SUBMISSION 103
Strengthening our democracy through voters understanding what influence they can wield.

Submission to the Joint Standing Committee on Electoral Matters
Inquiry into civics and electoral education

Proportional Representation Society of Australia
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<u>Introduction</u>

The preamble to the Committee's Terms of Reference states that a healthy democracy "needs citizens who are informed, appreciate and participate in the various elements of our representative democracy" and that civics education helps to ensure that citizens are "able to participate effectively".

These are worthy starting points. However, success with civics education won't come easily without the question being raised and discussed frankly of the extent to which citizens are "able to participate effectively" in our national or State/Territory democracies given particular electoral arrangements and political behaviour. Much will depend on the influence voters perceive they have and the view that they have of whether the important political questions are being addressed.

For instance, if there are unnecessarily onerous restrictions on what is regarded as a formal vote, there is an inbuilt obstacle to effective participation that must be acknowledged, but should preferably be removed. Democracy should revolve around voters' expressed wishes being respected on polling day. Voters are unlikely to be inspired or enthused by a political system with obstacles to having their views counted that don't make sense. Expectations of them showing passionate interest in or unlimited patience with a system in which only a few areas experience serious campaigning and campaign commitments are regularly not honoured are unrealistic.

If someone is living in one of the preponderance of safe, single-member electorates that is the norm around the nation or in a region where representation is dominated by a single party, participating effectively may usually come down to joining the dominant party in order to engage in meaningful local political debate or vote in preselections that matter. In particular, citizens in most inner urban or rural areas cannot be expected to maintain enthusiasm for the electoral process if they don't ever get to cast an effective vote in several decades. Quite reasonably, many will not just accept as an accident of democracy the mythology that true electoral competition continues to prevail when they can observe a general lack of political debate locally and soon realize that nearly all elections are forgone conclusions once a particular preselection has been finalised.

Such widespread resignation and even despair is highlighted by the quite different dynamic that suddenly operates in these areas on the rare occasions that an independent (or less often, some other third force) emerges who might successfully challenge for a seat that is not normally in doubt. Often a sizable segment of the electorate welcomes the additional campaigning and media attention that comes with suddenly being in a marginal seat and votes strategically to try to keep things that way.

Were it not for the level of obligation in relation to attendance and voting for those enrolled, and the far greater uncertainty about multi-member Upper House elections that are typically held simultaneously and may return local figures with a political orientation seen as desirable or at least acceptable, many more electors in these circumstances wouldn't bother to turn up at a polling place.

Elements of a strategy to improve voting awareness

While there is much more to a healthy democracy than periodic voting after which the government may change, this submission concentrates on that vital aspect because that is what the Proportional Representation Society of Australia seeks to influence most. Some of our Branches have a wider "electoral reform" agenda that goes some distance beyond advocacy of effective voting, at all points consistently placing major weight on voters' wishes being ascertained and respected.

If voters increasingly sense that there is electoral unfairness or that their views or efforts are futile or largely so, disaffection will continue to spread and even the most public-

spirited efforts at education or involvement are unlikely to be warmly received or bear much fruit. The best remedy is to increase the influence voters have and to engage their interest through the information available in connection with any election.

Our initial specific suggestion is that an "Australian Democracy" Web presence be established. This would complement in a systematic educational, authoritative and entertaining manner the work of current electoral authorities, political parties, academics and other analysts and interest groups and become known over time as the best starting point for those wishing to pursue an interest in the workings of some aspect of our democracy. Beyond matters surrounding voting and counting, basics of our constitution and national values, the way in which important Australian institutions work, what parliamentarians do and the quality of interaction of citizens with elected members, and people's influence through community groups and other organisations working for particular ends, or voicing of views in the media, could be readily taken up through such an initiative.

After examining the persistent unflattering recent record of most Australian electoral systems to emphasise the magnitude of the task ahead of those who believe in the importance of civics education and are prepared to work on improvements, in this submission we set out five high-level non-partisan goals that should be pursued universally in relation to information about voting and its immediate aftermath:

- individual understanding of preferential voting;
- hands-on experience of elections in primary and secondary school;
- availability of material to help lift media performance;
- useful packages for electors before polling day;
- standards for timely accessibility of information about election outcomes.

Their adoption and systematic pursuit should lead to a more informed electorate, able to access helpful material at key times, and generally empowered to participate more effectively and understand what has happened even if often around half continue to be denied an effective vote.

The most dramatic change though would be wrought by having an electoral system where a very high proportion of voters always contributes directly to the election of one or more candidates, and, as in the Hare-Clark system of Tasmania and the Australian Capital Territory, exercises real election-day influence in a setting where genuine local competition is the norm rather than the exception.

Our approach of setting simple goals relating to the understanding of voting and counting could also be extended to cover what it is important to know about Australian values and institutions, and other aspects of effective participation in a representative democracy, and should result in citizens who take any interest being more aware of means through which to effectively promote and press their views.

The Society's interest

The Proportional Representation Society of Australia and its constituent Branches follow in the steps of those like Andrew Inglis Clark and Catherine Helen Spence, who, around the turn of the twentieth century, campaigned energetically for "effective

voting", that is, the use of quota-preferential proportional representation in public elections to fill multiple vacancies simultaneously.

Our objective is to secure the adoption of the quota-preferential method of proportional representation for the election of representative bodies. Not only does this method guarantee fairness to voters, candidates and parties by *minimising wasted votes*, but in its best forms that have been refined in Australia it can also promote widespread vigorous local debate and electoral receptiveness and responsiveness by ensuring that real election-day clout remains with voters who cannot largely be taken for granted.

Just as real competition among providers of goods and services benefits Australians, a situation in which local competition was the rule rather than the exception would invigorate political life and check unhealthy tendencies towards:

• resources being directed excessively towards a small number of marginal seats; and
• power within today's dominant political forces being further concentrated.

That in turn would provide an environment in which high hopes could honestly be entertained for efforts to upgrade civics education as potential new voters and citizens by and large would usually see the point of learning more about how Australian society operates and how to make the most of their real influence.

Both the Proportional Representation Society of Australia and its constituent State/Territory bodies carry out and disseminate election analyses, provide practical community advice and assistance in the conduct of elections, and undertake ongoing public information and advocacy campaigns. Our national Web presence is at http://www.prsa.org.au and that for the Electoral Reform Society of South Australia is at http://www.effectivevoting.org.

The Society's ACT Branch was prominent during the lead-up to the ACT's endorsement of the Hare-Clark system of proportional representation by a 2:1 majority in February 1992 and the entrenchment of its key principles by a similar margin three years later. Our Victorian (now Victoria-Tasmanian) Branch played acknowledged helpful roles during several years of debate as a result of which local government in Victoria is now elected in large part through proportional representation, and the Legislative Council will be elected through quota-preferential methods in eight five-member regions for the first time in November 2006.

In earlier years, other branches played a significant role in the campaigns for change and sometimes also the specific negotiations through which quota-preferential proportional representation was adopted as the method by which the New South Wales, South Australian, and Western Australian Legislative Councils are elected. Advocacy and timely analysis indicating deficiencies in alternative methods in use or under consideration also played a part in local government in New South Wales and South Australia becoming, or continuing to be, elected predominantly by these methods.

This submission will focus on matters to do with voting and the subsequent counting of votes because that is fundamental to a functioning democracy, and to making important judgements about voters' prospects of participating effectively.

Voters have understandably become more cynical about political participation in which "whatever it takes" is often the watchword in campaigning in marginal electorates and generally very little influence can be wielded in practice elsewhere.

We therefore welcome the emphasis in the terms of reference on participating "effectively", and hope that the Committee will explore what that should mean and how the underlying principles on which our democracy is or should be based can best be conveyed to youngsters before they are old enough to enrol, and to electors and residents in general.

<u>A proud tradition of electoral innovation in earlier years</u>

Australia has had a proud tradition of global pathbreaking in terms of bringing some degree of universal inclusion and fairness into electoral arrangements. Many of our innovations have been settled practice for decades here whereas they may be fairly new to other prominent democracies or sometimes haven't yet been taken up there.

For instance:

- the first public filling of multiple vacancies by quota-preferential means in the world occurred at Australia's first local government election in Adelaide in 1840;
- the secret ballot itself is still known as the "Australian ballot" in parts of the United States;
- the square alongside candidates' names on the ballot-paper is an Australian invention;
- preferential voting is a feature of all State and national elections (but regrettably not those for local government in Western Australia or multi-member wards in Queensland);
- the franchise was extended to women at an early stage of our democratic development;
- Tasmania's Hare-Clark system of proportional representation is approaching a century of continuous use – in that time, the adoption of countback to fill casual vacancies and the use of Robson Rotation to share out down-the-column votes have added further to voters' election-day influence;
- early disputes over the maintenance of a permanent continuous electoral roll were settled fairly quickly and have only recently been re-opened to some degree;
- while some partisan controversy attended the provision that was gradually made for postal and absentee voting, it is an aspect of electoral arrangements that has remained relatively settled for decades;
- pre-poll voting became an accepted feature of Australian elections in more recent times without major dispute;
- after participation rates declined markedly to often just above 50%, widespread agreement was reached about the desirability of requiring all citizens to enrol and vote - the latter obligation is only now being increasingly questioned in some quarters;
- lopsided Senates ceased to be a source of public ridicule after the passage in 1948 of legislation changing the second failed "winner take all" electoral system to quota-preferential proportional representation;
- the composition of upper houses elected by proportional representation has closely reflected voters' wishes and helped transform those bodies into achieving lasting legitimacy by undertaking detailed scrutiny of legislation and exercising other roles

enhancing political accountability and showing responsiveness to society's problems;

- having independent statutory bodies conducting elections has become established practice in most jurisdictions;
- electoral boundaries are now determined with limited enrolment imbalances in all jurisdictions and without any prospect of a government setting aside recommendations for change;
- there has been pioneering conduct of some local government elections entirely by postal ballot, a practice extended to the election in 1997 of half the delegates to the last federal Constitutional Convention;
- at each national referendum there is an obligation to send out 'yes' and 'no' cases authorised by the parliamentarians supporting those respective views, and at some elections, packages bearing candidate information within stipulated formats are despatched to every elector; and
- some of our jurisdictions such as the ACT continue outstanding world-leading developmental work on aspects of electronic voting and counting as well as having an extremely helpful Web presence.

The general thrust of these developments over many generations was acceptance, with varying degrees of enthusiasm and sometimes only after protracted struggle, of the premise that as many citizens as possible should be able to vote at an election that was characterised by a basic instinct of fairness, and acceptance by all contending parties of the people's will expressed on polling day.

Information about past battles and celebrating the manner of their eventual settlement should be more readily accessible to students, the general public and researchers. Interest could be enhanced by:

- pointing to authoritative sources;
- providing a historical perspective and a forum for high-standard presentation of differences of opinion about key ongoing issues;
- having readily available copies of appropriate original documents and other source material; and
- including suitable audio or video excerpts and presentations.

Promotion of vigorous discussion about electoral systems

Some of this key background material about the principles and practice of voting is already available on individual sites maintained by:

- electoral authorities (links to all appear at http://www.elections.act.gov.au/links.html and http://www.aec.gov.au/_content/how/links/austsites.htm#state for instance);
- the ABC in its coverage of elections (http://abc.net.au/elections);
- academics (for instance, http://elections.uwa.edu.au/ and http://psephos.adam-carr.net) or others with a keen interest in public affairs (for example, http://www.pollbludger.com/ and http://www.mumble.com.au/) or who wish to facilitate debates (http://www.onlineopinion.com.au/); and
- public-spirited organisations such as the Proportional Representation Society of Australia (http://www.prsa.org.au)

Research papers produced for parliamentarians are also often substantial and of high quality (many at http://www.aph.gov.au/library/intguide/archive.htm and http://www.parliament.nsw.gov.au/prod/parlment/publications.nsf/V3ListRPSubject),, but locating them on the Web is not always straightforward.

