

# LARGEST REMAINDER

(Not quite Quota Notes)

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## Change of name

The Proportional Representation Society of Australia (NSW Branch) has changed its name. It is now Electoral Reform Australia. The new name better reflects our interests and organizational goals - the reform of electoral procedures in general, and specifically by the adoption of the single transferable vote (STV) for all elections at all levels of government and for all elected bodies.

## Correction

In the April 2012 of the *Largest Remainder* that was emailed to members and supporters we wrongly attributed Tom Round's 1990 submission on behalf of the PRSA (Qld.) to the EARC review to John Pyke. Sorry Tom! The error has been corrected in the on-line version. Tom's excellent submission can be read at <http://www.prsa.org.au/earc>

## Editorial

Congratulations to Greens' MLC David Shoebridge on his campaign to reform the voting system for local government in NSW. His attempt to ensure that every council in NSW is elected by proportional representation was commendable, and nearly successful.

Botany Bay Council remains the one exception. Why? Why has the NSW Liberal Government allowed Botany Bay Council to be elected in 2012 from six winner-take-all single-member wards?

Botany Bay Council is entirely represented by Labor councillors; there is no opposition, no

scrutiny of Council proposals, no review of decisions. At the 2008 election all Botany Bay councillors were elected unopposed. Was that because the residents of Botany Bay were so satisfied with their Council that they weren't interested in running? Or was it because any Liberals, Greens or Independents interested in serving their community realised that it would be a waste of time and money to run?

Botany Bay Council was then elected from two-member wards. The winner-take-all electoral system used ensured that Labor would win every position; it's the nature of that system.

The State government recently changed the law to have two-member wards elected using proportional representation, which could have seen some non-Labor councillors in Botany Bay. However, Botany Bay Council pre-empted the reform and changed its structure to that of single-member wards, thus cementing the Labor domination and further denying its citizens any meaningful participation in democracy in the area.

One of the major reasons given for the corruption within, and eventual dismissal of, Wollongong and Shellharbour Councils was their use of the winner-take-all voting system.



David Shoebridge MLC and Stephen Lesslie, Electoral Reform Australia vice president.

Every Council, including Botany Bay, needs to have an opposition to ensure that it functions in a healthy and inclusive way.

Ku-ring-gai Council, set in the heart of Premier Barry O'Farrell's own electorate, has accepted the decision to have its next Councillors elected by proportional representation. Why has Mr O'Farrell allowed Botany Bay Council to continue to deny the basic right of democracy to its citizens?

## Lessons from the Queensland 2012 State Election

by Mark Rodowicz



*Mark Rodowicz, Electoral Reform Australia vice president*

The Queensland State Election of March 2012 was an interesting election on many levels. It saw the defeat of the Labor government led by Anna Bligh, and the defeat of a party which had formed government in Queensland for 20 of the past 22 years. What made the election interesting was not so much the defeat of the incumbent government whose time had come, and whose end had almost been a dead certainty, it was unquestionably the scale of the defeat, and even more so, the implications arising from that defeat.

Several reasons have been cited to explain the magnitude of the Bligh government's massive defeat: Bligh's decision to privatise Queensland Rail and other government-owned entities shortly after her election victory in 2009, the ALP's long term in power in Queensland (i.e. the It's-Time factor), the general nationwide disdain for the Labor brand (most conspicuous from at least 2010)

and the personal and negative campaigning directed against Campbell Newman and his family. Add to all this that, unlike in many other states, the Labor Party did not enjoy an electoral buffer of ultra-safe seats in Queensland which would protect a good many of its M.P's from a significant swing against them.

