

PROTECTING DEMOCRACY OR THE USUAL SUSPECTS

SUBMISSION TO THE 2013 FEDERAL ELECTION INQUIRY

I write as a keen election observer, with views on various issues arising from the 2013 election and what might happen as a result of it. Of those issues, generating the biggest kerfuffle has been the make-up of the new Senate as of July this year, and how minor parties and micro-parties won seats despite minuscule primary votes. There's also been a bit of a kerfuffle over Senate voting, informal voting, enrolment, and so on. But my perception is that apparent attempts to do something about these issues will in fact lead to an assault on democracy.

Despite the rise of minor parties over the last few decades, the dominant forces of the political landscape still are the Australian Labor Party and the Coalition parties, made up of the Liberal Party and the Nationals and the Northern Territory's Country Liberal Party. But for much of the last decade, the Greens have risen to become the most significant of the minor political players, and they've often been the ones to win seats that the major parties haven't won, especially in the Senate. This isn't just regarding Federal Parliament – the Greens have also won many seats at state and territory level, especially in parliaments with some proportional representation. And at the 2010 federal election, which produced a hung House of Representatives and gave the Greens the balance of power in the Senate, the Greens had enough clout for the Labor Government to see fit to form a firm alliance with them. The Greens were no longer merely minor players in the game. For these reasons, I see fit to refer to Labor and the Coalition and the Greens collectively as the Usual Suspects.

In stating views on issues from the 2013 election, I ask whose interests Federal Parliament will act in with any would-be changes to the electoral system and the voting system. Is Parliament about protecting democracy or the Usual Suspects?

1) LEAPFROGGING IN THE SENATE

The biggest kerfuffle surrounding the 2013 election surrounds the new Senators who won seats, and how they got elected. Outrage has been expressed about people winning seats off other people's preferences despite a minuscule primary vote. Questions have been raised about the directing of preferences, and how votes are cast for the Senate. Should we change from how we currently mark our Senate ballot paper, whereby we just vote "1" in a box beside our choice of party above the thick line or we number the box beside every single candidate below the line?

Regarding the election of Senators from minor parties with minuscule votes, the shock and horror over that stuff would seem concocted. The notion of minor parties winning seats on preferences, despite less primary votes than other minor parties, isn't new. I call it "leapfrogging". Before anyone gets carried away over the leapfrogging that occurred in 2013, a history lesson is needed.

Leapfrogging has been occurring at federal elections, and some state elections, for well over a decade, if not longer. It's just that people didn't really see it occurring until the late 1990s, when controversial political figure Pauline Hanson arrived on the political stage.

Hanson turned the political establishment on its head after her election to Parliament in 1996, albeit as a listed Liberal candidate whose party disendorsed her after the closing of nominations

because of contentious views. In the years that followed, although most politicians and many media commentators continually condemned her, she attracted massive popular support across the country, to the point where she formed her own political party, which was more a movement because of issues that arose over how the party was set up. I refer to people who supported Hanson or ran as election candidates for her movement, as Hansonites. While Labor refused point-blank to tolerate her, the Coalition parties weren't so antagonistic, at least for a while. When a general election was called in late 1998, while the Coalition didn't direct preferences away from Hansonites in every seat in the House of Reps, it and Labor directed preferences away from them in the Senate – and leapfrogging took place.

The 1998 election exposed a dirty underside in voting for the Senate. While the Hansonites finished a clear third behind the major parties in several states, the directing of preferences away from them cost them Senate seats, except in Queensland, where they won enough primary votes to win a Senate seat in their own right. Mind you, in Queensland the Democrats finished behind the Nationals on primary votes, but leapfrogged their way to a Senate seat with preferences from others. In other states, the Democrats beat the Hansonites to Senate seats, despite winning less primary votes, because the major parties directed preferences away from the Hansonites. This election showed how parties controlled where Senate votes went.