No current Web site can serve as a complete starting point for the quite different types of audiences that should be catered for nor can most people quickly gauge where authoritative material on a particular aspect of Australian democracy of immediate interest to them can most readily be found.

How an Australian Democracy Web site might work

The presence of a designated Australian Democracy site where a wide range of useful material could be downloaded or ordered would tend to result in both ongoing submission of worthwhile new material from various quarters, and the appearance there of more comprehensive links to a much wider range of content meeting quality standards that are explicitly set out.

Election authorities would gain much from co-operating and being able to place a deal of historical material on such a site with suitable links from their own and could at times be persuaded to make some resources available for regular upgrades of such a presence. Others in academia and the community are also likely to volunteer specialist material and links, and it would be feasible to set quality guidelines for the acceptance and display of such contributions. An example of how this has been done quite well in providing reliable information about health from a variety of sources on a host of topics is the site http://www.healthinsite.gov.au.

We believe that materials should be available at three different basic levels:

- conceptual, suitable for media or other presentations where space or time is at a premium;
- intermediate, going through the different interactive stages suited to primary and secondary students; and
- advanced, for those who want a wealth of detail or to canvass questions at the cutting edge of practice or knowledge.

All organisations providing a range of information such as that mentioned above serve a healthy purpose and their continued individual efforts should be encouraged. An Australian Democracy site would act as a reliable port of first call for people uncertain of where to start looking as well as those wanting to maximise their chances of finding specific information quickly.

The readily-anticipated availability of suitable materials on the basis of which people can ask questions, obtain access to differing points of view and make their judgements on matters they regard as important would play an important role in the promotion of democratic ideals both in relation to voting and more broadly.

An obvious body to manage or facilitate such a presence is the Electoral Council of Australia because it can be seen as an appropriate agent for encouraging democratic debate rather than an organisation tied up in administering systems with quite specific rules that individual electoral authorities have as their raison d'etre and therefore first priority.

It has already produced some useful compendia of practice in different jurisdictions (though that material is not always completely accurate, reflecting a need for greater quality control over content) and also has some research papers available, as well as being ideally placed to draw upon the expertise and goodwill of officials in organisations that its members head.

It would be in a position to take a broad perspective that highlighted past electoral achievements while remaining frank but impartial about some of the initial battles and without appearing to reflect on legislation in force in any particular jurisdiction. Such an approach would complement what individual electoral authorities find desirable or necessary to present in the conduct of elections according to legislation currently in place, by systematically offering important historical information that would not always be viewed by such individual bodies as being among their major priorities.

Another possibility as custodian for an Australian Democracy site would be the Commonwealth Parliamentary Library though it is under pressure to produce material to tight deadlines and would need additional dedicated resources as well as establishing closer formal links with electoral authorities.

Outsourcing the task through a tender for say three years in the first instance, probably to an academic or training organisation, is another possibility, but perhaps less attractive than handing responsibility to a body that can quickly assemble much of the desired initial nucleus of material and obtain the co-operation of those whose positive involvement will be critical to continued success.

While such a testing of the market might produce interesting new ideas and approaches, those not immediately successful might take the view that their longer-term goals are best served by keeping some of their potential light under a bushel. This might however be a worthwhile strategy after an initial set-up period.

Specific matters to be covered

The Proportional Representation Society of Australia suggests that there be a strong focus on fairness in the democratic process, and in particular fairness to *voters, candidates and parties* when it comes to voting and other aspects of democratic participation. In that way, a number of fundamental questions can be opened right up, information presented on various of their aspects, details of further available reference points be set out, and people be invited to come to their own understanding and draw their own conclusions in an environment rich in facts, informed opinion and stimulating multimedia material.

What "fairness" might mean in relation to elections covers a lot of territory. Some of the questions which need exploration and vigorous debate facilitated by the material made widely available to Australians include:

- What are we trying to achieve at a general election?
- Is the voter to be an active participant, or should the shaping of parliaments be left to those who carry major influence within parties?
- How much does it really matter the way that votes are counted once the polls have closed?
- What sense can be given to the term "one vote one value"?

- Is it just bad luck if supporters of a party with significant support cannot achieve direct representation in their region?

The Proportional Representation Society of Australia and its constituent branches would avail ourselves of opportunities to contribute public-spiritedly to the preparation of material supportive or critical of particular electoral systems.

The full blocks of materials produced in this manner would be readily accessible to Australians who are increasingly obtaining information online, but an additional effort should be made to produce multimedia packages for local and school libraries. The material currently on the http://www.civicsandcitizenship.gov.au site may be helpful to teachers with a modest knowledge of the subject matter but is not particularly attractive to the casual visitor or anyone with reasonable background knowledge.

We would like to see the Parliamentary Education Offices given additional resources to develop a number of further materials also and to aim to have every primary school and every secondary school student come through their premises at some stage. Such experiences, however fleeting, can make a lasting impression on young visitors even if their minds appear to be wandering from time to time during their excursion.

The States and Territories might then see fit to extend opportunities for those particularly in rural and remote areas to visit and experience their nearest major institutions of democracy by having a program such as the Parliament and Civics Education Rebate that was presented as an expanded package in this year's federal Budget.

Where more specialised knowledge is required, the availability of purpose-specific funding for academics and other expert advisers and community bodies with multi-media skills should enable the development of materials that:

- celebrate the achievements of the past;
- point to inevitable tensions between certain desirable outcomes in a democracy; and
- open up for thought and debate the full range of possibilities for the future.

<u>Recent unfortunate consequences of failure to make voters' wishes central in Commonwealth elections</u>

Despite the lengthy Australian tradition of democratic innovation and global leadership, in the past twenty-five years there has been a disturbing trend *away* from putting voters' wishes at the centre of the electoral system.

It would be naïve to deny that the prospect of partisan advantage did not influence aspects of debate over various past electoral amendments involving matters that are now largely settled. However, in an unhealthy sign of an increasingly "whatever it takes" approach to the pursuit of office or re-election in recent years, opportunities have routinely been missed to cure known electoral-system ills by listening more closely to the wishes of voters.

Instead, efforts appear to have been made to tilt the playing field in one perceived self-interested direction or another and to further facilitate the concentration of real political influence in relatively few people. With accelerating imbalances between the massive

resources available to governments and the limited facilities available to oppositions when putting together and costing proposals, and often a marked reluctance by oppositions to go out on a limb to persuade voters on a particular issue, the power of incumbency has strengthened and typically it will require major scandals or long-simmering discontent rather than a sense of tiredness or inferiority before government changes.

Where citizens witness or hear of political party behaviour not consistent with established notions of fairness or not conducive to providing parliamentary scrutiny of government decisions, it is not surprising if they decide to steer clear of such shenanigans and do little beyond taking a fairly dim view of politics in general and deliberately voting against fraying or decaying governments from time to time.

In the modern era where differences between parties contending for government have often greatly diminished, there appear to be no lasting commitments to enhancing the role or influence of voters, or adherence to principles that would help the people's will be clearly reflected in electoral outcomes. Just as at times in the past, parties regularly find themselves disadvantaged by some electoral scheme that they expected to be favourable to their immediate interests. It would be advantageous for democracy and usually preferable for participants if they could all bring themselves to simply settle for arrangements that are centred on voters' wishes and demonstrably fair, and put more of their efforts into persuading the electorate of why they are deserving of trust.

House of Representatives votes needlessly rendered informal at the start of the scrutiny

For instance, many older cynics might point to the coincidence of the Labor Party's longstanding national platform for optional preferential voting lasting while it regarded itself as disadvantaged by preference flows, and being altered towards support for compulsory marking of preferences not all that long after it became widely recognised that the party was now generally benefiting from these flows.

At earlier times, it was argued passionately that the basis of democracy was a respect for voters' actual views and that high rates of informal voting should be regarded as scandalous and tackled by making it easier for voters to have their wishes counted. Now, while party names appear helpfully on the ballot-paper, unless those views fit into a particular mould, in some quarters it is accepted almost without demur that they should be disregarded at the outset.

Two consequences of decisive leadership and ongoing campaigning on the earlier strong national ALP platform were the introduction of optional preferential voting for the Legislative Assemblies of New South Wales and Queensland. In addition, savings provisions existing in several jurisdictions mean that where voters make a mistake in numbering but could still possibly contribute to the election of one or more candidates, they do not automatically have their efforts ignored.

Such arrangements maximise the level of formal votes recorded but raise the possibility of some degree of exhaustion of ballot-papers if voters for candidates that are excluded have not been sufficiently persuaded of the merits of the remaining continuing candidates.

On the other hand, after some tolerance was shown in the 1983 amendments, mistakes or deliberate repetition of numbers at House of Representatives elections now result

again in a vote being declared informal at the outset. Consequently an *artificially low* majority is asked of the candidate who subsequently is declared elected in any single-member electorate. That should not be a matter of any pride in a democracy.

A more open and sensitive approach would have involved stepping up efforts to make voters more aware of how preferential voting works and accepting inadvertent errors in numbering. There was no threat to democracy in the misguided campaign of Albert Langer, who advocated that voters deliberately start repeating numbers so that major party candidates would be denied an absolute majority of all votes, under a misapprehension that there is the possibility of denying such candidates election through these means.

In a remarkable display after his imprisonment in 1996 for refusing to desist from his advocacy of such behaviour in contravention of the previous Section 329A of the Commonwealth Electoral Act, only the Greens expressed parliamentary dissent from restoration of the previous requirement for full marking of preferences without omission (other than in the final square) or duplication in order that a ballot-paper be accepted as formal.

The argument that it is in some way *necessary* or even particularly virtuous to require full marking of preferences is specious. The more onerous the requirement upon voters, the greater will be the level of non-participation and informal voting among those who do turn up at polling places. There is no great merit in a winning candidate obtaining a majority of the votes accepted as formal if these numbers mask the extent of dissatisfaction by voters whose efforts were deliberately or inadvertently informal.

In a functioning democracy, questions about the level of satisfaction voters actually have with available candidates are not seen as some threat precisely because there is sufficient confidence in the demonstrable legitimacy of outcomes in all circumstances to accept however voters choose to express themselves and translate that fairly into representation.

Incidentally, during his last term in Parliament, Sir William McMahon revealed that Sir Robert Menzies was in favour of optional preferential voting and asked electoral officials to draw up a report on the matter. However, the status quo prevailed because Cabinet could not get the "satisfaction" it wanted before it would agree to a change.

Six Senate vacancies ordinarily in each State a backward step

When the House of Representatives was enlarged in 1983 following the combined vote of the Labor and National Parties, at future half-Senate elections the existence of six vacancies meant that normally half the seats (guaranteed by 42.9% support) rather than a majority (requiring just over 57.1% after distribution of preferences) could be aspired to by the largest parties in any State.

While the decrease of the quota from just under 16.7% to just below 14.3% can be portrayed as potentially opening the door for the election of more candidates with under a quota of first preferences, the new arrangement was clearly inferior to the previous one whereby a majority of the votes in a State led to a majority of the seats while other significant bodies of opinion could also secure representation.

