

Inquiry into the 2013 Federal Election

Submission from the Electoral Reform Society of South Australia April 2014

Proportional Representation

The Electoral Reform Society of South Australia again urges the Joint Select Committee on Electoral Matters to take this opportunity to consider changing the method of electing the House of Representatives to the quota-preferential method of proportional representation.

The Electoral Reform Society believes that the electoral system used to elect the House of Representatives needs to be changed from single-member electorates to the quota-preferential method of proportional representation with multi-member electorates.

As the quota-preferential method of proportional representation is used to elect the Senate, after every Federal Election it is possible to compare how well these two methods of election compared.

Analyses of the 2013 Federal Election results for the House of Representatives and the Senate are given in the attached (**Attachments 1, 2 and 3**).

The analyses show how the voters fared in terms of their votes actually electing the candidates of their choice. Only **54.4%** of Australian voters found that their votes (or preferences) elected someone to the House of Representatives (**Attachment 2**). In contrast, **86.5%** of these voters, **and at the same election**, found their votes (or preferences) electing a Senator.

It is often assumed that it is only the supporters of the smaller parties and Independents who find that they are not represented in the House of Representatives. But as the analysis of the results show (**Attachment 2**), over two million voters for the Coalition found that their votes did not elect anyone to the House of Representatives. This is in spite of the Coalition winning more than its fair share of seats (60% of the seats with only 49.1% of the vote). **A third of Coalition voters found that their votes were wasted.**

For the ALP the situation was even worse, with almost half (47.9%) of their supporters (almost 2.4 million voters) finding their votes (or preferences) not electing anyone to the House of Representatives. In contrast, virtually all ALP voters (95.5%) found their votes electing the Senators of their choice.

For the political parties, the results in terms of seats won to the vote received, the Senate has given a much better outcome than the House of Representatives (**Attachment 1**). All won their fair share of seats, despite the concerns about the success of some of the so-called micro-parties and preference-harvesting (which the major political parties have always used to elect their second and subsequent Senators).

Reform of the Senate voting system

The Electoral Reform Society has continually called for above the line voting for the Senate to be abolished. In its place, optional preferential voting should be introduced.

The Society is concerned that when voting for the Senate, voters have a poor choice between trying to express their own preferences (but by being forced to mark preferences for all candidates below the line) or blindly adopting a group or party's preferences (voting above the line).

If a voter wants to vote below the line, it is difficult to be able to bring something to the polling booth to assist in filling out the ballot paper. If a voter wants to vote above the line, it is difficult for that voter to find out where preferences are given.

If above the line voting is going to continue, consideration needs to be given to either the Australian Electoral Commission distributing the voting tickets or legislating so that the political parties must provide this detail in print form. There is also a need for a matrix comparing the tickets and a blank sample Senate paper.

While above the line voting exists, the Society has consistently argued that it is necessary to ensure that voters are aware of what voting above the line means. However until now little attention has been taken of our stance

Under the *Commonwealth Electoral Act 1918*, Section 216 states that a poster or a pamphlet showing the voting tickets must be prominently displayed at each polling booth. While it appears that at this election, the details were available at most polling booths, not all polling staff are aware that this is available. Members of the Society when they asked to see the voting tickets were often directed to go back outside to those handing out the how-to-vote cards, or in one instance after a search was told that the booklet had been lost!

The website on the Australian Electoral Commission did provide the details of the voting tickets for the 2014 elections. However this was cumbersome and difficult to follow, or to conveniently download. A matrix comparing the tickets would be a useful addition.

Unfortunately also there was no blank Senate ballot paper provided on which voters could mark the order of their own preferences, so that they could take this with them when they went to vote. The provision of such a paper from the Australian Electoral Commission would assist those who are considering voting below the line. The Electoral Commission SA this year provided for the first time a sample Legislative Council ballot paper for the 2014 State election and this received very favourable comments from those considering voting below the line.

While Section 216 stipulates that details on voting tickets need to be available at polling places, this information is actually of very little use at such a late stage in the election. Rather than provide details on voting tickets at polling booths, this needs to be provided before Election Day.

