

REFORM OF THE HOUSE OF REPRESENTATIVES

A PROPOSAL FOR THE DEMOCRATIC ELECTION OF THE HOUSE OF REPRESENTATIVES BY PROPORTIONAL REPRESENTATION UTILISING BROAD-BASED MULTI-MEMBER ELECTORATES

Australia needs a proportional representation system of voting to elect the House of Representatives. The electoral reform proposed here is a proportional representation system designed to re-engage the Australian people by ensuring that they are given genuine choice in the election of their parliamentary representatives.

The current system of single member electorates leaves the majority of voters excluded from the electoral process. A majority of voters are in safe seats where they are forced to vote meaninglessly for either a successful candidate who does not need their support or for a candidate who, despite their support, will never be elected.

Australia needs a proportional representation system because:

- the Australian Parliament does not reflect the major political trends within the Australian community.
- the majority of voters do not have as their Member of Parliament the candidate to whom they gave their first preference.
- voters in safe seats have no influence on the outcome of elections; governments are elected and defeated by swinging voters in a few marginal seats.
- election campaigns are increasingly run not on "what's good for Australia" but on "what's good for the marginal seats of Australia".
- voters have no opportunity to choose between candidates of the same party and are required to accept the party's choice or reject the party.
- the voting system is manipulated by secret backroom preference deals.
- the voting system is distorted by donkey votes and high informal voting.
- by-elections are expensive and open to manipulation by the major parties' deciding whether or not to contest the election.

The proportional representation model proposed here for the House of Representatives, and concurrent reform of the proportional representation system for the Senate, will ensure:

- a Parliament that reflects genuine political opinion within the Australian community.
- that small opportunistic parties are not rewarded with seats in Parliament, including six year Senate terms.
- that everyone's vote will have equal value.
- that every voter, no matter where they live, has a reasonable chance of having their candidate of first choice elected.
- that voters who now live in safe seats will have as much influence in determining the outcome of elections as voters now living in marginal seats.
- that political parties, in order to seek support from women and minority groups, will be

encouraged to give voters a genuine choice of candidates.

- that voters will still be able to vote for a party despite their dislike of an individual candidate.
- that all Members, not just the ones in marginal seats, can be held accountable at the next election.
- that voters can choose candidates on personal as well as political grounds without the fear that their vote will be split or wasted.
- that the distortion caused by donkey voting will be eliminated.
- that the undemocratic bias caused by high informal voting will be reduced.
- a system in which there are no backroom preference deals based on strategic and not political grounds; the voter, not the party, chooses where second and subsequent preferences are allocated.
- that landslide election wins are not rewarded with disproportionately large parliamentary representation.
- that in the event of the death or resignation of a member, a recount of the ballot papers will result in the replacement of that member by someone acceptable to the original member's supporters.

THE PROBLEM

Because of our Constitution and geography, the textbook system of proportional representation -- with multi-member electorates returning five and sometimes seven members -- will not work in Australia.

That model works successfully in areas with a reasonably uniform spread of population such as Tasmania, the ACT and local government areas. However, in Australia's mainland States with their vast sparsely populated regions, five and seven multi-member electorates are geographically too big.

The discrepancy between an electorate representing capital cities and regional Australia is too great. A city electorate might cover a couple of hundred square kilometers whilst a regional electorate would be many hundreds of thousands of square kilometers. In Western Australia a regional electorate returning five members would be over 2,500,000 sq km. In New South Wales a regional electorate returning five members would be over 400,000 sq km. The other mainland States have equally disproportionately large regional electorates. It is not possible to locate electoral boundaries so this does not occur.

This problem is compounded by the Constitutional requirement that electorates must be self contained within a State's boundaries and that the entitlement to a set and specific number of seats is determined by the population relativities of each of the States. The number of members a State is entitled to may not always be readily divisible into electorates.

South Australia is currently entitled to eleven Members of the House of Representatives but with eleven members all possible divisions into multi-member electorates would be unsatisfactory. A 6:5 or 7:4 split leaves one of the electorates with an unsatisfactory even number of members and a three way split of 5:3:3 may not give a proportional result, with the possibility that a party with minority state wide support could win a majority of seats.

