings rather than focusing on the absolute test in the South Australian seat. Bias could be measured across a range, with the aim to minimise the level of bias in the electoral system rather than to eliminate it. This would ensure that if a party received a two party preferred vote majority across the country, even without a uniform swing, the responsiveness of the electoral system would reflect it.

My suggestion is the range bias could be measured across the middle quintile of seats (i.e. the seats that would allow the Opposition or the Government to win between 40% and 60% of the seats in that State). In a state like Queensland, where the Opposition does not even hold 40% of the seats, the range would be widened to include the seats necessary to win 40% as well.

Bias would then be measured by comparing the vote necessary for the Government and the Opposition to win the specified number of seats.

The calculation of bias for the Victorian and Queensland redistributions is attached, based on the 2004 election results. What these figures show is that in Queensland, the 'swing' seats show a huge 3.1% bias to the Government. That is, the two party preferred vote required for the Opposition to win anywhere between 7 and 23 seats is on average 3.1% higher than that required by the Government.

In Victoria, the bias is somewhat smaller – 1.1%. However, in a small sample, a single seat can skew an average. If Bendigo is excluded, the average bias across the other 9 seats is 1.7%.

The attached table calculates bias using the proposed formula for the last three elections:

PRO-GOVERNMENT BIAS IN MIDDLE QUINTILE OF SEATS

	2004	2001	1998
NSW	1.53%	0.85%	4.91%
Victoria	1.09%	1.5%	4.33%
Queensland	3.11%	2.06%	-0.67%
WA	0.94%	-0.49%	0.27%
SA	-3.52%	2.42%	2.33%
Tasmania	1.62%	-0.78%	0.28%

The next question becomes what is an acceptable level of bias within the middle quintile. This needs to recognise that as the number of seats in a State becomes smaller, the ability to reduce bias while drawing seats that recognise community of interest criteria becomes more difficult. It is suggested that the acceptable level of bias should rise as the number of seats falls. A reasonable formula might be the number of seats in the state multiplied by 3. If this measure of bias became a trigger for a 'fairness' redistribution, then all states but Western Australia and Tasmania would be due for redistributions to correct political bias:

BIAS TEST BASED ON SUGGESTED STANDARD

	No seats	Bias factor = 100/ (no seats X 3)	2004 bias	Change needed
NSW	50	0.67%	1.53%	Yes
Victoria	37	0.90%	1.09%	Yes
Queensland	28	1.19%	3.11%	Yes
WA	15	2.22%	0.94%	No
SA	11	3.03%	-3.52%	Yes
Tasmania	5	6.67%	1.62%	No

1.5 RECOMMENDATIONS:

It is recommended that the criteria for redistribution in section 66(3) of the act be modified to require the Commission to apply the criteria in a manner that minimises bias i.e. community of interest, means of communication and travel and the physical features. It is submitted that the Commission has available to it a wide range of permutation that can meet the criteria of 66(3) and it should choose the one that best achieves the community of interest and enrolment criteria while also minimising electoral bias.

Attachment A shows how the Commission could have achieved this in the three redistributions conducted during the last three years. The three suggestions would substantially reduce the rather large electoral bias in Queensland, South Australia and Victoria while also improving community of interest criteria (as measured in the number of local government areas split between more than one seat).

In **Victoria**, the bias would be reduced by 85%, with three more LGAs (Whittelsea, Banyule, and Latrobe Valley) contained in one seat rather than two, and five LGAs contained in two seats rather than two or three (Maroondah, Whitehorse, Monash, Dandenong, Casey).

In **Queensland**, the bias would be reduced by 71%, with three more LGAs contained in one seat rather than two (Bowen, Broadsound, Crows Nest), one LGA contained in two rather than four (Logan City), and the removal of some rather odd historical electorate boundaries that split suburbs and neighbourhoods in Brisbane.

In **South Australia**, the bias would be reduced by 40%, with five more LGAS included in one seats rather than two (Holdfast Bay, Burnside, Norwood-Petersham, Tea Tree Gully and Walkerville) and Port Adelaide-Enfield split between two seats instead of four.

Recommendation 1:

That section 66 of the Act be amended to require the Commission to apply the redistribution criteria in a way that best minimises electoral bias in the boundaries. The acceptable level of bias should be not more than 100 divided by the n umber of seats in the State divided by three. Bias should be measured across the middle quintile of seats to ensure that the electoral boundaries are fully sensitive to changes in the public mood.

This could be achieved by amending section 66 as follows:

66(3B): When applying subsection (3), the Redistribution Committee must ensure that the *middle quintile outcome* for its proposed boundaries meet the *electoral fairness criteria* in 66(3B).

66(3C): The *electoral fairness criteria* for a state shall be calculated as follows:

100 / ((the number of seats in the state) X 3)

66(3D): *The middle quintile outcome* shall be calculated as follows:

Step One: Rank the notional two party preferred Government vote for all electoral divisions or proposed electoral divisions, in the state, or and for the state.

Step Two: Where the Government and the Opposition both hold more than 40% of the seats in the State, multiply the number of seats in the State by 40% (ignoring any fractional amount) to produce the *minimum seats number*.

Step Three: Multiply the number of divisions in the State by 60% to produce the *maximum seats number*. Where the number contains a fraction, the number is to be rounded up to the next largest whole number.

Step Four: For the division that ranks as the minimum seats number for the Government, subtract the two-party preferred vote for the division from the

Government's state-wide two party preferred vote and add 50 to produce the *notional government vote.*

Step Five: For the division that ranks as the minimum seats number for the Opposition, subtract the two party preferred vote for the division from the Opposition's state-wide two party preferred vote and add 50 to produce the *notional opposition vote.*

Step Six: Subtract the notional opposition vote from the notional government vote to produce the *notional seat bias.*

Step Seven: Repeat steps four to six for each of the divisions across the range up to the maximum seats number.

Step Eight: Calculate the average of the notional seats biases calculates in steps six and seven, which is the *middle quintile outcome.*

Step Nine: If the Opposition or the Government hold less than 40% of the seats in the state on a notional two party preferred basis, the *minimum seats number* is the number of seats that they hold plus one.

Recommendation 2.

That section 59 be modified to require a redistribution in that state where the level of bias across the middle quintile of seats exceeds the electoral fairness criteria for that state and that this be reviewed after each election.

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2. ELECTORATES TO BE NAMED FOR LOCALITIES AND REGIONS RATHER THAN HISTORICAL FIGURES:

The convention establishing the naming of electoral divisions was established by the 1986 Joint Select Committee on Electoral Reform and were last reviewed by the Joint Select Committee on Electoral Matters in 1995.[19] The criteria can be summarised as follows:

- In the main, Divisions should be named after deceased Australians who have rendered outstanding services to their country;
- When new Divisions are created the names of former prime Ministers should be considered;
- Every effort should be made to retain the names of original Federation divisions;
- Locality or place names should generally be avoided, but in certain areas the use of geographical features may be appropriate;
- Qualifying names may be used where appropriate (e.g. Melbourne Ports)

While I am a great fan of commemorating Australian history, I think the convention for naming Federal electorates needs to be reviewed. I think it makes it harder for

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[19] JSCEM (1995) Report on Redistributions pp.84-9

electors to know who their Federal member is when electorates have names with no resonance for local areas. People would be better able to understand who their local member is – and, at election time who is running against them – if Federal seats took their name from strong qualifying geographic features.