The election results were as follows:

Party	% of votes	Seats	Swing (%)	Change
<b>Liberal National</b>	49.65	78	+8.05	+44
<b>Labor</b>	26.66	7	-15.59	-44
<b>Katter's AP</b>	11.53	2	+11.53	+2
<b>The Greens</b>	7.53	-	-0.84	-
<b>Other</b>	4.63	2	-3.15	-2
<b>Total</b>	100.00	89		

The above figures translate into an estimated two-party preferred result (2PP) of Liberal National Party (LNP) 63.1% / Australian Labor Party 36.9%. It is the worst result for Labor in a Queensland election since Federation. The enormous swing which the Queensland election produced draws comparison with the anti-ALP swing in NSW in the 2011 state election and is quite unusual in contemporary Australian politics, even for a relatively volatile state like Queensland. Whilst swing magnitudes between elections have generally been quite modest in Australia, compared to similar Anglo-sphere countries (such as Canada), in recent years we have witnessed surprisingly large swings in this country. The federal election of 2007 which saw Rudd defeat Howard, produced a swing of 5.4% towards Labor, the 3<sup>rd</sup> largest swing in post-war federal politics. Compare this with the NSW state election of 2011 which produced a swing of 16.5% towards the Liberal/Nationals, the largest in NSW history, whilst the Queensland election produced a result not so far behind, with 13.7% towards the LNP. Almost all of the recent state

elections have produced sharp swings against Labor, showing just how much the political landscape has been changing since 2007.

Let's examine the results for each of the parties at this election. The LNP won almost 50% of the popular vote, with a 44 seat gain from 2009. This outcome, surprised even many of the LNP optimists. Some LNP stalwarts have sought to explain this admittedly amazing result, as being a consequence of the "LNP model". The LNP model, as some have coined it, is a reference to the structural model of unity between the two old conservative parties of Queensland, the Liberal and National parties. The two aspects of the LNP model are, firstly, the unification process on the conservative side of politics (achieved in 2008) and, secondly, the non-conventional approach of electing a non-parliamentarian to the office of party leader, as was the case with Campbell Newman. It is difficult to speculate on whether the LNP model is what best explains the success of the LNP in the Queensland election. Undoubtedly it did serve the conservatives well to have a united party and a popular and capable leader which seemed to be lacking from among its parliamentary team, so the model has shown itself to be a viable model thus far. It must be stated though, that the ALP was almost certainly headed for a big defeat this time

round in any case, as opinion polls were generally showing even before Newman became LNP leader (putting to one side the brief surge in Anna Bligh's popularity immediately following the catastrophic floods).

The defeat for Queensland Labor was even greater than for NSW Labor 12 months earlier. Queensland Labor won 26.7% of the primary vote, compared to 25.6% for NSW Labor, but whereas NSW Labor still managed to hold on to 20 seats, in a parliament of comparative size, Queensland Labor won only a measly 7 seats. As I alluded to earlier, NSW Labor, unlike Queensland Labor, had in its grasp a string of ultra-safe seats in industrial seats and certain highly ethnic Labor-voting areas mainly in the Sydney metropolitan area, which helped to cushion the severe blow of the landslide, or megaslide, to use a better term. To demonstrate just how vulnerable Queensland Labor has become, their best win in terms of primary vote was in the outer Brisbane seat of Woodridge, where their vote now sits at only 46.8%. If the state

*Historical Queensland elections: Presiding officer E. B. Nuderur and poll clerk A. Telford at a bush polling booth.*  
*Image from the State Library of Queensland*  
<http://hdl.handle.net/10462/deriv/76363>



of Queensland had a compulsory preferential system, as is the case with federal elections, Queensland Labor would have been forced to preferences to win their strongest seat! With only seven seats Labor is no longer represented in most parts of the state. It now holds only four seats in south-east Queensland ( Bundamba, Inala, South Brisbane, Woodridge), two seats in central Queensland (Mackay, Rockhampton), and one seat to the north, around Cairns (Mulgrave). Labor will be required to win a further 38 seats to win a majority at a future state election.

A particular point of interest in the election was the stellar rise of Katter's Australian Party (KAP). Admittedly, right wing minor parties have generally been more successful in Queensland than elsewhere in Australia and have arisen there from time to time, but it is nevertheless true that KAP did better than most political analysts predicted several months prior to the election. As a party, KAP was less than one year old, but still managed to pull off a whopping 11.53% primary vote (incidentally, this is almost exactly half of the extraordinary One Nation Queensland vote in 1998 of 22.7% which won them 11 seats). The 15.59% swing against Labor was split at an almost exact 50/50 divide between KAP & the LNP.