Unless voters choose to vote below the line on their Senate ballot papers, they really have no say on where their votes go, regardless of whether or not their choice of candidate wins a Senate seat. Then they have the laborious task of numbering every box below the line. Most voters take the simpler option of just voting "1" in their choice of box above the line, but in so doing they give up their say on where their vote goes. For example, Labor was firm in directing preferences away from the Hansonites, but countless Labor voters actually liked Hanson and would've wanted their preferences to go to the Hansonites – their first choice of party simply refused to listen to them. Similarly, when the Liberals had a policy of putting the Greens last, many Liberal voters, especially in inner suburbs of capital cities, ignored them. This is perhaps the overlooked consequence of voting above the line – your vote goes where faceless men and women in political parties direct it, rather than where you want it to go.

History repeated to some extent at the next election, in 2001. Like in 1998, the Democrats leapfrogged the Hansonites to a couple of Senate seats. However, the Democrats lost out in the worst occurrence of leapfrogging in the Senate, in New South Wales. While the major parties won five of the six available Senate seats there, the sixth seat went to the Greens, who finished fifth on the primary vote but leapfrogged the Hansonites and Democrats to win on preferences. While I stand to be corrected, I suspect that the Greens got in off the back of preferences mainly from Labor, as a punishment for Democrats after they did a deal with the Howard Government over implementing the GST.

Three years later, the 2004 election saw just one clear case of leapfrogging, but it gained major attention – the Family First Party won a Senate seat in Victoria with a minuscule primary vote. Despite barely winning two per cent of the vote, Family First leapfrogged the Democratic Labor Party and the Greens to win a seat. The minuscule primary vote was almost certainly what earned this occurrence of leapfrogging such major attention.

Moving forward to the 2007 election, this time there was no apparent leapfrogging. The only different Senate result was in South Australia, where an Independent won enough primary votes to win a seat without preferences or leapfrogging – a rare achievement for an Independent Senate candidate. After that, the 2010 election saw the DLP leapfrog Family First to win a Senate seat in Victoria on preferences, although in that state the Greens won a seat in their own right.

With these past instances of leapfrogging in the Senate, it's a mistake to look at the outcome of the Senate election in 2013 as new or dangerous. I suspect that in the past the major parties have largely been responsible for directing preferences to minor players, thereby enabling them to leapfrog their way to Senate seats. The difference is that in 2013, the major parties and the Greens – or the Usual Suspects – have lost out as a result of leapfrogging, and they're not happy about it. But they have no right to complain.

In 2013 the minor parties and micro-parties came to realise that they could – and had to – take on the Usual Suspects at their own game, which meant swapping preferences amongst each other. Their interests and policy goals might've been different, and extremely different in some cases, but they had a common goal – to do what they could to take seats off the Usual Suspects. And that's exactly what they did.

2) REPRESENTING THE UNREPRESENTED

The Usual Suspects might feign outrage over the 2013 Senate election results and paint them as hardly democratic. While there's some truth in that, you have to ask whether past election results really were democratic. Who's representing the unrepresented?

The House of Reps would hardly seem like a barometer for democratic representation. Minor parties have regularly won a big chunk of the vote in the House of Reps at past elections, but they've rarely won actual seats. And even in major parties' so-called "safe seats", there are stacks of voters casting their votes for "the enemy". Who represents them? As such, the Senate, with proportional representation, is seen as coming close to reflecting the true vote for political parties, and minor parties are more likely to win Senate seats with a decent vote – although knowledge of this among voters could be perhaps inflating the minor party vote to some degree!

On the other hand, you could argue that single-member seats leave minor parties with a tough choice. If their vote appears reasonably strong across small areas close enough to each other to fall within an electorate in the House of Reps, should they focus their efforts and resources on winning that seat, or just concentrate on the easier option of chasing seats under the proportional representation of the Senate? While minor parties don't often win single-member seats, they can sometimes 'break through' with a bit of effort. For example, although preferences allowed the Greens to overcome a primary vote deficit to Labor and break through to win the seat of Melbourne in the House of Reps in 2010, the Greens won Melbourne again in 2013, only this time after finishing first on primary votes – they couldn't have done more to deserve their 2013 win, short of actually winning a majority of the primary vote. Beyond this, usually Independent candidates are more likely to win single-member seats than the major parties don't win.