I live in the electorate of Ryan. I suspect most people in that seat could not name the Federal seat they are in. A far better name would be Brisbane West the seat contains most of Brisbane's western suburbs. This would allow electors to identify immediately who their member represents. The lack of knowledge about the Federal Parliament is quite concerning:

- In the 1992 Australian Electoral Study, 33% of respondents could not name their local MP;
- In the 1998 study, most respondents did not think that Federal MPs knew what ordinary people think;
- In the 2002 study, just 25% of voters knew the number of members of the House of Representatives or how long its term was.

The use of historical names to describe local seats adds to the distance between electors and the Parliament. The seat names mean little to the population, and do little to help them identify with their Parliament.

With the exception of South Australia and Tasmania, State Parliaments have opted to predominately use geographic descriptors for their State electorates. This could help account for the fact that at least one study found that voters were 16% more likely to name their State MP rather than their Federal MP.[20] Most other Anglo-Saxon democracies (e.g. United Kingdom, Canada, New Zealand, Ireland) have also opted for geographic names. In the UK and Canada, they have adopted an interesting rule of including the name of the major city where the seat is located plus a local descriptor. Thus the ten seats in Birmingham (UK) all include the name Birmingham (e.g. Birmingham Edington), as do the six seats in Edmonton (Canada) (e.g. Edmonton Southwest).

The original Federal Parliament in 1901 utilised mostly geographic names, many of which are still in use. Since then, most new electorate have been named for historical figures (mostly former Prime Ministers) although a few geographic names have been used. Of the current 150 seats, 19 utilise former Prime Ministers names, 43 utilise geographic names, and 89 famous and not so famous historical figures.

Electoral divisions should utilise clear geographic or regional descriptors where these are available. Original names of electorates from 1901 might provide a strong sense of continuity. Significant historical figures names might also be used in more exceptional cases. Significant historical names should reflect a significant role in Federal politics (e.g. Prime Ministers, 'founding fathers', female and indigenous trailblazers). But the aim should be to ensure that electors can readily place their electorate by name where possible.

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[20] Aitken D "Stability and Change in Australian politics: Second Edition" 1982 p. 282 43% could name their State MP but only 37% could name their Federal MP

	Recommendation 3:

Recommendation 3:

That the convention for naming electorate divisions be modified so that:

a. Where a strong regional or geographic descriptive name is available, it should be used;

b. In other cases, strong historical names should be utilised (e.g. former Prime Ministers, original Federation division names, significant Federation figures, female and indigenous trailblazers).

The attached table shows how these conventions could be applied to make electorates more readily identifiable to electors.

Current Name	Geographic name	1901 name	Significant historical figure name
NSW			
Banks	Sydney Hurstville		
Barton	Sydney Kogarah		Barton
Bennelong	Sydney Ryde		
Berowra	Sydney Hornsby		
Blaxland	Sydney Bankstown		
Bradfield	Sydney Ku-ring-gai		
Calare	Calare		
Charlton	Lake Macquarie West		
Chifley	Blacktown West		Chifley
Cook	Sydney Cronulla		Cook
Cowper	Coffs harbour	Cowper	
Cunningham	Wollongong		
Dobell	Wyong		
Eden-Monaro	Eden-Monaro	Eden-Monaro	
Farrer	Murray North		
Fowler	Sydney Fairfield		
Gilmore	Shoalhaven		
Grayndler	Sydney Marrickville	South Sydney	
Greenway	Blacktown East		
Gwydir	Gwydir	Gwydir	
Hughes	Sydney Sutherland		Hughes
Hume	Hume	Hume	
Hunter	Hunter	Hunter	
Kingsford Smith	Sydney Kingsford-Smith		
Lindsay	Penrith		
Lowe	Sydney Canada Bay	West Sydney	
Lyne	Taree-Hastings		Lyne
Macarthur	Campbelltown-Camden		
Mackellar	Sydney Pittwater		
Macquarie	Blue Mountains	Macquarie	
Mitchell	Baulkham Hills		

Newcastle	Newcastle	Newcastle	
New England	New England	New England	
North Sydney	North Sydney	North Sydney	
Page	Clarence		Page
Parkes	Darling	Parkes, Darling	Parkes
Parramatta	Parramatta	Parramatta	
Paterson	Port Stephens		
Prospect	Sydney Prospect		
Reid	Sydney Auburn		Reid
Richmond	Tweed/Byron	Richmond	
Riverina	Riverina	Riverina	
Robertson	Gosford	Robertson	
Shortland	Lake Macquarie East		
Sydney	Sydney		
Throsby	Illawarra	Illawarra	
Warringah	Sydney Warringah		
Watson	Sydney Canterbury		Watson
Wentworth	Sydney Woollahra	Wentworth	Wentworth
Werriwa	Sydney Liverpool	Werriwa	
VICTORIA			
Aston	Melbourne Knox		
Ballarat	Ballarat	Ballarat	
Batman	Melbourne Darebin		
Bendigo	Bendigo	Bendigo	
Bruce	Melbourne Dandenong		Bruce
Calwell	Sunbury		
Casey	Yarra Ranges		
Chisholm	Melbourne Monash		
Corangamite	Corangamite	Corangamite	
Corio	Geelong (Corio)	Corio	
Deakin	Melbourne Whitehorse		Deakin
Dunkley	Frankston		
Flinders	Mornington Peninsula	Flinders, Corinella	
Gellibrand	Melbourne West		
Gippsland	Gippsland	Gippsland	
Goldstein	Melbourne Bayside	Balaclava	Goldstein
Gorton	Melton		Gorton
Higgins	Melbourne Stonnington		Higgins
Holt	Melbourne Casey		Holt
Hotham	Melbourne Kingston		
Indi	Indi (Upper Murray)	Indi	
Isaacs	Melbourne Dandenong/Kingston		Isaacs
Jagajaga	Melbourne Banyule		
Kooyong	Melbourne Kooyong	Kooyong	
Lalor	Melbourne Werribee		
La Trobe	Melbourne Cardinia		

