

ELECTORAL MATTERS COMMITTEE

Inquiry into the conduct of the 2006 Victorian state election and matters related thereto

Melbourne — 28 August 2007

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Mr G. Goode, president, Proportional Representation Society of Australia
(Victoria-Tasmania) Inc.

The CHAIR — Mr Goode, thank you for joining the committee today. The Electoral Matters Committee is hearing evidence today on the inquiry into the 2006 Victorian state election and matters related thereto. All evidence taken at this hearing is protected by parliamentary privilege as provided by the Constitution Act 1975 and further subject to the provisions of the Parliamentary Committees Act 2003, the Defamation Act 2005 and, where applicable, the provisions of reciprocal legislation in other Australian states and territories. I wish to advise witnesses that any comments they make outside the hearing may not be afforded such privilege. Mr Goode, I take it that you have received the guide to giving evidence at public hearings?

Mr GOODE — Yes.

The CHAIR — Please state your full name and address for the benefit of Hansard.

Mr GOODE — Geoffrey Goode, 18 Anita Street, Beaumaris.

The CHAIR — Please state if you are attending in a private capacity or representing an organisation, and if representing an organisation, what your position in the organisation is.

Mr GOODE — I am representing the Proportional Representation Society of Australia (Victoria-Tasmania) Incorporated, and I am the president of that organisation.

The CHAIR — Thank you. Your evidence will be taken down and become public evidence in due course. I now invite you to make a verbal submission. The committee will ask questions following your address. Over to you.

Mr GOODE — Thank you, Chair. I have submitted a written submission, which I have in front of me, and I will use it just as a guide. I think I have about 10 minutes to speak first, and that will allow plenty of time for questions, if there are any, afterwards. We have divided our written submission into four main sections. The main two sections I will probably be speaking about are sections 2 and 3, but I will start off with section 1, which is headed 'Full declaration of results for the Legislative Council'. We state here what one would think would be a fairly obvious proposal but what is perhaps not fully complied with, in that there should be the fullest possible disclosure of results in the public domain. Of course the ideal means of doing that these days is the website of the electoral commission.

Now we are not in any way being critical of the commission, it does a very good job in many respects, but obviously there is always room for improvement, and we just want to make a few suggestions. One of them, probably the most important one, is the difference between the VEC disclosure or publication of results on the website and that of the Australian Electoral Commission. In the VEC disclosure of the Legislative Council results of last year there was no way of separating or seeing the difference between the first preference votes for individual candidates — that is, those cast below the line — and those that were effectively cast by the group voting ticket.

They were, as we put in our submission, conflated. You just had an aggregate number for the lead candidate combined with that lead candidate's votes below the line. So there was no way of knowing the degree to which the below-the-line option was utilised. That seems to me a matter of concern, particularly on the very first election when this was a new feature for Victoria. Nobody could really offer any meaningful precise comment about it apart from expressing concern. That is what we are expressing. We are unable to make any numerical comment about it, whereas in the Australian case we could. We hope that the committee would put as a recommendation that in future the VEC follow the Australian Electoral Commission pattern in disclosing those.

Now the larger question comes, and it is probably our main issue in presenting matters to you, which is about problems with group voting tickets. Most recently the thing that has concerned our organisation — whose current lease of life extends from the 1940s; as the PR society in Victoria it went back to the early 20th century with a lot of input at the time of Federation and changes in

Victoria's electoral arrangements — apart from promoting PR for the upper house, which has succeeded, is this group voting ticket arrangement. It is an invention that has crept up on Australia — it is creeping up on Australia, it has not taken over completely; Tasmania has not yet succumbed. But before the 1984 change to introduce this group voting ticket proviso there was a prior pattern leading up to it. We make reference to that there. There was a particular event in 1937, the 'four As' Senate manoeuvre by the Australian Labor Party in the New South Wales Senate election in 1937, where a previous rather innocent alphabetical arrangement on the ballot paper was exploited.

