



Website: [www.malcolmmackerras.com](http://www.malcolmmackerras.com)

Mr Malcolm McCusker AC CVO QC  
Professor John Phillimore  
Professor Sarah Murray  
Associate Professor Martin Drum

Dear Professor Murray and gentlemen,

Greetings!

I write to you as members of the Ministerial Expert Committee on Electoral Reform. As I understand it the purpose of the Committee is to modernise the *Electoral Act 1907* in relation to the electoral system by which members of the Western Australian Legislative Council are elected. In making this submission my problem is to know where to begin. Anyway, as a former teaching academic I am accustomed to marking students, so I have decided to begin by marking the seven proportional representation systems in operation for parliaments in Australia today.

#### Marking Seven PR Systems

For parliamentary elections the best PR method of election in Australia today is the Tasmanian Hare-Clark system. I call it "the original and the best", and I give it a high distinction mark of 85 per cent. The second best is the ACT variant of Hare-Clark to which I give a distinction mark of 81 per cent.

It will be noticed that the above are both lower house systems, applying to elections for the Tasmanian House of Assembly and the Legislative Assembly for the Australian Capital Territory. What about the upper house systems? None of them is excellent. They range from the good to the passable, to the bad, to the ugly.

The ugly one is the Senate voting system and the bad is the WA Legislative Council system. Of the other three opinion differs about which is the good, which gets a decent pass mark, and which gets a bare pass mark. I say the Victorian Legislative Council system is good because it gives voters an incentive to vote below the line. Others say the New South Wales Legislative Council system is good because of its high district magnitude. With 21 elected each time that system yields very high degrees of proportionality. The quota is only 4.55 per cent. That enables minor parties like the Animal Justice Party to win seats without the need to game the system. Consequently, the two Animal Justice Party members of the NSW Legislative

Council are likely to be permanent fixtures because the system is friendly to them. The sole AJP member in Victoria will almost certainly be a “oncer” because he was only able to be elected by gaming the system.

My objection to all five upper house systems is that they are all stasiocratic in character. So, I now find myself using two pieces of psephological jargon. I had best explain these terms before proceeding. The pieces of jargon are “district magnitude” and “stasiocracy”.

To define “district magnitude” is easy. It is simply the number being elected. For the WA Legislative Assembly district magnitude is one, for the Legislative Council it is six. You will soon discover that I think the WA Legislative Council system is not the only case of the need for reform. The Senate voting system desperately needs reform. Likewise, reform of the Victorian Legislative Council voting system would be very desirable.

Consequently, I now tell you that district magnitude for the House of Representatives is one. For the Senate it is normally six but there are cases where it is two (territory senators) and other cases where it is 12. The district magnitude for the Victorian Legislative Assembly is one and for the Legislative Council it is five.

I don’t know where the term “stasiocracy” comes from. All I know is that I used it often when I was a teaching academic giving a course on electoral systems. When I am asked to give talks on these subjects today it is almost always the first term I define for the audience.

Anyway, stasiocracy means government by the machines of big political parties. That’s essentially what we have in Australia today. Nevertheless, I am willing to describe as “democratic” any system which is genuinely candidate-based. Therefore, in the field of proportional representation I describe the two Hare-Clark systems as “democratic” and all the upper house systems as “stasiocratic”.

The five upper house systems are not equally stasiocratic. Victoria’s is the least so. It comes quite close to being described as “democratic”. The two bad ones are the Senate system and that which applies to the election of members of the WA Legislative Council.

The Senate system is bad because of the way in which its four contrivances operate. The four contrivances are the thick black line that runs through the ballot paper, the party boxes above that ballot dividing line, the deceitful instructions to those who wish to vote above the line and the deceitful instructions to those who wish to vote below the line.

I don’t propose to lecture the Committee excessively about how bad the Senate voting system is. I prefer merely to note that I have written a book for which, so far, I have not been able to find a publisher. Details of this book can be found on my website, called “Unrepresentative Swill”. It can be accessed at

[www.malcolmmackerras.com](http://www.malcolmmackerras.com). After trying to get a publisher I have decided to offer my book to "Quarterly Essay" and the draft so far is enclosed/attached – as are some relevant chapters of the book.

That I may not get a publisher should not be read as deeming my book to be without value. Everyone agrees that it is an important book. My problem is that it would sell at a heavy loss. Were I to be seriously rich I would publish it myself and sell it myself at a price that would need to be very low so that it could achieve a decent level of sales. Following the example of Clive Palmer, I would also advertise at election time so that voters would know how bad the Senate voting system is. In particular I would be able to educate the public to understand the deceit of the instructions to voters. I would do that because I think it is the duty of a genuine democrat to tell voters that a single first preference above the line is, by law, required to be counted as a formal vote for the candidates of that party. It is also the duty of a genuine democrat to tell voters that 1, 2, 3, 4, 5 and 6 preferences below the line are required by law to be counted as a formal vote. If I were seriously rich my advertisements would educate the public to know these important facts.

#### My proposals for Western Australia

The general bad-ness of the Senate voting system has a counterpart in Western Australia. Both systems are unfair to voters, unfair between candidates and unfair between parties. In both cases the ballot paper is voter-unfriendly but party machine friendly on steroids. In both cases the ballot paper has not been designed to help the voter. It has been designed to help the machines of big political parties to manipulate the voter.

I have been a public psephologist for 64 years. You read that correctly. My career began in 1957. I have also been an electoral reformer during that period – so much so that the citation for my AO (awarded in January 2006) refers to my "commitment to reform and improvement of the electoral system". However, my 64 years in this business have taught me that reform can only come about by persuading the machine of at least one big political party that the reform would promote the electoral interests of that party.

A significant amount of material detailing my views can be found on my website. However, I have a problem with it inasmuch as people complain that my pendulums and ballot papers print out badly. I finish up sending him/her/them the original in a jiffy bag. For that reason, I choose to send this submission by "snail mail" first. Then, when I know the parcel has been received, I intend to send my submission in electronic form.

Therefore, I have been able to ascertain that the "snail mail" address of the Committee is 11<sup>th</sup> Floor Dumas House, 2 Havelock Street, West Perth WA 6005. To that address this parcel will go.

Enclosed are my five model ballot papers, one for the Senate, one for the Victorian Legislative Council and three for the WA Legislative Council. In order that it be made clear where I am coming from, I ask the Committee to study all five model ballot papers closely – together with the reverse side which, in each case, explains my thinking.

Where Western Australia differs from the others is that there are three iterations. These explain the change of my thinking in relation to WA. That change is driven entirely by the precept “Never let the perfect be the enemy of the good.”

The main reason why I hate the Senate voting system is that I know it was entirely driven by the greed of the machines of big political parties. Regrettably, the general public seems to accept that the *Commonwealth Electoral Amendment Act 2016* was a genuine “democratic reform”. That acceptance is the consequence of the disgraceful compliance of the Australian Electoral Commission in telling the lies of the system (and concealing the truth) plus the fact that the system has two capable spin doctors, Antony Green and Kevin Bonham, who lend credibility to a system which should generally be seen to be disreputable.

Green and Bonham are presently trying to sell to both Victoria and Western Australia the view that those states should copy the Senate voting system. They will fail in Victoria largely because of my determination – which determination is fully supported by the Proportional Representation Society of Australia and by Victorian psephologist Chris Curtis. That is why the institution of the Group Voting Ticket is likely to continue in Victoria for at least one more election. Joined by the PRSA I would like to scrap the GVT in Victoria, but we are having great trouble selling our way to do it. As seems so often to be the case Green and Bonham have placed a road block in our way by their insistence that the *Commonwealth Electoral Amendment Act 2016* was a genuine democratic reform.

My view is this: I am not willing to support a pretend “democratic reform”, the sole purpose of which is to put Glenn Druery out of business. I was not willing to support the pretend “democratic reform” of the Senate electoral system the sole purpose of which was to kick Ricky Muir out of the Senate. Likewise, I am not willing to support any pretend “democratic reform”, the sole purpose of which might be to kick Wilson Tucker out of the WA Legislative Council.

I am, however, willing to support a genuinely democratic new system that would chance to put Glenn Druery out of business and would chance to have the effect of kicking Wilson Tucker out of the WA Legislative Council.

Readers will notice that the enclosures to this letter begin with my model Senate ballot paper followed by my model ballot paper for the Western Metropolitan Region of Victoria. They are intended to tell you of my thinking. The model Senate ballot paper is not meant to replace any existing particular ballot paper. By contrast that for the Victorian Legislative Council does replace an actual existing ballot paper handed to voters in November 2018. For that reason, I staple the two together.



Among the several objections I have to the existing WA ballot paper is the wholly unreasonable nature of the below-the-line vote option. For both the Agricultural Region and the Mining and Pastoral Region the below-the-line option is "Number every box from 1 to 53 in the order of your choice of candidate". I enclose a ballot paper from the Agricultural Region to illustrate my point.

The option is slightly more difficult for the North Metropolitan and South West regions. There it is "Number every box from 1 to 54 in the order of your choice of candidate". I enclose a ballot paper from the North Metropolitan Region to illustrate my point.

The option that is most unreasonable is that for the South Metropolitan Region. There it is "Number every box from 1 to 64 in the order of your choice of candidate". I enclose a ballot paper from the South Metropolitan Region to illustrate my point.

The option that is most voter friendly is that for the East Metropolitan Region. There it is "Number every box from 1 to 47 in the order of your choice of candidate."

For your purposes I enclose three model ballot papers for the WA Legislative Council East Metropolitan Region. In all three cases the reverse side explains my thinking in designing that model ballot paper. It has three iterations. Now that I know your "snail mail" address I send these WA ballot papers in a jiffy bag with this letter explaining myself.

The first WA model ballot paper is what I call "the perfect". It reflects my distaste for above-the-line voting. My implementation of that distaste takes the form of getting rid of the above-the-line vote and asking voters to number seven boxes showing preferences between candidates. The explanation is on the reverse side and is dated 14 November 2017. When I show this to ordinary people, they say it is excellent. Typically, they tell me that I could do a far better job designing an electoral system than the politicians have done – or can do. Quite a few politicians say the same. They say this ballot paper is good for voters. To that I say: "Is not that what democracy is supposed to be all about?"

Unfortunately, the above is not the usual reaction from politicians. Especially in the case of a politician who was once a state secretary (Labor) or state director (Liberal) I am told politely that I am a typical intellectual with my head in the clouds. "Over my dead body" is what they mean. That is accompanied by ridiculous philosophising about the need for party unity – and the threat to democracy and the peace, order and good government of Australia that would rear its ugly head if above-the-line voting were scrapped.

Over my 64 years as a public psephologist I have learnt to say to myself many times this precept: "Never let the perfect be the enemy of the good." That is what explains my second iteration. After a trip to Perth in February 2020 (during which I had conversations with everyone who mattered) I realised what I should have known

from the start. There was no way I could sell that to the Labor Party – or, if truth be known, to any other party.

So, I am left with this thought: “if they won’t accept getting rid of above-the-line voting they may be willing to accept a significant increase in district magnitude?” The conversations I had in February 2020 convinced me that my reform proposals (plan B, that is) might very well be widely accepted.

Over the years I have developed this view: above-the-line voting is a bad idea – but it can be justified in some cases of high district magnitude.

Regarding my assertion that my proposals might very well be widely accepted I take as examples Kevin Bonham and Antony Green. They have, in their blogs, made out all sorts of absurd objections to my Victorian proposals. They should be straight and say “we want party-list systems” – but they never do. Anyway, I can see no reason why either Green or Bonham would object to what I am proposing for Western Australia.

What I am proposing is *technically* a Single Transferable Vote system – but it remains stasiocratic in character. It is, however, much, much better than the Senate voting system, as I now explain.

The purpose of the *Commonwealth Electoral Amendment Act 2016* was to rid the Senate of as many crossbench senators as could be achieved by the machines of the big political parties. Its success will be complete in the next federal parliamentary term when only Jacquie Lambie, Pauline Hanson and Malcolm Roberts will be genuine crossbenchers. That is the effect of maintaining district magnitude at six.

By contrast, I am proposing to raise the WA district magnitude from six to nine. No one, therefore, could accuse me of trying to “do down” minor parties. Furthermore, my system would be one of genuine proportional representation – unlike the current Senate and WA systems which are semi-proportional. Those two systems have almost no redeeming features. I revise: the Western Australian Legislative Council system has two redeeming features – discussed below.

On that subject the first point I make is that there is no rotation of WA terms. Members are elected to four-year terms. That is far more democratic than the six-year terms of senators – who rotate in what are sometimes call “staggered terms”. Furthermore, in Western Australia casual vacancies are filled by recounting votes from the previous election. That is far more democratic than the party machine appointment systems for the Senate and the Legislative Councils of New South Wales, Victoria and South Australia.

All that adds up to me giving my proposed WA system a mark of 55 per cent compared with 51 per cent for South Australia, 45 per cent for the current WA system and a dismal fail mark of 30 per cent for the dishonest, rigged, horrible Senate voting system with its four contrivances designed to manipulate the voters.

## Designing the Ballot Paper

I have included in this parcel the chapter of my book titled "Reform of Upper Houses in New South Wales and South Australia". The reason is that my WA Legislative Council ballot paper is modelled from the SA "Ballot Paper for the election of 11 Legislative Councillors". However, I invite you to notice two differences. The first is that district magnitude is eleven in SA where I am proposing it be nine in WA.

The next difference is the one really in my sights. For the SA vote below the line the instruction to voters reads: "Numbering at least 12 of these squares in the order of your choice." The purpose of those words is to deceive the voter into believing that any failure to number the squares 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 would result in the vote being lost because it would finish up in the pile of informal votes.

That is not true. It is required by law that the vote reading 1, 2, 3, 4, 5 and 6 must be counted as a formal vote. This is typical of the way politicians legislate. They want to discourage below-the-line voting – so they make it difficult to vote below the line. Then they have the temerity to say that they are trying to save votes from informality by what spin doctor Antony Green euphemistically calls "generous savings provisions". The SA politicians should have been honest and used the words "Numbering at least 6 of these squares in the order of your choice".

My WA ballot paper reads for the vote below the line: "Numbering at least 9 of these boxes in the order of your choice." By that I intend the words to mean what they say. Unless the vote numbers 1, 2, 3, 4, 5, 6, 7, 8 and 9 between candidates it would be informal.

Why 9, you may ask? The short answer is that I regard the Victorian system as the best of the stasiocratic upper house systems. With 5 to be elected from each Victorian region its below-the-line instruction reads: "Place the numbers 1 to at least 5 in these squares to indicate your choice." Since I propose to have 9 in each WA region my logic causes me to write "Numbering at least 9 of these boxes in the order of your choice". I would certainly not object if the WA Parliament chose "at least 5" as the words.

The most important characteristic a ballot paper must have is honesty. It must also help the voter to cast a formal vote. This is where I am so critical of the Senate ballot paper. In that case I ask my audience this question: "What is the purpose of the above-the-line instruction?" The answer I give to my own question is that the purpose of the words "numbering at least 6 of these boxes in the order of your choice" is to deceive voters into believing that if you do not number 1, 2, 3, 4, 5 and 6 your vote would be informal. That is not true – so the instruction is deceitful. The same goes for the instruction for the vote below the line. The difference is that South Australia copied the deceitful below-the-line instruction but insisted that their above-the-line instruction be honest.

Enclosed herein are two copies of the third iteration of my model ballot paper for the East Metropolitan Region to which is stapled the actual March 2021 ballot paper it is intended to replace. I invite members of the Committee to notice how voter friendly my ballot paper is and how voter unfriendly the existing ballot paper is. I take the above-the-line vote first. The existing ballot paper makes the voter choose a complete set of preferences lodged by the party machine. Mine enables the voter merely to vote for that party's candidates – and choose another for a second preference, another for a third preference etc. - if the voter wants to.

For the vote below the line vote my option is much easier for the voter. She need only go 1, 2, 3, 4, 5, 6, 7, 8 and 9 in correct consecutive order and she has cast a formal vote. At the March 2021 election, by contrast, she needed to vote 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46 and 47. And, of course, she needed to get the sequencing perfect – otherwise her vote went into the informal pile of votes.

In addition to their voter-friendliness the honesty of my model ballot papers shines through. My model ballot papers put both federal and state politicians to shame. Why, therefore, are both federal and state politicians so disgraceful in this area? The explanation is simple. They do what their machines tell them to do. Their machines want to manipulate voters – and their politicians comply with what those machines want.

I think I have made myself clear in all the above. The system I propose gets a mark from me of 55 per cent – for reasons explained on the reverse side of the second iteration of my model WA ballot paper. I propose it in the knowledge that there are three leading psephologists in this country. With 64 years in the business I am the senior Australian psephologist – but they are far more powerful than me. The reason is that Antony Green and Kevin Bonham run blogs that are widely read. Mine is not – because I lack the computer skills needed to keep it up to date. Each of Green and Bonham has a fan club at least ten times the size of mine.

For both Victoria and Western Australia, it would be highly desirable if these three men were to sing from the same hymn sheet. A reform could then be implemented that enjoyed genuine third-party validation. In the case of Western Australia, I am, in effect, deferring to them. The planets have aligned perfectly for them – and there will be (with my support) a reform that does what they want. It will put Glenn Druery out of WA business. After that I shall work on Victoria in the hope that Green and Bonham will eventually defer to me. Over the long term, therefore, Victoria would continue to have eight regions each electing five members without above-the-line voting – and with a ballot paper designed by me.

#### Fitting Legislative Assembly Districts into Legislative Council Regions

The three current regions that make up my “Agricultural, Mining, Pastoral and Tourism Region” presently have 16 Legislative Assembly districts fully contained



within them. There is no reason why that should not continue. However, in the metropolitan area there are 14 districts contained within each of East Metro and North Metro but 15 contained within South Metro. I am in favour of giving East Metro and North Metro a 15<sup>th</sup> seat. That would increase the size of the Legislative Assembly from 59 to 61 members.

#### Where does the Peel Region Fit?

At present the Peel Region is part of the South West Region. The numbers under my scheme, therefore, have the elector size in ascending order as 416,012 for the proposed Agricultural, Mining, Pastoral and Tourism Region, 423,759 for East Metropolitan, 427,779 for North Metropolitan and 449,182 for South Metropolitan.

There would be some who think that is not malapportioned enough against the metropolitan area. They might suggest, for example, that the Peel Region should form part of the South Metropolitan Region. In expectation of such a proposal being presented to you I want you to know my view.

On my calculations the Agricultural, Mining, Pastoral and Tourism Region would then have 343,347 electors (20 per cent of Western Australia's total numbers) and the combined metropolitan regions would then have 1,373,385 electors (80 per cent). In dividing that metropolitan number by three the quota would be 457,795.

Those analysts exceptionally addicted to "one vote, one value" would object to that. I write simply to say that I would not object to a difference between 343,347 and 457,795. I don't object to the Assembly situation having 31,445 electors in Mandurah, 31,293 in Dawesville and 31,284 in Vasse (while North West Central has 10,993, Kimberley 15,735 and Kalgoorlie 19,651) so I must admit that I would not object to the same idea if applied to the Legislative Council.

Were that to be done the Agricultural, Mining, Pastoral and Tourism Region would fully contain within it these 14 Assembly districts, Albany, Bunbury, Central Wheatbelt, Collie-Preston, Geraldton, Kalgoorlie, Kimberley, Moore, Murray-Wellington, North West Central, Pilbara, Roe, Vasse and Warren-Blackwood.

In that circumstance it would, in my opinion, be sensible that each of the three metropolitan regions contain 16 complete and contiguous Assembly districts. The total size of the Assembly, therefore, would rise to 62, up from 59. Each of the metropolitan regions would have about 457,795 electors and each metropolitan Assembly district would have about 28,612 electors. The 14 Assembly districts within the Agricultural, Mining, Pastoral and Tourism Region would then have about 24,525 electors. That departure from "one vote, one value" would not offend me.

#### Other Material Enclosed/Attached

In addition to my ballot papers I enclose/attach these documents.

The first is a completed document titled "Western Australian Malapportionment for Legislative Council", dated 22 April 2021.

The second is the document I hope will be published by *Quarterly Essay* some day before the 2022 federal election. It is titled "Unrepresentative Swill: Australia's Ugly Senate Voting System". It is not yet completed.

The third is Chapter 8 of my unpublished book. The chapter is titled "Reform of Upper Houses in New South Wales and South Australia". The purpose of this inclusion is to show the current South Australian ballot paper in Figure 4. The Committee should note my disapproval of the words "Numbering at least 12 of these squares in the order of your choice". Those words should read "Numbering at least 6 of these squares in the order of your choice."

The fourth is the conclusion of my unpublished book.

I hope the Committee will read all these documents. When you do bear in mind that the principle of my 64 years as a public psephologist has always been "Never let the perfect be the enemy of the good."

Yours sincerely

A handwritten signature in black ink that reads "Malcolm Mackerras". The script is fluid and cursive, with the first name and last name clearly distinguishable.

Malcolm Mackerras

## WESTERN AUSTRALIAN MALAPPORTIONMENT FOR LEGISLATIVE COUNCIL

The purpose of these tables is to provide statistical embellishment for my case whereby Western Australia would rid itself of the malapportionment for the Legislative Council. It begins with the full statement on the reverse side of my model ballot paper for the election of nine members for each region. The statement is dated 22 April 2021 and reads:

The question of the malapportionment of Western Australia's electoral boundaries has attracted my attention for more than sixty years, but WA was not the only state to have that negative distinction. In the nineteen fifties and sixties the electoral boundaries of Queensland and South Australia were also malapportioned, but I came to the conclusion that 1971 was the year when WA became the standout case of malapportionment.

Having become a public commentator, I first raised this question in print in an article in *The Bulletin* magazine for 20 November 1976 (pages 38 and 39) and raised it again in *The Bulletin* for 5 June 1979 (pages 26, 27 and 28).

One problem that arose was the difficulty of getting newspaper and magazine editors to understand the difference between "gerrymander" and "malapportionment". Thus, I had another article published in *The Bulletin* dated 29 April 1980 (pages 33 and 34) to which the editor gave the heading "Gerrymander gave Labor a raw deal". It is quite clear from any proper reading of that article that the heading should have been "Malapportionment gave Labor a raw deal".

On Monday 26 December 1994 *The Australian* newspaper published an article by me titled "States diverge to redraw electoral maps". It considered that year's redistributions in South Australia and Western Australia, contrasting the fairness of the former with the continuation of malapportionment in the latter. However, in an article for *The Weekend Australian* for 17 and 18 May 2008 (page 27) I welcomed the effective ending of the malapportionment for the Legislative Assembly in an article appropriately titled "One vote, one value". The only problem remaining, I averred, was the continuation of the malapportionment for the Legislative Council.

When Mark McGowan and Labor swept to power in their first landslide victory on 11 March 2017, I decided that the time had come for me to do something about it. I began a correspondence with Bill Johnston, McGowan Labor's first Minister for Electoral Affairs. I was motivated by a fear that the incoming Labor government might make a mess of reform. The consequence was my construction of a model ballot paper for the East Metropolitan Region. It is still posted on my website and the explanation is given on the reverse side and dated 14 November 2017. That is the first iteration of my reform proposals.

Johnston was polite and efficient in acknowledging my letters, but he never gave any impression of wanting to connect with me. In any event he was replaced as the relevant minister in a reshuffle. Consequently, I wrote to the new Minister for Electoral Affairs, Stephen Dawson, a letter dated 5 July 2019. It began by my introducing myself to him. He replied to me promptly and I was struck by the friendliness of his letter, especially this handwritten comment: "I appreciate your advice. Should I get to Canberra at some stage I would love to have a chat in person."



That message caused me to decide to visit Perth in February 2020. I met him on the afternoon of Monday 10 February and other senior political figures on Tuesday 11 February and Wednesday 12 February. That resulted in the second iteration of my model ballot paper dated 17 March 2020.

There is no need for me to repeat the comments on my previous model ballot papers. Suffice it to say that, in the case of Western Australia, I accept the continuation of the divided ballot paper – as shown overleaf.

The critical reform must be the elimination of the malapportionment. According to the statistics from the 13 March 2021 election the East Metropolitan Region has 423,759 electors, North Metropolitan Region 427,779 electors and South Metropolitan Region 449,182. So, there is no reason to change the boundaries of any of the three regions in the metropolitan area. Therefore, the “one vote, one value” principle would cause nine members to be elected in 2025 for each. That is a significant (and highly desirable) increase in district magnitude.

The rest of Western Australia has these numbers: 103,378 for the Agricultural Region, 69,651 for Mining and Pastoral and 242,983 for the South West Region. That adds up to 416,012. As is very appropriate for a region so large in area that number of electors is the lowest of the four regions.

Giving a name to that amalgamated region is a challenge. I suggest it be called the “Agricultural, Mining, Pastoral and Tourism Region” and that it elect nine members – to bring the total number up to the present 36 members in the Legislative Council.

Finally, it should be noted that this ballot paper is the same in principle as that of the second iteration. My reasoning to issue a fresh ballot paper is to make it look more like the kind of ballot paper that may be expected in 2025. Thus, I have included the names of the six winners in 2021, Labor’s Alanna Clohesy, Samantha Rowe, Matthew Swinbourn and Lorna Harper, the Liberal Party’s Donna Faragher and Brian Walker of the Legalise Cannabis Party.

The following tables are self-explanatory in relation to the above. However, Tables 18 and 19 are not related to the malapportionment. They deal with above-the-line voting compared with voting below the line. In each case they compare Victoria with Western Australia over comparable elections stretching from 2013 to 2021. Since they relate to my arguments they are included here also. The point is to illustrate the anti-voter mean-ness of the Senate and Western Australian systems. They rig the election against the below-the-line vote. Victoria does not do that. Hence, the only below-the-line percentages above six per cent are those recorded for the Victorian Legislative Council elections of 2014 and 2018. They illustrate the obvious conclusion: Victoria provides the best of the upper house proportional representation systems, but it still needs reform – by getting rid of the above-the-line vote option altogether.

Malcolm Mackerras

22 April 2021



Western Australian Malapportionment Table 1: Legislative Council Numbers under Proportional Representation

Party	4 Feb 1989	6 Feb 1993	14 Dec 1996	10 Feb 2001	26 Feb 2005	6 Sept 2008	9 Mar 2013	11 Mar 2017
Labor	16	14	12	13	16	11	11	14
Liberal	15	15	14	12	15	16	17	9
National	3	3	3	1	1	5	5	4
Democrat	-	-	2	-	-	-	-	-
Greens	-	1	3	5	2	4	2	4
Shooters/Fishers/ Farmers	-	-	-	-	-	-	1	1
Other	-	1	-	3	-	-	-	4
Total	34	34	34	34	34	36	36	36

Western Australian Malapportionment Table 2: Legislative Council Percentages under Proportional Representation

Party	4 Feb 1989	6 Feb 1993	14 Dec 1996	10 Feb 2001	26 Feb 2005	6 Sept 2008	9 Mar 2013	11 Mar 2017
Labor	41.3	36.8	33.1	37.9	43.3	36.1	32.5	40.4
Liberal	41.0	45.6	45.9 (a)	34.0 (a)	37.1	39.6	47.6	26.7
National	5.0	4.0	0.5 (a)	2.4 (a)	2.2	5.3	4.9	4.4
Democrat	3.3	3.0	6.6	3.7	0.9	-	-	-
Greens	1.8	5.2	5.6	8.0	7.5	11.0	8.2	8.6
Shooters/Fishers/ Farmers	-	-	-	-	-	-	1.8	2.4
Other	7.5	5.4	8.3	14.0	9.0	8.0	5.0	17.5
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

- (a) These elections have in common a distortion of the percentages between Liberal and National. In 1996 there was a separate National Party group only in the Mining and Pastoral Region. Consequently votes for joint tickets are shown as Liberal. In 2001 (as in 1989, 1993, 2005, 2008 and 2013) both parties stood groups of candidates in all three non-metropolitan regions.

Western Australian Malapportionment Table 3:  
Disproportionalities for Legislative Council Election 13 March 2021

Party	Votes	% vote	Seats	% seats	Over- representation
Labor	868,374	60.3	22	61.1	+0.8
Liberal	254,380	17.7	7	19.5	+1.8
National	40,285	2.8	3	8.3	+5.5
Greens	91,849	6.4	1	2.8	-3.6
Legalise Cannabis	28,473	2.0	2	5.6	+3.6
Daylight Saving	3,485	0.2	1	2.8	+2.6
Others	152,322	10.6	-	-	-10.6
Total Formal Vote	1,439,168	100.0	36	100.0	

Western Australian Malapportionment Table 4: Summary Table of  
Disproportionalities for Legislative Council Elections

Party	6 September 2008				9 March 2013				11 March 2017				13 March 2021			
	% vote	Seats	% Seats	Over- rep	% vote	Seats	% Seats	Over- rep	% vote	Seats	% Seats	Over- rep	% vote	Seats	% Seats	Over- rep
Labor	36.1	11	30.6	-5.5	32.5	11	30.6	-1.9	40.4	14	39.0	-1.4	60.3	22	61.1	+0.8
Liberal	39.6	16	44.4	+4.8	47.6	17	47.2	-0.4	26.7	9	25.0	-1.7	17.7	7	19.5	+1.8
National	5.3	5	13.9	+8.6	4.9	5	13.9	+9.0	4.4	4	11.1	+6.7	2.8	3	8.3	+5.5
Greens	11.0	4	11.1	+0.1	8.2	2	5.5	-2.7	8.6	4	11.1	+2.5	6.4	1	2.8	-3.6
PHON <sup>(2)</sup>	-	-	-	-	-	-	-	-	8.2	3	8.3	+0.1	1.5	-	-	-1.5
Others	8.0	-	-	-8.0	6.8	1	2.8	-4.0	11.7	2	5.5	-6.2	11.3	3	8.3	-3.0
TOTAL	100.0	36	100.0		100.0	36	100.0		100.0	36	100.0		100.0	36	100.0	

Notes (1) “Over-rep” is short for “Over-representation”.

(2) “PHON” means “Pauline Hanson’s One Nation” party.

Western Australian Malapportionment Table 5:  
Legislative Council Election 13 March 2021  
Proportionality under Mackerras Electoral System

Party	Votes	% vote	Seats	% seats	Over- representation
Labor	868,374	60.3	23	63.9	+3.6
Liberal	254,380	17.7	7	19.5	+1.8
National	40,285	2.8	2	5.5	+2.7
Greens	91,849	6.4	4	11.1	+4.7
Others	184,280	12.8	-	-	-12.8
Total Formal Vote	1,439,168	100.0	36	100.0	



Western Australian Malapportionment Table 6:  
Disproportionalities for Legislative Assembly Election 13 March 2021

Party	Votes	% vote	Seats	% seats	Over-representation
Labor	846,116	59.9	53	89.8	+29.9
Liberal	300,796	21.3	2	3.4	-17.9
National	56,448	4.0	4	6.8	+2.8
Greens	97,713	6.9	-	-	-6.9
Others	110,917	7.9	-	-	-7.9
Total Formal Vote	1,411,990	100.0	59	100.0	

Western Australian Malapportionment Table 7:  
Australian Single-member Electoral Division Systems: Labor Over-representation

Labor Leader	% vote	Seats	% seats	Over-representation
McGowan (Western Australia)	59.9	53	89.8	+29.9
Andrews (Victoria)	42.9	55	62.5	+19.6
Gunner (Northern Territory)	39.4	14	56.0	+16.6
Palaszczuk (Queensland)	39.6	52	55.9	+16.3
Shorten (Federal)	33.3	68	45.0	+11.7
Weatherill (South Australia)	32.8	19	40.4	+7.6
Daley (New South Wales)	33.3	36	38.7	+5.4

Western Australian Malapportionment Table 8: 1988 Redistribution

	Legislative Council Members	Legislative Assembly Districts	Electors 6 November 1987
Metropolitan Regions			
North Metropolitan	7	14	279,262
South Metropolitan	5	10	193,439
East Metropolitan	5	10	196,592
Total	17	34	669,293
Country Regions			
Mining and Pastoral	5	6	60,545
Agricultural	5	7	80,080
South West	7	10	99,456
Total	17	23	240,081
Totals for Western Australia	34	57	909,374

Tables 9 and 10 cover the 2015 and 2019 redistributions, respectively, and “notional electors” are those provided by the “Large District Allowance”, enabling six electoral districts to have fewer electors than others. This extends to the Legislative Council. Thus in 2019 there were 12,275 notional electors in North West Central, 8,332 in Kalgoorlie, 8,032 in Kimberley and 4,383 in Pilbara. That enabled the actual number of electors to be as low as 10,904 in North West Central, 15,460 in Kimberley, 19,622 in Kalgoorlie and 21,700 in Pilbara. Thus there were 33,022 notional electors in the Mining and Pastoral Region.

This provision also benefits the Agricultural Region – but not as generously. Nevertheless there were 1,575 “Large District Allowance” notional electors in Roe and 1,532 in Central Wheatbelt. Geraldton and Moore and all eight districts in South West Region were not big enough to benefit from the Large District Allowance.

Western Australian Malapportionment Table 9: 2015 Redistribution

	Legislative Council Members	Legislative Assembly Districts	Actual Electors 9 March 2015	Notional Electors 9 March 2015	Total Deemed Electors 9 March 2015
Metropolitan Regions					
North Metropolitan	6	14	362,608	-	362,608
South Metropolitan	6	15	377,634	-	377,634
East Metropolitan	6	14	362,932	-	362,932
Total	18	43	1,103,174	-	1,103,174
Country Regions					
Mining and Pastoral	6	4	63,893	33,001	96,894
Agricultural	6	4	98,114	3,115	101,229
South West	6	8	205,270	-	205,270
Total	18	16	367,277	36,116	403,393
Totals for Western Australia	36	59	1,470,451	36,116	1,506,567

Western Australian Malapportionment Table 10: 2019 Redistribution

	Legislative Council Members	Legislative Assembly Districts	Actual Electors 11 March 2019	Notional Electors 11 March 2019	Total Deemed Electors 11 March 2019
Metropolitan Regions					
North Metropolitan	6	14	405,349	-	405,349
South Metropolitan	6	15	421,949	-	421,949
East Metropolitan	6	14	399,462	-	399,462
Total	18	43	1,226,760	-	1,226,760
Country Regions					
Mining and Pastoral	6	4	67,686	33,022	100,708
Agricultural	6	4	101,174	3,107	104,281
South West	6	8	231,173	-	231,173
Total	18	16	400,033	36,129	436,162
Totals for Western Australia	36	59	1,626,793	36,129	1,662,922



Western Australian Malapportionment Table 11: Disproportionalities: General Election  
6 September 2008

Table a: Legislative Assembly

Party	% vote	Seats	% seats	Over- representation
Labor	35.8	28	47.5	+11.7
Liberal	38.4	24	40.7	+2.3
National	4.9	4	6.8	+1.9
Greens	11.9	-	-	-11.9
Australian Christians	2.6	-	-	-2.6
Family First	2.0	-	-	-2.0
Others	4.4	3	5.0	+0.6

Table b: Legislative Council

Party	% vote	Seats	% seats	Over- representation
Labor	36.1	11	30.6	-5.5
Liberal	39.6	16	44.4	+4.8
National	5.3	5	13.9	+8.6
Greens	11.0	4	11.1	+0.1
Shooters and Fishers	-	-	-	-
Christians/Family First	4.8	-	-	-4.8
Others	3.2	-	-	-3.2

Western Australian Malapportionment Table 12: Disproportionalities: General Election  
9 March 2013

Table a: Legislative Assembly

Party	% vote	Seats	% seats	Over- representation
Labor	33.1	21	35.6	+2.5
Liberal	47.1	31	52.5	+5.4
National	6.1	7	11.9	+5.8
Greens	8.4	-	-	-8.4
Australian Christians	1.8	-	-	-1.8
Family First	0.6	-	-	-0.6
Others	2.9	-	-	-2.9

Table b: Legislative Council

Party	% vote	Seats	% seats	Over- representation
Labor	32.5	11	30.6	-1.9
Liberal	47.6	17	47.2	-0.4
National	4.9	5	13.9	+9.0
Greens	8.2	2	5.6	-2.6
Shooters and Fishers	1.8	1	2.8	+1.0
Christians/Family First	3.2	-	-	-3.2
Others	1.8	-	-	-1.8

Western Australian Malapportionment Table 13: Disproportionalities: General Election  
11 March 2017

Table a: Legislative Assembly

Party	% vote	Seats	% seats	Over- representation
Labor	42.2	41	69.5	+27.3
Liberal	31.2	13	22.0	-9.2
National	5.4	5	8.5	+3.1
Greens	8.9	-	-	-8.9
Pauline Hanson's One Nation	4.9	-	-	-4.9
Shooters/Fishers/Farmers	1.3	-	-	-1.3
Others	6.1	-	-	-6.1

Table b: Legislative Council

Party	% vote	Seats	% seats	Over- representation
Labor	40.4	14	38.9	-1.5
Liberal	26.7	9	25.0	-1.7
National	4.4	4	11.1	+6.7
Greens	8.6	4	11.1	+2.5
Pauline Hanson's One Nation	8.2	3	8.3	+0.1
Shooters/Fishers/Farmers	2.4	1	2.8	+0.4
Liberal Democrats	1.8	1	2.8	+1.0
Others	7.5	-	-	-7.5

Western Australian Malapportionment Table 14: Results by Region 11 March 2017 Legislative Council

Party	East Metropolitan	North Metropolitan	South Metropolitan	Agricultural	Mining and Pastoral	South West	Total
Labor	3	2	3	2	2	2	14
Liberal	1	3	2	1	1	1	9
Nationals	-	-	-	2	1	1	4
Greens	1	1	-	-	1	1	4
Pauline Hanson's One Nation	1	-	-	-	1	1	3
Shooters/Fishers/Farmers	-	-	-	1	-	-	1
Liberal Democrats	-	-	1	-	-	-	1
Total	6	6	6	6	6	6	36

Western Australian Malapportionment Table 15: Results by Region 13 March 2021 Legislative Council

Party	East Metropolitan	North Metropolitan	South Metropolitan	Agricultural	Mining and Pastoral	South West	Total
Labor	4	4	4	3	4	3	22
Liberal	1	2	1	1	1	1	7
Nationals	-	-	-	2	-	1	3
Greens	-	-	1	-	-	-	1
Legalise Cannabis	1	-	-	-	-	1	2
Daylight Saving	-	-	-	-	1	-	1
Total	6	6	6	6	6	6	36

Western Australian Malapportionment Table 16:  
Region and District Numbers 11 March 2019

Region	District	Actual Electors as at Final Boundaries	Total Actual Electors per Region	Large District Allowance
AGRICULTURAL	Central Wheatbelt	25,458	101,174	1,532
	Geraldton	25,874		
	Moore	25,297		
	Roe	24,545		1,575
EAST METROPOLITAN	Armadale	29,460	399,462	
	Bassendean	28,337		
	Belmont	27,832		
	Darling Range	29,181		
	Forrestfield	27,120		
	Kalamunda	28,890		
	Maylands	27,967		
	Midland	29,326		
	Mirrabeeka	28,888		
	Morley	28,768		
	Mount Lawley	28,133		
	Swan Hills	28,392		
	Thornlie	28,445		
	West Swan	28,723		
MINING AND PASTORAL	Kalgoorlie	19,622	67,686	8,332
	Kimberley	15,460		8,032
	North West Central	10,904		12,275
	Pilbara	21,700		4,383
NORTH METROPOLITAN	Balcatta	28,284	405,349	
	Burns Beach	28,200		
	Butler	28,799		
	Carine	29,754		
	Churchlands	28,417		
	Cottesloe	29,433		
	Hillarys	28,930		
	Joondalup	28,171		
	Kingsley	29,573		
	Landsdale	28,944		
	Nedlands	29,036		
	Perth	29,055		
	Scarborough	29,272		
	Wanneroo	29,481		
SOUTH METROPOLITAN	Baldivis	29,162	421,949	
	Bateman	29,367		
	Bicton	26,959		
	Cannington	27,704		
	Cockburn	28,620		
	Fremantle	28,651		
	Jandakot	28,799		
	Kwinana	26,567		

	Riverton	28,181		
	Rockingham	27,975		
	South Perth	28,405		
	Southern River	27,919		
	Victoria Park	27,114		
	Warnbro	29,353		
	Willagee	27,173		
SOUTH WEST	Albany	26,600	231,173	
	Bunbury	29,392		
	Collie-Preston	29,588		
	Dawesville	29,374		
	Mandurah	29,434		
	Murray-Wellington	28,967		
	Vasse	29,287		
	Warren-Blackwood	28,531		
			<b>1,626,793</b>	

Source: First Appendix to *Western Australian Electoral Distribution: 2019 Review of Western Australia's Electoral Boundaries: Final Boundaries*, November 2019.