But even with proportional representation in the Senate, over the last decade or so the major parties have often won all Senate seats up for grabs in any given state or territory, even though stacks of voters have rejected them. How is this democratic?

Both the ACT and the Northern Territory, with two Senate seats up for grabs at each election, are virtually under lock and key for the major parties. In 2013, a third of voters in the ACT and a quarter of voters in the Northern Territory rejected the major parties, but the major parties won all four Senate seats in those territories. In both 2010 and 2007, both territories had roughly a quarter of voters rejecting the major parties. In 2004, they had about a fifth of voters rejecting the major parties. But the major parties won all available Senate seats every time.

In 2010, apart from the DLP win in Victoria, virtually all Senate seats went to the usual suspects, which gave the Greens the balance of power in the Senate. Coupled with their victory in the seat of Melbourne in the House of Reps, in which neither Labor nor the Coalition won a majority, the Greens suddenly were no longer just minor players. Although not arguably a direct reflection of the vote of the people, this didn't have the undemocratic look that came when the major parties won all Senate seats up for grabs.

In both 2007 and 2004, Labor and the Coalition won all six Senate seats up for grabs in many a state, despite a decent vote against them. In 2007, despite having about a fifth of voters in NSW and Victoria and Queensland reject them, the major parties won all Senate seats in those states. In 2004, despite being rejected by about a fifth of voters in NSW and a tenth of voters in Queensland and a fifth of South Australia, the major parties won all Senate seats in those states. In previous elections, voters in each of the states were usually electing five Senators from the major parties and one Senator from a minor party. How can it be representative when the major parties win all available Senate seats in any state, when so many voters are rejecting them? This is behind the argument about representing the unrepresented.

3) HAVING A GO

Is there perhaps another element in the rise of minor parties and micro-parties, especially at the 2013 election, that needs to be considered? People in these small groups could argue that they're just having a go. Doesn't this go to the heart of what the Liberal Party in particular stands for – the notion of enterprise and entrepreneurship? Isn't the notion of putting ideas out in the open, and trying to convince people to believe in them, part of an enterprise culture?

I suspect that before the 2013 election there were stacks of people who...

- * looked at both the major parties and the existing minor parties,
- * didn't like what they saw, and
- * thought to themselves, "Screw this – we'll start our own political party."

This line of thought has probably existed for generations, except for the notion of people setting up their own political party or movement to contest elections. I dare say that lots of people have been disillusioned with the political scene, some extremely so, but comparatively few could be bothered to have a run against existing political parties at elections. Many people want to run, but lack the know-how or capacity or nerve to run. And even though countless minor parties and micro-parties have contested recent elections, many voters are still disillusioned. I suspect that over the last decade or so, people have voted more to reject what they oppose than to endorse what they support, although the buzz and excitement surrounding Labor Opposition Leader Kevin Rudd in 2007 was something of an exception.

On my part, as a voter, at the past several elections I've been as disillusioned as lots of other voters with the political choices out there. For me, it's been a case of showing up at my local polling booth and casting a vote for what I saw as the best of an uninspiring bunch of candidates and parties. Mind you, I'd rather vote for the best of a bad bunch than cast an informal vote or decline to vote, because I value my opportunity to have my say, via the ballot box, on where the country is going and where I want it to go – if I don't take that opportunity, I've got no right to complain about disliking where governments take us. And I'd make that point to any person, especially a person who might've come to this country from any country where the right to choose who you vote for is restricted at best or non-existent at worst.

In terms of minor parties having a go, the difference of the 2013 election, in comparison with elections before it, is what I referred to earlier – a realisation among the minor parties and micro-parties that they could take on the Usual Suspects at their own game, and in a few cases, they beat them. Surely this is what having a go is all about, isn't it? Perhaps the Liberal Party, in wanting to encourage an enterprise culture, wants people to be inspired to have a go in all aspects of life – except in the election sphere!

