



Inquiry into the 2013 Federal Election

Submission to the Joint Standing Committee on Electoral Matters

Overview

In this document we put forward five recommendations covering changes to both the political party registration process and the Senate voting process.

The aim of these recommendations is to 'raise the bar' for political parties wanting to register for future federal elections, as well as removing the ability of micro parties to wield undue influence in the election outcomes.

2013 Federal Election in review

There have been a number of controversial results this past election including the following:

- In New South Wales the Liberal Democrats received 9.5% of the primary vote up from 2.3% the previous election. This massive increase in votes was largely attributed to the Liberal Democrats having a name similar to the Liberal party along with being in the first position on the ballot paper.
- In South Australia the Nick Xenophon Group received a massive 25% of the vote, electing Nick Xenophon back in for another term. This could have easily resulted in a second senator for the Nick Xenophon Group, but instead the preference flows lead to the Family First candidate being elected with only 3.76% of the primary vote.
- In Western Australia the candidate from the Australian Sports Party was almost elected with a primary vote of 0.2%. Instead the Palmer United Party candidate was elected due to preference flows from a primary vote of 5%.
- In Victoria the candidate for the Australian Motoring Enthusiast Party was elected to the Senate with just 0.5% of the primary vote. He was able to be elected into the 6th senate position due the preference deals between the many minor parties in this year's election.

All of the above outcomes would be completely acceptable if they accurately represented the will of the voting public. Unfortunately, a number of these outcomes appear to have been significantly influenced by the Group Preference Tickets submitted by the parties prior to the election. These tickets allow a party to direct their "above the line" votes to other parties if they cannot be elected.

If you have 30+ micro parties all competing in an election, this creates a strange election lottery where a good preference deal and a bit of luck can get you a seat in the Senate. Many of these parties have little in the way of information about their structure, candidates or policies and most do not even bother to campaign. Appearing on the ballot paper with an inviting name is enough to be in for a chance at scoring a ~\$200,000 a year job as a senator for the next 6 years.

Prior to the election we examined ¹ the preference flows between parties and noted that "the current group ticket voting system used in the senate could give a party with 0.26% of the [primary] vote a seat in the Senate".

¹ <http://www.pdp.org.au/content/senate-group-tickets-victoria>

In a country that's boasts such a strong democratic tradition it is deeply disappointing to see elections where deals done between minor parties can so drastically alter the final outcomes.

The Solution

We cannot continue to support a voting system that can so easily be controlled by a small group of political parties. **Group Voting Tickets in their current form must be abolished.**

This single reform is the most vital of all. In the next Federal election, all who vote should be assured that each and every candidate will be determined by the votes of the people and not through some byzantine series of preference flows.

In order to achieve our goal of removing group preference tickets we must first find a way to reduce the complexity for voters who would like to choose their own preferences. Forcing voters to fill in a preference from 1-97 (as per the Victorian 2013 Senate form) would result in an unprecedented number of informal votes.

There are a number of ways that we could simplify and improve the electoral process that have already been put forward by various political parties and media commentators. In the remainder of this submission we examine a few of these suggestions and put forward our recommendations.

Party membership & nomination changes

Swinburne University of Technology academic Brian Costar suggests that parties should have 2000 members before registering, and should pay \$20,000 deposit for each senate candidate nominated.²

Asking parties to have more members seems like an appropriate requirement given parties should represent the electorate. The current requirement for 500 members could easily be revised to 1000 or 2000 members. This would force parties to become more involved in recruiting members and demonstrating stronger community support before an election is called.

By the same token forcing parties to raise what could easily amount to hundreds of thousands of dollars would be grossly inappropriate. It would damage the potential for grassroots democracy as only large, already established and well-funded organisations would be able to contest elections.

Brian attempts to justify this suggesting that \$20,000 is only "Just over half the cost of a packet of cigarettes each [member]". This assumes that the party only intends to stand one candidate across all states and territories. It also completely ignores the fact that small parties have a multitude of expenses and none of the infrastructure of an established party.

