

SUBMISSION NO. 103

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From: Waverley Greens [secretary@waverley.nsw.greens.org.au]
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To: Committee, EM (REPS)
Subject: Submission to JSCEM from Waverley Greens

Submission to Joint Standing Committee on Electoral Matters - 31/3/2005

Submitted by: Waverley Greens, PO Box 487, Bondi Junction NSW 1355

Joint Standing Committee on Electoral Matters
Submission No. 103
Date Received 31-3-05
Secretary [Signature]

Executive Summary:

- 1) The Senate ticket voting system is undermining voter confidence in the electoral process and needs reform.
- 2) The reforms to the NSW Upper House provide a template.
- 3) The passing-off and misleading conduct provisions of the trade practises law should be extended to the Electoral Act's coverage of political parties and election conduct.
- 4) The use of computerised Senate counting permits some consideration of preference ticket systems that would have been practically infeasible under manual methods.
- 5) We support the senate electoral reform Bill proposed by Senator Bob Brown.

The Waverley Greens would like to draw attention to serious flaws in the ticket voting system presently in use in Senate elections. The introduction of ticket voting was aimed at reducing the high levels of unintentional informal votes due to increasing numbers of candidates and groups on Senate ballot papers.

During the period from the introduction of above-the-line voting until the 1995 NSW Legislative Council election the system was perceived to work fairly well, though the established parties were quick to take advantage of the ability to make tactical preference swapping deals. Certainly, the level of informal voting was significantly reduced, and the method has become very popular with voters to the extent that well over 90% of the electorate now votes "above the line".

Since 1995 the rise of micro parties and associated tactical voting tickets aimed at misleading voters and harvesting preference flows has undermined confidence in the ticket voting system. The 2004 Half-Senate election resulted in widespread concern that the voting system was no longer serving the electorate and had become a tool for cynical manipulation by politicians and parties.

The fate of the 1999 NSW Legislative Council election and its table cloth ballot paper provided the impetus for the elimination of ticket voting in that state, and a toughening of the rules for party registration to cut down on front micro-parties with misleading names. It is now clear that the Senate voting system needs similar reform and for the same reasons.

- It is important that any Senate voting reform should address both the problems with tactical ticket voting and the proliferation of preference harvesting micro parties. One possibility would be to make the number of members required to register a party be a proportion of the number of voters in the states for which a senate group is to be nominated.

There is also a major weakness in the operation of the Electoral Act's misleading conduct provisions. The Act only proscribes misleading conduct in the "casting of a vote", but not in campaigning.

The 2004 election was also distinguished by a large number of instances of misleading campaign material being distributed - in particular a leaflet authorised by Scott Morrison for the Liberal Party of NSW which presented as a policy leaflet from The Greens. Almost all of the information on the leaflet was a misrepresentation of the published policies of The Greens. The leaflet was clearly intended to mislead voters about the policies of The Greens. It was deemed acceptable under the Act because it did not explicitly misidentify The Greens candidate for any particular election.

There were also a number of instances of party names which were misleading in either the name itself, or that the party was a genuine political organisation in the particular state. The "Liberals for Forests" senate group in NSW was a case in point. The party is a genuine one in West Australia and Victoria, but appears to be a tiny rump in New South Wales. The name was used very successfully in NSW to deliver preferences to parties whose policies were antithetical to those which led to the original formation of the party.

There are many other parties with misleading names (it has been argued by some that both the Liberal and Labor Parties are examples), but the misleading effect is more pronounced at the micro-party end of the party spectrum where there is little media scrutiny of the policies and candidates of these parties.

The other key change over recent elections has been the introduction of computerised counting of Senate elections. While this introduces certain new problems for external scrutiny of the counting processes, it has the benefit that more complex counting systems can be introduced with less concern about the practicality of manual counting.

For example, a hybrid system which combined above the line preferences which modify the party ticket selected by the first preference could be considered. Such a system would be very difficult to count manually, but would require few changes to the existing computerised system. This approach would address the problem with the high rate of exhausted votes of an optional above-the-line preferential voting system.

The Waverley Greens believe that the proposal for senate voting reform in Senator Brown's bill "Senate Voters' Choice

· (Preference Allocation) Bill 2004" represents a good balance between voting complexity and restoration of confidence in the Senate voting system and we endorse the Bill to the JSCEM.

Yours faithfully,
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