Two of the candidates were I think Armstrong and Armour, and there were two others whose names happened to begin with A. Now that caused a change. The Menzies government in 1940 reacted to it and introduced, for the first time, a legislative interference or lack of impartiality in the ballot paper design. It allowed the candidates to decide their own order on the ballot paper. It is our view that that is not a good arrangement. Tasmania had an — again, rather innocent — arrangement at that time like that of the commonwealth: alphabetical order. Over the years since then Tasmania has gone a completely different way from the commonwealth and, unfortunately, gradually other states. Tasmania has decided to make it more objective, more even-handed and fairer. They kept on for sometime with the alphabetical order but realised that they were getting too many candidates or members elected whose names began with A. There were too many Amoses, Batts and other names starting with high letters in the alphabet in the Tasmanian Parliament. It was fairly evident.

A Liberal private members bill was accepted by the Tasmanian Labor government to introduce Robson rotation, which we will talk about at the end of the submission. But the commonwealth unfortunately went the way of allowing the candidates to decide their order. That was cemented and made far more entrenched, I suppose, in the 1984 changes to group voting tickets. We say, and we invite the committee to consider, that this is having a bad effect in the community. The community is becoming more distanced. People are taking less interest in the actual people and what the actual people stand for within a party. They have no control over which faction or tendencies within a party will predominate, whereas in Tasmania they do. In the multi-member electorates they have an opportunity to balance the representation of a particular party, not just how many of each party, but how many of the groups within the parties. They can reward performance, in their view — and they are the people who really should be deciding these things, rather than party selectors. We think that is something that the party selectors should be challenged on.

The party selectors and the party organisations have a role in persuading people by other means. They can extol the virtues of candidates, they can give recommendations on other candidates, but they should not have a ballot paper design that facilitates just an easy tick that automatically slots in a predetermined group. Everybody knows, it is taken for granted, that that is what has been decided. It is published well before the election and we know how many are going in. That is very akin to a much-less-fortunate type of proportional representation, the party list system. The party list system, of course, does not provide — this is the system in continental Europe; it is quite different from the quota preferential system that Australia initially employed in Tasmania in 1907 and in the Senate in 1948 — a means where the voter can choose the order of people in the party. In fact, in the first proportional representation Senate election a candidate that was no. 1 of a party was not elected. People still preserved that right to make up their own minds. Eventually they wearied of it, it seems, and the easy way out took over. We do not think that easy way out is a good feature of the electoral system.

Of course there has been a High Court decision on group voting tickets and they are deemed by the High Court to, nevertheless, be compliant with the direct election provisions of the commonwealth. There are also direct election provisions in the Western Australian constitution. There are no direct election provisions in any other state. They are included in the Australian Capital Territory legislation providing for proportional representation. We believe this is something that Victoria needs to give some consideration to, otherwise you could have, as briefly

occurred in South Australia, a party list system introduced for an upper house. The Dunstan government introduced a party list system in South Australia but it was removed. There was much public dissatisfaction with it and it was removed as soon as a Liberal government came into power.

It, with Democrats support in the South Australian upper house, was able to remove that party list system. The only other operation of a party list system in Australia was in the ACT, where that caused massive dissatisfaction, too, and ended up in a public referendum choosing between two more clear-cut systems, single member and Hare-Clark; as it happened, Hare-Clark won. So we ask that that might be a recommendation that the committee might consider, that the Victorian Constitution Act should, like the Western Australian or the commonwealth acts, introduce a requirement that all members should be directly elected by the people.

The next point we make here is that the VEC did not prominently display group voting tickets, as required by law. I see some recognition of that; I do not think it is denied. It may be that there were not sufficient resources available to the commission. They have a difficult job. As we point out in our written submission, this is a massive array of group voting tickets that are quite elaborate and complex. They are not advertised in the newspapers probably because there would be too many big pages full of fine print, I do not know; I have not worked that out. They are put on the VEC website on large, slow-to-download PDF files that you scroll through from left to right. It is very easy to lose your track in this fine print of the morass of preferences. People complain about that.

When you actually try to exercise the right that the law is supposed to provide, to have them drawn to your attention in a polling booth, you are disappointed; they are not there. I have experienced this personally at my own polling booth and so have a lot of our members. It is not confined to the Victorian Electoral Commission; the Australian Electoral Commission had done the same thing at the previous federal election.

