

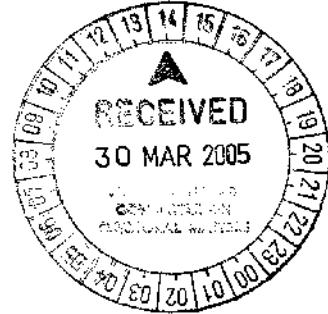
**SUBMISSION NO. 69**

Joint Standing Committee on Electoral Matters
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SUBMISSION  
TO  
THE JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

INQUIRY INTO  
THE CONDUCT OF THE 2004 ELECTION



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Press reports<sup>1</sup> suggest that the Committee will be discussing “the high rate of informal voting” and the possible influence of compulsory voting upon it. My submission examines informal voting over the past half-century. Data will mainly be drawn from the three largest States. These provide breadth and variety but avoid swamping the picture.

**TABLE 1: INFORMAL VOTE PERCENTAGES 1949-83:  
CWLTH BOTH CHAMBERS, STATES LOWER CHAMBER**

Year	CWLTH		NSW			VIC			QLD		
	HR	Sen	HR	Sen	LA	HR	Sen	LA	HR	Sen	LA
1949	1.98	10.76	2.05	12.04		1.65	10.70		2.06	7.12	
1950					1.76			1.14			1.11
1951	1.90	7.13	1.87	7.87		1.61	6.82		1.93	4.70	
1952								1.81			
1953	-	4.56	-	3.96	2.48	-	5.61		-	2.64	1.28
1954	1.35	-	1.52	-		1.16	-		1.11	-	
1955	2.88	9.63	2.82	8.76		2.64	13.49	2.19	2.18	4.07	
1956					1.67						1.21
1957											1.14
1958	2.87	10.29	2.80	12.46		2.44	9.89	1.78	3.02	7.17	
1959					1.83						
1960											1.31
1961	2.57	10.62	2.42	12.75		2.28	10.72	2.45	2.71	8.53	
1962					1.53						
1963	1.82	-	1.65	-		1.46	-		2.22	5.77	1.54
1964	-	6.98	-	6.22		-	8.41	2.31	-	7.15	
1965					2.04						
1966	3.10	-	3.17	4.25		3.74	6.85		1.82	2.68	1.64
1967	-	6.10	-	6.90		-	6.69	3.16	-	3.09	
1968					2.63						
1969	2.54	-	2.33	-		3.29	5.54		1.27	-	1.79
1970	-	9.41	-	10.08		-	11.41	3.19	-	7.19	
1971					2.34						
1972	2.17	-	1.90	-		2.35	-		2.00	-	1.61
1973					2.70			2.90			
1974	1.92	10.77	1.66	12.31		2.11	11.13		1.33	6.00	1.58
1975	1.89	9.10	1.87	9.74		1.96	8.11		1.27	8.27	
1976					1.76			2.54			
1977	2.52	9.00	2.26	9.59		2.85	9.11		1.53	7.96	1.53
1978					2.28						
1979								3.01			
1980	2.45	9.65	2.36	9.38		2.70	11.15		1.77	9.24	1.50
1981					3.08						
1982								2.61			
1983	2.09	9.87	2.16	11.09		2.20	10.69		1.30	8.37	1.46

<sup>1</sup> L. Dodson, “High informal turnout boosts the push for voluntary voting”, *Sydney Morning Herald*, 2 March 2005.

They are divided at 1984 (Tables 1 and 2). The submission will not argue the case for compulsory voting which has been made recently<sup>2</sup> and which I have put to previous Committee inquiries.

Several points are immediately apparent in Table 1. Informal voting at the State general elections – New South Wales (n 12) av. 2.17%, Victoria (n 12) av. 2.42%, Queensland (n 13) av. 1.44% - is much the same as at the House of Representatives elections in those States (New South Wales (n 15) av. 2.19%, Victoria (n 15) av. 2.30%, Queensland (n 15) av. 1.83%).<sup>3</sup> Informal voting for the Senate – New South Wales (n 15) av. 9.16%, Victoria (n 16) av. 9.16%, Queensland (n 16) av. 6.25% - is consistently higher than informal voting for the House of Representatives.