With voting for candidates not from either the Labor Party or the Coalition continuing on a longstanding upward trend, it took twenty years for either of those entities to win a majority of seats in any State. At the half-Senate election in Queensland in 2004, a quota of votes held by the last continuing candidates for three groups (One Nation, Pauline Hanson and Family First) at an advanced stage during the scrutiny flowed to the separate continuing candidates of the Liberal and National Parties who were both elected as a consequence.

Had there been a combined Coalition team, on the aggregate levels of support shown by voters for the Liberals or Nationals, quite clearly only three of their number would have been elected because there wouldn't have been two continuing candidates available to attract available preference flows in the final counts.

Apart from having to lift its levels of voter support significantly from those applying in recent years, to achieve a half-Senate majority in any State, Labor would have to run separate metropolitan and regional/rural lists (or otherwise arrange to have more than one team) to have a chance of capturing four of the six seats.

While the sizes of the Senate and House of Representatives are linked constitutionally, and an attempt at breaking the nexus failed in the 1960s, voters might be prepared to accept a properly-explained amendment under which seven and five Senate vacancies would alternate in normal circumstances.

Such a proposal of always electing odd numbers except at a double dissolution would not lend itself easily to a negative campaign seeking to exploit distrust or fear except if it were advanced at a time when expansion of the parliament was being proposed simultaneously. Nevertheless, a prerequisite for success would be a good deal of persistent effort over an extended period of time put into explaining to voters why such a change recognising and rewarding majorities of votes at half-Senate elections would be beneficial for our democracy.

The Senate party-box short-cut regularly backfires

There is another object lesson in Senate voting arrangements over a lengthy period about how it is preferable to listen carefully to voters rather than to insist on applying heavy-handed guidance to their polling-day participation.

When the second defective "winner take all" majority-preferential method of electing the Senate was being replaced by quota-preferential proportional representation in 1948, despite Opposition protests, the Chifley Government insisted that all squares on the ballot-paper (with one possible exception left blank) be marked sequentially for a vote to be formal. As has often happened when a government fails to put voters' wishes at the heart of an electoral system that it amends, Labor continued to be noticeably disadvantaged by the exorbitantly high number of votes unnecessarily set aside as informal under the requirements that it had imposed, and for decades was not in a position to effect change.

For instance, a deliberate proliferation of nominations at the double dissolution election of 1974 led to 12.3% informal votes when the names of 73 candidates appeared on the ballot-paper in New South Wales and resulted in Labor narrowly failing to turn its unusually strong support into the election of a sixth Senator out of the ten places available. Its subsequent legislation to introduce optional preferential voting for both

the House of Representatives and Senate was opposed by both the Liberal and Country Parties.

In 1983, by which time the Australian Democrats held the balance of power in the Senate, the long-standing problem of high levels of informal voting in Senate elections was tackled. Unfortunately it was not done directly by being much more liberal in admitting ballot-papers to the scrutiny when there is a clear first preference and possibly a further small sequence of at least a particular magnitude to follow.

Instead, party boxes were introduced, with associated registered ticket votes that made it straightforward for voters to endorse lists of preferences that authorised party personnel officially lodged with the Australian Electoral Commission, often after extensive negotiation or horse-trading. Voters accepting such guidance could easily register a formal vote by endorsing a single party box whereas those still choosing to do their own numbering were given precious little latitude.

Those numbering squares opposite the names of individual candidates "below the line" under the new arrangements would cast a formal vote provided they had expressed a clear first preference, marked at least 90% of the squares, and made no more than three omissions or duplications. There is no logical reason for either the accepted maximum level of departure from sequential numbering or the proportion of squares allowed to be left blank.

Although little emphasis has been placed on voting below the line when the Australian Electoral Commission advertises, in the Territories and Tasmania where there are usually reasonably small numbers of candidates and awareness remains of voters' influence under the Hare-Clark system, up to 20% of ballot-papers are marked below the line. Very few electors would be able to state accurately the flexibility allowed in the recording of a formal Senate vote that way.

Elsewhere fewer than 5% of voters take the relatively onerous below-the-line route after the Coalition quickly set aside its initial misgivings about the new arrangements. Nevertheless, quite a deal of time is still spent on checking below-the-line numbering and typically noting any first break in sequence when they are accepted, whereas often in the remainder of the scrutiny no number beyond the first or second dozen will need to be inspected or otherwise invoked. This waste and some of the unintended consequences that have followed would have been averted had the parliament shown an interest in making it easy for voters to record their views irrespective of how these compared with the recommendations of individual parties.

While rates of informal voting have declined through the availability of party boxes, a variety of new problems have arisen through the massive leverage given to those concluding the orders of preferences for their registered tickets. However, before these manifested themselves, the Special Minister of State was severely embarrassed on election night in 1984 when House of Representatives informal votes skyrocketed. Large numbers of voters absorbed only part of the advertising about a simple way of voting in the Senate through party boxes and (not altogether unreasonably) assumed that similar arrangements applied for the House of Representatives.

Were it not for uncertainty about whether the constitutional requirement that Senators be elected directly by the people would be met if the names of individual candidates

were removed from the ballot-paper, efforts might already have been made to give voters just a choice of party lists.

The respective constitutions of Western Australia and the Commonwealth require members of parliament to be elected directly by the people, though the 1977 federal constitutional amendments brought in a scheme whereby vacating Senators would have to be replaced by someone nominated by their party at the time of election were it still in existence.

Western Australia allows only one registered ticket for each party, whereas two or three are possible in Senate elections, and in Sections 272 (4) and (5) of the Commonwealth Electoral Act is a curious attempt at a savings provision in the event that the High Court declares that multiple registered tickets violate the principle of direct election. At some point, a candidate denied election through the application of these provisions will recognise the legal uncertainty surrounding multiple registered tickets within the time permitted to lodge disputes and challenge their validity.

Voters find it hard to download particulars of all potentially relevant registered ticket votes and, despite the specific requirements of the legislation, often experience great difficulty in locating their particulars if they ask officials in individual polling places on election day. Therefore it is not surprising if very few become aware in advance that party operatives may have made some strategic decisions related to preferences that are capable of backfiring or at least causing widespread public disquiet when their consequences become known.

In 1990, the last Senatorial place in New South Wales was in practice determined by the decision of powerbrokers within two groups to blackball former Liberal Senator Chris Puplick in their registered voting lists. Few Grey Power and Citizens' Electoral Councils Group supporters who marked those two party boxes would have ever become aware that they were responsible for putting in a third Labor rather than a third Coalition Senator.

Tasmania and Victoria in 2004 provided an interesting contrast in what happened when Labor and the Australian Democrats placed Family First ahead of the Greens in the hope of themselves attracting votes after the exclusion of the last Family First continuing candidate towards the end of the scrutiny.

Because Family First received greater support than the Australian Democrats and worked its way to a progress total above that of the last continuing Labor candidate, in each case it rather than the Greens benefited from party ticket votes for the Australian Democrats and Labor. In Victoria, Stephen Fielding was elected as a Family First Senator after starting with 1.88% of first preferences, whereas in Tasmania because a significant proportion of voters chose to vote below the line and did not follow the strategic miscalculation of the registered tickets in their numbering, Christine Milne was elected as a Green Senator.

Registered ticket votes are now allowed to be lodged up to 48 hours after the declaration of candidates who have successfully nominated. During nerve-wracking negotiations, party operatives are essentially often trying to outmanoeuvre others with a view to benefiting from their ticket votes when their final continuing candidate is excluded.

However because the relative standings of continuing candidates towards the end of a scrutiny usually cannot be predicted with any confidence, as in the case of the election of Senator Fielding in 2004, the consequences may be flows of votes that surprise, disturb or dumbfound those who acquiesced in innocent ignorance and trust, or because the alternative of marking almost all the individual squares seemed too demanding.

At the height of her own public recognition and influence following the 1996 elections, then Australian Democrat leader Cheryl Kernot stated that the period for registering ticket votes was probably her worst time in politics because "it has become the darkest kind of auction which denies the democratic rights of people who vote, and entrenches it in the hands of a few party officials." Senator Kernot said that the major parties had tried to play off the Democrats and the Greens and that in Western Australia, the ALP had registered a single ticket placing the Greens ahead of the Democrats even though Labor had complained about the difficulty of working with their two senators.

There has been a growing tendency among many of the smaller groupings to deliberately put Liberal and Labor last or nearly so, opening up greater possibilities for one of the smaller parties to harvest the final quota of votes. For instance, at the NSW Senate elections in 2004, the leading liberals for forests candidate began with just over 20,000 first preferences and reached nearly 250,000 votes or just under half a quota at the point of exclusion, less than 2,000 votes short of the Christian Democrat progress total. Had these been the other way round, he'd have obtained a boost of more than 200,000 votes and become the last remaining non-elected candidate, losing only because the Greens had refused to give him an early preference.

Senate transfer values definition untenable in computer age

Although its attempt to introduce a reducing quota for the Senate in 1983 failed because of identified drafting confusion over the difference between non-transferable and exhausted ballot-papers, Labor persisted with its officials' flawed technique for the unweighted calculation of a transfer value using all ballot-papers contributing to a candidate's election rather than just those received in the parcel taking the progress total beyond the quota.

Surpluses have simply been divided by the total number of ballot-papers contributing to a particular candidate's election and all papers transferred at that value or exhausted. Anyone with basic mathematical training will immediately recognise that this approach can lead to some transfer values increasing during the course of a scrutiny and therefore some voters exercising more than a single vote worth of influence.

This flaw has been criticised from the outset by the Proportional Representation Society of Australia and others familiar with quota-preferential principles. While the unweighted method was adopted in the 1980s to calculate transfer values at elections for the Legislative Councils of South Australia and Western Australia, there was never any chance of it being approved or applied overseas.

The defect was recognised by the Western Australian government after a review following controversy over transfer values in the Mining and Pastoral Region following the 2001 Legislative Council elections. Attorney-General Jim McGinty has indicated that he intends to proceed with amendments along the lines of those set out in the *Electoral and Constitution Amendment Bill 2003.*

A weighted inclusive approach will be taken to the transfer value definition because that avoids potential anomalies such as some transfer values rising during the distribution of a surplus. The same proportion of each vote's remaining unused value will be held to contribute to the election of the successful candidate, and the remainder become available for transfer to continuing candidates.

In September 2005, the NSW Joint Standing Committee on Electoral Matters recognised that there were problems with the old Senate sampling procedure for transfer of surpluses still used at Legislative Council elections. This method, under which only ballot-papers in the final parcel taking a candidate's progress total beyond the quota are eligible for transfer, was copied from Eire where a variant still remains in place. It has survived because it is entrenched as part of the guarantee of direct election for what has been an appointed or indirectly elected body for most of its existence.

In its Report on Inquiry into the Administration of the 2003 Election and Related Matters, the Committee stated that it "considers that if a new system for the counting and transferring of votes for the Legislative Council is adopted that it would be appropriate to adopt a system that does not have anomalies, no matter how small such anomalies may be". After mentioning the Senate approach as a minimum possibility, the Committee indicated that "consideration should be given to adopting the Weighted Inclusive Gregory method" that has gained acceptance in Western Australia.

Party box methods in the States have also had major problems

After their adoption for the Senate, hybrid party-box methods were fairly quickly introduced for electing the Legislative Councils of New South Wales and South Australia whose MLCs serve for multiple Assembly terms on a rotational Statewide basis. They also came into effect in regional aggregations of Legislative Assembly seats when the Burke Government eventually succeeded in its long public campaign of having Western Australia's Legislative Council elected by proportional representation simultaneously with its Legislative Assembly. A similar approach will be used in eight five-member regions for the first time in Victoria later this year.

