

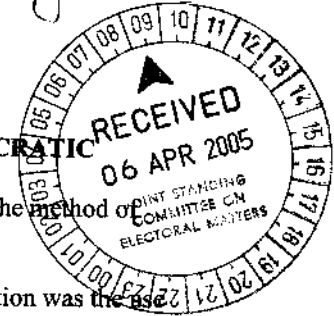
Australian Greens submission to the
Joint Standing Committee On Electoral Matters –
Conduct of the 2004 Federal Election

Joint Standing Committee on Electoral Matters
Submission No. 107
Date Received 5-4-05
Secretary <i>[Signature]</i>

Written by Geoff Ash Registered Officer
31st March 2005

1. HOUSE OF REPRESENTATIVES ELECTIONS UNDEMOCRATIC

The most important point in this submission is the need to improve the method of House of Representatives (H of R) elections.



A major undemocratic and unethical aspect of the 2004 Federal election was the use of a single member electorate system for the H of R elections.

In the 2004 election, the result of this system was that the Coalition parties, particularly the Liberal party, won considerably more seats than their vote justified.

The Coalition polled 46.3% of the primary vote but won 58% of the seats or 87 out of 150 seats. The Liberal party won 40.47 % of the vote but won 50% of the seats. The National party won 5.89% of the vote and won 8% of the seats or 12 seats. The Coalition vote, if the election system were fair, should have resulted in the Coalition winning 69 or 70 H of R seats. That is a massive difference of 17 seats - seats that the Coalition did not deserve to win. This was at the expense of the minor parties.

Labor polled 37.64% of the primary vote and won 40% of the seats or 60 out of 150 seats.

Conversely the Greens polled over 7.19% of the vote nationally, which was a higher vote than that polled by the National party, but won none of the 150 seats. The Greens polled over 841,000 H of R votes and won no seats.

Elections would be much more democratic if a proportional representation electoral system was created for the HoR. Single member electorates should be abolished and a Hare-Clark system based on multi-member electoral districts introduced.

The number of seats won by each party would more accurately reflect the vote obtained by respective political parties, whilst maintaining a reasonable degree of local representation and community access to local politicians.

The Greens acknowledge that our party would be more likely to have an increased number of candidates elected under the proposed system, however it is obvious that the system proposed is much fairer and more democratic.

The largest parties have a vested interest in maintaining the current H of R electoral system. If the thrust of this proposal is not supported by the Joint Standing Committee, then detailed and cogent reasons as to why the current system is a more democratic system than that proposed need to be provided by the Committee.

There are more than 30 registered parties for federal elections and The Greens would confidently assert that most of them, apart from Labor and the Coalition parties, would regard the current H of R electoral system as unacceptably undemocratic.

In contrast, the Senate election result based on proportional representation was much more democratic. The number of seats won by parties more accurately reflected the proportion of vote obtained by each party.

2. ABOLISH SENATE GROUP VOTING TICKETS

While parties control the flow of preferences in Senate elections through group voting tickets, occasionally a candidate will be elected with a tiny percentage of the primary vote. Candidates that poll so poorly would not be elected if Senate elections were further democratised by abolishing parties' group voting tickets and control of preference flows were returned to the voter. This would need to be done by making above the line Senate voting a compulsory preferential system, whilst retaining the option for voters to vote below the line.

If there were a large number of groups in a Senate election, then there is a risk of an increased informal vote. To counter this, voters who chose to vote above the line, could be compelled to preference a determined number of groups rather than all groups.

The result of this reform would be that the Senators elected would more accurately reflect the proportion of vote obtained.

It would also remove the incentive for candidates and parties to create front or fake parties in order to channel preferences to their primary party.

The upper house election in the NSW state election in 2003 did not have group voting tickets and allowed voters to direct preferences above the line. Although it was not a compulsory preferential system, it still had the effect of eliminating front parties and electing upper house members that more accurately reflected the proportion of vote obtained.

3 LIMITS ON ELECTORAL ADVERTS ON POLLING BOOTH FENCES

Two problems related to advertising on polling booth fences have arisen in recent elections.

Election placards being attached to booth fences, such as school fences, is useful and helpful. The large size of some of the advertising and the undesirably early placement of such advertising is causing problems.