McEwen	Macedon-Upper Yarra	Mernda	McEwen
McMillan	Latrobe Valley		
Mallee	Mallee		
Maribyrnong	Melbourne Maribyrnong		
Melbourne	Melbourne	Melbourne	
Melbourne Ports	Melbourne Ports	Melbourne Ports	
Menzies	Melbourne Manningham	Yarra	Menzies
Murray	Murray South	Echuca	
Scullin	Melbourne Whittlesea		Scullin
Wannon	Wannon (Wimmera)	Wannon, Wimmera	
Wills	Melbourne Moreland		
QLD			
Blair	West Moreton		
Bonner	Brisbane East		Bonner
Bowman	Redlands		
Brisbane	Brisbane	Brisbane	
Capricornia	Capricornia	Capricornia	
Dawson	Mackay-Burdekin		
Dickson	Pine Rivers		
Fadden	Gold Coast North		Fadden
Fairfax	Sunshine Coast North		
Fisher	Sunshine Coast South		Fisher
Forde	Logan Valley		Forde
Griffith	Brisbane River		Griffith
Groom	Toowoomba (Darling Downs)	Darling Downs	
Herbert	Townsville	Herbert	
Hinkler	Gladstone-Burnett		
Kennedy	Carpentaria	Kennedy	
Leichhardt	Far North		
Lilley	Brisbane North		
Longman	Caboolture		
McPherson	Gold Coast South		
Maranoa	Maranoa	Maranoa	
Moncrieff	Gold Coast Central		
Moreton	Brisbane South	Moreton	
Oxley	Ipswich-Oxley	Oxley	
Petrie	Brisbane-Redcliffe		
Rankin	Logan City		Rankin
Ryan	Brisbane West		
Wide Bay	Wide Bay	Wide Bay	
W. A.			
Brand	Rockingham-Peel		
Canning	Canning		
Cowan	Perth North		Cowan
Curtin	Perth West		Curtin
Forrest	South West		Forrest
Fremantle	Fremantle	Fremantle	

Hasluck	Perth East		
Kalgoorlie	Kalgoorlie-Pilbara	Kalgoorlie	
Moore	Perth Wanneroo		
O'Connor	Mundaring-Geraldton		O'Connor
Pearce	Darling Ranges		
Perth	Perth	Perth	
Stirling	Perth Stirling		
Swan	Perth Swan	Swan	
Tangney	Perth South		Tangney
S. A.			
Adelaide	Adelaide	Adelaide	
Barker	Riverlands-Gambier	Barker	
Boothby	Adelaide South	Boothby	
Grey	Spencer-Eyre	Grey	
Hindmarsh	Adelaide West	Hindmarsh	
Kingston	Noaralunga		Kingston
Makin	Adelaide North		
Mayo	Adelaide Hills	Angas	
Port Adelaide	Port Adelaide		
Sturt	Adelaide East		
Wakefield	Elizabeth-Wakefield	Wakefield	
TASMANIA			
Bass	Launceston	Bass	
Braddon	Bass		
Denison	Hobart	Denison	
Franklin	Hobart Huon	Franklin	
Lyons	Midlands		Lyons
ACT			
Canberra	Canberra South		
Fraser	Canberra North		
N.T.			
Lingiari	Top End		
Solomon	Darwin		

3. PREFERENTIAL VOTING TO BE INTRODUCED FOR ABOVE THE LINE SENATE VOTING:

The thesis that the Parliament should reflect the voting intentions of the people is also at risk with the current Senate preferential voting system. While the proportional representation system used to elect the Senate has produced a chamber that better reflect the relative strengths of the parties in most elections, in 2004 the system failed to produce a chamber that reflected the voting strengths of the parties. This occurred as a result of the group list voting tickets preferences system which, in at least two states, produced outcomes that did not reflect the relative voting strengths of the various parties.

VOTER SUPPORT AND SENATE SEATS WON – 2004

Party	% vote	% seats won	No. seats
LIB/NAT	45.15	52.5	21
ALP	34.96	40.0	16
GREENS	7.59	5.0	2
DEMOCRATS	2.09	0.0	
FAMILY FIRST	1.74	2.5	1
ONE NATION	1.8	0.0	
CDP	1.15	0.0	
LFF	0.9	0.0	
OTHER	4.62	0.0	

The most dramatic over-representation is that of the Coalition, which won 52.5% of the seats with just 45.2% of the vote. Thus, while 55% of Australians voted for a non-Coalition Senate majority, the result was a Senate controlled by the Government. Given strong consistent support shown in various polls for the proposition that the Government of the day should not control the Senate, the Committee needs to explore the reasons why the Senate ballot produced the result it did and whether this is fair.

The most obvious reasons is the number of Senate seats up for election – 6 in each State. This contains an inbuilt bias to the two major parties in that 3 out of 6 seats (50%) can be obtained with just 42.9% of the vote. However the system has made it impossible up until now for a party to receive the 57.1% of the vote necessary to win 4 out of 6 seats.

In this election, the Coalition won 4 out of 6 in Queensland and went close in Western Australia. The party support for Queensland shows that this result was very different from the party support base:

VOTER SUPPORT IN QUEENSLAND SENATE POLL 2004:

Party	% vote	Quotas	Swing
LIB/NAT	44.98	3.15	0.92
- Liberal	38.38	2.69	3.42
- Nationals	6.60	0.46	-2.5

ALP	31.65	2.22	-0.08
GRNS	5.37	0.38	2.06
DEMS	2.2	0.15	-4.49
LFF	0.99	0.07	0.99
HEMP	0.77	0.05	-0.54
Progressive*	**41.82**	**2.93**	**-1.62**
O.NAT	3.13	0.22	-6.89
FF	3.36	0.24	3.36
HANSON	4.25	0.30	4.25
FISH	1.28	0.09	1.28
OTHER	2.02	0.14	0.45

(* includes ALP, Greens, Democrats, Liberals for Forests, HEMP, Socialist Alliance, Hetty Johnston, Progressive Alliance, Great Australians)

It is quite an astonishing result that the Coalition won 4 Senate seats in Queensland with just 3.15 quotas. The anomalous nature of this result is also reflected in the fact that the 'progressive parties' who currently make up the Senate non-government majority won 2.93 quotas but failed to win a majority.

The influence of the Senate Group List Voting Tickets is shown by comparing the allocation of below the line preferences with above the line preferences for the various parties as the existed between the Government and non-Government parties:

PREFERENCE FLOWS IN 2004 QLD SENATE ELECTION COUNT

Party*	% BTL prefs. to Govt	% BTL prefs. To Greens	% BTL prefs. To others*	Ticket votes to Govt	Total preference flow to Govt
LFF/FISH	25.0%	14.1%	60.9%	0%	95.6%
DEMS	16.5%	48.9%	34.6%	0%	2.3%
ALP	18.7%	61.6%	19.7%	0%	1.6%
ONE NATION	17.4%	23.4%	59.2%	100%	
FAMILY FIRST	61.7%	13.1%	25.2%	100%	95.7%
HANSON	82%	18%	0%	100%	93%

(Parties listed in order of elimination. Other parties receiving preferences are those listed further down the table)

Interestingly, the Greens attracted 13-23% of the below the line vote of the three last 'conservative' party eliminations. If the above the line ticket votes had been allocated (and exhausted) in line with the below line preferences flows, the last Senate seat in Queensland would have been won narrowly by the Greens (by about 2800 votes) instead of being won by the Coalition by the 40,000 votes that they won by.