Any change in a State's entitlement will also cause major disruptions that can not be accommodated without a major redrawing of electoral boundaries, including changing the number elected from each individual multi-member electorate.

THE SOLUTION

The solution is to develop an Australian system using the Senate as the model and devising multi-member electorates on the same basis. This should involve a Hare-Clark proportional representation system, sometimes called a Single Transferable Vote, incorporating large electorates each returning many members. Tasmania, South Australia, and Western Australia would each be one electorate, and Queensland, Victoria and New South Wales would be divided into two, three and four electorates respectively.

THE STATES, IN MORE DETAIL

TASMANIA

A single electorate returning five members. Quota 16.67%.

With over a hundred years experience with proportional representation, Tasmanians would understand and effectively utilise this system. All proportional representation models have Tasmania as a single electorate.

SOUTH AUSTRALIA

A single electorate returning eleven members. Quota 8.34%.

This single electorate would be less than 10% larger than a regional electorate returning three or five members, but the quota for the election of a member is only a third or half that required for a three or five member electorate.

Note the single member electorate of Grey (904,881 sq km) covers more than 90% of South Australia.

WESTERN AUSTRALIA

A single electorate returning fifteen members. Quota 6.25%.

This single electorate would be less than 5% larger than a five member regional electorate.

Note that at the 2007 Federal election the single member electorate of Kalgoorlie (2,295,354 sq km) covered more than 90% of Western Australia.

QUEENSLAND

Two electorates each returning fifteen members. Quota 6.25%.

An electoral boundary from Brisbane to the Northern Territory border would divide the State into

two electorates of equal population and relatively equal areas. Each electorate would be representative of the State as a whole with both having capital city, coastal and regional areas. Each electorate would be approximately 867, 000 sq km.

Note that at the 2007 Federal election the single member electorate of Maranoa, in the South, was 546,830 sq km and Kennedy, in the North, was 564,967 sq km.

VICTORIA

Two electorates of twelve members and one electorate of thirteen members. Quotas 7.70% and 7.15% respectively.

The electoral boundaries would be from Melbourne to the New South Wales border and divide the State into three electorates each with capital city voters and regional voters. The largest electorate, covering Western Victoria, would be approximately 120,000 sq km.

Note that at the 2007 Federal elections the combined electorates of Wannon and Mallee had an area of 104,548 sq km. A five member electorate comprising of the regional electorates of Wannon, Mallee, Ballarat, Bendigo and Murray at 132,715 sq km would be even larger.

NEW SOUTH WALES

Four electorates, each returning twelve members. Quota 7.70%.

The electoral boundaries would be from Sydney to the Queensland border, the junction of Queensland and South Australia and the Victorian border. The largest electorate of Western New South Wales would be approximately 350,000 sq km.

Note that any five member electorate comprising current western New South Wales electorates would be larger. An electorate combining the current (2007) Federal electorates of Parkes, Calare, Farrer, Riverina and Hume would be over 600,000 sq km. It is not possible to draw electoral boundaries for a regional seat in western New South Wales that would be smaller than the largest one proposed in this reform.

THE TERRITORIES

The Australian Constitution (s 122) allows the Commonwealth Parliament to determine the representation of the territories in either house as it thinks fit.

Proportional representation is the mode of election for Territory Senators but the election of two members by proportional representation is a joke. With only two Senators to be elected it has inevitably resulted in one Government and one Opposition member being elected from each Territory. The less popular party needs only to secure a third of the vote to gain a quota.

This model proposes that Senators from the Australian Capital Territory (ACT) and Northern Territory be abolished, that their House of Representatives representation be increased to three for the Northern Territory and four for the ACT, and that their election be by proportional representation. The Northern Territory is over-represented in the Federal Parliament; this reform

helps to correct that imbalance. The ACT will return the same number of parliamentarians as it currently does.

