

23 November 2009

Electoral Reform Secretariat
Department of the Prime Minister and Cabinet
PO Box 6500
CANBERRA ACT 2600

Email: electoralreformsecretariat@pmc.gov.au

Dear Sir/Madam

Submission to Electoral Reform Green Paper

I write in relation to the Government's September 2009 Electoral Reform Green Paper.

I note that the Joint Standing Committee on Electoral Matters recently stated that the Green Paper process would be examining broader electoral issues such as four-year terms, fixed terms, optional preferential voting, and compulsory voting.¹ Accordingly, I would like to provide the following comments and observations in relation to relevant aspects of the Green Paper.

Four-year terms for the House of Representatives

The Green Paper noted that four-year parliamentary terms operate in a number of jurisdictions across Australia (p. 13). In the past, calls have been made for four-year terms also to be introduced for the House of Representatives. For instance, the Joint Standing Committee on Electoral Matters previously recommended that action be taken to introduce four-year terms.² As well, the current Federal Government, while in opposition, went to the 2007 Federal Election with a promise that it would hold a referendum for the introduction of four-year terms.³ However, the fact remains that the need for four-year terms for the House of Representatives is yet to be established with the evidence in support of such a proposal far from compelling.⁴

It is often claimed that four-year terms produce significant financial and economic benefits for business. In addition, it is claimed that longer terms enable Governments to better plan their activities as well as allowing them more time to implement their policies. However, as the following extract from a Commonwealth Parliamentary Library research paper indicates, the evidence is lacking as to whether longer terms necessarily give rise to such claimed benefits:

¹ Joint Standing Committee on Electoral Matters, *Report on the conduct of the 2007 federal election and matters related thereto*, June 2009, Parliament of Australia, Canberra, pp. 2-3. Source: <http://www.aph.gov.au/house/committee/em/elect07/report2/Final.pdf>

² Joint Standing Committee on Electoral Matters, *The 2004 Federal Election – Report of the Inquiry into the Conduct of the 2004 Federal Election and matters related thereto*, September 2005, Parliament of Australia, Canberra. Source: <http://www.aph.gov.au/house/committee/em/elect04/report/chapter7.pdf>

³ *The Courier Mail*, "Rudd promises referendum to guarantee four-year term", 21 November 2007

⁴ What is particularly noticeable about the Joint Standing Committee's consideration of the evidence with respect to four-year terms as contained in its 2005 report into the 2004 Federal Election is that in contrast to its lengthy and favourable treatment of the arguments in support of the proposal (pp. 165-170), only two paragraphs included passing reference to objections in this regard (paragraphs 7.62 and 7.63).

One difficulty with moving from the three-year term is the lack of evidence that such a change would actually bring the benefits that are claimed. Surprisingly, there appears to have been no research undertaken on the consequences of the change to four-year terms that occurred in four of the States in the 1970s and 1980s. There is, in fact, a lack of international evidence in regard to this aspect of legislative behaviour, no doubt because political scientists have regarded it as a settled question in most countries. Even were research to be done, however, the findings could only be speculative. Claims are made about the deleterious impact of three-year terms upon the Australian economy, but as far as can be ascertained there is no methodologically sound study that establishes, without doubt, that economic performance has been materially affected by a legislative term.

A second problem relates to the contention that the existing term has a deleterious impact upon the legislative performance. Critics point to the rush to legislate before the end of a parliament, but seem not to consider the possibility that the shorter term acts as a strong motivating instrument to get planning under way and legislation passed promptly. In addition, extending the House term to four years will not necessarily see the improved pursuit of medium- and long-term planning strategies. In many cases lengthy periods may be required after the passage of legislation before policies are seen to be producing results. The required lead-time may be far longer than four years and the difference between three and four year terms may therefore be quite marginal.

In summary, although there is a lot of sentiment in favour of the four-year term, it is all based on speculation rather than hard evidence...⁵

One particular argument in favour of four-year terms is that, "... longer periods between elections would be more conducive to Governments broadening their time horizon and tackling longer term challenges and issues. A short-term focus, driven by political expediency, will not deliver the policy framework necessary for a competitive Australia and business sector."⁶ Similarly, it has been argued that, "... greater time between elections could allow a greater chance for a genuinely cross-party discussion of policy issues without the spectre of the election hanging over discussions. This, arguably, would raise the standard of political debate in this country."⁷ Likewise, it has been suggested that "... greater time between elections could arguably raise the standard of political debates. More in-depth and genuine cross-party discussions on policy issues would be possible without the influence of a looming election and continuous campaigning in the third year of a term."⁸ However, given the entrenched adversarial nature of politics in Australia it is difficult to imagine how such optimistic results could be achieved simply by increasing the length of the

