

AUSTRALIAN GOVERNMENT ELECTORAL REFORM GREEN PAPER SUBMISSION:
PROPORTIONAL REPRESENTATION

There is only one reform required to the Australian Electoral Architecture. All else is superficial and unimportant. Indeed societies have formed around this one key reform. Many other countries have embraced this reform, yet our parliamentarians resist it at every opportunity.

It is called democracy, through the process of Proportional Representation.

A. The case for Proportional Representation in the House of Representatives

1) The case for Proportional Representation in the House of Representatives from a legalistic point of view.

i) The Universal Declaration of Human Rights

a) "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives." (1)

Why is it so, that if I choose to vote for a small party or independent candidate that I am not represented in the House of Representatives at all. Why is it so, that if I vote for the losing candidate my vote would not count. I am not able to choose a representative that sits in the government.

Why is it so, that I could not vote for the late Peter Andren.

He sat in the House of Representatives. I voted in elections for the House of Representatives. However I was discriminated against, not being able to vote for him because of where I lived, and because of where he lived. The electoral architectural structure did not allow me to vote for him.

I might have a vote, but my vote does not elect the candidate of my choice.

b) "The will of the people shall be the basis of the authority of government; this will, shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage." (2)

Using the 'majoritarian' system, governments are elected by 50% plus one of formal votes within each electorate on a two party preferred basis. Usually the winning political party attains less than 45% of the national formal vote.

In any individual seat, any vote for the winning candidate in excess of the 50% plus one, of formal votes is automatically discounted and wasted. Any vote for any other candidate likewise does not count and wasted. Thus more than half the electorate are disenfranchised by having their vote not count.

As a minimum change, the winner should attain at least 50% of the enrolled vote plus one.

In most seats the winning candidate does not attain the 50% plus one vote from first preference vote alone. Here some voters are given a second chance to have their second preference count, that is not to select their first preference but rather to ensure the candidate they least want elected is not elected.

As a minimum for change every voter's first and second preference vote should be counted as it does in the Senate.

We might have elections, however most people's votes do not count and some have a vote of more chances than others. Every elector should have a vote that contributes to a member of the House of Representatives, and that vote should have exactly the same value and potential as everybody else.

c) The number of voter's in each electorate varies.

The second placed candidates in seats of Canberra and Fraser poll in excess of 50% more votes than the winning candidate in either seats of Lingiari or Solomon, yet is not elected. In virtually every other seat the second placed candidate receives more votes than the winner of seats Lingiari of Solomon.

Electors might have a universal opportunity to cast a vote, but clearly each vote is afforded a very different value when counted.

As governments usually receive less than 50% of formal votes nationwide, the majority of elector's votes have no resulting value and do not contribute to the election of any member of parliament.

Equal suffrage would see as many votes as possible electing a member of their choosing with an equal vote. This occurs in the Senate using Proportional Representation.

As a minimum change any government should be represent at least 50% of the national enrolled vote.

d) "The law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any grounds." (3)

My vote would not count because of single member electorates, because of where I live, because of how other people vote in my seat, and because how I might choose to vote.

By definition only 50% plus one formal vote in each seat are required to determine who is elected to parliament. All other votes become meaningless and wasted.

I am discriminated against because there can only be one member elected for any seat. However there are 149 other members of parliament, none of which can I vote for.

In all seats the result, in essence is predetermined through redistributions, such that a vote for any other candidate is completely useless.

The minimum change would be that every seat would be redistributed with exactly the same number of electors before every election such that it has a marginality of one vote either way.

ii) Inter – Parliamentary Union – Declaration on Criteria for Free and Fair Elections

Every voter is entitled to exercise his or her right equally with others and to have his or her vote accorded equivalent weight to that of others.” (4)

To achieve the 50% plus one formal vote the winning candidate usually needs all his or her first preference votes plus some second preference votes.

Some votes count fully that are for the winning candidate. Some voters are given a second chance to have their second candidate elected, whilst the majority of enrolled voters are disenfranchised with their votes not electing any member of parliament at all.

Not all votes count equally to a member sitting in parliament.