As there is no size limit on banners or placards, some parties or candidates attach great long rolls of plastic advertising right along the length of the school fences. Effectively they cover the whole of the fencing which may be hundreds of metres so that no other candidate can display a placard. This creates resentment and sooner or later there will be confrontations on booths between parties or candidate supporters over this issue. It is inherently unfair that one candidate should be able to monopolise

all of the school fence. Perhaps the best way to minimise this problem is to place a size limit on advertising that can be displayed at a polling booth. NSW state elections have an advertising size limit and the issue of great rolls of plastic covering all the fences does not arise.

Secondly, in Wentworth in the 2004 election we had a ridiculous situation of one candidate attaching their placards to polling booth perimeters the evening before the election and hiring security guards to see that they are left in tact overnight. This is undesirable. If there is no change in electoral laws the fixing and guarding of placards will commence increasingly earlier.

A suggested change to the electoral laws is to prohibit electoral advertising material being displayed on a polling booth fence or perimeter prior to 6 a.m. on election day.

4. NUMBER OF ENTRANCES TO POLLING BOOTHS

In the recent federal election the Australian Electoral Commission (AEC) was able to advise candidates of the number of entrances/gates that would be open at each polling booth on election day. This was of significant benefit to candidates in terms of being better able to organise their roster of booth workers for handing out how to vote cards.

The AEC is to be congratulated for this innovation and urged to continue providing this service.

5 FIXED TERM ELECTIONS

It is highly undemocratic for a Prime Minister to be able to determine the date of an election. As a candidate and member of a political party it is unlikely that the Prime Minister or Government of the day will be impartial when determining an election date. Politicians are almost certain to choose a date that will enhance the chances of retaining government. This will depend on political issues that are attracting media attention.

This power provides an unfair election advantage to the Government.

The best solution is to have a fixed term for parliament which is the case for NSW state elections for example.

6 TELEVISED LEADERS DEBATE TO INCLUDE OTHER PARTIES

Media coverage has a huge bearing on an election result and there is a main stream media bias in favour of the Coalition and ALP.

The nationally televised leaders election debate is perhaps the most glaring example of this media bias in operation. The leader of the Coalition and the ALP participate in the debate and the leaders of all other political parties are excluded.

It is blatant discrimination and highly undemocratic.

A fair televised election debate would include the leaders of all parties, or a coalition of parties, which were contesting more than half of the 150 House of Representatives seats. To contest that many seats is a substantial undertaking. This figure has been suggested because if a party won 76 or more seats it was contesting, it would be in government.

It would require federal legislation to compel a broadcaster screening a national leaders election debate to include leaders of other parties.

7. POSTAL VOTE APPLICATIONS

Currently many parties and candidates encourage voters to send applications for a postal vote to the candidate's campaign address.

While it is appropriate that parties encourage voters to legitimately apply for a postal vote, the completed application forms should only be returned to the local returning officer. It should be illegal for parties and candidates to encourage voters to send a completed application to anyone other than the local Returning Officer. The current system causes delay for the voter and an extra administrative burden for the AEC when parties arrive with large bundles of accumulated applications close to the deadline for receipt of postal vote applications.

Further, the current system is open to rorting, especially when information distributed to voters encouraging a postal vote is designed to appear as if it is official AEC material.

8. STRENGTHEN LEGISLATION TO STOP FALSE STATEMENTS

Some media outlets and political candidates spread false or misleading information about other parties or candidates in order to damage their credibility and hence their vote. This is done in print, on radio, television and websites. The existing provision to discourage this is largely ineffectual and is far too weak.

Some campaigns and media outlets in fact publish highly damaging but completely untrue information about a party or candidate. There is little that the victim of such slurs can do in the timescale of an election period.

Section 329 of the Commonwealth Electoral Act which deals with publishing false information is far too narrow. It is confined to misleading or deceiving a voter "in relation to the casting of a vote". We understand that this has been interpreted by the courts as being confined to misleading information influencing a voter in the act of numbering a ballot paper. The narrowness of the provision fails to prohibit simple false statements designed to damage a political opponent during an election campaign. Such a limited interpretation deters only a small percentage of people who publish false or misleading information during an election campaign.

Legislative provisions which prohibit false or misleading statements being published about a party or candidate whether it be by an individual or a media outlet are needed to enhance democracy.

The penalties for breach of this provision should be strong. Matters would need to be referred to an independent election tribunal that could: adjudicate on the truth of a statement quickly if election day was imminent; have the power to make public announcements before the election about the inaccuracy of published statements; and impose an appropriate penalty.

Geoff Ash
Registered Officer
Australian Greens

Ph: (02) 9519 08 77
Fax (02) 9519 2177
P.O. Box 1220
Sydney 2001