In Victoria, the last seat was won by Family First rather than the Greens or the ALP as a result of a series of preference deals. This denied the 'progressive' voting bloc in Victoria the representation which their voting strength should have afforded them. In this case, it was the preference deal by ALP powerbrokers that disenfranchised hundreds of thousands of ALP voters who would have preferred a Greens senator to a

Family First senator (as demonstrated in Below the line preference flows). The Democrats and Liberals for Forests also allocated to Family First, even though their below the line supporters preferred the Greens to Family First by a substantial margin.

VOTER SUPPORT IN VICTORIAN SENATE POLL 2004:

Party	% vote	Quotas	Swing
LIB/NAT	**44.25**	**3.1**	**4.64**
ALP	36.12	2.53	-0.67
GRNS	8.64	0.60	2.65
DEMS	1.87	0.13	-5.95
LFF	1.84	0.13	-0.56
AGED PENSION.	0.58	0.04	0.58
Progressive*	**50.21**	**3.52**	
O.NAT	0.72	0.05	-1.73
FF	1.9	0.13	1.9
DLP	1.92	0.13	-0.36
CDP	0.34	0.02	-0.25
OTHER	1.82	0.13	-0.25

(* includes ALP, Greens, Democrats, Liberals for Forests, Socialist Alliance, Aged Pensioners, Ex-Service, Progressive Alliance, Our Voice, Hope, Republicans)

If preferences in Victoria had been allocated in accordance with below the line trends (i.e. as voters intended), then the last seat in Victoria would have been decided between the ALP and the Greens with the elimination of Family First likely to result in an ALP victory. Family First would have fallen some 177,000 votes behind the ALP, and the ALP would probably have won the last seat by between 40,000 and 50,000 votes.

PREFERENCE FLOWS IN 2004 VICTORIAN SENATE ELECTION COUNT

Party*	% BTL prefs. to Fam. Fst.	% BTL prefs. To Greens	% BTL prefs. To ALP	% BTL prefs. To others*	Ticket votes
AGED PENS.	9.1%	11.1%	13.1%	66.7%	Fam Fst
ONE NAT	60.8%	6.5%	6.6%	26.1%	Fam. Fst
LIB/NAT	31.7%	9.5%	10.1%	48.7%	Fam. Fst
LFF	16.9%	21.2%	11.5%	50.4%	Fam. Fst
DEMS	19.1%	44.9%	25.1%	11.0%	Fam. Fst
DLP	23.0%	14.8%	62.2%	n.a.	Fam. Fst
ALP	19.5%	80.5%	n.a.	n.a.	Fam Fst

(Parties listed in order of elimination. Other parties receiving preferences are those listed further down the table)

This analysis assumes that Ticket votes would be allocated in a similar manner to below the line votes. This is a reasonable assumption as the below the line samples are quite large (159,000 in Queensland, 70,000 in Victoria) and because most small parties do not hand out how to vote cards at most booths. The analysis assumes that 80% of major party voters are likely to follow their party's how to vote card, as major

parties do cover all booths and long experience shows their voters are more likely to follow how to vote cards.

If the ballot paper allowed for above the line as well as below the line preferences, then the power of party bosses over Group Voting Tickets would be done away with. Voters would determine where their preferences went, and the strange results in Victoria and Queensland would not have occurred. The Senate that voters wanted – the Government strong but without a majority –would have been elected.

The next question then arises should voting above the line be compulsory preferential or optional preferential as now occurs in New South Wales Upper House elections. I think the NSW example is a good case for compulsory preferential voting. The NSW experience showed a high rate of exhausted votes as the majority of electors opted not to provide preferences outside their preferred parties. As a result, the last Council seat was decided with the winner received less than half of a quota. Optional preferential voting in the ACT Assembly has also resulted in the last seat being won with substantially less than a quota. For these reasons, it is argued that Group Voting tickets should be abolished and voters given the choice of allocating a preference of Parties above the line or a preference of CANDIDATES below the line.

Recommendation 4:

That electors be given full control over the flow of their preferences in Senate counts by abolishing Group Voting Tickets and giving voters the choice of allocating their party preferences above the line or candidate preferences below the line, but that voting remain compulsory preferential.

ATTACHMENT A:

1. CALCULATION OF BIAS IN VICTORIAN DIVISIONS:

Minimum of range (40% of 37): 14.8 (rounded out to 14)
Maximum of range (60% of 37): 22.2 (rounded out to 23)
Government two party preferred vote in 2004: 51%

SEATS IN LEVEL OF MARGINALITY

Seats	Margin	Lib 2PP vote to win seat	Seat	Margin	ALP 2PP vote to win seat	Bias*
14. Gippsland	7.7	43.3	14. Bruce	-3.48	45.52	2.22
15. McEwen	6.42	44.58	15. Chisholm	-2.65	46.35	1.77
16. Latrobe	5.83	45.17	16. Ballarat	-2.23	46.77	1.6
17. McMillan	4.99	45.01	17. Holt	-1.51	47.49	1.48
18. Deakin	4.97	45.03	18. Isaacs	-1.48	47.52	1.49
19. Bendigo	-0.96	51.96	19. Bendigo	-0.96	48.04	-3.92
20. Isaacs	-1.48	52.48	20. Deakin	4.97	53.97	1.49
21. Holt	-1.51	52.51	21. McMillan	4.99	53.99	1.48
22. Ballarat	-2.23	53.23	22. Latrobe	5.83	54.83	1.6
23. Chisholm	-2.65	53.65	23. McEwen	6.42	55.42	1.77
					Average	1.098
					Av.excl. Bendigo	1.66

*Bias is the ALP vote needed and the Liberal vote needed to win each number of seats

REDUCED BIAS IN SUGGESTED BOUNDARIES

Seats	Margin	Lib 2PP vote to win seat	Seat	Margin	ALP 2PP vote to win seat	Bias*
14. Higgins	8.76	42.24	14. Ballarat	-2.23	46.77	4.53
15. McEwen	5.46	45.54	15. Hotham	-2.04	46.96	1.42
16. Latrobe	4.25	46.75	16. Chisholm	-1.5	47.5	0.75
17. McMillan	1.25	49.75	17. Holt	-1.5	47.49	-2.26
18. Deakin	1.05	49.95	18. Bendigo	-0.96	48.04	-1.91
19. Isaacs	-0.03	51.03	19. Isaacs	-0.03	48.97	-2.06
20. Bendigo	-0.96	51.96	20. Deakin	1.05	50.05	-1.91
21. Holt	-1.5	52.51	21. Mc Millan	1.25	50.25	-2.26
22. Chisholm	-1.5	52.5	22. Latrobe	4.25	53.25	0.75
23. Hotham	-2.04	53.04	23. McEwen	5.46	54.46	1.42
					Average	-0.15

Community of interest strategy:

The revised boundaries are suggested changes to reduce the level of bias while also improving the extent to which the electoral boundaries meet the community of interest, transport and geographic criteria of section 66 (c). This illustration is done by focusing on local government authority (LGAs) boundaries.