Using Proportional Representation this would all be rectified with something like 95% of electors being represented by a member of their choosing, having an equal vote count as for their fellow Australians.

iii) High Court Chief Judge Gleeson made comment in 2007. “Because the franchise is critical to representative government, and lies at the centre of our concept of participation in the life of the community, and of citizenship, disenfranchisement of any group of adult citizens on a basis that does not constitute a substantial reason for exclusion from such participation would not be consistent with the choice by the people.”

In other words having a vote that does not count toward election of a member of parliament for any unreasonable reason undermines our whole concept of community, citizenship and democratic choice.

Using single member electorates in the House of Representatives where usually less than 50% of enrolled electors have a vote that counts to determine the result and with all others totally wasted is not democratic.

Indeed it might be argued that our political system is no different from in those countries prior to us sending our military forces into, to effect regime change, where the government represents a minority of the citizens.

We do not have a democracy. We have elected dictatorships.

2) The case for Proportional Representation from a fairness point of view.

In the 2001 federal election, only 61 House of Representative seats had a candidate attain 50% plus one or greater of the formal vote.

Thus in 89 seats the elected representative sat in the House of Representatives with more formal electors votes not choosing him or her with their first preference votes. Yet they all sat in parliament as if they had all attained all 100% of votes and claim to represent all persons in their electorate. Not only do they not represent the majority of enrolled votes but in all but 3 seats, those elected parliamentarians have been preselected by, and were fully paid up card carrying members of a political party. As such they represent their political party first and foremost and not the majority of most electors in that electorate.

By definition in 2001 of the 11,474,074 enrolled voters nationwide only 5,737,037 plus 150 had the ability even before a vote was cast, to be able to decide which parliamentarian would be elected. It becomes a lottery as to whose vote counts. Only 47.59% of electors could determine the result of the election. The other 6,317,477 or 52.41% of electors were completely disenfranchised.

Of the 12,054,664 enrolled electors only 4,897,997 voted for the ultimate government, that represents just 40.6% of voters. Consequently 59.4% of the electorate did not vote for the governing political coalition with their first preference votes. The result represented a national swing to the government at the time of approximately 3.5% compared to the 1998 election result.

Swings less than 3.5% of the electorate can easily change governments. In this instance 3.5% of the electorate represents only 388,815 electors. Not universal and equal suffrage.

At that election the government was returned. In 1998 the coalition government had received 4,352,795 first preference votes from 11,545,201 enrolled electors representing just 37.7% of the formal vote.

This was actually 101,511 fewer votes than the other major political party, yet they had won the election securing 80 House of Representative seats compared to the opposition parties 67 seats.

However in 1997 the Australian Electoral Commission had manipulated boundaries of seats in Queensland, Western Australia and the Australian Capital Territory to ensure a fair result.

To quote Edward Carson, "It is hard to imagine a greater fault in an election system than one that declares the winner is actually the losers."

In 2007 there were nine seats where the candidate attaining the second highest number of first preference votes was declared the eventual winner after distribution of second preference votes.

Indeed it was 1975 when last a government attained greater than 50% of the national formal vote, which might be considered a clear majority.

Because of single member electorates, in 2001, only 0.34% of the national electorate voted for the prime minister with their first preference votes, and then only as a member of parliament. His political party chose him to be prime minister.

Only approximately 3.9% of the electorate voted for a minister in the government and approximately 7% even had the opportunity to vote for a minister in the government.

What is fair and representative about these aspects of our electoral architecture?

The first key principle of an electoral system is that "the elected bodies should reasonably reflect the voting preferences of the Australian electorate." (5)

In the senate approximately 95% of the electors are represented by the parliamentarian of their first choice. Whilst in the House of Representatives less than 50% of enrolled electors have a vote which counts. Since the composition of the two electoral chambers is significantly different, the method of voting should be changed to Proportional Representation in the House of Representatives such that the elected representatives do reflect the voting preferences of the Australian electorate.

3) The case for Proportional Representation from an ideological point of view.

If we are compelled to vote, a concept with which I agree, then let each and every person's vote count, count equally and directly elect a member of parliament of their choosing, irrespective of who they vote for, or where they live.

