



## **Additional Comments – Australian Greens**



## Introduction

The Australian Greens support the recommendation of the report of the JSCEM Inquiry into the Commonwealth Electoral Amendment Bill 2016.

However, we do regret the slow pace of Senate voting reform, considering the report of the first JSCEM inquiry into this matter was handed down in April 2014.

The Greens have been working for Senate voting reform for over a decade. Former Senator Bob Brown introduced legislation on the subject in 2004, 2008, and 2010. A commitment to Senate voting reform was a condition of Greens support for the minority Labor government in 2010 – a condition they agreed to, but failed to deliver on. The Greens initiated optional preferential voting reforms for the NSW Upper House in 1999. The changes were adopted and since then four elections have been successfully held under OPV.

We welcome the opportunity to comment on the report as well as the submission and witness statements.

The work of this inquiry builds on the 2014 JSCEM reports on Senate voting practices. The key recommendation of that inquiry was that Group Voting Tickets should be replaced with above the line preferential voting.

## Voting

The Greens strongly support the Commonwealth Electoral Amendment Bill 2016. In particular we note the inclusion of these important changes:

- Partial optional preferential voting above the line. The Senate ballot paper will include advice that voters number, in order of preference, at least six squares.
- Group and individual voting tickets will be abolished.
- Appropriate vote savings provisions to capture voter intent and reduce the risk of increased vote informality.

Many submission and witness statements urged JSCEM to recommend optional preferential voting for below the line.

Michael Malley in his submission stated:

*"... the scheme proposed in the Bill will create an anomaly never previously seen at Senate elections: identical preferences for candidates may produce a formal vote if expressed using the above the line mechanism, but an informal vote if expressed using the below the line mechanism."*

Professor George Williams stated:

*"... as far as possible, the outcome should be determined by whom voters would actually like to see elected. This, and not the relative interests of those seeking election, ought to be the primary consideration."*

Adjunct Professor Antony Greens stated:

*"It seems odd, having accepted that voters should not be required to preference all parties above the line, that the legislation would then retain the onerous full preferences requirement for the far more numerous candidates listed below the line."*

We welcome the decision of JSCEM to include OPV below the line as one of its recommendations. The Australian Greens submission on this point stated:

*"We believe the Bill would be stronger if voters were not required to fill in all squares when expressing a preference below the line."*

### **Recommendation**

That the wording of the above the line voting instructions be reviewed by both the AEC and JSCEM after the first Senate election is conducted under the new rules.

### **AEC implementation**

It should be noted that while the AEC submission stated that a minimum three month lead time would be necessary to implement the proposed counting changes set out in the bill it also noted that "implementing changes to electoral processes increases significantly with any compression of the timeframe between a government announcement."

These two statements should be considered together. It is vital that the new counting system is thoroughly prepared and tested before being rolled out for the actual election and that a comprehensive education system is undertaken for all voters.

### **Recommendation**

That the Special Minister of State instruct the Department of Finance to work closely with the AEC to ensure that they have the required resources and further that additional money is allocated as required.

### **Source code and counting**

Building confidence in the Senate counting system should be a priority of the AEC. We note that the AEC did not comply with a freedom of information request to release the source code of the EasyCount system on the grounds that it is commercial in confidence.

The Greens support the release of this source code into the public domain to promote public scrutiny, understanding of the counting system and the auditing of the process.

### **Recommendation**

The Australian Electoral Commission to be directed to release the EasyCount source code into the public domain.

### **Critiquing the critics**

Kevin Bonham provided useful analysis of the impact of the Bill on the make-up of the next Senate.

He stated:

- "Claims that the system would unfairly advantage the Coalition are not supported either by theoretical argument or by simulations of past elections".
- that while the collective category of "other parties" may have won 23 per cent of the Senate vote in 2013, it is a false logic to argue that collectively that should be rewarded with 23 per cent of the seats for micro parties. This was based on evidence that many micro party voters preference Labor, Greens or the Coalition ahead of other micro parties.