4) PALMER'S SUCCESS

The 2013 election showed off people who could be described as examples of what can happen if you have a go. People might point to the success of Clive Palmer and his nascent political movement in winning seats at their first election, but predating Palmer as a success story is Independent Senator Nick Xenophon of South Australia. Although his political career began at a state election in 1997 after preferences enabled him to sneak into the Upper House of the South Australian Parliament, which is similar to the Senate in terms of voting and representation, he took stands on issues that peeved the other political parties but impressed many South Australian voters – they were so impressed that when Xenophon next faced the voters, in 2006, he won more than a fifth of the statewide vote, thereby not only winning himself another parliamentary term but also getting a running mate elected on his coattails, and all in spite of the fact that the major parties and other groups were directing preferences away from him. As such, I wasn't surprised to see Xenophon win a Senate seat at the 2007 federal election, on primary votes alone, and nor was I surprised when he won again on primary votes alone in 2013. Clearly, South Australian voters like Xenophon – the man is something exceptional. But in a way, Xenophon's success was overshadowed by Palmer's success – not that Xenophon would care anyway!

Mind you, it's not unprecedented for minor parties to break through at their first election. After all, the Democrats won two seats at their first federal election and the Hansonites won eleven seats at their first state election. The elections in question might be different, but the lesson is there to see, although the difference is in how long they were able to survive. The Democrats were in the political game for some thirty years, whereas the Hansonites imploded within months of their first success. Time will tell whether Palmer and his mob survive the political game.

However, Palmer's success in 2013 had a disturbing side to it. Palmer will deny it until he's black and blue in the face, but he and his mob look to have bought their way into Parliament. Particularly considering how often commercial television ads featuring Palmer ran during the election campaign, this conclusion is hard to avoid.

ABC TV regularly runs brief speeches for both the major parties and some minor parties during election campaigns, each of them running for several minutes before the 7.00 evening news. But while we always see ads for Labor and the Coalition on commercial TV at election time, I don't remember ever having seeing TV ads for the Democrats or the Hansonites or the Greens or others. However, during the 2013 election campaign, Palmer got a lot of ad time on commercial TV, although whether or not he got as much as the major parties is arguable. I lost track of the number of times that I saw Palmer's ads on TV, especially during the evening news ad breaks.

Seeing the leader of a minor party enjoying this amount of airtime is probably unprecedented. How could Palmer have achieved this? Given that he's a billionaire mining boss, we can work that out ourselves.

Would I be bothered if Palmer and his mob had failed to win any seats at the election? I might be bothered, but then again, maybe not. Indeed, Palmer himself was lucky to win the seat in the

House of Reps that he contested, with barely a quarter of the primary vote, which wasn't that much more than half of what his Coalition rival got. I think that if Palmer and his mob had failed to win seats, Palmer might've been ultimately dismissed as nothing more than a loudmouth with more money than brains. But the fact that he and his mob won seats, especially when his wealth was probably the key to getting him the luxury of TV airtime that arguably only the major parties can afford, implies a case of seats being bought. Mind you, I can't fathom what Palmer might've been like in a hung House of Reps or Senate! It's true that in hung parliamentary chambers, minor parties and Independents will exercise their power, albeit not always wisely, but with arguably none of them having the financial means to fight for their objectives like Palmer and his mob had, Palmer's success looks, at least initially, like a disturbing first in Australian politics.

5) COST OF POLITICAL ADVERTISING

Palmer's success in 2013 highlights a significant issue for minor parties in particular – the cost of political advertising. Only people like Palmer, with his billions of dollars, could afford to get airtime on commercial TV in particular, and especially during prime time periods such as the nightly news bulletins. Does anybody remember the Democrats or the Hansonites or the Greens getting ads on commercial TV during prime time? Could they have afforded this sort of thing?