**TABLE 2: INFORMAL VOTING PERCENTAGES 1984-2004:  
CWLTH BOTH CHAMBERS, STATES LOWER CHAMBER**

Year	CWLTH		NSW			VIC			QLD		LA
	HR	Sen	HR	Sen	LA	HR	Sen	LA	HR	Sen	
1984	6.78	4.69	6.17	5.61	2.41	8.15	4.20		4.68	3.02	
1985								2.68			
1986											2.17
1987	4.94	4.05	4.57	4.88		5.25	4.01		3.39	3.14	
1988					3.28			3.89			
1989											3.00
1990	3.19	3.40	3.12	4.17		3.54	3.59		2.23	2.45	
1991					9.32						
1992								3.81			2.25
1993	2.97	2.55	3.10	2.65		2.83	3.06		2.62	2.04	
1994											
1995					5.15						1.75
1996	3.20	3.50	3.62	3.75		2.93	3.55	2.30	2.56	3.27	
1997											
1998	3.78	3.24	4.01	3.31		3.51	3.78		3.33	3.04	1.45
1999					2.51			3.02			
2000											
2001	4.82	3.89	5.42	3.54		3.98	5.61		4.83	2.95	2.27
2002								3.42			
2003					2.69						
2004	5.18	3.75	6.12	3.47		4.10	5.13		5.16	2.79	1.99

When only one Commonwealth chamber is being voted for at an election, its informal vote is lower than when both chambers are being voted for but there is not much of a

<sup>2</sup> L. Hill, "Compulsory Voting in Australia: A Basis for A 'Best Practice' Regime", *Federal Law Review* 32(3) (2004) pp.479-97.

<sup>3</sup> It should be noted that the Qld data divide between 1949-60 under first-past-the-post voting (n 5) av. 1.21% and 1963-83 under preferential voting (n 8) av. 1.58%.

difference.<sup>4</sup> For the House of Representatives the figures are New South Wales (n 4 and 11 respectively) 1.83% and 2.31%, Victoria (n 3 and 12 respectively) 1.93% and 2.62%, Queensland (n3 and 11 respectively) 1.46% and 1.93%. For the Senate, the figures are New South Wales (4 and 11 respectively) 6.79% and 9.01%, Victoria (n 4 and 12 respectively) 8.03% and 9.52%, and Queensland (n 4 and 12 respectively) 5.02% and 6.66%. At both Commonwealth and State elections informal voting in Victoria is higher than in Queensland, and marginally higher than in New South Wales.

The most striking difference between Tables 1 and 2 is the sharp increase in informal voting for the House and sharp decline for the Senate in 1984 compared to any election 1949-83; this followed introduction of ticket voting for the Senate but not the House.<sup>5</sup> Subsequently both figures decline to bottom out in 1993. Then all House figures rise again but the Senate shows no such pattern: Victoria rises, Queensland falls, New South Wales shows no trend. The decline over 1984-93 is easily explained by growing familiarity with the new Senate system and increasing use of the simpler ticket-method of voting under it, and wider awareness that the House system had not been altered. The increase in informal voting for the House 1996-2004, in contrast, is independent of change in voting method.

Informal voting at State lower house elections over this period shows no obvious long-term trends. There is, however, a sudden and massive increase in New South Wales in 1991 following a rule change (acceptance of a tick or a cross as equivalent to the number 1, allowed by legislation in 1982, had been withdrawn in 1990); a second election (1995) was needed before previous levels of informal voting were restored in 1999. Apart from those two NSW elections, the inter-State picture is much as before: Victoria highest, Queensland lowest, New South Wales in between but closer to Victoria. However the State columns in Tables 1 and 2 were subject to two other significant and enduring rule changes. New South Wales in 1979 and Queensland in 1992 modified their preferential voting method so that it was no longer necessary to record a full set of preferences for all candidates to cast a formal vote; Victoria did not follow suit. The significance of this is discussed below. And in 1978 New South Wales introduced direct elections for its upper house, to be held concurrently with Legislative Assembly elections and using the single transferable vote. If there was any consequent increase in informal voting because of the need thereafter to complete a second and different ballot paper it was minimal, possibly because the outcome merely duplicated what had been required at Commonwealth elections since 1949.

