

# CORRECTED EVIDENCE

## ELECTORAL MATTERS COMMITTEE

### Inquiry into the conduct of the 2014 Victorian state election

Melbourne — 12 August 2015

#### Members

Ms Louise Asher — Chair

Ms Ros Spence — Deputy Chair

Ms Lizzie Blandthorn

Mr Martin Dixon

Mr Russell Northe

Ms Fiona Patten

Mr Adem Somyurek

#### Staff

Executive officer: Mr Mark Roberts

Research officer: Mr Nathaniel Reader

#### Witness

Mr Chris Curtis.

**The CHAIR** — Mr Curtis, thank you very much for coming along to present to the committee and for your very thoughtful submission. I will just remind you that you are covered for parliamentary privilege when you give evidence before a parliamentary committee but anything you say outside to the media is not covered by parliamentary privilege, so you may wish to bear that in mind. My suggestion now is for you to state your full name, and if you have a business address — we do not want to know your private address, but if you have a business address — to give that, and to indicate if you are attending in a private capacity or whether you are representing an organisation, and then to perhaps address some of the issues in your submission, and then the committee will ask questions.

**Mr CURTIS** — Thank you. Chris Curtis, appearing in a private capacity, and I do not have a business address. I appreciate the opportunity to appear before you. I will keep this brief because I think I have covered things pretty clearly in the submission. I will make three points and then four suggestions. Parties have to put their own interests behind that of democracy. In years gone by we had gerrymanders. In some states it was the conservatives; in Queensland it was the Labor Party that put in gerrymanders. Those days are gone, and we need to make sure they stay gone.

The second point is: it is the citizen's duty to vote. When we say a citizen has a duty to vote, it includes having to vote for people they perhaps really would prefer not to vote for. That duty continues for second, third, fourth, fifth, et cetera, preferences. It is not a duty that you can perform by putting '1' and ignoring anything else. I think there might be problems when there are large numbers of candidates, but the duty exists to make us a representative democracy. I think in particular it would be a very bad mistake to have an instruction on a ballot paper to mark a certain number of preferences and then to count as formal a vote that did not actually do that. I think that would bring the law into disrepute.

The third point, and I go into this in a fair amount of detail in my submission, that there is nothing wrong with being elected from a tiny number of primary votes. That has been happening since 1949 in the Senate, since 2006 in Victoria. It just so happens that mostly they are people from major parties who are the no. 2 or 3 candidates. The election of people from micro-parties who started on tiny primary votes is of no matter whatsoever.

The only problem I see is when you have a large number of candidates, as you had for the Senate, and people were then intimidated into not voting below the line because it was very difficult to go through 50, 90, 100 people and rank them. We do not have such a problem in Victoria because preferences below the line only have to go to five. They do not have to go to the full range of candidates.

The four suggestions that I make are, first of all, I think we should keep below-the-line optional preferences after a certain number. I think five compulsory preferences is a problem, because what it actually does is lock up a lot of votes inside the parties that run five candidates even though some of those five, nos. 4 and 5, are never going to be elected. Those votes are deadlocked up there, it basically exhausts, and the group voting ticket will determine the result. I think it is important that the preferences people mark under the rules have to go outside one particular party, and I think the way to do that is to increase the number of compulsory preferences below the line. I suggest 20. New South Wales has 15. I would even accept 12 if there were fewer candidates, which I will come to later, below the line.

The second suggestion I have is that the group voting ticket should remain, but the number of preferences in that group voting ticket should not be the entire number of candidates. There should be a restriction on how many preferences you can put in a group voting ticket because then there will not be an incentive to create phony parties that simply harvest preferences to feed into somebody else. There will be a limit of some sort. I think that limit should be whatever the number of compulsory preferences is below the line — unless you are going to leave it at five, so there would be no point in a group voting ticket of only five — so somewhere like 12, 15, 20, and you cut off a number of preferences in a group voting ticket and you help stop the problem of phony parties. If people want to stand for parliament, they are entitled to do so. This is about group voting tickets and the genuineness and integrity of those who stand.

The third thing is a website or app for formal voting. There are private organisations that do this. You can go to them and you can put on the internet your preference and it will tell you if it is formal or not. It seems

to me the electoral commission should have its own facility for doing that, and you can take that, print it, take it to the polling booth, copy your own preferences and be confident that you are exercising a formal vote below the line.

