

Please find attached my submission to the Ministerial Expert Committee on Electoral Reform.

Stephen Luntz

To the Members of the Ministerial Expert Committee on Electoral Reform,

I hope you will accept this submission from outside your state. I believe, in the words of Martin Luther King Junior, "Injustice anywhere is a threat to justice everywhere", and the existing system for electing the Western Australian Legislative Council is indeed a form of injustice.

Australia has proud tradition of electoral innovation. We invented the secret ballot, pioneered preferential voting federally and Tasmania was the first to introduce optional preferential proportional (OPP) voting for state elections. Not only is OPPV considered by many scholars of democracy the system best suited to translating the will of the voters into elected representatives, but several countries have copied it from Australia for that reason.

The use of Group Voting Tickets represents a blot on this record. Instead of ensuring the will of the voters is achieved, they subvert it, at least as far as the last (and sometimes second last) position elected in each region. These positions end up having very little to do with the voters' will and are instead decided by a mixture of chance and the wishes of unrepresentative backroom dealers, potentially subject to bribes and other forms of corruption. An example from Victoria illustrates how wrong these things can go. In that case a single individual was given the power to allocate his party's preferences in a region where he was not the candidate. Against the will of many, probably most, of the party's members he directed them to another party, a decision crucial to their election. He subsequently was employed as an advisor to the MP he had helped elect in this fashion. It is unlikely many of the party's voters knew, or would have supported, the decision.

In Western Australia this situation is compounded by the malapportionment in the Legislative Council, one of the most extreme in the world.

Fortunately, these abuses have now been stopped in the Senate, and the NSW and South Australian Legislative Councils. However, as long as they remain in two states Australia's reputation in this area will remain blemished, and travesties of democracy will continue to occur. Indeed, it is likely they will get worse – now people realise you can have a chance of a seat in parliament for 100 votes the rush will be on to establish new parties in both Western Australia and Victoria. Many parties formed in this manner will have names that have no resemblance to their intentions.

Group Voting Tickets were never intended to have this effect. They were introduced to deal with the problem of people making mistakes because they were forced to vote for every candidate on increasingly large ballot paper without repeating a number. We now know there are at least two solutions to this problem that are far better.

Preferential voting above the line (whether optional or compulsory) can work well, as the reformed Senate demonstrates. Alternatively, abolishing above the line voting entirely and making voting optional past a certain point has been demonstrated to remove the problem in the ACT and Tasmania. Neither is perfect, because the perfect electoral system is impossible. However, both options are vastly better than Group Voting Tickets.

My personal recommendation would be to make voting as similar to the Senate as possible, to minimize confusion, while avoiding the obsolete features of Senate counting that cause certain preferences are over-valued.

However, at this point such concerns are minor. The abolition of Group Voting Tickets, whatever alternative they are replaced with, would be a major step forward for democracy.

In regards to the malapportionment, it is similarly a travesty of democracy that some people's votes count for six times those of others. Neglect and disempowerment of regional areas of Australia is a real problem, but overweighting the votes of people based on where they live has clearly not solved this problem, while creating many others. Once again many options are available. Having a single electorate covering the entire state, with half elected every election, as in South Australia and New South Wales, has some merit. Alternatively, a nine member non-Perth region appears to be gaining popularity and is likely to work well.

Another option would be to continue to use the current regional boundaries to reflect the differing interests of the non-metropolitan regions, but with the number of members from each region reflecting the population. This option offends many purists, but something similar has been used for almost a century in Ireland, allowing areas with their own distinct character to remain separate electorates, without greatly distorting democracy.

Once again, none of these options are perfect, but all would greatly improve future democracy in Western Australia. It would be a tragedy to let this historic opportunity for reform pass unused.