I should point out that I stand to be corrected in relation to the Democrats, who'd been part of the political scene long before I became interested in or understood this country's political processes and history. But even with high-profile leaders like Don Chipp and Janine Haines and Cheryl Kernot, did the Democrats ever run election ads on commercial TV during the years when they were strong? I'm inclined to think that they couldn't have afforded to run those kinds of ads, although I stand to be corrected on that.

I'm not arguing that Palmer's ads cost a fortune to make. It seemed that those ads only had Palmer himself talking into the camera, with a caption of words underneath or following. This hardly sounds expensive.

I know of ads for campaigns that would've seemed cheap to make. One of the most memorable campaign ads, by the labour movement against the Howard Government's moves to change industrial relations laws generally and abolish unfair dismissal laws in particular during 2005, looked like it didn't cost much to make. This was the ad of a lady on the phone, facing the sack because she couldn't come to work, due to having to look after her children. The ad was said to have been very effective, but I doubt that it would've cost much to make. So why did this ad campaign cost millions of dollars? The reason was probably the cost of getting it to air.

Another example of an effective ad arguably costing little to make was a tap ad by Labor for the 1999 Victorian state election, which saw Premier Jeff Kennett defeated. His defeat was a shock, not just because years of good governance made him seem impregnable, but because of where his defeat stemmed from – usually voters in Melbourne's middle-to-outer eastern suburbs decide state elections in Victoria, and they have clout in federal elections as well, but in 1999 Kennett was brought down by an unforeseen backlash and loss of seats in rural Victoria, where he was seen as aloof and uncaring after cutting many public services. To capitalise on rural resentment, Labor ran a campaign ad with a tap gushing water, implying that under Kennett Melbourne was getting everything, and then a few drips to imply that rural Victoria was getting nothing. In a biography of Kennett, author Tony Parkinson quoted an unnamed Labor strategist who said that the "brutal" and "simple" tap ad "cost absolutely nothing to make". Parkinson wrote that the ad didn't run in Melbourne, for obvious reasons, but ran a lot in rural Victoria. The ad mightn't

have cost a lot to make, but what did it cost to run? And how much cheaper would it have been to run on TV in the bush, as opposed to the capital city?

An autobiography of the late Peter Andren, the former Independent member for the central NSW seat of Calare in the House of Reps, provides a noteworthy insight into the cost of political advertising. Andren wrote that during his successful campaign to win Calare in 1996, he'd spent about fifty grand all up, less than half of what the major parties between them spent in Calare, with radio and TV taking up about fifteen grand, roughly a third, of Andren's campaign costs. But of that fifteen grand spent on radio and TV, more than half went into making one ad and booking scarce slots on the local TV stations late in the election campaign, after the major parties started selling messages, including via TV commercials, that a vote for Andren was effective a vote for a major party. Even after Andren got some airtime to counter these acts of trickery from the major parties, the trickery continued, and he didn't have the resources to counter it all. Despite the trickery, Andren was able to win Calare, and went on to be one of the most respected figures in parliamentary history.

Given that Andren had to spend several thousand dollars to get ads to run merely on regional TV, I suspect that the cost of getting ads on TV in the capital cities would run into the hundreds of thousands, if not millions. This probably explains why, in 2013, Palmer was able to afford TV airtime which is way beyond the means of most, if not all, minor parties and their leaders.

I look also at federal MP Bob Katter, who's set up a few political movements since he quit the Nationals in 2001. But Katter and his people haven't really been successful at election time, despite running hard on issues like protecting farmland from coal-seam gas developments, especially in Queensland's Toowoomba and Darling Downs regions. They only won a handful of seats at a state election in Queensland in 2012, though their parliamentary ranks have since swelled with defecting politicians – time will tell whether they survive when they next go to the polls. Despite this lack of success, going into the 2013 federal election I was sure that Katter's mob would pick up a Senate seat in Queensland, especially with a well-known candidate in country music singer James Blundell. But Palmer's mob beat Katter's mob to a Senate seat, through another well-known candidate in ex-footballer Glenn Lazarus. I suspect that Katter would've been stewing after the 2013 election – he might well have thought that Palmer, in effect, bought a Senate seat that could've gone his mob's way, because Palmer's mob enjoyed the financial capabilities that Katter's mob lacked. Does this look like a travesty of justice?