Our society has a written apology from Senator Abetz, who was the minister at the time and who had investigated it and found that the law had not been complied with. Anyhow, obviously it would be good for the law to be complied with. I am sure the committee would support that proposal. Our main point is that a better way out is not to have group voting tickets at all. It works very well in Tasmania. As we say in our point 3, above-the-line voting is neither necessary nor desirable.

I have circulated and handed out to members and I hope they have it, that table of Tasmanian exhausted votes. Obviously we have to distinguish between exhausted votes and informal votes. Before I detail that table of exhausted votes, I just make the point that figures on the VEC website show that at the Legislative Council election last year, which this inquiry is about, the overall percentage of informal votes was 4.44 per cent, and that is with a group voting ticket arrangement and partial optional preferential below the line. In 2006, that same year, the Tasmanian Assembly went to the polls. The figures on the Tasmanian Electoral Commission website show that the percentage of informal votes there was lower, 4.28 per cent, and there are no group voting tickets at all. We believe that group voting tickets are not needed for the reason of reducing informality. The Victorian Parliament wisely has taken the initiative and the good step of making below-the-line voting partial optional preferential, whereas the Senate and various other upper houses have not taken that step. We congratulate it on that, which is obviously something to be maintained.

This page that I circulated deals with the allied matter of exhausted votes. These are obviously formal votes but ones that are not capable of being fully used because the number of preferences is not marked enough. At the relevant time, when they are needed, there is nothing there, so there is no use for those. Quite a lot of elections, 29, are cited, and the median figure of exhausted votes is 3.3 per cent. As pointed out in the first note at the top, this does not mean that those votes were not used; they just were not fully used. There came a point at some stage when some of those ballots

just were not fully used, but they still, in many, many cases, would actually have contributed to the election of people. So it is a very small figure. It is maintained fairly steadily over a very large increase in the Tasmanian population. The number of voters in 1913 was some 70 000 and last year it was four times that. The figure does not seem to be affected by the scale.

We believe that there is a benefit in abolishing the group voting ticket option. It would make elections more involving for voters, and it would not be just a perfunctory duty that is done extremely reluctantly — the ‘Why do I need to know anything about this? I will just do what I am told’ attitude, which is quite widespread, particularly among younger people. It is very hard to get them, really, to take some of this seriously, other than it being just a burden on them. Whereas if they were looking into what these people are actually doing and who these people are that they are electing and having to choose between them in a meaningful way — that is the only way in which they express their vote in Tasmania — we believe there would be more involvement and there are certainly not any disadvantages, as those Tasmanian figures and other indications can show.

The final point to make in that is that the Victorian Electoral Commission’s report, which you are examining, has an excellent study called the how-to-vote card conformity study. We draw attention to this because they examined eight lower house electorates — and they were chosen for particular reasons — and found that while they had a particular political problem to illustrate, the actual voters in those eight electorates would not be substantially different in their abilities and attitudes from the electorates in general in the rest of Victoria. It was the candidates that were the reason for choosing that particular study. It could be taken to represent virtually any Victorian electorate. It found that more than 50 per cent of the people did not follow a how-to-vote card.

We believe the banning of how-to-vote cards at the handout, which is actually a Tasmanian law, reduces that degree of influence and the sheer litter and the selective advantage that just happens to occur because some people are pushier than others or for some other reason. The Tasmanian system is to display the recommended how-to-vote cards in the polling booth.

There is no group voting ticket, there is no pushing pieces of paper which just blow around the streets — huge amounts of paper — there is no possibility of problems with irregularities of how-to-vote cards, because the electoral office displays them in the polling booths. And people have to vote only for the number of candidates to be elected; they do not have to follow some enormous, long list of people that they have no idea about, what they stand for or what their movements or causes are. That is our comment there.

Our final comment is on the question of Robson rotation. We hope that Robson rotation will be considered soon. It was recommended for further consideration by the Constitutional Commission. We were able to persuade the Constitutional Commission that recommended on the upper house system to meet with one of our members, the Honourable Neil Robson, who was the private member, the Liberal who put forward the Robson rotation in 1979 and succeeded in having it carried through both houses in the Tasmanian Parliament, and it has worked well ever since, and applies to both houses in Tasmania and has been adopted since in the Australian Capital Territory where it is entrenched.