It is preferable that it be in printed form. Consideration needs to be given to either the Australian Electoral Commission distributing the voting tickets – perhaps in their official guides to each Federal Election, or legislating so that the political parties must provide this detail in print form.

The Electoral Reform Society would prefer that there was optional preferential voting. There would then be no need to continue with above the line voting. And any preference-harvesting agreements will then lose significance as it is the voters who will be able to have a more effective say in who they want elected.

Preferential above the line voting

For some time there have been proposals for allowing preferential voting above the line. The argument is that currently above the line voting has taken the decision on preferences from voters and given it to the political parties. With preferential voting, this right is given back to the voter.

As already stated, the Electoral Reform Society believes that above the line voting for the Senate needs to be abolished. In its place, optional preferential voting should be introduced.

Preferential above the line voting will still not improve the requirements if voters not only want to choose the order in which they prefer political parties, but also want a say on the ordering of the candidates within the political parties.

It is important that voters realise that it is their votes and they can determine their preferences.

If above the line voting is abolished, and optional preferential voting introduced, not only would this be easier for voters, reducing the informal vote, but it would also be fairer for the ungrouped candidates. The introduction of the Robson Rotation would be a further refinement that would ensure that all candidates are treated equally, and would mean that the choice of who should be the successful candidates would truly be the voters' choice.

Introducing thresholds

There is now concern that unless the system is changed, candidates could be elected with miniscule votes. It must be remembered that such candidates are only elected if they also receive sufficient preferences, as to get elected all successful candidates must get a quota. For the Senate, with six members to be elected, the quota is 14.3% of the total formal votes. At the last election, this quota in South Australia was almost 150,000 votes.

If the first preference votes of those elected at recent South Australian Senate elections are examined, this shows that in 2014 that Senator Birmingham was elected even though he only received 1,013 first preference votes (0.10% of the vote). At the 2010 election of those elected, Senator Fawcett received 0.16% of the first preferences, Senator McEwen 0.15% and Senator Edwards only 0.07% or 667 first

preference votes. But by preference-harvesting, all four Senators received sufficient preferences to receive a full quota of votes and to be rightfully elected.

One of the suggestions now being made on how the system could be changed is to instantly eliminate any candidates who get less than a certain percentage of the votes (a threshold of four per cent has been mentioned) and to distribute their preferences. Such an artificial proposal is unfair to both the voters and the candidates who get below this figure.

The current method of quota-preferential proportional representation used for the Senate firstly transfers surplus votes of any candidates who receive more than a quota to the continuing candidates according to the preferences marked by the voter. To pre-determine who the continuing candidates are could well distort the wishes of the voters and their preferences for who should be elected. This makes a mockery of using proportional representation as such thresholds can seriously affect the relation between the percentage of the popular vote and seat distribution.

Survey of Senate candidates

Given the concerns expressed about the record number of Senate candidates, before the last election the Electoral Reform Society asked these candidates about how they are contacting electors and their attitude to the current format of the Senate ballot paper.

Except for the Australian Greens, none of the sitting Senators or their parties responded. This was not surprising as at that stage they obviously liked the current procedures that had been ensuring they were elected.

Those candidates (or their parties) who did respond indicated that they were having difficulties getting their message out to voters, and are mainly relying on social media and word-of-mouth, though there has been some paid advertising. While there was support for more free-to-air time on radio and TV, surprisingly there was not the same level of support for the Australian Electoral Commission forwarding details on all candidates to voters.

Most found the current ballot paper cumbersome, but there was little consensus on how to make improvements. Those that responded wanted to keep a choice of voting above or below the line, were not entirely sure about optional preferential voting below the line, or even having available sample ballot papers for voters to use before they go to vote. There was general support for preferential voting above the line.

Other electoral reform aspects in relation of the 2014 Federal Election

In addition to arguing for proportional representation for the House of Representatives and improvements for the Senate procedures, there are a number of issues that concern the Electoral Reform Society, which we wish to raise:

1) Donkey vote

To overcome the donkey vote, the Electoral Reform Society recommends that the Robson Rotation be used rather than the current draw using double randomisation.

Before this Federal Election, the Society issued the following media release.

3 September 2013

What effect will the Donkey Vote have on this Election?

