

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

William Bowe

## Submission to Ministerial Expert Committee on Electoral Reform

Firstly, I would like to add my support to the objective of achieving greater electoral equality through reform to the group voting ticket system and rural malapportionment for the Legislative Council, which are inconsistent with the principle that representative democracy should reflect the purposely expressed will of voters on an equal basis. However, since these arguments will be made more than adequately by others, the intention of my submission is to provide some analysis of the likely electoral impact of reforms along the lines of those introduced for the Senate in 2016. This will be done through comparison of the two federal elections held since these reforms were introduced, namely the double dissolution election of 2016 and half-Senate election of 2019, and the last half-Senate election held under the group voting ticket system in 2013.

At the end of this submission are two tables, identified as Table 1 and Table 2, which illustrate how preferences flowed from the early to the final stages of the Senate election counts in Western Australia in 2013 and Tasmania in 2019. I have been unable to complete an equivalent analysis for Western Australia in 2019 before the deadline for submissions, but can provide one at a later time.

While the former result was voided due to the loss of 1,375 ballot papers during a recount, it remains a better illustration of the effect of the group voting ticket system than the special election that followed in April 2014, since the provisional election of Wayne Dropulich of the Australian Sports Party from 0.23% of the vote on the earlier occasion is a notable example of the potential for group voting tickets to produce perverse results.

Table 1 illustrates how the Australian Sports Party was able to build from a primary vote of 2,997 out of 1,310,278 formal votes by receiving group ticket preferences from 18 out of the 22 parties that were eliminated up to Count 161, with 93.0% of these parties' voters having voted above the line. At this point in the count the third Liberal Party candidate was elected to the fifth seat and the party's surplus ticket votes flowed to the Australian Sports Party, resulting in the election of its candidate to the sixth and final seat.

Table 2 is based on an analysis of the Tasmanian ballot paper data from the 2019 election, recording how the preferences of the nine parties eliminated in the early stages of the count flowed to the seven candidates who remained at Count 111, at which point three seats remained to be allocated.

Consistent with other Senate election results in 2016 and 2019, excluded parties' preferences were distributed relatively evenly, particularly in comparison with the previous situation in which over 90% of preferences were determined by the relevant party's group voting ticket. However, there was a natural tendency for excluded parties' preferences to favour parties of a similar philosophical outlook, and for better known parties to receive more preferences than obscure parties. This contrasts with the recent practice of "preference harvesting" under group voting tickets in which small parties overwhelmingly directed preferences to each other, often without regard to ideological considerations.

Due to this scattering of preferences, there has been a clear tendency for Senate seats to be won by the parties recording the highest shares of the primary vote. Out of the twelve individual state-level Senate elections held in 2016 and 2019, there was only one case of a candidate coming from behind on preferences to defeat a candidate who led after the opening stages of the count, which typically involves lead candidates of the major parties being elected with full quotas in their own right.

The exception was in South Australia at the 2016 double dissolution election, which is detailed in Table 3. Nine of the twelve seats were filled at the early stages of the count, with Liberal, Labor and

the Nick Xenophon Team respectively recording four, three and two quotas off their own primary vote. If the remaining three seats had not been influenced by preferences, they would have been won by the Nick Xenophon Team (who had a surplus of 0.8262 quotas after the election of their second candidate), the Greens (0.7631 quotas) and the fourth candidate for Labor (who had a surplus of 0.5516 quotas after the election of their third candidate).

The first two of these results duly transpired, but the final seat was won by Family First rather than the fourth Labor candidate, as they had received 0.5138 quotas as preferences from other parties compared with Labor's 0.2918. This reflected the fact that the parties whose preferences were distributed between Family First and Labor were largely conservative, including the Liberal Party, which had a surplus of 0.2354 quotas after the election of its fourth candidate.