- Whittlesea LGA contained entirely in Scullin (instead of split between two seats)

- Banyule LGA contained entirely in Jagajaga (currently split)

- Bulk of Yarra Ranges LGA contained in seat of Latrobe

- Maroondah LGA in two seats not three (making up bulk of Casey)

- Whitehorse in two seats not three (Deakin now entirely within Whitehorse)

- Monash LGA in two seats not four (Chisholm now entirely within Monash, and Bruce)

- Dandenong LGA contained in two seats not three (Bruce and Isaacs)

- Flinders entirely within Mornington Peninsula LGA (instead of parts of 4 LGAs)

- Casey LGA in two seats rather than three (Dunkley and Holt)

- bulk of Kingston LGA in Hotham and bulk of Frankston LGA in Isaacs

- Latrobe Valley LGA contained entirely in McMillan

- Gippsland to regain all of South Gippsland LGA.

2. CALCULATION OF BIAS IN SOUTH AUSTRALIAN DIVISIONS

Minimum of range (40% of 11): 4.4 (rounded out to 4)
Maximum of range (60% of 11): 6.6 (rounded out to 7)
Government two party preferred vote: 54.36%

SEATS IN LEVEL OF MARGINALITY

Seats	Margin	Lib 2PP vote to win seat	Seat	Margin	ALP 2PP vote to win seat	Bias*
Sturt	6.8	47.56	4. Kingston	0.07	45.71	-1.85
Boothby	5.37	48.99	5. Wakefield	0.67	46.31	-2.68
Makin	0.93	53.43	6. Makin	0.93	46.57	-6.86
Wakefield	0.67	53.69	7. Boothby	5.37	51.01	-2.68
					Average	-3.52

REDUCED BIAS IN SUGGESTED BOUNDARIES

Seats	Margin	Lib 2PP vote to win seat	Seat	Margin	ALP 2PP vote to win seat	Bias*
Sturt	7.31	47.05	4. Kingston	0.07	45.71	-1.34
Boothby	6.25	48.12	5. Wakefield	0.67	46.31	-1.81
Makin	2.52	51.84	6. Makin	2.52	48.16	-3.68
Wakefield	0.67	53.69	7. Boothby	6.25	51.88	-1.81
					Average	-2.15

Community of interest improvements:

South Australia is unusual in having 5 very marginal seats out of 11 seats, creating a notional 'bias' to the ALP. The bias is corrected by making marginal Labor seats safer (Adelaide from 0.92% to 4.1% and Hindmarsh from 0.1% to 1.5%), and some Liberal seats a bit safer (Boothby, Sturt and Makin), while reducing the incidence of split LGAs.

Boothby would include all of Holdfast Bay LGA (currently split with Hindmarsh) and lose its part of Unley to Sturt and part of Marion to Hindmarsh.

Sturt lose all of Tea Tree Gully LGA, Port Adelaide-Enfield LGA and Walkerville LGA, setting a clear northern border of the Torrens River. A clear western border would be

established by picking up the rest of Burnside LGA and Norwood Petersham LGA from Adelaide, along with the south eastern suburbs of Unley LGA from Boothby and Adelaide

Makin would now include all of Tea Tree Gully LGA, lose its part of Port Adelaide LGA to Adelaide and lose part of Salisbury to Port Adelaide.

Hindmarsh would lose all of Holdfast Bay, pick up part the north-western corner of Marion LGA from Boothby and the suburb of Findon from Port Adelaide.

Adelaide loses its eastern suburbs to Sturt, and gains the rest of Walkerville LGA and Port Adelaide-Enfield from Sturt. Its northerly aspect is emphasised by adding parts of Port Adelaide-Enfield LGA from Makin and Port Adelaide..

These changes improve communities of interest with five more local government areas now included in single electorates (Holdfast Bay, Burnside, Norwood-Petersham, Tea Tree Gully and Walkerville) and Port Adelaide-Enfield split between two seats instead of four.

3. CALCULATION OF BIAS IN QUEENSLAND DIVISIONS:

Minimum of range: 7 (as Labor holds only 21% of seats, 6 out of 28)
Maximum of range (60% of 28): 16.8 (rounded out to 17)
Government two party preferred vote: 57.09%

SEATS IN LEVEL OF MARGINALITY

Seats	Margin	Lib 2PP vote to win seat	Seat	Margin	ALP 2PP vote to win seat	Bias*
7. Fisher	12.98	44.11	7. Bonner	0.51	43.42	-0.69
8. Wide Bay	12.89	44.11	8. Moreton	4.17	47.08	2.97
9. Blair	11.21	45.88	9. Hinkler	4.81	47.72	1.84
10. Fairfax	10.83	46.26	10. Herbert	6.2	49.11	2.85
11. Ryan	10.42	46.67	11. Longman	7.66	50.57	3.9
12. Dawson	10.38	46.71	12. Dickson	7.83	50.74	4.03
13. Leichhardt	10.00	47.09	13. Petrie	7.92	50.83	3.74
14. Bowman	9.12	47.97	14. Kennedy	8.95	51.86	3.89
15. Kennedy	8.95	48.14	15. Bowman	9.12	52.03	3.89
16. Petrie	7.92	49.17	16. Leichhardt	10.0	52.91	3.74
17. Dickson	7.83	49.26	17. Dawson	10.38	53.29	4.03
					Average	3.11

Community of interest improvements:

This following analysis reduces the bias from 3.11% to just 0.91% while improving many community of interest considerations. It reduces LGA splits slightly in Dawson and Groom, but this is difficult to achieve in south-east Queensland because the LGAs are so large. Instead, the focus is on reducing the incidence of split suburbs (e.g. Deception Bay, Annerley, Loganholme, Ipswich City) and focusing on transport corridors and geographic features. The boundaries also seek to reduce what are the 'classic' gerrymandering tactics of long snaking electorates (e.g. Petrie, Blair and Moreton), of corralling large numbers of anti-Government voters in safe seats (e.g. Oxley, Capricornia and Griffith), and of including large tracts of unrelated rural hinterlands into metropolitan seats to create moderately safe conservative seats (e.g. Forde and Blair). The improvements are:

Unites all of Bowen LGA in Dawson and all of Broadsound LGA in Capricornia

Returns Peak Downs LGA to coal mining seat of Capricornia

Returns Mundubbera and Gayndah LGAs to other Burnett shires in Wide Bay

Returns Mt Morgan LGA and the Bruce Highway corridor to Hinkler

Unites all of Crows Nest LGA in Groom and returns Clifton LGA to Maranoa

Unites all of Deception Bay in Longman

Emphasises the northern aspect of Petrie by uniting Sandgate with Brackenridge

Reduces the number of seats covering Logan City from 4 to 2 (Rankin and Oxley)