⁵ Bennett, S., *Should the three-year maximum term be retained?*, Parliament of Australia Library Research Paper 2 2003-04, *Four-year Terms for the House of Representatives?*, September 2003. Source: <http://www.aph.gov.au/library/pubs/rp/2003-04/04RP02.htm#threemax>

⁶ Business Council of Australia, "Submission to the Department of the Prime Minister and Cabinet on Constitutional Change", 23 December 2003, p. 4. Source: <http://docs.google.com/gview?a=v&q=cache:QF9ng-hH3XAJ:www.bca.com.au/DisplayFile.aspx%3FFileID%3D368+Business+Council+of+Australia+fixed+terms+of+parliament&hl=en&gl=au&sig=AFQjCNFcTNERIFCmtqe3ibLTggwnAWyizw>

⁷ Joint Standing Committee on Electoral Matters, September 2005, p. 168

⁸ Australian Democrats action plan Four Year Fixed Terms Electoral Matters & Public Administration, 31 August 2007. Source: http://www.democrats.org.au/docs/ActionPlans/Electoral_FourYearTerms_2007.pdf

parliamentary term from three to four years. Indeed, such ingrained political culture is hardly likely to be changed simply by lengthening the parliamentary term by one year. Regardless of the length of the term, be it three or four years, criticisms will still be made about the short-term focus of politicians.⁹

Aside from doubts about the claimed financial, economic, policy implementation and long-term planning benefits of longer parliamentary terms, there are concerns about the impact of longer terms on the ongoing health of our system of democracy.

Before considering some of these concerns it is important to note that the original reason why three-year terms for the House of Representatives were incorporated into the Commonwealth Constitution was because at the time of its development "... *shorter rather than longer parliamentary terms were regarded as the democratic desideratum.*"¹⁰ Australia's constitutional founders were well acquainted with longer parliamentary terms with many having experience of colonial parliaments that had terms running for upwards of five years.¹¹ At that time the Mother Parliament in Britain also had longer terms, seven years in fact. While one particular constitutional founder, Sir John Forrest, advocated four-year terms, the constitutional founders on the whole decided that in the interests of democracy the House of Representatives should operate for terms not longer than three years. It is important to make this point in the event it was ever suggested that the constitutional founders did not consider, or were unaware of, other options for the length of the term of the House of Representatives.¹²

Returning to the concerns about the impact of longer terms on the ongoing health of our system of democracy, notable among such is the dissenting view of the 1929 Royal Commission on the Constitution: "... *the greater the control of Parliament by*

⁹ For example, *The Australian*, "A vote to restore balance", 20 January 2009. Source: <http://www.theaustralian.news.com.au/story/0,25197,24934658-7583,00.html>

¹⁰ Sawyer, M. (Ed) 2001, *Elections Full, Free & Fair*, The Federation Press, Sydney, p. 24

¹¹ By the 1890s most of the Australian colonies had abandoned five-year parliamentary terms in favour of terms that ran for a maximum of three years. For example, three-year terms were introduced in Queensland because it was considered that the then five-year terms, even though the maximum period was not often served, were too long for Parliaments to remain in place without being subject to the judgement of the electorate. Notably, the abolition of Queensland's Legislative Council in 1922 was linked to the fact that it had three-year parliamentary terms, which was considered would act as a brake on executive government unencumbered by the checks of bicameralism (Fitzgerald, R. 1984, *From 1915 to the Early 1980s – A History of Queensland*, UQP, Brisbane, pp. 26-27; Murphy, D., Joyce, R. & Cribb, M. (Eds) 1990, *The Premiers of Queensland*, UQP, Brisbane, p. 322).