Now that the positions on the ballot papers are known, it appears that the donkey vote could well determine who wins the House of Representative seats in South Australia as well as the Senate.

For the seven most marginal seats in this State, the luck of the draw has favoured the Liberals who have gained a higher position on the ballot paper than the ALP in five of these seats. This could assist the Liberals win Hindmarsh, Kingston and Wakefield, but enable the ALP to hold onto Adelaide.

For the Senate, of the major contenders Nick Xenophon has drawn well compared to the Greens, ALP and Liberals (last group position). This should ensure that not only is Senator Xenophon re-elected, but expand his surplus quota to be a real wild card in determining the last Senate position.

The Electoral Reform Society of South Australia is calling for a change in the electoral rules so that in future the Robson Rotation is used.

Mr Deane Crabb, Secretary of the Society said, "It is absurd that the draw for places on the ballot-paper can determine the result.

"It is estimated that at this electorate for the House of Representatives in South Australia the donkey vote is worth at least 2,000 to 3,000 votes. [In the Australian Electoral Commission publication Democracy Rules the donkey vote is estimated to be 2 - 3% of the vote.]

"The Robson Rotation needs to be introduced so that no one candidate is favoured by being listed in the top position (or bottom or second) on the ballot paper, and that the views of those who have real preferences among the candidates actually influence the result."

The Robson Rotation is the process of rotating the order of candidate's names on the ballot paper so that favoured positions (especially top position) are shared equally between all candidates.

It continues to be a disgrace that who wins government may be determined by luck. It is a matter of chance in who gets the most favourable position on the ballot paper.

The Committee needs to investigate how to overcome the donkey vote. In the opinion of the Electoral Reform Society, the Robson Rotation appears to be the best option available.

2) **Optional preferential voting**

Voting should be OPTIONAL preferential for both Houses. Those who want to make their own choices should not be forced to mark preferences if they do not have any knowledge of some of the candidates.

If a voter has a preference for only one candidate, or several candidates, then that voter should be allowed to vote accordingly, and not forced to give preferences to all candidates. The more so when in practice, usually not very many preferences will be examined during the count as votes are being transferred from candidate to candidate.

If optional preferential voting is introduced, there will also need to be an ongoing educational campaign to ensure that voters understand the preferential system, and voters are encouraged to indicate as many real preferences as possible.

Under the legislation it would also be possible to stipulate that any how-to-vote cards need to show the full allocation of preferences, so that voters can see how the candidates themselves would like to recommend preferences. This already happens under South Australian electoral legislation with candidates banned from distributing how-to-vote cards that do not provide for a full allocation of preferences.

3) **Specific issues of concern on Election Day**

A survey of members after the election raised the following concerns with some suggestions made on how to improve the situation.

- Polling places on main roads are a danger – to reduce the risk of traffic accidents perhaps such polling places need to be designated as ‘community events’ with a reduced speed limit to apply (usually 25 kmh in South Australia).
- Queues were enormous – need to make voting easier so that it is not such a lengthy process, particularly if voting below the line for the Senate.
- Use of pencils attached to very short lengths of string – need for longer lengths
- Pencils blunt or broken – at least a need for more pencil sharpeners at each polling place.

- Polling cubicles too small – perhaps voters need to be asked if they are voting below the line for the Senate and if so, directed to the larger cubicles.

Also need to consider changing the format of the Senate ballot paper to something like the format used for the South Australian Legislative Council ballot paper, so that instead of being very long, there are several rows of groups and candidates both above and below the line – while this can still be cumbersome, may be easier to manage in the small cubicles.

- Lack of detail on polling places – the Electoral Commission SA now sends to each individual voter a letter with the details on all polling booths in that electorate: why cannot the Australian Electoral Commission do the same?

There were comments made by elderly voters going to where they had voted last time and finding it closed without even a notice saying where the polling place had relocated.

One member who now gets “The Advertiser” electronically noted that the day before the election, one of the pages with the AEC advertisement showing all polling places in South Australia was missing, and wondering if the AEC asked for a refund?