That, we believe, raises another point here, the final point, that the major parties do not seem to realise that the stage management of the preferential proportional representation at elections is actually to their disadvantage, and there are classic examples of that. Dr George Howatt, who has tabled his reports in the Tasmanian Assembly, has just analysed various older elections (a more recent one was analysed by me in an article I had published in the *Canberra Time*) showing how Senator Gair, for instance, would not have been a senator of the commonwealth if there had not been this extraordinary system of asking everybody in the major party to vote one for a particular candidate, raising that person way up in the list, giving Gair, in that case, an advantage over all the other candidates whose first preference totals were very small.

He kept above the other candidates. The other major party candidates with hardly any first preferences gained their running totals through surplus transfer, but Gair got some too, and Gair just stayed well above the others. You can just look through the counting sheets and see how under the relatively even distribution that the voters actually incur on the various candidates in a Hare-Clark arrangement the major parties benefit from that, and the smaller marginal people just do not accidentally come along. My analysis in the *Canberra Times* was that Senator Mason, a Democrat in New South Wales, would not have been elected.

That seat would have been given, I think, to the Liberals or Labor, I have forgotten which, but it would have been a major party. Those analyses, of which there are links if you have the electronic version of our submission, you can follow that report of Howatt's up and actually read it. It has illustrated graphs and it is very straightforward. The major parties seem to prefer the ability to decide which particular people will occupy the seats rather than maximising their numbers, which strikes us as rather curious, but that is what is actually happening.

In the Tasmanian Assembly the votes are spread around so much that in the whole history of Assembly elections only one candidate ever in a whole century of elections has got an absolute majority of first preference votes. That was Doug Lowe in Franklin. Every other member of the Tasmanian Assembly who has ever been elected has got less than 50 per cent of first preference votes, simply because they are spread around. That is how voters really think. The majority hoped for is somewhat unnatural and artificial because, given a whole spread of candidates, people's views aren't that organised or are not focused on a particular person that much. That concludes my remarks, if there are questions, Chair.

The CHAIR — Thank you. What is your position on proportional representation in the lower house? I say this because that is a position that the Greens currently hold, and it seems to be a panacea to work against executive dominance, and it seems to be an accountability mechanism. Obviously you are in favour of it, but can you please expand on that?

Mr GOODE — Clearly an organisation like ours takes the view that the lower house, being a house that decides government, is, as in the Tasmanian model, a more appropriate place for proportional representation, but that is not the way that the system has evolved in mainland Australia as it happens. It did happen in Tasmania, and we think they are to be congratulated, and they are very fortunate in that instance because, as we know, in mainland elections a party can get a majority of the two-party-preferred vote, as both Paul Keating did and John Howard did in the 1990s, and they actually did not win.

I have had people sitting next to me refuse to believe that, and the average person is just completely confounded. They think you are fantasising, but we have heard Mr Beazley admit this on television, and we have heard Mr Howard admit it. Speaking as opposition members they have both said that on public television, but it does not lead to any action, of course; yet the continent of Europe has this arrangement, which Tasmania adopted, of having the lower houses as PR houses, by and large, and not the upper houses, but we are not pushing that here.

Mr SCOTT — Two very quick questions, and I am aware we have already reached the end of our allocated teleconferencing time.

The CHAIR — Yes, we are a bit late.

Mr SCOTT — You gave a figure for the median. Do you have a mean figure?

Mr GOODE — Yes, I did actually calculate a mean figure, I think, of 3.4.

Mr SCOTT — The other question is in terms of informal voting. You make a statement that where people are only required to make one to five preferences, there would not be a significant impact on informality. The concern that I would have is that research that I have seen by the AEC and other figures — I am just checking state election figures — shows that a

statistical link has been drawn between informality and persons of a non-English-speaking background participating in the electoral process.