ADVANTAGES OF THE PROPOSED CHANGE

The proposed change confers a number of advantages:

- The proportional representation system is now able to reflect the winners and losers of the election.
- The number of candidates contesting the election from any party is increased giving the voter a choice and allowing the Robson rotation to work.
- It removes a potential anomaly where, if one party wins both Senate seats in either Territory, that party may control the Senate for the period between the election and 1 July when incoming State Senators take their seats.
- Both Territories will be represented by the major parties in the House of Representatives - the House where governments are made. After the 2007 Federal election neither Territory is represented in the House of Representatives by an Opposition Member of Parliament.
- The Senate becomes smaller and reverts to being a States' house as envisaged by the Constitution.

In the Australian Capital Territory, the most likely result will be that Labor will win three seats and the Liberals one seat. This 3 : 1 representation in the House of Representatives has the same effect on the relativities of party support in the House of Representatives as the current representation of two Labor seats and no Liberal seats, but now approximately 85% of the electorate is represented in the House of Representatives by a member of a party they supported. A quota for election would be 20%. If the Greens, or any minor party, achieved this they would win a seat and over 95% of the voters would be represented.

A single Northern Territory seat is marginal and has, in recent years, been won by both the Government and Opposition. Therefore, whichever party wins the majority of the vote will win two of the three proposed seats.

ADVANTAGES TO THE VOTER

All voters are treated as equally as possible. Within a State the quota to elect a candidate will normally be the same for every voter and will never differ by more than 1%. Tasmania with its constitutional requirement for five members will have a quota of 16.67%, but the mainland States will vary between 6.25% for Western Australia and Queensland and 8.34% for South Australia. This variation is smaller than the difference between the quotas for five and seven multi-member electorates.

The distinction between regional and city voters is abolished. Representation will be based on views and interests, rather than geographic locality. Voters from all parts of the State can choose who they wish to represent them from the same broad range of candidates. Elected Members, wherever they live, must take into consideration the views of their supporters wherever they live.

There will be no more "safe" seats and none of the proposed electorates will be in electoral stasis.

Electoral stasis is the proportional representation equivalent of a safe seat and exists when an electorate can not realistically change its political composition regardless of the swing occurring in a general election. Observers of local government elections regularly see the effects of electoral stasis in three and five member wards.

The number of members elected from each electorate, and the size of the quotas, ensure that all areas of an electorate will be represented by both sides of politics. Voters from all areas will have a voice in Parliament, in party room discussions and probably in Cabinet. No longer will political parties design their policies just to appeal to swinging voters in a few marginal electorates.

FURTHER REFINEMENTS

For the model to work effectively few further refinements are necessary:

PARTY GROUPING AND ROTATION OF CANDIDATES

Candidates would stand in party groups but the order of the candidates would rotate. A simple linear rotation would be effective but the Robson Rotation would be ideal. It is the rotation of candidates that prevents the election of candidates with miniscule votes. Parties with genuine popular support are able to spread their vote and keep all their candidates in the count for longer and as a result will benefit when the micro parties are excluded.

NO ABOVE-THE-LINE VOTING

Above-the-line voting must be abolished. It is above-the-line voting with its associated group voting tickets that allows the election of bogus parties and candidates with little genuine community support. A candidate with only 1.8% of the vote would not get elected under this model.

OPTIONAL PREFERENTIAL VOTING

The argument that the compulsory numbering of a number of preferences is required or too many votes will exhaust and therefore distort the final result is wrong.

Most voters vote for all of the candidates in their preferred party group. An examination of ACT Legislative Assembly elections confirms that very few votes become exhausted while there are still viable candidates left in the party group. A viable candidate is one neither elected nor excluded and therefore available to receive a preference. With the rotation of candidates within a party group, a large number of preferences which only indicate a single preference will remain alive and eventually contribute to the election of that candidate.

The number of votes that are declared informal because of incomplete numbering is greater than the number that would otherwise have exhausted. Apart from the arrogance of declaring that a voter does not have the right to choose to vote for only a single candidate, allowing optional preferential voting will also result in a net gain in voter participation.

Voters should also be able to vote without having to consider the relative merits of a bunch of bogus parties intent only on making a mockery of the electoral process. How can voters be asked to

choose between, for example, the People's Front of Judea or the Judean People's Front or even the Judean Popular People's Front?

