Submission 121
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The Secretary
Joint Standing Committee on Electoral Matters
Parliament House
CANBERRA ACT 2600

Dear Secretary

Submission – Conduct of the 2013 federal election

In response to the public invitation, I make the following personal submission to your inquiry.

There are three areas where I believe the Parliament should amend the *Commonwealth Electoral Act 1918*, two of these were brought into stark contrast in the 2013 election and one has been a problem for several elections. Each relates to the election of Senators.

Senate voting – forced but opaque preferences

The changes to the Senate voting system in 1984 to provide for voting above the line or below have gradually been manipulated, to the extent that the result of the 2013 Senate elections can be fairly said to depart from the conscious intentions of the majority of persons casting a valid vote in the five States (and probably also in the vacated election in Western Australia).

The reason I say this is because not only are preferences 'forced' but the changes to the Act to remove the requirement for the AEC to post in voting booths how each party or group had lodged its official preference card also make the preferences opaque.

It is my submission that lodging a 'forced' preference goes further than the requirement for people to vote because it effectively means that a voter voting for a particular group has his or her vote then 'forced' by provisions in the Act to elect others, if their original preferred candidates are not elected. This seems to me to verge on the undemocratic – it is one thing to provide for compulsory voting, but the Senate voting system requires compulsory preferences!

Some commentators have suggested raising deposit amounts for candidates or making more onerous the requirements for political parties to register. Such proposals are also undemocratic. Provided a deposit amount is such that it discourages vexatious candidates, the law should not itself provide more onerous requirements on prospective candidates that are easier for larger parties or prominent independents to meet than for others seeking to stand for election.

My submission is that the Commonwealth Electoral Act should be changed in two respects. A vote should be valid provided the voter has expressed a preference for six Senators (12 in the case of a double dissolution). Secondly, any party or group should only be required to lodge a preference 'card' for 6 candidates in a half-Senate election. If no preference is made after 6, the vote should be regarded as exhausting. This procedure has existed for many years in the Tasmanian House of Assembly and it provides for a voter to exercise a personal choice as to whether to vote for more than the number of vacancies to be filled, entirely at their discretion. It also does not 'force' their vote to elect persons who were not in the original preferences they wanted to fill the vacancies.

This change would obviate the need to lodge preference cards and would 'return' the vote to the voter, so that the voter decided which candidates to vote for and whether to vote further than the number of vacancies. Above the line voting could be retained, or done away with.

It would not be undemocratic because significant support for a Senate candidate from other than one of the more established parties would see that candidate likely to be elected, either with a quota or because of being the candidate with the highest number remaining without a quota when the count has been completed.

There is one other benefit that allowing Senate votes to 'exhaust' would deliver. Australia is an ageing country and in my State the electorate is ageing the fastest. Having giant Senate voting tickets not only daunts all voters but it particularly discriminates against the aged, and others who are more likely to either lodge a postal vote, vote before polling day or have difficulty with the actual process of voting in the booth. If it was clear to such voters that they only must vote for six candidates, that would make the democratic process much fairer for them.

Residence of Senate candidates

I have made a submission to this committee in regard to a previous election conduct inquiry in the past that I believe it would not be unreasonable to require Senate candidates to be enrolled in the State they are choosing to represent. I reiterate that view. There is an

increasing dependency for parties to run candidates who have no connexion with the State they are seeking to represent, arguably to manipulate the result. In the past it has been the

DLP, in the 2013 election it was, among others, the Australian Sex Party and the Palmer United Party. In Tasmania at one stage of the Senate count, it was possible that a candidate could have been elected who lived interstate, had no link with Tasmania and had not visited Tasmania during the campaign, simply because of the way preferences had been manipulated.

I urge the committee to look again at tightening up this requirement. Residence in the State where they are standing is not a particularly high obstacle to jump.

I wish the committee well in its deliberations and hope that the unsatisfactory nature of the Senate voting system, in particular, will be examined and that the committee will make recommendations for the proper expression of voters' intended preferences.

Yours sincerely

(Don Morris)