It is notable that this result occurred at a double dissolution election, at which the quota for election is 7.69% compared with 14.29% at a half-Senate election, increasing the potential for results to be influenced by preferences. Similarly, preferences would be more likely to decide a result if the Western Australian system was reformed so that all members of the Legislative Council were elected at large, as is the case with the upper houses of New South Wales and South Australia, as compared with a regional model with higher quotas for election.

Table 4 shows what the result of the Legislative Council election of 2017 would have been if preferences had played no role in determining the outcome (this election has been chosen as it was a more typical result than 2021), as indicated in the "no prefs" column for each region. On this hypothetical result, One Nation rather than Shooters Fishers and Farmers would have won a seat in Agricultural region; the second Liberal rather than the Greens would have won a seat in South West; the second Liberal rather than One Nation would have won a seat in East Metropolitan; Labor rather than Liberal would have won three seats in North Metropolitan; the Greens rather than the Liberal Democrats would have won a seat in South Metropolitan; and the result in Mining and Pastoral would have been unchanged. It should be noted however that the alternative results in South West and North Metropolitan would have been decided on narrow margins, which could conceivably have been overturned by preferences.

The overall result would have been a slight strengthening of the major parties, with both Labor and Liberal gaining extra seats at the expense of Shooters Fishers and Farmers and the Liberal Democrats. However, both minor parties with substantial shares of the statewide vote (the Greens with 8.60% and One Nation with 8.19%, as compared with Shooters Fishers and Farmers with 2.37% and the Liberal Democrats with 1.77%) would have secured substantial representation, and no party would have won a majority. With or without reform to rural malapportionment, this provides a strong indication of the likely impact of a system in which preferences were determined by the conscious determination of voters, rather than party organisations.

### About the author

I am chiefly known as the publisher of [pollbludger.net](http://pollbludger.net), a website that features analysis of elections and opinion polls. I am also a frequent contributor of election-related commentary to public and commercial news media, and have performed on-air roles for election night coverage for ABC television and radio and data analysis roles for the election night coverage of the Nine Network.

**Table 1: Summary of preference distribution in Western Australia at the 2013 Senate election**

	Ticket	Non-ticket	Prefs to	Ticket prefs	Other prefs	Count 161
Smokers Rights	8081	638	SPRT			
Liberal Democrats	44274	628	SPRT			
Australian Christians	19676	1823	SPRT			
Help End Marijuana Prohibition (HEMP) Party	12740	1233	SPRT			
Socialist Equality Party	979	164	GRN			
Palmer United Party	62936	2659		3508	4024	73127
Shooters and Fishers	12586	1036	SPRT			
Australian Voice Party	1082	57	SPRT			
Sex Party	17830	1689	SPRT			
Secular Party of Australia	1001	485	GRN			
Australian Independents	3687	354	SPRT			
The Wikileaks Party	8129	1638	SPRT			
Katter's Australian Party	3508	401	PUP			
Family First Party	8303	480	SPRT			
No Carbon Tax Climate Sceptics	1389	92	SPRT			
Stable Population Party	1040	312	SPRT			
Stop The Greens	2074	141	SPRT			
Australian Democrats	3266	575	SPRT			
The Greens (WA)	109993	14361		1980	4341	130675
Animal Justice Party	9004	716	SPRT			
The Nationals	62016	4405	LP			
Australian Fishing and Lifestyle Party	5511	218	SPRT			
Australian Motoring Enthusiast Party	7334	414	SPRT			
Australian Sports Party	2866	131		169479	2160	174636
Rise Up Australia Party	3473	388	SPRT			
Australian Labor Party	340059	8342		0	2503	163721
Liberal	507310	6329		62016	4760	206049

