

# LARGEST REMAINDER

(Not quite Quota Notes)

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## Editorial

Congratulations to our President, Stephen Lesslie, who was elected as a Councillor for Lithgow City Council at the September Local Government elections.

Subsequently, at the first meeting of the new Lithgow City Council he was elected as the Mayor of the City.

This may explain why the number of articles – and indeed the number of newsletters – produced by Electoral Reform Australia has suddenly diminished.

## Nostradamus predicts: the date of the next federal election

Electoral Reform Australia predicts that the next Federal election will be an early election held in October/November 2018 for the House of Representatives and half the Senate – a full twelve months before the Constitutional deadline of October 2019 for a House of Representatives election.

In 1963, Prime Minister Menzies called an early House of Representatives election without a corresponding half Senate election, despite not losing a vote of confidence in the House of Representatives.

This panicked decision by Menzies resulted in a series of half Senate elections (1964, 1967, and 1970) in which the government was subject to a free hit from the electorate while knowing that they could not lose office.

Since then no standalone House of Representatives election has been called and it is unlikely that a Prime Minister would ever voluntarily do so again.

Double Dissolutions are not much better and, if called in the second half of the year, may be much worse.

The Australian Constitution requires Senators to have fixed six year terms. After any Double Dissolution, these six year terms need to be re-established. The Senate divides the Senators elected from the States into long term and short term Senators, and the Constitution backdates the start of the terms of these Senators so that they are deemed to have commenced on the previous 1 July.

A short term Senator elected at the Double Dissolution held on 2 July 2016 will get a term of 2 years and 363 days. Had Prime Minister Turnbull called the 2016 Double Dissolution for 28 June 2016, this same Senator would have been elected for a term of 2 years and 2 days. Hence Turnbull's extra-long 2016 election campaign.

However, the 2 July election date will still cause Turnbull to call the next election early.

A half Senate election will be required sometime between July 2018 and June 2019 and, because Turnbull will not repeat Menzies' blunder, a House of Representatives election will be called at the same time.

It will not be in May/June 2019. It is winter and it is too close to the end of the term, which will give rise to too much speculation on the potential date of the election and make the PM look weak. Turnbull would also not want an election too soon after a good/bad NSW State election.

It will not be in February to April 2019, as this will clash with the next NSW State election, which is to be held on 25 March 2019. Turnbull's Liberal Party colleagues would not

want a Federal election campaign interfering with their re-election prospects.

It will not be in January 2019 – school holidays, and too hot.

It will not be in December 2018. The last December election was 1 December 1984. Retailers object to December elections as it interferes with Christmas shopping.

Therefore, we predict that the next Federal election will be held in October/November 2018, despite this being twelve months before the October 2019 constitutional deadline.

This is the consequence of the failure to support the proposed constitutional amendments that would have brought in simultaneous elections. Without such an amendment in place, the advantages of using a double dissolution to assist in passing a piece of legislation are greatly outweighed by the necessity of calling the next election early.

The advanced timetable also affects those of us looking for genuine Senate electoral reform, because the next Senate election will be in less than two years. We will need to move quickly.

## Micro Parties: the curse of Australian politics

*by Stephen Lesslie*

Australian Parliaments are being swamped, not by migrants, but by a tidal wave of opportunists. If this trend continues, it will likely destroy our parliamentary system and leave only a rabble of self-interested lobbyists pretending to be Members of Parliament and all pandering to the lowest common denominator in Australian society.

Political parties have:

- elected members in State and Federal Parliaments
- genuine party members who hold regular branch meetings
- procedures by which party members choose their candidates
- constitutions, platforms and defined aims
- regular conferences to discuss and formulate policies
- policies covering a wide range of interests
- local supporters, not necessarily financial

members, who are prepared to campaign for the endorsed candidate

- a presence at pre-poll and every polling booth, and
- feedback procedures – it is expected that elected members will report back to their local branches.

Political parties are **not**:

- single issue lobby groups
- organisations solely designed to elect a single person, or
- conspicuously absent from pre-poll and most polling booths.

Australia currently has two major parties, Labor and Liberal, and two minor parties, the Nationals and the Greens. These four parties meet the definition of political parties. South Australia has a fifth: the Nick Xenophon Party.

At the time of publication, there are also a further fifty-seven parties registered with the Australian Electoral Commission.

These are not political parties – they are a mixture of opportunists and lobby groups.

The first category is contemptible and our only interest in them is how we can devise an electoral system that eliminates them or at least severely limits their ability to damage the parliamentary system.

The lobby groups are almost invariably a group that has been turned into a pseudo political party by an ambitious president, or CEO, who is hoping for a miracle, where because of some fluke of preference harvesting and a fortunate draw on the ballot paper, they (read “he”) may bag a six or eight year Senate or Legislative Council position.