Attachment 1: Australian Federal Election Results 2013

(7 September 2013)

	Lower House			Upper House		
	(150 single-member electorates)			(40 elected by proportional representation)		
	% vote	% seats won		% vote	% seats won	
Coalition	46	60	(90 seats)	38	43	(17)
ALP	33	37	(55)	30	30	(12)
Greens	9	1	(1)	9	10	(4)
Palmer United	5	1	(1)	5	5	(2)
Others	7	2	(3)	19	14	(5)

Attachment 2: House of Representative Results for 2013 Federal Election

EFFECTIVE VOTES

An analysis of the House of Representatives election results, 7 September 2013

(A) Election results (after distribution of necessary preferences so that the winning candidate has more than 50% of the vote)

Electorate	Effective votes				Ineffective votes					Total votes
	LIB	NAT	ALP	OTHER	LIB	NAT	ALP	GRN	OTHER	
New South Wales										
Banks	42671						36753	5451		84875
Barton	40245						39756			80001
Bennelong*	46907						28726	7454	5435	88522
Berowra*	53236						16402	8684	8325	86647
Blaxland*			43568		25579			2416	6614	78177
Bradfield*	57506						14720	11429	5029	88684
Calare*		52650					23185	4054	11434	91323
Charlton			45605		27773				13022	86400
Chifley*			43044		26479			2198	10580	82301
Cook*	55707						22850	6058	7684	92299
Cowper*		45820					21910	10685	7963	86378
Cunningham			54595		36582					91177
Dobell	43653						42487			86140
Eden-Monaro	45199						44114			89313
Farrer*	47977						19708	3643	11668	82996
Fowler*			47772		21043			2684	7129	78628
Gilmore	47758						42951			90709
Grayndler			62613		26396					89009
Greenway			45639		40502					86141
Hughes*	48436						28406	3948	7785	88575
Hume*	49105						23711	5218	12960	90994
Hunter			46125		39816					85941
Kingsford-Smith			45411		40692					86103
Lindsay	46446						41212			87658
Lyne*		45871					18352	5340	16682	86245
Macarthur*	46185						26039	3929	8856	85009
Mackellar*	56521						15606	12843	5562	90532
Macquarie	45224						28919	11110	4671	89924
McMahon*			41334		33430			2410	5185	82359
Mitchell*	56706						17775	5554	6573	86608
Newcastle			50298		35197					85495
New England*		49486					10825	4184	26794	91289
North Sydney*	53991						17727	13579	3151	88448
Page		43858					35278	6799		85935
Parkes*		58020					18850	4691	9078	90639
Parramatta			40765		39850					80615
Paterson*	46922						25811	5812	8572	87117
Reid	43642						42182			85824
Richmond			45179			40099				85278
Riverina*		52062					17970	3169	14772	87973
Robertson	47242						41898			89140
Shortland			45848		33857				6339	86044
Sydney			56994		31157					88151
Throsby			44395		28017			11981		84393
Warringah*	54388						17259	13873	3807	89327
Watson			40061		31973			4617	2379	79030
Wentworth*	58306						17840	13455	2483	92084
Werriwa			40426		36953					77379
Total	1133973	347767	839672	0	555296	40099	799222	197268	240532	4153829

Electorate	Effective votes				Ineffective votes					
	LIB	NAT	ALP	OTHER	LIB	NAT	ALP	GRN	OTHER	
Victoria										
Aston*	44030						27850	5017	8444	85341
Ballarat			51411		42252					93663
Batman			54009					35105		89114
Bendigo			47426		45093					92519
Bruce			42812		39833					82645
Calwell			43769		25369			5382	11452	85972
Casey	44338						25334	10273	8584	88529
Chisholm			44431		41678					86109
Corangamite	50057						42744			92801
Corio			52117		38136					90253
Deakin	45009						31029	12202		88240
Dunkley	44520						28431	9783	5200	87934
Flinders*	51972						23666	9148	9135	93921
Gellibrand			58139		29249					87388
Gippsland*		47533					20467	5039	15376	88415
Goldstein*	51193						21591	14408	3399	90591
Gorton*			44449		22328			5597	15240	87614
Higgins*	47467						21027	14669	4144	87307
Holt			45290		30113			4282	9738	89423
Hotham			49232		36727					85959
Indi				44741	44302					89043
Isaacs			46704		40004					86708
Jagajaga			48669		42936					91605
Kooyong*	48802						19655	14526	4643	87626
Lalor			48248		32380			12753		93381
La Trobe	45386						31944	11536		88866
McEwen			50787		50474					101261
McMillan*	47316						23537	7157	15942	93952
Mallee		48243			37591					85834
Maribynong			45873		32692			11552		90117
Melbourne				46732			37819			84551
Melbourne Ports			43419		37654					81073
Menzies*	52290						22788	7663	6065	88806
Murray*	54490						18403	3485	12354	88732
Scullin*			45484		26369			6780	11863	90496
Wannon*	47392						26044	5668	9098	88202
Wills			59118					31550		90668
Total	674262	95776	921387	91473	695180	0	422329	243575	150677	3294659