Hereafter data will come from only recent New South Wales Commonwealth and State elections; they should be sufficient to support the analysis to be applied and the methodology could easily be extended to other States and other batches of elections. Elections prior to 1984 differ significantly as already noted. Three variables have been

<sup>4</sup> It should be noted that the Senate figures for Vic in 1969 and Qld in 1963 are for casual vacancies, not a half-Senate.

<sup>5</sup> Australian Electoral Commission, *Informal Voting 1984 House of Representatives Report and Statistics* (Research Reports 1/85 and 2/85) and *Informal Voting 1984 Senate Report and Statistics* (Research Reports 1/86 and 2/86).

chosen, each likely to create “difficulty” in marking the ballot paper so as to produce a formal vote: (a) language disability, measured by the “not fluent in English” item from census data which counts “Persons who do not speak English or do not speak it well” as a percentage of the total population;<sup>6</sup> (b) number of candidates in the electoral division/district; (c) whether preferences must be recorded for all candidates (or all but one who will be deemed the last). This selection gives the submission a relatively narrow focus, but whilst there are other possibilities e.g. disillusionment with the major parties or their leaders or even the political system as a whole, they are tainted by subjectivity and I believe the course being followed could be of more assistance to the Standing Committee.

The top and bottom quartiles of New South Wales Commonwealth electoral divisions (n 12) and State electoral districts (n 23) ranked on percentage “not fluent in English” have been extracted for comparison (Tables 3 and 7). There is significant movement by divisions in and out of the two extreme quartiles. Comparing 1981 census data – the earliest census for which the variable is available – and 1984 boundaries with 2001 census data and 2004 boundaries, for the top quartile only six of the 12 have remained (Grayndler, Prospect, Reid, Fowler, Lowe and Blaxland), four have dropped down out of the quartile (Sydney, Kingsford-Smith, Cunningham and Wentworth) and two divisions no longer exist (St George and Phillip); those six have been replaced by Watson, Barton, Parramatta, Bennelong, Banks and Werriwa. Twenty years ago the highest ranked division in the quartile, Grayndler, had 10.3% “not fluent in English”, and the lowest in the quartile, Wentworth, only 3.2%. Now the range is between 18.2% and 4.4%; at the top of the range the problem is worse. The bottom quartile has been more stable: its divisions ranged between 0.3% and 0.1% for both sets, and eight divisions were in both lists (Richmond, Hunter, Dobell, Lyne, Page, Parkes, Cowper and Gwydir). Four had moved up out of the quartile (Hume, New England, Robertson and Gilmore) and were replaced by Farrer, Calare, Shortland and Paterson. The most spectacular increase of a single division, as might have been expected, was Fowler which went from 6.7% to 18.2% in 20 years.

To begin with a list that still identifies individual divisions, Table 3 shows the two quartiles with divisions in descending order of “not fluent in English” percentages, together with data for the second variable, number of House candidates, and the informal vote at the 2004 House election. Senate informal voting has been left out of the tables and the submission as there appears to be less concern about its recent figures.

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<sup>6</sup> Information and Research Services, Department of the Parliamentary Library, *Electorate Rankings: Census 2001, Research Paper No.2* (2003), Table 23.

**TABLE 3: NSW 2004 NUMBER OF CANDIDATES AND INFORMAL VOTE PERCENTAGES FOR HIGHEST AND LOWEST QUARTILES OF CWLTH DIVISIONS RANKED BY "NOT FLUENT IN ENGLISH" PERCENTAGE**

	TOP QUARTILE (n 12)		BOTTOM QUARTILE (n 12)		
	Candidates Informal		Candidates Informal		
	n	%	n	%	
Fowler	5	9.11	Gwydir	5	3.60
Watson	7	9.10	Farrer	10	6.70
Reid	8	11.71	Dobell	12	7.41
Blaxland	8	10.70	Calare	7	3.53
Prospect	6	9.24	Shortland	6	4.62
Grayndler	5	5.42	Richmond	8	3.61
Lowe	7	6.55	Paterson	11	6.13
Barton	5	6.96	Page	8	4.23
Parramatta	11	8.53	Hunter	8	5.30
Bennelong	7	5.84	Cowper	6	4.04
Banks	7	7.35	Parkes	5	3.95
Werriwa	7	7.98	Lyne	10	5.39

The data of Table 3 can be re-arranged for greater clarity by ranking the divisions according to the number of candidates and averaging the informal vote for the divisions in each class. This is done in Table 4.