¹² While the constitutional founders of the 1890s generally considered three-year parliamentary terms to be the democratic ideal, the view in this regard eventuated only after extensive experience with longer terms. Queensland's Parliament, for example, operated on five-year terms from the time of its commencement in 1860. While several attempts were subsequently made to reduce the length of the parliamentary term to three years, all were unsuccessful until a bill reducing the length of the term was passed by the Parliament in 1890. Even then, there was not unanimity on the proposal. In fact, one of the arguments used to oppose the move from five- to three-year terms was that "*the first year [members] are learning, the next year they are doing, and the third year they are electioneering*" (Queensland Parliamentary Hansard, Legislative Assembly, *Constitution Act Amendment Bill*, 17 July 1890, p. 278). [It is interesting how such arguments bear a striking resemblance to contemporary arguments in support of parliamentary terms being increased from three to four years on the grounds that "*governments spend their first year settling in; begin taking tough and far-sighted decisions in the second year; and then effectively shut up shop in the third year because it is getting too close to the next election*" (cited in Bennett 2003).] In spite of arguments that three years would not be long enough the view prevailed that Queensland's parliamentary term should be reduced on the basis that a shorter term would engender greater responsiveness by members of parliament to their constituents (Queensland Parliamentary Hansard, Legislative Assembly, *Constitution Act Amendment Bill*, 17 July 1890, pp. 274-286 and 31 July 1890, pp. 434-438; Queensland Parliamentary Hansard, Legislative Council, *Constitution Act Amendment Bill*, 16 September 1890, pp. 79-81).

the electors the better for the people, and the lengthening of the term of Parliament tends to weaken this control."¹³

It is significant that some Industry figures also have not supported an increase in the length of parliamentary terms because of the potential adverse impact on democracy. For instance, in 2003 the executive director of the National Retail Association was reported to be cautious about proposals to increase the length of the Queensland parliamentary term from three to four years because: "... *longer terms would mean it would take longer to throw out an incompetent government ... introducing four-year terms because of the cost of elections was superficial and wrongly put a price on democracy.*"¹⁴

One of the arguments in favour of four-year terms is that over time longer terms will realise cost savings as a result of fewer elections being held.¹⁵ While introduction of four-year terms may save money, it would come at the very significant cost of reducing the role of the people in the democratic process. Democracy may be expensive and sometimes inefficient, but its costs are far from expensive when compared with the costs and consequences associated with many other forms of government that have been attempted throughout history. As Sir Winston Churchill once said, "*Many forms of Government have been tried, and will be tried in this world of sin and woe. No one pretends that democracy is perfect or all-wise. Indeed, it has been said that democracy is the worst form of government except all those other forms that have been tried from time to time.*"¹⁶

A V Dicey observed that the electorate is the "*true political sovereign of the state*".¹⁷ The High Court of Australia has also recognised that ultimate sovereignty rests with the people.¹⁸ The most visible and tangible means whereby citizens formally exercise their political sovereignty is through the ballot box. Increasing the length of the term of the House of Representatives from three to four years would automatically reduce the opportunity for citizens to exert their sovereignty and formally participate in the democratic process by decreasing the number of occasions for them to exercise their right to vote.¹⁹

More than 20 years ago the Fitzgerald Inquiry in Queensland stated, "*Public opinion can be an important check on the powerful. It is a fundamental tenet of a democratic system that public opinion is given effect in regular free and fair elections.*"²⁰ More recently, concerns have been expressed that "*while a healthy democracy needs citizens who are informed and who are involved and engaged in the issues that are important to them ... there is evidence of an increasing apathy and a decline in*

¹³ Cited in Bennett 2003

¹⁴ *The Courier Mail*, "Business supports term vote", 15 October 2003, p. 13

¹⁵ Cited in Bennett 2003

¹⁶ <http://www.quotationpage.com/quote/24926.html>

¹⁷ Cited in Funnell, W. 2001, *Government by Fiat*, UNSW Ltd, Sydney, p. 2

¹⁸ *Nationwide News Pty Ltd v Wills* (1992) 177 CLR 1 at para 17 per Deane and Toohey JJ; *Australian Capital Television Pty Ltd v The Commonwealth* (1992) 177 CLR 106 at para 37 per Mason CJ; *Theophanous v Herald & Weekly Times Ltd* (1994) 182 CLR 104 at para 13 per Deane J.

¹⁹ That four-year terms would result in fewer elections being held was acknowledged by the former Legal, Constitutional and Administrative Review Committee of the Queensland Parliament, *Review of the Queensland Constitutional Review Commission's recommendation for four year parliamentary terms*, Report Number 27, July 2000, p. 16. Source: <http://www.parliament.qld.gov.au/view/committees/documents/lcarc/reports/lcar027.pdf>

²⁰ Report of the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct, 1989, p. 358. Source: <http://www.cmc.qld.gov.au/data/portal/00000005/content/81350001131406907822.pdf>

traditional forms of political participation such as joining political parties, attending party meetings and voting."²¹

Given the importance of public participation in the democratic process and the concerns regarding the increasing public apathy in this regard, the following questions may reasonably be asked: How would holding House of Representatives elections less frequently than at present enhance citizen participation in the democratic process? How would longer terms facilitate greater citizen engagement in the democratic process? How would increasing the length of the parliamentary term serve to address public apathy towards the electoral and political process? Those advocating an increase in the length of the term for the House of Representatives need to satisfactorily address such questions. Indeed, given the increasing apathy towards the electoral and political process it is astonishing that serious consideration would even be given to reducing the number of formal opportunities for people to engage in that process by reducing their opportunities to vote.