Note: Indi elected an Independent and Melbourne elected a Greens MP

Electorate	Effective votes				Ineffective votes					
	LIB	NAT	ALP	OTHER	LIB	NAT	ALP	GRN	OTHER	
Queensland										
Blair			43642		35337					78979
Bonner	46110						39766			85876
Bowman	43699						26269	5460	11482	86910
Brisbane	44677						27758	14422		86857
Capricornia	43109						41804			84913
Dawson	43833						31110		12680	87623
Dickson	43241						31034		11457	85732
Fadden*	42962						17804	3995	15374	80135
Fairfax				42330	42277					84607
Fisher	46522						31333			77855
Flynn	48352						37178			85530
Forde	41256						34604			75860
Griffith			45805		40604					86409
Groom*	48966						19451	3823	15763	88003
Herbert	47889						37364			85253
Hinkler	50142						34786			84928
Kennedy				43896	40205					84101
Leichhardt	47725						37991			85716
Lilley			46237		43864					90101
Longman	47691						36099			83790
Maranoa*	51622						14649	2762	20875	89908
McPherson*	41594						18866	5689	16778	82927
Moncrieff*	44295						16562	5127	13556	79540
Moreton			42503		39946					82449
Oxley			40657		34961					75618
Petrie	41722						40851			82573
Rankin			45580		37622					83202
Ryan*	47366						23385	13235	7672	91658
Wide Bay	43414						18816	6345	16884	85459
Wright	40664						18559	6408	15109	80740
Total	996851	0	264424	86226	314816	0	636039	67266	157630	2523252
Note: Liberal National Party of Queensland is listed under LIB										
Fairfax elected a Palmer United MP and Kennedy a Katter Australia MP										
Western Australia										
Brand			45940		40936					86876
Canning*	45189					1707	23578	6547	11472	88493
Cowan	42348						27681	7178	7181	84388
Curtin*	52623						15189	12985	4003	84800
Durack	39965					34071				74036
Forrest	42776					5430	21662	8231	7324	85423
Fremantle			47705		39403					87108
Hasluck	43885						31152	10726		85763
Moore*	45562						22324	8539	9409	85834
O'Connor	42040					40470				82510
Pearce	44286						24081	11787	8037	88191
Perth			45079		37862					82941
Stirling*	43039						23531	9359	7131	83060
Swan	41911						25584	10107	4205	81807
Tangney*	48752						20744	8882	6896	85274
Total	532376		138724	0	118201	81678	235526	94341	65658	1266504

Electorate	Effective votes				Ineffective votes					
	LIB	NAT	ALP	IND	LIB	NAT	ALP	GRN	OTHER	
South Australia										
Adelaide			49338		42118					91456
Barker*	48678					4021	16993	5224	17608	92524
Boothby*	47484						29018	11287	6518	94307
Grey*	49334						24205	3289	11823	88651
Hindmarsh	49048						45475			94523
Kingston			44532		29669			7194	6555	87950
Makin			46977		36230				8701	91908
Mayo*	49195						19325	12931	9959	91410
Port Adelaide*			46024		23955			7834	13186	90999
Sturt*	49429						26258	8902	6278	90867
Wakefield			48510		42340					90850
Total	293168	0	235381	0	174312	4021	161274	56661	80628	1005445
Tasmania										
Bass	34281						25024	6039		65344
Braddon	34668						31288			65956
Dennison				42470			22355			64825
Franklin			37103		30241					67344
Lyons	34228						32597			66825
Total	103177	0	37103	42470	30241	0	111264	6039	0	330294
Note: Denison elected an Independent MP										
Australian Capital Territory										
Canberra			66074		49894					115968
Fraser			78614		46921					125535
Total	0	0	144688	0	96815	0	0	0	0	241503
Northern Territory										
Lingiari			23413		22606					46019
Solomon	27461						25961			53422
Total	27461	0	23413	0	22606	0	25961	0	0	99441
Note: Country Liberals are listed under LIB for Northern Territory										
AUSTRALIA										
Totals	3761268	443543	2604792	220169	2007467	125798	2391615	665150	695125	12914927
Grand Total	7029772				5885155					