I know also of John Singleton, the well-known ad guru and Sydney radio station owner, backing candidates, albeit not from the major parties, on the NSW Central Coast at the election. You'd have to ask if Singleton gave those candidates the luxury of airtime because of his backing. In the end, those candidates didn't win seats, but what if they had won? And could some political parties or Independents get potentially an unfair benefit of airtime because of friends whom they might have in high places in some media outlets?

And somebody put forward an interesting argument to me once – when political parties vote in parliaments for increases in public funding, could it be because the extra funding might prove the difference between whether or not they can afford to run campaign ads on commercial TV? I'm not sure whether I agree or disagree with that argument, but it's worth noting. The cost of political advertising, especially on commercial TV during prime time, seemingly makes for an uneven playing field.

As such, I pose the following thought. Should minor parties be granted, by law, at least one slot on commercial TV during prime time in election campaign periods? This would level the playing field a little, because minor parties generally can't afford airtime on commercial TV

during prime time – Palmer’s success in 2013 showed what a shower of money can buy you during elections. Obviously not all minor parties would take up such an option, and in many cases their positions on selected issues would be more extreme than commercial media outlets might tolerate, but why not allow them the opportunity for a little exposure? Why not limit minor parties to one single prime time commercial TV slot being guaranteed by law at election time and nothing more?

6) INFORMAL VOTING

The success of minor parties and micro-parties in 2013, however contentious, goes some way to showing voter disillusionment with the major parties, and to some extent with the Greens. But another illustration of that disillusionment might’ve been the informal vote.

At the last two elections the informal vote went up. Having looked at past elections results, my suspicion is that something like one of every twenty people voted informally. This figure fell to less than one of every twenty-five voters in 2007, but rose to about one of every sixteen voters in 2013. Notwithstanding the possibility that informal voting might stem from simple mistakes made by voters on their ballot papers, such as failing to number every box or marking with ticks and crosses instead of numbers, I suspect that disillusionment might be behind informal voting.

I don’t really buy the argument that confusion over state and federal voting systems might’ve led to high rates of informal voting. For example, at state elections in NSW, preferential voting is optional, meaning that people can just vote “1” without allocating preferences if they want to and their votes will be valid, although their votes can be discarded or “exhausted” during the counting of preferences – it’s been argued that this arrangement can confuse voters in NSW, especially given that at recent elections the highest rates of informal voting have been in NSW, with some electorates having more than one in every ten people voting informally. However, preferential voting is also optional at state elections in Queensland, and the informal vote there was nowhere near as high as in NSW – at worst, one electorate in Queensland had something like one in every fourteen people voting informally. This is why I don’t buy the argument about confusion over state and federal voting systems.

It should also be noted that some states have similar voting and representation arrangements to those at federal level. With minor differences, the parliaments of Victoria and Western Australia almost mirror Federal Parliament. The parliaments of NSW and South Australia are also similar, although the Upper House in each of these parliaments is made of one multi-member electorate representing the state as a whole. The Tasmanian Parliament is, if you like, an upside-down version of Federal Parliament, with its Lower House set up like the Senate and its Upper House set up like the House of Reps. The parliaments of Queensland and the Northern Territory have only one chamber apiece, both set up like the House of Reps, while the ACT Parliament has only one chamber, set up like the Senate. In a sense, the arrangements for both the ACT Parliament and the Lower House of the Tasmanian Parliament reveal something else – because voting for both chambers is like voting for the Senate, albeit with only boxes against each candidate and with no option of voting above or below a thick line, this is why both the ACT and Tasmania have been consistently returning a largely proportion of below-the-line votes cast for the Senate than the rest of the country, at times as high as one in every five votes cast or higher.