Interestingly, *none* of these jurisdictions mimics the Commonwealth's approach to below-the-line formality:

- at one end of the spectrum, in South Australia and Western Australia no error in numbering respectively below or to the right of the line is tolerated, but one square may be left blank;
- Victorians will need to number without omission or duplication at least as many squares as there are vacancies in each region (later errors are acceptable); whereas
- in New South Wales fifteen numbers are enough when 21 vacancies are to be filled (and earlier, when election of fifteen MLCs had been for three Assembly terms, ten were sufficient), and omissions or duplications after the single first preference do not affect the formality of a ballot-paper.

As in Senate elections, voters generally find it difficult to obtain key information about registered tickets or assess the chances of strange events being liable to occur if they take the simple option of marking a party box in South Australia or Western Australia. Material on Web sites is difficult to grasp without note-paper and generally takes a long time to download. It is not made available to voters in a format where the possible implications can be conveniently studied by those with that inclination.

Because quotas for election to the Legislative Council in South Australia and New South Wales, respectively around 8.33% and 4.55%, are much lower than for the Senate, there has been a good deal of manoeuvring for preference flows through which one of the last few places might be gained. In addition, some of the miscalculations by party operatives charged with the responsibility of negotiating and lodging registered tickets have had far-reaching consequences of which supporters would have had no inkling on polling day.

Where there are large numbers of vacancies, after the success of the leading "A Better Future for Our Children" candidate in New South Wales in 1995 starting with 1.3% of first preferences, there has often been a deliberate proliferation of micro parties with catchy vote-harvesting names designed to gradually aggregate small slabs of votes in the hope of building to a quota or outlasting other continuing candidates at the end of the scrutiny.

This has been achieved regularly in New South Wales. Because the largest parties insist on determining the order in which their candidates are elected, mainly each with a full quota of votes at the start of the scrutiny, experience at several elections shows that 1% of first preferences offers reasonable hope of success if some preference flows from candidates with lesser support are available.

In fact, Malcolm Jones of the Outdoor Recreation Party started with just over 7,000 votes or 0.2% of first preferences in 1999 and was the sixteenth of twenty-one candidates to be elected. He became the unintended beneficiary of a web of preference swaps that had been designed to put its organiser into the Council, except that the latter started with only 3,000 first preferences and couldn't get his progress total high enough to reap all the flows he anticipated.

The notorious tablecloth ballot-paper arose in New South Wales in 1999, when 264 candidates, either independents or representing 80 different groupings, nominated. This promptly led to amendments abolishing registered ticket votes and instead requiring voters not wishing to number squares alongside individuals' names to place numbers in boxes (called group voting squares) above the line to indicate an order of preference for parties: once there were no more continuing candidates within the party of first preference, the ballot-paper would be available to the continuing candidate highest in column order of the party with next available preference.

The combination of this step of requiring voters to consciously indicate any order of preference among parties, and more rigorous procedures for registration and having the party name appear on the ballot-paper, curbed the previous deliberate creation of front parties. However, additional names appeared in columns on the ballot-paper because of the provision, related to the minimum requirement for expressing a formal vote below the line, that at least fifteen candidates be nominated in order that a group voting square be available as a short cut.

It would have been much easier to simply move to optional preferential voting or retain a requirement for numbering at least a modest number of squares, and put more effort into informing voters about how to make the most of their vote once they have formed their views.

With its compulsory marking of preferences and statewide Legislative Council electorate, South Australia holds the dubious distinction of having imposed the most demanding requirement in practice for the recording of a formal vote in public elections, when 76 candidates nominated in 2002.

In 1997, lawyer Nick Xenophon triumphed as an "Independent No Pokies Campaign" candidate starting with 2.9% of first preferences and drawing ticket votes from a range of excluded groups, including the National Party that put him before the Liberals. A candidate standing for the 'Nick Xenophon Support Group' drew barely 1% of first preferences in 2002 and was excluded relatively early in the scrutiny.

When the major parties both moved against him in their registered ticket votes in 2006, Mr Xenophon was given an additional platform to question their motives for doing so. In the public eye regularly, he successfully portrayed himself as always fighting for the ordinary person, to the extent of outpolling the weaker of the major parties in nearly every electorate and finishing with 21.5% of first preferences, well over two quotas, so that the second person in his group was also elected.

The most spectacular immediate miscalculations in relation to registered voting tickets have been in Western Australia. Labor supporters were required to mark all preferences to the right of the line in the North Metropolitan Region in 1993 because the numbering in the registered ticket was defective and legal advice was that a formal vote could not therefore be recorded through the party box.

A more remarkable occurrence arose from One Nation tickets in the Agricultural and Mining and Pastoral Regions at the WA election of 2001. Elsewhere in the State, the Liberals were placed ahead of the Australian Democrats and WA Greens, but not in these regions where the Nationals were placed last.

In both of these regions, the Greens started with around a quarter of a quota which was augmented as preferences from excluded candidates flowed in. One Nation obtained more than a quota in the Agricultural Region and its votes when the second candidate on their list was excluded made the difference between a second Liberal and a Green being elected.

In the Mining and Pastoral Region, One Nation relied on preferences from former ALP MLC Mark Nevill who put the Greens last. As transfer value calculations follow the Senate unweighted average model applied to all ballot-papers for the successful candidate, One Nation's contribution was just enough to put in a Green ahead of a second Liberal.

By assisting the Greens in winning the last place in both of those regions, One Nation let slip the possibility of holding the balance of power in the Council in their own right and handed it to the Greens instead.

At the 2005 elections, by placing the Greens above the Liberals in the hope that they might actually draw their ticket votes after the exclusion of the last continuing Green candidate in the South West Region, the Nationals handed them an extra seat and with it the balance of power in the Legislative Council. Family First began with a quarter of a quota but picked up another half a quota as parties with lesser support sequentially dropped out. Its leading candidate was defeated only because of the flow of National ticket votes to the Greens who started with nearly two-thirds of a quota.

<u>Electoral outcomes of the last twenty-five years regularly unfair despite equalised enrolments</u>

Where electoral systems promote a focus on a handful of marginal seats to the exclusion of safe seats for or against a government, most unbiased observers will judge that behaviour to be disturbing from an overall community perspective and yet perfectly understandable in terms of response to available political rewards.

A review of electoral developments and results in individual jurisdictions over the past twenty-five years or thereabouts also regularly points to the major problems that arise for democracy when one of the parties aspiring to government receives a rebuff from voters strong enough to have a magnified effect on representation. The most common outcome sees the Opposition indulging in internecine struggles and descending into virtual irrelevance because its opponents have exaggerated parliamentary majorities, and the road back to government appears littered with insurmountable obstacles.

Some often-repeated myths about electoral fairness being achieved by having roughly the same numbers of voters in each electorate have also been debunked in this period, and there should be more widespread knowledge and acknowledgement of that. Although equalisation of enrolments is desirable as a democratic principle, it is of no great reassurance in relation to fairness of outcomes if there is no emphasis on effective voting and local winner-take-all effects combine in an unbalanced manner.

Tolerances in enrolments have been reduced to fairly low percentages, usually both at the time new boundaries are proclaimed and more stringently in terms of estimated numbers of electors on polling day. Malapportionment was largely ended in Queensland in 1991 and most recently in Western Australia in 2005.

The record shows that both minority-support outcomes and those where oppositions are left with very small numbers are *regular occurrences everywhere*, clearly detracting from the legitimacy of the electoral systems producing them.

For instance, former Special Minister of State, the Honourable Mick Young, asserted that after the 1983 changes to tolerance in enrolments under the Commonwealth Electoral Act, we had a guarantee that the party or groups obtaining majority public support would always form a parliamentary majority. When this failed to occur at the 1990 general elections, very little coverage was given to the discrepancy and the Coalition did not seek to make this an issue as the two-party-preferred vote was almost evenly split. Similarly Labor accepted the repetition of this phenomenon in 1998 with relative equanimity even though after distribution of preferences it was supported by 2% more voters than was the Coalition.

If different parties dominate large regions, situations where majorities of votes overall fail to translate into majorities of seats are not unusual. In addition, where a party loses 5-10% support, it may find itself reduced to a parliamentary rump left with only the safest seats (typically occupied by older MPs), often in close geographical proximity. As its parliamentary representation particularly fails to reflect its support base and because of the advantages that come with incumbency, it cannot be expected to recover quickly in some of the areas lost and which will have to be regained if there is to be a chance of returning to government.

Often it takes several years for a party shattered by such a reverse to begin to look like a credible opposition. There are risks in the meantime that a government not experiencing vigorous parliamentary scrutiny and perhaps let off lightly by the media's questioning in those circumstances, will start to believe that it can just continue to get away with anything that it chooses to do. It is certainly perverse to be almost relying on government arrogance to kick-start a significant swing back of the psychological and electoral pendulum.

For several decades, Labor was typically disadvantaged across the nation because it wasted more of its strong support in (especially inner) urban electorates that would never elect a Liberal than did its opponents in rural areas, many of which still had significant unionised workforces at particular locations. Hence, even if there were no significant imbalances in enrolments, it could outpoll the Coalition overall without necessarily expecting to win enough seats to take government.

Over the last twenty years, the more common phenomenon has been of the Labor vote contracting to such a degree in rural areas that it is no surprise for the Coalition to achieve majority two-party-preferred support at large but not win government, especially where some incumbents in key marginal seats cling on tenaciously.

Minority-support and lopsided outcomes where enrolments equalised

After it had been almost wiped out in metropolitan areas in 1985, the Liberal Party in South Australia achieved 52% of the two-party-preferred vote four years later but remained in opposition. The minority Bannon Government responded to frequent protests about the unfairness of the situation by proposing a change to the Constitution Act through a referendum.

Henceforth there would be a redistribution after each election at which the Electoral Districts Boundaries Commission was charged with drawing single-member boundaries that would as far as practicable result in majority-support government next time. At the time, the Electoral Reform Society of South Australia rejected such proposals as window-dressing as it is perfectly clear that a differential concentration of support (and therefore vote wastage) in a number of regions could easily lead to future minority-support triumphs.

As the non-Labor dominance in South Australian rural areas has tended to become more pronounced than Labor support in its strongest metropolitan areas, the structural imbalance has worsened and the prospect of future minority-support Labor governments has increased when support for the two largest parties is fairly evenly divided.

The initial minority Rann Government, placed in office in 2002 through undertakings given to the independent member for Hammond who had previously been expelled from the Liberal parliamentary party and now became Speaker, could not claim to have majority voter support. This is a perfect example of where, irrespective of whatever diligence is applied by the decision-makers during a redistribution process, individual political choices or actions of elected members can render such efforts irrelevant.

The second Rann Government, after a comprehensive sweep of most metropolitan areas in March 2006 that left it with 27 of the 34 seats, faces an Opposition completely out of alignment with its support base, with just five metropolitan members and ten rural ones

in the House of Assembly, and having a major battle to rebuild after losing its previous outer metropolitan seats in particular.

Nevertheless, the Premier has chosen to keep in office the National Party and independent Ministers who joined governing ranks part-way through the life of the previous Parliament, on the grounds that they are able to bring a regional perspective not otherwise available in Cabinet. Despite its biggest-ever triumph in terms of seats or overall voter support, Labor's representation outside the extended metropolitan area (including Gawler and its hinterland) remains confined to the seat of Giles based on Whyalla.