**TABLE 4: NSW 2004 AVERAGE INFORMAL VOTE PERCENTAGES FOR HIGHEST AND LOWEST QUARTILES OF CWLTH DIVISIONS DEFINED BY "NOT FLUENT IN ENGLISH" PERCENTAGE RANKED BY NUMBER OF CANDIDATES**

TOP QUARTILE (n 12)			BOTTOM QUARTILE (n 12)		
Number of Candidates	Number of Divisions	Average Informal %	Number of Candidates	Number of Divisions	Average Informal %
4	0	-	4	0	-
5	3	7.16	5	1	3.95
6	1	9.24	6	3	4.09
7	5	7.36	7	1	3.53
8	2	11.20	8	3	4.38
9	0	-	9	0	-
10	0	-	10	2	6.04
11	1	8.53	11	1	6.13
12	0	-	12	1	7.41

That presentation will then be repeated in Tables 5 and 6 for the two preceding Commonwealth elections in 1998 and 2001 for comparison.

**TABLE 5: NSW 2001 AVERAGE INFORMAL VOTE PERCENTAGES FOR HIGHEST AND LOWEST QUARTILES OF CWLTH DIVISIONS DEFINED BY “NOT FLUENT IN ENGLISH” PERCENTAGES RANKED BY NUMBER OF CANDIDATES**

TOP QUARTILE (n 12)			BOTTOM QUARTILES (n 12)		
Number of Candidates	Number of Divisions	Average Informal %	Number of Candidates	Number of Divisions	Average Informal %
4	0	-	4	0	-
5	0	-	5	1	3.50
6	0	-	6	2	3.84
7	3	6.64	7	3	3.91
8	5	8.27	8	1	3.61
9	2	8.35	9	0	-
10	2	9.08	10	2	4.32
11	0	-	11	1	5.35
12	0	-	12	2	5.95

**TABLE 6: NSW 1998 AVERAGE INFORMAL VOTE PERCENTAGES FOR HIGHEST AND LOWEST QUARTILES OF CWLTH DIVISIONS DEFINED BY “NOT FLUENT IN ENGLISH” PERCENTAGES RANKED BY NUMBER OF CANDIDATES**

TOP QUARTILE (n 12)			BOTTOM QUARTILE (n 12)		
Number of Candidates	Number of Divisions	Average Informal %	Number of Candidates	Number of Divisions	Average Informal %
4	0	-	4	0	-
5	1	5.78	5	0	-
6	1	4.27	6	4	2.93
7	5	5.16	7	1	3.95
8	1	7.10	8	4	3.26
9	0	-	9	2	3.33
10	2	5.01	10	0	-
11	1	4.61	11	1	3.33
12	0	-	12	0	-
13	1	5.67	13	0	-

It appears that the number of candidates to be allocated preferences might matter more sometimes, that is increases the percentage of informal votes, with electors in the top quartile than in the bottom quartile, but there would not be much of an effect and sometimes no effect at all can be seen. If only the evidence from 2001 (Table 5) were considered, an effect might be suspected but the other two elections debunk that. Detailed studies of informal ballot papers would be needed to identify the “errors” that are increased – blank papers, repeating the same number(s), failure to number all (or all but one) – to see if such evidence varies in some way.