INCREASED ELECTORAL DEPOSITS FOR CANDIDATES

Electoral deposits should be increased. The actions of the Christian Democratic Party (CDP) in standing nine candidates for the 2009 Bradfield by-election demonstrate a flagrant disrespect for the electoral process. The CDP has given an indication of the amount of money that a party would be prepared to lose when standing for Parliament. The deposit should be raised to at least 9 x \$500 or \$4500, payable by candidates, and only returned if the candidate receives four percent of the vote.

REDISTRIBUTIONS

The proposed model makes redistributions extremely easy. For Tasmania, South Australia and Western Australia no redistribution is necessary as the mere addition or subtraction of a candidate from the State's entitlement is all that is required. In the other States, if a State is to gain a member then the addition of one member to the electorate with the most voters is all that is required. Similarly, if a State is to lose a Member then the subtraction of one Member from the electorate with the fewest voters is all that is required.

Electorates themselves should be based on Local Government boundaries. The larger the electorate the harder it is to gerrymander.

SOME MYTHS

THE ELECTORATES ARE TOO LARGE TO BE ADEQUATELY REPRESENTED.

In NSW and Victoria these proposed electorates are actually smaller than regional five and seven multi-member electorates. In Queensland, South Australia and Western Australia, whilst the size of the electorate is approximately 10% larger than a five or seven member regional electorate, the representation per electorate is three times as great.

In addition, the electorate is not represented by a single Member but by a large number of Members. Voters will quickly determine which Member has an interest in their area of concern, whether it is urban planning or drought relief. Members can be reasonably confident that the representations they are making will be on behalf of constituents who actually support them politically.

Senators have no problem in taking representations from citizens in their State.

REGIONAL VOTERS WILL BE SWAMPED BY THEIR MORE NUMEROUS CITY COUSINS.

Currently, single member city electorates already outnumber regional electorates by more than two to one. Proportional representation guarantees that if regional voters vote for regional candidates then they will be elected in the same proportion. Parties will be forced to include representatives from all regions to ensure that they maximise their vote. Voters who have been forced to leave

regional areas as part of the drift to the city will still be able to vote for regional candidates.

THE BALLOT PAPER WOULD BE TOO LARGE FOR VOTERS TO BE ABLE TO VOTE INFORMATIVELY.

In most electorates the ballot paper would be no bigger than the ballot paper required for a double dissolution Senate election. The current large number of candidates standing for Senate elections is the direct result of group voting tickets coupled with above-the-line voting. The abolition of above-the-line voting coupled with optional preferential voting would eliminate the scourge of preference harvesting and preference directing. In addition a sensible increase in the amount required for an electoral deposit would discourage many of the bogus parties and frivolous candidates.

Some local government areas elect up to 15 Councillors at a time; their voters do not seem to experience any difficulties.

A RAFT OF BIGOTS AND RACISTS WOULD BE ELECTED.

Only candidates who receive a quota are guaranteed election. The smallest quota is 6.25%. Any candidate who achieves this represents a significant percentage of support and deserves to be elected. Under the current Senate election rules it is the group voting tickets and preference harvesting that enable candidates with miniscule support to be elected. In this model the right to allocate preferences belongs solely to the voter. Whilst political parties may make recommendations as to how and where their supporters should give preferences, they will lose support and credibility if those recommendations are based on strategic and not political considerations.

MANY OF THE ELECTORATES RETURN AN EVEN NUMBER OF MEMBERS AND THIS IS CONTRARY TO THE PRINCIPLES OF PROPORTIONAL REPRESENTATION.

In Australia, the socio-economic differences between regions is sufficiently marked that it is highly likely that a multi-member electorate returning twelve members could divide 7:5 or even 8:4 in two party terms. A twelve member electorate incorporating Sydney's North Shore that returned a result, in two party terms, of 6:6 would be viewed as a disaster for the Coalition and as a triumph for the Labor Party. Similarly a twelve member electorate based on Melbourne's Western suburbs that in two party terms returned a 6:6 result would be seen as a disaster for the Labor Party.

For electorates returning less than ten Members it would be important to ensure that the electorates do have an uneven number of Members. This demonstrates the difficulty in dividing South Australia, with 11 Members, into two electorates.

Stephen Lesslie
26 November 2009