The following were KAP's strongest seat results by primary vote:

Dalrymple – 53.7% (Won), Mount Isa 41.6% (Won), Hinchinbrook 35.2% (2<sup>nd</sup>), Thuringowa 30.1% (2<sup>nd</sup>), Mulgrave 30.0%, Callide 26.6% (2<sup>nd</sup>), Beaudesert 26.4% (2<sup>nd</sup>), Nanango 26.3% (2<sup>nd</sup>), Burdekin 26.3% (2<sup>nd</sup>), Lockyer 23.8% (2<sup>nd</sup>), Mundingburra 23.0%, Cook 22.3%, Whitsunday 22.3%, Gympie 21.8% (2<sup>nd</sup>), Townsville 21.8%, Condamine 21.3% (2<sup>nd</sup>).

KAP won over 20% of the vote in 16 seats, two of which it won and in 9 of which it placed second behind the LNP. KAP's support was strongest in rural Northern Queensland. It also did well in some central and southern rural and semi-rural seats, but its support was comparatively much weaker in Brisbane seats.

If we simulate the Queensland results into the 2013 federal election for the Queensland Senate (half Senate), we get the following: LNP 49.65 (3.47), ALP 26.66 (1.87), KAP 11.53 (0.81), GRN 7.53 (0.53). The first figure is the party primary vote, whilst the bracketed figure is the Senate quota. If these results were replicated, the seat outcome would be quite straightforward: LNP 3 seats, ALP 2 seats, KAP 1 seat. In terms of the current Senate make-up for Queensland, this would mean that the ALP would lose one seat to KAP, whilst The Greens would be deprived of winning another Queensland Senate seat. It is difficult to predict whether KAP will sustain, or even exceed, its support base and whether it can build similar levels of support in other states. History would suggest that it may struggle to remain relevant for long, but that remains to be seen.

The Greens performed modestly in the election, losing almost 1% of their vote, and failed to build upon the momentum of previous elections. They polled over 20% in only one seat, the Brisbane seat of Mount Coot-tha (20.7%) where they placed third, and they placed second in only one seat, Noosa (with 15.5%). After Mount Coot-tha, their best seats were Indooroopilly (18.7%) (where they were narrowly pushed out of 2<sup>nd</sup> place) and Anna Bligh's seat of South Brisbane (18.1%). Queensland has always been a difficult state for The Greens, where the absence of a proportional upper house has been an impediment to it and has hampered its ability to be seen as a significant political player.

One peculiarity of this election was that none of the 89 seats was decided on preferences. Every seat was won by candidates who placed 1<sup>st</sup> in the primary vote. This can be attributed in part to the decision of the smaller parties, namely KAP & The Greens, to generally withhold directing preferences to either of the major parties, but principally because of the reluctance of many third party voters themselves to preference either of the major parties. The Queensland optional preferential voting model, which formerly advantaged the ALP over the Nationals and Liberals, was shown to no longer advantage Labor over the

conservatives at this election. This may present a longer term problem for Labor – the existence of medium sized left wing or populist parties (such as The Greens or KAP) who can collectively pull close to 20% of the vote, will affect the competitiveness of Labor where the third party voters refrain from allocating preferences to either of the two major parties.

In terms of the issue of conversion of votes to seats, the LNP with less than 50% of the primary vote won more than 7/8 (nearly 88%) of all seats in the parliament. So most Queenslanders (50.35%) did not vote for the LNP, yet the parliamentary representation for non-LNP voters is less than 1/8 of the seats, or just over 12%. The ALP won over 26% of the vote to get less than 8% of seats: KAP won over 11% to get just over 2% of seats, whilst The Greens won more than 7% but received no seats. The most important question all of this brings to mind is: In light of the smashing victory of the LNP, which has reduced Labor to little over a handful of seats, are there any implications such a result might have on representative democracy and good, transparent governance?