That is not to say it would be impossible to produce bits of evidence of some influence by candidate number. For example, if one extracts “significant” (say greater than 2.0 percentage points) movement in informal voting percentages between the 2001 and 2004 Commonwealth elections, only seven divisions, all in New South Wales, show such an increase and only two, one of which is in New South Wales, such a decrease. The seven divisions with the increases and candidate number changes were: Greenway 5.04 points 8>14; Dobell 3.15 points 6>12; Warringah 2.61 points 7>10; Paterson 2.52 points 8>11; Parramatta 2.32 points 8>11; Kingsford-Smith 2.29 points 6>9; and Mitchell 2.10 points 8>9. The two decreases were: Fowler 3.64 points 10>5; and Indi 2.2 points 9>5.<sup>7</sup>

But Table 2 shows that the same electors in New South Wales recorded fewer informal votes under optional preferential voting at State elections than under compulsion for a full set of preferences at Commonwealth elections. Table 7 gives the most recent State data (2003) comparable to the Commonwealth’s (2004) in Table 3 and identifies districts.

**TABLE 7: NSW 2003 NUMBER OF CANDIDATES AND INFORMAL VOTE PERCENTAGES FOR HIGHEST AND LOWEST QUARTILES OF STATE DISTRICTS RANKED BY “NOT FLUENT IN ENGLISH” PERCENTAGE**

TOP QUARTILE (n 23)			BOTTOM QUARTILE (n 23)		
	Candidates Informal			Candidates Informal	
	n	%		n	%
Cabramatta	7	3.43	Orange	5	2.00
Fairfield	6	4.55	N Tablelands	7	1.00
Bankstown	10	5.50	Albury	9	2.49
Auburn	7	4.44	Wagga Wagga	5	1.96
Canterbury	6	4.33	The Entrance	8	2.18
Marrickville	8	3.14	Bega	6	2.39
Strathfield	6	2.58	M-Darling	5	2.74
Lakemba	8	4.15	Upper Hunter	5	1.90
Liverpool	7	4.98	Dubbo	6	1.68
Smithfield	7	4.19	L Macquarie	5	2.54
Heffron	8	3.77	Tweed	6	1.92
Granville	9	4.39	Gosford	6	1.94
Parramatta	9	2.83	Burrinjuck	6	1.53
Rockdale	11	3.95	Tamworth	7	1.47
Kogarah	5	3.24	Swansea	7	2.52
Wollongong	8	4.01	Barwon	4	1.90
Drummoyne	10	2.73	Cessnock	6	2.25
Ryde	6	2.25	Lachlan	4	1.96
Maroubra	5	2.43	Ballina	5	1.88
Port Jackson	7	2.20	Myall Lakes	10	1.99
Bligh	8	2.17	Clarence	8	1.77
Blacktown	9	3.70	P Macquarie	7	1.25
Mt Druitt	7	4.98	Oxley	4	2.15

<sup>7</sup> See Parliamentary Library, *Commonwealth Election 2004, Research Brief No. 13 (2005)*, p.38, for other possibilities.



In the top quartiles, the highest State district figure, Bankstown (with 10 candidates) at 5.50% is level with the lowest Commonwealth figure, Grayndler (with 5 candidates) at 5.42%. In the bottom quartiles, the highest State figure, Murray-Darling (with 5 candidates) at 2.74% is below the lowest Commonwealth figure, Calare (with 7 candidates) at 3.53%. If one looks only at Table 1 data, then the first (and only in Table 1) State election held in 1981 under optional preferential voting recorded a higher informal vote than the preceding (1980) and following (1983) Commonwealth elections: 3.08% compared to 2.36% and 2.16%. But once the House informal vote had shot up in 1984, the State informal vote stayed below the Commonwealth's until it too shot up in 1991 and 1995 for a unique reason, after which it trails again.

A better attack on the problem may come if the data of Table 7 were re-arranged, as was done previously for Table 3 data into Table 4, into Table 8. And as Tables 5 and 6 provided additional data from two earlier Commonwealth elections, so Table 9 sets out data from an earlier State election, in 1999, to try to guard against some unknown election-specific factor. Differences between top and bottom quartile data are still present, but the gap between the two has been substantially reduced. Language skills, or the socio-economic disadvantages with which they are associated, do matter. These problems are best addressed by targeted campaigns and by keeping the voting process as simple as possible. The number of candidates offering may matter sometimes, but possible methods to discourage candidacy are unlikely to work, such as increasing deposits or requiring a larger percentage of the formal vote to reclaim deposits, or making it more difficult to register a political party. Requiring proof of expenditure to secure public funding payments is likely to be more promising, but it may be that the Committee would prefer to consider that in connection with a different Inquiry.