Beyond this, I can’t see any reason for changing rules to validate votes that would currently be classified as informal. The rate of informal voting will only go down when voters feel inspired or encouraged to vote for someone. I know that the former Independent MP Andren, in his campaigns, always told voters in his electorate to vote “1” for him and then make sure that they

numbered every box on their ballot paper for the House of Reps, in the order of their choice. Political leaders probably do as much as they can to ensure that voters know about the need to fill in every box on their ballot papers for the House of Reps, and to fill in every box if they vote below the line on their Senate ballot papers, but they can only do so much. If voters really are disillusioned, no amount of messages or education will dissuade them from voting informally.

7) ENROLMENT

Voter disillusionment might also be behind issues relating to enrolment. Because Australians seem largely disengaged from the political process, they seemingly give little or no thought to updating their addresses on the electoral roll when they move house, or even enrolling. They don't really think about their enrolment until elections are actually called, if not just before.

This is why I don't agree with the Howard Government's law of closing the electoral roll once elections are called. It's true that you should be responsible for enrolling and keeping their enrolment up to date, but why should disillusioned voters be punished for their disillusionment? Is it appropriate to effectively threaten voters with the loss of their vote if they fail to update their enrolment? If electoral rolls are going to be closed once elections are called, it should be up to political leaders should do whatever they can to remind voters to keep their enrolment up to date. Besides, given that Federal Parliament doesn't have fixed election dates and the Prime Minister can call an election at will, it's too easy for disillusioned voters to be caught on the hop.

Six of the states and territories have fixed parliamentary terms, so in those places it's easier for respective electoral authorities to plan and budget for campaigns to remind voters of the need to update their enrolment. But I think that it's inappropriate to have an arrangement whereby the electoral roll can be closed immediately upon the calling of elections.

I should also ask what polling booth officials are on about when, upon your arrival at a polling booth, they ask you if you've voted before. Their question could have two meanings – have we voted already in this election, or have we voted at elections before? Why would voters say that they've voted at the election, when they know that they'll be stopped from voting if they answer yes? This might well be to prevent multiple voting or electoral fraud, but what more can be done to prevent that stuff from occurring? There might be suspicions of multiple voting, but in the past it's been exposed only after it's been found to have occurred, by which time you're too late to do anything about it, and if you beef up security checks to ensure that it doesn't happen, only for nothing to actually happen, the beefing up of security checks seems like a waste of time. And while voters might be told where their nearest booth on the day of the election is, they might be elsewhere within their electorate on the day and unable to go strictly to the booth closest to where they live, such as mums doing their weekly grocery shopping several suburbs from their homes. I can see why there's some unease about having voters' names on the rolls at all polling booths, but in a society where everybody increasingly seems to be on the go, but I'm open to ideas on how to reduce the potential for electoral fraud without severely inconveniencing voters.

8) PREFERENTIAL VOTING

The final illustration of voter disillusionment might revolve around preferential voting, which is compulsory at federal elections but only optional in some state elections. While the vote for minor parties and micro-parties at past federal elections has been high, the requirement for voters to direct preferences, at least in the House of Reps, invariably benefits the major parties. For that reason, the major parties have no real obligation to sell voters an inspiration or encouraging

vision of where they want to take the country, because votes for minor parties are more likely than not to eventually flow to them. Notwithstanding the success that the Greens and Palmer had in winning seats in the House of Reps in 2013, rarely do minor parties win seats in chambers made up of single-member seats.

But some people argue that preferential voting works in a different way. If minor parties build up enough support in certain areas, regardless of whether their vote is strong enough to actually win seats, the major parties see fit to do things to appease them. In the past, examples might've been things like tightening immigration laws to appease the Hansonites or outlawing the clearing of bushland to appease the Greens. Over time I've heard many people argue that we should get rid of preferential voting. This was particularly so after the 2010 election, which resulted in a hung House of Reps, with the Greens and Independents holding the balance of power. While I'm not necessarily for or against preferential voting, I think that it's worth considering outcomes in past elections where preferential voting didn't exist.