Individual supporters within this group want to improve our society. Many would have spent many years dedicated to their cause but they have been conned into turning their small dedicated lobby group into a ‘registered’ political party.

In doing so they destroy the lobby group. No meaningful lobbying of elected politicians can be undertaken by a group that now exists as a vote-seeking entity in its own right.

The cost benefit analysis undertaken by the CEO of such a lobby group is clear: there a

small expenditure of time and money (mostly other people's) and a million dollar payout if that CEO is actually elected.

Some of these parties allegedly hired, and then failed to pay, workers who handed out how-to-vote cards at the last NSW State election.

The odds that at least one of these CEOs will win a seat are probably better than most might think. There are now so many of these joke parties, each managing to drag in a miniscule percentage of votes, say 0.5%, on the basis of an emotive name or the donkey vote, or even a genuine desire by voters to support some worthwhile cause, that the sum of the vote for these 'others' can eventually add up to a substantial percentage of the total vote. In Senate elections, they may add to over a quota (14.3%) and in some cases almost two quotas. In NSW Legislative Council elections, this may extend to multiple quotas.

At the last NSW Legislative Council election, 707,067 voters (16.38%, or almost 4 quotas) voted for candidates belonging to groups (including ungrouped) that failed to reach even the small quota of 4.55%.

When the large exhausted vote is also taken into account, it is hardly surprising that candidates from three parties were elected despite not even reaching the quota of 4.55%. The last candidate elected received, even after preferences, only 91,420 votes or less than half (46%) of a quota.

The unfairness of this can be clearly demonstrated. An examination of the Liberal/National joint ticket vote shows that Hollie Hughes, who received 81,825 votes, was excluded at count 390. However, each of her nine successful colleagues on the joint ticket received 10,000 votes more than they needed. Had each of her nine successful colleagues on the joint ticket been able to give up just 1,067 votes each and transfer them to her, Ms Hughes would not have been excluded. Instead, the No Land Tax Party would have been excluded and Ms Hughes may even have won a seat at the next transfer.

This does not require an increase in the Liberal/National Party votes, but merely rearranges it within the group.

As far as the Liberal/National Party is concerned, the excess 90,000 votes received by Ms Hughes' colleagues were completely wasted.

An electoral system that allows these votes to be shared more equitably amongst candidates within a group would have resulted in one extra seat being won by the Liberal/National Party ticket, although the total number of voters supporting the Liberal/National Party ticket would not have changed.

At the last NSW Legislative Council election, the Animal Justice Party received 76,816 votes and elected a single candidate, while the Liberal/National Party received 1,839,452 votes and elected nine candidates. The Liberal/National Party ticket initially received over twenty-three times as many votes. After the distribution of preferences and just before the last Liberal candidate was excluded, the Liberal/National joint ticket had 1,847,670 votes: just over twenty times as many as the Animal Justice Party's 89,720 votes.

Many micro party voters give their second preferences directly to one of the major parties, but are effectively prevented from doing so because all the candidates representing their preferred major party have either been elected or excluded. These votes will then either pass to another micro party or exhaust.

Apologists for the current system (or those who benefit from it) will often suggest that at least the system enables 'ordinary' people to win a seat. If 'ordinary' is what we want, then we should let everyone have the opportunity and select our Parliamentarians as we do our juries – randomly.

Another red herring put forward is that while it is not certain which candidate will be elected, that candidate at least represents the 'others' on Antony Green's election graphs. This is also nonsense. Despite the rhetoric, the 'others' are not a unified anti-major party bloc. A Secular Party voter can hardly feel reassured by being told that they are being represented by one of the religious parties, and why would any sensible person want to be told they are being represented by a climate change denier who, for short term economic gains, is willing to sacrifice the future of our children and

grandchildren.

The victims of this unfair and undemocratic electoral procedure are the popular parties – those parties that can elect more than one member in a multi-member election. In the above example, it was the Liberal/National joint ticket that suffered, but it would only take minor variations in the vote for any or all the four main parties (and, in South Australia, the Nick Xenophon Party) to be adversely and undemocratically affected.

### **What changes should be made?**

The following changes will help to fix this problem and make the Australian electoral system more democratic:

- Abolishing above the line voting
- Allowing fully optional preferential voting
- Using the ACT (and NSW Legislative Council) system when determining the transfer values for surpluses over a quota
- Reducing the requirement to stand an arbitrary number of candidates (5, 6, 12, 15, etc.) to two
- Adopting the Meek Method for counting a proportional representation ballot
- Rotating the order of candidates within groups so that all candidates have an equal chance of having the top position on the ballot paper.