William Bowe of Poll Bludger, the well known internet site of Australian election enthusiasts, states the following in relation to the post-election make-up of the Queensland parliament:

*Lacking anything that could meaningfully be described as an opposition, its sessions will henceforth resemble those of the Supreme Soviet of the USSR. The problem is exacerbated by Queensland's lack of an upper house, both as a venue for holding the government to account and for providing Labor with a second-eleven to fill out a shadow ministry.*

Ben Raue, from another electoral website, TheTallyRoom, states the following:

*Our single-member-electorate system tends to produce results in Australia that are not proportional, but still give a solid proportion of the seats in parliament to the defeated major party. While the winning party usually wins a majority of*

*seats without winning a majority of votes, the other major party (counting the Coalition as a single party) usually wins enough to be able to form a credible opposition.... Yet there is nothing about single-member electorates that ensures such a balanced result, with one party winning a solid majority, but leaving the (other) party enough seats to function in Parliament and serve as an effective opposition.*

Apologists for the status quo have been dismissive of the kinds of criticisms leveled above, on the grounds that, within the current system, a disciplined majority governing party within a unicameral system, exercises strong executive power regardless of the size of the majority, so this result does not make a great deal of difference, when compared to a more usual election outcome. This position however overlooks an important factor in the way in which parliament operates. To quote William Bowe once again:

*However, the result will hamper the vitality of the committee system, which offers the public and interested parties a point of access to the legislative process, and helps iron out problems in legislation to the extent that doing so doesn't tread on the toes of cabinet and the forces to which it responds. Each of the parliament's 10 current committees have three non-government members from a total of six (seven in the case of the Committee of the Legislative Assembly), requiring 30 non-government members to maintain the existing state of affairs. Since the election appears to have only turned up 11 non-government members, it is clear that these committees will be dominated by the government, tending to make them both less vigorous and less representative.*

Already on the 15<sup>th</sup> May, the first sitting day of the new Queensland parliament, Campbell Newman announced that **not all** proposed legislation would be put to committees, citing that the government had been given a mandate to enact certain legislation which it had promised leading up to the election. However, what Newman has conveniently

overlooked, is that even if he has been given a mandate to deliver on policies outlined before the election, at best he has a mandate to implement that policy objective, whilst the particulars of the parliamentary bill in question still require proper parliamentary scrutiny, with all details and potential difficulties to be ironed out accordingly.

The Qld 2012 election, and its immediate aftermath confirms the need for electoral and parliamentary reform in that state. But what sort of electoral/parliamentary reform should the public be seeking? If there is to be a major reform of the system, should it be in the form of a newly established upper house elected through proportional representation (PR) or should the parliament be left unicameral with the electoral system changed from single member electorates to some form of PR? I will seek to analyse the two options outlined above.

Rather than focussing on the merits of PR in general, I wish to focus on the potential advantages of bringing PR to the Legislative Assembly as opposed to establishing an Upper House elected through PR. There are at least two advantages to this idea. The first is – simplicity. Establishing a new electoral system for an existing chamber is much simpler than establishing a new chamber, with the latter involving various complexities relating to formulation, structure and detail. Second is the issue of effective representation. Effective representation could more easily be ensured if multi-member electorates were established for elections to the Legislative Assembly with no less than 9 members for each electorate. This amounts to an election quota of 10% for any candidate to gain election and would constitute 10 electorates for a 90 member Assembly or 11 electorates for a 99 member Assembly. In these scenarios, we're looking at 5 Brisbane-centred urban electorates and 5-6 regional electorates. Under this regime, a typical Brisbane-based electorate would see 7-8 members from the two major parties, and 1-2 members of minor parties or Independent candidates. The situation in regional electorates would be more complicated, particularly in the context of the KAP success in these elections. It

would not be unreasonable to expect KAP to win 11-12 seats overall under this arrangement. Whilst, the LNP would still win a solid majority under this system, if we simulate the 2012 election result, opposition parties would be expected to gain around 40 seats in a similar sized parliament. Such a reform would ensure that every electorate would be represented by members from at least two political parties, and that the majority of voters in all electorates would be represented by a member they voted for. Lower House PR would not necessarily entail frequent minority governments, as minority governments can be the product of any electoral system. Moreover, when minority governments do arise, this allows for the government to be held to greater account, and history has shown that executive and legislative accountability, have been particularly lacking in Queensland, probably more than anywhere else in Australia.