“Electoral systems based on Proportional Representation can be described as seeking to ensure that the number of seats each party wins closely reflects the number of votes it has received.” (6)

That would seem the whole point of conducting an election.

Facilitating participation of independent individuals and of smaller political parties brings fresh new ideas. We grow as individuals and as a society as a result of fresh new ideas and processes. Diversity of views needs to be supported and encouraged, not precluded from government decision making simply because the two largest political parties want all the power and representation for themselves.

All wisdom and knowledge does not reside in the Liberal party. All wisdom and knowledge does not reside in the Labor party. Indeed all wisdom and knowledge does not reside in either of the Liberal or Labor parties, although they have us believe so. But all power does.

Irrespective of their political beliefs, the single principle that all parliamentarians should hold sacred, preserve and rigorously defend is that we should have a democratic system of government. Single member electorates do not afford the majority of Australians democracy and a vote that counts.

The Senate is the only form of democracy we have. If we are to send our military into other countries effecting regime change such that they must have a political system like ours, then we must first demonstrate to the world that we are democratic ourselves, by adopting Proportional Representation in the House of Representatives.

Then and only then can we begin to contemplate whether we need three levels of government or Upper and Lower Houses at federal and state levels of government.

Our democratic Proportional Representation system should afford us the ability to vote directly for a minister in the government and for a prime minister.

The blight on our political architecture is the way political parties have manipulated the processes taking our freedom of choices away from us. Our collective vote is not meant to be for the benefit of the political party that rules, rather it is meant to be ‘the will of the people.’

4) The case for Proportional Representation from an administrative point of view.

Electoral boundaries are drawn to accommodate 150 House of Representative seats Australia wide. The Australian Electoral Commission regularly changes boundaries of seats by way of redistributions in an attempt to have similar numbers of enrolled electors in each seat.

Redistributions occurred in Queensland, Western Australia and the Australian Capital Territory prior to the 1998 election, which saw the coalition parties receiving 101,511 fewer votes than the opposition party, yet they won 13 more seats in the parliament.

Proportional Representation eliminates the need for the Australian Electoral Commission to conduct redistributions. It also eliminates the inequity of a party receiving fewer votes but winning a majority of House of Representative seats. Thirdly it would ensure that the number of electors in electorates does not vary between seats such that each elector would have an equal vote to all other Australians.

Proportional Representation eliminates the need for the Australian Electoral Commission to manipulate boundaries of seats in an attempt to create a fair result based upon their predictions of elector's intentions prior to polling day.

5) The case for Proportional Representation from a representative point of view.

a) Proportional Representation would, "potentially give voters more choice than the current system, because a greater number of candidates would be likely to stand for the larger multi-member constituencies than for current single member constituencies." (7)

Single member electorates together with the two party preferred preferential voting method skew any election result greatly in favour of either of the two larger political parties.

A third political party could attain 25% of the national vote yet not win one House of Representatives seat. By contrast the Senate is composed of parliamentarians of not only the two largest political parties but also of several minor political parties or independent representatives.

It is particularly difficult for independent candidates to win House of Representatives seats because they do not have the resources or profile with which to compete against the largest political parties. They need a structure whereby every vote they attain counts.

Despite having an electoral architecture stacked against them two independents have managed to win seats and develop strong public support. This demonstrates many voters seek an alternative to the largest political parties. South Australians at the last election in the Senate easily elected an independent Nick Xenophon, who appeared to have no real policy platform, yet is deeply considered and independent and can judge any policy issue according to its merits and the benefit of the whole electorate.

b) Single member electorates have no unique relevance, significance or constituency. We think of ourselves as Australians firstly. We think of ourselves as South Australians, New South Welshmen, Victorians, Queenslanders, Tasmanians, and West Australians or as Territorians.

No one ever thinks of themselves as Wakefieldarians, Barkerans, Bonythons, Greyers, Hindmarshmarians, Kingstonians, Makins, Mayonans, Port Adelaideians or Sturters in South Australia, or indeed belonging to any other federal electorate across the country. Those of us considering ourselves Adelaideians may live in all federal electorates except Grey and Barker.