Barely six months before we elected a hung House of Reps in 2010, there was a general election in the UK. There the voting arrangement is first-past-the-post. But even without preferences, the 2010 election in the UK failed to produce a majority government, largely because there the Liberal Democrats have enough strength to win plenty of seats and break the old conventional Conservative-Labour stranglehold.

Sometimes, first-past-the-post voting produces different outcomes, especially if there are splits among political forces. I remember a split in conservative forces allowing a moderate to come through and win a presidential election in Iran. I remember a split in secular forces allowing an Islamist to come through and win a presidential election in Egypt. I remember a split in left-wing forces allowing a right-wing extremist to finish second in a presidential election in France, although in the runoff election that followed it because of the failure of any candidate to win a majority of the vote, the extremist lost to another right-winger.

First-past-the-post voting can also look more distortable than preferential voting. In a first-past-the-post election, ten candidates can run, and obviously a even split would mean one in every ten votes going to each candidate, but in this case the winner could win with as little as eleven in every hundred votes – in those circumstances, how can it be democratic when nine in every votes are against the “winning” candidate?

This scenario is very possible in presidential elections in the US, which in my opinion is heavily gerrymandered and unfair. There, an electoral college gives each state a certain number of votes based on its population, and for all but two states, those votes go to the candidate who wins the largest share, but not strictly a majority, of votes. In theory, you can run as a candidate and win huge majorities in the overwhelmingly majority of states, but if your rival merely finishes first in the largest handful of states or so, you lose – is this democratic? Certainly this arrangement has worked for generations, because the Republican-Democratic duopoly has rarely been broken. But in the not-so-recent past, third candidates have taken votes off major parties' candidates, or even split their vote, allowing their rivals to win. Might the infamous Gore-Bush kerfuffle of 2000, in which the winner lost the popular vote but finished first in enough states, have happened if Ralph Nader hadn't taken votes off the Democrats? Similarly, would Bill Clinton have won elections if Ross Perot hadn't taken votes off the Republicans? And because the Gore-Bush saga is still very fresh in people minds all over the world, it's worth bringing it up in this case!

In Australia, some people might be unhappy with preferential voting. But some events in countries without preferential voting might make people rethink their opposition. Again, I say

this not as a fan or an opponent of preferential voting, but to argue that getting rid of preferential voting mightn't necessarily be the panacea that unhappy people are looking for.

CONCLUSION

To sum up, I offer the following points regarding the outcome of the 2013 election.

- * The Senate outcome was merely the result of a realisation among minor parties and micro-parties that they could – and had to – take on the major parties at their own game in terms of directing where their preferences went.
- * The major parties will sometimes win all Senate seats in some states, and both territories, no matter how big the vote against them is.
- * The rise of minor parties and micro-parties over the years might be the result of disillusioned voters having the sense of enterprise or entrepreneurship to set up their own parties, and this shouldn't be discouraged.
- * Palmer's success at winning seats, largely through using his wealth to buy ad slots on TV in prime time, implied that seats can be bought.
- * Minor parties and micro-parties can't compete with the major parties, or with Palmer, in terms of advertising costs, especially when people are most likely to pay attention.
- * Voter disillusionment is the most likely cause of high rates of informal voting.
- * Political leaders need to encourage people to keep their enrolment up to date, rather than just arrange to close the electoral roll once elections are called.
- * Both preferential voting and first-past-the-post voting aren't always democratic.

While my criticism in my conclusions is aimed primarily at the major parties, I also take aim at the Greens, because the hung election of 2010 turned them into significant players in the political game, and many voters have come to be as disillusioned with them as with the major parties, hence my description of the major parties and the Greens as the Usual Suspects. I believe that many of the issues from the 2013 election stemmed largely from voter disillusionment, and this won't change until political leaders start inspiring, as well as explaining the hard decisions and making people feel like they'll be looked after if hard decisions hurt them. But I suspect that the Usual Suspects simply can't force themselves to understand why people have turned against them. Members of Parliament will have to ask whether changing the electoral system is about protecting democracy or the Usual Suspects. At this time, I don't think that we need to guess what the answer is likely to be.

WARREN GRZIC

March 2013