My concern would be that Tasmania has a very low rate of persons from a non-English-speaking background comparative to other states like Victoria and the effect of having a more complex voting system on these persons and their ability to participate in the electoral process. For instance, Broadmeadows is nearly twice the rate of informality of, say, Keilor and other electorates. You can even see in the metropolitan regions, upper house regions places like Northern Metropolitan and Western Metropolitan regions have a more significant rate of informality that the changes — and this is my concern — might lead to a disadvantage, to a lesser participation, from some of the groups in the community who have more difficulty in following a more complex electoral system.

Mr GOODE — You are right to obviously be concerned about that difference. There is a difference between those two communities and that is a concern that one would have, but in the lower house in those communities people have to mark a lot of preferences, more than we are suggesting have to be marked if the Hare-Clark type rules on informality applied to the upper house. There are only five members to be elected in the upper house, whereas you might have 10 or 12 candidates in the lower house, and they all have to be marked, and yet that seems to be coped with, or there is no move to reduce the formality requirements in the lower house.

Mr THOMPSON — Geoff, I have two questions. One, there is a recent reply to your correspondence to the Victorian Electoral Commission which suggests that the Robson rotation method would require the printing of 60 different ballot papers for each region based upon the last state election. Do you have a comment on that at all?

Mr GOODE — Yes, I have spoken to a former Tasmanian government printer on this matter and, with modern computer systems, there is no problem at all. There is an automatic rotation of the print format and if there are, say, 50 000 ballot papers to be printed, there are just as many ballot papers to be printed under the rotation system as there would if there weren't a rotation system, and the computer simply changes its output when it comes time to start a new batch, and they are done, not in whole stacks, but they are interleaved, so there is no way in which a voter who is to get a ballot paper knows which candidate is going to be on top. They all have an equal probability of getting it, so a how-to-vote card is pointless, and that is a good thing. There are not people dragooning people into how to vote. People have to be persuaded of the merits of the candidates and they are by press advertisements and recommendations and the performance of the candidates.

Mr THOMPSON — If there was a change to the group voting ticket system, where do you see the net benefit resulting from that being?

Mr GOODE — The net benefit is that it is a more open and honest system. There is no organisation setting people up. It is not stage-managed in the sense that somebody or other is giving certain candidates an advantage by being put in a particular position. The benefit is that the electoral power is transferred to the voters.

Ms CAMPBELL — I have got a question on informal votes. Under the system you have just described and with the number of candidates, for example, in a metropolitan upper house, have you got any evidence on the numbers that are formal and informal compared with the system we currently have?

Mr GOODE — We have only had one run: one election in which the present system has operated, and as I pointed out the VEC website says the informal vote count in the Victorian council elections was 4.44 per cent. The same year it was done in Tasmania for their lower house it was 4.28, under the system we are recommending. It was a proportional system but with no group voting tickets whatsoever — never been any. They have been resisted. They have been

attempted and resisted by Parliament — 4.28 per cent. I think in this matter Parliament has really been well informed in Tasmania, and they have made the decision. They were well aware of the move to group voting tickets and they rejected it, consciously. It is not that they are behind the times or they are not aware of it. So there is a lower informality rate under the Tasmanian system, but we did not have the experiment done in Victoria.

Mr THOMPSON — We had the benefit of a curriculum vitae in relation to Dr Coghill, who made a presentation earlier in the day. I have an understanding of your wider contributions to public issues over a very long period and I could provide my own synopsis for the benefit of the committee but would you feel free just to give an outline of your areas of keen interest as you might adjudge being worthy for the Parliamentary record?

Mr GOODE — That is not unreasonable, I suppose. Presumably that is admissible and acceptable

The CHAIR — That is fine.

Mr GOODE — I have been quite interested in the conservation movement. I was treasurer of the Australian Conservation Foundation for 12 years. I managed to persuade them to have a PR electoral system, which they have kept very happily ever since. I managed to persuade the National Trust in Victoria to do the same thing, and they have been quite satisfied with that system, too, so the two interests do fit in. I have been an elected local councillor in my own area, and I was appointed for one term to a former government's Port Phillip Authority. I have been interested in a number of social and environmental matters.

The CHAIR — Thank you, Mr Goode. You will receive a copy of the transcript in a couple of weeks time. Typing errors may be corrected but not matters of substance.

Witness withdrew.