Electorates are arbitrary, totally meaningless and unrepresentative of anything.

The fact that small areas can be taken out of one electorate and transferred into another clearly demonstrates that the existing House of Representatives seats bear no relationship to any particular geographic character, history or cultural description.

The fact that whole electorates can be created or disappear as result of electoral redistributions means that electorates have no significant meaning.

The fact that people on one side of a street can elect one member to parliament, whilst those on the other side of the street elect a different member of a different political party in a different electorate clearly demonstrates the illogicality of electoral boundaries.

All 150 House of Representative seats contain workers, pensioners, unemployed, self funded retirees, disabled persons, mothers, fathers, children, indigenous persons, migrants, liberal voters, labor votes, minor party voters and any other category of people that could be imagined. Constituencies of seats do not differ across the country in any significant way.

Political parties represent the people that voted for them and only them. Then let them sit in the House of Representatives in the proportion that they have electors voting for them. Let electors not supporting the major political parties; be represented by candidates of their choice in the proportion that they vote for them.

c) Proportional Representation means that “politically-significant parties receive parliamentary membership in proportion to the number of votes they receive.” (8)

Currently an elector voting for any independent candidate or of a smaller political party have little chance of their choice ever being elected because the political architecture.

It is in the Senate that democracy exists through Proportional Representation whereby an electors choice of candidate is the person elected to parliament irrespective of who that is or what they stand for. So it should be in the House of Representatives.

d) Proportional representation means “fewer votes would be wasted (i.e. cast for losing candidates or unnecessarily cast for the winner).” (9)

One of the key principles of a democracy is that all votes have equal value and that they equally contribute to electing a member of parliament.

In 2001, only 61 of the 150 House of Representatives seats saw the winning candidate received more than the required 50% plus one of formal votes which represents a clear majority.

87 seats or more than half were decided by second preference votes, i.e. the winning candidate receiving less than 50% of first preference formal votes. In all these seats votes for all other candidates which represent greater than half of all formal voters had their vote first preference vote wasted.

Five seats in 2001 saw candidates elected, receiving less than 40% of the formal first preference votes. In these seats greater than 60% of elector first preference was wasted by voting for other than the winning candidates.

In 2007 nine seats saw the second placed candidate after first preferences win the seat after counting of second preference votes. The candidate winning the most first preference votes lost the seat.

These inequities seriously compromise any 'will of the people'.

e) In Proportional Representation "rather than some seats being regarded as safe seats and others as relatively marginal, all constituencies would, to at least some extent, be contestable for the major parties." (10)

Redistributed electorates will range from 'safe' i.e. a solid majority for one political party to seats of increasing marginality where perceived voting intentions only slightly favour that one political party, through to slightly marginal seats, and further to 'safe' seats for the opposing political party.

Not only are what might be considered the majority of electors consigned to an electorate where a predetermined manipulation of boundaries ensures the result of the election of a specific political parties candidate, but it by chance left to relative few electors in 'marginal' seats to even have an opportunity of determining the election result.

It should it noted that Proportional Representation does not reduce the number of votes cast for the larger two political parties. Indeed it facilitates them to maximize all the votes that are cast for them, in that none are wasted either in a seat where they obtain too many votes, or in seats where they polled to few votes to win the seat.

As such using Proportional Representation both larger political parties would always have a reasonably consistent number of representative members irrespective of electoral swings, providing ongoing capacity, experience and profile.

Indeed a large swing away from one of the larger political parties is likely to have a more moderate effect on the number of elected representatives than would be the case using the 'majoritan,' single member electorate system that now exists.

f) Under a Proportional Representation system "it is possible for more than one group of voters to achieve greater representation within a multi-member district." (11)

Using Proportional Representation, irrespective of which significant political party or candidate an elector supports, their vote will contribute to that political parties or individual candidate being elected, whereas currently only one member can only be elected in each seat. Some representation has to be better than none.