For Labor which was at first reduced to just 10 members in an Assembly of 47 straight after the 1993 general elections, it has been a stunning turnaround assisted greatly by ongoing Liberal internal division and a series of Ministerial scandals. In other circumstances, the initially-demoralised party may have wandered aimlessly in the wilderness for several terms.

The same structural imbalance was evident at the change of government in New South Wales in 1995 where the Coaltion lost the "knife-edge" election when the key marginal electorates of Blue Mountains, Gladesville and Badgerys Creek fell to Labor, the last two extremely narrowly. Newly-elected Premier Bob Carr stated firmly that no apology was necessary for taking government with just 48% or thereabouts of the two-party-preferred vote as winning majorities in a majority of the electorates was the task at hand under the electoral system.

The Coalition in NSW went through a period of regular changes of leader in the early 80s as it sought to recover from the massive "Wran's the man" jolt to its representation in 1978. It has also spent the best part of two terms in the doldrums following the devastation of its 1999 election defeat that followed a leadership change after the final parliamentary sittings and a disastrous campaign.

Labor was similarly reduced to its core areas of support when turfed out of office in 1988 after a lengthy stench of corruption exacerbated by criminal behaviour in some of its branches. A period of rapid change and a deal of controversy over ministerial actions related to coastline development and other matters gave it some hope of gradual recovery.

However, in 1991 many were still surprised by the success of a relentless Opposition campaign on the fear of consumption taxes being imposed as well as the complacency and arrogance of a government that had gone to the polls a year early. The Coalition was returned only as a minority government and forced by four independents to agree to a number of reforms including fixed dates for future elections.

In Victoria, after the first half of the twentieth century had been punctuated by periods of revolving governments, twenty-seven years of unbroken Liberal government ended in 1982. The Cain Labor Government was returned for a third term at an early election in 1988 despite having achieved only a minority of the two-party-preferred vote.

However, after a multitude of economic calamities, Labor was dumped from office so severely four years later that it made little public headway for another six years, and its successful regional strategy in 1999 after a change of leader caught most observers and participants by surprise.

During the Kennett ascendancy, Labor's huge majorities in its remaining heartland saw it reduced to not much more than a token presence in the Legislative Council where each province comprised four contiguous Assembly electorates. In both 1992 and 1996 it won in just 5 of the 22 provinces despite getting around 40% of first preferences, and improved upon this to just eight when it obtained 42% support at the same time as it moved into minority government.

Following a change in leadership shortly before the November 2002 general elections, support for the Liberals dropped by 8% to just under 34% of first preferences and they lost 18 of their previous seats, being left with just 17 seats out of 88 in the Legislative Assembly. In addition, Labor unexpectedly gained ongoing control for the first time in the Legislative Council after provinces such as Higinbotham, Monash and Silvan were won from the Liberals.

Having established a Constitution Commission to enquire into the role and election of the Legislative Council during his previous term, Premier Steve Bracks insisted that an early piece of finalised business in the new Parliament was the amendment of legislation to have the entire Council henceforth elected simultaneously with the Assembly, through quota-preferential proportional representation in eight five-member regions. While the quota is rather high at nearly 16.7%, this should ensure that the composition of the chamber reflects voter support levels in the future and that the Council does not again become a target of ridicule for its apparent lack of activity or relevance.

Labor did not have any representation in the first Northern Territory Legislative Assembly in 1978 despite receiving nearly one-third of the votes, and for much of the time in the 1980s and 1990s languished with only slightly more than a handful of members among the 25 elected to the expanded Assembly.

Government arrogance over preferences involving One Nation saw large numbers of voters in Darwin suburbs that had long kept Labor out of office change sides and Clare Martin found herself unexpectedly as the first Labor Chief Minister in 2001 despite achieving just 48% two-party-preferred support. The margin in the seat of Millner that ensured it majority government was just 82 votes.

At the following election in 2005, the Country Liberal Party was reduced to just four MLAs (two from around Alice Springs, one in Katherine and one among Palmerston suburbs) after its support fell from 45.4% of first preferences to 35.7%. Its deposed leader from the previous election was reinstated a few months before the election but this time lost his own seat after experiencing a swing of just over 20%, a magnitude repeated or nearly so in five of the six Labor gains.

Removing enrolment imbalances in recent years hasn't ended unsatisfactory outcomes

The lengthy domination of the National Party in Queensland, where an appointed Legislative Council had been abolished in 1922, was taken to a new level by the ouster of the Liberals from a longstanding Coalition agreement when two of its MPs changed party and remained Ministers in 1983. It only came to an end in 1989 after extensive hearings into corruption by the Fitzgerald Inquiry.

Originally vociferously opposed to the zonal weightings Labor introduced in the 1940s, the Country Party became the major beneficiary through having more MPs than the Liberals while they governed jointly after the Labor split in 1957, and not surprisingly refused to give up its advantage. After the 1974 debacle in which its leader lost his seat and the party was left with just 11 MPs in a parliament of 82, it took Labor over a decade before it again appeared capable of being regarded as an alternative government.

The Goss Government made sweeping changes to electoral and administrative arrangements during its first term following the extensive recommendations of the Electoral and Administrative Review Commission, bringing all but a handful of remote seats of huge area into the same narrow enrolment tolerance bands and introducing optional preferential voting. Levels of informal voting in Queensland had been relatively low throughout the twentieth century under the various electoral systems in operation, and only consistently exceeded 1.5% after the restoration of preferential voting in 1962. They rose to around 3% at the elections of 1986 and 1989 and subsequently have fluctuated around 2% but fell as low as 1.45% in the keenly-contested election of 1998.

On the back of concerns about government arrogance, in 1995 Rob Borbidge unexpectedly achieved 52.5% two-party-preferred support for the National Party and Liberals but the change to minority Coalition government did not occur until after a ruling by the Court of Disputed Returns and Liberal success at the Mindingburra supplementary election in February 1996.

Borbidge's government lasted only one term when unable to respond in a unified manner to the emergence of One Nation and Labor took over in minority government. Extensive revelations in the Shepherson Inquiry about fraudulent enrolment activity that had occurred within some Labor branches in pursuit of pre-selection control in safe seats led to the resignation of the Deputy Premier and disendorsement of two other MLAs and speculation that the government would not last much longer.

However, Premier Peter Beattie made a virtue of ending "electoral rorts" wherever he could find them and then decided to call an election in February 2001 to clear the air. The outmarshalled Opposition could not find campaign traction, losing over half its seats, and being left with just 15 of the 89 seats in the Legislative Assembly: the Liberals were reduced to a record-low three seats, retaining just one in Brisbane and two others on the coast.

The Nationals polled only 8% of first preferences in the by-election caused by their former leader's resignation straight after the general election and won by an Independent, and the Opposition parties thereafter made little headway at the subsequent election nor for some time afterwards until major problems with the public health system came under prominent scrutiny.

Three terms of Coalition rule came to an end in Western Australia in 1983. By persisting in the face of Legislative Council opposition and making the issue a major one its its re-election platform, the Burke Government was eventually able to achieve a significant lowering in the extent of imbalance between enrolments in metropolitan and rural electorates to around 2:1 in the Legislative Assembly and 4:1 in the Legislative Council, and to have the Council elected by proportional representation from 1989.

Thereafter, instead of half the chamber being refreshed in single-member electorates each time after the issue of writs, the whole chamber has been elected simultaneously with the Legislative Assembly in six multi-member regions, each consisting of between seven and fourteen contiguous Assembly electorates. Three regions, two metropolitan and one rural, have returned seven members and the other three regions, one metropolitan and two rural, have elected five members.

The next Labor leader, Peter Dowding, comfortably retained office in 1989 despite achieving just 47.5% two-party-preferred support, but his successor was swept from office four years later after the revelation of major financial losses from earlier government dealings. Labor remained demoralised for its first term in opposition, losing seats in 1996 to drop to just a one-third presence in the Assembly.

However, following a long-running finance brokers scandal and with One Nation pursuing a vigorous anti-incumbent approach in general, Labor returned to office somewhat unexpectedly in 2001 with just over 37% of first preferences.

With Labor again successful at the March 2005 election, a narrow window of opportunity opened for the passage of legislation greatly reducing imbalances between enrolments before the changeover in Legislative Council membership in May. Former Liberal Alan Cadby who had not obtained endorsement near the top of the party's list in the North Metropolitan region and did not stand for re-election signalled his willingness to consider "one vote, one value" legislation in which circumstances the necessary absolute Council majority could be obtained to amend the Constitution Act to lessen the level of rural weightage negotiated in the 1980s.

The Greens, whose support was essential, insisted on there being six six-member regions in the Council in future, a condition that the Government was prepared to accept to achieve the type of change it had for decades wanted for the setting of Assembly boundaries.

If past disparities in party support recur, four of six seats could be won by the dominant party in one or more of the new regions. Such outcomes could be combined with unrewarded majorities of votes in other areas in a way which left the overall composition of the Council depending on which party or combination achieved particularly strong support somewhere rather than which obtained majority statewide support.

Lop-sided outcomes lead to challenges to the legitimacy of first-past-the-post methods overseas

In several English-speaking countries where first-past-the-post methods are or have been in place, lop-sided outcomes gravely distorting voters' wishes have played a major part in spurring either change or growing questioning of the legitimacy of current electoral arrangements.

In New Zealand, first-past-the-post methods in a unicameral system led to disquiet on two major fronts in the 1970s and 1980s, and their subsequent replacement at referendum in 1993.

At times, a third force beyond Labour and National commanded up to 20% support nationwide but achieved little representation, while the party with the second-largest

number of votes won most seats. At others, governments elected with the support of substantially fewer than half the voters had huge numerical majorities in the parliament and proceeded to implement far-reaching change that had not been outlined or even necessarily hinted at in election manifestos.

After extensive public hearings and overseas travel, a Royal Commission on the Electoral System recommended in December 1986 that there be a change to a mixed member proportional (MMP) system based on that applying in West Germany. Just over half the seats in a parliament to be expanded from 99 members to notionally 120 would continue to be determined through first-past-the-post constituency contests, but actual numbers of MPs would depend on the level of support attracted by party lists for which there was either threshold national support of at least 5% or one of whose members won a constituency seat.

With a cross-party Electoral Reform Coalition promoting MMP in the face of hostility within sections of the Labour and National Parties, it emerged as the preferred option for reform when 85% of those turning out to vote at a plebiscite in 1992 indicated they wanted a change. In November of the following year, despite extensive expenditure by business interests opposing change, 53.8% voted at referendum to replace the previous system and the first elections under MMP were held in 1996.

Although the first MMP coalition government headed by the Nationals was a surprise and some of the antics that followed caused misgivings among the public for a time, after subsequent elections coalitions headed by Labour have signed agreements about how they would operate and largely stuck to them. Similar undertakings have been made where parties have achieved policy influence after agreeing to support votes of confidence and supply without actually entering into government (see for instance http://www.beehive.govt.nz/ViewDocument.aspx?DocumentID=24256).

Voters are still lumbered with first-past-the-post constituency elections and do not have influence over the order of names on party lists. Fortuitously, not many votes for parties failing to reach the national threshold and without a constituency seat have been wasted, and therefore overall representation has been seen to be fair, a point of particular importance in 2002 when support for the Nationals dived to a lowest-ever 21%. Many more women, Maori and members of minority communities have entered the House of Representatives after each MMP election. A review of electoral arrangements in 2002 resulted in only minor changes.

Volatility of opinion poll support has been a noteworthy feature in campaign periods, with Labour seemingly poised to take majority government on several occasions but not yet succeeding on polling day itself. Each time, a solid body of voters has made a late choice to put one or more smaller parties in a position to influence the direction of some major reforms in the next parliament.