#### **1. Abolish above the line voting**

This forces voters to think about where their second and subsequent preferences go.

#### **2. Allow fully optional preferential voting but use the ACT transfer value system**

When told how many vacancies are to be filled the majority, indeed the great majority, of voters will give preferences for at least that many candidates. Those that can't or won't should not be arbitrarily punished. They have made a clear choice and their decision should be respected. Counting the preferences in this manner also ensures that no votes are lost as exhausted votes when a candidate has received over a quota.

#### **3. Reduce the candidates required to two**

The Senate electoral reforms made early last year got this one right, but NSW Legislative Council requires 15 in a group and NSW local

government requires 'half the number to be elected'.

The 2016 local government election for Lithgow City Council had 47 candidates standing in ten groups for nine Councillor positions. One group elected three candidates and six groups elected their lead candidate.

If the group with multiple quotas had run five candidates (which they did) and every other group had run two there would have been twenty three candidates – less than half the number that did stand – and the result would have been exactly the same.

No one should be forced to limit their candidate numbers but everyone should be given the opportunity to do so.

#### **4. Adopt the Meek Method for counting a proportional representation ballot**

The Meek method of counting a proportional ballot ensures that exhausted votes do not distort the quota. Every time a candidate is excluded, the quota is reset by recounting the ballot and excluding those votes that have exhausted. A voter whose vote exhausts has, by definition, no interest in supporting any of the remaining candidates. It is as if the voter had not voted in the first place but without Meek, the quota remains artificially high.

With Meek, popular candidates are also able to collect preferences even after they have reached a quota and have been provisionally elected when other candidates are excluded. This increases the transfer value of their surplus and respects the wishes of voters whose favourite candidate has been excluded.

#### **5. Rotate the order of candidates within a group**

Rotating the names on the ballot paper allows voters who want to support a party but have no particular interest in any individual candidate to do so in a way that enhances the party's overall prospects. The vote is now spread amongst multiple candidates and this ensures that these candidates are not excluded early in the count and are able to receive the second preferences of micro parties and makeweight candidates.

This is perfectly reasonable because if the

micro party voter does not want their second preference to go to a major party then they would have voted that way in the first instance.

## Conclusion

These are not radical or unreasonable reforms but they would have a major impact on Australian elections, making the results fair, democratic and a true reflection of voters' wishes while making ballot papers easier to use and elections more inclusive.

## Interesting reading

- The High Court of Australia held that Bob Day had been ineligible to sit as a Senator since before the July 2016 federal election, leading to the election of his running mate, Lucy Gichuhi following a recount of the South Australian Senate ballot papers.

[Re Day \[No 2\] \[2017\] HCA 14](#)

- Antony Green has published an article on the proposed merger of Family First and the Australian Conservative Party.

Green suggests that the Senate reforms provide an incentive for 'like-minded parties to merge to create a single party, giving the merged party a better chance of being elected'.

He also discusses the potential application of section 15 of the *Constitution* should a casual vacancy arise in relation to Senator Gichuci's seat.

<http://blogs.abc.net.au/antonygreen/2017/04/the-urge-to-merge-family-first-and-the-australian-conservatives.html>

- The appointment of part of a local body by means of 'civic lottery' has recently been introduced in Rotterdam.

<https://www.nrc.nl/nieuws/2017/02/23/rotterdam-gaat-wijkpolitici-niet-kiezen-maar-loten-6936063-a1547251> (article in Dutch)

- A scheduled by-election for the Manchester Gordon constituency in the UK was cancelled by vote in the House of Commons after the British Prime Minister, Theresa May, called an early general election.

The by-election would otherwise have been held in the period between the dissolution of

Parliament and the general election, leading to the unusual situation of an MP elected without a Parliament to join.

<http://www.bbc.com/news/uk-england-manchester-39646993>

## Future Meetings

The next meeting is the Annual General Meeting, which will be held on Tuesday 2 May 2017 at 7:30pm.

Anyone is welcome to attend. For details, please contact Stephen Lesslie at [president@electoralreformaustralia.org](mailto:president@electoralreformaustralia.org) or on (02) 6351 2598 for the relevant information.

Comments and/or contributions are welcome: [president@electoralreformaustralia.org](mailto:president@electoralreformaustralia.org), or  
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### Electoral Reform Australia Office-bearers for 2016-2017

Stephen Lesslie – President  
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Mark Rodowicz – Vice President  
Patrick Lesslie – Secretary/Treasurer

Committee: John Baglin,  
Patricia Kennedy, Marian Lesslie,  
Peter Palethorpe, Casey Peters.

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