The question which next arises is: is there any advantage in establishing an upper house elected through PR, as opposed to PR for the lower house? An upper house provides the public with a house of review, and this can be a benefit to the legislative process. Queensland is unique among the states of Australia in not having an Upper House, given that the Legislative Council of Queensland was abolished in 1922. It was an appointed (rather than elected) legislature, and was therefore seen as being undemocratic by the incumbent ALP government of the early 1920s. The ALP had the chamber vote itself out of existence after the party managed to secure a majority of members. The implication of this outcome is that Queensland governments have generally had greater autonomy than have their sister governments in other states, or indeed the federal government, in realising their legislative agenda. The consequence of having no house of review populated by opposition parties or independents to challenge or contest government initiatives, goes some way towards explaining the “poor public administration, dubious regard for democratic values and corruption” of previous



Queensland governments<sup>1</sup>. The short lived National/Liberal government of Rob Borbidge in the mid-1990s indicated its support for a referendum on a re-established upper house, but this move was opposed by the Labor opposition. In the light of this, the proposal was abandoned<sup>2</sup>. The March election result would have been at least somewhat less of a problem if there was a PR elected upper house in Queensland.

However, as per the reasons outlined above, a single chamber elected by a good PR system is the better of the two options. Any advantages brought about by re-instituting an upper house could be realised at least as well by reforming the lower house. The next question which arises is, does it make sense to try to undertake both reforms, thereby creating two chambers elected through PR? The answer to that is probably no. If the new system devised for electing the Lower House is a good representative system which reflects the preferences of the voting public, then there is little reason for having to establish a second chamber. It is only if the process for electing the first chamber is flawed to begin with, that the option of a second chamber, to correct this flaw, would even need to be considered. A good process for electing members to the Legislative Assembly ought to include the following features: a minimum of 9 members per electorate, optional preferential voting, no above-the-line ticket voting, the preferable incorporation of the feature known as **Robson rotation**<sup>3</sup>, relatively high electoral deposits to deter frivolous parties and candidates and firm party registration guidelines. An electoral system based on an adherence to the above principles should negate the need for an upper chamber, and any need for further complicating the process of parliamentary and

<sup>1</sup> Grundy, B. (p.44)

<sup>2</sup> Ibid (p.47)

<sup>3</sup> Robson rotation – a supplementary feature of the STV electoral system, as it currently operates in Tasmania and the ACT, whereby multiple dissimilar ballots are printed, which vary the order of candidates listed within each political grouping, to ensure that all candidates names are equally distributed among the top, middle and bottom of aggregate ballot papers. Named after Neil Robson - Liberal MHA for the Tasmanian electorate of Bass.

electoral reform.

The Queensland 2012 election, has most certainly highlighted the need for electoral reform in Queensland. Whilst in the past many electoral reformists have focussed on the need for an Upper House in Queensland, a closer examination of the parliamentary and electoral systems reveals the fact that what is most needed is reform of the Lower House, with the institution of a fair and effective PR system. It is this reform which needs to be the focus of public electoral reform campaigning in the state of Queensland.

## References

- Pollbludger (Electoral website): <http://blogs.crikey.com.au/pollbludger/>
- The Tally Room (Electoral Website): <http://www.tallyroom.com.au/10883>, <http://www.tallyroom.com.au/10873#more-10873>, <http://www.tallyroom.com.au/10849#more-10849>
- Grundy, Bruce: - Upholding the Australian Constitution Vol 17. (2005) Chap. 3 The Missing Constitutional Ingredient: An Upper House (Simon Griffith Society)

## Future Meetings

The next meeting will be held on Monday 17 September 2012 at 7:30 pm.

Anyone is welcome to attend. For details, please contact Susan Gregory at [president@electoralreformaustralia.org](mailto:president@electoralreformaustralia.org) or on 9181 5185 for the relevant information.

Comments and/or contributions are welcome: [president@electoralreformaustralia.org](mailto:president@electoralreformaustralia.org), or  
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