It is not that any political party or candidate would receive greater or lesser representation. Rather all political parties or candidates would receive true representation according to the number of votes that they

have achieved electors becoming franchised by having a vote which counts toward the election of a parliamentarian.

g) "Proportional Representation systems have shown to be more conducive to the election of women. (12)

Resistance to Proportional Representation, the fairest method of electoral system, and which facilitates more women being elected, considering there under representation under the current system is beyond all sense and logic. Indeed it is discriminatory against the females who number half the population.

h) One of the key principles of democracy is that all votes have equal value and that they all equally contribute to electing a member of parliament.

It took many years to rid the Australian electoral system of conservative 'gerrymanders' whereby rural voters were given a higher value vote than their city cousins.

Even now some seats have half the number of electors than others.

I cannot legitimise such an inequitable system where most electors' votes do not count. My informal vote has more impact, because parliamentarians seek to improve the electoral system such that every person is participating in electing a member of parliament. Curiously that is precisely what Proportional Representation would do.

Many other countries have already moved to Proportional Representative System of government. Even New Zealand is leading us by holding free, fair and representative elections.

B. The arguments against Proportional Representation as outline in the green paper.

a) "That Proportional Representation for the House of Representatives might not be conducive to the formation of stable governments and coherent policy formation." (13)

Our electoral architecture was designed to elect individual members and not political parties. It is political parties and their inflexibility that could make any government unstable. It is for political parties to work cooperatively and harmoniously with all other members of parliament to achieve stable government, or to incur the wrath of electors at the next election.

Political parties would have to broaden their policy base to more reflect the views of the whole electorate.

It is not for individuals in our society to suppress their political points of view to accommodate political party doctrine. Is that not the principle that we send our military into other countries to effect regime change?

The result of Proportional Representation would be more 'centralist' or 'middle of the road' governments which would be the best for all citizens.

b) "As Proportional Representation tends to enable a greater number of minor party candidates to be elected _____ arguably we, would see a greater number of governments formed through coalitions, with no major party able to obtain over 50% of seats. " (14)

Minor parties, if they receive enough votes deserve the right to participate in government through representation.

It is the responsibility of political parties to espouse policies that attract enough electors to support them in winning enough seats to form a stable government. The electorate does not want obsessively ideologically driven governments that only govern for their particular constituency or favoured sector of the Australian community or economy.

If the House of Representatives comprised a range of political parties and independent members just as the Senate does, then it would be 'the will of the people.'

A coalition of parties in government would not be a bad result. It would be more representative, and broader ranging in policy.

Parliamentarians need to remember that it is the taxpayer that pays their wages and not their political parties from whom they take all direction. Why should taxpayer voting for smaller political parties or independent candidates not have their taxes pay the wages of the candidates they vote for, rather than members of the two largest political parties whom they did not vote.

Where is the equity in having ones taxes funding parliamentarians that espouse a policy platform with which they manifestly disagree?

c) Individuals or small parties holding the balance of power may exercise a degree of influence over decisions of the government and the legislature that is out of proportion to the levels of the support in the electorate." (15)

Currently governments rule with 100% of political power in the House of Representatives having attained consistently less than 50% of the formal vote, and often closer to merely 40% of the formal vote. It was 1975 when a government last attained more than 50% support of the Australian electorate.

I would call that a degree of influence over decisions of government that is out of proportion to the levels of support in the electorate.

If independents or smaller political parties have undue influence over government decision making, it is for the electorate to vote to address that at the ballot box, and not for larger political parties to demand more political power.

If the electorate chooses independent or small parties candidates to represent them, they clearly want them to have some influence over government deliberations and it is time the larger political parties realise that.

d) "Changes of government may be less determined by voters, and more by elected members and political parties engaged in post election negotiations and coalition formation." (16)

That we elect a range of political representatives in the Senate who need to negotiate alliances with respect specific policy issues shows democracy in action. That is clearly what we have elected them to do.

Currently we know the majority of Australians want a government to take action to avert dramatic climate change. Yet the climate sceptics rule. There is no case for anything other than Proportional Representation. When we do get government action on climate change, it will be too little, too late. It will all be because we have an electoral architecture in the House of Representatives that serves us particularly poorly.