The fourth suggestion is nomination fees. I think we should discourage unnecessary numbers of candidates running in party groups and therefore the nomination fee for the candidate after the first should be greater and the third candidate should be greater again, and you will end up with a situation where the major parties will probably run three, maybe four, candidates, the Greens might run two and everybody else would just run one. So you will have fewer people below the line for people to choose from.

Again I have gone into figures and I am not committed to those dollar amounts. They are just a suggestion of how you would do it. My aim is to make it easy to vote below the line but protect the proportionality of the system. The proportionality of the system depends upon preferences going through to a certain number — and I cannot define that number — rather than exhausting. If you had a situation where you only had to put the number ‘1’, and everybody did that, you would have a completely random result in every single region in every single election where someone could be elected with 40 per cent and someone with 30 per cent and someone with 5, 2, or 1 per cent, and it would just be a complete shambles. Thank you very much for this opportunity.

**The CHAIR** — Thank you for your presentation. I will leave aside your sliding scale of nomination fees going up to \$100 000, given that I will probably only get one question. I wanted to pick up your point on page 18 of your submission where you believe that political parties should be what you call ‘real’ and a test of being real would be that they would be registered for at least two years, which is something I think could probably be achieved by legislative change. Could you just flesh out a little bit of your rationale for that suggestion?

**Mr CURTIS** — Yes. I have been observing politics for almost 50 years. I started almost as a child. There have been a number of parties that have come and gone in that time. They are here for an election and then they are gone. It seems to me that they are not really that genuine. I am not going to label any party that stood in the last state election or last federal election as not genuine, but I do not think it should be possible to suddenly create a party immediately before an election, get all your mates to sign a nomination form and put yourself on the ballot when maybe all you have really done is choose a name that sounds good because you want to feed votes to another party that you really support. I am not accusing anybody of doing that but the system allows that. Whereas if you have a two-year registration, or 18 months even, you are making it more genuine: this is a real party. Again this does not stop any individual standing; this is just about the party, the group. You as an individual can stand without having to register anything for any period of time. But if you want that party name and that party label, then you prove that you are genuine by your longevity.

**Ms BLANDTHORN** — For the benefit of the committee, could you describe what you see as the effect of locking up a below-the-line vote that might exhaust after five votes through, say, one party ticket?

**Mr CURTIS** — Yes. What it does is if people who vote below the line just go one to five, we know that no party will get five elected, so that vote will just sit there within whatever the party is, and then there will be a certain number of candidates left from all the micro-parties at the end. The people who voted one to five within their own party actually have no say in the result because their votes just sit there, exhausted. Because of the group voting system, which most people use, that group voting ticket will then determine what happens next. I am saying that people should be required by the numbers to go beyond that five and to make the choice not just of their favourite party but of maybe their second or their third favourite party.

**Mr DIXON** — So you are saying, Chris, that, for example, you are allowing down to 12 preferences. Somebody votes reluctantly — you are saying it is duty — but they do not want no. 12 to have any power, in any way, shape or form. Do you still think that no. 12, under those circumstances, is as important as somebody that the person would vote as no. 1?

**Mr CURTIS** — Yes, I do, and the reason is that you can go into a polling booth and you can have 12 candidates there and think all of them are hopeless and you are still forced to choose that no. 1. I know technically you cannot enforce it because it is a secret ballot, but the law says, ‘Yes, you must vote no. 1 even if you do not like any of them’. It is not that you get more than one vote. You will have a vote that chooses between a number of candidates and, when the bottom one drops out, you have to choose between the number that is left. It is possible that the no. 12 candidate in another election, where there might have been six people, would be the person you would put first of those six. I understand the feeling, but I do not think it is logical.

**The CHAIR** — Any further questions? All right then, thank you, Mr Curtis, for coming along and for putting a lot of effort and thought into your submission. I advise you that Hansard, who are recording this, will send you a transcript in about two weeks time. Feel free to make any corrections to errors. You obviously cannot alter the tenor of what you have said. It would be very rare for Hansard, as I was saying, to make errors, but if you feel there is an error you are allowed to make amendments and then the committee will probably put the transcripts on our website. Thank you for coming here.

**Mr CURTIS** — Thank you very much. Thank you Ms Asher.

**Witness withdrew.**