It appears from comparison of Tables 4, 5 and 6 with Tables 8 and 9 is that optional preferential voting holds out a real prospect of reducing informal voting, especially for divisions in the top quartile and presumably on a diminishing scale below it. The Queensland columns in Table 2 support this conclusion. Whilst prior to 1992 the State elections informal voting differed little from the House figures, thereafter the State figures did not follow the House figures upwards as they roughly doubled by 2004. That is the principal point of this submission. The Victorian data in Table 2, without optional preferential voting, also trail the House data for that State. Their Electoral Commissioner speculated that the sharp drop between 1992 and 1996 was attributable to immediately preceding Commonwealth and local government elections which had increased familiarity with similar procedures.<sup>8</sup>

It might be asked whether such a change might have unforeseen consequences for House election outcomes. The data from New South Wales and Queensland show only one district, a rural seat in Queensland, where the outcome would have been different – an Independent candidate would have displaced the National incumbent, and a second, also in Queensland, where there was a remote possibility of a different result. That of course

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<sup>8</sup> Victorian Electoral Commission, *Report to Parliament on the Administration of the 1996 Victorian State Election* (1996), p.43.

does not prove conclusively that Commonwealth elections might not prove different, but it is unlikely.

An alternative, which was suggested in the past but to my knowledge has not been raised lately, could be repetition of the Senate's ticket voting system for House elections. If House elections were to switch to optional preferential voting, it would be necessary to re-think the Senate system as a matter of principle and to reduce confusion between the two ballots. Bicameral New South Wales has relevant experience, and that should be examined. If the present level of informal voting for the House is so serious that something must be done, then not abolition of compulsory voting but an Inquiry should be recommended into introduction of optional preferential voting for House and Senate so that the implications of such changes could be investigated in detail.

**TABLE 8: NSW 2003 AVERAGE INFORMAL VOTE PERCENTAGES FOR HIGHEST AND LOWEST QUARTILES OF STATE DISTRICTS DEFINED BY "NOT FLUENT IN ENGLISH" PERCENTAGES RANKED BY NUMBER OF CANDIDATES.**

TOP QUARTILE (n 23)			BOTTOM QUARTILE (n 23)		
Number of Candidates	Number of Districts	Average Informal %	Number of Candidates	Number of Districts	Average Informal %
4	0	-	4	3	2.00
5	2	2.84	5	6	2.17
6	4	3.43	6	6	1.96
7	5	3.85	7	4	1.57
8	6	3.63	8	2	1.97
9	3	3.64	9	1	2.49
10	2	4.11	10	1	1.99
11	1	3.95	11	0	-
12	0	-	12	0	-

**TABLE 9: NSW 1999 AVERAGE INFORMAL VOTE PERCENTAGES FOR HIGHEST AND LOWEST QUARTILES OF STATE DISTRICTS DEFINED BY "NOT FLUENT IN ENGLISH" PERCENTAGES RANKED BY NUMBER OF CANDIDATES**

TOP QUARTILE (n 23)			BOTTOM QUARTILE (n 23)		
Number of Candidates	Number of Districts	Average Informal %	Number of Candidates	Number of Districts	Average Informal %
4	0	-	4	2	1.38
5	1	3.62	5	4	1.81
6	2	3.56	6	6	1.88
7	4	3.56	7	4	1.73
8	4	3.18	8	3	1.87
9	2	3.39	9	2	2.08
10	4	3.52	10	0	-
11	5	3.57	11	1	1.49
12	1	3.35	12	0	-

As a postscript on a totally different matter, might I suggest that if submissions to the Committee continue to express concern about roll integrity that consideration be given to amending s.58(1)(b) of the CEA to add the numbers of additions and deletions in each division to the monthly gazettal of enrolment statistics. There is no understanding in the community of the volume of roll transactions that take place, and this leads to implausible stories about roll-stacking by enrolling bogus electors and removing comparable numbers so that net changes remain small surviving in the public arena of electoral matters.