RECOMMENDATION 1

We recommend that registered political parties should have a minimum of 1000 members, up from the current 500 member requirement.

RECOMMENDATION 2

We very strongly recommend against raising the cost of nomination deposit. This would be damaging to our democracy as only well-funded political parties could afford to endorse candidates.

² ['Playing games of politics', 16 Sep 2013](#)

Party registration requirements

In the 2013 federal election 10 of the 38 parties competing had only been registered as political parties for 3 months or less. While many parties take years to form and grow their membership before they register it is becoming increasingly easy to register a few months prior to an election. Many of these newly registered parties disappear as quickly as they formed once the election is over.

Our system should encourage the creation of strong and stable political parties that are committed to long term improvement of our nation. One way we can encourage this is by following the lead of the NSW party registration rules which state:-

Political parties, applying for registration and intending to participate in either a state or local government election, must be registered for 12 months prior to the close of nominations for that election. Applications should be submitted 3 months prior to that date, or 15 months prior to the close of nominations³.

This change would stop 'fly by night' parties that are created on a whim that have little chance of effectively campaigning for broad community support.

RECOMMENDATION 3

We recommend that the federal political party registration rules should be altered to require all parties intending to participate in an election to be registered 12 months prior to the issue of writs.

Minimum Vote Threshold

In The Australian⁴ Constitutional lawyer George Williams suggests enforcing a minimum primary vote threshold before a candidate can be elected. This would be easy to implement and would require no change to the current ballot paper format.

With even a 1% threshold in the last election, around 70% of the groups would have been eliminated before reaching the first round of preferences.

This sounds efficient but still leaves the question of how to deal with preferences. Do they also get eliminated before the first round, or do they immediately go to the remaining parties. What if the threshold is 4%? In many states that would leave only 3 or 4 parties who would divide the Senate seats up amongst themselves.

Although it sounds like a quick fix to removing many of the minor parties, this also removes the ability for voters to fully utilise their preferences. No voter should be put in the position were their vote is discarded because their first preference vote went to a party that only received 3.5% of the primary vote.

Creating an arbitrary primary vote threshold does nothing to simplify the voting process; its only impact is to reduce the number of candidates that could potentially be elected.

RECOMMENDATION 4

We recommend against implementing voting thresholds as what little benefit they deliver comes at the cost of excluding otherwise valid preference chosen by voters.

³ http://www.elections.nsw.gov.au/candidates_and_parties/registered_political_parties

⁴ 'Playing games of politics', 16 Sep 2013

Changes to the Senate voting method

Senator Nick Xenophon has already submitted a bill to the Senate which would remove group voting tickets and provide for optional preferential voting both above and below the line.

Using this method would allow parties to group candidates however they wished but the voters would decide how to preference each party or group. This removes the need for group preference tickets and gives the power back to the voters.

Parties would still be able to do preference deals, but these would only be effective if they campaigned and distributed “how to vote” cards. Thus removing the power of parties unwilling or uninterested in community-based campaigning.

Ideally we would prefer to have a system where voters fill in all the boxes above the line or 6 or more below the line (depending on the number of available seats). Group tickets would still be used to define the order of candidates within a party or group

RECOMMENDATION 5

We are largely supportive of the changes proposed in the proposed “above the line” voting bill. We would recommend changing the system to ask voters to complete all the boxes above the line or 6 or more below the line. Although even without this amendment the proposed bill is a significant improvement on the current voting system.

Conclusion

In order to have a system that continues to have the confidence of the people, reform is required. A small adjustment to party registration rules would result in fewer parties with higher standards. Committed groups of individuals should be encouraged to form parties and contest elections, however party registration should be an achievement not an assumption.

In addition, Group Voting Tickets need to be abolished. The power to determine the election outcomes must return to the voters and not party dealmakers.

As a yet to be registered political party, we look forward to the challenge of both registering and campaigning during the next federal election. With some simple changes both the political parties and the voters will be able to benefit from a system that rewards effort and empowers voters.