(In those electorates marked with a *, the winning candidate had over 50% of the first preference votes, and it was not necessary to distribute any preferences)

(B) Voter representation

The election results listed in (A) can be summarised:

Party	Total votes	Effective votes		Ineffective votes	
LIB	5768735	3761268	65.2%	2007467	34.8%
NAT	569341	443543	77.9%	125798	22.1%
Coalition	6338076	4204811	66.3%	2133265	33.7%
ALP	4996407	2604792	52.1%	2391615	47.9%
GRN	711882	46732	6.6%	665150	93.4%
OTHER	868562	173437	20.0%	695125	80.0%
Australia	12914927	7029772	54.4%	5885155	45.6%
Effective representation		54.4%			
Wasted votes		45.6%			

(C) Party representation

The election results listed in (A) also show the following:

Party	% of total vote	Corresponding proportion of seats		Seats actually won	
LIB	44.7%	67.00	67	81	54.0%
NAT	4.4%	6.61	7	9	6.0%
Coalition	49.1%	73.61	74	90	60.0%
ALP	38.7%	58.03	58	55	36.7%
GRN	5.5%	8.27	8	1	0.7%
OTHER	6.7%	10.09	10	4	2.7%

This analysis has been prepared by the Electoral Reform Society of South Australia.

For further details, contact Deane Crabb

Source: Australian Electoral Commission

Attachment 3: Senate Results for 2013 Federal Election

EFFECTIVE VOTES

An analysis of the Senate election results, 7 September 2013

(A) Election results (after distribution of necessary preferences to obtain quotas)

Electorate	Effective votes				Ineffective votes					Total votes	
	LIB/NAT		ALP	GRN	OTHER	LIB/NAT		ALP	GRN		OTHER
New South Wales	1936364	1250328			625164				555073	7150	4374079
Victoria	966152	966152	483076		489652	437894				36526	3379452
Queensland	1180113	748418			374209				312505	2992	2618237
Western Australia	561549	187183	200866		187183		166551			5984	1309316
South Australia	315476	148348	148348		296696					128853	1037721
Tasmania	96274	96274	48137		55571	39906				361	336523
Australian Capital Territory	82659	82248						52037		29719	246663
Northern Territory	34494	35880				8591		11549		12922	103436
Australia	5173081	3514831	880427	2028475	0	486391	166551	931164	224507		13405427
Grand Total	11596814					1808613					

(Note: These figures do not include those votes exhausted or lost by fraction during transfers.)

(B) Voter representation

The election results listed in (A) can be summarised:

Party	Total votes	Effective votes	Ineffective votes		
LIB/NAT	5659472	5173081	91.4%	486391	8.6%
ALP	3681382	3514831	95.5%	166551	4.5%
GRN	1811591	880427	48.6%	931164	51.4%
OTHER	2252982	2028475	90.0%	224507	10.0%
Australia	13405427	11596814	86.5%	1808613	13.5%
Effective representation		86.5%			
Wasted votes		13.5%			

(C) Party representation

The election results listed in (A) also show the following:

Party	% of total vote	Corresponding proportion of seats	Seats actually won	
LIB/NAT	42.2%	16.89	17	17
ALP	27.5%	10.98	11	12
GRN	13.5%	5.41	5	4
OTHER	16.8%	6.72	7	7

This analysis has been prepared by the Electoral Reform Society of South Australia.

For further details, contact Deane Crabb

Source: Australian Electoral Commission