Clearly, more research and further, wider public consultation is needed before any action is ever taken to submit a proposal for longer terms for the House of Representatives to a referendum. On another level, it is questionable whether such a proposal should ever be submitted given its potential, if enacted, to further alienate the people from the democratic process.

Fixed terms for the House of Representatives

The Green Paper stated that fixed parliamentary terms operate in a number of jurisdictions across Australia (p. 13). It is noted that the Australian Labor Party is committed to introducing fixed terms for the House of Representatives.²²

While there are some advantages to fixed parliamentary terms, notably the removal of the ability of the prime minister of the day to choose an election date to suit their own party political purposes,²³ a number of disadvantages have been also identified including the following:²⁴

- they may detract from frequent opportunities for accountability to voters;
- longer, more expensive election campaigns may result;
- an early election can solve a political crisis if a government loses its majority in the Lower House;
- trust in the inherent wisdom of voters is only relevant once during the course of the term;
- members of parliament obtain a greater security than normal;

²¹ Joint Standing Committee on Electoral Matters, *Civics and Electoral Education*, May 2007, Parliament of Australia, Canberra, paragraph 1.2. Source:

<http://www.aph.gov.au/house/committee/em/education/report/fullreport.pdf>

²² 2007 ALP National Platform and Constitution, paragraph 28. Source:

http://www.alp.org.au/platform/chapter_11.php#11participation_in_the_democratic_process

²³ Bennett, S., *House of Representatives fixed terms: the barriers to implementation*, November 2008. Source:

<http://www.aph.gov.au/library/pubs/rp/2008-09/09rp15.htm>

²⁴ This list is drawn, and in some parts adapted, from Sawyer, M. & Kelly, N. 2005, *Parliamentary Terms*, Democratic Audit of Australia. Source:

http://arts.anu.edu.au/democraticaudit/papers/20050702_sawer_kelly_parl_terms.pdf

- the public may have to endure a longer period of a government that may have lost popular support;
- does not change the promotion and manipulation of candidates in the period before the election;
- instability may be prolonged where the government is reliant on crossbenches for support;
- a government with a small majority facing competing demands does not have recourse to an election to establish a clear mandate; and
- a fixed date may prove to be inconvenient due to unforeseen circumstances.

It is often complained that the uncertainty associated with the current “maximum term” system can lead to business disruption as a result of lengthy unofficial campaigning undertaken prior to an election date being formally announced.²⁵ However, fixed terms will not necessarily remove the potential for this to occur. In referring to the experience associated with the re-election of the United States Congress every two years the Joint Standing Committee on Electoral Matters noted, “*In that system, congressional elections are held in November every two years, so while voters know when an election is pending, the election campaign tends to start early in the second year of the term. Incumbent representatives thus are almost constantly running for re-election, creating the perception that they will consider only what is best for their electoral fortunes, rather than the good of the nation.*”²⁶ This scenario is replicated with the Presidential election, which while held on a known date every four years, it is nevertheless common for campaigning to begin at least two years out. Therefore, it should not be assumed that fixed terms would be a panacea in this regard.

In view of the potential disadvantages associated with fixed parliamentary terms, any proposal to introduce such a system for the House of Representatives should include provision for an early election to be held in the event of exceptional circumstances, such as if the government of the day lost its support in the Parliament.²⁷

Options for introducing optional preferential voting

The Green Paper invited comment on whether optional preferential voting should be introduced for the House of Representatives and the Senate (pp. 72, 215). This system of voting has operated in Queensland for a number of years. However, for some time there have been concerns about the electoral fairness of the optional preferential voting system, particularly since use began in 2001 of the “just vote one” election strategy.²⁸

²⁵ For example, *The Sydney Morning Herald*, “Woolies wants election-free December”, 5 October 2007. Source: <http://www.smh.com.au/news/national/woolies-wants-electionfree-december/2007/10/04/1191091276256.html>

²⁶ Joint Standing Committee on Electoral Matters, September 2005, p. 167

²⁷ The Queensland Parliament recently considered the *Constitution (Fixed-term Parliament) Amendment Bill 2009* which proposed for fixed three-year term parliaments with exceptions including that the Assembly could be dissolved short of the normal time if the government lost the confidence of the Assembly and no other government commanding that confidence could be formed (Explanatory Notes to the Bill, p. 1. Source: http://www.legislation.qld.gov.au/Bills/53PDF/2009/ConFixtermPAB09Exp_P.pdf).