Western Australian Malapportionment Table 17:  
Region and District Numbers 13 March 2021

Region	District	Actual Electors as at 13 March 2021	Total Actual Electors per Region
AGRICULTURAL	Central Wheatbelt	25,884	103,378
	Geraldton	26,767	
	Moore	26,014	
	Roe	24,713	
EAST METROPOLITAN	Armadale	32,207	423,759
	Bassendean	29,509	
	Belmont	30,025	
	Darling Range	31,150	
	Forrestfield	28,005	
	Kalamunda	29,541	
	Maylands	29,731	
	Midland	31,623	
	Mirrabooka	29,946	
	Morley	30,130	
	Mount Lawley	29,695	
	Swan Hills	30,263	
	Thornlie	29,687	
	West Swan	32,247	
MINING AND PASTORAL	Kalgoorlie	19,651	69,651
	Kimberley	15,735	
	North West Central	10,993	
	Pilbara	23,272	
NORTH METROPOLITAN	Balcatta	29,541	427,779
	Burns Beach	29,974	
	Butler	32,711	
	Carine	30,702	
	Churchlands	29,084	
	Cottesloe	31,219	
	Hillarys	29,875	
	Joondalup	28,935	
	Kingsley	30,057	
	Landsdale	31,040	
	Nedlands	30,290	
	Perth	32,096	
	Scarborough	30,954	
	Wanneroo	31,301	
SOUTH METROPOLITAN	Baldivis	32,554	449,182
	Bateman	30,328	
	Bicton	28,293	
	Cannington	29,108	
	Cockburn	30,783	
	Fremantle	31,347	
	Jandakot	32,121	
	Kwinana	28,992	

	Riverton	29,054	
	Rockingham	29,259	
	South Perth	29,696	
	Southern River	29,655	
	Victoria Park	28,695	
	Warnbro	30,904	
	Willagee	28,393	
SOUTH WEST	Albany	27,464	242,983
	Bunbury	30,474	
	Collie-Preston	30,741	
	Dawesville	31,293	
	Mandurah	31,445	
	Murray-Wellington	30,395	
	Vasse	31,284	
	Warren-Blackwood	29,887	
		<b>1,716,732</b>	

Source: Website of WA Electoral Commission, April 2021.

Western Australian Malapportionment Table 18: Above and below the line: WA Senate  
and WA Legislative Council

	2013 Senate		2014 Senate		2016 Senate		2017 Legislative Council		2019 Senate		2021 Legislative Council	
	Votes	%	Votes	%	Votes	%	Votes	%	Votes	%	Votes	%
ATL	1,260,147	96.2	1,219,795	95.5	1,290,839	94.5	1,284,261	96.1	1,367,694	94.5	1,403,069	97.5
BTL	50,131	3.8	58,005	4.5	75,343	5.5	52,258	3.9	78,929	5.5	36,099	2.5
Total Formal	1,310,278		1,277,800		1,366,182		1,336,519		1,446,623		1,439,168	

Western Australian Malapportionment Table 19: Above and below the Line: Victorian Senate  
and Victorian Legislative Council

	2013 Senate		2014 Legislative Council		2016 Senate		2018 Legislative Council		2019 Senate	
	Votes	%	Votes	%	Votes	%	Votes	%	Votes	%
ATL	3,291,314	97.3	3,210,816	93.9	3,314,376	94.7	3,267,567	91.1	3,524,271	94.3
BTL	90,215	2.7	207,855	6.1	185,861	5.3	318,018	8.9	215,172	5.7
Total Formal	3,381,529		3,418,671		3,500,237		3,585,585		3,739,443	

## UNREPRESENTATIVE SWILL: Australia's Ugly Senate Voting System

### Introduction

There have been few masters of invective in Australia's recent political history but one of them most surely was Labor's Paul Keating who served as Prime Minister from 20 December 1991 to 11 March 1996, a period of four years, two months and 24 days. His Treasurer was John Dawkins and during question time in the House of Representatives on Wednesday 4 November 1992 questions were being asked about whether Dawkins should appear before the Senate Estimates Committee.

Addressing the then Leader of the Opposition, John Hewson, and the then Liberal member for Mayo, Alexander Downer, this is what Keating had to say:

You want a Minister from the House of Representatives chamber to wander over to the unrepresentative chamber to account for himself. You have got to be joking. Whether the Treasurer wished to go there or not, I would forbid him going to the Senate to account to the unrepresentative swill over there.

After some interjections Keating continued:

You are into a political stunt. There will be no House of Representatives Minister appearing before a Senate committee of any kind while ever I am Prime Minister, I can assure you.

All the details are there on page 2549 of *Hansard* for that day. Journalists immediately went to work on Keating's language. They discovered that the *Macquarie Dictionary* defined "swill" as "liquid or partly liquid food for animals, especially kitchen refuse given to pigs."

Of all the colourful phrases invented by Keating the one that has defined him the most would surely be "unrepresentative swill" as a description of the Senate. I agree with Keating on his description of the Senate – but not with his reasoning. The main reason why Keating (and several other former Labor federal ministers) disparage the Senate is because of the malapportionment of its electoral base. When New South Wales has fifteen electors for every Tasmanian elector it is a malapportionment that they should both have the same number of senators. That is why Labor people so often think of the Senate as unrepresentative swill. In the case of the specific quotation above it reflects also Keating's annoyance at the situation he was in. He lacked Senate numbers!

By way of contrast I think of the malapportionment as merely reflecting the federal nature of Australia's Constitution. On the Labor way of thinking the Senate problem could only be fixed by a referendum that would be impossible to carry. I think otherwise. The Senate problem can be fixed by giving the Australian people a decent Senate voting system. That can easily be done by the politicians implementing electoral reform. That can be done by simple legislation.

The present Senate electoral system is unfair to voters, unfair between parties and unfair between candidates. The democratic reforms I propose would make it fair to voters by doing away with the contrivances of the present ballot paper which are there for the purpose of manipulating voters. My reforms would make it fair between parties by increasing the number elected at a half-Senate election from six to seven. Furthermore, my reforms would make the system fair between candidates by doing away with above-the-line voting.

The present system was touted as being a “democratic reform” when it was implemented courtesy of the *Commonwealth Electoral Amendment Act 2016* which passed through both houses of federal parliament in the autumn of 2016 in time for the double dissolution general election of July 2016. The claims made on its behalf were totally lacking in substance. This system is nothing more than a thoroughly dishonest re-contriving of the contrivances of the former system. It was implemented in the most cynical way it would be possible to imagine.

#### A brief history of Senate voting

There have been six Senate voting systems since Federation. In my opinion only one has been reasonably satisfactory, namely the Single Transferable Vote system of proportional representation introduced by the Chifley Labor government in 1948. It applied at Senate elections from December 1949 to March 1983.

There is a problem with this book that I must acknowledge straight away. The original was four times the size of this. It was unpublishable in the sense that its size made it too unprofitable for publishers. I have made it publishable by setting up a website to which reference is made throughout this book. The website is titled “Unrepresentative Swill” and can be accessed at [www.malcolmmackerras.com](http://www.malcolmmackerras.com).

The first chapter of the *magnum opus* is titled “A brief history of Senate Voting”, the same as here. It comes to nine thousand words. The table attached to it is the same as here. It deals with that perpetual bugbear of the Senate electoral system – its high informal vote. In doing so it lists the six voting systems to which reference is made above. The table also lists the names of the systems.

The first three methods were “winner takes all” systems. I give their names and dates in passing. The first I call “multi-seat plurality”. It applied at elections from 1901 to 1917. The second I call “preferential block majority – partial optional preferences”, applying from 1919 to 1931. The third I call “preferential block majority – compulsory preferences” applying from 1934 to 1946. Fifty years of those systems frequently gave Australia a lop-sided Senate. Thus, for example, during the years 1947, 1948 and 1949 the Chifley government had a huge Senate majority with there being 33 Labor senators and just three from the Opposition, two Liberals and one from the Country Party.

At that time there were 36 senators (six from each of six states) and 74 full-voting members of the House of Representatives plus one member for the Northern Territory who did not enjoy full voting rights. The Chifley legislation increased the number of senators from 36 to 60. As a consequence, the size of the House of Representatives increased to 121 full voting members plus one each for the two territories, both denied full voting rights but the total, nevertheless, was 123 members fitting into the House of Representatives chamber compared with 75 while Ben Chifley was prime minister.

The changes from the first to the second system and from the second to the third were made to strengthen the short-term electoral prospects of the party in power, in both cases a conservative party. However, this much should be noted. Both in 1919 and in 1934 there were strong voices who asserted that the system should not be “winner takes all” but should be according to the principle of proportional representation (PR).

That was a case of the politicians speaking. Perhaps more important was that, in August 1927, the Bruce-Page government appointed a Royal Commission of Inquiry into the Constitution. It recommended PR.



The 1934 reform began the situation whereby, to record a formal vote, the elector was required to number all the candidates on the ballot paper in consecutive order. That constraint upon the will of the voter applied at all elections from September 1934 to March 1983. In the 1934 debate Labor Senator Arthur Rae (NSW) predicted that the informal vote would rise. A look at Statistical Appendix Table 1 indicates that he was proved right. The Senate informal percentages were 8.6 in 1919, 9.4 in 1922, an even 7 in 1925, 9.9 in 1928 and 9.6 in 1931, an average of 8.9 per cent. Under the new system the informal percentages were 11.3 in 1934, 10.6 in 1937, 9.6 in 1940, 9.7 in 1943 and an even 8 in 1946, an average of 9.8 per cent.

A non-contentious change was made in 1940 when the Act was amended so that groups of candidates could choose the order in which names of candidates were listed on the ballot paper. The ordering of the groups in future was to be done by ballot rather than alphabetically as was previously the case. Ungrouped candidates were likewise ordered by ballot. Candidates were grouped in columns for the first time, the order being determined by agreement. What this meant was that, from 1940 to the present day, the party machine has decided the rank order of the party's candidates.

#### Proportional representation – the genuinely democratic STV system (1949-83)

To Ben Chifley owes the title of prime minister when the only real, genuinely democratic, reform was made to the Senate electoral system. The new system was passed through parliament in 1948. From the start it was correctly known as "proportional representation by means of the single transferable vote" (PR-STV). This radical change occurred in the context of the expansion of the parliament's size. The so-called "nexus" provision of section 24 of the Constitution applied. It provides that the number of members of the House of Representatives shall be, as nearly as practicable, twice the number of senators. It was, therefore, logical to add 24 senators (from 36 to 60) and simultaneously add 48 members of the House of Representatives (from 75 to 123.)

Two features of Labor's decision-making were surprising. The first was that Labor could get away with such a massive increase in the number of politicians. The second was that Labor would decide to keep the requirement that voters must rank all candidates consecutively to record a formal vote. The explanation for the first surprise is that there was widespread agreement that it be done. The explanation for the second is given later in this book.

The Senate election in 1949 was for seven senators in each state, with five having long terms and two having short terms, those latter joining the three elected in 1946. Since Labor had 15 of those 18 it meant Labor could not lose its Senate majority. That fact was the reason why a double dissolution of the 1949-51 parliament (the 19<sup>th</sup> Parliament) was widely seen at the time to be highly likely if the Coalition parties were to win government, as they did with Robert Menzies as prime minister. Sure enough, there was a double dissolution in March 1951 with general elections for all members of both houses in April. All 60 senators and all 123 members of the House of Representatives required re-election on Saturday 28 April 1951. Menzies won majorities in both houses.

In re-establishing the rotation of senators following a double dissolution, the Constitution back-dates the beginning of a new term. Under section 13 the new term normally begins on 1 July following a senator's election but, following a double dissolution, "it shall be taken to begin on the first day of

July preceding the day of his election." So, in each state five senators enjoyed terms expiring on 30 June 1956 and five had terms expiring on 30 June 1953.

In May 1953, therefore, there was a separate periodical election for half the Senate, the first case of that occurring separate from the general election for the House of Representatives in the history of the Commonwealth. The number of electors who voted in New South Wales was 1,873,521 and the informal vote was 74,231, a mere four per cent. Labor won three seats and the Liberals two. Labor was not complaining then.

Fast forward twenty-one years and there was a double dissolution election in May 1974. In New South Wales there were 73 Senate candidates, the number voting was 2,702, 903 and the informal vote was 332,818 or 12.3 per cent, triple the 1953 percentage. Labor was now complaining loudly. The result was 5-5 between Labor and the Coalition. A variety of election analysts agreed that, but for the high informal vote the result would have been 6-4 in Labor's favour.

First the Whitlam government and then the Hawke government tried to reduce the informal vote by limiting the requirement on the elector merely to numbering squares on the ballot paper up to the number to be elected. That is what I now propose. However, the Coalition parties would not have a bar of that, so Senate majorities were not there to implement such a proposal.

Before I proceed to describe how the Hawke Senate voting system replaced that of Chifley, I should mention that the first four were candidate-based systems. They clearly complied with the requirement of section 7 of the Constitution that senators shall be directly chosen by the people. There were deficiencies in the first three "winner takes all" systems – which is why they were scrapped. However, they were genuinely systems of direct election.

The Chifley system was the best because it combined direct election with PR. The only thing wrong with it was the requirement of numbering every square. That could have been easily fixed. It was not fixed due to politics – explained later in this book.

#### Proportional representation in stasiocratic form (1984-2014)

Above-the-line voting is the characteristic common to the Hawke system (1984-2014) and the present Turnbull system (since 2016). In its original form it was justified as the only politically realistic way in which the informal vote could be reduced. I accepted that argument at the time of the 1983-84 debate – and for a few years afterwards. However, during the period of its operation I came, in an intellectual exercise, to my present view which is that above-the-line voting is both undemocratic and unconstitutional.

Above-the-line voting is stasiocratic, a system over which the party machines have a firm grip. I don't know where the term "stasiocracy" comes from, but it is a useful term meaning simply "government by party machines". "Democracy" means "government of the people, by the people and for the people." The Australian Constitution has democratic values. Both senators (section 7) and members of the House of Representatives (section 24) shall be "directly chosen by the people". That requires both senators and representatives to be elected in candidate-based electoral systems.

Before I go on to describe the Labor Party's (Hawke) system I should reveal that I have had difficulty deciding on a name for this method. I have decided on this: "Stasiocratic STV in First

Unconstitutional camel". A camel is an animal designed by a committee so that word is appropriate. This system, like its successor, was designed by a committee of politicians pursuing the short-term electoral interests of the party machines that gave them their seats. Therefore, it was a camel.

However, I defended Hawke's stasiocratic system from start to finish. I defended it on grounds that it provided a voter-friendly ballot paper, would substantially reduce the informal vote, would distribute seats fairly between parties, and produce good government. It did all those things during its thirty years of operation.

But, what about the Constitution's requirement of direct election? What about fairness between candidates? On the former I argued that if the High Court were willing to accept the proposition that the system complied with the Constitution then so should I. Further, I argued it did not matter that it was unfair between candidates. All that mattered was that it be fair between parties.

Electoral system questions are all about acceptance. If a system is accepted, it lasts. Otherwise it is scrapped. So, what about Hawke's stasiocratic system? It *appeared* to be accepted over a thirty-year period – but it never was accepted. The Proportional Representation Society of Australia (PRSA) never accepted it – and it did not take me very long to understand that the PRSA leaders thoroughly disapproved of my defence of the Hawke system. I quickly realised why they always had (and still have) this view: **ALL FORMS OF ABOVE-THE-LINE VOTING SHOULD BE ABOLISHED**. I have taken those words from a letter I received from them many years ago. The words are there underlined in bold lettering that are as black as the Ace of Spades.

The worst feature of Hawke's system was something that was not properly understood at the time it began. It gave the machines of big political parties a sense of entitlement. Henceforth they could defeat a "rogue" big-party senator by dumping that senator to an unwinnable position on the ticket. It is pure greed for the machines of big political parties to think they have the right to do that. But the fact that High Court judges would allow a party machine appointments system like that to pretend senators are directly chosen by the people gave those machines their sense of entitlement. The big party machines acquired the illegitimate power to do that through Hawke's above-the-line voting system.

There is an important difference between these two dishonest systems. The Hawke system *did not seem to be dishonest*. By contrast it is very easy to explain to ordinary people that the Turnbull system is dishonest. It will collapse before too long. Its life span will be shorter than that enjoyed by the Hawke system.

#### Voter-manipulative proportional representation begins in 2016

Having decided to describe the Labor Party's (Hawke) system as "Stasiocratic STV in First Unconstitutional Camel" it follows logically that I should call the Liberal Party's (Turnbull) system "Manipulative STV in Second Unconstitutional Camel".

Technically the Turnbull system began with the 8<sup>th</sup> Senate general election held in July 2016 following a double dissolution. However, that is not the way in which I think of it. Rather I think it began in the 46<sup>th</sup> Parliament, Scott Morrison's Parliament, elected in May 2019. I say that because the Senate state of parties in the 46<sup>th</sup> Parliament has been determined by half-Senate elections from July 2016 and May 2019. From this state of parties can be seen the cunning design of the system. It



was not designed to help voters. It was designed to contain, preferably eliminate, minor parties. It was also designed to deal with “rogue” Liberal senators.

For these reasons it is the worst of the six systems. The Hawke system, occasioned by a desire to bring about the second enlargement of the House of Representatives, had no such restrictions. Its purpose was voter convenience. It was very unfortunate that such an operation had to be done in that way, my only objection to it at the time it began. There is also another aspect to Hawke’s system. By increasing district magnitude from five to six at normal half-Senate elections and from ten to twelve at Senate general elections, it helped minor parties – even though that was not the purpose of the new system. “District magnitude” is psephological jargon for the number to be elected. Thus, it is one for the House of Representatives, five for normal half-Senate elections under the Chifley system, six at present and seven at the 1949 election, the first under the Chifley system. It was also seven at the 1984 election, the first under the Hawke system. It is presently five for the two Hare-Clark systems and five for the system whereby the Victorian Legislative Council is elected. It is 21 for the NSW Legislative Council, 11 for the South Australian Legislative Council and six for that of Western Australia. It is my hope – and expectation – that the WA district magnitude will be nine at the March 2025 Legislative Council election in that state. That increase will produce a genuinely proportional result in 2025.

#### Towards the Autumn 2022 Federal Election

The next election will be “normal” in the sense that it will be for the House of Representatives and half the Senate. I believe its date will also be normal. But what is normal? The answer to my question is given in Statistical Appendix Table 2 which gives the history of the choice of date. The most normal date would be Saturday 27 November 2021. Note this detail: the election latest in the calendar year was held on 19 December 1931. Two other elections were held late in December, on 16 December 1903 and 16 December 1922. All other December elections were held in the first half of the month. However, according to a different criterion of normality the next federal election will be held on Saturday 21 May 2022.

Nevertheless, there are peculiarities in the present political situation. These peculiarities, in my opinion, guarantee that the election will be held no earlier than 5 March 2022 and no later than 21 May 2022. That being so it is wholly sensible to refer to the “autumn 2022 federal election”.

Normal Australian elections see a great concentration of media attention on the House of Representatives – and very little on the Senate. Recent exceptional cases, however, have been the half-Senate election in September 2013 and the Senate general election of July 2016. Those Senate elections attracted unusual interest due to an expectation that a high vote for “Other” candidates would produce a sizable Senate cross bench. The expectation proved correct in both cases. In 2013 Clive Palmer was the beneficiary of the high “Other” vote. In 2016 Pauline Hanson was the big winner from that vote.

The May 2019 half-Senate election produced a predictable result. I predicted the correct result in every jurisdiction except Victoria where I was doubtful to the end. The autumn 2022 election will again produce a predictable result but – as in May 2019 – I reserve my right to be doubtful about one state, Queensland.

Here are my predictions. As always, the territories will split one-one in each so the states are the electorates that matter. In New South Wales the result will be three Coalition, two Labor, one Greens. That compares with three each in July 2016 between Coalition and Labor. In Victoria the result will be three Coalition, two Labor, one Greens, the same as in 2016. In Western Australia it will be three Liberal, two Labor, one Greens, the same as in 2016 and in Tasmania it will also be three Liberal, two Labor, one Greens, again the same as in 2016.

At this point my reader may wonder about my reference to 2016 half-Senate elections. Was not 2016 a double dissolution election? Yes, it was, but at a Senate general election there is also a half-Senate election. It takes the form of a Senate resolution giving certain senators six-year terms. The result of that election in 2016 is shown in my Statistical Appendix Table 7. In conducting that election pursuant to section 13 of the Constitution the Senate gave six-year terms to seventeen Coalition senators, thirteen Labor, three Greens, two from Nick Xenophon's Team and Pauline Hanson. Further details can be seen in my Statistical Appendix Table 9.

So, an interesting case in 2022 will be South Australia. In 2016 the SA half-Senate election gave two Liberal senators, two Labor senators plus Nick Xenophon and Stirling Griff (of what is now "Centre Alliance") wins of six-year terms, the above-named having been the first six elected at the 2016 double dissolution election. Xenophon has been replaced by Rex Patrick who has now decided his only chance of re-election is to be an independent. I cannot see either Griff or Patrick winning again. The result will, therefore, be three Liberal, two Labor, one Greens. In the very unlikely event of Griff or Patrick winning it would be Patrick whose win would be at the expense of the Liberal Party.

Now, suppose the result in Queensland is three Liberal National Party, two Labor and Pauline Hanson (the same result as at the 2016 half-Senate election) the effect would be to see the total Coalition number rise from 36 to 37 senators. The Coalition's percentage of senators, therefore, would rise from 47.4 per cent to 48.7 per cent of seats, won on a vote of 38 per cent in 2019 and, presumably, about 38 per cent in 2021. The over-representation of the Coalition (seats versus votes) would be about ten per cent.

The statistics are all to be found in the third, fourth, fifth, sixth, seventh, eighth, ninth and tenth tables of my Statistical Appendix. They leave no doubt about the truth of the *Commonwealth Electoral Amendment Act 2016*. It was not a genuine "democratic reform" as claimed by its supporters. It was a thoroughly dishonest re-contriving of the contrivances of the immediate past system, implemented in the most cynical way it would be possible to imagine. It was a Liberal Party rig from the start but brilliantly executed by the Liberal Party's machine, having gained support from the Nationals, the Greens and Senator Nick Xenophon. Just as important, perhaps, was the fact that distinguished psephologists like Antony Green, Kevin Bonham and George Williams strongly supported this "democratic reform" designed to rid the cross bench of as many senators as the Liberal Party-Greens Faustian pact could engineer. It is a disgrace – a blot on the landscape of Australian democracy.

Coalition strategists have plotted that the above should be the result – but it may go wrong for them. There is a fifty per cent chance that the result in Queensland will be two each for LNP and Labor with one seat each going to the Greens and Pauline Hanson. Were that to be the case the Coalition numbers would stay at 36, the Liberal Party's gain of a seat in South Australia (in effect



Xenophon's old seat) being offset by the Liberal Party seeing Queenslander Amanda Stoker defeated from third LNP position and her seat going to the Greens.

Suppose that happens and there is a Labor government with Anthony Albanese as prime minister. That Labor government would find itself supported by a maximum of 38 senators (Labor plus Greens plus Jacqui Lambie) but opposed by 38 senators (36 Coalition plus Hanson and Roberts). The media description of such an outcome would be that Hanson and Roberts hold the balance of power.

#### Manipulating the voters

"The people are not there to be served, nor are they there to be helped. The people are there to be manipulated." Such is the mantra upon which apparatchiks of Australia's party machines operate. It is the same the world over – in democracies at least. For at least ten years (and probably for much longer) Australia's Commonwealth Parliament has been run by the big party machines, operating under that concept. The politicians put there by the machines no doubt claim to espouse "democratic principles" when they agree to (or resist) a "reform." More often than not, however, those "principles" are concocted by the parties to suit their own short-term electoral interests and strategies. We know American politicians think like that with their infamous gerrymandering, which one of their Founding Fathers invented. Australia's federal politicians play the same kind of tricks when they introduce upper house systems of proportional representation that they have continually been changing to expedite ever more substantial stage-management of the process. All the above sounds cynical – but I have been operating in this industry for sixty years. Those years have taught me to be very cynical.

#### Liberal party machine owns the system – and drafted the ballot paper wording

Since the Liberal Party foisted this system on the Australian people in 2016 (with Senate numbers given to the Liberals by adding the Nationals, Greens and Xenophon) I have given many talks and had many conversations with people on this subject. I begin by showing a typical Senate ballot paper or, if I do'nt have one on me, I tell the listener about it. The example I have taken here comes from the election of six senators from New South Wales in May 2019, an election that produced the predictable election of Hollie Hughes, Andrew Bragg and Perin Davey from the Coalition, Tony Sheldon and Tim Ayres from Labor and Mehreen Faruqi from the Greens.

Here is shown the left-hand **one-eighth** of the ballot paper. You read the words "one-eighth" correctly: the ballot paper is very long – and very voter-unfriendly.



# Senate Ballot Paper 2019 New South Wales – Election of 6 Senators

**You may  
vote in one of  
two ways**

**Either**

**Above the line**

By numbering at least **6** of these boxes in the order of your choice (with number 1 as your first choice).

**A**



**RISE UP  
AUSTRALIA PARTY**

**B**



**HELP END  
MARIJUANA  
PROHIBITION  
(HEMP) PARTY**

**C**



**HEALTH  
AUSTRALIA PARTY**

**D**



**LIBERAL &  
NATIONALS**

**Or**

**Below the line**

By numbering at least **12** of these boxes in the order of your choice (with number 1 as your first choice).

**RISE UP  
AUSTRALIA PARTY**



**NICHOLS  
Maree  
RISE UP AUSTRALIA  
PARTY**



**SHIGROV  
Vladimir  
RISE UP AUSTRALIA  
PARTY**



**TOOP  
Leo  
RISE UP AUSTRALIA  
PARTY**

**HELP END  
MARIJUANA  
PROHIBITION  
(HEMP) PARTY**



**KATELARIS  
Andrew  
HELP END MARIJUANA  
PROHIBITION (HEMP)  
PARTY**



**BALDERSTONE  
Michael  
HELP END MARIJUANA  
PROHIBITION (HEMP)  
PARTY**

**HEALTH  
AUSTRALIA PARTY**



**KNIGHT  
Molly  
HEALTH AUSTRALIA  
PARTY**



**FAIRBAIRN  
Jason  
HEALTH AUSTRALIA  
PARTY**

**LIBERAL &  
NATIONALS**



**HUGHES  
Hollie  
LIBERAL**



**BRAGG  
Andrew  
LIBERAL**



**DAVEY  
Perin  
THE NATIONALS**



**MOLAN  
Jim  
LIBERAL**



**FARRAWAY  
Sam  
THE NATIONALS**



**FENELEY  
Michael  
LIBERAL**



Having shown that ballot paper to my listener I then ask him or her to guess the purpose of the wording. Invariably I get an answer that is unsatisfactory or, at best, semi-satisfactory. I then suggest this: "the purpose of the wording of those instructions is to deceive the voter into believing that any failure to number the boxes 1, 2, 3, 4, 5 and 6 above the line (or 1 to 12 below the line) would result in that ballot paper being placed in the pile of informal votes". The listener then tells me that such is the assumption made by her/him and by voters generally. To which I say "that is what you are

meant to believe but that is not true. A single first preference for a party above line thick black line is required by law to be counted as a first preference for that party. Thus, the voter who places the number "1" in the Coalition's box is read as though voting 1 for Hollie Hughes, 2 for Andrew Bragg, 3 for Perin Davey, 4 for Jim Molan, 5 for Sam Faraway and 6 for Michael Feneley.

The voter who decided to do that preferential vote between candidates (rather than vote above the line) would also cast a formal vote required by law to be counted as a formal vote. You don't need to number twelve squares below the line. Six is enough for a formal vote.

From that point onwards (after insisting that I am telling the truth, for voters find this hard to believe) I have no difficulty persuading the listener that this system is thoroughly dishonest as well as designed to manipulate voters. At no time have I needed to explain that the ballot paper is voter unfriendly. That is obvious to all without me needing to say so. I do, however, need to explain that the ballot paper is party machine friendly on steroids. So, let me now describe the election to which the above ballot paper applied.

The quota for election was 670,761 votes. The total formal vote was 4,695,326 of which 1,810,121 was for the Coalition (38.6 per cent) and 1,400,295 was for Labor (29.8 per cent). Within the Coalition the votes begin with the lead candidate, Hollie Hughes, who scored 1,664,188 votes of which 28,336 were cast below the line. The remaining votes were 2,533 first preferences for Andrew Bragg (elected), 3,030 for Perin Davey (elected), 137,325 for Senator Molan (defeated), 959 for Sam Faraway (not elected) and 2,086 for Michael Feneley (not elected).

So, Molan scored 54 first preference votes for every one first preference vote for Bragg and 45 such votes for every Davey vote. Molan was the highest-ranked former military commander to enter any Australian house of parliament for sixty years. He stopped the asylum seeker boats as Tony Abbott's on water commander. His qualifications, however, were of no use to him under this party machine appointments system. The machine did not want him. It defeated him. Yet the sickening description of the result is that Bragg and Davey were declared "directly chosen by the people" with an official statistical return asserting each won 670,761 popular votes. On the other hand the same official statistical return declared that Molan was rejected by the people.

Soon after Molan's defeat Liberal Senator Arthur Sinodinos resigned his seat to become Australia's Ambassador to the United States. On Sunday 10 November 2019, therefore, the party's NSW Council met in Sydney and, by 321 votes for Molan to 260 for the losing candidate, the 581 delegates chose Molan for the casual vacancy. He agreed to stand down at the next election, meaning his term would expire on 30 June 2022. He was given a consolation prize! Under any half-decent candidate-based voting system, however, he would have been elected to a full six-year term expiring on 30 June 2025. The Parliament of New South Wales chose him for the vacancy on Thursday 14 November and he returned to the Senate on Monday 25 November. My view on all that was expressed in *Switzer Daily* on Wednesday 13 November under the self-explanatory title: "Three cheers for Senator Jim Molan". I noted, among other things, that 137,325 first preference votes from ordinary people were insufficient under the Liberal Party's Senate electoral system to make him an *elected* senator, but 321 votes from party activists made him an *appointed* senator.

There are people in the Liberal Party who object to me referring to "the machine" when the selection committee was quite large – with some 600 party members able to participate. This is my



response. On the first occasion I met Molan, in his Senate office on Monday 2 December 2019, he told me the whole story of his becoming a senator. He told me that the original committee, in early 2016, had only 108 members. That committee placed him in the unwinnable fourth position when the election was expected to be for half the Senate late in 2016. When that expected half-Senate election expanded to a full-Senate election the party's State Executive decided he should be given the unwinnable seventh place for the July 2016 poll. That the size of the Senate selection committee expanded five-fold was, he told me, due to party reforms for which he (and Tony Abbott) had long campaigned. In any event those reforms could easily be reversed. That being so I think I am quite correct to refer to "the machine" and to describe this system as being, *de facto*, a party machine appointments system.

Furthermore, I am fully entitled to describe the wording of the instructions as "deceitful". That is what they are. The charitable would suggest "misleading" and I agree one could be nice to the Liberal Party's machine and use that word. I believe, however, in calling a spade a spade. The correct word is "deceitful". The politicians who constructed that knew perfectly well what they were doing. They were set upon deceiving the voters for the purpose of manipulating them.

#### The Labor party's attitude

Above-the-line Senate voting is a bad idea. It is designed to convert a candidate-based system (as required by section 7 of the Constitution) into a party-based system. My reader could say that I am being unduly harsh on the Liberal Party. After all the Labor Party started this with the reforms of the Hawke government in 1984. Should I not attack Labor as fervently as I attack the Liberals? Perhaps I should but I must also acknowledge that I was persuaded by Labor in 1983 and 1984 that the Hawke reforms should be supported.

My clear understanding was that the Hawke reforms were designed to help the great majority of voters to cast an easy formal vote. The reforms of 2016, by contrast, were designed to make it more difficult to vote. There is another reason, however. Labor originally intended to support this system, owned now by the Liberal Party. Along with Victorian Labor Party member and psephologist Chris Curtis I set myself upon a campaign to persuade Labor to oppose the *Commonwealth Electoral Amendment Bill 2016*. We succeeded.

The problem we have is that we disagree about what a future Labor government should do when it undoes what the Coalition has done. I favour the future theme being the Chifley system – with a variation. He favours the future theme being the Hawke system – with a variation. No doubt exists in my mind that a future Labor government will undo the Coalition's work, but I suspect it will not implement what I want – nor will it be what Curtis wants! My fear is that a future Labor government will act like "any old" political party. It will place the party's short-term electoral interests ahead of every other consideration.

While Curtis and I agree that Labor did the right thing to oppose the *Commonwealth Electoral Amendment Bill 2016* it should be mentioned that there are plenty of Labor people who think the party made a mistake to do as we requested – and they have a point. One of those is Andrew Giles, member for Scullin (Victoria), who explained it in a conversation with me in February 2020. Such people do blame me, but they blame former Labor senators Sam Dastyari and Stephen Conroy more.

Giles is not the only present federal Labor member who thinks the party made a mistake to listen to me, an outsider. There are others. This is what I say to Labor politicians who express such a view:

Three years ago, there were 26 Labor senators – and today there are still 26 Labor senators. Three years ago, there were nine Greens senators – and today there are still nine for the Greens. However, three years ago there were 30 Coalition senators – but today there are 36. The reason is that back then there were eleven senators on the cross benches, but today there are five. All six cross bench losses have gone to the Liberal Party – exactly as the Liberal Party designed with its pretence of “democratic reform”, which Labor had enough sense to oppose.

Furthermore, consider these voting statistics. The Coalition has 47.4 per cent of the senators (36 out of 76) for a Senate first preference vote of 35.2 per cent in 2016 and 38 per cent in 2019, the 2016 figure being mentioned because there was a half-Senate election for the six-year terms within the double dissolution election for the whole Senate. Coalition winnings of seats compared with first preference votes (its “over-representation”) greatly exceeds benefits to Labor or the Greens in that regard.

The Labor politician then recognises that the 2016 changes were not a “democratic reform” but a Liberal Party rig. The tables of my Statistical Appendix illustrate the nature of the rig. There was none in 2010 and 2013 and Table 5 is the exceptional case. It deals with a Senate general election, so the seats were distributed fairly between parties in 2016. The rig is illustrated by the subsequent tables that illustrate the present situation.

#### How the AEC has handled recent elections

There is another institution to which my attitudes have been very mixed, the Australian Electoral Commission. I don’t want to be hostile to the AEC, but this “independent” body tested me greatly in 2016 and 2019. To make up for the harsh criticisms of the AEC made by me in respect of the 2016 and 2019 Senate elections I have gone over-board in my praise of their handling of by-elections – as I now explain.

