EMC Submission No 1 Part B
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Malcolm Mackerras AO

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The Honourable Louise Asher MP
Chair
Electoral Matters Committee
Parliament of Victoria
Spring Street
East Melbourne
Victoria 3002

Dear Ms Asher

I sent to you a substantive letter dated 1 June and a brief follow-up letter dated 10 June. I have decided now to write you a substantive follow-up letter which is really only necessary because I know that I cannot participate in a teleconference in August as your letter to me dated 27 May suggested. I also know that, while I cannot be sure that I shall be able to talk to members of the Committee I would very much like to do so. Consequently I am putting further thoughts on paper. However, I repeat what I said in my letter dated 10 June. I would be delighted if I can talk to members of the Committee in September or October if you can arrange for a teleconference to do that.

Now I know the membership of the Committee I begin by noting that Fiona Patten is one of your seven members. The best I can hope for, therefore, is that my recommendations may be accepted by a vote of six to one, Patten dissenting. Yet there is something I do want to say to her in addition to my remarks to the Committee as a whole. I want to tell her that, in my lobbying on this subject, I have shown her "how-to-vote" card as the ultimate example of what is wrong with the way in which this kind of material has damaged the process of the election, contrary to the intentions of the legislature.

As I noted on the second and third pages of my letter of 1 June there is an important difference between the Senate ballot paper and that for the Victorian Legislative Council. The federal Parliament was not in the business of making it easy for the elector to vote for candidates below-the-line. By contrast the Victorian Parliament made a conscious decision to increase the below-the-line vote at Victorian state elections compared with Senate elections. The difference lies in the words : "OR place the numbers 1 to at least 5 in these squares to indicate your choice".

That being the case I find it quite offensive that Patten's "how-to-vote" card instructs voters to limit their rights with this instruction: "DO NOT mark any boxes BELOW the thick, black line." So that the members of the committee understand what I am on about I enclose the best card (Liberal Party) and the worst card (Sex Party) of those four parties represented on the committee. I would be grateful if these could be circulated to your members.

Since I shall not be able to see the submissions of others before I go overseas I have decided to anticipate some of them and describe my reactions to those expected submissions. I begin with my expectation of the submission from the Proportional Representation Society.

The PRSA is a body I respect. Indeed I have given talks to their members. I expect that their views will be substantially the same as mine, but with one difference. They will insist that Robson rotation be part of any serious reform of the system. While I can see the idea behind Robson rotation and while it works well under Hare-Clark, in my opinion it is not appropriate in upper house elections. Ever since the Single Transferable Vote system began for Senate elections in 1949 (indeed well before that) party groups have been allowed to rank their order by agreement between themselves. At this stage, therefore, I think it is unreasonable to ask the parties to give up a right they have possessed for eighty years of Senate elections.

I expect that you will get several submissions recommending that there be optional preferential voting above the line. It will be

argued that it has been successful in New South Wales for their 2003, 2007, 2011 and 2015 elections for their Legislative Council.

Before I deal with that claim I want to give you a new psephological term. It is "district magnitude". It simply means the number being elected. Thus for Victoria the Assembly has DM 1 and the Council has DM 5. For the federal parliament it is DM 1 for the House of Representatives, DM 6 for states at half-Senate elections and DM 12 for states at whole-Senate general elections. For the territories it is always DM 2.

The international literature on electoral systems tells us that, in any country of the Anglosphere, the Single Transferable Vote system is the appropriate one for elections under DM 2 (territories in Australian Senate elections), DM 3 (Irish constituencies), DM 4 (Irish constituencies), DM 5 (Irish, Maltese and Hare-Clark constituencies), DM 6 (Australian Senate) and DM 7 (Molonglo in the ACT and the Senate in 1949 and 1984). However, once you get district magnitudes higher than that a party-list system is appropriate.

In New South Wales we have DM 21. Consequently it is appropriate that there be a party-list system in that state. With DM 21 no one thinks it is odd that the Shooters and Fishers have two of the 42 seats in the Legislative Council. Nor does anyone think it is odd that Mark Pearson of the Animal Justice Party should be elected with only 1.8 per cent of the vote.

Contrast that with Victoria. With DM 5 for its Legislative Council regions IT IS THOUGHT TO BE ODD that two of its 40 members are Shooters and Fishers. Likewise it is thought to be odd that micro party members with low shares of the vote can be elected in the Western Victoria, Northern Metropolitan and Western Metropolitan regions. This can only come about with gaming the system through preference harvesting.

So, for the very best of psephological reasons I urge you not to ask Victoria to copy New South Wales in this matter. That is the mistake the federal Electoral Matters Committee made in its report

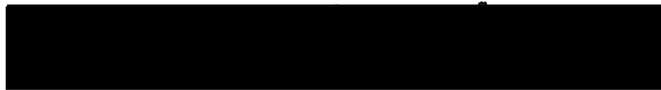
of May 2014 titled *Interim report on the inquiry into the conduct of the 2013 Federal Election: Senate voting practices.* However, in addition to my psephological arguments there are political arguments.

In my media appearances I refer to "the New South Wales disease". It is a Labor term and it derives from the corruption of the politics of that state caused by the election to the Legislative Council of Eddie Obeid and Ian Macdonald. My reference to the NSW system is to say "that is the system which gave you Eddie Obeid and Ian Macdonald". It may sound a cheap shot at a system which is actually appropriate for New South Wales but not for the Senate or any other state. Nevertheless it is an effective cheap shot.

My latest comment is to say that the Commonwealth Parliament should not allow the New South Wales disease to infect the Senate and the Victorian Parliament should not import that same disease into its Legislative Council.

So I conclude this letter as I did with my letter of 1 June. For every reason the Victorian Parliament should restore its Single Transferable Vote system to a PROPER STV system and do that my making it a candidate-based system as I have recommended. Consequently I recommend the elimination of ALL THREE CONTRIVANCES introduced into the Senate STV system in 1984 and copied for the Victorian Legislative Council system which has operated at each of the 2006, 2010 and 2014 elections.

Yours sincerely



Malcolm Mackerras