It would be for electors at the next election to judge the performance of independents or small political parties. It would be for electors to determine those parliamentarians and political parties that are capable of working cooperatively together.

My understanding is that even with a 'hostile' Senate that something like 95% of government legislation is usually passed. I observe that it is not smaller political parties that cannot find common ground with a government but rather the opposing large political party.

e) "A successful candidate under the current system is no less a representative of an elector in the House simply because the elector did not direct a vote to that candidate." (17)

Most of the enrolled electors did not vote for the elected member that sits in parliament and thus does not represent their political aspirations.

That would be true if all candidates were independent and able to deliberate carefully and conscientiously on all issues according to their merit, and not bound by party discipline and beholden to obsessive ideologically driven political parties. We are not guinea pigs here to test the political theory and doctrines of the largest political parties. We are a civilisation, a society that aims to live healthily, wealthily and sustainably, in harmony with each other.

Only two House of Representatives members are independent that can do just that.

In the other 148 electorates the member is a fully paid up, card carrying ideologue preselected by his or her political party and sworn to advance that political parties dogma. Those 148 parliamentarians represent their political party first and foremost to which they belong and the portion of the population that votes for them.

If the parliamentarian that sits in the parliament wants to represent me, then the first thing I want is Proportional Representation in all houses of parliament.

f) In a proportional representation system the "elected representatives may _____ be less directly accountable to electors." (18)

All parliamentarians should be available to attend to the needs of constituents. Electors should not be bound by only having one parliamentarian to whom they can take matters of concern.

Only two House of Representatives members are independent and able to listen to all those in his electorate and weight up all arguments with respect each specific policy issue, for the betterment of those within that electorate.

As a result of the domination of large political parties and single member electorates, the election of a member is not about the individual candidate but rather the political party he or she represents. That is not what our political system was designed to be.

g) "The process of counting votes takes longer under Proportional Representation, meaning that the result cannot usually be identified on election night." (19)

Considering that we elect a government for the next three years, the matter that it might take a few days for an election result to be known is quite trivial. Currently it can take days, if not weeks for the result of some seats to be finalised.

If expediency were that important we would draw the winner of the Melbourne Cup or the AFL premier from a hat.

It is clear that electronic/ internet voting will be introduced in the future. Together with counting of pre poll votes as ordinary votes this would counter a longer vote counting process.

The time take to count votes at an election is not the issue. It is about 'the will of the people.'

h) "The numbers of candidates on the ballot papers would be significantly greater than at present, thus potentially adding to the number of informal votes cast." (20)

My understanding is that voting for the Senate consistently produces a lower informal vote yet would be deemed a considerably more complex ballot paper.

One wonders what sort of governments we would have if significant numbers of us do not have the capacity to be able to count and write numerically from 1 to 10 or 20.

My understanding is that 95% of formal electors vote 'above the line'. This option would continue under Proportional Representation using the optional preferential of partial preferential voting processes. This would accommodate the use of ticket voting that so many rely upon.

For my part I vote diligently 'below the line' for the Senate at every election. It is the only form of democracy we have and as such I treat it with the greatest respect. Most importantly I can see my vote count towards an elected member of the Senate.

i) "It is now close to the norm in bicameral legislatures across Australia that preferential voting is used for lower houses with Proportional Representation for upper houses. Any attempt to alter this pattern might find many voters antagonised by what would be portrayed as a government attempting to distort the electoral system for its own ends." (21)

By resisting Proportional Representation political parties antagonise many electors by attempting to distort the electoral system for their own ends. Perpetuating a system of 100% power whilst receiving less than 50% of the formal vote as every government has done since the 1975 election is certainly antagonising.

The fact that South Australians vote in such numbers for Nick Xenophon in the Senate on what might be argued to be a no policy platform suggests the electorate wants independent alternatives that are not beholden to ideological dogma.

In essence as it stands, any vote in the House of Representatives other than for a sitting member in a 'safe' seat or for either candidate of the two large political parties in a very marginal seat, is a protest vote, because it cannot count in the election of a member of parliament.

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