When the voter entered the booth, he/she has been greeted with a big sign reading, in very large letters: **“Please read the instructions on your ballot paper.”** Below that it reads, in much smaller letters: “If you make a mistake, just ask a polling official for another ballot paper.” And below that it reads, in small letters: “Your vote is a valuable thing.” That is fair enough when the instructions give help to voters to cast a formal vote. It cannot be justified when the instructions are there to help the machines of big political parties to manipulate how people vote. Reading the instructions properly *does reduce the informal vote for a House of Representatives* election where the ballot paper is honest. Not so for the Senate where the ballot paper is dishonest.

Informal voting in Australia is very high by the standards of the world’s democracies. For such a reason it is essential that ballot papers make it crystal clear to voters that vote which counts as formal contrasted to that vote which is not counted because it is rejected as informal. I have tried to explain that to politicians. However, during the 45<sup>th</sup> Parliament (2016 to 2019) the federal Joint Standing Committee on Electoral Matters did everything it could to shut me up. For details readers are invited to visit my website at [www.malcolmmackerras.com](http://www.malcolmmackerras.com). See the chapter “Extreme Vetting”.



I tried a different tactic during the 46th Parliament, elected in May 2019. My submission was short – and to the point. It was the sixth published on the JSCEM website out of 140. Although I expected the Committee to ignore me, I made a point of ensuring that the Electoral Commissioner, Tom Rogers, would know of my concerns. He and his staff have been very helpful.

My letter to the JSCEM was dated 22 August 2019 and began with this sentence: “The worst aspect of the dishonesty of the Senate voting system is the simple fact that the politicians have had the effect of making the Australian Electoral Commission dishonest in their wake.” To justify that claim I tabled the AEC document sent to every household. It was titled *Your official guide to the 2019 federal election: Saturday 18 May 2019*. It tells the reader: “If you choose to vote above the line, you need to **number at least 6 boxes**” (Emphasis is in the original). My comment was: “That statement is a lie.” Does anyone seriously dispute my description? Dealing with the below-the-line vote I recorded that the guide has this:

If you choose to vote below the line, you need to **number at least 12 boxes** from 1 to 12, for individual candidates in the order of your choice. You can continue to place numbers in the order of your choice in as many boxes below the line as you like.

Again, emphasis is in the original. I recorded then how that would read if the politicians were honest with voters. It should read:

If you choose to vote below the line, you need to number at least 6 boxes, from 1 to 6, for individual candidates in the order of your choice. You can continue to place numbers in the order of your choice in as many boxes below the line as you like. Your vote will only be rendered informal if you fail to number 6 boxes in consecutive order.

At no stage did the JSCEM ask me to appear before them to tell them truths they did not want to hear. However, the Electoral Commissioner, Rogers, has taken notice. I venture to predict that the autumn 2022 federal election will see the official guide revised. It will include (in the fine print) the fact that a single first preference above-the-line will be counted as a formal vote for the party's candidates. Likewise, six preferences for candidates below the line.

I decided to wage my own education campaign in 2019. I asked friends, neighbours and relatives to question polling officials on this point. A neighbour down the road, a conservative Catholic who always votes for the Liberal Party, as does her husband, voted at the Campbell Public School polling place. The official gave her the two ballot papers as well as the “education” spiel required by the AEC. It went something like this:

For the Senate you need to number one to at least six above the line but you can go beyond that if you like. Below the line you must number from one to at least 12 but you can go beyond that if you like.

To such a spiel Angela reported she had been told on good authority that she need only give a single first preference above the line and it would count as a formal vote. The official said: “You are not supposed to do that”. Angela: “I don’t care what I’m supposed to do. I want to vote for Zed Seselja and the Liberal Party in Group A and I don’t want to vote for any of the other rubbish on this ballot paper if I don’t have to. Have I been informed correctly?” The official conceded she had been

informed correctly. She voted accordingly. Her husband cast the same vote at a different time and place.

A very conservative Sydney friend went to the Paddington Town Hall to vote. The official did for him what the Campbell official did for Angela. My friend asked whether he had been informed correctly that a vote for eight candidates below the line was formal. The official replied: "We are not supposed to tell you so, but that vote would be counted as formal." He gave his first preference vote to Senator Jim Molan, his second, third, fourth, fifth and sixth preferences to the other Coalition candidates and then marked two more squares. They were 7 for Sophie York of Australian Conservatives and 8 for Riccardo Bosi, also of Australian Conservatives. His vote was one of the 137,325 first preferences for Molan who, of course, was defeated. Molan was the only senator to get any benefit from that vote. The other five Coalition candidates were not incumbents and the Australian Conservatives never had any hope.

A Labor-supporting Sydney friend went to the Balmain Town Hall polling place where he received the same spiel as was given to the others. After a similar conversation the official gave him an immediate affirmative answer: "That vote would be fully counted as formal with your first preference deemed to be for Tony Sheldon, second for Tim Ayres, third for Jason Yat-Sen Lee, fourth for Simonne Pengelly, fifth for Aruna Chandrala and sixth for Charlie Sheahan" was the answer.

But five other friends/relatives were given the wrong answer. In each case my friend/relative was told quite firmly: "That vote would not be counted because it would be rejected as informal. Just read the instructions. They make it quite clear such a vote would not be valid." The voters were then pointed to the sign in the booth: **"Please read the instructions on your ballot paper."** In each case the voter did what the politicians wanted – they all voted 1, 2, 3, 4, 5 and 6 above the ballot dividing line. Their votes helped the big party machines to get their senators elected in the "correct" order.

I have told Rogers (and a few other AEC officials) several times that it is the duty of the AEC to help voters, not big party machines seeking voter manipulation. Ideally, every voter should be told the truth, the whole truth and nothing but the truth. I hope that will be the AEC policy at the upcoming third election under this outlandish system.

The AEC did not design the system. For that the politicians should get the blame – as should their spin doctors. While the task of the AEC is difficult, I hope – and expect – its performance will improve, until this system is done away with, as a result of which no problem would arise. Under a decent system there should be no problem about educating voters. There has been a problem under the present system because the politicians who concocted the Senate ballot paper have been so determined to manipulate the voters. Rogers has thus far not been able to understand quite how shocking is the idea that his officers should help the manipulators when they should be helping the voters. Every polling official should be instructed to tell the truth to voters when asked. So far as practicable the signs **"Please read the instructions on your ballot paper"** should be kept in cold storage as Australia waits for the politicians to design and implement a decent Senate voting system.

The Senate voting system in operation for the 2016 and 2019 elections (and which will operate again at the next election) is very dishonest and very defective. The extraordinary thing, however, is that the general public does not understand that it is so dishonest. An important part of the reason for that has been the willingness of the AEC to legitimise it as the above stories show.

There are two other explanations. One is the willingness of the various parties to co-operate with the system. They do that by handing out “how to vote” material that assumes the voter should vote according to the instructions on the ballot paper. Just as important is the willingness of the new method’s spin doctors to explain the system as though it were constructed according to genuine democratic principles. That it is not so constructed is explained in my next section.

#### The propaganda that denounced Ricky Muir – and destroyed the Hawke system

The half-Senate elections to fill vacancies beginning on 1 July 2014 took place in two stages. For seven eastern jurisdictions the date was 7 September 2013. That also included the election of six senators for Western Australia, but that was voided so the Western Australian re-election occurred On 5 April 2014.

In respect of the September 2013 Senate elections instant commentary by gurus such as Antony Green created the impression of a large Senate cross bench from 1 July 2014 composed almost entirely from members of so-called “micro parties” getting elected by “gaming the system”. The distinguished “preference whisperer” Glenn Druery became a hate figure because he organised all this alleged negation of Australian democracy. According to election-night propaganda there were five incoming senators who would be elected by this process. They were David Leyonhjelm (NSW), Ricky Muir (Victoria), Jacquie Lambie (Tasmania), Bob Day (South Australia) and Wayne Dropulich (Western Australia). Lambie was elected as a candidate of the Palmer United Party while Leyonhjelm came from the Liberal Democrats and Day from the Family First Party.

It is true that none of the above secured a quota on the first count. They all needed preferences. However, Leyonhjelm, Lambie and Day received respectable first preference numbers and I was able quickly to demonstrate that the election of those three was nothing unusual. I did that in a thirteen-page document titled *In Defence of the Present Australian Senate Electoral System* published in November 2013 by the Public Policy Institute of the Australian Catholic University.

Therefore, the only two cases remaining to be classified were those of Muir and Dropulich. In his document *Submission to the Victorian Parliament’s Electoral Matters Committee Inquiry into the Conduct of the 2018 Victorian State Election* Antony Green wrote this on page 9 dealing with the 2013 Senate election:

Under group voting tickets at the 2013 election, a quarter of the Senators elected were from trailing positions, and the ratio of parties passed to trailing wins was much higher than at any previous election. In Western Australia, Wayne Dropulich of the Australian Sports Party was elected despite the party polling just 0.23 percent or 0.016 quotas. The Sports Party finished 21<sup>st</sup> of 27 parties on first preferences, but received ticket preferences from 20 different parties to achieve a quota, 15 of those parties having polled a higher first preference vote. Preferences allowed Dropulich to leap-frog parties and defeat a Labor candidate who began the count with a remainder of 0.86 quotas. In Victoria, Ricky Muir and the Australian Motoring Enthusiasts Party began the count with 0.51 percent or 0.035 quotas, receiving preferences from 22 other parties including nine with more votes, and passed a Liberal candidate who began the count with 0.81 quotas.



My objection to that is to Green's failure to mention that Dropulich was never validly elected and never became a senator. At the re-election on 5 April 2014 senators easily elected were Liberals David Johnston, Michaelia Cash and Linda Reynolds, Labor's Joe Bullock, and Scott Ludlam of the Greens. Johnston, Bullock and Ludlam were elected with a quota on the first count. The minor party that won a seat was the Palmer United Party. Its candidate, Zhenya Wang, scored 156,352 first preference votes and easily reached the quota of 182,544 votes after full preference distribution. It is difficult to see anything wrong with Wang's election.

So, the upshot was that at the 2013/14 Senate elections forty senators were elected of which thirty-nine should not have been used as an argument to support the *Commonwealth Electoral Amendment Act 2016*. Muir was the exception. His election did raise eyebrows. The propaganda arising from his election was what enabled the new system to be installed in 2016. At the July 2016 election he lost his seat. Lambie, Leyonhjelm and Day were re-elected.

It is, however, desirable to distinguish the cases of the three re-elected senators. Lambie began as a protégé of Clive Palmer but quickly became an independent. She has become a permanent fixture in the Senate. After a short-term interruption to her career at the hands of the High Court in the "citizenship crisis" she was elected again in May 2019 and is serving a six-year term beginning on 1 July 2019 and expiring on 30 June 2025. This will be her first six-year term. On the other hand, Leyonhjelm and Day did not last long as twice-elected senators. Leyonhjelm resigned his Senate seat early in 2019 to contest the March 2019 New South Wales election at which he was unsuccessful. Day lost his Senate position in November 2016 due to disqualification. His seat was filled by recount of votes on Thursday 13 April 2017. The second Family First candidate, Lucy Gichuhi, won the seat with 69,442 votes compared with 65,841 for Labor's Anne McEwen. Gichuhu became the first black African member elected to any Australian house of parliament.

Late in April 2017 the Family First Party folded up and Gichuhi became an independent. In February 2018 she joined the Liberal Party. She hoped to get a winnable position on the Liberal ticket for the May 2019 election – but was given the fourth position by the pre-selection committee meeting in June 2018. The four-person ticket consisted of Senator Anne Ruston in first place, Senator David Fawcett second, non-incumbent Mt Alex Antic third and Gichuhi in fourth place. Unlike Molan she did not campaign for a below-the-line vote. She knew the system well enough to know it is so rigged as to give senators like her no chance to be re-elected.

That Ricky Muir was the only senator elected in 2013/14 through the work of a "preference whisperer" is easily demonstrated. The allegation that the new cross bench was composed almost entirely of "micro parties gaming the system" led to an inquiry by the federal Joint Standing Committee on Electoral Matters (JSCEM) which reported in May 2014. Its *Interim report on the Inquiry into the conduct of the 2013 Federal Election: Senate voting practices* made the allegation but could find only one case of it. In the *Introduction* this statement is made in the second and third paragraphs:

The Senate voting system has come under intense scrutiny following the 2013 election. In Victoria the Australian Motoring Enthusiast Party representative was elected to the Senate having received only 0.51 per cent of the formal first preference votes. . .

The Motoring Enthusiast Party received only a total of 17,122 votes in Victoria, equalling just 0.0354 of a quota. However, through manipulation of preference deals, the party was elected to the final seat with a transfer of 143,118 votes from the Sex Party, whose transferred votes themselves had been transferred from over twenty other parties, arguably coming from voters that had no idea that their vote would elect a candidate from such an unrelated party with such low support.

My reader may wonder why the above quotation is broken. The reason is that the omitted section refers to Western Australia. That information is wholly irrelevant to the argument. It does not in any way undermine my view on the election of six senators for Western Australia to serve terms beginning on 1 July 2014. The result of that election was not in any way influenced by preference whispering. Quite simply it was the obvious result reflecting the will of the voters of Western Australia.

#### Action arising from the interim report

The recommendation of the interim report was for optional preferential voting above the line and for partial optional preferential voting below the line with six preferences required for a formal vote.

Had that report been adopted the divided ballot paper would have read: "You may vote by" together with "either" and "or". The above-the-line statement would have read: "Either, placing the number 1 in the box above the group of your choice. You can show more choices if you want to by placing numbers in the other boxes starting with the number 2."

The below-the-line statement would have read: "Or, numbering at least 6 of these boxes in the order of your choice of candidate."

Tony Abbott was the prime minister at the time. His reaction to the report was to do nothing. It is my belief that, if he had remained prime minister, the next election would have been for the House of Representatives and half the Senate in the late spring of 2016. Instead Malcolm Turnbull replaced Abbott in that office in September 2015 and the next election was a general election for all members of both houses on 2 July 2016.

The positions of Abbott and Turnbull within the Liberal Party were very different. Abbott was comfortable with the party's socially conservative base. Turnbull was not. Therefore, Turnbull decided to use his strength within the party's business base. To do that he must be far more vigorous with industrial relations reform than Abbott would have been.

Abbott had secured passage through the House of Representatives of three pieces of industrial relations legislation which were blocked by the Senate. My belief is that he would not have pursued them further during the 44th Parliament. He certainly would not have wanted a winter campaign for the 2016 election. The general basis of my belief is explained in my chapter "Extreme Vetting" that can be found on my website. The particular basis is my description of a conversation I had with Abbott in his Canberra office on the afternoon of Tuesday 16 August 2016.

Anyway, Turnbull decided that he wanted a double dissolution and a July 2016 election. He pursued that objective by creating "triggers" for that double dissolution through Senate rejection of industrial relations legislation. He decided to do that over the period being the summer of December 2015 and

January-February 2016. However, when he raised this idea with Liberal Party officials, they warned him that he would suffer a disaster unless he first could fix the Senate electoral system.

Consequently, the Commonwealth Electoral Amendment Bill was presented for parliamentary approval late in February 2016. It would have simply implemented the interim report to the letter. However, there arose certain developments Turnbull had not expected. The main one was that Labor had been persuaded to oppose the very legislation to which its members had assented.

Labor's position is explained above in my section "The Labor party's attitude". In May 2014 its members on the JSCEM put their signatures to the proposed "democratic reform" wanted by the Liberal Party, the Greens and Senator Nick Xenophon. Labor's change of view, however, changed the course of events. That change placed the Nationals in a critical situation. Its votes had to be secured for the bill. To do that the deceitful instructions to voters had to be inserted.

In my section above titled "Liberal party machine owns the system – and drafted the ballot paper wording" I justify the description "deceitful" in relation to the instructions to voters with this assessment: "the purpose of the wording of those instructions is to deceive the voter into believing that any failure to number the boxes 1, 2, 3, 4, 5 and 6 above the line (or 1 to 12 below the line) would result in that ballot paper being placed in the pile of informal votes."

That needs elaboration because it should be noted that such was not the original intention of the Liberal Party, the Greens or Xenophon. They had hoped to implement the interim report to the letter. From their point of view, however, Labor and the Nationals were flies in the ointment.

The Nationals were completely comfortable with the Hawke system because it enabled them to contest Senate elections in Western Australia where the Liberal Party had long refused the joint ticket arrangements prevailing in the eastern states. To WA Nationals voters it was explained that any excluded Nationals candidate would see his preferences automatically go to the relevant Liberal candidate still in the count. That would no longer be the case under the interim report's proposal.

The Nationals demanded one very important concession. The above-the-line instruction must read: "By numbering at least 6 of these boxes in the order of your choice". That embarrassed the Liberal Party hugely. If those words actually meant what they said Labor would have a field day at their expense. The Labor line would be: "Under our reforms in 1984 we cut the Senate informal vote to one-third of what it had been. You Liberals want to triple it, restore it to what it had been under Menzies and Fraser."

So, the compromise was reached whereby the instructions wanted by the Nationals were inserted subject to so-called "savings provisions" whereby a single first preference above the line would be required by law to be counted as a formal vote. The supporters of the new system were happy to see some increase in the informal vote as a result of their legislation, but they avoided what they dreaded: a massive rise in the informal vote that would deeply embarrass them.

The upshot was that the Senate ballot paper now has four contrivances none of which can be justified according to any democratic principle. The four contrivances are the thick black line that runs through the ballot paper, the party boxes above that ballot paper dividing line, the deceitful instructions for the above-the-line vote and the deceitful instructions for the below-the-line vote. I am, therefore, entirely justified in asserting that the Liberal Party, the Nationals, the Greens and



Xenophon gave the Australian people the worst-ever Senate voting system. I am also entirely justified in describing the system as one of voter-manipulative proportional representation.

But is not the system semi-proportional?

The answer to the above question lies in the affirmative. This system is unfair to voters, unfair between candidates and unfair between parties. The explanation for this third unfairness is that the system is semi-proportional, not one of proportional representation between parties. The reason for that is this piece of analysis: district magnitude six is inherently unsatisfactory. It should be an odd number, either five or seven. Selling to politicians the idea of district magnitude seven is very easy – as I now explain. If the size of the Senate is increased from 76 to 88 then the size of the House of Representatives would rise from 151 to 174 or 175. The reason for that is the requirement of section 24 of the Constitution that the number of members of the House of Representatives shall be, as nearly as practicable, twice the number of senators. That is popularly known as the “nexus” provision.

Whether parties of the left or parties of the right have a Senate majority does not depend on majorities being gained in a majority of states. It depends upon one side or the other getting 57.2 per cent of the vote (after preferences) in a single state at back-to-back elections. In the present 46<sup>th</sup> Parliament parties of the right have a Senate majority due to Queensland voters rejecting the left in both July 2016 and again in May 2019. At both half-Senate elections, the Liberal National Party won three of six senators. At both elections, Pauline Hanson’s One Nation won a seat, Hanson in 2016 and Malcolm Roberts in 2019. So, combined they have eight out of the twelve Queensland senators.

In 2016 Labor won two Queensland seats, the Greens none. In 2019 Labor and Greens each won a single seat, giving Larissa Waters a six-year term. She previously had a six-year term from 1 July 2011, but it was cut short by the 2016 double dissolution. She was elected again in 2016 – but only to a three-year term. So, combined parties of the left have four, three Labor and Waters from the Greens.

During the 41<sup>st</sup> Parliament the Howard government enjoyed a Senate majority – which it proceeded to abuse by enacting Howard’s infamous “work choices” legislation. That majority was obtained by the Coalition securing only 41.8 per cent of the Senate vote in 2001 and 45.1 per cent in 2004. In 2001 the Coalition was able to win eighteen of the thirty-six long-term Senate places, 50 per cent, with only that 41.8 per cent vote. In 2004 the result in Queensland was three for Liberals and one for Nationals (Barnaby Joyce), or 66.7 per cent of seats for 58 per cent of votes after preferences. That gave the Coalition twenty-one of the forty seats contested, 52.5 per cent of seats for 45.1 per cent of votes. The Coalition thus had 39 senators to 37 for the combination of everybody else.

During the 43<sup>rd</sup> Parliament (Julia Gillard’s term) the combined parties of the left had a Senate majority. The results in Tasmania in November 2007 and August 2010 are the explanation. Tasmanian voters rejected the Liberal Party at those back-to-back elections by the same margins as Queensland voters rejected parties of the left in 2016 and 2019. At each election the Tasmanian result was three Labor and one for the Greens, four out of six. So, the Labor-Greens total combination was 39 senators.

### Justifying an increase in the size of federal parliament

It is commonly asserted that it would be politically impossible to sell to the general public the idea of an increase in the number of federal politicians. That is a notion I reject completely. All that is needed is the political will to do it. Once the will is there and the numbers can be obtained the increase occurs, and the public then accepts the result because the decision enjoys third-party validation. By “third-party validation” I mean not merely smaller parties but also the commentariat which includes journalists and independent psephologists like yours truly, Antony Green, Kevin Bonham, George Williams, Chris Curtis and the Proportional Representation Society of Australia (PRSA).

In my case the full reasoning is set forth in my chapter “Increasing the Size of Parliament” that can be found on my website. The arguments I present are comprehensive and cover all aspects of the subject. In the past the problem I have seen has been persuading the government of the day to do it. However, I believe that problem is receding. Instinct tells me so but there is another straw in the wind that I now explain.

The federal Joint Standing Committee on Electoral Matters (JSCEM) publishes a report on each federal general election following that election. The report in question excites my hostility more often than my approval but the most recent is interesting. Titled *Report on the conduct of the 2019 federal election and matters related thereto* it was published in Canberra in December 2020. It comes to 206 pages. Anyway, it happened that, even as I was doing the maths needed for my satisfaction on this subject there appeared on page 163 this Recommendation 24:

The Committee recommends that consideration be given to a future constitutional referendum to break the nexus between the number of Senators for the States and the number of Members of the House of Representatives.

That was preceded, on page 160, by a table showing the average number of electors per federal member at 66,664 in 1984 (with 148 members) and 108,770 in 2019 (with 151 members). Those numbers are quite close to mine. Also shown are some outdated numbers for the United Kingdom and Canada and irrelevant numbers for New Zealand. The outdated British electorate number for 2019 is 47,074,800, an average for 650 members of 72,423. The outdated 2015 Canadian electorate number was 25,939,742, an average for 338 members of 76,745. Those British and Canadian numbers are also quite close to mine. In Canada’s case the 2015 numbers are identical to mine but the average for 2015 of 76,745 grew to 80,985 for the October 2019 Canadian general election.

The rest of page 160 and the whole of pages 161 and 162 are devoted to arguing that there is a good case for increasing the size of the House of Representatives and a good case for keeping the number of senators at 76.

On page 162 paragraph 8.60 reads:

The number of voters per Member of Parliament is growing to an extent where it is challenging for members to service constituent workloads. Accordingly, at an appropriate time, there will need to be an increase in the number of members of the House of Representatives

Also, on page 162 paragraph 8.61 reads:

The number of office suites in the Parliamentary building and the space for seating on the floor of the House Chamber are suitable for accommodating future growth in the number of MPs.

Again, on page 162 is paragraph 8.62 that reads:

However, there is no equivalent case to expand the number of Senators, as their primary duties pertain to legislative work rather than constituent work. Australia's population has now reached the juncture where the House needs to grow further to keep pace. But the Senate does not need to enlarge, and doing so could make it more fragmented and thereby complicate the ability to achieve compromise in the chamber on legislation.

My massive dissent is recorded here. To give the Australian people a decent Senate voting system it is essential that the number of senators for each state be increased from 12 to 14 – to create half-Senate elections for seven senators, an odd number. That would increase the size from 76 to 88. A by-product of that would be to increase the size of the House of Representatives by approximately 24 members.

Finally, I give a summary of what each *mainland state* would get out of the increase I propose. I write "mainland state" because there are three privileged jurisdictions at present, Tasmania, the Australian Capital Territory and the Northern Territory. They would get no increase in their numbers in the House of Representatives, presently being five, three and two members, respectively.

New South Wales would go from the present 47 to 55, so eight more members. Victoria would go from the present 38 (46<sup>th</sup> Parliament) to 45, so seven more members. Queensland would go from the present 30 to 35, so five more members. Western Australia would go from the present 16 (46<sup>th</sup> Parliament) to 18, so two more members. South Australia would go from the present 10 to 12, so two more members. The total size of the House of Representatives would rise from 151 to 175, so 24 more members.

Some details of my case are set out in Tables 11, 12 and 13 of my Statistical Appendix. The remaining details can be inspected by visiting my website.

#### Does above-the-line voting conform to the Constitution?

There was a time when I fully accepted above-the-line voting for the Senate. The reason for my acceptance was a foolish application of the precept "Never let the perfect be the enemy of the good". The Labor Party had established in my mind that there was a need to bring about a substantial reduction in the Senate informal vote. The above-the-line way of doing it was condemned by the PRSA and I listened to their views but decided that, for a variety of reasons, above-the-line voting was the only practical option whereby the informal vote could be substantially reduced. The "perfect" solution (partial optional preferential voting in candidate-based elections) had to give way to the "good" – helping substantial numbers of voters to cast an easy formal vote.

Above-the-line voting began in 1984 but in 1990 the scales fell off my eyes and I now denounce it for the Senate. It is clearly a device to circumvent the requirements of section 7 of the Australian Constitution:

The Senate shall be composed of senators for each State, directly chosen by the people of the State, voting, until the Parliament otherwise provides, as one electorate, . .

The commandment it clearly violates is that senators shall be *directly chosen by the people*.

In 1990 the PRSA succeeded in their campaign to persuade me that the above-the-line voting "option" was a bad idea, but I later came to the view that it can be justified in some cases of high district magnitude. The PRSA view has always been that above-the-line voting is unequivocally a bad idea. I have never been a member of the PRSA though, in recent times, I have become a fellow traveller. The PRSA and I are at one in asserting that every PR system should be made as democratically respectable as possible.

This conversion caused me to consider again the *McKenzie* case decided by Chief Justice Sir Harry Gibbs in November 1984. Cyril John McKenzie was an ungrouped candidate for Queensland at the election of seven senators for each state held on Saturday 1 December 1984, the first election under the Hawke system. He received 86 votes. In conducting the case himself he did a very good job – without any help from barristers! He told Sir Harry of his view that the system mightily offended his democratic principles when a first preference vote for Senator Margaret Reynolds, Senator David McGibbon or Senator Ron Boswell could be recorded by placing a single 1 above the line in the square for the Labor (Reynolds), Liberal (McGibbon) or National (Boswell) parties - but to vote for McKenzie required the voter to number all squares consecutively from 1 to 28.

As indicated above I wanted the Hawke system to succeed at that time. I took no interest in the case though I heard that those who attended hearings thought McKenzie conducted his case very well. It did not occur to me to think McKenzie might win. Nor did it occur to me to think that the day would come when I would arrive at my present view: the *McKenzie* case was wrongly decided.

The decision was handed down on Tuesday 27 November 1984, just five days before polling. Two paragraphs are worth quoting:

2. The plaintiff argued his own case and did so very clearly. The submissions which he has made are understandable and by no means irrational. The provisions which he seeks to have declared invalid are of recent origin and, so he contends, place him, as a candidate who belongs to no political party, at a disadvantage in his bid for election.

Later comes Sir Harry's critical paragraph:

8. In my opinion, it cannot be said that any disadvantage caused by the sections of the Act now in question to candidates who are not members of parties or groups so offends democratic principles as to render the sections beyond the power of the Parliament to enact. . .

In other words, these provisions are very offensive to the democratic values of the Constitution, but Gibbs was able to say *not SO offensive* as would lead him to strike down next Saturday's election. For



political reasons, therefore, the High Court ruled that an election could be regarded as a direct election if a direct election option is available to the voter. The politicians could rig that option to their heart's content and the High Court would still say that is okay.

There is another part of the judgment that needs contesting. Gibbs wrote: "It is right to say that the electors voting at a Senate election must vote for individual candidates whom they wish to choose as senators but it is not right to say that the Constitution forbids the use of a system which enables the elector to vote for individual candidates by reference to a group or ticket."

The ridiculous nature of that comment can be seen by looking at the origin of the words "directly chosen by the people" as found in sections 7 and 24 of the Australian Constitution. Those words go back to the northern summer of 1787 at Philadelphia, Pennsylvania. In that city in that year, meeting from May to September, the Founding Fathers of the USA drew up their Constitution. There were a few democrats among them but not many. Consequently, they decided that the Presidency, the Senate and the Supreme Court should *not* be democratic institutions. Where the democrats won was in respect of the House of Representatives. Thus, in the very first article there is a section 2 which commands: "The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature." Australia's Founding Fathers were much better democrats than America's and they had the advantage of more than a century elapsing between their American equivalents and their good selves. Having noticed the anti-democratic tricks to which politicians get up they were determined to prevent our Commonwealth Parliament from implementing such tricks. Determined to ensure that Australian federal electoral systems always be CANDIDATE-BASED they caused the Australian words to be "DIRECTLY chosen by the people" where the American words were merely "chosen by the people."

Back in 1984 I merely watched the *McKenzie* case from afar. Not so the second case which was driven by my wish to see *McKenzie* over-turned. I wanted the *Commonwealth Electoral Amendment Act 2016* ruled to be unconstitutional, so I sought to persuade a Senate cross bencher to take it to the Court. I succeeded with South Australian Family First Senator Bob Day. He persuaded the Tasmanian Family First lead candidate Peter Madden to join him in the case. At no stage did I give Day any assurance that he would win. For him politically, however, I expressed the view that his prominence in the matter would help him get re-elected. He was successful in that quest.

The official title of the case is *Day v Australian Electoral Officer for the State of South Australia: Madden v Australian Electoral Officer for the State of Tasmania (2016) HCA 20: S77/2016 and S109/2016*. It was handed down on Friday 13 May 2016, four days after the double dissolution was put into effect on Monday 9 May 2016. The decision upheld the constitutional validity of legislation passed through both houses of Parliament on the afternoon of Friday 18 March 2016. Just as *McKenzie* is known by its short name so this case is generally known as *Day and Madden*.

Unfortunately, the seven judges of the High Court decided against us, handing down a unanimous judgment of thirty pages of no importance beyond the decision they made and the fact that *McKenzie* was cited as the precedent, along with a few others of less importance. All cases quoted as precedents had been determined by a single judge. For me, regrettably, the position is now clear. Every member of the PRSA with whom I have discussed this subject agrees with my view – but we do



not matter. The judges have the power we lack. As so often happens with High Court judges they have constitutionalised the patently unconstitutional - and that is that. Nevertheless, I intend to do what I can to see above-the-line voting eliminated, where possible.

In practice the Senate voting method has become a party machine appointments system that technically has a direct election option, but one that most parties actively, and with great success, discourage voters from using. The Court has ignored the system's blatant sidelining of the direct election imperative of section 7 of the Constitution and ruled, on the basis that the unnecessarily onerous below-the-line option still exists (since 2016 with its deceitful instructions to the voter) that the system does not breach the Constitution.

For more information and further opinions readers are invited to visit my website at [www.malcolmmackerras.com](http://www.malcolmmackerras.com) the chapter "Judges Exercise their Power" to which is appended the full *McKenzie* judgment. An abbreviation of that judgment is an Appendix here.

#### Describing my Senate reform

Included in this book is my model ballot paper for an honest system that clearly conforms to the Constitution. Unlike the present ballot paper, mine is voter friendly. The ballot paper concocted by the politicians is not. Their current ballot paper is voter-unfriendly but party machine friendly on steroids.

Readers are invited to notice the clarity of my instructions to voters. Above the names of candidates I have, in big letters: "Number seven boxes from 1 to 7 in the order of your choice". Then, in slightly smaller letters I have: "You may then show as many further preferences as you wish by writing numbers from 8 onwards in other boxes".

The most important words, however, are on the bottom: "Remember, your vote will not count unless you number at least 7 boxes". So, voters would know exactly where they stand. Fill in seven consecutive numbers and your ballot paper is counted among the pile of formal votes. Fail to do that and your ballot paper finds itself in the pile of informal votes. Unlike the current ballot paper (designed by the politicians acting on behalf of their machines) there is no deceit in mine – and no intention to make voters do what they don't want to do. There are, however, valid arguments as to why the operation of a good system might be jeopardised under a fully optional preferential voting system. In such a case excessive use of a first preference only vote could wreck the system's operation. Therefore, my ballot paper requires the voter to number candidates 1, 2, 3, 4, 5, 6 and 7 – otherwise the vote is lost. It would finish up in the pile of informal ballot papers. Seven is the number of senators being elected in most cases under my reforms.

There is another virtue in my ballot paper design. It would enable honest public education about the system – unlike the dishonest public "education" we have seen with the present system at the 2016 and 2019 elections. The public could be educated to understand that the Constitution requires the system to be candidate-based and here the public can see it. The system is now candidate-based.

When I show my model ballot paper to audiences it gets almost universal approval. The usual comment is that it is good for the voter. To that I say: "Is that not what electoral reform should be all about?" Of course: why did not the politicians think of this idea? Why does it take a powerless nobody like yours truly to think about ways to help voters? That is a good question.

There are, however, some people who say the above-the-line format should stay with the instructions to read the choice to be “placing the number 1 in the box above the group of your choice. You can show more choices if you want to by placing numbers in the other boxes starting with the number 2.” That would, admittedly, be the easiest Senate choice for voters. My objection is that the system would be party-based when it should be candidate-based.

Federal politicians and party organisations have, for a hundred years, been willing to accept that the House of Representatives ballot paper requires the consecutive numbering of every square for candidates. These days the typical marginal federal seat has seven candidates. My argument is this: if it be thought reasonable for voters to be asked to number seven squares on the House of Representatives ballot paper why would it not be reasonable to ask voters to number seven squares on the Senate ballot paper?

Eden-Monaro is often cited as the typical marginal seat. In recent years the number of candidates at general elections has been eight in 2013, nine in 2016 and eight in 2019. Therefore, I take three examples of “how to vote” leaflets handed out at polling places. In 2013 Labor’s recommendation for the House of Representatives went 7, 6, 1, 3, 2, 8, 4 and 5. The Senate system, then still being the Hawke system, meant the Labor voter was told he/she need only place the number 1 in the box under the letter M for Labor.

In 2016 there were nine Eden-Monaro candidates. For the House of Representatives the Greens “how to vote” went 3, 9, 6, 2, 8, 1, 5, 7 and 4. The complicated Senate “how to vote Greens” required the voter first to go to the extreme right of the lengthy ballot paper in group AL for the 1 (the Greens), then 2 for group R (Pirate Party), 3 for group I (Science Party/ Australian Cyclists Party), 4 for group L (Socialist Alliance), 5 for group AB (Animal Justice Party) and, finally, 6 for group N (Labor).

Suppose the voter had asked the polling official: “Why can’t I just put my 1 in group AL for the Greens? I have been told that such a vote is required by law to be counted as a first preference for Senator Lee Rhiannon which would be just as effective as if I copied out this leaflet?” The official would, in all probability, have told the voter to read the instructions on the ballot paper from which it is made quite clear that such a vote would not count because it would be rejected as informal.

In 2019 Labor’s “how to vote” leaflet followed the rules for the Senate with Greens as second preference followed by the Animal Justice Party third, Women’s Party fourth, Box Q fifth and Box B sixth. At the bottom it reads: “Remember, you must number at least 6 boxes above the line”. So, Labor was willing to tell the official lie for the Senate ballot paper. The sitting Labor member, Mike Kelly, was lucky enough to draw top position for the House of Representatives with Liberal candidate Fiona Kotvojs second. Labor’s recommendation on its “how to vote” reads 1, 8, 2, 3, 4, 5, 6 and 7.

I submit, therefore, that my model ballot paper is the best of all worlds. “How to vote” material would be the same as presently for the House of Representatives - and the Senate vote would follow logically. It would not matter how long the ballot paper might be because the voter would simply be asked by the party to go to group (G, P, X, whatever) and number the candidates 1, 2, 3, 4, 5, 6 and 7 – which would likely be the same set of numbers as required for the House of Representatives.

## Proportional Representation in the States and Territories

While reform of the Senate voting system is the main object of my campaign it is not the only reform I seek. There are two state upper houses that could be improved by my reform proposals to their PR methods. The states are Victoria and Western Australia and they are dealt with below.

I now describe the four cases where I do not seek any reform. The marks they get are 85 per cent for the Tasmanian Hare-Clark system, 78 per cent for the ACT variant of Hare-Clark, 58 per cent for the New South Wales Legislative Council system and 51 per cent for the South Australian Legislative Council system. The district magnitudes are five for both the Hare-Clark cases, 21 for New South Wales and 11 for South Australia. That means the quota for election is 16.7 per cent of the vote under Hare-Clark, 8.3 per cent in South Australia and 4.6 per cent in New South Wales.

How do I explain my marks? Here I must tell readers of my democratic values. Not everybody would agree with them. For example, the Animal Justice Party can win two seats in the NSW Legislative Council due to its ability to win one of the 21 vacancies in March 2015 and again win one of the 21 vacancies in March 2019. That system enabled Mark Pearson to be elected in 2015 and Emma Hurst in 2019 – and there is no reason to doubt that both AJP members would be re-elected if they sought re-election, Pearson in 2023 and Hurst in 2027. They would profoundly reject the idea that the Hare-Clark systems should get higher marks than the system under which they were elected! They would think the NSW system to be much better than Hare-Clark systems whereby, in practice, only the Labor Party, the Liberals and the Greens get candidates elected.

