

Dear Committee Members

I hereby submit my suggestions for reform of the WA Legislative Council voting system, via the attachment above.

You will note that I make reference to my PhD thesis in relation to issues that will attract the attention of the committee. I can email the entire thesis, or parts thereof, at a later date should committee members deem it desirable.

I look forward to making further contributions to the electoral reform process in the near future.

Yours sincerely

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28 May 2021

Dear Sir/Madam

I submit this letter as a covering note to my suggestion for reform of the voting system for the Western Australian Legislative Council.

Before outlining my reform, I give you some background information about myself. In 2019 I was awarded a PhD by Adelaide University. My thesis title was 'Proportional Representation in Theory and Practice: The Australian Experience.' This thesis, 265 pages in length, covered all Australian jurisdictions using some form of proportional representation to elect one of its houses, with the WA section of the thesis covering 30 pages. Prior to writing this thesis, I wrote two somewhat shorter theses on electoral matters, the first an Honours thesis at Curtin University about WA and federal lower house elections titled 'The Extinct Gerrymander.' and a Masters' thesis (submitted at Adelaide University in 2005), titled 'Fairness and Unfairness in South Australian Elections.'

Now to my proposed reforms.

The most important reform that I propose is the abolition of Group Voting Tickets. It is not just because they can result in the election of candidates with miniscule shares of the vote,; the success of Daylight Saving Party's Wilson Tucker (with just 98 votes) the most blatantly ridiculous to date. It is also the fact when a single 1 in a ticket box produces such a strong preference flow, there must be serious doubt as to whether such votes represent the true will of the voter. Evidence from Senate elections held since the 2016 changes were implemented, whereby voters deliberately chose their own preferences, shows that such flows are not nearly as strong. Numerous examples are mentioned in my PhD thesis, and Antony Green has also provided many examples over the years. I don't think I need to say any more, but if anyone would like me to provide details of specific examples, I would be happy to do so.

On the question of what would be the best system with which to replace the current one, it is suggested that a Hare-Clark style rules would be the best option (perhaps with the exception that political parties should probably retain the right to rank-order their candidates). However this submission accepts the adequacy of Senate-style numbering rules, provided the ballot paper itself provides honest instructions to voters.

The second most needed reform is the need for requirements to cast a valid below the line vote need to be relaxed in a way similar to the changes carried out at federal level at Senate election in 2016. The current requirement for voters to number every square to cast valid below the line vote is a task considered too onerous by most able-bodied voters, let alone those voters dealing with visual impairment or some other physical disability.

The strong disincentive to vote below the line necessarily means that many of them vote above the line. In doing so, they ensure a much stronger preference flow to certain candidates than would otherwise be the case. This must surely add another level of distortion of voters' real wishes.

This submission argues, however, that this change on its own is not enough: the example of Victoria suggests that a combination of Group Voting Tickets and Optional Preferential Voting still provides ample opportunities for preference whisperers to weave their magic.

The third suggested reform is, in comparison to what some other submissions will advocate, minimalist. As an example, my friend Malcolm Mackerras will argue for a system of three nine-member regions in the metropolitan area (with similar boundaries to the present-day regions) and one nine-member country region. Such a change would remove all levels of vote weighting. This submission takes the view that if the McGowan Government were to implement such a change, it would represent a breach of faith with the electorate, as no such radical change was suggested before the election.

This submission proposes, therefore, that the current arrangement of six members per region should be replaced by a system in which each metropolitan region would elect seven members, while each country region would elect five members. If such a system was adopted, there would still be a minor level of vote weighting: the 25% of voters living in country regions would elect 41.67% of Legislative Council members, down from the current 50%.

Added to this letter are four pages of modelling of the results of the last four elections to estimate what the seat shares for the various political parties would have been under the system proposed. It should be noted that while the Nationals would lose at least one seat at each election, they would still be somewhat over-represented at each of them. Labor's position is improved in each case, but never so much as to leave the party grossly over-represented: the changes merely work to remove gross levels of under-representation at elections that it lost, and provide slight over-representation at the two elections that it won. The effect on the Greens is highly variable.