One consequence of various Canadian urban areas having less socio-economic diversity than occurs in Australia is that it has not been uncommon for oppositions to be left with literally one or a handful of members in a sizeable parliament at the provincial level. This has led to widespread public concern that voting patterns are not being properly reflected in election outcomes and debate about alternatives that would avoid such unsatisfactory outcomes has advanced to varying degrees in several provinces and federally in the past five years.

In British Columbia in May 2005, voters in all but two of the 79 electoral districts approved a change to quota-preferential proportional representation along Australia's Hare-Clark lines, but because supporters of electoral reform fell just short of the unprecedented province-wide 60% hurdle also set by the parliament, there will be another referendum simultaneously with the 2009 elections. This time, multi-member electorate boundaries will have been drawn up so that electors will choose between two detailed concrete plans, and there will be public funding for supporters and detractors of the alternatives to put their views to electors.

Federally, after two terms in office with exaggerated majorities, the Progressive Conservative Party government obtained just 16% support and found all but two of its seats lost when thrown out of office in October 1993 after a particularly disastrous campaign. The Liberals achieved 60% of the House of Commons seats on 41% support, taking all but one of the 99 Ontario ridings, and all but one of the 31 ridings in the four Atlantic provinces. For the next term, the largest opposition presence was that of the relatively-new separatist Bloc Quebecois that had contested its first federal election, and the western provinces that had collectively elected few Liberals chafed at the limited government attention given to them.

The western Reform Party became the official Opposition after the 1997 elections after again slightly outpolling the Conservatives (both with support levels around 19%) and winning three times as many seats, but had no elected representatives east of Manitoba. On the other hand, all but two of the 20 Progressive Conservative ridings were in Quebec or the Atlantic provinces and the Liberals continued to dominate Ontario and turned 38% national support into a comfortable House of Commons majority.

An early election in 2000 that capitalised on failed attempts to prevent vote-splitting on the right saw the Liberal vote and majority return to nearly the levels of seven years earlier, with continuing dominance in Ontario and small gains in both Quebec and the Atlantic provinces. As the Canadian Alliance with candidates in nearly all ridings and some policies attuned more to central and eastern Canada, the official Opposition increased its share of the vote past 25% and secured a handful more seats including two in Ontario, while the Conservative vote dropped to 12% and they lost nearly half their seats. Turnout had fallen in stages from 75% in the 80s to just over 60% and the parliament remained completely out of kilter with voters' wishes.

The parties on the right merged into a new Conservative Party in December 2003. Early in the new year the Auditor-General reported on major irregularities surrounding government funding of advertising campaigns in Quebec and as a major scandal over siphoning and kickbacks unfolded before a Commission of Inquiry, support for the Liberals began to drop markedly.

Under a new leader they were reduced to minority government at the election of June 2004 after running a successful scare campaign against an Opposition that had not yet integrated all previous policy differences. With 37% support against 30% for the Conservatives, the Liberals held their ground except in the two largest provinces and were reduced to 135 seats (75 of them still in Ontario), compared with 99 for the Conservatives, 54 for the Bloc Quebecois (regaining its regional dominance with 12% of the national vote) and 19 for the New Democratic Party which nearly doubled its support to 16%.

The government survived a crucial division on the Speaker's casting vote after a leading opposition member defected and took up a ministry in May 2005, but lost a vote of confidence in November after the release of the interim Gomery report finding that a "culture of entitlement" existed.

At the early elections in January 2006, support for the Conservatives rose to 36%, earning them substantial gains in both Ontario and Quebec and 124 seats overall. The Liberals, who found their previous scare campaign tactics much less effective this time, received 30% of the votes and won 103 seats (still 54 in Ontario), while the New Democratic Party gained ten seats, half each in British Columbia and Ontario, when its vote rose by 2%. Serious regional imbalances between seats and votes remain.

In the United Kingdom, Margaret Thatcher led the Conservatives into government in 1979 and then obtained massive majorities of around three-fifths of the House of Commons in both 1983 and 1987 despite receiving just 42% of the votes on both occasions. Support for Labour was 37% in 1979 but fell to 30% and even lower in the 1980s as its representation fluctuated around one-third of the House of Commons, while the 20-25% vote for the Liberal/SDP Alliance in the 1980s was more evenly spread and resulted in them winning barely 20 seats out of 650.

Labour spent much of the early opposition years as virtually irrelevant and only bounced back into early favouritism in 1992. However, after a tumultuous final week of campaigning its support lifted to only 34% and the Conservatives remained at 42%, taking a narrow majority in an election over whose outcome pollsters suffered extensive embarrassment. The Liberal Democrats lost nearly one-quarter of their previous support but retained nearly the same representation.

After a deliberate major repositioning nearer the centre by several leaders, an early jolt to the value of the pound and a succession of government scandals in the fourth consecutive Conservative term, resounding success came for Labour in 1997 with 44% of the vote and nearly two-thirds of the seats. Support for the Conservatives dropped to just over 30% and they did not win a seat outside of England, while the Liberal Democrats fell back slightly to 17% support but more than doubled their representation because they were now outpolling Conservatives in several regions.

With a strong marginal seat strategy in place, a fall in support to 42% and fall-off in turnout to below 60% did not see much change in the Labour majority in 2001, the Liberal Democrats becoming the first third force to exceed 50 seats in 70 years.

Four years later, 35% of the vote in a repeated 60% turnout resulted in a comfortable majority for Labour of 55% of the seats but widespread questioning of its legitimacy based on the government having attracted under 10 million votes when nearly 50 million people were eligible to vote.

The Conservative vote was still around 32% in 2005. Although the party outpolled Labour in England, it won nearly a hundred fewer seats there, and its fortunes have only revived after moving to its fourth new leader in opposition. The Liberal Democrats obtained 22% of the vote but still only 9% of the seats in the House of Commons. Turnout in areas where there is some uncertainty about the outcome and where tactical voting is sometimes used to influence it continues to often be 10% higher than in the constituencies where the outcome can be confidently anticipated.

While an Independent Commission on the Voting System was appointed in 1997 to honour a commitment made to the Liberal Democrats before coming into office, and it recommended preferential voting in single-member constituencies and 15-20% top-up positions to limit regional winner-take-all advantages, Labour has been in no hurry to advance to a long-foreshadowed referendum on electoral reform, beyond continuing to indicate in more recent years that that is still the appropriate mechanism through which to effect change.

Hare-Clark system at forefront of emphasising voter influence

Following its earlier application for several years in just Hobart and Launceston at the instigation of Attorney-General Andrew Inglis Clark, the Hare-Clark system of quota-preferential proportional representation has been in use continuously in Tasmania since the 1909 elections, and in the Australian Capital Territory since 1995.

With its pioneering spirit maintained and enjoying overwhelming voter backing, the Hare-Clark system has continued to evolve as a practical showcase of how voter empowerment can be achieved and periodically strengthened through the use of the single transferable vote in multi-member electorates. From the outset, the electoral boundaries have coincided with those for the five House of Representatives seats that are guaranteed Tasmania by the Australian Constitution: each returned six members until 1956, seven at elections between 1959 and 1996 inclusive, and five from 1998 onwards.

Through the use of countback to fill casual vacancies, since 1917 House of Assembly voters have not needed to return to the polling places when a sitting member has resigned or died. Instead, the quota of ballot-papers for the outgoing candidate (or ultimate predecessor from the previous election) has been re-examined to establish who among consenting defeated candidates was most wanted as a replacement by those voters.

On election day, voters have been offered a good choice of candidates on a manageable ballot-paper, including balanced diversity within teams endorsed by parties with prospects of securing some electoral success. Taking account of the possibility of mid-term vacancies arising and more recently stricter formality requirements, Labor and the Liberals have tended to offer as many candidates as there have been vacancies, but occasionally one or two more.

Further, since 1979 Tasmanian legislation has provided that all candidates nominated by a party or group have equal access to the best places within that entity's column, skilfully achieved by having exactly as many printing orders for names within a column as there are endorsed candidates therein. This combinatorially-ingenious Robson Rotation starts with the fundamental premise that voters rather than preselectors should determine the composition of a parliament. It ensures fairness to all candidates, on top of the fairness to parties and independents guaranteed under all quota-preferential systems by transferring surpluses of elected candidates and ballot-papers for candidates that are excluded.

On the basis of rigorous research into the properties of Latin squares, Robson Rotation has been further refined in the ACT through the introduction of a second tier of rotations to eliminate as much as is actually possible, beneficial down-the-column flows to any continuing candidate after someone is elected or excluded.

In House of Assembly elections, Tasmania requires at least as many preferences to be marked, without omission or duplication, as there are vacancies. Until 1972, three preferences had been sufficient, but there was periodic concern about the levels of votes exhausting at the end of scrutinies, as a result of which some of those being elected last did not always obtain a full quota of votes.

In the ACT, in accordance with descriptive particulars put to electors before the 1992 plebiscite on the electoral system, instructions on the ballot-paper tell voters to mark at least as many preferences as there are vacancies. However, should errors be made or voters simply fail to comply, their vote is still accepted as long as there is a clear first preference.

This liberal course was adopted unanimously by the Legislative Assembly at a time when a minority Labor government had been doing its utmost to thwart the introduction of the Hare-Clark system, and any of its suggestions might have been treated with suspicion. With Labor alone seeking single-member electorates, two-thirds of voters chose Hare-Clark to replace the discredited d'Hondt scheme that had become a national laughing stock because of how long it took to count and declare the elected candidates in 1989.

A shortlived government attempt to white-ant Robson Rotation with party boxes when the ACT's electoral legislation was being enacted under self-government alarmed Hare-Clark supporters sufficiently for the key principles of the system to be entrenched at referendum in 1995, again with roughly two-thirds support from voters:

- preferential voting without party boxes, and quota-preferential counting;
- electorates each returning an odd number of members at least five;
- the specifics of Robson Rotation; and
- countback for filling casual vacancies.

Having achieved endorsement by all but one member of the Assembly and a majority of electors (not just voters) at referendum as required under the national ACT Self-Government Act, the Proportional Representation (Hare-Clark) Entrenchment Act 1994 came into effect. In future a two-thirds majority in the Legislative Assembly or nearly 60% support from those voting at referendum will be required for any departure from the entrenched Hare-Clark principles.

Majority Labor governments were elected in Tasmania throughout the 1970s but the last of them disintegrated over the proposed damming of the Franklin River and the new Premier lost a vote of confidence early in 1982. The Liberal Party moved into ascendancy with strong majorities in 1982 and 1986 reflecting the widening gap between its and Labor's support, the latter getting as low as 35% but two or three seats still being won in each electorate. With such a gap, it would have been difficult for Labor to win seats under any single-member arrangement.

However in 1989, Liberal support dropped 7% to just below 47% and they narrowly failed to get a majority of MHAs. Labor's vote fell just below 35% and they won 13 seats, while the Tasmanian Greens standing under that name for the first time achieved 17% and took a seat in each electorate. The Greens supported a minority Labor government in return for signed policy concessions and prominent business figures

were convicted and jailed after later revelations about failed attempts to bribe a Labor MHA to cross the floor.

Following the collapse after two years of the Labor-Green accord underpinning the minority Field Government, support for the Labor Party in Tasmania fell to just 29% in the early election of February 1992 and it was reduced to just 11 members in a House of Assembly of 35, including just one of seven in Braddon. First preferences for the Greens fell 4% but they retained each of their seats.