### Why Hare-Clark gets high marks

My values, however, dictate my marks. I believe in the democratic values of the Australian Constitution. Thus, both senators (section 7) and members of the House of Representatives (section 24) are required to be directly chosen by the people. That is as it should be and in my ideal world every member of every Australian parliament would be directly chosen by the people. The consequence is that I place the ideal of direct election higher than the ideal of proportional representation between political parties.

In the present context the Hare-Clark system is characterised by genuine direct election of the most democratic variety and a voter-friendly ballot paper. To understand that ballot paper my reader is referred to my website at [www.malcolmmackerras.com](http://www.malcolmmackerras.com). In the section “The People’s Republic of Kurrajong” there is given the ballot paper for the ACT Electorate of Kurrajong and the Tasmanian House of Assembly Division of Bass. Kurrajong is chosen because the ACT Chief Minister, Andrew Barr, is one of its five members. Bass is chosen because the Premier of Tasmania, Peter Gutwein, is one of its five members.

The two are at opposite ends of the political spectrum. In Bass the Liberal Party saw an increase in its percentage of the vote and the re-election of Sarah Courtney, Michael Ferguson and Peter Gurwein. Labor also saw an increase in its percentage of the vote, the re-election of Michelle O’Byrne and the election of a newcomer, Jennifer Houston. The Greens, on the other hand, saw a drop in their vote and the defeat of their sole incumbent, Andrea Dawkins.

The item of my blog is titled “The People’s Republic of Kurrajong” to indicate the left-wing nature of inner Canberra’s vote – for Kurrajong would be called “Canberra Centre” if it were in Canada or



“Canberra Central” if it were in New Zealand. Anyway, Labor secured the re-election of Andrew Barr and Rachel Stephen-Smith easily enough. The Canberra Liberals secured the re-election of Elizabeth Lee but saw the defeat of their other incumbent, Candice Burch. The Greens saw the re-election of their leader Shane Rattenbury with a big vote, big enough to win a surprise second Greens seat for Rebecca Vassarotti.

One of the criticisms of Hare-Clark is that it is a semi-proportional system, not one of proportional representation. The semi-proportional results of these two most recent elections chance to be characterised by the over-representation of the second biggest party in Tasmania and the third biggest party in the ACT. Both the ACT Legislative Assembly and the Tasmanian House of Assembly have 25 members with five being elected for each of five electoral districts, known as “Electorates” in the ACT and “Divisions” in Tasmania.

In Tasmania the election was held on 3 March 2018. The Liberal Party won thirteen seats, Labor ten and the Greens two. Labor with 32.6 per cent of the vote secured 40 per cent of the seats, so its over-representation was 7.4 per cent. The Liberal Party with 50.3 per cent of the vote won 52 per cent of seats, so its over-representation was only 1.7 per cent. The Greens were under-represented by 2.3 per cent but at least they won two seats. All the rest won 6.8 per cent of the votes and no seats.

In the ACT the election was held on 17 October 2020. The Greens won a surprising six seats, two in Kurrajong and one each in Brindabella, Ginninderra, Murrumbidgee and Yerrabi. So, they won 24 per cent of the seats for a vote of 13.5 per cent. Their over-representation, therefore, was 10.5 per cent. Each of the two big parties was over-represented by 2.2 per cent. That meant all the rest won 14.9 per cent of the vote and no seats.

The other criticism made of Hare-Clark is that it encourages candidates of a party to compete with each other. Robson rotation of names on the ballot paper explicitly encourages that competition which is additional to the competition between parties. But should that be thought to be a criticism? The party machines think so because they are not allowed to rank their candidates in the order wanted by the machine. On the other hand, there are plenty of people (including yours truly) who think this intra-party competition to be a good thing. It is the surest sign that the system truly is candidate-based and, therefore, is a system of genuine direct election.

Another virtue of Hare-Clark lies in the way in which casual vacancies are filled. The votes of the departing member are re-counted to see which losing candidate was preferred by voters. The best example of that comes from Bass. If any of Courtney, Ferguson or Gutwein were to resign then Simon Wood would take the seat. The reason is that Bridget Archer has become the federal member for Bass so she would not seek the vacant state seat. Wood is now the only Liberal candidate not to be a member of parliament, federal or state.

#### Why Tasmania’s mark should be higher than that of ACT

It is commonly thought that the two Hare-Clark systems are identical. When the people of the ACT in February 1992 voted for Hare-Clark at a referendum that was assumed to be what would be implemented. The ACT would simply copy Tasmania. However, a dispute occurred between the supporters of Hare-Clark as to its detailed implementation.

Readers are invited first to notice the instructions to voters in the Bass ballot paper. With 20 candidates the instructions on the top read: "Number the boxes from 1 to 20 in order of your choice". We agreed that should not apply to the ACT's ballot paper. Instead, it should read: "Number five boxes from 1 to 5 in the order of your choice: You may then show as many further preferences as you wish by writing numbers from 6 onwards in other boxes."

Where we disagreed was in the instructions on the bottom of the ballot paper. I argued that they should follow Tasmania closely by having these words: "Remember, your vote will not count unless you number at least 5 boxes". Regrettably, the alternative view prevailed. The result is that the words now read: "Remember, number at least five boxes from 1 to 5 in the order of your choice". The argument that prevailed was that if a voter has only one first preference that should count as a formal vote because the intention is clear. That led to so-called "savings" provisions requiring that a single first preference be counted as a formal vote. The instructions, therefore, would be seen merely as advice to the voter. I argued against that. The words at the bottom, I argued, are misleading because they create the impression that your vote is informal if you don't number five squares when that is not the case. I expressed the view that this change constituted an unnecessary deviation from Tasmania's long-standing practice that had stood the test of time. Tasmania introduced Hare-Clark in 1909 and at no stage has ever admitted the idea that a single first preference must always count as a formal vote.

For the above reason I now award a high distinction mark of 85 per cent to Tasmania but "only" a distinction mark of 78 per cent to the ACT variant of Hare-Clark.

#### Why two Legislative Council systems get pass marks

It is noted above that I give a mark of 58 per cent to the NSW Legislative Council system and 51 per cent to the equivalent in South Australia. The two systems are similar but by no means identical. The ballot paper can be seen by reading the chapter about the two systems on my website. It is chapter 8 and is titled "Reform of Upper Houses in New South Wales and South Australia". Being so similar I have taken South Australia as my example. The ballot paper tells the voter that you may vote by either "Placing the number 1 in the square next to the group of your choice. You can show more choices if you want to by placing numbers in the other squares starting with the number 2". The alternative offered to the voter is below the line. "Numbering at least 12 of these squares in the order of your choice".

The precise NSW wording is different, but the choice offered is the same. The above-the-line choice is virtually identical but there is a difference below the line. In New South Wales it is: "Write the numbers 1 to 15 in the squares next to the candidates of your choice. You must number at least 15 squares for your vote to count." There the voter is explicitly told that your vote finishes up in the pile of informal votes unless the numbering is 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15. The SA wording "Numbering at least 12 of these squares in the order of your choice" seems to suggest the vote is informal if it fails to do the numbering up to 12. In fact, however, there is a so-called "savings" provision. If the instruction were honest it would have read: "at least six of these squares". The vote is formal if the numbering is 1, 2, 3, 4, 5 and 6 between candidates.

Anyway, the deceit of the SA below-the-line instruction only cuts the mark by one. Were it to be honest in declaring that only six numbers are required I would have given 52 per cent, not 51 per



cent for South Australia. Therefore, the big difference lies in the district magnitude. Where it is 21 the system is more proportional than where it is 11. In other words, the NSW Parliament has been more generous to minor parties than its SA equivalent.

So, why do both systems get such low pass marks from me? The main reason is that the systems are only nominally methods of direct election. Both are essentially party machine appointment systems in which voters are invited to distribute numbers of party machine appointments between parties on a PR formula.

There are two other aspects to this. The first is the rotation of members, often referred to as "staggered terms". This device is old-fashioned conservative thinking that is basically undemocratic. It means politicians are elected for terms of eight years. In effect they are party machine appointed for eight years.

The other issue relates to the filling of casual vacancies. The voters are cut out of the process and the party machines get to make appointments to parliamentary seats that should only be allowed to politicians who have been popularly elected. For these reasons I think my marks are entirely justified.

#### Victorian Exceptionalism

On my website I have a chapter 9 titled "Victorian Exceptionalism". It gives 45 pages of information about the history and experience of the electoral system for the Victorian Legislative Council. The opening paragraph reads this way:

The beautiful proportional representation system by which Victoria's Legislative Council is elected has applied at four elections, those held on 25 November 2006, 27 November 2010, 29 November 2014 and 24 November 2018. The explanation for those dates is the fact of Victorian state elections being fixed to be held on the last Saturday in November every four years when the entire collection of Victorian state politicians is elected. Victoria and Western Australia supply the only cases of Australian bicameral parliaments in which there is no rotation of upper house members. That is something of which I strongly approve – in both cases.

So, why do I rate the Victorian system so highly as to use the title "Victorian Exceptionalism"? The first reason is that there is no rotation of members. In these days when Australia's bicameral parliaments are characterised by one house being elected by PR-STV and the other by single member electoral divisions there is no case to continue with the old-fashioned conservative idea of rotation. It is a deeply undemocratic idea.

Let me explain why I give Victoria a credit mark of 65 per cent and Western Australia a fail mark of 45 per cent. Two reasons: first, there is the WA malapportionment, discussed below. The second argument against the WA system is the wholly unreasonable below-the-line option given to voters. As explained below every square must be numbered below the line, otherwise the vote is informal.

On the other hand, there is one respect in which Western Australia's democracy is superior to that of Victoria. Its Constitution requires that every member of parliament shall be directly chosen by the people. That means casual vacancies are filled by recounting votes from the previous election.

Victoria, meanwhile, fills casual vacancies by party machine appointment. A case for party machine appointment can be made where there is rotation of members, the Senate, the NSW Legislative Council, and the SA Legislative Council. That case cannot be made in Victoria.

Readers can learn of the history by reading my website. I now discuss only the present system which yielded results in November 2018 so strange as to cause one observer to say to me: "You call the Senate 'unrepresentative swill' but does not Victoria's upper house make a better claim to that description?" To that I replied: "When both parliaments have made the reforms I want neither upper house would then need to be described in the way Paul Keating wanted for the Senate."

But I want to state the virtues of Victoria's system. The first is doing away with the rotation of members. The second is the term of four years, which is shorter than the eight years in New South Wales and South Australia and six years for the Senate and the Tasmanian Legislative Council. The third is "one vote, one value", the principal element of democracy lacking in Western Australia, as explained below.

The above three virtues add up to a fourth, supremely important, virtue. It is very easy to change the Victorian system from stasiocratic to democratic. It is my fervent hope that the November 2022 election (or, perhaps that in November 2026 – see comment below) will be conducted under a Hare-Clark system designed by me. Victoria should copy Tasmania's Hare-Clark system – but not have Robson Rotation.

At all four Victorian elections under PR there have been eight regions consisting of eleven complete and contiguous Assembly districts with each region electing five members. The total membership, therefore, is 40. Take the four elections to date. At those elections the eight regions have been Eastern Metropolitan, Eastern Victoria, Northern Metropolitan, Northern Victoria, South-Eastern Metropolitan, Southern Metropolitan, Western Metropolitan and Western Victoria.

To illustrate my model ballot paper, I have taken the case of the Western Metropolitan Region. On the map applying to the 2014 and 2018 elections it consisted of these eleven Labor seats: Altona, Essendon, Footscray, Kororoit, Niddrie, St Albans, Sunbury, Sydenham, Tarneit, Werribee and Williamstown. Of those only Essendon, Niddrie, Sunbury and Werribee are seats the Liberal Party has any chance of winning. Yet the Liberal Party will always win at least one of the five seats in the Legislative Council.

The three Victorian virtues stated above are shared with at least one other upper house system. So, let me now tell of the Victorian virtue that is *unique to Victoria*. While every upper house PR system has above-the-line voting Victoria is *unique in giving voters an incentive to vote below the line*. For all the others the incentive is to vote above the line. That is why I have no difficulty in describing Victoria's system as "Proportional Representation by means of the Single Transferable Vote" or PR-STV for short. For the other four upper house PR systems my temptation is to dismiss that system as "semi party list" or "*de facto*, a party machine appointments system". The most offensive of the four is the Senate system with its *four contrivances* designed to confuse and deceive the voter, thus giving the maximum advantage to the big party machines in their quest for control over the voter. An alternative description for the Senate system might be "corrupted PR-STV".

The critical feature of Victorian exceptionalism lies in the directions on the ballot paper. For all of the 2006, 2010, 2014 and 2018 elections it has read, just above the ballot dividing line: "EITHER place the number 1 in one, and one only of these squares to indicate your choice". It has also read, just below the line: "OR place the numbers 1 to at least 5 in these squares to indicate your choice". The only problem is that voters still do not use the option to vote below the line. In 2006 only 148,846 votes were so cast, only five per cent of the total. In 2010 the number fell to 129,942, a miserable four per cent. However, as shown in Table 19 of my Statistical Appendix, there was a healthy rise to 207,855 votes (6.1 per cent) in 2014. There was a further healthy rise to 318,018 votes (8.9 per cent) in 2018.

My reader is now invited to turn back to page 9 where the Senate ballot paper for New South Wales in May 2019 is shown. Its designers COPIED words from Victoria. Thus, we have "by numbering at least 6 of these boxes" and "by numbering at least 12 of these boxes". The difference is that the Victorian words *mean what they say*: your vote is informal if you do not number 1, 2, 3, 4 and 5 below the line. That is your reasonable choice if you do not wish to adopt the Group Voting Ticket of a political party. However, the federal copy-cats have designed a DISHONEST ballot paper. They want you to believe that if you do not number 1, 2, 3, 4, 5 and 6 above the line (or 1 to 12 below the line) your vote is informal. Huge numbers of Australian voters actually believed that in 2016 and 2019 – but it was never the case for the Senate voting system.

It is true that the Victorian system has three contrivances as part of its above-the-line vote. The Group Voting Ticket is the third contrivance, and it is the one to which objection is often made. I would be very happy to see it eliminated as part of a *reform that eliminates all three contrivances*. Until that is done, however, I agree with Chris Curtis that the institution of the Group Voting Ticket is defensible. It is a simple device to give voters for a political party an easy way to register a formal vote. Those voters that dislike such an idea can do an easy vote by numbering candidates 1, 2, 3, 4 and 5 below the line.

It is also true that this system can be gamed by micro-parties that can get seats with few votes. Thus, the Democratic Labor Party won a seat in 2006. That meant Peter Kavanagh was one of the five members for Western Victoria from 2006 to 2010. I am not aware of any harm done to Victorian democracy by his presence in the chamber. He was a good MP.

Again, five such cases occurred at the 2014 election. That meant the 2014-18 term included Jeff Bourman (Eastern Victoria) and Daniel Young (Northern Victoria) from the Shooters and Fishers Party. Also, Rachel Carling-Jenkins (Western Metropolitan), Fiona Patten (Northern Metropolitan) and James Purcell (Western Victoria) graced the chamber with their presence. They came from the Democratic Labor Party, the Sex Party and the party known as "Vote 1 Local Jobs", respectively.

In the present 59<sup>th</sup> Parliament (elected in 2018) there are six members elected with fewer than 20,000 votes. They are:

- Rodney Barton (Transport Matters) in Eastern Metropolitan with 2,508 votes, or 0.60 per cent
- David Limbrick (Liberal Democrats) in S-E Metropolitan with 3,653 votes, or 0.84 per cent
- Clifford Hayes (Sustainable Australia) in Southern Metropolitan with 5,404 votes, or 1.26 per cent

- Andy Meddick (Animal Justice Party) in Western Victoria with 12,476 votes, or 2.71 per cent
- Fiona Patten (Reason Party) in Northern Metropolitan with 14,875 votes, or 3.30 per cent
- Tim Quilty (Liberal Democrats) in Northern Victoria with 17,187 votes, or 3.76 per cent

I accept the assertion that none of the above Victorian politicians would have been elected under any STV system modelled along Hare-Clark lines. Consequently, I ask the big parties to adopt the reforms I propose and there would never be micro parties in the Senate or in the Legislative Councils of Victoria or Western Australia. There would continue to be micro parties in the New South Wales Legislative Council and the South Australian Legislative Council because I am happy to accept the semi-permanence of their *de facto* party machine appointments systems. My first problem is with their continuation of eight-year terms consequent upon retaining rotation of members. My second problem is that it justifies party machine appointment as the method of filling casual vacancies.

#### Filling casual vacancies

The essential point about the Victorian system is that it sends the right message to voters. The Single Transferable Vote is a *candidate-based* electoral system. That is why, in any above-the-line type of system, there should be an incentive for voters to vote below the line. That is what the Victorian system does. Its only defect lies in the absence of any constitutional requirement (such as exists in Western Australia) that every member of the parliament shall be directly elected. If and when are adopted the reforms I propose for the Senate and the Legislative Councils of Victoria and Western Australia the Victorian politicians should behave as though such a requirement does exist in Victoria. Consequently, casual vacancies should be filled by counting votes again from the previous election. The current Victorian practice of filling casual vacancies by party machine appointment is very undesirable, but understandable in light of the fact of the Victorian Constitution lacking the requirement contained in the Constitution of Western Australia. Counting votes again to fill casual vacancies is part of the normal fabric of PR in Western Australia, Tasmania and the Australian Capital Territory but the WA method is inferior to the countback system of Hare-Clark. Countback should be extended to Victoria.

There is another point to be made: the Victorian method of filling casual vacancies is out-of-step with logic. Party machine appointment is illogical where there is rotation of members. Thus, it is logical for the Senate and the NSW and SA Legislative Councils. But there is no rotation under Hare-Clark and none for the WA Legislative Council. That is why Victoria (with its lack of rotation) should be brought into line with the three cases where there is no rotation. All four should fill their casual vacancies by recounting votes.

If the Victorian system sends the right message to voters, the current systems for the Senate and for the WA Legislative Council send the wrong message. Voters should not be encouraged to believe that the purpose of their votes is just to distribute numbers of party machine appointments between parties. They should be encouraged to understand that senators and WA upper house members are required by those constitutions to be directly chosen by the people. The same needs to apply in Victoria.



### Describing my Victorian reform

Included in this book is my model ballot paper for a better system to elect the Victorian Legislative Council. It is essentially the same as my model Senate ballot paper except that district magnitude is five, not seven. Thus, the words at the bottom of my model Senate ballot paper read: "Remember, your vote will not count unless you number at least 7 boxes" but my Victorian equivalent reads: "Remember, your vote will not count unless you number at least 5 boxes".

Virtually all the arguments advanced on page 24 to show the merits of my model Senate ballot paper apply to this Victorian equivalent. However, it is different in this respect. The Senate case is not a re-working of an existing Senate ballot paper. This one is. I have re-worked the actual ballot paper for the Western Metropolitan Region handed to voters on 24 November 2018 which I now describe.

The extreme left-hand part has the word DIRECTIONS in big letters. Then it has: "For your vote to count, you must vote in either one of the two ways described below." Then below that is the word EITHER followed by: "Place the number 1 in one, and one only of these squares to indicate your choice." Below that is the word OR followed by: "Place the numbers 1 to at least 5 in these squares to indicate your choice."

Moving to the right we have Group A, being two candidates for Derryn Hinch's Justice Party, followed by B, two candidates from the Animal Justice Party, followed by C, two candidates from Hudson 4 NV, followed by D, two candidates from Australian Liberty Alliance, followed by E, two candidates from Victorian Socialists, followed by F, two candidates from the Aussie Battler Party.

In my model ballot paper I have sought to save space by showing the two Hinch candidates separately. The others are lumped together. My reasoning is that groups B, C, D, E and F contain "rubbish" candidates whereas Derryn Hinch's Justice Party succeeded in getting Catherine Cumming elected.

Reverting to the actual ballot paper there is Group G Liberal. Since this group succeeded in getting Bernie Finn elected it is shown in full but the next groups to its right are (more or less) lumped together. That accounts for the "rubbish" groups H, I, J, K, L, M, N, O and P.

I now go to the extreme right of the ballot paper where there are two ungrouped candidates, Kathy Majdlik and Diana Grima. To its left is the most serious group of all, Labor in Group R. I have shown it in full, since three candidates were elected, Cesar Melhem, Ingrid Stitt and Kaushaliya Vaghela.

Finally, I come to the unlucky party, the Greens. They are one group to the left of Labor in Group Q. Their lead candidate, Huong Truong, was an incumbent member of the Legislative Council but was not re-elected in 2018. She is shown again in Table 17 of my Statistical Appendix. There it is shown that she polled 38,079 primary votes but preference distribution saw her lose the seat to Catherine Cumming who polled 31,354 primary votes.

### Might not the politicians cheat?

On page 24 above, in my section "Describing my Senate reform" I made this comment:

There are, however, some people who say the above-the-line format should stay with the instructions to read the choice to be "placing the number 1 in the box above the group of



your choice. You can show more choices if you want to by placing numbers in other boxes starting with the number 2"

It has occurred to me that there may be some people who would transfer that argument and apply it to Victoria. No one has yet quite done that, but I do not trust politicians to behave decently in this matter. Their instinct is always to do what their machines tell them to do. It is possible the machines of all four big parties involved may tell the Victorian politicians of the Labor, Liberal, Nationals and Greens parties that they should do precisely that. Their purpose would be to discourage voters from voting below the line – in order to ensure that the system be a party machine appointments system and not a genuine direct election.

Were Victoria's politicians to entertain the idea of doing that I would denounce them in the strongest possible terms. To do that would be an outrageous thing to do – even though Kevin Bonham and Antony Green would cheer them on. What a cynical pair of stasiocratic propagandists those two men are! My denunciation would take the form of saying that the politicians were making a mockery of the process in which their Electoral Matters Committee had engaged.

Following the 2018 election the EMC of the Parliament of Victoria called for submissions as a result of which it produced, in August 2020, a 230-page report titled *Inquiry into the conduct of the 2018 Victorian state election*. Chapter 11 is titled "Reforming the Upper House electoral system" and it runs from pages 203 to 222. The first two paragraphs read:

Many submitters to this Inquiry called for reforms to the ways votes are cast or counted for the Upper House. They argued that the 2018 results were problematic and did not appropriately reflect voters' intentions. They proposed a variety of changes intended to provide more democratic results at future elections.

This chapter sets out the evidence and arguments presented by submitters to this Inquiry. It also includes some analysis of the electoral data where relevant. However, the Committee has not explored these issues in depth and therefore has not reached any findings about these issues. The Committee considers that these matters need to be investigated more fully as part of a separate inquiry specifically looking at the Upper House electoral system. The Committee recommends such an inquiry in section 11.5.

So, am I disturbed or encouraged? I don't know. I dislike the fact that the Committee seems to give equal weight to every submission regardless of the status of the person making the submission. On the other hand, I am encouraged by the fact that the Committee takes seriously the idea of making no change. I say that because I would far prefer that no change be made than that the Parliament of Victoria would look to the Senate voting system as a model to copy.

It is not clear what this fresh inquiry proposes to do. Does it call for fresh submissions? Does it decide merely to invite every person originally making a submission to appear before the Committee? Does it confine that invitation to those whose names are footnoted in the report? If so I would be invited but invitations would also go to Allen Hampton, Ann Birrell, Anthony Williams, Antony Green, Ben Ramcharan, Ben Schneiders, Benjamin Preiss, Bob Hale, Bronwen Feenstra, Chris Curtis, Christine Banks, Colin Smith, David Reid, Fiona Patten, Geoff Goode, James McLaren, Jeff Waddell, Kate Watts, Kevin Bonham, Malcolm Baalman, Patrick Caplice, Phillip Walker, Royce Millar,

Sally Woodward, Stephanie Hodgins-May, Stephen Luntz, Sue Pennicuik, Timothy Burn, Thomas Killip, Tony Guttman and Vanessa Teague.

Suppose they try the outrage mentioned above – ignore the submissions and, with Green and Bonham as their cheer squad, do filthy deals whereby Labor, Liberal, Nationals and Greens politicians do as directed by their machines. What would the Andrews government say when it is pointed out that Labor favours the full preferential vote for the Assembly? It would be inconsistent and cynical to do that stitch-up for the Legislative Council.

In describing my Senate reform I considered the case of Eden-Monaro as the standard “bellwether” federal seat. However, I preceded that with this comment:

Federal politicians and party organisations have, for a hundred years, been willing to accept that the House of Representatives ballot paper requires the consecutive numbering of every square for candidates. These days the typical marginal federal seat has seven candidates. My argument is this: if it be thought reasonable for voters to be asked to number seven squares on the House of Representatives ballot paper why would it not be reasonable to ask voters to number seven squares on the Senate ballot paper?

I now apply that argument to Victoria where the typical marginal state seat has six candidates. My argument now is: if it be thought reasonable for voters to be asked to number six squares on the Legislative Assembly ballot paper why would it not be reasonable to ask voters to number five squares on the Legislative Council ballot paper?

Therefore, I searched through the eleven Labor state seats within the Western Metropolitan Region to find if there is any case at all like Eden-Monaro. Are those seats not all thoroughly safe for Labor? My search yielded the case of Essendon which, in days long gone, was often won by the Liberal Party. For example, from 1958 until his retirement in 1979 Essendon was held by Liberal Party grandee Sir Kenneth Wheeler.

So, I take the “How to vote Liberal in the Essendon District” at the most recent election. With six candidates, the Liberal was bottom and Labor’s incumbent Danny Pearson second from the bottom. The “how to vote Liberal” order reads 2, 3, 4, 5, 6 and 1. For the Legislative Council it says: “Just place the number 1 in Box G above the line”. So, under my reform this “how to vote Liberal” leaflet would read the same for the Legislative Assembly but for the Legislative Council it would read 1 Finn, 2 Gourisetty, 3 Deeming, 4 Wood and 5 Di Noia.

It is true that the present Victorian ballot papers are voter friendly. My proposition, however, is that mine would also be voter friendly. They would produce far more proportionality for the Legislative Council than was the case for the 2018 election while being correct in democratic principle. Readers wishing to understand the degree of disproportionality of the present situation are invited to study Tables 14, 15, 16 and 17 of my Statistical Appendix.

#### A possible Victorian solution

Having studied very closely the report titled *Inquiry into the conduct of the 2018 Victorian state election* (and, in particular, chapter 11 “Reforming the Upper House electoral system”) I have come to make another suggestion. It is based on my personal involvement in the dispute about the ACT

electoral system. During the 1989-1992 term of the ACT Legislative Assembly the method in operation was an unsatisfactory above-the-line system. It was criticised to the point that agreement was reached to use it again at the February 1992 election, the second under self-government – *but not thereafter*. That would be the second and last election under above-the-line voting. The next election would be under a candidate-based system – but there was no agreement as to which candidate-based system it should be.

The referendum was held on Saturday 15 February 1992 in conjunction with the general election. The message to voters in the guide sent to every voter began with the words “Dear Elector,” and were followed by: “This referendum is an opportunity for all electors in the Australian Capital Territory to have a say in deciding what kind of electoral system will be used for future ACT Legislative Assembly elections.” Then the choice was set out, being “the Single Member Electorates system” or “the Proportional Representation (Hare-Clark) system”. On the last page of the ten-page guide is set out the referendum ballot paper. The letter was signed by Brian Cox, the then federal Electoral Commissioner.

My proposal for Victoria would be a referendum to be the same in principle as that for the ACT. The choice would be between “the modified Hare-Clark system” and “the modified Victorian Legislative Council system”. The first choice would be the Hare-Clark system as described above. The second choice would be the existing Victorian system but with group voting tickets limited to 12 candidates to reduce the incentive for political activists to create phoney parties to harvest preferences. These have been called “pop-up” parties and have invited great hostility.

I believe the Hare-Clark option would win, probably by more than the two-to-one majority recorded in its favour at that ACT referendum. That would mean the November 2022 election would be held under the existing system, but the November 2026 election would be held under Hare-Clark, the details of which are described above. The micro party representatives on the Electoral Matters Committee would agree to this proposal because the new system (whichever it be) would not apply to the 2022 election. That new system would be significantly less generous to micro parties than the present system.

However, having castigated the federal big party machines for their targeting of one senator in 2016 (Ricky Muir) I think it would be reasonable to be able to say to the micro parties that they should support the proposal in the interests of democracy – knowing that none of them was specifically being targeted by this reform.

#### The Western Australian Legislative Council

Following Labor’s first landslide win at the March 2017 WA state election a Perth-residing, Labor supporting friend of mine said to me: “You call the Senate ‘unrepresentative swill’ but does not Western Australia’s upper house make a better claim to that description?” To that I replied: “When both parliaments have made the reforms I want, neither upper house would then need to be described in the way Paul Keating wanted for the Senate.” The question then is what reform I propose and how to get it.

On page 29 above I noted that both Victoria and Western Australia have done away with rotation of members, often referred to as "staggered terms", and I noted that "there is no case to continue with the old-fashioned conservative idea of rotation. It is a deeply undemocratic idea." I went on:

Let me explain why I give Victoria a credit mark of 65 per cent and Western Australia a fail mark of 45 per cent. Two reasons: first, there is the WA malapportionment . . . The second argument against the WA system is the wholly unreasonable below-the-line option given to voters. . ."

The WA malapportionment has been the bugbear of the left for many years. Successive Labor governments have eliminated it for the Legislative Assembly and reduced it for the Legislative Council – but only to the extent permitted by an upper house which Labor had never controlled. That changed in March 2021 with the second landslide victory of the McGowan Labor government. It delivered to Labor a Legislative Council in which Labor has 22 of the 36 seats. Anyway, here is what I wrote in *The Bulletin* magazine on 20 November 1976, pages 38 and 39:

The Western Australian seats are by far the most unequal in Australia. Seats in the Assembly in the metropolitan zone have an average of 15,589 electors while those in the agricultural, mining and pastoral zone have an average of only 7,950 electors. In addition, there are four seats in outlying areas with even fewer voters. Murchison-Eyre has only 2,101 electors and Gascoyne only 3,588.

Notwithstanding these great inequalities it is possible for Labor to win a narrow majority of seats in the Legislative Assembly when it wins a sufficiently commanding majority of the votes. That happened in 1971. The Legislative Council, however, is so thoroughly stacked that Labor has never won, and can never win, a majority there on the present system. Since 1890 Western Australia has had 27 elections for the Legislative Assembly, resulting in 13 changes of government between the two sides of politics. In the same period 38 elections have been fought for the Council but control has never changed. Labor has always been outnumbered. Even when universal adult franchise was introduced in 1965 inequalities stayed gross. North-East Metropolitan Province has 79,624 electors, while Lower North has only 5,689.

The party-political effect of this can best be illustrated by taking the 1971 election. Labor was able to win a narrow majority of one seat in the Assembly but made no progress in the Council. An election for the whole Assembly was accompanied by an election of half the members of the Council, ie 15 seats. In the half-Council election Labor won 50.2 per cent of the two-party preferred vote and won four seats. The Coalition won 49.8 per cent and 11 seats!

Coming to the present day, consider the numbers at the March 2021 election. The East Metropolitan Region had 423,759 electors, the North Metropolitan Region 427,779 electors and the South Metropolitan Region 449,182. So, 76 per cent of electors have half the seats (18 out of 36) and such a situation defines the extent of the malapportionment at the March 2021 election. Meanwhile, that malapportionment gave 69,651 electors to the Mining and Pastoral Region, 103,378 to the Agricultural Region and 242,983 to the South West Region. That 24 per cent of electors (as at March 2021) elected half the members of the Legislative Council



My solution to that situation is simple. Keep the boundaries of the three metropolitan regions the same but increase the number to be elected from six to nine. Then amalgamate the Agricultural, Mining and Pastoral and South West regions into a single region to be called "Agricultural, Mining, Pastoral and Tourism Region". It too would elect nine members. Such would produce a region with 416,012 electors, that being the lowest number – as it should be. There should continue to be a minor weighting of the vote against the Perth metropolitan area.

#### Removing the Group Voting Tickets

Victoria and Western Australia are the only states whose Legislative Council elections retain the institution of the Group Voting Ticket. It was never the issue in Western Australia that it has been for the Senate and Legislative Council elections in eastern Australia. However, there have been cases of micro-party candidates being elected on very small votes, through the services of the famous "preference whisperer", Glenn Druery.

In March 2013 Rick Mazza (of the "Shooters, Fishers and Farmers" party) was elected to the Legislative Council for the Agricultural Region in that way. In March 2017 he was an incumbent whose vote improved to the point where his re-election did not raise eyebrows. Although also an incumbent during the 40<sup>th</sup> Parliament (2017 to 2021) Mazza did not re-contest Agricultural in March 2021. He chose to stand for the South West Region but failed to win a seat.

There was another case in 2017. He was Aaron Stonehouse of the Liberal Democrats in the South Metropolitan Region. He was defeated in 2021 when his party's vote declined from 3.9 per cent to 0.9 per cent, after losing the advantage of being to the left of the Liberal Party on the ballot paper. In 2021 the six candidates for the Liberal Democrats (headed by Stonehouse) were in the middle of the ballot paper, just to the right of Labor. Four Labor candidates were elected, incumbents Sue Ellery and Kate Doust joined by newcomers Klara Andric and Stephen Pratt. Liberal MLC Nick Goiran was re-elected. The sixth seat went to Brad Pettitt of the Greens, the only member of that party elected in 2021. He had been the mayor of Fremantle.

With only one success in 2013 (Mazza) and only one in 2017 (Stonehouse) Druery looked forward to a better year in 2021 – and finished up feeling pretty pleased with himself. He had a spectacular win in the Mining and Pastoral Region where the result was the election of the Daylight Saving Party's Wilson Tucker. He polled just 98 votes, or 0.19 per cent of the vote, or 0.0131 quotas. That was the lowest-ever first preference vote for a winner. Tucker's party started off with a very low count but received preferences from every party and independent polling lower. It then engaged in a leap-frogging exercise, collecting preferences from other low polling parties and reached a quota to win a seat, beating a National Party candidate with fifty times as many primary votes. There were two other successes for Glenn Druery. The Legalise Cannabis Party secured the election of Brian Walker in the East Metropolitan Region and Sophia Moermond in the South West Region. Druery's total haul, therefore, was three seats out of 36.

Included in this book is my model ballot paper for a better system to elect the Legislative Council of Western Australia. It is my third attempt. The first model can be seen on my website – but it eliminated the above-the-line vote. When I learnt that it was impossible to sell politically, I decided upon a second model – also on my website. My selection of names for that, however, bore almost no relation to what the 2025 ballot paper would probably look like.

The model ballot paper for the East Metropolitan Region included in this book is for the nine members to which each of the four regions would be entitled. It includes the names of the six elected in 2021, in the order in which they were elected. Thus, for Labor Alanna Clohesy, Samantha Rowe, Matthew Swinbourn and Lorna Harper were elected in that order. Also shown are the two other successes, Donna Faragher of the Liberal Party and Brian Walker of Legalise Cannabis. To round off the ballot paper I have included Alison Xamon of the Greens who was Greens parliamentary leader until her defeat in 2021. She had been one of the members for the North Metropolitan Region.

#### Appointment of Ministerial Expert Committee on Electoral Reform

On 30 April 2021 the Attorney General and Minister for Electoral Affairs, John Quigley, announced the appointment of a Ministerial Expert Committee to advise him. The leader is former governor of Western Australia Malcolm McCusker AC CVO QC. Other members are respected Perth professors John Phillimore, Sarah Murray and Martin Drum. My submission to them took the form of a letter dated 20 May 2021. This document will be completed when I have a better idea as to what the future holds.

Statistical Appendix to “Unrepresentative Swill” Table 1: Informal voting at Senate elections

<b>Election</b>	<b>Total votes</b>	<b>Informal Votes</b>	<b>Per cent</b>
<i>Multi-seat plurality/36 senators</i>			
1901	531,428	58,504	11.0
1903	887,312	32,061	3.6
1906	1,059,168	67,318	6.4
1910	1,403,976	64,603	4.6
1913	2,033,251	114,947	5.7
1914	2,042,336	86,649	4.2
1917	2,202,801	86,011	3.9
<i>Preferential block majority/partial optional preferences/36 senators</i>			
1919	2,032,937	175,114	8.6
1922	1,728,224	163,137	9.4
1925	3,014,953	209,951	7.0
1928	3,224,500	318,667	9.9
1931	3,468,303	332,980	9.6
<i>Preferential block majority/compulsory preferences/36 senators</i>			
1934	3,708,578	420,747	11.3
1937	3,921,337	416,707	10.6
1940	4,016,803	383,986	9.6
1943	4,301,655	418,485	9.7
1946	4,453,941	356,615	8.0
<i>Democratic single transferable vote/compulsory preferences/60 senators</i>			
1949	4,697,800	505,275	10.8
1951	4,763,915	339,678	7.1
1953 <sup>a</sup>	4,810,964	219,375	4.6
1955	4,914,094	473,069	9.6
1958	5,141,109	529,050	10.3
1961	5,384,350	572,087	10.6
1964 <sup>a</sup>	5,556,980	387,930	7.0
1967 <sup>a</sup>	5,889,129	359,241	6.1
1970 <sup>a</sup>	6,213,763	584,930	9.4
1974	7,410,511	798,126	10.8
1975	7,881,873	717,160	9.1
1977	8,127,762	731,555	9.0
1980	8,513,992	821,628	9.7
1983	8,872,675	875,130	9.9
<i>Stasiocratic STV in first unconstitutional camel/76 senators</i>			
1984	9,331,165	437,065	4.7
1987	9,766,572	394,891	4.0
1990	10,278,830	349,065	3.4
1993	10,954,258	279,453	2.6
1996	11,294,479	395,442	3.5
1998	11,587,365	375,462	3.2
2001	12,098,490	470,961	3.9
2004	12,420,019	466,370	3.8
2007	12,987,814	331,009	2.5
2010	13,217,393	495,160	3.7
2013/14	13,783,925	403,380	2.9
<i>Manipulative STV in second unconstitutional camel/76 senators</i>			
2016	14,406,706	567,806	3.9
2019	15,184,085	579,160	3.8

a Separate Senate election.

