



Committee Secretary
Joint Standing Committee on Electoral Matters
Department of House of Representatives
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Sir/Madam

SUBMISSION ON THE CONDUCT OF THE 2013 FEDERAL ELECTION AND ABOVE THE LINE VOTING

I wish to make a submission to the Committee concerning aspects covering both references.

I support the comments made to the Committee by Malcolm Mackerras who is a visiting fellow of the Public Policy Institute of the Australian Catholic University. His comments were drawn from his excellent paper entitled "In Defence of the Present Australian Senate Electoral System".

In that paper, Malcolm Mackerras makes a telling point about the Senate ballot paper. He notes that the elector is not given a reasonable opportunity to vote below the line, adding that voting is a right and not a burden. He proposes that the words above the line on the Senate ballot paper remain the same, implying that the lodgement by parties or groups of preference tickets be continued.

However, Malcolm Mackerras seeks to change the wording for below the line voting in order to allow voters to place the numbers 1 to 15 in their order of preference. If they wish, voters may number more candidates commencing with the number 16. This proposal stills represents a near exhaustive preferential voting system. A fewer number of preferences, say 1 to 10, could be considered but the thrust of the Mackerras proposal should be supported because it facilitates choice and would reduce the burden on voters.

In not proposing any change to above the line voting, the Committee may conclude that Malcolm Mackerras does not support the Commonwealth Electoral Amendment [Above the Line Voting] Bill 2013. I would agree with that conclusion.

While Malcolm Mackerras has confined his remarks to the Senate ballot paper, I would contend that the sentiments expressed about facilitating choice and reducing the burden for voters could equally apply to voting for candidates seeking election to the House of Representatives.

The burden of numbering every candidate on a House of Representatives ballot paper is not as onerous as voting below in the line on a Senate ballot paper. However, there appears to be a persistent and unhealthy level of informal voting for Lower House ballots, particularly in NSW and QLD. Higher levels of informal [federal] voting in these states are often attributed to the use of optional preferential voting at state elections. However informal voting at Lower House federal elections could arise from simultaneously completing two ballot papers with different instructions on how to cast a vote.

Given that the manner of voting for Lower House candidates [by requiring every square adjacent to a candidate's name to be numbered] is different to the very popular and easier option of voting above the line on a Senate ballot paper [by simply writing the number 1 beside the party or group of choice], there is heightened confusion, especially if the voter attends to Senate ballot paper first.

I believe that the task of voting has to be consistent between the chambers. In the same way the Senate ballot paper offers two choices, so should the House ballot paper.

An elector casting a House of Representatives vote should be able to place the number 1 against the candidate's name of choice with preferences determined by the candidate or the candidate's party as the case may be. The candidate or party would be required to lodge a preference ticket with the Australian Electoral Commission. Alternatively, the voter could number every square. Either way, exhaustive preferential voting is preserved as it is for the Senate count [or substantially so if the Mackerras proposal were adopted].

Of course, the idea of embedding preferences when placing the number 1 against a candidate's name is not new. It happens now when an elector casts a vote above the line for the Senate, except it is usually a party or group name. Over the years, parliamentarians have resisted its application to the House basically because voters would not be **directly** allocating preferences and yet they find it acceptable for political parties to have such role when an elector casts a vote above the line for the Senate.

I believe the Committee has to set aside past prejudices against parties or groups having a direct role in determining preference flows when an elector chooses the easy option of placing the number 1 against a candidate's name on a House of Representatives ballot paper. In 1984, Parliament saw the benefit of embedding preferences in this manner for above the line voting for the Senate.

Overall, the principles are the same when voting at a federal election: to ease the burden of voting; to reduce or place downward pressure on the level of informal voting; to establish consistency between the chambers for instructing voters on how to vote; and to retain an exhaustive [or near exhaustive] preferential voting system for both Houses.

Looked at another way, the Committee could abolish above the line voting for the Senate and adopt the Mackerras proposal as the only option. This would be fairly consistent with current voting instructions for the House of Representatives.

I wish you well in your deliberations.

Yours faithfully

John Anderson

3 March 2014

