

22 October 2008

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

Dear Sir

I am writing to elaborate upon the views on Senate electoral reform which I expressed at the Perth hearing of the Inquiry into the 2007 Federal Election on 21 August 2008.

As I indicated at the hearing, my assessment of the Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008 was based on the misapprehension that it was substantially similar to the Senate Voters' Choice (Preference Allocation) Bill 2004, which was introduced by Senator Bob Brown in the previous parliament. The earlier Bill sought to introduce a system comparable to that for the New South Wales Legislative Council. This requires voters to number no more than one box, and does not transfer votes beyond a party list except as directed by the voter. My concern with this is that it operates as a *de facto* non-preferential system due to the overwhelming tendency of voters to number only one box. This being so, a simpler and more proportional outcome could be achieved if preferential voting was replaced by the Sainte-Laguë method of closed-list proportional representation.

Now I am aware that the Commonwealth Electoral (Above-the-Line Voting) Amendment Bill 2008 requires the numbering of at least four boxes, I am persuaded of its merits. The proposal would resolve the great failing of the current system, in which the overwhelming majority of preference allocations are determined by party machines rather than the consciously expressed choices of voters. It would also reduce the problem that would result from a New South Wales-style system in an election for six seats, in which the final seat would often go to a party with a low share of the vote in the event of a close race between multiple candidates. Preference votes would instead have a significant bearing on the determination of the final seat, thereby increasing the democratic legitimacy of the result.

It would be preferable if such a reform could be reflected by a change in the House of Representatives system that would also require voters to number no more than four boxes. This would reduce confusion resulting from differences between the two systems and the corresponding impact on the informal vote, while also alleviating the present absurdity where voters are required to rank preferences for every candidate on the ballot paper, regardless of their obscurity.

For the record, I would also like to correct an error I made when describing how a system such as that for the New South Wales Legislative Council

would operate at a half-Senate election. In the final sentence of the following quote, I intended to say “1.7 quotas” rather than “1.9 quotas”. The second candidate of the party that polled 1.9 quotas would in fact win a seat ahead of the other party in the example as I incorrectly described it.

“The difficulty here is quite a technical one. It essentially means that the final seat goes to the person with the highest remaining quota, the highest share, and the problem with that, if you are only electing six members of parliament, is that you can get a result whereby the final seat goes to someone who, say, has 0.8 of a quota; they get one seat. Another party that gets 1.9 quotas also only gets one seat.”

Yours sincerely

WILLIAM BOWE