Statistical Appendix to “Unrepresentative Swill” Table 2: Months of General Elections for the Australian House of Representatives 1901–2019

Month	Number	Years
March	5	1901, 1983, 1990, 1993, 1996
April	2	1910, 1951
May	5	1913, 1917, 1954, 1974, 2019
July	2	1987, 2016
August	2	1943, 2010
September	5	1914, 1934, 1940, 1946, 2013
October	6	1929, 1937, 1969, 1980, 1998, 2004
November	7	1925, 1928, 1958, 1963, 1966, 2001, 2007
December	12	1903, 1906, 1919, 1922, 1931, 1949, 1955, 1961, 1972, 1975, 1977, 1984
<b>Total</b>	<b>46</b>	



Statistical Appendix to “Unrepresentative Swill” Table 3: Half-Senate Election, 2010

**Date of Election**

21 August

**Further Information**

Seats filled:	40
Total enrolment:	14,086,869
Formal votes cast:	12,722,233 (96.3%)
Informal votes:	495,160 (3.7%)
Total votes:	13,217,393

Party	Votes		Change since 2007	Change since 2004	Seats		Over-under Representation
	Number	%			Number	%	
Liberal-National	4,914,205	38.6	-1.3	-6.5	18	45.0	+6.4
Labor	4,469,734	35.1	-5.2	+0.1	15	37.5	+2.4
Greens	1,667,315	13.1	+4.0	+5.4	6	15.0	+1.9
Democratic Labor Party	134,987	1.1	+0.2	+0.6	1	2.5	+1.4
Others	1,535,992	12.1	+2.3	+0.4	-	-	-12.1

Note: The above statistics come directly from the Australian Election Commission. They also come from page 274 of the *Parliamentary Handbook of the Commonwealth of Australia 2011* produced by the Parliamentary Library.

Statistical Appendix to “Unrepresentative Swill” Table 4: Half-Senate Elections, 2013/14

**Dates of Election**

7 September 2013 for the seven eastern jurisdictions

5 April 2014 for Western Australia

**Further Information**

Seats filled:	40
Total enrolment:	14,749,709
Formal votes cast:	13,380,545 (97.1%)
Informal votes:	403,380 (2.9%)
Total votes:	13,783,925

Party	Votes		Change since 2010	Change since 2007	Seats		Over-under Representation
	Number	%			Number	%	
Liberal-National	4,951,196	37.0	-1.6	-2.9	17	42.5	+5.5
Labor	3,965,284	29.6	-5.5	-10.7	12	30.0	+0.4
Greens	1,234,592	9.2	-3.9	+0.2	4	10.0	+0.8
Palmer United	751,121	5.6	+5.6	+5.6	3	7.5	+1.9
Liberal Democrats	502,180	3.8	+2.0	+3.7	1	2.5	-1.3
Nick Xenophon Group	258,376	1.9	+1.9	+0.7	1	2.5	+0.6
Family First	149,994	1.1	-1.0	-0.5	1	2.5	+1.4
Motoring Enthusiasts	66,807	0.5	+0.5	+0.5	1	2.5	+2.0
Others	1,500,995	11.3	+2.0	+3.4	-	-	-11.3

Note (1): The above statistics do not come directly from the AEC. Rather they are a re-working from pages 274 to 281 of the *Parliamentary Handbook of the Commonwealth of Australia 2014* produced by the Parliamentary Library. The pages are introduced by this note on page 274:

“The following section presents national, State and Territory results for the 2013-14 Senate elections. Note that the High Court, sitting as the Court of Disputed Returns, declared void the 7 September 2013 Senate result in Western Australia following the loss of 1,375 ballot papers. Subsequently a special half-Senate election was held in that state on 5 April 2014, the results of which are shown here.”

Note (2): If Victorian Senator Helen Kroger had won and Ricky Muir had lost, the Liberal-National seat-number would have been 18, or 45 per cent of seats. The Coalition’s over-representation, therefore, would have been 8 per cent.

Statistical Appendix to “Unrepresentative Swill” Table 5: 8<sup>th</sup> General Election for the Senate, 2 July 2016

Party	Number of Votes	% of Votes	% Change	Seats	Gain/Loss from 2014
Liberal-National	4,868,246	35.2	-1.8	30	-3
Labor	4,123,084	29.8	+0.2	26	+1
Greens	1,197,657	8.6	-0.6	9	-1
Pauline Hanson’s One Nation	593,013	4.3	+3.8	4	+4
Nick Xenophon’s Team	456,369	3.3	+1.4	3	+2
Liberal Democrats	298,915	2.2	-1.6	1	No change
Derryn Hinch’s Justice Party	266,607	1.9	+1.9	1	+1
Family First	191,112	1.4	+0.3	1	No change
Jacqui Lambie Network	69,074	0.5	+0.5	1	No change
Others	1,774,823	12.8(a)	-4.1(a)	None	-4
Total Formal	13,838,900	100.0		76	

Note (a) This decline is more than entirely caused by the 5.4 per cent fall in the share of the Palmer United Party.

Statistical Appendix to “Unrepresentative Swill” Table 6: Half-Senate Election, 18 May 2019, and Total Seats from 1 July 2019

Party	Number of Votes	% of Votes	% Change	Seats	Gain/Loss from 2016
Liberal-National <sup>(a)</sup>	5,548,142	38.0	+2.8	36 <sup>(a)</sup>	+6
Labor	4,204,313	28.8	-1.0	26	No change
Greens	1,488,427	10.2	+1.6	9	No change
Pauline Hanson’s One Nation	788,203	5.4	+1.1	2	-2
Centre Alliance <sup>(b)</sup>	28,416	0.2	-3.1	2	-1
Jacqui Lambie Network	31,383	0.2	-0.3	1	No change
Others <sup>(c)</sup>	2,516,039	17.2	-1.1 <sup>(c)</sup>	None	-3
Total Formal	14,604,925	100.0		76	

- (a) “Seats” refers to those elected as Liberal-National – so Cory Bernardi shown as Liberal. Note that the *entire gain* of six seats was, as planned, made by the Coalition.
- (b) Known as “Nick Xenophon’s Team” in 2016. Note that the left-wing senator (Tim Storer) from Nick Xenophon’s Team lost his seat to the Liberal Party.
- (c) In 2016 the combined vote of Liberal Democrats, Derryn Hinch’s Justice Party, family First and Others accounted for 18.3 per cent of the vote.



Statistical Appendix to “Unrepresentative Swill” Table 7: Senate General Election as Half-Senate Election, 2016

**Date of Election**

31 August<sup>(a)</sup>

**Further Information**

Seats filled:

36

Other information:

See Table 5

Party	Votes		Seats		Over-under Representation
	Number	%	Number	%	
Liberal-National	4,868,246	35.2	17	47.2	+12.0
Labor	4,123,084	29.8	13	36.1	+6.3
Greens	1,197,657	8.6	3	8.3	-0.3
Nick Xenophon’s Team	456,369	3.3	2	5.6	+1.3
Pauline Hanson’s One Nation	593,013	4.3	1	2.8	-0.5
Others	2,600,531	18.8			-18.8
Total Formal	13,838,900	100.0	36	100.0	

(a) That was the date of the Senate resolution reading as follows:

That, pursuant to section 13 of the Constitution, the senators chosen for each state be divided into two classes, as follows:

Senators listed at positions 7 to 12 on the certificate of election of senators for each state shall be allocated to the first class and receive 3-year terms.

Senators listed at positions 1 to 6 on the certificate of election of senators for each state shall be allocated to the second class and receive 6-year terms.

**My comment: in effect that was a case of the Senate conducting its own half-Senate election. The resolution was carried by 50 votes to 15.**

Statistical Appendix to “Unrepresentative Swill” Table 8: Half-Senate Election, 2019

<b>Date of Election</b>					
18 May					
<b>Further Information</b>					
Seats filled:	40				
Total enrolment:	16,419,543				
Formal votes cast:	14,604,925				
Informal votes:	579,160 (3.8%)				
Total votes:	15,184,085				
Party	Votes		Seats		Over-under Representation
	Number	%	Number	%	
Liberal-National	5,548,142	38.0	19	47.5	+9.5
Labor	4,204,313	28.8	13	32.5	+3.7
Greens	1,488,427	10.2	6	15.0	+4.8
Pauline Hanson's One Nation	788,203	5.4	1	2.5	-2.9
Jacquie Lambie Network	31,383	0.2	1	2.5	+2.3
Others	2,544,455	17.4			-17.4
Total Formal	14,604,925	100.0	40	100.0	

A crude way to calculate disproportionality would be to add together 9.5, 3.7, 4.8, 2.9 and 17.4 to produce a “distortion rate” of 40.6. In other words, disproportionality would be shown to have been greatest in 2019 consequent upon the so-called “democratic reforms” of 2016. The purpose of that enactment was to make Senate election results less fair than previously because, with the exception of Jacquie Lambie, independents were cut out. The only minor party allowed to win a seat in any state was the party very substantial support.

Statistical Appendix to “Unrepresentative Swill” Table 9: 46<sup>th</sup> Parliament, Comparing Whole Senate Seats with 2016 Votes

**Dates of Election**

2 July 2016, 31 August 2016 and 18 May 2019

**Further Information**

Seats filled:

76

Total enrolment:

See Tables 4 and 6

Party	Votes		Seats		Over-under Representation
	Number	%	Number	%	
Liberal-National	4,868,246	35.2	36	47.4	+12.2
Labor	4,123,087	29.8	26	34.2	+4.4
Greens	1,197,657	8.6	9	11.8	+3.2
Pauline Hanson's One Nation	593,013	4.3	2	2.6	-1.7
NXT – Centre Alliance	456,369	3.3	2	2.6	-0.7
Jacquie Lambie Network	69,074	0.5	1	1.3	+0.8
Others	2,531,457	18.3			-18.3
Total Formal	13,838,900	100.0	76	100.0	

Comparing the above table with Tables 3 and 4 it will be noticed that Labor and Greens stay the same at 26 and 9 respectively. By contrast the Coalition has gained six seats, two from Pauline Hanson's One Nation and one each from Centre Alliance, David Leyonhjelm, Derryn Hinch and Bob Day.

Statistical Appendix to “Unrepresentative Swill” Table 10: 46<sup>th</sup> Parliament, Comparing  
Whole Senate Seats with 2019 Votes

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**Dates of Election**

2 July 2016, 31 August 2016 and 18 May 2019

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**Further Information**

Seats filled:

76

Total enrolment:

See Tables 5 and 7

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Party	Votes		Seats		Over-under Representation
	Number	%	Number	%	
Liberal-National	5,548,142	38.0	36	47.4	+9.4
Labor	4,204,313	28.8	26	34.2	+5.4
Greens	1,488,427	10.2	9	11.8	+1.6
Pauline Hanson’s One Nation	788,203	5.4	2	2.6	-2.6
Centre Alliance	28,416	0.2	2	2.6	+2.4
Jacquie Lambie Network	31,383	0.2	1	1.3	+1.1
Others	2,516,039	17.2			-17.2
Total Formal	14,604,925	100.0	76	100.0	

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Statistical Appendix to “Unrepresentative Swill” Table 11: Elector Numbers 1949 and 2019

1. General Election 10 December 1949

State/Territory	Electors	Seats	Average electors per seat
New South Wales	1,916,746	47	40,782
Victoria	1,369,821	33	41,510
Queensland	697,029	18	38,724
Western Australia	315,771	8	39,471
South Australia	434,320	10	43,432
Tasmania	161,540	5	32,308
Australian Capital Territory*	11,841	1	11,841
Northern Territory*	6,586	1	6,586
Australia	4,913,654	123	39,948

\* Note that ACT and NT members did not enjoy full voting rights.

2. General Election 18 May 2019

State/Territory	Electors	Seats	Increase on 1949	Average electors per seat
New South Wales*	5,294,468	47	-	112,648
Victoria	4,184,076	38	5	110,107
Queensland	3,262,898	30	12	108,763
Western Australia	1,646,262	16	8	102,891
South Australia*	1,210,817	10	-	121,082
Tasmania*	385,816	5	-	77,163
Australian Capital Territory	295,847	3	2	98,616
Northern Territory	139,359	2	1	69,680
Australia	16,419,543	151	28	108,739

\* Note the interesting fact that New South Wales, South Australia and Tasmania elected the same number of members of the House of Representatives in 2019 as they had elected in 1949.

Statistical Appendix to “Unrepresentative Swill” Table 12: Entitlements with 14 Senators per State for 2019 Election

Jurisdiction	Population 31 August 2017	Divided by Quota	Result of Division	Number of Members
New South Wales	7,797,791	141,247.39	55.20662	55
Victoria	6,244,227	141,247.39	44.20773	44
Queensland	4,883,739	141,247.39	34.57578	35
Western Australia	2,567,788	141,247.39	18.17936	18
South Australia	1,716,966	141,247.39	12.15574	12
Tasmania	519,050	141,247.39	3.67476	5
Australian Capital Territory	408,562	141,247.39	2.89253	3
Northern Territory	247,512	141,247.39	1.75233	2
Australia	24,385,635			174

Statistical Appendix to “Unrepresentative Swill” Table 13: Entitlements with 14 Senators per State for 2021/22 Election

Jurisdiction	Population 3 July 2020	Divided by Quota	Result of Division	Number of Members
New South Wales	8,128,984	147,888.87	54.96684	55
Victoria	6,651,074	147,888.87	44.97346 <sup>(a)</sup>	45
Queensland	5,129,996	147,888.87	34.68818 <sup>(a)</sup>	35
Western Australia	2,639,080	147,888.87	17.84502	18
South Australia	1,759,184	147,888.87	11.89531	12
Tasmania	537,012	147,888.87	3.63119	5
Australian Capital Territory	429,559	147,888.87	2.90461 <sup>(a)</sup>	3
Northern Territory	247,280	147,888.87	1.67207	2
Australia	25,522,169			175

- (a) Note that over the period from 2017 to 2020 the population of three jurisdictions grew more rapidly than for Australia as a whole, ACT, Victoria and Queensland. For the Northern Territory the population declined slightly. For the states of New South Wales, Western Australia, South Australia and Tasmania the population grew more slowly than for Australia as a whole.

Statistical Appendix to “Unrepresentative Swill” Table 14: Victorian Legislative Council Election, 24 November 2018: Total First Preference Votes by Party and Assessment of Proportionality of Results

Party	Votes	% Votes	Seats	% Seats	Over-representation
Labor Party	1,405,475	39.2	18	45.0	+5.8
Liberals and Nationals	1,054,779	29.4	11	27.5	-1.9
The Greens	331,479	9.3	1	2.5	-6.8
Derryn Hinch’s Justice Party	134,266	3.8	3	7.5	+3.7
Liberal Democrats	89,428	2.5	2	5.0	+2.5
Shooters, Fishers and Farmers Party	108,280	3.0	1	2.5	-0.5
Animal Justice Party	88,520	2.5	1	2.5	none
Fiona Patten’s Reason Party	49,013	1.4	1	2.5	+1.1
Sustainable Australia	29,831	0.8	1	2.5	+1.7
Transport Matters	22,051	0.6	1	2.5	+1.9
Others	270,356	7.5	-	-	-7.5
Total Formal Votes	3,583,478	100.0	40	100.0	

Statistical Appendix to “Unrepresentative Swill” Table 15: Likely Results for the Victorian Legislative Council Under Mackerras Electoral System, 24 November 2018

Electoral Region	Labor	Liberal	National	Greens	SFF	Reason	Total
Eastern Metropolitan	2	2	-	1	-	-	5
Eastern Victoria	2	1	1	-	1	-	5
Northern Metropolitan	2	1	-	1	-	1	5
Northern Victoria	2	1	1	-	1	-	5
South-Eastern Metropolitan	3	2	-	-	-	-	5
Southern Metropolitan	2	2	-	1	-	-	5
Western Metropolitan	3	1	-	1	-	-	5
Western Victoria	2	2	-	1	-	-	5
Total	18	12	2	5	2	1	40

Statistical Appendix to “Unrepresentative Swill” Table 16: Victorian Legislative Council Election, 24 November 2018: Total First Preference Votes by Party and Proportionality under Mackerras Electoral System

Party	Votes	% Votes	Seats	% Seats	Over-representation
Labor Party	1,405,475	39.2	18	45.0	+5.8
Liberals and Nationals	1,054,779	29.4	14	35.0	+5.6
The Greens	331,479	9.3	5	12.5	+3.2
Shooters, Fishers and Farmers Party	108,280	3.0	2	5.0	+2.0
Fiona Patten’s Reason Party	49,013	1.4	1	2.5	+1.1
Others	634,452	17.7	-	-	-17.7
Total Formal Votes	3,583,478	100.0	40	100.0	

The most notable feature of the Legislative Council result was the fact that the Greens lost four of the five seats they had won in 2014. In part this was due to a fall in their vote, from 10.7 per cent in 2014 to 9.3 per cent in 2018. That accounts for the loss of one seat, with Nina Springle defeated in South-Eastern Metropolitan. The other three losses, however, resulted from the operation of the electoral system. Under my reform the Greens would have suffered no net loss, since the election of Lloyd Davies in Western Victoria would have cancelled out the defeat of Nina Springle in the South-Eastern Metropolitan Region.



Statistical Appendix to “Unrepresentative Swill” Table 17: Comparison of Greens Lead Candidates and Other Cross Bench Winners: Victorian Legislative Council Election 24 November 2018

Region	Greens Lead Candidate		Other C-B Winners	
Northern Metropolitan (Quota: 75,040)	Samantha Ratnam <sup>(a)</sup>		Fiona Patten (Reason) <sup>(c)</sup>	
	73,102 votes	16.24%	14,875 votes	3.30%
Southern Metropolitan (Quota: 71,610)	Sue Pennecuik <sup>(b)</sup>		Clifford Hayes (Sustainable Australia)	
	55,207 votes	12.85%	5,404 votes	1.26%
Eastern Metropolitan (Quota: 69,756)	Samantha Dunn <sup>(c)</sup>		Rodney Barton (Transport Matters)	
	34,957 votes	8.35%	2,508 votes	0.60%
Western Metropolitan (Quota: 77,210)	Huong Truong <sup>(a)</sup>		Catherine Cumming (Derryn Hinch's Justice Party)	
	38,079 votes	8.22%	31,354 votes	6.77%
Western Victoria (Quota: 76,750)	Lloyd Davies		Stuart Grimley (Derryn Hinch's Justice Party)	
	32,398 votes	7.04%	20,277 votes	4.40%
Eastern Victoria (Quota: 77,936)	Tom Cummings		Andy Meddick (Animal Justice Party)	
	30,000 votes	6.42%	12,476 votes	2.71%
Northern Victoria (Quota: 76,118)	Nicole Rowan		Jeff Bourman <sup>(c)</sup> (Shooters, Fishers and Farmers)	
	28,296 votes	6.20%	22,895 votes	4.90%
South-Eastern Metropolitan (Quota: 72,830)	Nina Springle <sup>(c)</sup>		Tania Maxwell (Derryn Hinch's Justice Party)	
	23,251 votes	5.32%	21,993 votes	4.82%
			Tim Quilty (Liberal Democrats)	
			17,187 votes	3.76%
			David Limbrick (Liberal Democrats)	
			3,653 votes	0.84%

(a) Sitting member appointed to fill a casual vacancy

(b) Sitting member elected at the 2006, 2010 and 2014 elections

(c) Sitting member elected at the 2014 election

Statistical Appendix to “Unrepresentative Swill” Table 18:  
Disproportionalities for WA Legislative Council Election 13 March 2021

Party	Votes	% vote	Seats	% seats	Over- representation
Labor	868,374	60.3	22	61.1	+0.8
Liberal	254,380	17.7	7	19.5	+1.8
National	40,285	2.8	3	8.3	+5.5
Greens	91,849	6.4	1	2.8	-3.6
Legalise Cannabis	28,473	2.0	2	5.6	+3.6
Daylight Saving	3,485	0.2	1	2.8	+2.6
Others	152,322	10.6	-	-	-10.6
Total Formal Vote	1,439,168	100.0	36	100.0	

The most notable feature of the above is the fact that the Greens lost all four seats they had won in 2017. The seats were one each in East Metropolitan, North Metropolitan, South West and the Mining and Pastoral Region. Having lost those four seats, the Greens were given a consolation prize. They gained a seat in 2021 in South Metropolitan. Their current under-representation is due to the combination of a lower vote, the malapportionment and their inability to negotiate favourable group voting tickets.

The over-representation of the Nationals is entirely due to the malapportionment. The election of the Daylight Saving Party’s Wilson Tucker in the Mining and Pastoral Region was a spectacular success for the distinguished “preference whisperer” Glenn Druery. Tucker polled just 98 primary votes which means that the other 3,387 votes for the party went to waste. Tucker’s 98 votes were 0.19 per cent of the region’s vote, or 0.0131 quotas. So, he started with a very low vote count but received preferences from every party and independent polling lower. He finished with 7,661 votes, 651 more than the quota.

The Legalise Cannabis Party was also a success for Druery. Through his work the party secured the election of Brian Walker in the East Metropolitan Region and Sophie Moermond in the South West Region.

Statistical Appendix to “Unrepresentative Swill” Table 19:  
Legislative Council Election 13 March 2021  
Disproportionalities under Mackerras Electoral System

Party	Votes	% vote	Seats	% seats	Over- representation
Labor	868,374	60.3	23	63.9	+3.6
Liberal	254,380	17.7	7	19.5	+1.8
National	40,285	2.8	2	5.5	+2.7
Greens	91,849	6.4	4	11.1	+4.7
Others	184,280	12.8	-	-	-12.8
Total Formal Vote	1,439,168	100.0	36	100.0	

As a result of discontinuing group voting tickets combined with increasing district magnitude (from six to nine) the Greens are able to retain their seat in the South Metropolitan Region and gain a seat in each of the East Metropolitan, North Metropolitan and Agricultural, Mining, Pastoral and Tourism regions. Deprived of the group voting ticket system Tucker, Walker and Moermond lose their seats. As the biggest party Labor gains a seat. Ending the malapportionment costs the Nationals one seat. However, the Nationals could win three of the nine seats in the Agricultural, Mining, Pastoral and Tourism Region if they could raise their vote significantly.

Statistical Appendix to “Unrepresentative Swill” Table 20: Above and below the line: WA Senate and WA Legislative Council

	2013 Senate		2014 Senate		2016 Senate		2017 Legislative Council		2019 Senate		2021 Legislative Council	
	Votes	%	Votes	%	Votes	%	Votes	%	Votes	%	Votes	%
ATL	1,260,147	96.2	1,219,795	95.5	1,290,839	94.5	1,284,261	96.1	1,367,694	94.5	1,403,069	97.5
BTL	50,131	3.8	58,005	4.5	75,343	5.5	52,258	3.9	78,929	5.5	36,099	2.5
Total Formal	1,310,278		1,277,800		1,366,182		1,336,519		1,446,623		1,439,168	

Statistical Appendix to “Unrepresentative Swill Table 21: Above and below the Line: Victorian Senate and Victorian Legislative Council

	2013 Senate		2014 Legislative Council		2016 Senate		2018 Legislative Council		2019 Senate	
	Votes	%	Votes	%	Votes	%	Votes	%	Votes	%
ATL	3,291,314	97.3	3,210,816	93.9	3,314,376	94.7	3,267,567	91.1	3,524,271	94.3
BTL	90,215	2.7	207,855	6.1	185,861	5.3	318,018	8.9	215,172	5.7
Total Formal	3,381,529		3,418,671		3,500,237		3,585,585		3,739,443	

The point of collecting and publishing the above information is to illustrate the difference between the way people vote depending on whether the ballot paper is voter-friendly or party-machine friendly. The stasiocratic ballot papers (both versions for the Senate plus that for the WA Legislative Council) were designed to discourage voters from voting below the line. Hence, we have ever-declining numbers of those who vote below the line culminating in the March 2021 WA election when that vote was a miserable 36,099 or 2.5 per cent of the total formal vote of 1,439,168. Victoria should be strongly commended for its voter-friendly ballot paper for the Legislative Council. Readers, therefore, are invited to notice the high numbers of those who vote below the line in Victoria. There were 207,855 such votes in November 2014 (6.1 per cent) rising to 318,018 in November 2018 (8.9 per cent).

Note: the original of this table can be found on page 19 of my document “Western Australian Malapportionment for Legislative Council”. My computer skills are so poor I could not copy and paste a table of landscape statistics into this document.



High Court of Australia

McKenzie v Commonwealth [1984] HCA 75; (1984) 59 ALJR 190; 57 ALR 747 (27 November 1984)

## HIGH COURT OF AUSTRALIA

McKENZIE v. COMMONWEALTH OF AUSTRALIA AND OTHERS

High Court of Australia  
Gibbs C.J.(1)

### CATCHWORDS HEARING

Canberra

27:11:1984

### DECISION

GIBBS C.J. The plaintiff, Mr McKenzie, is a candidate for election as a senator for the State of Queensland. By his statement of claim he claims a declaration that the sections of the Commonwealth Electoral Act 1918 (Cth), as amended ("the Act"), which authorize the use at a Senate election of a ballot paper in Form E in the schedule to the Act are beyond the power of the Parliament and an injunction restraining the defendants from distributing or making available to electors in the State of Queensland ballot papers in Form E in the schedule to the Act. The practical effect of such an injunction, if it were granted, would be to prevent the holding of the election on 1 December.

2. The plaintiff argued his own case and did so very clearly. The submissions which he has made are understandable and by no means irrational. The provisions which he seeks to have declared invalid are of recent origin and, so he contends, place him, as a candidate who belongs to no political party, at a disadvantage in his bid for election.

3. By s.209(1) of the Act, ballot papers to be used in a Senate election shall be in Form E in the schedule. The form directs the voters to vote in either of two ways. The ballot paper is divided horizontally by a black line. Below the line, the names of the individual candidates appear with a square opposite each; above the line are squares intended to simplify voting for voters who wish to follow a group ticket. Provision is made by s.168 of the Act for candidates to claim to have their names grouped in the ballot papers. In printing the ballot paper the names of the candidates included in groups are to be printed before the names of candidates not included in groups but the order of the groups is determined in the manner provided by s.213, in effect by lot: s.210(a) and (c). Except as otherwise provided by the regulations, a square is to be printed on the ballot paper opposite the name of each candidate: s.210(f) and Form E. Where the names of candidates are included in a

group and those candidates lodge with the Australian Electoral Office a statement in accordance with s.211 indicating their order of preferences or orders of preferences in relation to all the candidates, they are taken to have a group voting ticket or tickets, and a square is to be printed on the ballot papers for use in the election above the names of those candidates: s.211(4) and (5). Such square appears above the line dividing the ballot paper: see Form E. The voter may mark his vote either by placing numbers in the squares opposite the names of the candidates below the line or simply by placing the figure "1" or a tick or a cross in one only of the squares above the line: s.239. Where the paper has been marked in a square above the line, it is deemed to have been marked in accordance with the group voting ticket or tickets lodged by the candidates in the relevant group: s.272.

4. Further, by s.214, when a candidate is registered under s.146, and the name of "a registered political party" is entered in the register of candidates in relation to that candidate, the name of that party shall be printed adjacent to his name on the ballot paper - s.214(1). In the case of a group, the name of the party also appears adjacent to the square above the line - s.214(2). Only an eligible political party may be registered - s.124 - and "an eligible political party" means "a Parliamentary party" (that is, a political party which has at least one member in the Parliament of the Commonwealth, or the Parliament of a State, or the Legislative Assembly of the Northern Territory or the Australian Capital Territory House of Assembly) or a political party other than a Parliamentary party that has at least 500 members - s.123. A candidate who is not a member of a registered political party may, but need not, have the word "independent" printed adjacent to his name - ss.146(1)(c), 214 (3)(b).

5. As the plaintiff has rightly pointed out, a candidate who is not a member of "a registered political party" may be disadvantaged because the name of the party, if any, to which he belongs will not appear on the ballot paper. A candidate who is not a member of a group cannot take advantage of the simplified voting procedure which involves the marking of a square above the line. Indeed, there is no means provided, above the line, for recording a vote for such a candidate.

6. The question that now falls for decision is whether the provisions of the Act to which I have referred are open to objection on constitutional grounds. The plaintiff submitted, first, that electors who use the simplified system of voting will be voting for parties and not for candidates and that this will contravene s.16 of the Constitution which provides for the qualifications of a senator: it is right to say that the electors voting at a Senate election must vote for the individual candidates whom they wish to choose as senators but it is not right to say that the Constitution forbids the use of a system which enables the elector to vote for the individual candidates by reference to a group or ticket. Members of Parliament were organized in political parties long before the Constitution was adopted and there is no reason to imply an inhibition on the use of a method of voting which recognizes political realities provided that the Constitution itself does not contain any indication that such a method is forbidden. No such indication, relevant to the present case, appears in the Constitution.

7. The second principal ground taken by the plaintiff is that it offends general principles of justice to discriminate against candidates who are not members of established parties or

groups. Section 7 of the Constitution provides, amongst other things, that the Senate shall be composed of senators for each State directly chosen by the people of the State. I am prepared to assume that s.7 requires that the Senate be elected by democratic methods but if that is the case it remains true to say that "it is not for this Court to intervene so long as what is enacted is consistent with the existence of representative democracy as the chosen mode of government and is within the power conferred by s.51(xxxvi)" of the Constitution to use the words of Stephen J. in *Attorney-General (Cth); Ex rel. McKinlay v. The Commonwealth* [1975] HCA 53; (1975) 135 CLR 1, at pp 57-58.

8. In my opinion, it cannot be said that any disadvantage caused by the sections of the Act now in question to candidates who are not members of parties or groups so offends democratic principles as to render the sections beyond the power of the Parliament to enact. I am by no means satisfied that s.353(1) of the Act, which provides that the validity of any election or return may be disputed by petition addressed to the Court of Disputed Returns and not otherwise, would prevent this Court from interfering by injunction if a challenge were successfully made to the provisions of the Act on constitutional grounds. The case is distinguishable from *Berrill v. Hughes*, recently decided by Mason J., which turned on statutory and not on constitutional considerations. Nor do I think that s.47 of the Constitution is relevant to the present case. Having regard to the conclusion which I have reached, however, those questions do not now arise.

9. For the reasons that I have expressed the injunction must be refused.

#### **ORDER**

Motion for injunction refused.

State of claim struck out.  
Action dismissed.

## CHAPTER THIRTEEN: CONCLUSION

Australia's Senate voting system was greatly improved when it was altered in 1948 to change from the previous winner-take-all basis to providing for counting votes by proportional representation using the Single Transferable Vote. Unfortunately, that excellent system was then – and later even more so – significantly distorted by extra provisions being superimposed upon it. These are what I call “the contrivances”, three from 1984 to 2014, four since 2016. Consequently, our Senate voting system now sets out to confuse, deceive and manipulate the voters. It does that for the benefit of the machines of big political parties. They designed it and own it.

The Senate is thus rightly described as *Unrepresentative Swill*, the title of this book, but not for the reason Paul Keating coined that term in 1992. The sub-title of this book was originally intended to be *Australia's Senate Vote Disgrace* which is what I actually think. My advisers, however, thought that made me sound too extreme so I settled for *Australia's Ugly Senate Voting System*.

It is not only our federal politicians that should hang their heads in shame. There are others too, chief among them being the judges of the High Court, those Pharisees that hand down so many laws from the bench. They have given reputability to a system that should universally be regarded as disreputable. The purpose of this book, therefore, is to provide a *ringing dissent* from those judgments of the High Court that have ruled above-the-line voting to be consistent with the Australian Constitution.

The first big High Court case is entitled *McKenzie v Commonwealth of Australia and Others* – (1984) 57 ALR 747. That was a case I merely watched from a distance. The sole judge, the Chief Justice, the late Sir Harry Gibbs, expressed his judgment by writing: “In my opinion, it cannot be said that any disadvantage caused by the sections of the Act now in question to candidates who are not members of parties or groups so offends democratic principles as to render the sections beyond the power of the Parliament to enact.” That decisive, but telling, sentence in his ruling makes it clear the High Court Judge accepted that above-the-line voting was consistent with section 7 of the Constitution, although it remains of concern that his use of the expression “. . . so offends . . .” might well record his having recognised *some* degree of offence to democratic principles – just not enough for a judge who, for political reasons, decided to allow the new system to go into operation.

My view is clear. Cyril John McKenzie was an ungrouped candidate who received 86 votes. He told Sir Harry Gibbs of his view that the system mightily offended his democratic principles when a first preference vote for Senator Margaret Reynolds, Senator David McGibbon or Senator Ron Boswell could be recorded by placing a single 1 above the line in the square for the Labor, Liberal or National parties but to vote for McKenzie required the voter to number all squares consecutively from 1 to 28. I agree with McKenzie. That unfairness *does so offend democratic principles* as to render the sections beyond the power of the Parliament to enact. For that and other reasons described in my chapter *Judges Exercise their Power* I rule the McKenzie judgment to have been wrongly decided.

The second big case was the one in which I assisted. Its official title is *Day v Australian Electoral Officer for the State of South Australia; Madden v Australian Electoral Officer for the State of Tasmania* (2016) HCA 20: S77/2016 and S109/2016. It was handed down on Friday 13 May, four days after the double dissolution that was put into effect on Monday 9



May 2016. In this book I have preferred to call these by their short names, being *McKenzie 1984* and *Day and Madden 2016*.

I seek to make the Constitution's words "directly chosen by the people" fully operative again by getting rid of all the contrivances associated with above-the-line voting. My objective is to allow the Senate's proportional representation counting system to work properly. That brings me back to the chapter *Judges Exercise their Power*. In that chapter I noted this: "The big problem is High Court idolatry".

Being my ringing dissent, Chapter 11 *Judges Exercise their Power* is the most important chapter in this book. In it I also referred to the way in which the Pharisees, having swallowed the camel of this horrible Senate voting system, then proceeded to strain a dozen gnats out of federal parliament. For the record here is a list of the 12 gnats in the 45<sup>th</sup> Parliament who were "strained out" by the power of the judges of the High Court: Rodney Culleton, Bob Day, David Feeney (House of Representatives), Katy Gallagher, Hollie Hughes, Skye Kakoschke-Moore, Jacqui Lambie, Scott Ludlam, Fiona Nash, Stephen Parry, Malcolm Roberts and Larissa Waters. Eleven names in the above alphabetically arranged list were senators while Feeney was a member of the House of Representatives.

The second most important is Chapter 12 *Is the Senate "Unrepresentative Swill"?* Whether I like it or not, whether senators like it or not, the Australian Senate will always be known for that description. However, it will mean different things to different people. For Paul Keating and Graham Richardson it will bear that description due to the malapportionment – insignificant though it is compared with that of the US Senate. For George Williams it will bear that description because the voting arrangements are not sufficiently stasiocratic. For me, by contrast, I firmly intend to stop using that description once the electoral system is genuinely democratic.

### **Operation of the Sixth Australian Senate Voting System**

The sixth Australian Senate voting system first operated at a Senate general election for which polling day was Saturday 2 July 2016. Its second operation was in respect of the periodical election for half the Senate for which polling day was Saturday 18 May 2019. That was the critical election. Its result proved beyond doubt the truth that I always asserted. The *Commonwealth Electoral Amendment Act 2016* was always nothing more than the Coalition rigging the system in its own favour.

Throughout the years 2013, 2014 and 2015 my campaign was against the *prospect* of it. Throughout the months of February, March, April and May 2016 I campaigned against the *legislation* for it. My campaign now is against the *whole idea of such an outlandish and dishonest system*. The best word now to describe it is the word used in the title of this book – UGLY.

The *Commonwealth Electoral Amendment Act 2016* introduced into Australian electoral law-making a wholly new idea. It is the concept of the noble politician that deceived the voter for the voter's own good - a bad notion to contemplate! There was nothing noble about the filthy deals that were done to get the required parliamentary majorities for the implementation of the system. The whole thing was driven by the greed of the collaborating parties that did deals with each other. Unfortunately, they won – at least in the short term.

The one aspect of it that greatly pleased me was the way in which it quickly backfired against three of the four collaborating parties. In the short term the only beneficiary was the fourth party, Nick Xenophon. He increased his Senate numbers from one (himself) to three, but then blew it with his quixotic bid to become a significant leader in the Parliament of South Australia. He failed spectacularly so I was at least able to commit the sin of *schadenfreude* – assuming it is a sin to take delight in the misfortune of such a disreputable collection of party politicians.

Now that the history books mark Malcolm Turnbull, Nick Xenophon and Barnaby Joyce as failed leaders the time has come to scrap the Senate voting system that was concocted by them and is surely the worst-ever Senate voting system, in addition to being the worst voting system to operate in Australia today. My reform would make a very worthy replacement – which is why I have written this book.

Thus far I have not mentioned the fourth collaborator, Richard Di Natale. He has retired but I am hopeful his party will one day endorse the reforms I propose. However, the big beneficiary has been Scott Morrison. Labor today has 26 senators, the same number as three years ago. The Greens have nine, the same number as three years ago. However, the Coalition has 36 where it had 30 three years ago. That is because (in net terms) the cross bench has six senators fewer. They were defeated or retired from the Senate in expectation of defeat. One was the independent Derryn Hinch. One was Senator Tim Storer, very much a man of the left. The other four were elected in 2016 from minor parties of the right. In net terms all six seats went to the Liberal Party. Those six new senators are, therefore, reliable supporters of the Coalition, contrasting with the unreliable senators they replaced.

