

Submission to Ministerial Expert Committee to advise Government on electoral reform for the WA Legislative Council Hon. Malcolm McCusker AC CVO QC, Professor John Phillimore, Professor Sarah Murray and Associate Professor Martin Drum.

From Jonathan Nelson

Dear Panel,

Thank you for the opportunity to give input to your inquiry.

At the last election while I was outside a polling place a very distressed woman came out from the school. In response to my enquiry about what troubled her she stated, "It is all just too complicated and hard, I'll just pay the fine." I talked to her and explained that she had done her duty as a citizen by turning up and would complete it by just taking the ballot paper. There is no requirement to make the perfect vote. I encouraged her to try again, which she did and came out much happier. She is probably typical of many who don't vote or fail to make a formal vote.

The election for the Legislative Council should be simpler, be one that enables representation of minority views and be one that doesn't lead to dramatic changes of membership: if it is to be an effective house of review.

**I propose that a half election (of 18 members) be held every four years concurrent with the election for the Assembly on a State wide basis.**

#### ELECTORAL EQUALITY

The present system of Regions for the election of the Council recognises that for a geographically distant person to have a view expressed to a representative of the House Of Review with an equal chance to a citizen of Perth there needs to be more representatives available to him. It is not about the election and voting power but is about representation. If Electoral Equality is to be viewed only on the basis of every voter having the same voting power in an election then I would be better served by not having regions at all. In terms of the views I want expressed by election results I have more in common with many people in Perth than I do with many people in the Regions. The two major parties do not represent my views.

The Legislative Council as a house of review has been effectively crippled for the next 4 years by the results of the single issue election of 2021. That is very unsatisfactory and wouldn't have happened if the 2021 election was for just half the Council (as in a Federal Senate election).

The Electoral Commission is sending mixed messages to voters in its instructions. It instructs voters to just mark one box above the line in the Council Election, all the boxes in voting below the line, and then different instructions for the House of Representatives. The concept of "above the line" and "below the line" is TOO clever. A much simpler and desirable Council voting system is possible.

## **Proposal for Legislative Council Election (half the Council)**

Parties or groups can nominate a maximum of 10 candidates under their banner. Individuals nominating will be listed in columns of 10 in order determined by a random ballot by the electoral commission. Candidates (not parties or groups) will register a preference for one other candidate with the Electoral Commission (in the manner that parties do now). The major parties will no doubt instruct their lead candidate to preference their number two person, and so on down to their last candidate where they will choose someone not on their list as their preference. The election becomes less about competing parties and more about the candidates.

Voting instructions will urge voters to mark 1 next to their preferred candidate.

Counting: Candidates getting a quota of votes will be declared elected and their surplus votes will spill to their specified preference. (In the same manner as at present). Candidates with the lowest quota will then be eliminated in order and their vote passing to their preferred other candidate. If the other preferred candidate has already been eliminated then the votes will simply exhaust. This continues until only 18 candidates remain.

This proposal should result in a ballot paper of 30 or 40 candidates. This is because there is a powerful incentive for minor parties to not nominate more than 1 or 2 candidates for fear of splitting their vote and being eliminated early. Complex preference deals will not be possible but there is nothing intrinsically immoral in minor parties and individuals choosing together to preference a strong non major party candidate. In fact- it is desirable.

### **CONCLUSION**

This proposal will result in the poll being declared much more quickly; a more stable but diverse Council and satisfy the Pub test. Many voters are deeply unhappy with the preference system as it is applied now. They frequently express this in letters to the Editor urging the moral superiority of the first past the post system. Their viewpoint should not be completely ignored. And many voters are unhappy with the appearance of parties conspiring together with preference deals but would concede that if their preferred candidate was not to win that their votes should pass to someone their preferred candidate trusted.

Thank you. Jonathan Nelson