Returns Lota/Many West to Bowman (along the rail corridor)

Joins Tingalpa, Murarrie and Cannon Hill in one seat (Bonner)

Unites all of Annerley and Yeronga in Griffith

Utilises Oxley Creek/Blunder Road as eastern border of Moreton, which picks up Acacia Ridge, completing the Beaudesert Road axis

Corrects the classic gerrymandering device of adding rural hinterland to largely urban seats in Forde and Blair by creating Forde as an overwhelmingly rural seat, and Blair as a mostly urban Ipswich City based seat

Unites most of the Ipswich built up area in the single seat of Blair (instead of having a border running 500 metres east of the CBD)

Unites Loganholme in a single seat (Rankin) rather than split into three seats, and unites Beenleigh with Logan Central

Returns Sinnamon Park to Ryan which contains the other Centenary suburbs

REDUCED BIAS IN SUGGESTED BOUNDARIES

Seats	Margin	Lib 2PP vote to win seat	Seat	Margin	ALP 2PP vote to win seat	Bias*
7. Fisher	12.98	44.11	7. Bonner	0.07	42.98	-1.13
8. Wide Bay	12.89	44.2	8. Moreton	1.36	44.27	0.07
9. Fairfax	10.83	46.26	9. Hinkler	3.1	46.01	-0.25
10. Ryan	10.39	46.7	10. Blair	3.55	46.46	-0.24
11. Leichhardt	10.00	47.09	11. Petrie	5.12	48.03	0.94
12. Dawson	9.63	47.46	12. Herbert	6.2	49.11	1.65
13. Kennedy	8.95	49.12	13. Longman	7.26	50.17	1.05
14. Bowman	7.97	48.14	14. Dickson	7.83	50.74	2.6
15. Dickson	7.83	49.26	15. Bowman	7.97	51.86	2.6
16. Longman	7.26	49.83	16. Kennedy	8.95	50.88	1.05
17. Herbert	6.2	50.89	17. Dawson	9.63	52.54	1.65
18. Petrie	5.12	51.97	18. Leichhardt	10.0	42.98	-1.13
19. Blair	3.55	53.54	19. Ryan	10.39	44.27	0.07
20.Hinkler	3.1	53.99	19. Fairfax	10.83	46.01	-0.25
21. Moreton	1.36	55.73	20. Wide bay	12.89	46.46	-0.24
22. Bonner	0.07	57.02	21. Fisher	12.98	48.03	0.94
					Average	0.91

SENATOR JOHN CHERRY
Australian Democrat Senator for Queensland

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Fax: (07) 3720 8977 Email: senator.cherry@aph.gov.au http://www.democrats.org.au

29 March 2005

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

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JOINT STANDING ON
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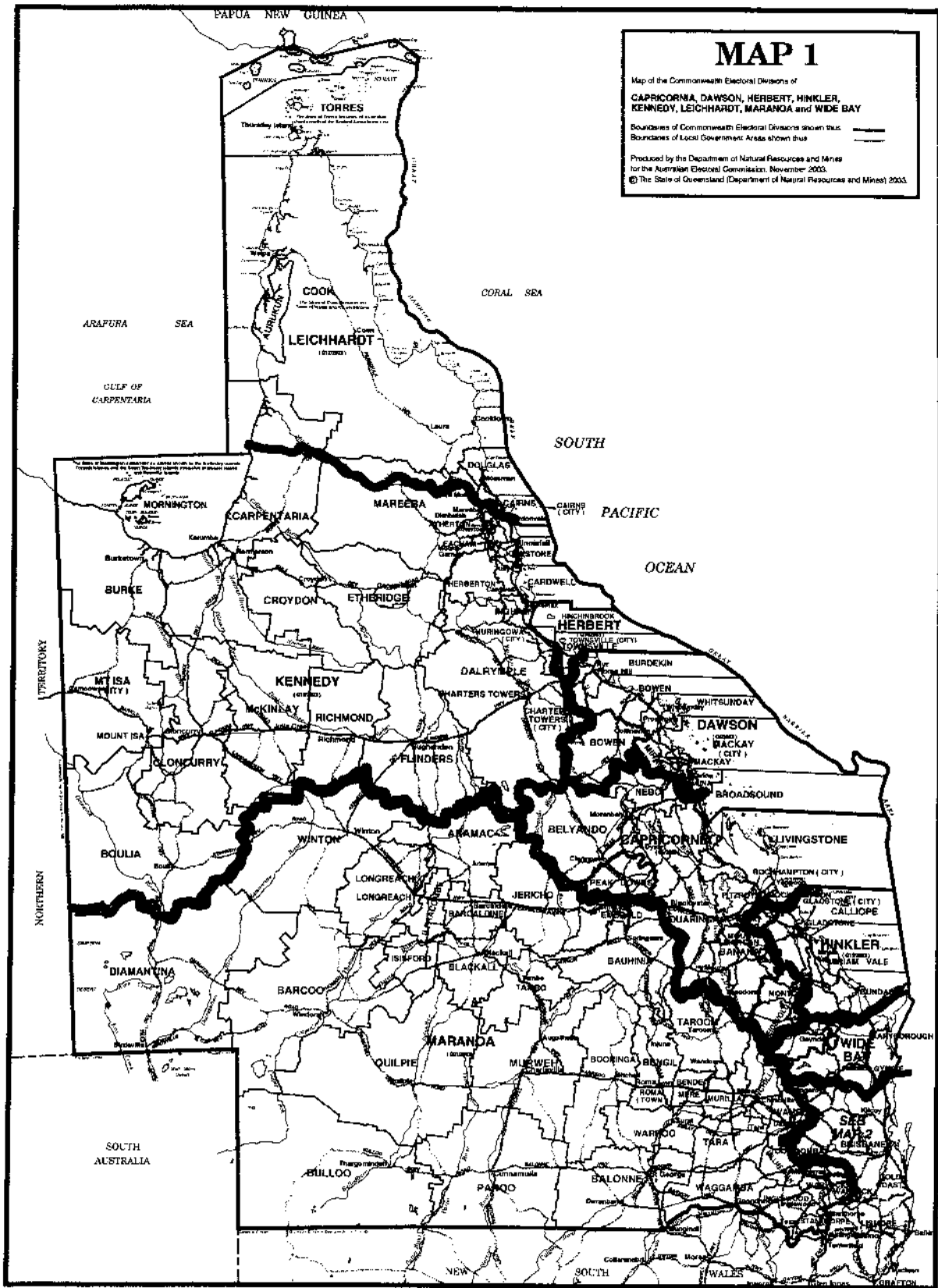ELECTORAL MATTERS
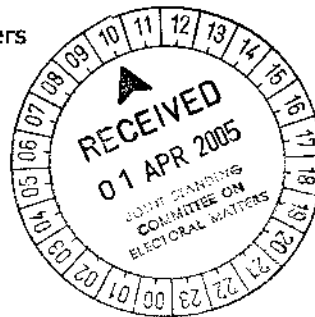
Dear Sir,

Inquiry into the conduct of the 2005 election

Please find attached the second attachment to my submission into the
conduct of the 2005 election. These are the electoral maps which highlight
the changes to electoral divisions suggested in the submission as
correcting the bias in current boundaries.