### **How Does One Change the System?**

There exists a significant degree of public support for my views – but I cannot really measure how much. The interesting case is the Proportional Representation Society of Australia. The members of the PRSA certainly stand upon a moral high ground, but I think it to be a *peculiar* moral high ground! Their definite view is that the *Commonwealth Electoral Amendment Act 2016* brought about an improvement to the Senate voting system, and that my scheme would be a further improvement. They assure me that they favour scrapping what they call “the above-the-line contrivance”. Note the use of the singular. It is one contrivance in their view where I insist there are *four contrivances* in the Senate system.

The PRSA also advocates that a single first preference vote should - if that is all a voter is prepared to provide - always count as a formal vote. I reject that view, as does Chris Curtis. The PRSA does accept that it is permissible to instruct voters to mark preferences up to the number to be elected, because

- that avoids the theoretical, and constitutionally undesirable, possibility of fewer than that number of candidates names having preferences marked against them, and
- it is always desirable to encourage the marking of preferences in a transferable vote system, and to avoid it becoming a *de facto* first-past-the-post system.

It is to be noted that the Tasmanian Hare-Clark system requires five squares to be numbered for a vote to be formal, with five being the current number (since 1998) to be elected in each electoral division. When seven was the number to be elected (from 1959 up to, and including,

the 1996 election) the Tasmanian Hare-Clark system required seven squares to be numbered for a vote to be formal. The current ballot paper reads on the bottom: "Your vote will not count unless you number at least 5 boxes." The previous ballot paper did the same (in less felicitous language) in respect of seven-member divisions. In effect it said: "Your vote will not count unless you number at least 7 squares". Anyway, the point is that the Tasmanian voter is left in no doubt about the formality rules. That is as it should be. It is not the case with the current Senate ballot papers, which concentrate on indicating the voter's duty – as defined by the Parliament's law – and do not clutter the ballot papers with all the details of the law's concession rules with regard to formality, which include acceptance of a single tick or cross above the line, and are irrelevant to voters that wish to do their duty as defined.

The contrivances of the Senate voting system have developed over time. My view is that the present four are really nothing more than dirty tricks played on voters by the machines of big political parties. The politicians (and their media cheer squad) claim that their reforms have been designed to help voters. I reject that claim. The politicians have been helping themselves by doing what their party machines require. Consequently, their ballot papers are voter-unfriendly but party-machine-friendly. I prefer now to say "party machine friendly on steroids."

The PRSA advocates another feature of Hare-Clark, Robson Rotation. While I accept Robson Rotation where it now operates, I do not insist upon it. The PRSA also advocates the banning of "how to vote" material on polling day outside polling places, as each is the law of Tasmania's elections for both houses of its Parliament. I regard such material as simply being part of Australia's federal and mainland political culture.

However, I think that the most peculiar of the stances of the PRSA is its insistence that the present Senate system is democratically superior to the system whereby the Victorian Legislative Council is currently elected. I reject that view entirely, as does Curtis. The Victorian system needs reform along the lines outlined by me in my chapter *Victorian Exceptionalism* but, even unreformed, it is still better than the Senate system. Whereas the Victorian system is honest, that for the Senate is dishonest. The unreformed Bracks-owned Victorian system conforms to the requirements of the Victorian Constitution. The "reformed" Turnbull-owned Senate system is contemptuous of the requirements of the nation's Constitution.

The leaders of the PRSA are far too doctrinaire for my tastes. In conversation with them I find it most irritating when they dispute the word "deceitful" I use to describe the instructions on the Senate ballot paper – shown below. They suggest that imputing dishonourable motives to particular details of legislation serves little purpose, when the benefit of discontinuing the Group Voting Ticket has been achieved, albeit it only having been replaced by an arguably better, but still less-than-decent system, rather than the sought discontinuance of ANY above-the-line option.

They say I should use the words "incomplete" or "oversimplified". Both words are correct as are "inaccurate" and "misleading". Those words are far too weak for me to consider using. I



**You may  
vote in one of  
two ways**

**Either**

**Above the line**

By numbering at least 6 of these boxes in the order of your choice (with number 1 as your first choice).



**Or**

**Below the line**

By numbering at least 12 of these boxes in the order of your choice (with number 1 as your first choice).

KNOW that the words are deceitful. The voter is deliberately intended to believe that certain types of votes are informal when in fact they are just as formal as those following the instructions. I invite readers to study those instructions and make up their minds about how they should be described. I should add that several individual members of the PRSA have told me they agree with me that the instructions are deceitful. I have yet to meet an ordinary member of the public who disputes my description of the instructions.

In any event I think I am making progress with the PRSA. On the night of Thursday, 12 July 2018 it was possible for me to persuade the ACT Branch of the PRSA to pass a motion supporting my reform proposal. The resolution adopted reads as follows:

That the ACT Branch would support a change to the Senate voting system which would see the removal of above-the-line voting and only have optional preferential voting (similar to the voting system for the Tasmanian House of Assembly and the ACT Legislative Assembly). Under these conditions, the Branch could support an increase in the Senate membership to allow 14 senators per State and a corresponding increase in the size of the House of Representatives.

The precise wording of that resolution is interesting. It was drafted in consultation with PRSA members Martin Dunn, Julie McCarron-Benson and Stephen Morey. I think it shows that at least one branch of the PRSA recognises it is in the interests of all the parties (both major and minor) to have an odd number of Senate places to be filled at each periodic election of State senators - to avoid stalemates an even number facilitates - and that support for such improvement could advantageously be linked to a policy of such parties also to discontinue provisions for above-the-line voting. Raising that number from six to seven would increase the size of the Senate from 76 to 88.

The precise wording of that resolution illustrates the reluctance of PRSA members to encourage *any increase* in the number of politicians representing single-member electoral divisions. For as long as the present voting system for the House of Representatives stays in place it rankles with many PRSA members that an increase of 12 senators would cause an

increase of 24 members of the House of Representatives. However, the long-standing policy of the PRSA is to have above-the-line voting discontinued. Hence that branch's support for me in this case.

Further success with the PRSA then became my goal. It would, I thought, be highly desirable if the PRSA nationally adopted a resolution similar in its thinking to that of the ACT. I consulted with Victoria-Tasmania branch Secretary, Geoff Goode, who was PRSA National President from 1986 to 1994. He drafted for me a motion to put to the Victoria-Tasmania branch Council but was not able to get support there.

I then came to understand that my proposal might well run into more trouble than I had expected. One or two individual State branches might not be on the same page as me. There was, therefore, no point in the spending of my own money visiting all the branches when I may be rebuffed by one or two of them. So, I must content myself with success with the ACT Branch only.

It does not really matter. The long-standing national policy of the PRSA is to have above-the-line voting discontinued. It is also to have odd-numbered district magnitudes. This raises an interesting set of statistics about my reform proposals. At present Australia has a total of 837 politicians in 15 houses of parliament. Of those only 112 (76 senators and 36 in the WA Legislative Council) are chosen from even-numbered district magnitudes. If all my reform proposals were adopted, however, there would be between 870 and 875 Australian politicians of whom only four would be elected from even-numbered district magnitudes. The four in question are the two senators elected from the Northern Territory and the two from the ACT.

I know that there exists a significant number of members of the PRSA who agree with me more-or-less entirely. There also exists a huge number of members of the general public who agree with me entirely. These considerations illustrate both the strength and weakness of my position. The politicians make electoral laws, but they occupy the lowest moral ground possible to imagine. They do what is demanded by their machines. Those machines want to continue the system that is, *de facto*, a party machine appointment system - and not a genuine direct election. Yet the politicians *just might agree* to a decent Senate voting system in return for having an extra 24 seats in the House of Representatives justified by third-party validation.

Both the PRSA and I understand the reality of this. We both want the Senate reform I propose. A by-product of that Senate reform would be the creation of 24 more seats in the House of Representatives. Where I differ from the PRSA lies in the simple fact that I give that a higher priority than it does.

In any event my problem with the PRSA is trivial compared to my problem with the politicians that always place the short-term interests of their own machines ahead of all other considerations. During debate about the *Commonwealth Electoral Amendment Act 2016* I would frequently describe it as breathtaking in its contempt for the Constitution. I was accused of over-stating my case, but I continue to hold that opinion. Perhaps my alternative would be to accuse the politicians of contumacy, which is defined as "perverse and obstinate resistance to authority". The authority I have in mind is the Constitution. The problem there is the simple fact that the judges of the High Court regularly uphold the right of federal politicians to be contumacious.



In my *Introduction* I referred to the famous quip by Sir Winston Churchill: "The Americans can always be relied upon to do the right thing – but only after they have exhausted every alternative". My hope is that I shall live to see the day when I am able to say this: "Australia's federal politicians can always be relied upon to do the right thing – but only after they have exhausted every alternative".

## CHAPTER EIGHT: REFORM OF UPPER HOUSES IN NEW SOUTH WALES AND SOUTH AUSTRALIA

The voting systems for the Legislative Councils of New South Wales and South Australia have enough in common that they should be considered together. Consequently, I begin by noting that my pass mark is 58 per cent for New South Wales and 51 per cent for South Australia. In this chapter I explain why those marks are so low compared with the three proportional representation systems which earn my genuine approval - but also why New South Wales deserves the higher mark of the two. I also explain why the semi-permanence of these two systems should be accepted. I propose no reforms to either system today. Furthermore, I do not adumbrate any future reform. In that respect these two systems are like the two existing Hare-Clark systems. By way of contrast I strongly advocate early reform of the Senate system and that for the Western Australian Legislative Council. In my next chapter I explain how Victoria's system can so easily be made better.

There are two things about both the New South Wales and South Australian systems that earn my immediate disapproval. First, I dislike the continuation of the rotation of members – a feature sometimes called “staggered terms”. Second, I dislike the idea of a member of parliament being appointed by a party machine for a period of eight years.

At this point I ask readers to study the ballot papers in my Appendix. The first is from New South Wales and is very well designed. This particular ballot paper comes from the March 2015 election but is identical, in principle, to that for March 2003, March 2007, March 2011 and March 2019, a total of five elections. I have underlined the name of Mark Pearson to illustrate his unusual characteristic. From all of the above-cited elections Pearson was the candidate from a micro-party to receive the lowest primary vote. His first preference vote was 75,842 or 1.8 per cent of the total formal vote of 4,316,498 for New South Wales as a whole.

The first thing to notice is that the instructions discourage people from voting both above and below the ballot dividing line. There are those analysts who favour keeping above-the-line voting for Senate elections. Such advocates say the Senate ballot paper should copy New South Wales which is another way of paying tribute to the Premier State. My position is that Senate above-the-line voting should be scrapped. However, it should continue to be tolerated in New South Wales given that it is justified by its high district magnitude whereby 21 members are elected compared with six for the Senate. In that circumstance *the instructions should discourage people from voting both above and below the line*, as New South Wales does. It should be noted that the voter who disobeys that instruction does not find her/his vote declared informal.

The remaining three instructions for the above-the-line vote are sensible and honest and contrast with the Senate equivalent instructions which are so dishonest and deceitful. This illustrates the difference between the PROPERLY CONSIDERED system in New South Wales and the new Senate system which is nothing more than a greed-driven and cynical re-contriving of the contrivances of the old Senate system – to the advantage of the machines of big political parties. That Mark Pearson could be elected to the Legislative Council for a term of eight years is proof enough that the big parties were not motivated by any desire that they should cheat the minor parties out of parliamentary seats. The contrast between the two systems could not be greater.

Now to the vote below the line. Readers may wonder about the big S there. The explanation is that this is the extreme left part of the ballot paper which has SAMPLE stamped across it. The instructions really need no further explanation. They are honest and self-explanatory, and their honesty and completeness show the Senate and South Australian Legislative Council instructions up in a bad light.

The Legislative Council ballot paper for the New South Wales election on 23 March 2019 is also shown. It is Figure 2 – and is the same in principle as Figure 1. Note this point: whereas the underlined candidate in Figure 1 (Mark Pearson of the Animal Justice Party) won the last seat in an

interesting count the underlined candidate in Figure 2 (Mark Banasiak from the Shooters, Fishers and Farmers party) was elected on the first count with a quota in his own right.

Two ballot papers are shown for South Australia. The first is the one applying in October 1997. In principle this is the same as applied in December 1985, November 1989, December 1993, February 2002, March 2006, March 2010 and March 2014, a total of eight elections. However, this particular ballot paper lies at the uncomplicated end of a spectrum of complication. As micro parties enjoyed increasing success in gaming the system electoral authorities had to resort to more and more ways to keep the system manageable. The “principle”, however, remained the same throughout. Here was the classic case of a de facto party machine appointment system in which the elector was offered a direct election option but one so difficult to use that the parties guaranteed their members would always be elected in the “correct” order. Hence such a system could easily be described under the heading “semi party list” even though the counting of votes was according to the principles of Proportional Representation by means of the Single Transferable Vote.

The second ballot paper (Figure 4) was the one in force at the election held on 17 March 2018. When I have the *magnum opus* version of this book published, I shall explain how the torturous parliamentary debates of 2017 produced this semi-honest ballot paper. Essentially the Liberal members tried to pretend that the Senate system introduced in the previous year was a genuine democratic reform. Senator Nick Xenophon joined with them in that propaganda. The owners of the new Senate system joined together in its praise! Labor would not have a bar of it. Eventually the ballot paper produced was the one I have shown in Figure 4 that has the characteristics described below.

First, the above-the-line instruction is honest since it more-or-less follows New South Wales. Second, the below-the-line instruction is deceitful. It copies exactly the equivalent Senate instruction. The words “Numbering at least 12 of these squares in the order of your choice” is designed to *discourage* voters from using that option. In fact, a vote 1, 2, 3, 4, 5 and 6 is formal but the ballot paper does not reveal that fact to the voter.

So, here we have two very stasiocratic systems in the states of New South Wales and South Australia – and I have indicated my clear preference between the two. In both cases the party machines ensure that their members are elected in the “correct” order. Notwithstanding the above, the new South Australian system is an improvement on the old and only 43 candidates stood at this 2018 election. That is simplicity itself compared with the way in which the old system was developing. I gave a fail mark of 40 per cent to the old system. The new system gets a bare pass mark from me of 51 per cent.

That New South Wales deserves a higher pass mark (58 per cent) must now be clear. Its ballot paper is large which makes it somewhat voter-unfriendly. However, it is very well designed. The system has high district magnitude which makes it the most proportional in the country. The district magnitude of 11 for South Australia means it too is reasonably proportional. Both compare pretty favourably with the Senate and its district magnitude of a mere six at half-Senate elections. The Senate system is designed to punish minor parties, something which cannot be said of South Australia and, especially, the New South Wales system. So, both appear to be entrenched since they satisfy a large number of parties.

Readers are encouraged to study the statistics of the Appendix to this chapter which, I submit, justify my marks. A look at the statistics for the March 2019 New South Wales election tells us of a system designed by politicians who were generous to minor parties. Such minor parties can win seats without ever being accused of gaming the system! That is not conspicuously true of South Australia as shown by the failure of Robert Brokenshire and Kelly Vincent to win a second term of eight years. Nevertheless, the new system does deserve a bare pass mark. Thus, the present situation remains

that only the Senate system and that for the Legislative Council of Western Australia are desperately in need of reform. When my reforms for those two upper houses are implemented (if they are implemented) South Australia will have the lowest mark – for the reasons explained above.

**You may vote either ABOVE OR BELOW the line:**

If you vote **ABOVE** the Line:

- Write the number **1** in the square next to the group of your choice.
- You can show more choices, if you want, by writing numbers in the other squares, starting with number 2.
- Do not write any numbers below the line.

Group A

☐

NO LAND TAX

Group B

☐

OUTDOOR  
RECREATION PARTY

Group C

☐

ANIMAL JUSTICE  
PARTY

THE LINE

**OR**

If you vote **BELOW** the Line:

- Write the numbers **1 to 15** in the squares next to the candidates of your choice. You must number at least 15 squares for your vote to be counted.
- Write number 1 in the square next to the candidate who is your first choice, number 2 in the square next to your second choice and then keep numbering 3 to 15.
- You can show more choices, if you want, by writing numbers in the other squares, starting with number 16.
- Do not write any numbers above the line.

Group A  
NO LAND TAX

Group B  
OUTDOOR  
RECREATION PARTY

Group C  
ANIMAL JUSTICE  
PARTY

☐

JONES  
Peter  
NO LAND TAX

☐

GARBONE  
Pat  
NO LAND TAX

☐

MAGRI  
Gus  
NO LAND TAX

☐

RUBEN  
James  
NO LAND TAX

☐

ADAMSON  
Cary  
NO LAND TAX

☐

O'TOOLE  
Cathy  
NO LAND TAX

☐

FITZPATRICK  
Sharon  
NO LAND TAX

☐

WILSON  
Ron  
NO LAND TAX

☐

LOPREIATO  
Joe  
NO LAND TAX

☐

ARMER  
Jessa  
NO LAND TAX

☐

CACCIOTTI  
Emma  
NO LAND TAX

☐

AUSTIN  
James  
NO LAND TAX

☐

FRANZONE  
Frank  
NO LAND TAX

☐

MACLAREN  
Ulysses  
NO LAND TAX

☐

LYNCH  
Kate  
NO LAND TAX

☐

COOK  
Patricia  
NO LAND TAX

☐

WHELAN  
Peter  
OUTDOOR RECREATION PARTY

☐

ELLIS  
Mark  
OUTDOOR RECREATION PARTY

☐

WHELAN  
James  
OUTDOOR RECREATION PARTY

☐

BELL  
S  
OUTDOOR RECREATION PARTY

☐

DE LIMA  
Joaquin  
OUTDOOR RECREATION PARTY

☐

BERNER  
Richard  
OUTDOOR RECREATION PARTY

☐

FROST  
Adam  
OUTDOOR RECREATION PARTY

☐

NICKOL S  
Graham  
OUTDOOR RECREATION PARTY

☐

MUSGRAVE  
Jin  
OUTDOOR RECREATION PARTY

☐

PETERSEN  
Terje  
OUTDOOR RECREATION PARTY

☐

KOLHATKAR  
Vinay  
OUTDOOR RECREATION PARTY

☐

DENTON  
Stephen  
OUTDOOR RECREATION PARTY

☐

GAREMYN  
Keth  
OUTDOOR RECREATION PARTY

☐

BEREGSZASZI  
James  
OUTDOOR RECREATION PARTY

☐

DAWSON  
R W  
OUTDOOR RECREATION PARTY

☐

PEARSON  
Mark  
ANIMAL JUSTICE PARTY

☐

STONER  
Lynda  
ANIMAL JUSTICE PARTY

☐

KEENAN  
Tracey  
ANIMAL JUSTICE PARTY

☐

GARLICK  
Rosemary  
ANIMAL JUSTICE PARTY

☐

WOOLFE  
Marcel  
ANIMAL JUSTICE PARTY

☐

RISELEY  
Julia  
ANIMAL JUSTICE PARTY

☐

DINGLE WALL  
Sally  
ANIMAL JUSTICE PARTY

☐

DAVISON  
Douglas  
ANIMAL JUSTICE PARTY

☐

ROBERTSON  
Cora  
ANIMAL JUSTICE PARTY

☐

ERICKSEN  
Wayne  
ANIMAL JUSTICE PARTY

☐

ERICKSEN  
Joanna  
ANIMAL JUSTICE PARTY

☐

BELLEGER  
Carol  
ANIMAL JUSTICE PARTY

☐

TOMASUMS  
Debbie  
ANIMAL JUSTICE PARTY

☐

PATERSON  
Kate  
ANIMAL JUSTICE PARTY

☐

AKKANEN  
Laurie  
ANIMAL JUSTICE PARTY

☐

TAYLOR  
Theresa  
ANIMAL JUSTICE PARTY

Fold this ballot paper so your  
vote cannot be seen and  
place it in the ballot box  
(or in the envelope provided).





This page gives the following information regarding the election of Mark Pearson at the election for 21 members of the Legislative Council held on 28 March 2015.

**Total votes for NSW for the Legislative Council**

Formal vote:	4,316,498
Informal vote:	258,368
Total vote:	4,574,866
Enrolment:	5,040,662
Percentage informal:	5.65%
Percentage turnout:	90.76%

**1st preference vote for Mark Pearson from the Animal Justice Party**

Animal Justice Party above the line first preference votes:	74,562
Mark Pearson below the line 1st preference votes:	1,280
Total first preference vote for Mark Pearson:	75,842

**Final vote for Mark Pearson at the time of his election**

At the final count, ie: count 391, four candidates were elected to the Legislative Council without achieving the quota. These four candidates were:

Courtney Houssos (Labor):	184,054
Robert Borsak (Shooters and Fishers):	177,563
Fred Nile (Christian Democratic Party (Fred Nile Group)):	133,989
Mark Pearson (Animal Justice Party):	91,420

The quota was 196,205.

# You may vote either **ABOVE** OR **BELOW** the line:

If you vote **ABOVE** the line:

- Write the number **1** in the square for the group of your choice.
- You can show more choices, if you want to, by writing numbers in the other squares, starting with the number 2.
- Do not write any numbers below the line.

## Group A



SHOOTERS, FISHERS  
AND FARMERS

## Group B



SOCIALIST ALLIANCE

## Group C



SUSTAINABLE AUSTRALIA

# OR

If you vote **BELOW** the line:

- Write the numbers **1 to 15** in the squares for candidates in the order of your choice. You must number at least 15 squares for your vote to be counted.
- You can show more choices, if you want to, by writing numbers in the other squares, starting with the number 16.
- Do not write any numbers above the line.

Fold this ballot paper so your vote cannot be seen and place it in the ballot box (or in the envelope provided).

You must not take a ballot paper out of the voting centre



NSW  
Electoral  
Commission

## Group A SHOOTERS, FISHERS AND FARMERS

☐ **BANASIAK**  
Mark  
SHOOTERS, FISHERS AND FARMERS

☐ **COOKE**  
Brett  
SHOOTERS, FISHERS AND FARMERS

☐ **THOMAS**  
Helli  
SHOOTERS, FISHERS AND FARMERS

☐ **COTRONEO**  
Diane  
SHOOTERS, FISHERS AND FARMERS

☐ **NOUJAIM**  
Alain  
SHOOTERS, FISHERS AND FARMERS

☐ **MULLIGAN**  
Raymond  
SHOOTERS, FISHERS AND FARMERS

☐ **RICHARDS**  
Peter  
SHOOTERS, FISHERS AND FARMERS

☐ **SPEARS**  
Daniel  
SHOOTERS, FISHERS AND FARMERS

☐ **SMITH**  
Benjamin  
SHOOTERS, FISHERS AND FARMERS

☐ **SINGLE**  
Kirsty  
SHOOTERS, FISHERS AND FARMERS

☐ **LESAGE**  
Jason  
SHOOTERS, FISHERS AND FARMERS

☐ **WOOD**  
Jacqui  
SHOOTERS, FISHERS AND FARMERS

☐ **FARRELL**  
Howard  
SHOOTERS, FISHERS AND FARMERS

☐ **ROMANO**  
Karen  
SHOOTERS, FISHERS AND FARMERS

☐ **HAWKINS**  
Ray  
SHOOTERS, FISHERS AND FARMERS

☐ **HOWDEN**  
John  
SHOOTERS, FISHERS AND FARMERS

☐ **SHAW**  
Bob  
SHOOTERS, FISHERS AND FARMERS

☐ **COOK**  
David  
SHOOTERS, FISHERS AND FARMERS

## Group B SOCIALIST ALLIANCE

☐ **EVANS**  
Rachel  
SOCIALIST ALLIANCE

☐ **BOYLE**  
Peter  
SOCIALIST ALLIANCE

☐ **ASHBY**  
Sam  
SOCIALIST ALLIANCE

☐ **CHUTER**  
Andrew  
SOCIALIST ALLIANCE

☐ **SANCHEZ**  
Paula  
SOCIALIST ALLIANCE

☐ **CRAIG**  
Phil  
SOCIALIST ALLIANCE

☐ **HINMAN**  
Pip  
SOCIALIST ALLIANCE

☐ **BASSI**  
Raul  
SOCIALIST ALLIANCE

☐ **GLEESON**  
Margaret  
SOCIALIST ALLIANCE

☐ **McILROY**  
Jim  
SOCIALIST ALLIANCE

☐ **WYNTER**  
Coral  
SOCIALIST ALLIANCE

☐ **DOWDELL-PARKES**  
Zebadee  
SOCIALIST ALLIANCE

☐ **COBAN**  
Semra  
SOCIALIST ALLIANCE

☐ **RODEN**  
Duncan  
SOCIALIST ALLIANCE

☐ **RYAN-JONES**  
Topia  
SOCIALIST ALLIANCE

☐ **McALEAR**  
Joel  
SOCIALIST ALLIANCE

☐ **McGREGOR**  
Nicole  
SOCIALIST ALLIANCE

☐ **COLEMAN**  
John  
SOCIALIST ALLIANCE

## Group C SUSTAINABLE AUSTRALIA

☐ **BOURKE**  
William  
SUSTAINABLE AUSTRALIA

☐ **KREET**  
Alexander  
SUSTAINABLE AUSTRALIA

☐ **YUE**  
Xiaowei  
SUSTAINABLE AUSTRALIA

☐ **BURKE**  
Ann  
SUSTAINABLE AUSTRALIA

☐ **LANDWEHR**  
Torsten  
SUSTAINABLE AUSTRALIA

☐ **GOLDIE**  
Jenny  
SUSTAINABLE AUSTRALIA

☐ **LUI**  
Wing In (Catherine)  
SUSTAINABLE AUSTRALIA

☐ **MORELLI**  
Bradd  
SUSTAINABLE AUSTRALIA

☐ **HOONAN**  
Alison  
SUSTAINABLE AUSTRALIA

☐ **GRZIC**  
Warren  
SUSTAINABLE AUSTRALIA

☐ **O'ROURKE**  
Chris  
SUSTAINABLE AUSTRALIA

☐ **ALDEN**  
John  
SUSTAINABLE AUSTRALIA

☐ **BRUNNER**  
Ashley  
SUSTAINABLE AUSTRALIA

☐ **COTTEE**  
Mike  
SUSTAINABLE AUSTRALIA

☐ **WRIGHT**  
Kerry  
SUSTAINABLE AUSTRALIA

☐ **REID**  
Peter  
SUSTAINABLE AUSTRALIA

☐ **GREEN**  
Jill  
SUSTAINABLE AUSTRALIA

☐ **WILDER**  
Michael  
SUSTAINABLE AUSTRALIA

☐ **KERRISON**  
Anthea  
SUSTAINABLE AUSTRALIA

☐ **MAGNUSON**  
Alan  
SUSTAINABLE AUSTRALIA

☐ **WINTER**

**YOU MAY VOTE BY**

**Either**

placing the single figure 1 in one and one only of these squares to indicate the registered voting ticket(s) you wish to adopt for your vote.

**OR**

placing consecutive numbers commencing 1, 2, 3, 4, etc and ending with 51 in the squares immediately to the left of the respective candidates so as to indicate the order of your preference for them.



<input type="checkbox"/> AUSTRALIAN GREENS	<input type="checkbox"/> INDEPENDENT NO POKIES CAMPAIGN	<input type="checkbox"/> NATURAL LAW PARTY	<input type="checkbox"/> GREY POWER	<input type="checkbox"/> INDEPEND FOR AUSTRALIA/ FIRST
<input type="checkbox"/> PETIT PAUL Australian Greens	<input type="checkbox"/> XENOPHON NICK Independent No Pokies Campaign	<input type="checkbox"/> VINCENT LYNDAL Natural Law Party	<input type="checkbox"/> GILBEY-RILEY EMILY Grey Power	<input type="checkbox"/> PREECE BRUCE Independent Australia Fi
<input type="checkbox"/> HELLING RITA Australian Greens	<input type="checkbox"/> MORAN BOB Independent No Pokies Campaign	<input type="checkbox"/> LORENZON HEATHER Natural Law Party	<input type="checkbox"/> DARBISHIRE G Gray Power	<input type="checkbox"/> MOORE EVONNE Independent Australia Fi
	<input type="checkbox"/> DEAN PATRICIA Independent No Pokies Campaign	<input type="checkbox"/> CHIPPERFIELD PAMELA Natural Law Party		
	<input type="checkbox"/> CRAIG GRAHAM Independent No Pokies Campaign	<input type="checkbox"/> LUCKMAN DOUG Natural Law Party		
		<input type="checkbox"/> DUNNING SANDRA JANETTE Natural Law Party		

The above ballot paper comes from the election of 11 members of the Legislative Council held in October 1997. This was the election which first returned Nick Xenophon. The result was four each Labor and Liberal, two Democrats and Xenophon. However, the result of the previous election in December 1993 was six Liberal, four Labor and one Democrat. Consequently, during the 1997-2002 term the state of parties in the Legislative Council was ten for the Liberal Party, eight Labor, three Democrats and Xenophon.

## Appendix to Chapter 8: Figure 4

**South Australia**  
**Ballot Paper for the Election of 11 Legislative Councillors**  
 You are not legally obliged to mark the ballot paper

**YOU MAY VOTE BY**

**EITHER**  
 Placing the number 1 in the square next to the group of your choice. You can show more choices if you want to by placing numbers in the other squares starting with the number 2

**OR**  
 Numbering at least 12 of these squares in the order of your choice

A	B	C	D
<input type="checkbox"/> STOP POPULATION GROWTH NOW	<input type="checkbox"/> THE GREENS	<input type="checkbox"/> DIGNITY PARTY INC	<input type="checkbox"/> NICK XENOPHON'S SA-BEST

---

A	B	C	D
<input type="checkbox"/> COUCH Bob Liberal Party of South Australia	<input type="checkbox"/> FRANKS Tammy The Greens	<input type="checkbox"/> VINCENT Kelly Liberal Party	<input type="checkbox"/> BONAROS Connie Liberal Party of South Australia
<input type="checkbox"/> ROBERTS Michael Stop Population Growth Now	<input type="checkbox"/> FARRELL Matt The Greens	<input type="checkbox"/> OLEBY Diana Liberal Party	<input type="checkbox"/> PANGALLO Frank Liberal Party of South Australia
	<input type="checkbox"/> SUTHERLAND Ashley Liberal Party	<input type="checkbox"/> MANN Ryan Liberal Party	<input type="checkbox"/> JOHNSON Sam New South Wales Liberal Party
	<input type="checkbox"/> MILLAR Rosa The Greens	<input type="checkbox"/> SIMON Esther Liberal Party	<input type="checkbox"/> MADELEY Andrea New South Wales Liberal Party
	<input type="checkbox"/> WYLLIE Kate The Greens		<input type="checkbox"/> VINCENT Peter New South Wales Liberal Party

Issuing Officer Initials

After voting, fold the ballot paper and place it in the ballot box or declaration envelope

As can be seen from the tables of the Appendix minor party candidates Tammy Franks, Connie Bonaros and Frank Pangallo were elected. Kelly Vincent was a member from 2010 until defeated in 2018.

Note : the ballot paper on  
page 8 (Figure 4) is the model for  
my Western Australian model  
ballot paper for the East  
Metropolitan Region at the 2025  
election.

Malcolm Mackerras

20 May 2021



Appendix to Chapter 8 Table 1: NSW Legislative Council: Total Formal  
First Preference Votes by Party: 26 March 2011

Party	Votes	%	% Change on 2007	Seats Won
Liberal/National	1,943,246	47.7	+13.5	11
Australian Labor Party	967,242	23.7	-15.4	5
The Greens	453,125	11.1	+2.0	3
Shooters and Fishers	150,741	3.7	+0.9	1
Christian Democratic Party	127,233	3.1	-1.3	1
Pauline Hanson Group	98,043	2.4	+2.4	-
Others	336,394	8.3	-2.1	21
Total Formal Votes	4,076,024	100.0		

In addition, there were 230,261 informal votes. They were 5.4 per cent of the total vote of 4,306,285.

Appendix to Chapter 8 Table 2: NSW Legislative Council: Total Formal  
First Preference Votes by Party: 28 March 2015

Party	Votes	%	% Change on 2011	Seats Won
Liberal/National	1,839,452	42.6	-5.1	9 (+1)
Australian Labor Party	1,341,943	31.1	+7.4	7 (-2)
The Greens	428,036	9.9	-1.2	2
Shooters and Fishers	167,871	3.9	+0.2	1
Christian Democratic Party	126,305	2.9	-0.2	1
Animal Justice Party	76,819	1.8	+1.8	1 (+1)
Others	336,072	7.8	-2.9	-
Total Formal Votes	4,316,498	100.0		

In addition, there were 258,368 informal votes. They were 5.7 per cent of the total vote of 4,574,866.

Appendix to Chapter 8 Table 3: NSW Legislative Council: Total Formal  
First Preference Votes by Party: 23 March 2019

Party	Votes	%	% Change on 2015	Seats Won
Liberal/National	1,549,751	34.8	-7.8	8 (-3)
Australian Labor Party	1,321,449	29.7	-1.4	7 (+2)
The Greens	432,999	9.7	-0.2	2 (-1)
Pauline Hanson's One Nation	306,933	6.9	+6.9	2 (+2)
Shooters, Fishers and Farmers	246,477	5.5	+1.6	1
Animal Justice Party	86,713	2.0	+0.2	1 (+1)
Christian Democratic Party	101,328	2.3	-0.6	- (-1)
Others	405,496	9.1	+1.3	-
Total Formal Votes	4,451,146	100.0		

In addition, there were 301,681 informal votes. They were 6.3 per cent of the total vote of 4,752,827.

Appendix to Chapter 8 Table 4: Members Elected to NSW  
Legislative Council 23 March 2019

Order of Election	Name	Party
1	Catherine Cusack	Liberal Party
2	Tara Moriarty	Labor Party
3	David Shoebridge	The Greens
4	Mark Latham	Pauline Hanson's One Nation Party
5	Mark Banasiak	Shooters, Fishers and Farmers Party
6	Niall Blair	The Nationals
7	Penny Sharpe	Labor
8	Abigail Boyd	The Greens
9	Damien Tudehope	Liberal Party
10	Greg Donnelly	Labor Party
11	Taylor Martin	Liberal Party
12	Anthony D'Adam	Labor Party
13	Sarah Mitchell	The Nationals
14	Daniel Mookhey	Labor Party
15	Natalie Ward	Liberal Party
16	Peter Primrose	Labor Party
17	Natasha Maclaren-Jones	Liberal Party
18	Wes Fang	The Nationals
19	Mark Buttigieg	Labor Party
20	Emma Hurst	Animal Justice Party
21	Rod Roberts	Pauline Hanson's One Nation Party

Note: the quota for election was 202,325 votes. Cusack, Moriarty, Shoebridge, Latham and Banasiak received that quota and so were elected on the first count, in that order.

Note also that late in 2020 Niall Blair resigned his seat. The casual vacancy was filled by Sam Farraway, the man nominated by the Nationals.

Appendix to Chapter 8 Table 5: Continuing Members  
of the NSW Legislative Council

Name	Party
John Ajaka	Liberal Party
Louis Amato	Liberal Party
Rober Borsak	Shooters, Fishers and Farmers Party
Cate Faehrmann	The Greens
Scott Farlow	Liberal Party
Justin Field	The Greens
Ben Franklin	The Nationals
John Graham	Labor Party
Don Harwin	Liberal Party
Courtney Houssos	Labor Party
Rose Jackson	Labor Party
Trevor Khan	The Nationals
Shayne Mallard	Liberal Party
Matthew Mason-Cox	Liberal Party
Shaoquett Moselmane	Labor Party
Fred Nile	Christian Democratic Party
Mark Pearson	Animal Justice Party
Adam Searle	Labor Party
Walt Secord	Labor Party
Bronnie Taylor	The Nationals
Michael Veitch	Labor Party

Note that the names of Ajaka, Amato, Borsak, Farlow, Franklin, Harwin, Houssos, Khan, Mallard, Mason-Cox, Moselmane, Nile, Pearson, Searle, Secord, Taylor and Veitch appear on the ballot paper in respect of the election held on 28 March 2015. Justin Field fills the casual vacancy caused by the death of John Kaye and John Graham fills the casual vacancy caused by the resignation of Sophie Cotsis who is now the member for Canterbury in the Legislative Assembly. Cate Faehrmann fills the vacancy to replace Mehreen Faruqi who became a senator. The most junior member is Rose Jackson who replaced Lynda Voltz on 8 May 2019. Voltz resigned to become member for Auburn. Note also that some members have become independents but the party under which he/she was originally elected/chosen is shown. Note, in particular, that Matthew Mason-Cox was expelled from the Liberal Party on 5 May 2021. On that day he was elected President of the Legislative Council on votes from opponents of the Liberal Party. Consequently, he was expelled from the party.

Appendix to Chapter 8 Table 6: SA Legislative Council Election, 17 March 2018:  
Total Formal First Preference Votes by Party

Party	Votes	%	% Change on 2014
Liberal Party	338,700	32.23	-3.76
Labor Party	304,229	28.95	-2.01
Nick Xenophon's SA Best	203,364	19.35	+6.46
Greens	61,610	5.86	-0.59
Conservatives	36,525	3.48	-0.87
Others	106,446	10.13	+0.77
Total Formal	1,050,874		

Note that in the above table support for the Australian Conservatives has been compared with support for Family First in 2014.