**Table 2: Distribution of excluded parties' preferences in Tasmania at the 2019 Senate election**

Party	Votes	Greens	Liberal	Animal Justice	Labor	One Nation	Lambie	HEMP
Australian Conservatives	3821	914	1662	213	186	507	224	59
Nationals	4047	400	2436	162	330	271	339	63
Sustainable Australia	1787	599	244	333	220	74	158	134
Citizens Electoral Council	332	36	42	33	81	60	54	23
Liberal Democrats	2405	104	882	158	410	327	346	107
Conservative National	1533	12	200	38	60	788	332	82
United Australia Party	9287	277	1695	330	1114	2270	2764	719
Group O (Craig Garland)	3653	953	268	122	783	95	1124	254
Shooters Fishers and Farmers	6132	120	808	366	839	1094	1582	1174
Australian Conservatives		23.9%	43.5%	5.6%	4.9%	13.3%	5.9%	1.5%
Nationals		9.9%	60.2%	4.0%	8.2%	6.7%	8.4%	1.6%
Sustainable Australia		33.5%	13.7%	18.6%	12.3%	4.1%	8.8%	7.5%
Citizens Electoral Council		10.8%	12.7%	9.9%	24.4%	18.1%	16.3%	6.9%
Liberal Democrats		4.3%	36.7%	6.6%	17.0%	13.6%	14.4%	4.4%
Conservative National		0.8%	13.0%	2.5%	3.9%	51.4%	21.7%	5.3%
United Australia Party		3.0%	18.3%	3.6%	12.0%	24.4%	29.8%	7.7%
Group O (Craig Garland)		26.1%	7.3%	3.3%	21.4%	2.6%	30.8%	7.0%
Shooters Fishers and Farmers		2.0%	13.2%	6.0%	13.7%	17.8%	25.8%	19.1%

**Table 3: Summary of Senate preference distribution in South Australia at the 2016 double dissolution election**

	Count 1	%	Quotas	Count 457	%	Quotas
Labor	289902	27.32%	3.5516	68849	6.49%	0.8434
Liberal	345767	32.58%	4.2354			
Greens	62329	5.87%	0.7631			
Nick Xenophon Team	230703	21.74%	2.8262			
Family First	30464	2.87%	0.3731	72392	6.82%	0.8869
Others	102000	9.62%	1.2506			

**Table 4: Impact of preferences at 2017 Western Australian Legislative Council election**

	Agricultural				Mining and Pastoral				South West				Total seats	
	%	Quotas	No prefs	Result	%	Quotas	No prefs	Result	%	Quotas	No prefs	Result	No pref	Actual
Labor	24.00%	1.6800	2	2	34.16%	2.3912	2	2	36.44%	2.5508	2	2	15	14
Liberal	18.65%	1.3055	1	1	15.69%	1.0983	1	1	22.68%	1.5876	2	1	10	9
Nationals	30.69%	2.1483	2	2	18.97%	1.3279	1	1	12.04%	0.8428	1	1	4	4
One Nation	11.66%	0.8162	1		13.70%	0.9590	1	1	10.63%	0.7441	1	1	3	3
Shooters	5.65%	0.3955		1	5.15%	0.3605			4.12%	0.2884			0	1
Greens	3.60%	0.2520			5.68%	0.3976	1	1	7.58%	0.5306		1	4	4
Lib Dem	1.09%	0.0763			0.69%	0.0483			0.95%	0.0665			0	1

  

	East Metropolitan				North Metropolitan				South Metropolitan					
	%	Quotas	No prefs	Result	%	Quotas	No prefs	Result	%	Quotas	No prefs	Result		
Labor	46.51%	3.2557	3	3	37.22%	2.6054	3	2	44.87%	3.1409	3	3		
Liberal	24.95%	1.7465	2	1	36.47%	2.5529	2	3	24.84%	1.7388	2	2		
Greens	8.90%	0.6230	1	1	9.98%	0.6986	1	1	9.25%	0.6475	1			
One Nation	8.03%	0.5621		1	6.46%	0.4522			6.99%	0.4893				
Lib Dem	1.03%	0.0721			1.09%	0.0763			3.91%	0.2737		1		