²⁸ “Qld Coalition adopts ‘just vote one’ strategy for upcoming election”, *The World Today* Archive, Wednesday, 21 January 2004. Source: <http://www.abc.net.au/worldtoday/content/2004/s1029303.htm>;
Newman, G. 1989, *Electoral Systems*, revised by Bennett, S. 2006, p. 14. Source: <http://www.aph.gov.au/library/pubs/rb/2005-06/06rb10.pdf>

For example, in 2005 then Queensland Opposition Leader, Lawrence Springborg, vowed to change the optional preferential voting system to remove what he saw as the unfair advantage it gave to the Australian Labor Party through its use of the “just vote one” strategy. He is reported to have said, *“I think we need to look at moving back towards compulsory preferential voting, because I think it gives the best outcome.”* Mr Springborg further said *“the system was clearly ‘terribly skewed’ if Labor would win 56 seats with 47 per cent of the primary vote, as it did at the last election, while the conservative parties picked up only 20 seats with a combined 35 per cent of the primary vote.”* The response of the then Premier, Peter Beattie, was that voters should be allowed to exercise a choice about their votes.²⁹

Others have also expressed concerns about the optional preferential voting system in that *“if voters simply follow party instructions to vote for one candidate and out of ignorance or unfamiliarity do not allocate preferences, then if their votes exhaust this could be a denial of a true democratic outcome.”*³⁰ The concern of such observers is that the ‘optional’ nature of this particular type of voting system means that it *“risks becoming a de facto first-past-the-post voting system – in which candidates can be elected with around 35 per cent of the formal vote. Optional preferential voting has the potential, then, to inflate majorities while penalising the most divided side of politics.”*³¹

The Green Paper noted that while the first-past-the-post voting system operated in Australia between 1903 and 1918, one of its problems was that it *“could enable a candidate to be elected without obtaining an absolute majority of votes, even in circumstances where an absolute majority of voters would have ranked that candidate last in a full preferential system. In addition, this option would not allow voters who held genuine preferences beyond a first preference to express those on the ballot paper”* (p. 57). The Green Paper also noted the risk for optional preferential voting to become a de facto first-past-the-post system (p. 58).

Given the potential for adverse democratic outcomes arising from the use of optional preferential voting, the case for introducing such a system into the House of Representatives or the Senate (below-the-line) remains far from being established.

However, there is a case for preferential above-the-line voting to be introduced for the Senate (pp. 62, 72, 215) since what exists at the moment is a type of “just vote one” system. Rather than the allocation of above-the-line preferences being determined by political parties such as occurs under the current system (note paragraph 5.76 of the Green Paper), voters should be able to allocate their own above-the-line preferences. The possible disadvantages suggested by the Green Paper as associated with preferential above-the-line voting (paragraph 5.74) are not really strong arguments when considered against the overriding right of voters to be able to determine the distribution of their own preferences. In fact, this is a basic democratic right which needs to be respected and facilitated by the voting system.

²⁹ *The Courier Mail*, “Springborg vows to revise voting system”, 19 August 2005, p. 9

³⁰ Wanna, J., 2004, *Democratic and Electoral Shifts in Queensland: Back to First Past The Post Voting*. Source: http://democratic.audit.anu.edu.au/search_keyw_frm.htm

³¹ *Ibid*;

Newman 1989/2006, p. 14

Compulsory voting

The Green Paper invited comment on whether compulsory voting should continue in Australia (pp. 183, 218).

Compulsory voting has enabled Australia to be identified as a world leader in voter turnout.³² Compulsory voting helps to protect our democracy by ensuring that all eligible citizens have a say in determining their parliamentary representatives and ultimately, the government of the day. Without compulsory voting, political elites would have more influence and power in such matters, as the Green Paper itself notes (p. 179).