Appendix to Chapter 8 Table 7: South Australian Election, 17 March 2018:  
Legislative Council Members Elected in Order of Election

Order Elected	Candidates Elected	Group Name
1	David Ridgway	Liberal Party
2	Emily Bourke	Australian Labor Party
3	Connie Bonaros	Nick Xenophon's SA Best
4	Stephen Wade	Liberal Party
5	Justin Hanson	Australian Labor Party
6	Frank Pangallo	Nick Xenophon's SA Best
7	Terry Stephens	Liberal Party
8	Irene Pnevmatikos	Australian Labor Party
9	Jing Lee	Liberal Party
10	Tammy Franks	The Greens
11	Clare Scriven	Australian Labor Party

Appendix to Chapter 8 Table 8, SA Legislative Council Election, 17 March 2018:  
Candidates  
Not Elected but with Most Respectable Votes at Exclusion

Order of Late Exclusion	Name	Group Name
1	Robert Brokenshire*	Australian Conservatives
2	Sam Johnson	Nick Xenophon's SA Best
3	Angela Martin	Animal Justice Party
4	Michael Noack	Liberal Democrats
5	Kelly Vincent*	Dignity Party
6	Tony Tonkin	Child Protection Party

\* Brokenshire and Vincent had been Legislative Council members 2010-18 under the label Family First/Australian Conservatives (Brokenshire) and Dignity for Disability (Vincent).

Appendix to Chapter 8 Table 9, South Australia: Continuing  
Members of the Legislative Council

Name	Party
John Darley	Independent*
John Dawkins	Independent (see note below)
Dennis Hood	Liberal Party*
Ian Hunter	Labor Party
Michelle Lensink	Liberal Party
Rob Lucas	Liberal Party
Kyam Maher	Labor Party
Andrew McLachlan	Liberal Party
Tung Ngo	Labor Party
Mark Parnell	The Greens
Russell Wortley	Labor Party

\* Darley was elected as a Xenophon supporter and Hood as Family First. That eight members were elected as Liberals (four at each of the 2014 and 2018 elections) but Hood defected to the Liberal Party means there are nine Liberals following the 2018 elections. Family First ceased to exist on 26 April 2017 and merged with the Australian Conservatives. So, when Hood defected to the Liberals after the March 2018 election it was from the Australian Conservatives.



Note, also, that the above Table 9 was constructed in December 2019. However, on 5 February 2020, the first day of the Second Session, Legislative Council President Andrew McLachlan resigned first the presidency and then his membership of the Council, to fill the Senate vacancy caused by the resignation of then Senator Cory Bernardi, who had been elected in 2016 as a candidate for the Liberal Party. Being a Liberal Party vacancy McLachlan was replaced by Nicola Centofanti on 7 April 2020. She is a veterinarian from the Riverland.

As President of the Legislative Council McLachlan was replaced by another Liberal, Terry Stephens, who held the post from 5 February 2020 to 8 September 2020, the shortest presidency ever. The reason for his displacement was that Stephens fell foul of the expenses problem that politicians so often face. On that day (8 September) Stephens was replaced by John Dawkins who won the post in a contest with the endorsed Liberal candidate, Ms Jing Lee. He was expelled from the parliamentary Liberal Party for defying his party.

In Table 9 (above) Dawkins is shown as "Independent". That designation dates from 8 September 2020. Prior to that I showed him as "Liberal Party" since he was elected in March 2014 as a candidate of the Liberal Party.

Appendix to Chapter 8 Table 10, South Australia: Legislative Council Votes  
Above and Below the Line

Election	ATL		BTL		Total Formal
	Votes	%	Votes	%	
1985	873,591	96.2	31,347	3.8	814,938
1989	818,671	95.7	36,613	4.3	855,284
1993	873,755	96.2	34,771	3.8	908,526
1997	858,099	95.7	38,404	4.3	896,503
2002	903,034	97.1	27,428	2.9	930,462
2006	880,395	94.6	50,474	5.4	930,869
2010	926,287	96.8	30,385	3.2	956,672
2014	969,697	95.9	41,234	4.1	1,010,931
2018	985,280	93.8	65,594	6.2	1,050,874

Appendix to Chapter 8 Table 11, South Australia: Legislative  
Council Vote 2018 Further Analysed

Single first preference above the line

634,837

60.4%

Multiple preferences above the line

350,443

33.4%

Formal votes below the line

65,594

6.2%

Total Formal vote

1,050,874

+

Ballot Paper

Election of 7 Senators

2021



State of Victoria

+

# COMMONWEALTH OF AUSTRALIA - THE SENATE

Number seven boxes from 1 to 7 in the order of your choice

You may then show as many further preferences as you wish by writing numbers from 8 onwards in other boxes

A DERRYN HINCH'S JUSTICE PARTY	B AUSTRALIAN LABOR PARTY	C COMMUNITY ALLIANCE	D THE ARTS PARTY	E AUSTRALIAN CHRISTIANS	F LIBERAL DEMOCRATIC PARTY	G THE GREENS	H LIBERALS AND NATIONALS	UNGROUPED
<input type="checkbox"/> Derryn HINCH	<input type="checkbox"/> Kimberley KITCHING	<input type="checkbox"/> Nancy-Louise SCHERGER	<input type="checkbox"/> Joanne ALLEN	<input type="checkbox"/> Anthony SEDDON	<input type="checkbox"/> David PINKERTON	<input type="checkbox"/> Richard DI NATALE	<input type="checkbox"/> Mitch FIFIELD Liberal	<input type="checkbox"/> Helen CROSS INDEPENDENT
<input type="checkbox"/> Stuart GRIMLEY	<input type="checkbox"/> Katy GALLAGHER	<input type="checkbox"/> Alvin HOPPER	<input type="checkbox"/> Richard MULCAHY	<input type="checkbox"/> Angus LABURN	<input type="checkbox"/> David McALARY	<input type="checkbox"/> Janet RICE	<input type="checkbox"/> Scott RYAN Liberal	<input type="checkbox"/> Kerri TARANTO INDEPENDENT
<input type="checkbox"/> Phil THOMPSON	<input type="checkbox"/> Kim CARR	<input type="checkbox"/> Owen SADDLER	<input type="checkbox"/> Ben O'NEILL	<input type="checkbox"/> Kim EVANS		<input type="checkbox"/> Shane RATTENBURY	<input type="checkbox"/> Bridget McKENZIE National	<input type="checkbox"/> Greg TANNAHILL
	<input type="checkbox"/> Gavin MARSHALL	<input type="checkbox"/> Norvan VOGT		<input type="checkbox"/> David CUMBERS		<input type="checkbox"/> Misha COLEMAN	<input type="checkbox"/> Jane HUME Liberal	<input type="checkbox"/> Tony FARRELL INDEPENDENT
	<input type="checkbox"/> David MATHEWS			<input type="checkbox"/> Darren O'NEIL		<input type="checkbox"/> Elise KLEIN	<input type="checkbox"/> James PATERSON Liberal	
	<input type="checkbox"/> Steve KENT			<input type="checkbox"/> Stuart GREEN		<input type="checkbox"/> Anna CRABB	<input type="checkbox"/> Jeremy HANSON National	
	<input type="checkbox"/> Mike HETTINGER			<input type="checkbox"/> Stephen ROWLAND		<input type="checkbox"/> James SEARLE	<input type="checkbox"/> Rebecca BARNIER Liberal	

Remember, your vote will not count unless you number at least 7 boxes

+

+

## BALLOT PAPER FOR THE ELECTION OF 7 SENATORS FOR VICTORIA

On the other side is a mock ballot paper to show, in principle, what a ballot paper would look like under the reform I propose to the Senate voting system. It is actually taken from a Hare-Clark ballot paper in the ACT for the Electorate of Molonglo at the 2008 Legislative Assembly election. However, some of the names of candidates and parties have been changed to those on the Senate ballot paper for Victoria in 2016.

Note that at the 2008 ACT election Katy Gallagher was Deputy Chief Minister in the Labor government and Shane Rattenbury was elected for The Greens in Molonglo. He was re-elected for Molonglo in 2012. He is now one of the five members for the Electorate of Kurrajong, the district magnitude in the ACT now being five for each of the Electorates of Brindabella, Ginninderra, Kurrajong, Murrumbidgee and Yerrabi. The leader of the Liberals then was Zed Seselja. It just so happens that Gallagher and Seselja are now the two senators for the ACT.

So, how is it that Rattenbury is placed third for The Greens on this ballot paper? Under Senate rules he would be first! The answer is that parties cannot rank candidates under Hare-Clark due to the operation of what is known as "Robson Rotation" and this ballot paper is the 16<sup>th</sup> rotation. In other words there is no "ticket" under Hare-Clark. While there is a good argument for "Robson Rotation" under Hare-Clark I am not proposing it under my Senate reform. Successive Senate systems (beginning in 1940) have allowed parties to rank their candidates. It enables supporters to hand out "how to vote" leaflets at polling places. I see nothing wrong with that. What I object to about the present system is that the order of election of senators within parties is stacked in favour of party machine power by the encouragement of cross-party voting above the line. The present system is rigged by the party machines!

As I propose to explain in my book the present system is patently unconstitutional, clearly unfair to voters and obviously unfair between candidates. A plausible argument can, however, be made that the present system is fair between parties. I deny such a proposition. I propose to counter that argument and prove that my reform would provide fairness to voters in addition to providing for fairness both between CANDIDATES and between PARTIES. Most important of all, however, is my assertion that, under my reform, senators would TRULY be "directly chosen by the people" as is commanded by section 7 of the Australian Constitution.

The political problem I have is that the party machines run the federal parliament, so the politicians (put there by the party machines) would not readily agree to a reform like mine which would make the system genuinely democratic by reducing the power of the machines which presently allows them, in effect, to appoint senators. I shall explain how I can sell this reform.

Malcolm Mackerras

14 November 2017



**D  
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C  
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N  
S**

# Ballot Paper

For your vote to count,  
you must vote in either  
one of the two ways  
described below.

## EITHER

Place the number 1 in one, and  
one only of these squares to  
indicate your choice.

## REGION OF Western Metropolitan Region

Election of 5 members of the Legislative Council

VICTORIA

A



**DERRYN HINCH'S  
JUSTICE PARTY**

OR

B



**ANIMAL JUSTICE  
PARTY**

OR

C



**HUDSON 4 NV**

OR

D



**AUSTRALIAN  
LIBERTY ALLIANCE**

OR

E



**VICTORIAN  
SOCIALISTS**

OR

F



**AUSSIE BATTLE  
PARTY**

## OR

Place the numbers 1 to at  
least 5 in these squares to  
indicate your choice.

A



**CUMMING,  
Catherine Rebecca**  
DERRYN HINCH'S JUSTICE PARTY  
Williamstown North



**CUMMING,  
Daniel Henry**  
DERRYN HINCH'S JUSTICE PARTY  
Chilmside Park

B



**BEECH,  
Terri**  
ANIMAL JUSTICE PARTY  
Hoppers Crossing



**LEUNG,  
Karina**  
ANIMAL JUSTICE PARTY  
Diggers Rest

C



**WEBB,  
Hayley**  
HUDSON 4 NV  
Shepparton



**ECKEL,  
Casey**  
HUDSON 4 NV  
Kialla

D



**COHEN,  
Francine**  
AUSTRALIAN LIBERTY ALLIANCE  
Carnegie



**FRANKLIN,  
Terri**  
AUSTRALIAN LIBERTY ALLIANCE  
Cranbourne

E



**JORQUERA,  
Jorge**  
VICTORIAN SOCIALISTS  
Maldstone



**CHARLES,  
Andrew**  
VICTORIAN SOCIALISTS  
Maldstone

F



**O'NEILL,  
Stuart**  
AUSSIE BATTLE PARTY  
Carrum Downs



**KEARNS,  
Ian James**  
AUSSIE BATTLE PARTY  
Heidelberg West

*This is the actual 2018 ballot paper. My re-modelling of  
it is attached — Malcolm Mackerras*

**Fold the ballot paper and put it in the ballot box or declaration envelope as appropriate.**



G



LIBERAL

H

AUSTRALIAN  
COUNTRY PARTY

I

LIBERAL  
DEMOCRATS

J

FIONA PATTEN'S  
REASON PARTY

K

SUSTAINABLE  
AUSTRALIA

L

SHOOTERS,  
FISHERS &  
FARMERS VIC

M

HEALTH  
AUSTRALIA PARTY

N

VOLUNTARY  
EUTHANASI/  
PARTY (VICTOR

G

FINN,  
Bernie  
Bulla

H

CARUSO,  
Benito  
AUSTRALIAN COUNTRY PARTY  
Batesford

I

KARLOVSKY,  
Adam  
LIBERAL DEMOCRATS  
Fitzroy North

J

BOTHAS,  
Chris  
FIONA PATTEN'S REASON PARTY  
Newtown

K

DOENSEN,  
Allan  
SUSTAINABLE AUSTRALIA  
Truganina

L

RIGG,  
Wayne  
SHOOTERS, FISHERS &  
FARMERS VIC  
Sulky

M





JENKINSON,  
Briony  
HEALTH AUSTRALIA PARTY  
Bacchus Marsh

N

BECKWITH,  
Joan B.  
VOLUNTARY EUTHANASI/  
(VICTORIA)  
EssendonGOURISETTY,  
DineshLIBERAL  
Williams LandingLEEN,  
TonyAUSTRALIAN COUNTRY PARTY  
Geelong WestTHOMPSON,  
MarkLIBERAL DEMOCRATS  
BundooraTWIDALE,  
JamieFIONA PATTEN'S REASON PARTY  
KensingtonBELCHER,  
RichardSUSTAINABLE AUSTRALIA  
West MelbourneASHBY,  
GeoffSHOOTERS, FISHERS &  
FARMERS VIC  
CoburgGLENN,  
DeanneHEALTH AUSTRALIA PARTY  
Kings ParkSIMS,  
Nia R.VOLUNTARY EUTHANASI/  
(VICTORIA)  
AlbionDEEMING,  
MoirLIBERAL  
Taylors HillREEVES,  
ChristopherLIBERAL DEMOCRATS  
GlenroyWOOD,  
DavidLIBERAL  
MelbourneDi NOIA,  
NathanLIBERAL  
Deer ParkSAMPLE  
ONLY



# REGION OF **Western Metropolitan Region** (District of Tarneit)

TRANSPORT MATTERS	LABOUR DLP	AUSTRALIAN GREENS	AUSTRALIAN LABOR PARTY	UNGROUPED
<div> <div>  </div> <div> <input type="checkbox"/> </div> </div> <div>OR</div> <div> <div> <input type="checkbox"/> </div> <div> <b>P</b> </div> </div>	<div> <div>  </div> <div> <input type="checkbox"/> </div> </div> <div>OR</div> <div> <div> <input type="checkbox"/> </div> <div> <b>Q</b> </div> </div>	<div> <div>  </div> <div> <input type="checkbox"/> </div> </div> <div>OR</div> <div> <div>  </div> <div> <input type="checkbox"/> </div> </div>	<div> <div> <input type="checkbox"/> </div> <div> <b>0</b> </div> </div>	<div> <div> <input type="checkbox"/> </div> <div> <b>0</b> </div> </div>
<div> <div> <input type="checkbox"/> </div> <div> <b>LOWINGER, Daniel</b> TRANSPORT MATTERS Caullfield North                 </div> </div>	<div> <div> <input type="checkbox"/> </div> <div> <b>VILLAGONZALO, Walter</b> LABOUR DLP Hoppers Crossing                 </div> </div>	<div> <div> <input type="checkbox"/> </div> <div> <b>TRUONG, Huong</b> AUSTRALIAN GREENS Sunshine North                 </div> </div>	<div> <div> <input type="checkbox"/> </div> <div> <b>CASH, Emely</b> AUSTRALIAN GREENS Kingsville                 </div> </div>	<div> <div> <input type="checkbox"/> </div> <div> <b>THOMAS, Bernadette</b> AUSTRALIAN GREENS Yarraville                 </div> </div>
<div> <div> <input type="checkbox"/> </div> <div> <b>ABDELNOUR, Ramy</b> TRANSPORT MATTERS Avondale Heights                 </div> </div>	<div> <div> <input type="checkbox"/> </div> <div> <b>ROYAL, Mark Thomas</b> LABOUR DLP Sunbury                 </div> </div>	<div> <div> <input type="checkbox"/> </div> <div> <b>PEREYRA, Elena</b> AUSTRALIAN GREENS West Footscray                 </div> </div>	<div> <div> <input type="checkbox"/> </div> <div> <b>CHESSELLS-BEERY, Annie</b> AUSTRALIAN GREENS Flemington                 </div> </div>	<div> <div> <input type="checkbox"/> </div> <div> <b>PSAILA, Kirsten</b> AUSTRALIAN LABOR PARTY Taylors Hill                 </div> </div>
<div> <div> <input type="checkbox"/> </div> <div> <b>MAJDLIK, Kathy</b> Caroline Springs                 </div> </div>	<div> <div> <input type="checkbox"/> </div> <div> <b>GRIMA, Diana</b> Altona Meadows                 </div> </div>	<div> <div> <input type="checkbox"/> </div> <div> <b>MELHEM, Cesar</b> AUSTRALIAN LABOR PARTY Caroline Springs                 </div> </div>	<div> <div> <input type="checkbox"/> </div> <div> <b>STITT, Ingrid</b> AUSTRALIAN LABOR PARTY Albion                 </div> </div>	<div> <div> <input type="checkbox"/> </div> <div> <b>VAGHELA, Kaushtaliya Viridhai</b> AUSTRALIAN LABOR PARTY Mill Park                 </div> </div>
<div> <div> <input type="checkbox"/> </div> <div> <b>PERSSSE, Louise</b> AUSTRALIAN LABOR PARTY Kingsville                 </div> </div>	<div> <div> <input type="checkbox"/> </div> <div> <b>ISSUING OFFICER'S INITIALS</b> </div> </div>			

SAMPLE ONLY



### Ballot Paper

### Election of 5 Members

2018

### Western Metropolitan Region

**LEGISLATIVE COUNCIL OF VICTORIA**

**Number five boxes from 1 to 5 in the order of your choice**

**You may then show as many further preferences as you wish by writing numbers from 6 onwards in other boxes**

<b>A DERRYN HINCH'S JUSTICE PARTY</b>	<b>B, C, D, E and F SURNAMES ONLY</b>	<b>G LIBERAL</b>	<b>H, I, J, K, L and M SURNAMES ONLY</b>	<b>N VOLUNTARY EUTHANASIA PARTY (VICTORIA)</b>	<b>O TRANSPORT MATTERS</b>	<b>Q AUSTRALIAN GREENS</b>	<b>R AUSTRALIAN LABOR PARTY</b>	<b>UNGROUPED</b>
<div><div></div><div>CUMMING Catherine Rebecca</div></div>	<div><div></div><div>BEECH</div></div>	<div><div></div><div>FINN Bernie</div></div>	<div><div></div><div>CARUSO</div></div>	<div><div></div><div>BECKWITH Joan</div></div>	<div><div></div><div>LOWINGER Daniel</div></div>	<div><div></div><div>TRUONG Huong</div></div>	<div><div></div><div>MELHEM Cesar</div></div>	<div><div></div><div>MAJDLIK Kathy</div></div>
<div><div></div><div>CUMMING Daniel Henry</div></div>	<div><div></div><div>LEUNG</div></div>	<div><div></div><div>GOURISETTY Dinesh</div></div>	<div><div></div><div>LEEN</div></div>	<div><div></div><div>SIMS Nia</div></div>	<div><div></div><div>ABDELNOUR Ramy</div></div>	<div><div></div><div>CASH Emely</div></div>	<div><div></div><div>STITT Ingrid</div></div>	<div><div></div><div>GRIMA Diana</div></div>
	<div><div></div><div>ECKEL</div></div>	<div><div></div><div>DEEMING Moira</div></div>	<div><div></div><div>THOMPSON</div></div>			<div><div></div><div>THOMAS Bernadette</div></div>	<div><div></div><div>VAGHELA Kaushaliya Virjibhai</div></div>	
	<div><div></div><div>COHEN</div></div>	<div><div></div><div>WOOD David</div></div>	<div><div></div><div>REEVES</div></div>		<b>P LABOUR DLP</b>	<div><div></div><div>PEREYRA Elena</div></div>	<div><div></div><div>PSAILA Kirsten</div></div>	
	<div><div></div><div>FRANKLIN</div></div>	<div><div></div><div>DI NOIA Nathan</div></div>	<div><div></div><div>BOTHA</div></div>		<div><div></div><div>VILLAGONZALO Walter</div></div>	<div><div></div><div>CHESSELLS-BEEBY Annie</div></div>	<div><div></div><div>PERSSE Louise</div></div>	
	<div><div></div><div>JORQUERA</div></div>		<div><div></div><div>TWIDALE</div></div>		<div><div></div><div>ROYAL Mark Thomas</div></div>			
	<div><div></div><div>CHARLES</div></div>		<div><div></div><div>DOENSEN</div></div>					
	<div><div></div><div>O'NEILL</div></div>		<div><div></div><div>BELCHER</div></div>					
	<div><div></div><div>KEARNS</div></div>		<div><div></div><div>RIGG</div></div>					
			<div><div></div><div>ASHBY</div></div>					
			<div><div></div><div>JENKINSON</div></div>					
			<div><div></div><div>GLENN</div></div>					

**Remember, your vote will not count unless you number at least 5 boxes**



# BALLOT PAPER FOR THE ELECTION OF 5 MEMBERS FOR EACH VICTORIAN REGION








The left-hand one-third of the November 2018 ballot paper was this:

**Ballot Paper**  
For your vote to count, you must vote in either one of the two ways described below.















**EITHER**  
Place the number 1 in one, and one only of these squares to indicate your choice.

**OR**  
Place the numbers 1 to at least 5 in these squares to indicate your choice.

REGION OF **Western Metropolitan Region**  
Election of 5 members of the Legislative Council

A	OR	B	OR	C	OR	D	OR	E	OR	F	OR	G
												
<b>DERRYN HINCH'S JUSTICE PARTY</b>		<b>ANIMAL JUSTICE PARTY</b>		<b>HUDSON 4 NV</b>		<b>AUSTRALIAN LIBERTY ALLIANCE</b>		<b>VICTORIAN SOCIALISTS</b>		<b>AUSSIE BATTLER PARTY</b>		<b>LIBERAL</b>

A	B	C	D	E	F	G
 <b>CUMMING, Catherine Rebecca</b> DERRYN HINCH'S JUSTICE PARTY Williamstown North	 <b>BEECH, Terri</b> ANIMAL JUSTICE PARTY Neppern Crossing	 <b>WEBB, Hayley</b> HUDSON 4 NV Sharnford	 <b>COHEN, Francine</b> AUSTRALIAN LIBERTY ALLIANCE Carrum	 <b>JORQUERA, Jorge</b> VICTORIAN SOCIALISTS Mordialloc	 <b>O'NEILL, Stuart</b> AUSSIE BATTLER PARTY Carrum Downs	 <b>FINN, Bernie</b> LIBERAL Dulwich
 <b>CUMMING, Daniel Henry</b> DERRYN HINCH'S JUSTICE PARTY Chermside Park	 <b>LEUNG, Karina</b> ANIMAL JUSTICE PARTY Diggers Rest	 <b>ECKEL, Casey</b> HUDSON 4 NV Kilva	 <b>FRANKLIN, Terri</b> AUSTRALIAN LIBERTY ALLIANCE Cranbourne	 <b>CHARLES, Andrew</b> VICTORIAN SOCIALISTS Mordialloc	 <b>KEARNS, Ian James</b> AUSSIE BATTLER PARTY Hazelburg West	 <b>GOURISETTY, Dinesh</b> LIBERAL William Landing

As a consequence of my desire to make my model ballot papers consistent with each other I am collapsing together all of the columns B, C, D, E and F into one column showing surnames only. Likewise, for the same reason, I am collapsing together columns H, I, J, K, L and M into one column showing surnames only. Transport Matters and Labour DLP are two separate columns on the original ballot paper but shown here as one page to save space. For the model ballot paper see overleaf. The first preference votes were:

A	Catherine Rebecca Cumming	31,354	Elected (5)
A	Daniel Henry Cumming	228	
B	Terri Beech	11,728	
B	Karina Leung	279	
C	Hayley Webb	548	
C	Casey Eckel	19	
D	Francine Cohen	3,231	
D	Terri Franklin	56	
E	Jorge Jorquera	2,624	
E	Andrew Charles	135	
F	Stuart O'Neill	4,340	
F	Ian James Kearns	57	
G	Bernie Finn	96,858	Elected (2)
G	Dinesh Gourisetty	457	
G	Moir Deeming	356	
G	David Wood	522	
G	Nathan Di Noia	250	
H	Benito Caruso	2,092	
H	Tony Leen	63	
I	Adam Karlovsky	7,821	
I	Mark Thompson	58	
I	Christopher Reeves	45	
J	Chris Botha	4,959	
J	Jamie Twidale	365	

K	Allan Doensen	3,366	
K	Richard Belcher	141	
L	Wayne Rigg	8,768	
L	Geoff Ashby	136	
M	Briony Jenkinson	4,276	
M	Deanne Glenn	74	
N	Joan Beckwith	3,686	
N	Nia Sims	71	
O	Daniel Lowinger	2,979	
O	Ramy Abdelnour	75	
P	Walter Villagonzelo	16,125	
P	Mark Thomas Royal	201	
Q	Huong Truong	38,079	
Q	Emely Cash	411	
Q	Bernadette Thomas	726	
Q	Elena Pereyra	595	
Q	Annie Chessells-Beeby	532	
R	Cesar Melhem	209,635	Elected (1)
R	Ingrid Stitt	1,444	Elected (3)
R	Kaushaliya Vaghela	430	Elected (4)
R	Kirsten Psaila	847	
R	Louise Persse	1,852	
Ungrouped			
	Kathy Majdlik	165	
	Diana Grima	199	

The total formal vote was 463,258 and the quota for election was 77,210. Rachel Carling-Jenkins (elected for the Democratic Labor Party in 2014, but later joining the Australian Conservatives – and, in 2018, not contesting to retain her Legislative Council seat) was replaced by a Labor member. Colleen Hartland was elected for The Greens in 2006, 2010 and 2014. Early in 2017 she resigned her seat. Huong Truong was appointed to replace her, effective from 21 February 2017.

The most controversial aspect of this election was the failure of The Greens to retain seats in three regions. In respect of the Western Metropolitan Region I invite readers to look at the above statistics and agree with me that Huong Truong would have been elected under my electoral system. She secured 38,079 primary votes, that being 8.2 per cent of the total formal vote or 49.3 per cent of the quota. Under the system operating in 2006, 2010, 2014 and 2018, however, she lost to Catherine Rebecca Cumming who secured 31,354 primary votes, that being 6.8 per cent of the total formal vote or 40.6 per cent of the quota.

If I had the space I could demonstrate that two other Greens would also have won seats in metropolitan Melbourne. In the Eastern Metropolitan Region Samantha Dunn secured 34,957 primary votes, that being 8.4 per cent of the total formal vote or 50.1 per cent of the quota of 69,756. In the Southern Metropolitan Region Sue Pennicuik secured 55,207 primary votes, that being 12.9 per cent of the total formal vote or 77.1 per cent of the quota of 71,610.



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Ballot Paper

Election of 7 Members

2021



+

East Metropolitan Region

# LEGISLATIVE COUNCIL OF WESTERN AUSTRALIA

Number seven boxes from 1 to 7 in the order of your choice

You may then show as many further preferences as you wish by writing numbers from 8 onwards in other boxes

A FAMILY FIRST	B AUSTRALIAN LABOR PARTY	C DAYLIGHT SAVING PARTY	D SOCIALIST ALLIANCE	E MICRO BUSINESS PARTY	F LIBERAL DEMOCRATIC PARTY	G THE GREENS	H LIBERAL PARTY	UNGROUPED
<input type="checkbox"/> Frank PANGALLO	<input type="checkbox"/> Thomas FRENCH	<input type="checkbox"/> Nancy-Louise SCHERGER	<input type="checkbox"/> Joanne ALLEN	<input type="checkbox"/> Anthony SEDDON	<input type="checkbox"/> David PINKERTON	<input type="checkbox"/> Alison XAMON	<input type="checkbox"/> Donna FARAGHER	<input type="checkbox"/> Helen CROSS INDEPENDENT
<input type="checkbox"/> Luciano LOMBARDO	<input type="checkbox"/> Katy GALLAGHER	<input type="checkbox"/> Alvin HOPPER	<input type="checkbox"/> Richard MULCAHY	<input type="checkbox"/> Angus LABURN	<input type="checkbox"/> David McALARY	<input type="checkbox"/> Scott LUDLAM	<input type="checkbox"/> Alyssa HAYDEN	<input type="checkbox"/> Kerri TARANTO INDEPENDENT
<input type="checkbox"/> Phil THOMPSON	<input type="checkbox"/> Hannah BEAZLEY	<input type="checkbox"/> Owen SADDLER	<input type="checkbox"/> Ben O'NEILL	<input type="checkbox"/> Kim EVANS		<input type="checkbox"/> Dylan COPELAND	<input type="checkbox"/> Helen MORTON	<input type="checkbox"/> Greg TANNAHILL
	<input type="checkbox"/> Simon CORBELL	<input type="checkbox"/> Norvan VOGT		<input type="checkbox"/> David CUMBERS		<input type="checkbox"/> Samantha JENKINSON	<input type="checkbox"/> Zed SESELJA	<input type="checkbox"/> Tony FARRELL INDEPENDENT
	<input type="checkbox"/> David MATHEWS			<input type="checkbox"/> Darren O'NEIL		<input type="checkbox"/> Ziggy FATNOWNA	<input type="checkbox"/> Victoria JACKSON	
	<input type="checkbox"/> Kelly SHAY			<input type="checkbox"/> Stuart GREEN		<input type="checkbox"/> Ian JAMES	<input type="checkbox"/> Tim WALTON	
	<input type="checkbox"/> Hugh NGUYEN			<input type="checkbox"/> Stephen ROWLAND		<input type="checkbox"/> Gregg BOLAND	<input type="checkbox"/> Belinda BARNIER	

Remember, your vote will not count unless you number at least 7 boxes

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## BALLOT PAPER FOR THE ELECTION OF 7 MEMBERS FOR EACH REGION OF WESTERN AUSTRALIA

On page 20 of my 2016-17 submission to the federal Joint Standing Committee on Electoral Matters I wrote as under. My submission is 139 and was posted on Friday 17 February 2017. After noting that there are seven parliamentary proportional representation systems I wrote:

Of those seven PR systems I give a high distinction mark to Tasmania's Hare-Clark, a distinction mark to the ACT variant of Hare-Clark, a credit mark to the Victorian Legislative Council system and a pass mark to the NSW Legislative Council system. I fail the other three but even there I feel the need to give a mark. Consequently, I give 45 per cent to the Western Australian Legislative Council system, 40 per cent to the South Australian Legislative Council system and 30 per cent to the Senate system.

Since that was written there has been a change in South Australia as a result of which I now raise its mark to 51 per cent. So the federal Senate, especially, and the WA Legislative Council are the two remaining cases of fail marks. The major difference is that the WA Constitution commands that EVERY member of BOTH houses be directly chosen by the people. Consequently, whereas Senate casual vacancies are filled by party machine appointment, in WA they are filled by counting again the votes of the previous general election as though the vacating member had not been a candidate and her/his preferences are distributed accordingly.

Readers of this page would be aware that at present there are six regions for the election of members of the WA Legislative Council. Each elects six members. Consequently there are 36 members and district magnitude is six. "District magnitude" is psephological jargon which means the number being elected. The six regions treat Metropolitan and Country as deserving of equal numbers which actually means a significant rural malapportionment. The disadvantaged electors are in North Metropolitan, South Metropolitan and East Metropolitan. The advantaged electors are in Agricultural, Mining and Pastoral, and South West. My mock ballot paper is for seven members for the East Metropolitan Region at the next scheduled election in March 2021.

I am proposing that there be five regions with the names of the present three metropolitan regions to remain the same. There would be two in the country, called "Northern Western Australia" and "Southern Western Australia". There would be an allowance in favour of the country. For starters they would need to include some outer metropolitan suburbs so growth would be expected to be greater than in the metropolitan regions. Second, there would continue to be the "large district allowance" which is a feature of the present system.

Readers of this page should first read the reverse page on my Senate reform, also dated 14 November 2017. Having given up hope that there will be any reform in the 45<sup>th</sup> Parliament I now propose that the 46<sup>th</sup> (federal) Parliament would enact my reform, combined with an increase in the size of the House of Representatives from 151 to 175. That would increase the size of the Senate from 76 to 88, there being 14 senators for each state and two for each territory. Such an increase would mean district magnitude for a half-Senate election would be seven. That is why the numbering required for a formal vote would be 1, 2, 3, 4, 5, 6 and 7. Thus, for Western Australian voters there would be consistency between Senate and Legislative Council numbering requirements. Furthermore there would also be consistency in the numbering requirements between the House of Representatives and the WA Legislative Assembly.

Malcolm Mackerras

14 November 2017



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Ballot Paper

Election of 9 Members

2025



East Metropolitan Region

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# LEGISLATIVE COUNCIL OF WESTERN AUSTRALIA

YOU MAY VOTE BY

**EITHER**

Placing the number '1' in the box above the group of your choice. You can show more choices if you want to by placing numbers in the other boxes starting with the number 2.

**OR**

Numbering at least 9 of these boxes in the order of your choice.

	A	B	C	D	E	F	G	H	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
	FAMILY FIRST	AUSTRALIAN LABOR PARTY	DAYLIGHT SAVING PARTY	SOCIALIST ALLIANCE	MICRO BUSINESS PARTY	LIBERAL DEMOCRATIC PARTY	THE GREENS	LIBERAL PARTY	
	A	B	C	D	E	F	G	H	UNGROUPED
	<input type="checkbox"/> Frank PANGALLO	<input type="checkbox"/> Thomas FRENCH	<input type="checkbox"/> Nancy-Louise SCHERGER	<input type="checkbox"/> Joanne ALLEN	<input type="checkbox"/> Anthony SEDDON	<input type="checkbox"/> David PINKERTON	<input type="checkbox"/> Alison XAMON	<input type="checkbox"/> Donna FARAGHER	<input type="checkbox"/> Helen CROSS INDEPENDENT
	<input type="checkbox"/> Luciano LOMBARDO	<input type="checkbox"/> Katy GALLAGHER	<input type="checkbox"/> Alvin HOPPER	<input type="checkbox"/> Richard MULCAHY	<input type="checkbox"/> Angus LABURN	<input type="checkbox"/> David McALARY	<input type="checkbox"/> Scott LUDLAM	<input type="checkbox"/> Alyssa HAYDEN	<input type="checkbox"/> Kerri TARANTO INDEPENDENT
	<input type="checkbox"/> Phil THOMPSON	<input type="checkbox"/> Hannah BEAZLEY	<input type="checkbox"/> Owen SADDLER	<input type="checkbox"/> Ben O'NEILL	<input type="checkbox"/> Kim EVANS		<input type="checkbox"/> Dylan COPELAND	<input type="checkbox"/> Helen MORTON	<input type="checkbox"/> Greg TANNAHILL
		<input type="checkbox"/> Simon CORBELL	<input type="checkbox"/> Norvan VOGT		<input type="checkbox"/> David CUMBERS		<input type="checkbox"/> Samantha JENKINSON	<input type="checkbox"/> Zed SESELJA	<input type="checkbox"/> Tony FARRELL INDEPENDENT
		<input type="checkbox"/> David MATHEWS			<input type="checkbox"/> Darren O'NEIL		<input type="checkbox"/> Ziggy FATNOWNA	<input type="checkbox"/> Victoria JACKSON	
		<input type="checkbox"/> Kelly SHAY			<input type="checkbox"/> Stuart GREEN		<input type="checkbox"/> Ian JAMES	<input type="checkbox"/> Tim WALTON	
		<input type="checkbox"/> Hugh NGUYEN			<input type="checkbox"/> Stephen ROWLAND		<input type="checkbox"/> Gregg BOLAND	<input type="checkbox"/> Belinda BARNIER	

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# BALLOT PAPER FOR THE ELECTION OF 9 MEMBERS FOR EACH REGION OF WESTERN AUSTRALIA

On 14 November 2017 I published model ballot papers for my proposed reforms to upper house proportional representation systems in respect of the Senate and the Legislative Council of Western Australia. That model ballot paper was titled "Ballot Paper for the Election of 7 Members for each Region of Western Australia". The Senate one was titled "Ballot Paper for the Election of 7 Senators for Victoria". On 22 January 2019 I decided to include the Victorian Legislative Council on my agenda for reform. Consequently, I published "Ballot Paper for the Election of 5 Members for each Victorian Region".

For thirty years I have been trying to persuade Australian parliaments to get rid of above-the-line voting for PR systems. I succeeded in the Australian Capital Territory in 1995 but regret that only the two Hare-Clark systems now lack above-the-line voting. My campaign for reform for the Senate and Victoria continues very much on track but, regrettably, I have discontinued the campaign in respect of Western Australia.

Had my WA reform been viable I would have given a distinction mark of 75 per cent to the system that resulted from my campaign, compared with the mark of 45 per cent I give for the present system. However, fearing my campaign was no longer viable I arranged to visit Perth early this year and spent Monday 10 February, Tuesday 11 February and Wednesday 12 February there, talking to politicians, journalists, academics and electoral officials. Those talks convinced me to abandon Plan A (under which above-the-line voting would be discontinued) and embark on Plan B for which the model ballot paper is overleaf.

In several respects this ballot paper is identical to the original for Plan A. Candidate names are the same as are party names, as is the choice of the East Metropolitan Region and the WA coat of arms. The big difference is the inclusion of the ballot dividing line and party boxes above that line. The instructions, however, are taken from the now South Australian Legislative Council ballot paper with the difference that SA uses the word "squares" where WA would continue with the word "boxes".