Through perceived arrogance, particularly in relation to 40 % pay increases for MPs without any accompanying promised reduction in the size of the parliament and local government amalgamations, the Liberals lost significant support and three seats in 1996, being left with 16 seats. Compared with their 41.2% of the votes. Labor recovered to 40.5% and won fourteen seats while support for the Greens fell to 11.1% and they lost a seat. Former MHR Bruce Goodluck won as an independent in Denison where the Liberals were reduced to just two seats in an electorate for the first time since 1972.

The Liberals continued to govern in minority with Green support. After a protracted stalemate between parties and chambers over different plans to reduce the size of the parliament, in May 1998 one Liberal crossed the floor to support Labor's legislation for five five-member electorates and a reduction of Legislative Council membership from nineteen to fifteen, and others had threatened to do so. A special one-day sitting in July saw this legislation passed in an undisguised attempt to reduce the influence of the Greens and an election was announced for the following month.

While there were seven-member electorates, the quota for election was 12.5%. Because a shift of just 2-3% in voter support could alter seats won, parties and candidates were usually kept on their toes everywhere. With electorates returning five members each, the quota rose to just under 16.7% , making it harder for the Greens and other smaller parties and independents to be elected. Larger parties would still strive for the majority of votes bringing three seats while usually being fairly sure of picking up two as soon as their first preferences reached the low 30s, so that there wouldn't be the same degree of uncertainty about party outcomes in an electorate as previously.

Labor obtained majorities in each electorate other than Denison, taking 14 of the 25 seats in the wake of achieving nearly 45% support statewide. The Liberals obtained 38% support and comfortably won two seats in each electorate. For the Greens, 8-10% support in four electorates was insufficient given how close Labor was to a third quota, but in Denison, 13% of first preferences proved to be a big enough start towards a quota. Had seven-member electorates remained and these voting figures been repeated, the most likely outcome would have been a bare majority of eighteen for Labor.

Liberal support fell to 27% statewide at their disastrous 2002 election that saw the narrow defeat of both their new leader and his deputy. They won two seats in only the northern electorates of Bass and Braddon, and were left with just seven MHAs. Support for the Greens increased to 18% and they won a place in every electorate except Braddon where Labor obtained a majority of first preferences. Labor's increased vote to nearly 52% did not result in additional seats, but both government and opposition presence continued to closely reflect levels of voter support in each electorate and statewide.

Despite a lift in the first-preference support to nearly 32% in 2006, the Liberals did not gain seats and the Greens retained their four MHAs on a slightly reduced vote. After opinion polls had initially pointed to a likely hung parliament, Premier Paul Lennon campaigned relentlessly for a majority government that only Labor could achieve, and was rewarded with the status quo when 49% of voters gave Labor their first preference.

The strong Labor majorities in Tasmania achieved at the 2002 and 2006 elections would clearly have been replicated in seven-member electorates while allowing for more opposition voices to scrutinise government performance. Voters have mainly shown a preference for majority government in Tasmania since the change to odd numbers of MHAs from each electorate but at times have been sufficiently dissatisfied with the government but not yet convinced about the opposition to deliberately deny both of them unfettered Assembly control.

It is worth noting that South Australia has had more minority governments than any other State over the past twenty-five and fifty years, while in the first half of the twentieth century Victoria had a succession of revolving governments during several periods. While it was difficult to achieve majorities when six members were returned in each electorate, Labor held office in Tasmania continuously for the longest time in Australian history, between 1934 and 1969.

Voters' wishes have also always been reflected closely in the composition of the ACT Legislative Assemblies whose elections are on fixed dates. As expected, the seven-member central electorate of Molonglo has shown closer alignment between seats and votes, and women have found it easier to be elected there. About a third of the Assembly has been new after any election, partly through incumbents not re-contesting and partly through some of them being defeated at the polls.

With self-government unpopular, support for Labor and the Liberals was respectively 23% and 15% under the d'Hondt system imposed by the federal parliament and first used in 1989, and a succession of government changes and other antics brought that Assembly into disrepute.

A minority Liberal Government with seven MLAs replaced Labor at the first Hare-Clark election in 1995 and after two terms (an independent joined the ministry in the second) during which stability was never a question made way for a minority Labor Government in 2001. The governing party throughout this period had 38-42% first preference support and the opposition 28-32%.

In 2004, Labor support rose to nearly 47% and the party picked up an additional seat when the previous Australian Democrat MLA for Ginninderra failed in her attempt at re-election, forming the first majority government in the ACT's history of self-government on the first occasion when support for one party approached majority levels. For the first time, the combined Labor and Liberal vote was above 75% and just one candidate from outside their ranks, a Green in Molonglo, was elected to the Legislative Assembly.

In both Tasmania and the ACT, voters are used to much more interaction with candidates than happens in most single-member electorates or at Senate elections. No-one has a guaranteed place because of the effects of Robson Rotation in spreading the vote intended just for a particular party, and hence those who are nominated and consider themselves possibilities for election tend to do a lot of doorknocking and other

extensive community contact in addition to making efforts to obtain media publicity. Although elements within Labor made failed attempts at presenting preferred candidates within their teams in 1995 and 1998, all parties now look to increase their support by endorsing new candidates with strong community links and recognition.

In New South Wales, South Australia and Tasmania quota-preferential methods of proportional representation have been used for extensive periods of time in local government elections. They have recently begun in Victoria whenever there is more than a single vacancy to be filled. Only in Tasmania are Robson Rotation and countback in use.

Public affiliation with major parties is the exception rather than the rule for candidates in these States other than in some urban areas in New South Wales and Victoria. Where that is the case, in practice the scrutinies generally proceed along much the same lines as under the Hare-Clark system in Tasmania and the ACT: only a few candidates achieve a quota of first preferences and many exclusions occur sequentially before the majority of candidates are declared elected towards the end of the scrutiny.

Setting of some basic national civics and related information goals

The Proportional Representation Society of Australia has no doubt that the disturbing trends and unsatisfactory performance of electoral systems over the past twenty-five years have a significant impact on what can realistically be achieved in relation to spreading knowledge and enthusiasm about participation in our democracy. Were politicians prepared to embrace a major upgrade in the influence that voters have on polling day, it would be much easier to produce the convincing material about how things work in our democracy that could strike a chord with the young and be in keeping with the experience of voters.

Irrespective of what is the best story that can honestly be put forward about voting in our democracy, both in its world-leading days of increasing the influence of voters and in accordance with the more recent phenomenon of party operatives trying to more closely manage what voters are allowed to do, it is necessary to set some firm goals and ensure sufficient resources are dedicated to make solid progress in relation to them likely.

In addition to the usefulness of a one-stop "Australian Democracy" site and portal described earlier, the Society suggests that the Committee recommend, and encourage work towards achievement of, a strategic list of specific national civics and accessibility goals in a way that draws upon available non-partisan expertise and goodwill.

A modest set of fundamental goals well worth aiming for in relation to electoral systems and voting is:

- every Australian is familiar with what the marking of preferences means;
- every primary and secondary school student is exposed to at least one mock election and some exploration of the specific impact of different ways of counting;
- every person working in the media and reporting on political matters has an accurate grasp of how different electoral systems work;

- before every election, voters can expect to receive a mailout of helpful materials as well as being exposed to electronic messages about the freedoms available when they vote; and
- after every election, voters can expect to have straightforward and timely Internet access to all key statistics and other important summaries arising from the voting and counting.

Other goals of a similar simple nature could be set in relation to aspects of democratic awareness and participation beyond these that specifically apply to the marking and counting of ballot-papers. It would be a worthwhile step forward if, as a result of submissions, hearings and deliberations, the Committee's report produced a comprehensive list of desirable goals for the next five years, and suggested practical strategies for maximising the chances of achieving that progress.

Importance of conveying single-transferable-vote principles

As all Australian citizens regularly participate in quota-preferential elections in single-member and multi-member electorates, it is vital that without exception they have access to reliable information about the single transferable vote that will help them make the most of the influence they are able to wield.

Once the process of preferential voting is widely demystified, electors can assert the authority which they have in name, rather than often continue as a mere rubber stamp for deals and decisions brokered within small cliques of powermongers.

The crucial first step in this process is the design of material that explains simply the concept of the single transferable vote, no matter whether there be one or several vacancies to be filled. Once someone has understood that the marking of preferences is just a statement of the order in which candidates can have access to that vote, most of the confusion surrounding voting disappears.

For instance, it becomes clear that a single first preference could be enough for a formal vote, and that voters should always be encouraged to mark at least as many real preferences as they have thereafter. By marking later preferences, they cannot diminish the prospects of election of those whom they most strongly support.

We are certain that greater numbers of voters will demand that it become much easier to register a formal vote according to their conscience even if their wishes do not align with the recommendation or registered ticket of any specific party. At the South Australian Constitutional Convention in August 2003, the participants selected at random from each electorate to undertake intensive informed deliberation on specific aspects of democratic arrangements in the state made their strongest recommendation by being overwhelmingly in favour of optional preferential voting.

There is room for some vigorous debate about whether more than one preference should be *required* rather than just *encouraged,* but it is clear that a high threshold for acceptance of ballot-papers places an unwarranted imposition on voters.

This is particularly so for supporters of the largest parties in single-member electorates because their further preferences will only be examined in the course of a scrutiny in unusual circumstances when there is a more substantial third force. Rather than unnecessarily deny such people a vote if they fail to mark further preferences, in a

functioning democracy it can be left to informed electors to assess the risk of wasting their vote if it is not certain their first-preference candidate will either be elected or the last to be excluded.

In fact, it is not at all clear that machine operatives who seek to impose particular artificial thresholds for acceptance of a vote as formal are doing so out of informed self-interest or not. A proper assessment would involve both establishing the net effects of votes which are made informal but do not have to be because they indicate a clear first preference (something about which all electoral authorities should routinely produce summary information after each election), and estimating the net effect of ballot-papers that might have become exhausted if voters hadn't been forced to mark preferences beyond those that they actually held or wanted to express (something that cannot be ascertained with certainty and therefore best left to open public debate).

Having established what preferences are, the next step is to tackle the quota concept, that of finding the smallest number of votes at which candidates are mathematically certain of election. In the single-member case, that is the bare majority (that haven't exhausted where voters have a degree of choice about how many preferences they mark). Otherwise, in a simple application of the pigeon-hole principle, it is the first integer greater than the result of dividing the formal votes by one more than the number of vacancies (and it is possible to keep lowering this threshold to take account of exhausted votes during the course of a scrutiny, though that has not been done successfully to date in public elections in Australia).

If several vacancies are to be filled, transferring surpluses of elected candidates with more than a quota ensures that wasted votes are kept to a minimum. To avoid anomalies, after a decision has been taken about whether or not to minimise exhausted votes as an operating principle in the scrutiny, every ballot-paper being transferred to continuing candidates should have the same proportion of its remaining value contribute to the election of the successful candidate, and the remainder available for others. Ballot-papers for those who cannot be elected and are being excluded are transferred at their prevailing unused value to others who remain as continuing candidates.

It is straightforward to illustrate the process of conducting a quota-preferential election, both in words about the principles involved and available viable options, and through a flow chart. Using different presentation media and formats, graphic designers and other communication specialists could put together a number of lively, easy-to-follow explanations based on answering the question, "Is anyone ready for election?"

Making our education systems count for democracy

Despite a number of praiseworthy local initiatives and the presence of material about how to conduct mock elections for instance on the Elections ACT Web site (http://www.elections.act.gov.au/Fact.html#mock), there does not appear to have been a systematic attempt to put together materials about voting systems suitable for both subject electives and core curricula in primary and secondary schools.