None of the arguments in favour of voluntary voting as outlined in the Green Paper (pp. 180-181) acknowledge the fact that voluntary voting only really advantages one particular side of politics. In this regard, research has found that the Liberal Party would increase its share of the two-party preferred vote by about five percent if compulsory voting was abolished, an outcome that would give it a permanent electoral advantage over other political contenders.³³ Australia is a pluralistic, liberal democratic society, not a one-party state. It would not be good for democracy in Australia if only one side of politics was able to continually dominate and have ongoing control of the Parliament and consequently, the executive. As the 1987-1989 Fitzgerald Inquiry in Queensland observed, *“Good government is more likely to result if opposition, criticism and rational debate are allowed to take place, appropriate checks and balances are placed on the use of power and the administration is open to new ideas, opposing points of view and public scrutiny.”*³⁴

Therefore, to ensure fair and democratic electoral outcomes for the House of Representatives and the Senate, and for the public to have confidence in such outcomes, the current system of compulsory voting should continue.

Reducing the voting/enrolment age

The Green Paper invited comment on whether the voting age and/or enrolment age for Australian elections should be lowered (pp. 45, 214).

If the voting age was to be lowered to 16 years I would support the suggestion under paragraph 4.45 of the Green Paper that enrolment be voluntary for 16 and 17 year olds, with voting to be compulsory for those who are enrolled. This would be necessary to reduce the potential for such voters to be confused about whether or not they were subject to compulsory voting requirements once they attained the age of 18 years.

³² Democratic Audit of Australia, Australia 2020 Summit Governance, April 2008, p. 2. Source: <http://www.australia2020.gov.au/topics/governance.cfm>

³³ *The Courier Mail*, “Libs unlock the gates of power”, 30 October 2004, p. 4;
The Courier Mail, “Every vote counts, except ...”, 21 February 2005, p. 9

³⁴ Report of the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct, 1989, p. 358

Proportional representation

The Green Paper invited comment on whether the current voting systems for the House of Representatives and the Senate offer an appropriate balance between representation and responsiveness (pp. 72, 215). It noted that the House of Representatives is elected on a single-member constituency system while the Senate is elected on the basis of proportional representation (PR). It further noted that some have advocated for the House of Representatives also to be elected on the basis of the PR system (p. 55).

While the Green Paper outlined various arguments for and against PR (pp. 55-57), it is also important to note the historical rationale for the adoption of PR for Senate elections. A previous Government publication, the 2003 discussion paper issued by the former Coalition Government entitled "Resolving Deadlocks: A Discussion Paper on Section 57 of the Australian Constitution", gave the impression that the 1948 introduction of PR for Senate elections was a radical innovation that was somehow contrary to the constitutional founders' original intent (pp. 6, 28). However, the fact is that even during the constitutional conventions of the 1890s it was intended that the Senate should be elected on a different basis to the House of Representatives, to ensure that the chamber reflected a wide diversity of views, with PR being the preferred electoral approach.³⁵ This point needs to be made in order to dispel any perception that the use of PR for Senate elections may be counter to the spirit and intent of the constitutional founders.

Governments need to be subject to accountability mechanisms to ensure that power is exercised appropriately. As has been observed, "*All free systems of government need checks and balances against any excessive concentration of power and, so far as the Australian system is concerned, the Senate is the most important of the constitutional checks and balances, the more so because it is an elected institution. Lack of control of the Senate can no doubt be inconvenient to a government and at times frustrating, but such considerations are secondary to the greater good of responsible checks and balances exercised by a second chamber elected by universal adult franchise and closely reflecting the diversity of electoral opinion in the nation.*"³⁶ While there has been the occasional exception, the use of PR for Senate elections ensures that Governments are not able to dominate and control both Houses of the Commonwealth Parliament.

As to suggestions that PR could be used to elect both the Senate and the House of Representatives, it is recognised that for two Houses of Parliament, they need to be elected on the basis of different systems. In this regard it has been observed, "*An effective bicameral system requires that the two houses of the legislature be constituted on different bases: if they are constituted in the same way they would be likely to have the same political colour and therefore not be an effective check upon each other.*"³⁷ Therefore, as long as the Parliament of Australia remains a bicameral

³⁵ Uhr, J. "Why we chose proportional representation". Source: <http://www.aph.gov.au/Senate/pubs/pops/pop34/c02.pdf>; Odger's Australian Senate Practice 10th Edition, Edited by H Evans, Clerk of the Senate, p. 8. Source: <http://www.aph.gov.au/senate/pubs/html/httoc.htm>

³⁶ Odger's Australian Senate Practice 10th Edition, pp. 10-11

³⁷ Ibid, p. 3

institution it is appropriate to retain PR for the Senate and the single-member constituencies system for the House of Representatives.

I trust the above comments and observations will assist in deliberations regarding the issues raised in the Green Paper.

Yours faithfully

Don Willis