

Please find attached my submission to the Ministerial Expert Committee,

Thanks much

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Henry Schlehta

Submission to the Ministerial Expert Committee on Electoral Reform

To the Committee

I will divide my submission into two parts: one dealing with the distribution of preferences in the Legislative Council's proportional representation system, and one dealing with the issue of electoral equality and malapportionment.

Distribution of Preferences

It is vitally important that Western Australia's Parliament acts as soon as possible to abolish the group ticket voting system. This system perverts democracy by allowing parties, both small and large, to transfer preferences to each other with little regard to the actual desires of their voters. Western Australia's current variant is particularly burdensome for the voter, as it requires them to number every single box below the line if they do not wish to adopt one of the tickets. It is undemocratic and wholly unfit for purpose.

The obvious example of this is the election of Wilson Tucker of the Daylight Savings Party, who received the preferences of every single voter who voted above the line for the Greens, for the Shooters Fishers and Farmers, for the Animal Justice Party, and for the Health Australia Party, amongst others¹. However, other examples exist: perhaps the most egregious was the election of Senator Bob Day of the conservative Family First Party off the preferences of the Green, Labor and Help End Marijuana Prohibition parties at the 2013 South Australian Senate election².

Any electoral system which preserves the principle of proportional representation would be an improvement on group ticket voting. However, if a minimal change is sought, the current system used for the federal Senate and for Legislative Council elections in South Australia and New South Wales, in which voters may indicate preferences either above or below the line, offers several advantages.

For one, it means that voters do not have the confusion of different electoral systems between the state Legislative Council and federal Senate. It also offers voters simplicity and certainty about the meaning of a vote above the line—it is a vote only for the candidates of their chosen party. The system has allowed smaller parties with substantial electoral support to continue winning Senate seats: One Nation, the Jacqui Lambie Network and the Greens have all retained Senate representation at the federal level, while in both New South Wales and South Australia small parties remain substantial presences in the upper house. However, these small parties must work both to achieve and retain the support of the electorate to hold their seats and cannot rely on the lottery-style group ticket voting system.

Electoral Equality and Malapportionment

This issue is perhaps thornier and does not lend itself to clear answers since it is fundamentally one of principle. The idea that all votes should have equal value is obviously an intuitive and compelling one. However, at the same time, a plausible case could be made that electorates that are extremely large geographically but have very little population, like the Mining and Pastoral district, should have

¹ <https://www.abc.net.au/news/elections/wa/2021/guide/results-mpas/>

² <https://www.abc.net.au/news/federal-election-2013/results/senate/sa/?nw=0>

additional representation, given the additional challenges representatives for such areas face in meeting with their constituents. There is no clear moderate position between these two principles.

One potential solution could be to introduce a system of mixed-member proportional representation for the Legislative Council. Under this system, used in New Zealand³, Scotland⁴, and Germany⁵, voters get two votes: one for a local candidate, and one for a political party. Some seats in the legislature (usually about half) are elected in local single-member districts using the first-past-the-post system, while the remaining legislators are elected from party lists. Seats on the party lists are so distributed that each party's share of seats is roughly equivalent to their share of the vote. For example, in a 100-member legislature with 50 seats elected in single-member districts, if Party A won 40% of the vote and 35 seats in single-member districts, it would be entitled to about 5 party list seats.

The advantage of this system for Western Australia would be that single-member districts in rural and remote areas could have lower enrolment than single-member districts in urban areas, thus giving rural areas guaranteed local representation. At the same time, because of the proportional representation seats, this would not lead to the overall composition of the legislature being skewed towards the voting preferences of rural areas, as is the case under the present system. Overall, the proportional nature of the system would mean that the Legislative Council would retain its important role as a check and balance over the Legislative Assembly

The technical details of this system would obviously require further study: I only offer a vague outline of how it might work. It would suffer from the disadvantage of being different to any other electoral system used in Australia, although methods of integrating preferential voting into mixed-member proportional representation have been proposed⁶. Nonetheless, in my view, it offers the potential to reconcile the two competing principles at stake here.

Henry Schlechta

³ <https://elections.nz/democracy-in-nz/what-is-new-zealands-system-of-government/what-is-mmp/>

⁴ <http://www.parlamaid-alba.org/gd/visitandlearn/Education/16285.aspx>

⁵ <https://www.electoral-reform.org.uk/how-does-proportional-representation-work-in-germany/>

⁶ <https://www.electoral-reform.org.uk/voting-systems/types-of-voting-system/alternative-vote-plus/>