I would welcome the opportunity to answer any questions any committee that members may have, either by e-mail correspondence or telephone conversation, should they deem it desirable.

Yours sincerely

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WA Legislative Council Results based on a hypothetical 7 members per metropolitan region
and five members per country region at elections 2008-2021

Table 1A Quota Shares for Main Parties at 2008 WA Legislative Council Election

Region	ALP Quotas	LIB Quotas	NAT Quotas	GRN Quotas	Other Quotas
East Metro	3.29	2.92	0.08	0.93	0.66
North Metro	2.61	3.71	0.06	1.04	0.58
South Metro	3.25	3.08	0.06	0.95	0.66
Agricultural	1.30	1.96	2.01	0.31	0.42
Mining & P	2.05	1.91	1.29	0.54	0.21
South West	1.88	2.15	1.12	0.47	0.28

Table 1B: Vote and Estimated Seat Shares for main parties under such a result

Party	Number Seats	Seat Share	Vote Share	+/- Rep
Labor	13	36.11%	36.14%	-0.03%
Liberal	16	44.44%	39.60%	+4.84%
National	4	11.11%	5.32%	+5.79%
Green	3	8.33%	11.08%	-2.75%
Others	0	0%	7.86%	-7.86%

Labor would thus have won two more seats under such an arrangement, with both Nationals and Greens having one seat less. The successful parties of the left would have been under-represented by 2.78%, as compared with an actual under-representation of 5.4%, while combined Liberal-National over-representation reduces from 13.4% to 10.5%.

The presence or absence of Group Voting Tickets would have made no difference on this occasion: in all cases where one seat was unfilled after election of parties winning seats with full quotas, the likely preference flows would ensure the party with the largest remainder would win the final seat.¹

Table 2A:

¹ The said parties would be Green in both East Metro and South Metro, Liberal in East Metro and North Metro, Agricultural and Mining & Pastoral, and Labor in South West.

Quota shares for main parties at 2013 WA Legislative Council election under a hypothetical system of 7 member metropolitan region and five member country regions

Region	ALP Quotas	LIB Quotas	NAT Quotas	GRN Quotas	Other Quotas
East Metro	3.05	3.74	0	0.65	0.56
North Metro	2.35	4.75	0	0.69	0.39
South Metro	2.95	3.95	0	0.71	0.55
Agricultural	1.05	2.03	1.90	0.24	0.78
Mining & P	1.36	1.93	1.68	0.54	0.49
South West	1.83	2.64	0.66	0.48	0.39

Table 2B: Vote and Hypothetical Seat Shares under such arrangements (assuming no Group Voting Tickets Allowed)

Party	Number Seats	Seat Share	Vote Share	+/- Rep
Labor	12	33.33%	32.51%	+0.82%
Liberal	18	50.00%	47.62%	+2.38%
National	4	11.11%	5.88%	+5.23%
Green	2	5.55%	8.21%	-2.66%
Others	0	0%	5.78%	-5.78%

Overall conservative over-representation would not have changed, but the Liberal Party would have won an extra seat at the Nationals' expense. Labor would pick up one extra seat, making it slightly over-represented, while the Greens would be unchanged and the Shooters, Fishers & Farmers Party would have lost their one seat.

Unlike 2008, the presence of Group Voting Tickets would make a material difference in at least one region. Assuming that preference tickets remained the same, SFF lead candidate Rick Mazza would have won a seat in Agricultural at the Nationals' expense, Without tickets, it is likely he would not get enough preferences to get ahead of National MP turned Independent candidate Max Trenorden, and regardless of whether Mazza did this or not, the preferences of either candidate are certain to scatter randomly enough to ensure the Nationals won a second seat.

However it is also possible that the Nationals could win a second seat in Mining & Pastoral at the Greens' expense, because preference flows from right of centre "Others" to the Nationals might well have been strong enough under a ticket voting system. Without tickets, enough of such votes would exhaust or drift to the Greens to ensure this would not happen.

