



17 February 2014

### Submission re Senate Voting

I wish to make a submission regarding the introduction of “above the line” preference voting in the Senate. In other words, I recommend that voters be allowed to record their party preferences above the line as an alternative to (a) recording just a single vote above the line and allowing the favoured party to allocate preferences or (b) recording every last preference of individual candidates below the line.

Firstly, let me say that, in my opinion, the differential methods of selection for the House of Representatives and the Senate are complementary, and produce one of the best methods of obtaining a democratic consensus. Preferential voting for individual candidates for the House favours the major parties, and results in a recognizable government majority, while allowing voters to have individual representatives. Proportional voting in the Senate results in a spread of small parties which fine tune the voters' intentions.

Please note that the members elected to the Senate do not represent every minority's choice of who should form government, but rather the majority's choice of how it should be represented. I state this, because we frequently get commentators complaining that a certain minority party has obtained a seat with only (say) 2% of the primary vote. I shall explain this in detail later.

Below the line preference voting is, to put it bluntly, a pain in the neck. In the two largest states, it entails recording more than 100 preferences scattered all over a paper the size of a Latin scroll. Above the line voting was introduced to alleviate this problem. However, for the parties – especially the larger parties – it had the added advantage of allowing them to control the vote, which is what they had always wanted. But, at the last election, the system broke down for all concerned. It is widely believed that many of the minor parties gamed the system by dubious preference swapping agreements. The result was a dog's breakfast of minor parties in the Senate which would make it hard for any government to negotiate, while at the same time, there is a strong suspicion that this is not what the voters themselves wanted.

To explain the situation, I shall use as an example a party which did not get elected, for which I myself did not vote, but about which most people probably do not have any strong feelings: the Fishing Party. Obviously, nobody, least of all the members of the party itself, want them to govern the country. They do not have the expertise, nor the comprehensive policies. However, suppose you are a Coalition or a Labor supporter who is nevertheless a mad keen fisherman, who feels that your favourite pursuit is being neglected by the major parties. You might like to have a member of the Fishing Party in the Senate to uphold your interests.

You can achieve this in one of two ways: *either* give the Fishing Party your primary vote and the Coalition or Labor as your second preference, *or* do it the other way round. If enough mad keen fishermen take either approach, the result will be a Fishing Party member in the Senate to speak on their behalf. Note that the same result would occur if none of the mad keen fishermen gave the Fishing Party their primary vote, but only their second preference. That is why I reject the complaint that some members get elected with only 2% of the primary vote. For the same reason, I would reject any “reform” which required a certain minimum of primary votes for election.

Now let us see what happens if you vote “above the line”. You delegate your preferences to the party who gets your primary vote. If you vote Labor or Coalition – the ones you really want to form a government - you can rest assured your second preference will *not* go to the Fishing Party. On the other hand, if you give your primary vote to the Fishing Party, you have no idea who is going to get your

second preference. You may end up with a government you had no intention of ever electing.

As I said before, the minor parties entered into some dubious preference swaps. For instance, the Palmer United Party and the Greens swapped preferences. Clive Palmer is a cheesed-off rightwinger who mines coal. The Greens are extreme leftwingers who hate coal mining. It is likely, therefore, that the supporters of either party ended up supporting policies they did not approve of.

What happens if you vote for one of the major parties? They don't tell you how their preferences are allocated; their how-to-vote card merely depicts a "1" in their box above the line. Perhaps their preference deals are recorded somewhere – say on their webpage. However, if you go to that much trouble to find out, you might as well vote below the line. The Liberal and National Parties presumably allocate their second preferences to each other, and put the ALP last. The ALP allocated its second preference to the Greens (I think) and presumably put the Liberals and Nationals last and second last. But what happens when you get to the third preference? As I have already pointed out, once the vote gets down to the Greens or Palmer United, it starts to go off the rails. What then? How do you know your vote isn't going to end up with the Fishing Party, the Car Enthusiasts Party, the Screaming Loonies Party, or some other organisation you have never heard of?

No! Let us make it easier for the electorate by allowing preferential above-the-line voting. The parties can still hand out how-to-vote cards indicating their desired preference distribution, but the public can make up their own minds. If someone wants a Fishing Party to protect his interests, he still has a choice whether the Coalition or Labor would best run the country. Minor parties will find it harder to game the system, and it is likely that many of them will fall by the wayside. As it is, there is no guarantee that the Car Enthusiasts Party won't get back again on the back of some other party's preference deal, whether the people want it or not.

Yours sincerely,

Malcolm Smith