The way in which I would eliminate the malapportionment is the same in principle as for Plan A, but different in detail. These I now give, starting with the metropolitan area. According to the November 2019 WA distribution of seats the East Metropolitan Region has 399,462 electors, North Metropolitan Region 405,349 and South Metropolitan Region 421,949. So, there is no reason to change the boundaries of any of the three regions in the metropolitan area. Therefore, the "one vote, one value" principle would cause nine members to be elected in 2025 for each.

The rest of Western Australia has turned out to be easier to manage than I had expected. The equivalent numbers are 101,174 for the Agricultural Region, 67,686 for Mining and Pastoral and 231,173 for the South West Region. That adds up to 400,033, slightly more than for the East Metropolitan Region for which the ballot paper overleaf is designed as the model.

Giving a name to that amalgamated region is something of a challenge. I suggest it be called the "Agricultural, Mining, Pastoral and Tourism Region" and that it elects nine members – to bring the total number up to the present 36 members in the Legislative Council.

Finally, what mark would I give to this reform? As a guide to my thinking let me remind readers that I gave a mark of 58 per cent for New South Wales where the district magnitude for the Legislative Council is 21 and a mark of 51 per cent for South Australia where the district magnitude for the Legislative Council is 11. On that basis I would give WA a mark of 49 per cent for the lower district magnitude of 9.

However, there are two aspects of WA that are notably more democratic than the two cases mentioned above. The first is that casual vacancies are filled by recounting votes, not by party machine appointment as is the case for NSW and SA. Second, their terms are eight years with rotation of members. By contrast, Western Australia did away with "staggered" terms entirely so the terms are of four years. Each of these elements deserves three marks so the overall mark would be 55 per cent.

While I am disappointed to give a mark of 55 per cent compared with the 75 per cent I had hoped to give, it still means that a "fail" mark for the present system is replaced by a "pass" mark for the new system. Essentially the reason for the increase is the elimination of the malapportionment. The mark for New South Wales being 58 per cent for its high district magnitude it would be 55 per cent for the lower WA district magnitude.

Malcolm Mackerras

17 March 2020



# Ballot Paper

## Agricultural Region

Election of six members of the Legislative Council.

For your vote to count, you may vote in one of two ways.

Either

**Above the line** Put the number **1** in the box to show the voting ticket you want. Fill in **one box** only.

<input type="checkbox"/>	or	<input type="checkbox"/>	or	<input type="checkbox"/>	or	<input type="checkbox"/>	or	<input type="checkbox"/>	or	<input type="checkbox"/>	or	<input type="checkbox"/>	or	<input type="checkbox"/>		
The Greens (WA)		WA Labor		Shooters, Fishers and Farmers		WESTERN AUSTRALIA PARTY		Daylight Saving Party		Liberal Party		NO MANDATORY VACCINATION		THE NATIONALS		WExit

Or

**Below the line** Number **every box** from **1** to **53** in the order of your choice of candidate.

<input type="checkbox"/> LEAM, Peter The Greens (WA)	<input type="checkbox"/> WEST, Darren WA Labor	<input type="checkbox"/> OSTLE, Stuart Shooters, Fishers and Farmers	<input type="checkbox"/> O'LOGHLEN, Michael J WESTERN AUSTRALIA PARTY	<input type="checkbox"/> TUCKER, Brett Daylight Saving Party	<input type="checkbox"/> MARTIN, Steve Liberal Party	<input type="checkbox"/> HORSMAN, Aaron John NO MANDATORY VACCINATION	<input type="checkbox"/> DE GRUSSA, Colin THE NATIONALS	<input type="checkbox"/> SEWELL, Russell WExit
<input type="checkbox"/> GLANCE, Vivienne The Greens (WA)	<input type="checkbox"/> PAYNE, Shelley WA Labor	<input type="checkbox"/> LEAN, Ronald Shooters, Fishers and Farmers	<input type="checkbox"/> BUTSON, Allan WESTERN AUSTRALIA PARTY	<input type="checkbox"/> WILSON, Andrew Daylight Saving Party	<input type="checkbox"/> JACKSON, Kathryn Liberal Party	<input type="checkbox"/> YOUNG, Jessica NO MANDATORY VACCINATION	<input type="checkbox"/> ALDRIDGE, Martin THE NATIONALS	<input type="checkbox"/> GLOSSOP, Simon WExit
	<input type="checkbox"/> CARR, Sandra WA Labor				<input type="checkbox"/> CHOWN, Jim Liberal Party		<input type="checkbox"/> COLLIVER, Natasha THE NATIONALS	
	<input type="checkbox"/> CLARKSON, Luke WA Labor				<input type="checkbox"/> GIRAK, Maria Liberal Party		<input type="checkbox"/> BLYTH, Steve THE NATIONALS	
					<input type="checkbox"/> JACKSON, Brett Liberal Party		<input type="checkbox"/> HORSTMAN, Rob THE NATIONALS	
							<input type="checkbox"/> HANNA, Ian THE NATIONALS	



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 or 

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 or 

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 or 

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 or 

☐

Legalise Cannabis Western Australia Party

Great Australian Party

Health Australia Party

Pauline Hanson's One Nation

Australian Christians

Independent

Animal Justice Party

Liberals For Climate

Liberal Democrats

SUSTAINABLE AUSTRALIA / STOP OVERDEVELOPMENT / CORRUPTION

☐

**TREASURE, Leo**  
Legalise Cannabis Western Australia Party

☐

**CARR, Lawrie**  
Great Australian Party

☐

**TADROS, Bass**  
Health Australia Party

☐

**CADDIES, Rod**  
Pauline Hanson's One Nation

☐

**YOUNG, Trevor**  
Australian Christians

☐

**CHANDRA, Felly**  
Independent

☐

**HENRY, Courtney**  
Animal Justice Party

☐

**TURNER, Peter**  
Liberals For Climate

☐

**WHITTLE, Connor**  
Liberal Democrats

☐

**NORRIE, James**  
Sustainable Australia / Stop Overdevelopment / Corruption

☐

**CLINTON, Keith**  
Legalise Cannabis Western Australia Party

☐

**EDWARDS, Shane**  
Great Australian Party

☐

**IVANCHENKO, Svetlana**  
Health Australia Party

☐

**McKINLEY, Emma**  
Pauline Hanson's One Nation

☐

**HOLTEN, Les**  
Australian Christians

☐

**HENDERSON, Chelsea**  
Independent

☐

**VLAAR, Roberta**  
Animal Justice Party

☐

**THOMSON, Nathan**  
Liberals For Climate

☐

**PUTTICK, Cameron**  
Liberal Democrats

☐

**FOWLER, James**  
Sustainable Australia / Stop Overdevelopment / Corruption

DRAFT

BWAAP BALLOT



## Election of one member of the Legislative Assembly

**GERALDTON**  
DISTRICT

Number the boxes from **1** to **9**  
in the order of your choice.

- ☐ **KUNG, Bey Bey**  
WAxit
- ☐ **GENOVESE, Andrew**  
Liberal Democrats
- ☐ **DINES, Rob**  
Liberal Party
- ☐ **MELLON, Chris**  
Shooters, Fishers and Farmers
- ☐ **DAVIES, Bruce**  
Pauline Hanson's One Nation
- ☐ **DALTON, Lara**  
WA Labor
- ☐ **LONG, Mark James**  
NO MANDATORY VACCINATION
- ☐ **BLAYNEY, Ian**  
THE NATIONALS
- ☐ **ROBERTS, Matt**  
The Greens (WA)

☐ **BALLANTYNE, Andrew** Independent

☐ **HOPKINS, Steven** Independent

☐ **WALLIS, Peter** Independent

☐ **MIRCO, Les** Independent

☐ **SINGH, Parminder** Independent

☐ **DAVID, JM** Independent

☐ Independent

OR ☐ Independent

OR ☐ Independent

OR ☐ Independent

OR ☐ Independent

OR ☐ Independent



**Agricultural Region**  
(Geraldton District)

REMEMBER...

GERALDTON

Number every box to make your vote count.



# Ballot Paper

# South Metropolitan Region

Election of six members of the Legislative Council.

For your vote to count, you may vote in one of two ways.

Either

**Above the line** Put the number **1** in the box to show the voting ticket you want. Fill in **one box** only.

☐

Independent

or

☐

Liberals For Climate

or

☐

Independent

or

☐

Daylight Saving Party

or

☐

Great Australian Party

or

☐

The Greens (WA)

or

☐

Liberal Party

or

☐

Shooters, Fishers and Farmers

or

☐

SUSTAINABLE AUSTRALIA PARTY – STOP OVERDEVELOPMENT / CORRUPTION

or

☐

Independent

Or

**Below the line** Number **every box** from **1** to **64** in the order of your choice of candidate.

☐

WEST, Graham  
Independent

☐

POMEROY, Keith  
Liberals For Climate

☐

KESTEL, Jourdan  
Independent

☐

KLAJ, Amanda  
Daylight Saving Party

☐

VINCI, Samantha  
Great Australian Party

☐

PETTITT, Brad  
The Greens (WA)

☐

GOIRAN, Nick  
Liberal Party

☐

TONGE, Steven  
Shooters, Fishers and Farmers

☐

OOSTRYCK, Ryan  
SUSTAINABLE AUSTRALIA PARTY – STOP OVERDEVELOPMENT / CORRUPTION

☐

RC  
Inde

☐

STRICKLAND, Liam  
Independent

☐

HERRON, Daniel  
Liberals For Climate

☐

HERRIDGE, Lee  
Independent

☐

CURTIS, Craig  
Daylight Saving Party

☐

HODDINOTT, Susan  
Great Australian Party

☐

MacLAREN, Lynn  
The Greens (WA)

☐

HOFMANN, Michelle  
Liberal Party

☐

BEDFORD, Paul  
Shooters, Fishers and Farmers

☐

LOVEDAY, Jane  
SUSTAINABLE AUSTRALIA PARTY – STOP OVERDEVELOPMENT / CORRUPTION

☐

TO  
Ma  
Inde

☐

GARLETT, Daniel  
The Greens (WA)

☐

CHEW, Ka-ren  
Liberal Party

☐

REID, Robert  
Liberal Party

☐

VASHISHT, Nitin  
Liberal Party

☐

STIRLING, Scott  
Liberal Party







Election of one member of the Legislative Assembly

RIVERTON  
DISTRICT

Number the boxes from 1 to 7  
in the order of your choice.

- ☐ **BLACKBURN, Simon**  
The Greens (WA)
- ☐ **HOLMAN, Chris**  
Liberal Democrats
- ☐ **LEE, Terry**  
WESTERN AUSTRALIA PARTY
- ☐ **SCULL, Penelope**  
NO MANDATORY VACCINATION
- ☐ **GOWER, Dena**  
Australian Christians
- ☐ **KRISHNAN, Jags**  
WA Labor
- ☐ **SPAGNOLO, Anthony**  
Liberal Party

DRAFT

☐ **WAUGH, Gavin**  
WESTERN AUSTRALIA PARTY

☐ **YARWOOD, Stephen**  
Independent

☐ **LAY, Jeremy**  
Independent

☐ **KELLY, Dirk**  
Socialist Alliance

☐ **MAIR, Katy**  
WESTERN AUSTRALIA PARTY

☐ **LESLIE, Glen**  
Independent

☐ **FRANCIS, Stan**  
Independent

☐ **MACKAY, Marianne**  
Socialist Alliance

☐ **HAMILTON, Leon**  
Independent

☐ **FOLEY, Larry**  
Independent

☐ **WAUGH, Gavin**  
WESTERN AUSTRALIA PARTY

☐ **YARWOOD, Stephen**  
Independent

☐ **LAY, Jeremy**  
Independent

☐ **KELLY, Dirk**  
Socialist Alliance

☐ **MAIR, Katy**  
WESTERN AUSTRALIA PARTY

☐ **LESLIE, Glen**  
Independent

☐ **FRANCIS, Stan**  
Independent

☐ **MACKAY, Marianne**  
Socialist Alliance

☐ **HAMILTON, Leon**  
Independent

☐ **FOLEY, Larry**  
Independent

REMEMBER...  
Number every box to make your vote count.

RIVERTON

South Metropolitan Region  
(Riverton District)



# Ballot Paper

Election of six members of the Legislative Council.

## North Metropolitan Region

For your vote to count, you may vote in one of two ways.

Either

**Above the line**

Put the number **1** in the box to show the voting ticket you want. Fill in **one box** only.

☐

or

☐

or

☐

or

☐

or

☐

or

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or

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or

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or

☐

Pauline Hanson's One Nation

WESTERN AUSTRALIA PARTY

Animal Justice Party

NO MANDATORY VACCINATION

WA Labor

Independent

Liberal Party

Australian Christians

SUSTAIN AUSTRALIA  
STOP OVERDEVELOPMENT / CORRUPTION

Or

**Below the line**

Number **every box** from **1** to **54** in the order of your choice of candidate.

☐

WALSH, Tyler  
Pauline Hanson's One Nation

☐

RE, Elizabeth  
WESTERN AUSTRALIA PARTY

☐

ANAGNO, Michael  
Animal Justice Party

☐

PEARCE, James  
NO MANDATORY VACCINATION

☐

YANG, Pierre  
WA Labor

☐

ROBERTS, Rafe  
Independent

☐

COLLIER, Peter  
Liberal Party

☐

HILDEBRANDT, Louis  
Australian Christians

☐

SCOTT, Susan  
SUSTAIN AUSTRALIA  
STOP OVERDEVELOPMENT / CORRUPTION

☐

MUNDY, Sheila  
Pauline Hanson's One Nation

☐

PYNT, Steven Leigh  
WESTERN AUSTRALIA PARTY

☐

FRY, Stephanie  
Animal Justice Party

☐

CIRKOVIC, A  
NO MANDATORY VACCINATION

☐

PRITCHARD, Martin  
WA Labor

☐

HUSSELMANN, Carel  
Independent

☐

SIBMA, Tjorn  
Liberal Party

☐

FEARIS, Neil C  
Australian Christians

☐

FERGUSON, Michael  
SUSTAIN AUSTRALIA  
STOP OVERDEVELOPMENT / CORRUPTION

☐

O'DAL, Sara  
NO MANDATORY VACCINATION

☐

MAKUR CHUOT, Ayor  
WA Labor

☐

EHRENFELD, Simon  
Liberal Party

☐

CADDY, Daniel  
WA Labor

☐

WALTON, Tim  
Liberal Party

☐

VALLANCE, Rhys  
WA Labor

☐

MISCHIN, Michael  
Liberal Party

☐

MARTON, Rebeka  
WA Labor

or

**WAxit**

**SOMMER,**  
**Aleksandra**  
WAXit



Election of one member of the Legislative Assembly

WANNEROO  
DISTRICT

Number the boxes from 1 to 6  
in the order of your choice.

☐ CULUM-BUZAK, Sandy  
WAXit

☐ WARD, Matthew  
The Greens (WA)

☐ WINTON, Sabine  
WA Labor

☐ MILES, Paul  
Liberal Party

☐ BULLOCK, J  
NO MANDATORY VACCINATION

☐ SIVIOUR, Lilian  
WESTERN AUSTRALIA PARTY

☐ SPADA, N  
Independent

☐ XAMON, Alison  
The Greens (WA)

☐ AMESZ, Billy  
Independent

☐ GLEESON, Daithi  
Liberals For Climate

☐ TUCKER, Robert  
Daylight Saving Party

☐ RAVICHANDAR, T  
Independent

☐ HOLLIDAY, Paul  
Liberals For Climate

☐ ATCHESON, Heather  
Daylight Saving Party

☐ VUJICICH, Daniel  
The Greens (WA)

☐ GERSBACH, Steven  
Independent

☐ NEWBOLD, Sarah  
The Greens (WA)

☐ HUSSELMANN, M  
Independent

☐ OR ☐ The Greens (WA) OR ☐ Independent

☐ OR ☐ Liberals For Climate OR ☐ Daylight Saving Party OR ☐ Independent

REMEMBER...

Number every box to make your vote count.

WANNEROO

North Metropolitan Region  
(Wanneroo District)

# Ballot Paper

## East Metropolitan Region

Election of six members of the Legislative Council.

For your vote to count, you may vote in one of two ways.

Either

**Above the line**

Put the number **1** in the box to show the voting ticket you want. Fill in **one box** only.

☐

or

☐

or

☐

or

☐

or

☐

or

☐

or

☐

or

☐

Independent

Legalise Cannabis  
Western Australia  
Party

Health Australia Party

Shooters, Fishers and  
Farmers

Great Australian Party

Daylight Saving Party

WA Labor

Pauline  
Nationals

Or

**Below the line**

Number **every box** from **1** to **47** in the order of your choice of candidate.

☐

LARSEN, David  
Wayne  
Independent

☐

WALKER, Brian  
Legalise Cannabis  
Western Australia Party

☐

SKOROKHOD,  
Lidia  
Health Australia Party

☐

RUWOLDT,  
Trevor  
Shooters, Fishers and  
Farmers

☐

TILBURY, Benny  
Great Australian Party

☐

McMANUS,  
James  
Daylight Saving Party

☐

CLOHESY,  
Alanna  
WA Labor

☐☐

BRIGHTMAN,  
Brian  
Independent

☐

REINMUTH, Karl  
Legalise Cannabis  
Western Australia Party

☐

ROWE, Lisa  
Health Australia Party

☐

THOMAS, Coby  
Shooters, Fishers and  
Farmers

☐

WARD, Bradley  
Great Australian Party

☐

BRADLEY, Mark  
Daylight Saving Party

☐

ROWE, Samantha  
WA Labor

☐☐

SWINBOURN,  
Matthew  
WA Labor

☐

HARPER, Lorna  
WA Labor

☐

GREEN, Robert  
WA Labor

☐

KEOGH, John  
WA Labor

DRAFT



or ☐ or ☐ or ☐ or ☐ or ☐ or ☐ or ☐

Hanson's One NO MANDATORY VACCINATION WAxis Liberals For Climate Animal Justice Party Liberal Democrats Australian Christians Liberal Party

<b>GRILLO, Dale</b> Pauline Hanson's One Nation	<input type="checkbox"/> <b>AYRE, Patricia</b> NO MANDATORY VACCINATION	<input type="checkbox"/> <b>SAMRA, Satinder</b> WAxis	<input type="checkbox"/> <b>LOTTERING, Marilyn</b> Liberals For Climate	<input type="checkbox"/> <b>DORN, Amanda</b> Animal Justice Party	<input type="checkbox"/> <b>BUCHANAN, Craig</b> Liberal Democrats	<input type="checkbox"/> <b>GROENEWALD, Maryka</b> Australian Christians	<input type="checkbox"/> <b>FARAGHER, Donna</b> Liberal Party
<b>ORR, Tim</b> Pauline Hanson's One Nation	<input type="checkbox"/> <b>HALL, Daniel</b> NO MANDATORY VACCINATION	<input type="checkbox"/> <b>SINGH, Robin</b> WAxis	<input type="checkbox"/> <b>SMITH, R</b> Liberals For Climate	<input type="checkbox"/> <b>ARIELLI, Nicole</b> Animal Justice Party	<input type="checkbox"/> <b>HAMILTON, Neil</b> Liberal Democrats	<input type="checkbox"/> <b>VAN BURGEL, Jamie</b> Australian Christians	<input type="checkbox"/> <b>TWISS, Phil</b> Liberal Party
		<input type="checkbox"/> <b>SINGH, Monty</b> WAxis					<input type="checkbox"/> <b>HALLS, Greg</b> Liberal Party
							<input type="checkbox"/> <b>NEWMAN, Dan</b> Liberal Party
							<input type="checkbox"/> <b>QUINN, Jerem</b> Liberal Party

DRAFT



Election of one member of the Legislative Assembly

KALAMUNDA DISTRICT

Number the boxes from 1 to 9 in the order of your choice.

TRIGWELL, Carolyn  
Liberal Democrats

HUGHES, Matthew  
WA Labor

ELLIS, Robert  
WAxit

FANE, Michael  
NO MANDATORY VACCINATION

MILES, Lee-Anne  
The Greens (WA)

STALTARI, Liam  
Liberal Party

PHELAN, Stephen Glenn  
WESTERN AUSTRALIA PARTY

BUTTERS, Maureen  
Pauline Hanson's One Nation

WILLIAMS, Brady  
Australian Christians

DRAFT

KALAMUNDA

REMEMBER...  
Number every box to make your vote count.

East Metropolitan Region  
(Kalamunda District)

Independent

Independent

WESTERN AUSTRALIA PARTY

SUSTAINABLE AUSTRALIA PARTY – STOP OVERDEVELOPMENT / CORRUPTION

The Greens (WA)

LYNDON-JAMES, Peter  
Independent

DOAN, Hayley  
Independent

SMITH, Charles  
WESTERN AUSTRALIA PARTY

WATTS, Nicole  
SUSTAINABLE AUSTRALIA PARTY – STOP OVERDEVELOPMENT / CORRUPTION

LETHBRIDGE, Keith  
SUSTAINABLE AUSTRALIA PARTY – STOP OVERDEVELOPMENT / CORRUPTION

ANTHONY, James  
WESTERN AUSTRALIA PARTY

CLIFFORD, Tim  
The Greens (WA)

PERKS, Caroline  
The Greens (WA)

GRAY, Callan  
The Greens (WA)

Ballot Paper

Election of 9 Members

2025



East Metropolitan Region

# LEGISLATIVE COUNCIL OF WESTERN AUSTRALIA

YOU MAY VOTE BY

**EITHER**

Placing the number 1 in the box above the group of your choice. You can show more choices if you want to by placing numbers in the other boxes starting with the number 2.

**OR**

Numbering at least 9 of these boxes in the order of your choice.

	A	B	C	D	E	F	G	H	
	<input type="checkbox"/> FAMILY FIRST	<input type="checkbox"/> AUSTRALIAN LABOR PARTY	<input type="checkbox"/> DAYLIGHT SAVING PARTY	<input type="checkbox"/> SOCIALIST ALLIANCE	<input type="checkbox"/> LEGALISE CANNABIS PARTY	<input type="checkbox"/> LIBERAL DEMOCRATIC PARTY	<input type="checkbox"/> THE GREENS	<input type="checkbox"/> LIBERAL PARTY	
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>	<b>UNGROUPED</b>
	<input type="checkbox"/> Frank PANGALLO	<input type="checkbox"/> Alanna CLOHESY	<input type="checkbox"/> Nancy-Louise SCHERGER	<input type="checkbox"/> Joanne ALLEN	<input type="checkbox"/> Brian WALKER	<input type="checkbox"/> David PINKERTON	<input type="checkbox"/> Allison XAMON	<input type="checkbox"/> Donna FARAGHER	<input type="checkbox"/> Helen CROSS INDEPENDENT
	<input type="checkbox"/> Luciano LOMBARDO	<input type="checkbox"/> Samantha ROWE	<input type="checkbox"/> Alvin HOPPER	<input type="checkbox"/> Richard MULCAHY	<input type="checkbox"/> Angus LABURN	<input type="checkbox"/> David McALARY	<input type="checkbox"/> Scott LUDLAM	<input type="checkbox"/> Alyssa HAYDEN	<input type="checkbox"/> Kerri TARANTO INDEPENDENT
	<input type="checkbox"/> Phil THOMPSON	<input type="checkbox"/> Matthew SWINBOURN	<input type="checkbox"/> Owen SADDLER	<input type="checkbox"/> Ben O'NEILL	<input type="checkbox"/> Kim EVANS		<input type="checkbox"/> Dylan COPELAND	<input type="checkbox"/> Helen MORTON	<input type="checkbox"/> Greg TANNAHILL
		<input type="checkbox"/> Lorna HARPER	<input type="checkbox"/> Norvan VOGT		<input type="checkbox"/> David CUMBERS		<input type="checkbox"/> Samantha JENKINSON	<input type="checkbox"/> Zac BAKER	<input type="checkbox"/> Tony FARRELL INDEPENDENT
		<input type="checkbox"/> Robert GREEN			<input type="checkbox"/> Darren O'NEIL		<input type="checkbox"/> Ziggy FATNOWNA	<input type="checkbox"/> Victoria JACKSON	
		<input type="checkbox"/> John KEOGH			<input type="checkbox"/> Stuart GREEN		<input type="checkbox"/> Ian JAMES	<input type="checkbox"/> Tim WALTON	
		<input type="checkbox"/> Hugh NGUYEN			<input type="checkbox"/> Stephen ROWLAND		<input type="checkbox"/> Gregg BOLAND	<input type="checkbox"/> Jeremy QUINN	



# BALLOT PAPER FOR THE ELECTION OF 9 MEMBERS FOR EACH REGION OF WESTERN AUSTRALIA THIRD MODEL

The question of the malapportionment of Western Australia's electoral boundaries has attracted my attention for more than sixty years, but WA was not the only state to have that negative distinction. In the nineteen fifties and sixties the electoral boundaries of Queensland and South Australia were also malapportioned, but I came to the conclusion that 1971 was the year when WA became the standout case of malapportionment.

Having become a public commentator, I first raised this question in print in an article in *The Bulletin* magazine for 20 November 1976 (pages 38 and 39) and raised it again in *The Bulletin* for 5 June 1979 (pages 26, 27 and 28).

One problem that arose was the difficulty of getting newspaper and magazine editors to understand the difference between "gerrymander" and "malapportionment". Thus, I had another article published in *The Bulletin* dated 29 April 1980 (pages 33 and 34) to which the editor gave the heading "Gerrymander gave Labor a raw deal". It is quite clear from any proper reading of that article that the heading should have been "Malapportionment gave Labor a raw deal."

On Monday 26 December 1994 *The Australian* newspaper published an article by me titled "States diverge to redraw electoral maps". It considered that year's redistributions in South Australia and Western Australia, contrasting the fairness of the former with the continuation of malapportionment in the latter. However, in an article for *The Weekend Australian* for 17 and 18 May 2008 (page 27) I welcomed the effective ending of the malapportionment for the Legislative Assembly in an article appropriately titled "One vote, one value". The only problem remaining, I averred, was the continuation of the malapportionment for the Legislative Council.

When Mark McGowan and Labor swept to power in their first landslide victory on 11 March 2017, I decided that the time had come for me to do something about it. I began a correspondence with Bill Johnston, McGowan Labor's first Minister for Electoral Affairs. I was motivated by a fear that the incoming Labor government might make a mess of reform. The consequence was my construction of a model ballot paper for the East Metropolitan Region. It is still posted on my website and the explanation is given on the reverse side and dated 14 November 2017. That is the first iteration of my reform proposals.

Johnston was polite and efficient in acknowledging my letters, but he never gave any impression of wanting to connect with me. In any event he was replaced as the relevant minister in a reshuffle. Consequently, I wrote to the new Minister for Electoral Affairs, Stephen Dawson, a letter dated 5 July 2019. It began by my introducing myself to him. He replied to me promptly and I was struck by the friendliness of his letter, especially this hand-written comment: "I appreciate your advice. Should I get to Canberra at some stage I would love to have a chat in person."

That message caused me to decide to visit Perth in February 2020. I met him on the afternoon of Monday 10 February and other senior political figures on Tuesday 11 February and Wednesday 12 February. That resulted in the second iteration of my model ballot paper dated 17 March 2020.

There is no need for me to repeat the comments on my previous model ballot papers. Suffice it to say that, in the case of Western Australia, I accept the continuation of the divided ballot paper - as shown overleaf.

The critical reform must be the elimination of the malapportionment. According to the statistics from the 13 March 2021 election the East Metropolitan Region has 423,759 electors, North Metropolitan Region 427,779 electors and South Metropolitan Region 449,182. So, there is no reason to change the boundaries of any of the three regions in the metropolitan area. Therefore, the "one vote, one value" principle would cause nine members to be elected in 2025 for each. That is a significant ( and highly desirable) increase in district magnitude.

The rest of Western Australia has these numbers: 103,378 for the Agricultural Region, 69,651 for Mining and Pastoral and 242,983 for the South West Region. That adds up to 416,012. As is very appropriate for a region so large in area that number of electors is the lowest of the four regions.

Giving a name to that amalgamated region is a challenge. I suggest it be called the "Agricultural, Mining, Pastoral and Tourism Region" and that it elect nine members - to bring the total number up to the present 36 members in the Legislative Council.

Finally, it should be noted that this ballot paper is the same in principle as that of the second iteration. My reasoning to issue a fresh ballot paper is to make it look more like the kind of ballot paper that may be expected in 2025. Thus, I have included the names of the six winners in 2021, Labor's Alanna Clohesy, Samantha Rowe, Matthew Swinbourn and Lorna Harper, the Liberal Party's Donna Faragher and Brian Walker of the Legalise Cannabis Party.

Malcolm Mackerras

22 April 2021



Ballot Paper

East Metropolitan Region

Election of six members of the Legislative Council.

For your vote to count, you may vote in one of two ways.

Either

Above the line

Put the number 1 in the box to show the voting ticket you want. Fill in one box only.

☐

Independent

or

☐

Legalise Cannabis  
Western Australia  
Party

or

☐

Health Australia Party

or

☐

Shooters, Fishers and  
Farmers

or

☐

Great Australian Party

or

☐

Daylight Saving Party

or

☐

WA Labor

or

☐

Pauline Hanson  
Nation First Party

Or

Below the line

Number every box from 1 to 47 in the order of your choice of candidate.

☐

LARSEN, David  
Wayne  
Independent

☐

WALKER, Brian  
Legalise Cannabis  
Western Australia Party

☐

SKOROKHOD,  
Lidia  
Health Australia Party

☐

RUWOLDT,  
Trevor  
Shooters, Fishers and  
Farmers

☐

TILBURY, Benny  
Great Australian Party

☐

McMANUS,  
James  
Daylight Saving Party

☐

CLOHESY,  
Alanna  
WA Labor

☐

BRIGHTMAN,  
Brian  
Independent

☐

REINMUTH, Karl  
Legalise Cannabis  
Western Australia Party

☐

ROWE, Lisa  
Health Australia Party

☐

THOMAS, Coby  
Shooters, Fishers and  
Farmers

☐

WARD, Bradley  
Great Australian Party

☐

BRADLEY, Mark  
Daylight Saving Party

☐

ROWE, Samantha  
WA Labor

☐

SWINBOURN,  
Matthew  
WA Labor

☐

HARPER, Lorna  
WA Labor

☐

GREEN, Robert  
WA Labor

☐

KEOGH, John  
WA Labor



or ☐ or ☐ or ☐ or ☐ or ☐ or ☐ or ☐ or ☐

Hanson's One NO MANDATORY VACCINATION WAxis Liberals For Climate Animal Justice Party Liberal Democrats Australian Christians Liberal Party

<input type="checkbox"/> BRILLO, Dale Pauline Hanson's One Nation	<input type="checkbox"/> AYRE, Patricia NO MANDATORY VACCINATION	<input type="checkbox"/> SAMRA, Satinder WAxis	<input type="checkbox"/> LOTTERING, Marilyn Liberals For Climate	<input type="checkbox"/> DORN, Amanda Animal Justice Party	<input type="checkbox"/> BUCHANAN, Craig Liberal Democrats	<input type="checkbox"/> GROENEWALD, Maryka Australian Christians	<input type="checkbox"/> FARAGHER, Donna Liberal Party
<input type="checkbox"/> ORR, Tim Pauline Hanson's One Nation	<input type="checkbox"/> HALL, Daniel NO MANDATORY VACCINATION	<input type="checkbox"/> SINGH, Robin WAxis	<input type="checkbox"/> SMITH, R Liberals For Climate	<input type="checkbox"/> ARIELLI, Nicole Animal Justice Party	<input type="checkbox"/> HAMILTON, Neil Liberal Democrats	<input type="checkbox"/> VAN BURGEL, Jamie Australian Christians	<input type="checkbox"/> TWISS, Phil Liberal Party
		<input type="checkbox"/> SINGH, Monty WAxis					<input type="checkbox"/> HALLS, Greg Liberal Party
							<input type="checkbox"/> NEWMAN, Dai Liberal Party
							<input type="checkbox"/> QUINN, Jerem Liberal Party

DRAFT



Election of one member of the Legislative Assembly

MOUNT LAWLEY  
DISTRICT

Number the boxes from 1 to 8  
in the order of your choice.

- ☐ **WATT, John**  
NO MANDATORY VACCINATION
- ☐ **JOUBERT, Ellen**  
Australian Christians
- ☐ **MIGDALE, Suzanne**  
Liberal Party
- ☐ **MILLMAN, Simon**  
WA Labor
- ☐ **GOODRICK, Russell**  
WESTERN AUSTRALIA PARTY
- ☐ **SANGHA, Gurjant Singh**  
WAXit
- ☐ **SCHAAL, Herbie**  
Pauline Hanson's One Nation
- ☐ **NICOL, Lucy**  
The Greens (WA)

DRAFT

☐ **GRAY, Callan**  
The Greens (WA)

☐ **PERKS, Caroline**  
The Greens (WA)

☐ **CLIFFORD, Tim**  
The Greens (WA)

☐ **WATTS, Nicole**  
SUSTAINABLE  
AUSTRALIA PARTY -  
STOP  
OVERDEVELOPMENT  
/ CORRUPTION

☐ **LETHBRIDGE, Keith**  
SUSTAINABLE  
AUSTRALIA PARTY -  
STOP  
OVERDEVELOPMENT  
/ CORRUPTION

☐ **ANTHONY, James**  
WESTERN  
AUSTRALIA PARTY

☐ **SMITH, Charles**  
WESTERN  
AUSTRALIA PARTY

☐ **DOAN, Hayley**  
Independent

☐ **LYNDON-JAMES, Peter**  
Independent

☐ **OR**

☐ **OR**

☐ **OR**

☐ **OR**

☐ **OR**

☐ **OR**

☐ **WESTERN AUSTRALIA PARTY**

☐ **INDEPENDENT**

☐ **INDEPENDENT**

☐ **INDEPENDENT**

☐ **INDEPENDENT**

☐ **INDEPENDENT**

REMEMBER...  
Number every box to make your vote count.

MOUNT LAWLEY

East Metropolitan Region  
(Mount Lawley District)





# LEGISLATIVE COUNCIL OF WESTERN AUSTRALIA

YOU MAY VOTE BY

## EITHER

Placing the number 1 in the box above the group of your choice. You can show more choices if you want to by placing numbers in the other boxes starting with the number 2.

## OR

Numbering at least 9 of these boxes in the order of your choice.

	A	B	C	D	E	F	G	H	
	<input type="checkbox"/> FAMILY FIRST	<input type="checkbox"/> AUSTRALIAN LABOR PARTY	<input type="checkbox"/> DAYLIGHT SAVING PARTY	<input type="checkbox"/> SOCIALIST ALLIANCE	<input type="checkbox"/> LEGALISE CANNABIS PARTY	<input type="checkbox"/> LIBERAL DEMOCRATIC PARTY	<input type="checkbox"/> THE GREENS	<input type="checkbox"/> LIBERAL PARTY	
	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>	<b>F</b>	<b>G</b>	<b>H</b>	<b>UNGROUPED</b>
	<input type="checkbox"/> Frank PANGALLO	<input type="checkbox"/> Alanna CLOHESY	<input type="checkbox"/> Nancy-Louise SCHERGER	<input type="checkbox"/> Joanne ALLEN	<input type="checkbox"/> Brian WALKER	<input type="checkbox"/> David PINKERTON	<input type="checkbox"/> Alison XAMON	<input type="checkbox"/> Donna FARAGHER	<input type="checkbox"/> Helen CROSS INDEPENDENT
	<input type="checkbox"/> Luciano LOMBARDO	<input type="checkbox"/> Samantha ROWE	<input type="checkbox"/> Alvin HOPPER	<input type="checkbox"/> Richard MULCAHY	<input type="checkbox"/> Angus LABURN	<input type="checkbox"/> David McALARY	<input type="checkbox"/> Scott LUDLAM	<input type="checkbox"/> Alyssa HAYDEN	<input type="checkbox"/> Kerri TARANTO INDEPENDENT
	<input type="checkbox"/> Phil THOMPSON	<input type="checkbox"/> Matthew SWINBOURN	<input type="checkbox"/> Owen SADDLER	<input type="checkbox"/> Ben O'NEILL	<input type="checkbox"/> Kim EVANS		<input type="checkbox"/> Dylan COPELAND	<input type="checkbox"/> Helen MORTON	<input type="checkbox"/> Greg TANNAHILL
		<input type="checkbox"/> Lorna HARPER	<input type="checkbox"/> Norvan VOGT		<input type="checkbox"/> David CUMBERS		<input type="checkbox"/> Samantha JENKINSON	<input type="checkbox"/> Zac BAKER	<input type="checkbox"/> Tony FARRELL INDEPENDENT
		<input type="checkbox"/> Robert GREEN			<input type="checkbox"/> Darren O'NEIL		<input type="checkbox"/> Ziggy FATNOWNA	<input type="checkbox"/> Victoria JACKSON	
		<input type="checkbox"/> John KEOGH			<input type="checkbox"/> Stuart GREEN		<input type="checkbox"/> Ian JAMES	<input type="checkbox"/> Tim WALTON	
		<input type="checkbox"/> Hugh NGUYEN			<input type="checkbox"/> Stephen ROWLAND		<input type="checkbox"/> Gregg BOLAND	<input type="checkbox"/> Jeremy QUINN	

# BALLOT PAPER FOR THE ELECTION OF 9 MEMBERS FOR EACH REGION OF WESTERN AUSTRALIA THIRD MODEL

The question of the malapportionment of Western Australia's electoral boundaries has attracted my attention for more than sixty years, but WA was not the only state to have that negative distinction. In the nineteen fifties and sixties the electoral boundaries of Queensland and South Australia were also malapportioned, but I came to the conclusion that 1971 was the year when WA became the standout case of malapportionment.

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Malcolm Mackerras

22 April 2021