Should the Committee require further information, please don't hesitate
to contact me.
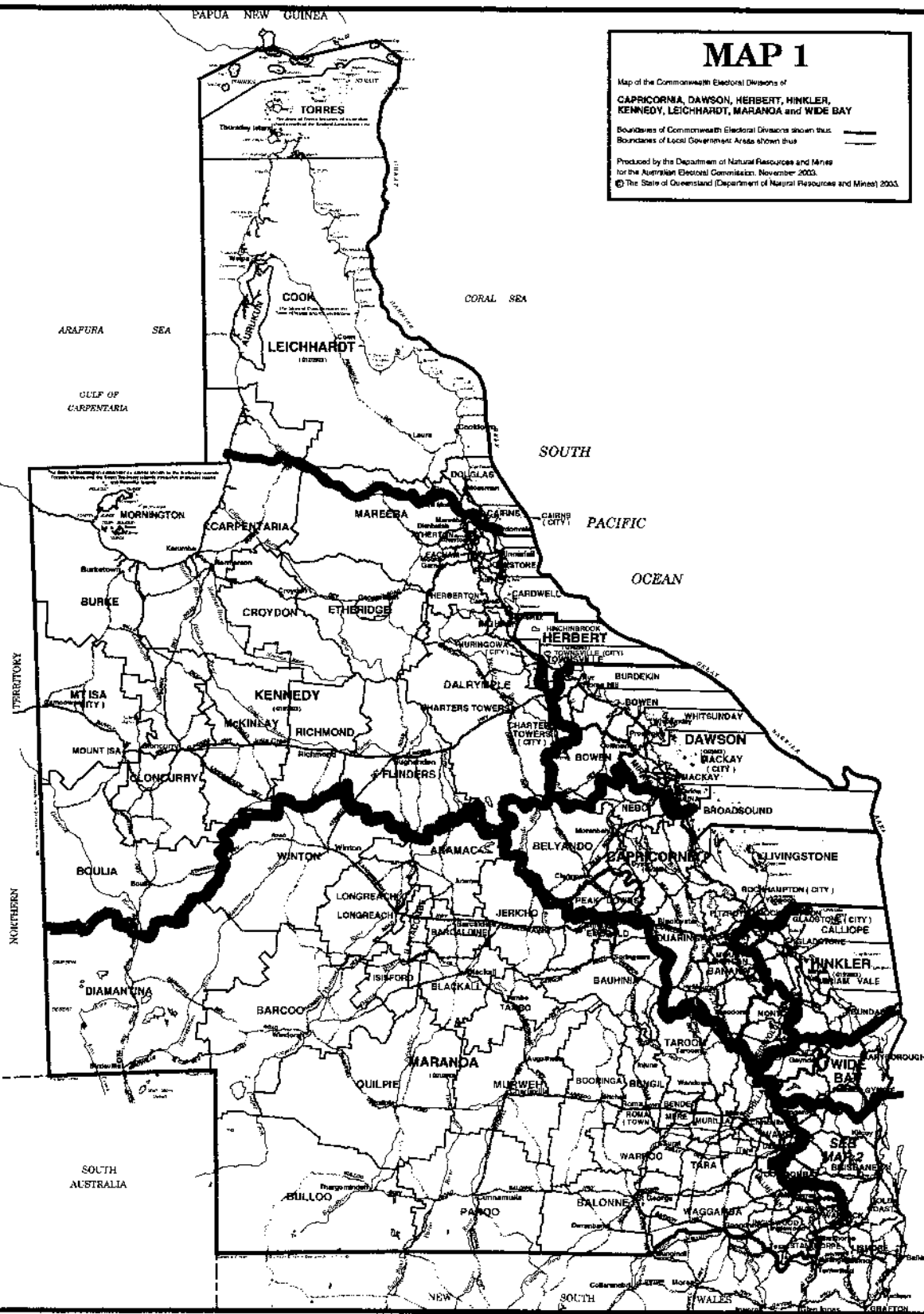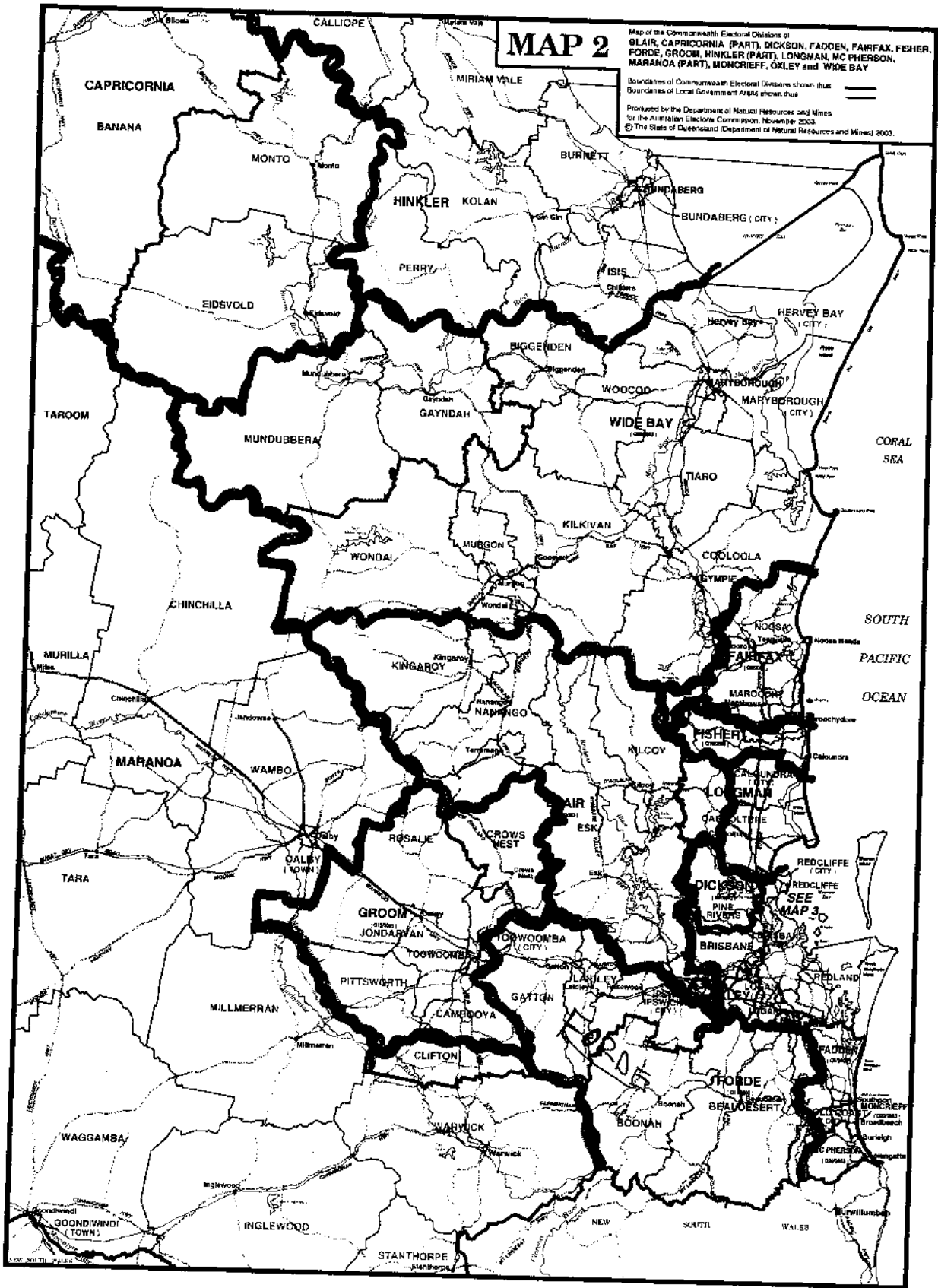
Regards,