Table 3A: Quota shares for main parties at 2017 WA Legislative Council election under a hypothetical system of 7 member metropolitan region and five member country regions

Region	ALP Quotas	LIB Quotas	NAT Quotas	GRN Quotas	PHON Quotas	Other Quotas
East Metro	3.72	2.00	0	0.71	0.64	0.93
North Metro	2.97	2.92	0	0.80	0.52	0.71
South Metro	3.63	2.01	0	0.71	0.56	1.09
Agricultural	1.44	1.12	1.84	0.22	0.70	0.68
Mining & P	2.06	0.94	1.14	0.39	0.82	0.66
South West	2.19	1.36	0.72	0.48	0.64	0.61

Table 3B: Vote and Hypothetical Seat Shares under such arrangements (assuming no Group Voting Tickets Allowed)

Party	Number Seats	Seat Share	Vote Share	+/- Rep
Labor	15	41.66%	40.51%	+1.15%
Liberal	10	27.78%	26.78%	-1.00%
National	4	11.11%	4.47%	+6.64%
Green	3	8.3%	8.49%	+0.16%
Others	4	11.11%	19.79%	-8.68%

The four 'Others are estimated to be three One Nation MPs in each of East Metro, Mining & Pastoral and South West, and one Shooters, Fishers and Farmers MLC in Agricultural.

Both Labor and Greens are very slightly over-represented, with this hypothetical result increasing Labor's numbers by one at the Greens expense, in comparison to what actually happened. Similarly, the Liberals would be one seat better off, and the Nationals one seat worse off, under such a result.

Preference tickets again make a difference in some regions. The estimated four Labor, one Green in South Metro would be diminished by one, and the right of centre Liberal Democrats the beneficiary, under a ticket voting system It is estimated that preference flows from Liberal to One Nation in South West would be strong enough to win One Nation a seat if preference tickets were not allowed: with tickets, they certainly would be strong enough.

Table 4A: Quota shares for main parties at 2021 WA Legislative Council election under a hypothetical system of 7 member metropolitan region and five member country regions

Region	ALP Quotas	LIB Quotas	NAT Quotas	GRN Quotas	BPO Quotas	Other Quotas
East Metro	5.27	1.09	0	0.48	0.21(LegCam)	0.95
North Metro	4.70	1.86	0	0.69	0.14(AUC)	0.61
South Metro	5.04	1.46	0	0.54	0.15(AUC)	0.81
Agricultural	2.72	0.74	1.60	0.18	0.25(SFF)	0.53
Mining & P	3.42	0.64	0.62	0.28	0.0.24(SFF)	0.80
South West	3.36	1.10	0.37	0.35	0.12(SFF)	0.68

Table 4B: Vote and Hypothetical Seat Shares under such arrangements (assuming no Group Voting Tickets Allowed)

Party	Number Seats	Seat Share	Vote Share	+/- Rep
Labor	23	63.89%	60.34%	+3.55%
Liberal	7	19.44%	17.68%	+1.76%
National	2	5.55%	2.80%	+2.75%
Green	4	11.11%	6.38%	+4.73%
Others	0	10%	12.80%	-12.80%

This election was by far the hardest to predict with certainty the seat tallies, and also where the presence or absence of Group Voting Tickets would make the most material difference. Liberal is estimated to win two seats in North Metropolitan and one seat in all other regions, while National's two seats are estimated to be in Agricultural and Mining & Pastoral. The Greens are estimated to win one seat in South West and all three metropolitan regions, while Labor wins everything else. However it would be a very tight contest between Green and National for the last seat in South West, and between National and Labor in Mining & Pastoral.

Having preference tickets would make a material difference in many regions. It would enable Legalise Cannabis to win a seat at the expense of the Greens in both East Metropolitan and South West, and for Shooters, Fishers and Farmers to win a seat at Labor's expense in Agricultural. The Nationals would lose their predicted seat in Mining & Pastoral, but it is more likely that Shooters, Fishers & Farmers would win the seat, rather than (as actually happened) the Daylight Saving Party.