There are both mathematical and social study aspects that can be successfully pursued. Further, with the evolution of social choice theory as a discipline in its own right following the pioneering work of Nobel laureate Kenneth Arrow and others, there is a wealth of more advanced material which could usefully be made accessible to more sophisticated audiences.

Ongoing advances in computer software and delivery platforms make it possible to present and illustrate the consequences and paradoxes surrounding various voting systems very graphically, and through those means to challenge audiences to think more about the purposes of voting and at what point they would regard electoral arrangements as being fair or reasonable.

In developing suitable materials for an Australian Democracy site, it would be necessary to grapple first with the concepts and underlying principles, rather than be tied closely to the words of existing legislation for fear of offending those who would not wish detailed consideration to ever be given to alternatives that would enhance the role of voters, or might remove what is perceived to be a partisan advantage being derived from current arrangements.

This again is clearly a task that the Electoral Council of Australia could undertake, with all jurisdictions contributing their best materials and judgements on the basis of past experience, and combining to commission additional material of use to them all in areas where nothing suitable already exists. Nothing done to a high standard in this manner could be seen as inherently questioning the appropriateness of current arrangements in a particular jurisdiction.

Through some seed funding, a variety of high-quality, engaging materials could also be developed for teachers at primary and high schools, either through groups of specific-purpose teachers who have the encouragement of their public or private education systems, or through exciting proposals of wider applicability made and brought to fruition by individual teachers or groups of them. Greater expectations could be held for the effectiveness of in-service training of teachers once a body of first-rate resources had been built up.

A key goal should be to have every primary school student participate in a mock election, and for every secondary school student to be involved in a more detailed hands-on examination of all the things involved in the conduct of an election. Suitable material with interactive graphics needs to be made available and effort should be put into compiling interesting presentations through comics or other attention-grabbing communication modes.

Attractive materials aimed at young folk who are less likely to be enrolled, or to vote if they are, should also be routinely placed in motor registries and Centrelink offices, presented at tertiary institutions at strategic times such as orientation week, and occasionally be available at major sporting venues. Those in the community wishing to conduct elections for clubs through fair methods would be more likely to come across available resources and assistance if such outreach occurred systematically and suitable material appeared on the site of the registrars' offices dealing with incorporated associations.

Through such active presence in the community and where there are known needs, there would also be a greater public awareness of the extent to which electoral authorities in any jurisdiction work on elections other than their primary public ones, or are able to provide advice or assistance in particular circumstances either gratis or for fees able to be anticipated in advance.

In North America, where the concept of a continuous roll has not yet taken universal hold, pop and rock concerts have been held to encourage people to enrol or otherwise take an interest in a particular election. Australian electoral authorities would do well to commit more than a token part of their budgets to such innovative and contemporary means of trying to make contact with youth or ethnic communities, as well as through presence at festivals or educational or cultural activities that attract sizable crowds.

While targeted outreach activities require staff involvement and time, they perform a useful role in reminding people of important aspects of democracy away from election campaign environments. Extensive television advertising in the lead-up to elections has not been particularly successful and more creative attempts need to be made to reach particular alienated, unconvinced or unaware audiences that are currently missed.

Lifting media performance

Public perceptions of the political process are largely shaped by the filter of media treatment. If there is excessive concentration on personalities at the expense of policy substance and remedial mechanisms, the chances of achieving responsible and accountable decision-making diminish. Carefully contrived images may well be enough to triumph in the short term until a stack of unavoidable facts becomes too prominent to be widely ignored any longer.

The performance of the media in relation to coverage of voting and elections more broadly is patchy, and regrettably often misleading or liable to be misconstrued when short-hand descriptions are routinely used without careful thought. References to candidates or parties "directing preferences" can only serve to confuse less engaged voters without a understanding of the single transferable vote, and the role they can play in fashioning the composition of a parliament.

Whether through space constraints, sloppiness or plain ignorance, other unhelpful descriptions are also continually parrotted. For instance, the word "complex" is routinely inserted before mentions of the Senate or other multi-member quota-preferential systems, even though we are basically dealing with several simple iterations of the process for filling one vacancy through preferential voting.

The preparation of a compendium of simple materials with tight wording, good audio and keen visuals may help clear one unnecessary obstruction to the empowerment of voters. At least journalists would have no excuse for botched descriptions once the availability of such useful material was widely publicised within their ranks.

The inclusion of a mandatory generalist core of Australian history and political science in tertiary communications and journalism courses would also be very worthwhile. It should help avoid the occasional embarrassment of young journalists with such an educational and training background simply not having a clue about the meaning of basic expressions related to voting and asking ridiculous questions that test the patience of those in public life or managing election processes.

Some useful material is already available before elections but not enough

Electoral authorities tend to become somewhat jittery in the lead-up to elections, wishing to avoid controversy and any accusation of bias in what may become a combative campaign environment where some political players are happy to buy a day

or two of lessened pressure by alleging that supporters have reported irregularities such as partisan material being included with official documents sent to them.

At a time when there are severe workload pressures and the consequences of serious mistakes will be at least a media frenzy and possibly attempts to seek a fresh election if there may be an impact on the outcome, it is understandable that officials should want to draw as little unnecessary attention to themselves as possible. Various kits that are produced stick closely to the wording of electoral legislation and advise people to get their own legal advice on matters of substance.

As a particular poll must be held in accordance with specific terms within electoral (and perhaps related) legislation that is in place, it is possible to prepare a range of useful explanatory materials well in advance. Dreading the prospect of overt or covert political pressure or possible legal disputation does not excuse timidity or sloppiness in presenting voters' options thoroughly so that they are likely to be aware of their rights and responsibilities.

There should be an underlying ethos of proud assistance to voters with locating helpful material even if some politicians and aspirants might prefer greater ignorance or confusion in which to ply their wares. Successful preparations and subsequent interaction with the public can usually be judged by how quickly voters are able to find particular material or assistance that is useful.

Changes in electoral legislation since the previous general election, and any significant differences from what applies in corresponding national or state elections must be set out clearly, particularly if another election has been held recently. Summary material about what happened in at least the previous two general elections should also be straightforward to locate on each authority's Web site through a small number of clicks, and be easily saved as a file that can be exported to other applications for analytical purposes.

Official booklets go out before many elections, but they tend not to spell out the influence voters can have if they want. It is rare to have a simple explanation of preferential voting that the media would pick up on and give free publicity to. It is rare for presentations about voting formally in elections with voting in multi-member vacancies not to be skewed towards party boxes where voters have the alternatives of voting above or below (or in Western Australia, to the left or right of) the line.

Under federal referendum machinery legislation, there is a formal obligation for the authorised 'yes' and 'no' cases of parliamentarians of up to 2,000 words to be sent to electors whenever they are to vote on a proposal to change the Australian Constitution.

The ACT example of official booklets with a range of helpful background information, as well as the authorised cases of either side of the electoral system argument going out to all electors prior to the plebiscite and referendum of 1992 and 1995 respectively, was a splendid one. In the second instance, useful background information was included on the initiative of the Electoral Commissioner. Similarly, the despatch of information about candidates and their voting tickets for the postal voting through which half of the last federal Constitutional Convention was elected in 1997 worked very well.

Where there is an official mailout to all electors, a well-designed sheet setting out the freedoms and obligations associated with voting and dispelling some of the common

misconceptions should be an automatic inclusion. This would be especially helpful to voters when local government elections are conducted exclusively through postal voting and candidates' policy statements of a specified format and length are required to be forwarded to all electors by the returning officer.

The Proportional Representation Society of Australia would prefer to see the abolition of party boxes when multiple vacancies are being filled simultaneously and instead voters being encouraged to play a more influential informed role through the availability of much simpler means of recording a formal vote that accurately reflects, rather than distorts, their wishes. However, if party boxes continue as a feature of some of our electoral systems, voters are entitled to have accurate information about each registered group voting ticket, or about the detailed operation of arrangements such as apply for the New South Wales Legislative Council.

While time frames may be tight, some of the relevant material can be prepared well before the rush associated with campaign periods. If registered voting tickets may be lodged by parties or candidates in Senate or Legislative Council elections, they should automatically be included in mailouts to electors also. In the light of increasing instances of major strategic miscalculation by party operatives, complaints by candidates and other media scrutiny and the posting of such information on the Web before polling day do not constitute adequate means of disseminating such important information.

Internet sites currently tend not to be attractive to those seeking to download lots of detailed information, especially as registered ticket votes are usually presented in a manner that takes ages to view and download, rather than appearing in some database or flexible format permitting saving and re-use.

<u>Often not enough information is readily available after an election</u>

Events move quickly once counting of votes starts. Media attention on election night and for a few days afterwards is strongly on likely winners and losers before other stories begin to take precedence. This often means that there is a concentration on updates in marginal electorates still in doubt, perhaps at the expense of other important information about emerging Senate or Legislative Council patterns.

In these circumstances, ideally electoral officials should have a published plan that clearly sets out the broad levels of useful information to be routinely available and updated on their Web sites. Much would be gained from sharing experiences through the Electoral Council of Australia and agreeing on minimum levels of service and helpful information that all voters should be confident of receiving irrespective of where an election is being held. This would not preclude a particular jurisdiction from openly aiming to achieve much higher degrees of excellence. Areas in need of special attention in many jurisdictions involve timely publication of information about preference distributions and summary particulars of the causes of informal voting.

Elections ACT, which has been a global pioneer in terms of facilitating electronic voting, has excellent Excel files relating to all preference distributions and its information about all aspects of an election that is updated at least once daily after polling day is easy to find or navigate. This is no accident and clearly arises from a familiarity with what is possible with available technology and a determination to put it into practice.

Some jurisdictions provide limited information about distribution of preferences and may not even present it in a convenient format for those who wish to undertake further analysis. For instance, the Northern Territory Electoral Commission used only pdf files after the 2004 elections so anyone wanting to examine what might have happened under a different boundaries or some other electoral system geared towards fair representation for oppositions was forced to retype all the entries of preference distributions.

Queensland's detailed preference distributions following the 2001 elections only became generally available months after polling day, and then in book form rather than also through electronic files capable of greatly reducing the time necessary to undertake particular types of analysis.

In keeping with what is asked of officials at polling places on election night, initial reporting of Senate particulars is just of aggregate votes for each grouping and it takes a while for this to become disaggregated into ticket votes and first preferences below the line for individual candidates. While it is necessary to wait for postal and absentee votes to be processed before the quota can be struck, greater priority should be accorded to the earlier availability of at least summary disaggregated information that will facilitate analysis. It should certainly appear well before all the below-the-line particulars have been captured electronically in order that those to be declared elected can be determined through the running of a software program.

Legislative Council particulars by electorate were available in the South Australian tally room on election night in March 2006 but such material was never presented in that detail on the Web site. Even though resources may be stretched and not permit publication of everything that is potentially of interest, there should be open discussion about priorities, after which a plan of action relating to official information flows about an election should be visible to the public before polling begins.

It is not just immediately after elections where there is much still to be done to promote public awareness of the workings of our democracy, and facilitate effective participation in its institutions, forums and discussions.

Some of the work will appear daunting because the public has ample grounds for cynicism in the light of the record in relation to voting and electoral systems of the past two decades, but it is important to take the first steps in new directions. The task would be much easier were there universal recognition by political parties of the importance of the influential role that voters ought to be playing, and greater adherence to principles respecting and advancing that fundamental conviction.