Senator John Cherry

MAP 2

Map of the Commonwealth Electoral Divisions of
BLAIR, CAPRICORNIA (PART), DICKSON, FADDEN, FAIRFAX, FISHER,
FORDE, GROOM, HINKLER (PART), LONGMAN, MC PHERSON,
MARANOA (PART), MONCRIEFF, OXLEY and WIDE BAY

Boundaries of Commonwealth Electoral Divisions shown thus
Boundaries of Local Government Areas shown thus

Produced by the Department of Natural Resources and Mines
for the Australian Electoral Commission, November 2003.
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MAP 3

Map of the Commonwealth Electoral Divisions of:
BLAIR (PART), BONNER, BOWMAN, BRISBANE,
DICKSON (PART), FADDEN (PART), FORDE (PART),
GRIFFITH, LILLEY, LONGMAN (PART), MORETON,
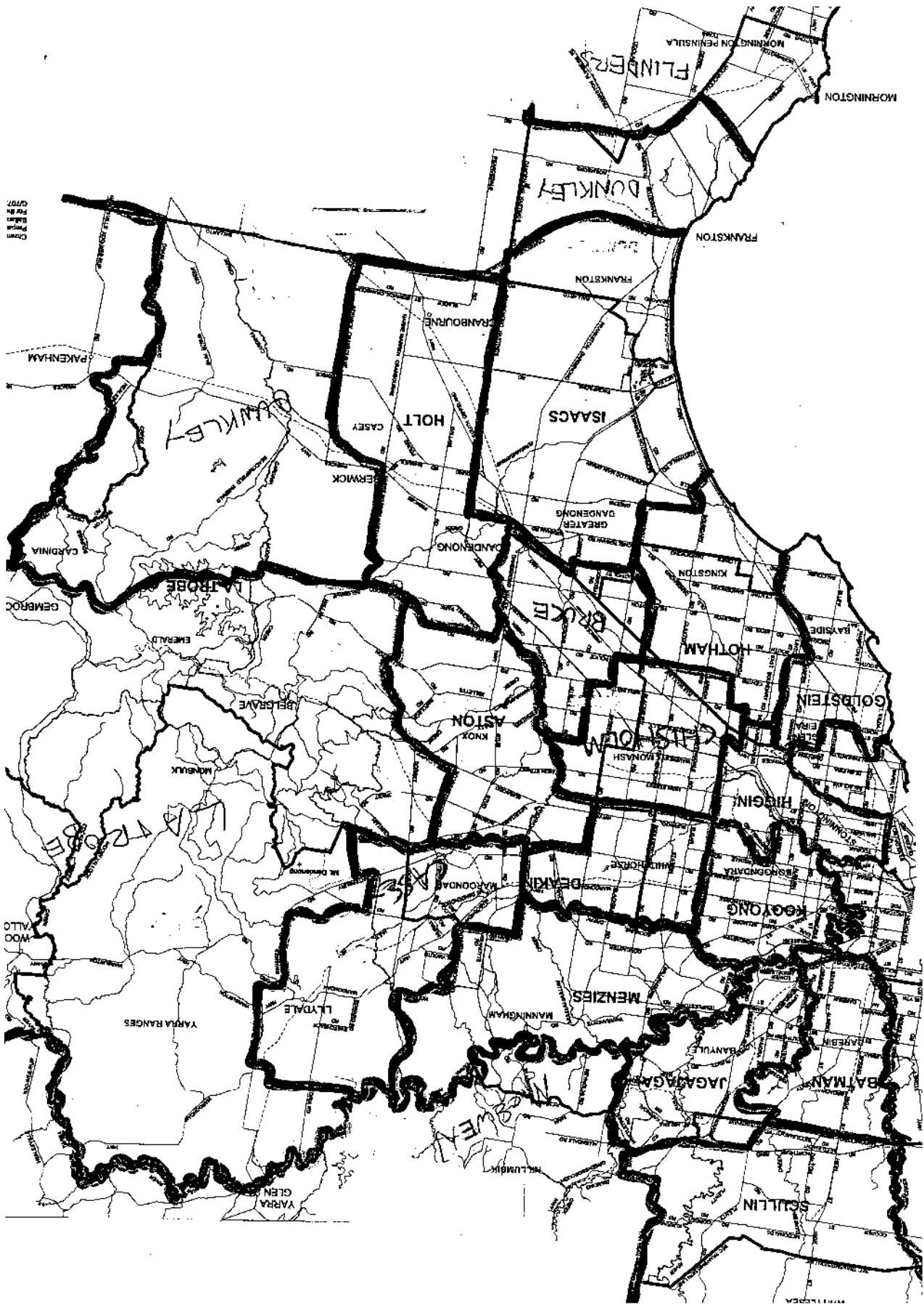OXLEY (PART), PETRIE, RANKIN and RYAN

Boundaries of Commonwealth Electoral Divisions shown thus
Boundaries of Local Government Areas shown thus

Prepared by the Department of Natural Resources and Mines
for the Australian Electoral Commission, November 2003
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BLAIR

CITY OF IPSWICH

RYAN

BONNER

CABOOLTURE

LONGMAN

PETRIE

CITY OF REDCLIFFE

LILLEY

BRISBANE

MORETON

GRIFFITH

BOWMAN
REDLAND

FORDE

OXLEY

RANKIN

LOGAN

BEAUDESERT

FADDEN

CITY OF GOLD COAST

ESK

North Stradbroke Island

Moreton Island

WAKEFIELD

PORT ADELAI

HINDMA

BOOTHB

MAYO

KINGSTON