

**INQUIRY INTO ADMINISTRATION OF THE 2007 NSW
ELECTION AND RELATED MATTERS**

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Date Received: 27/02/2008

**Submission to the Joint Standing Committee on Electoral
Matters Inquiry into the 2007 NSW Election and Related
Matters**

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Proportional Representation Society of Australia New South Wales Branch

Submission to the Joint Standing Committee on Electoral Matters Inquiry into the 2007 NSW Election and Related Matters

The Proportional Representation Society of Australia New South Wales Branch (PRSA (NSW)) has read the report of the NSW Electoral Commissioner and congratulates the Commission on the smooth conduct of the election.

The Society believes that for genuine participatory democracy both Houses of the NSW Parliament should be elected by proportional representation.

However, in this submission we confine our comments to the conduct of the election as it pertains to the Legislative Council, a body that *is* elected by proportional representation.

The PRSA (NSW) recommends changes to the system for the election of the Legislative Council, in the following terms –

- 1. Abolition of above-the-line voting;**
- 2. Introduction of optional preferential voting wherein the voter may indicate as many or as few preferences as they choose in order to register a formal vote;**
- 3. Introduction of the Robson rotation within groupings on the ballot paper**

in order to -

- 1. Decrease the informal vote and thereby increase the number of citizens who participate meaningfully in the election;**
- 2. Ensure that it is the voters themselves, not the parties, who determine the order of preferences;**
- 3. Significantly decrease the cost of counting the ballot.**

EXPLANATIONS

Above-the-Line Voting

The only positive claim for the introduction of above-the-line voting has been to reduce the informal vote: it is still an excessive 6.1%.

This questionable advantage is severely outweighed by the following negative aspects of above-the-line voting.

- It is now impossible for voters to elect candidates in a different order to that chosen by the party machine.
- Above-the-line voting encourages the proliferation of micro parties.
- The likelihood of micro parties with minimal support being elected is enhanced.
- An increase in informal voting for those discerning voters who choose to vote below-the-line, due to the requirement to vote for at least 15 candidates.

Reduction of the informal vote can be just as readily achieved, and greatly improved, by the introduction of the Robson rotation and optional preferential voting.

Optional Preferential Voting

The PRSA (NSW) advocates allowing a vote to be formal if there is a clear first preference.

The ACT House of Assembly election's practice of advising voters to vote for as many candidates as there are positions to be filled, but allowing voters to preference as many or as few as they choose, is very democratic and should be adopted.

The Robson Rotation

The Robson rotation is currently used in Tasmanian Legislative Assembly and Australian Capital Territory House of Assembly elections.

The Robson rotation mixes up the candidates, within a party group, ensuring that no candidate is favoured by his or her position on the ballot paper. Each candidate has an equal chance of being in first place or last place on the ballot paper, or immediately after a popular candidate such as a party leader.

Voters who choose to vote for a party but do not know any of the candidates, or do not care which ones are elected, will vote down the ticket. The Robson rotation ensures that for these voters the result is evenly spread amongst all the candidates. If a voter chooses a particular candidate, for whatever reason, and then continues numbering down the ticket or goes back to the top and numbers down, the Robson rotation ensures that second preferences are spread evenly between the party's remaining candidates.

In a proportional representation ballot the Robson rotation confers a number of advantages:

- It is the voter not the party machine who determines which candidates are elected. The parties have the right to select their candidates, but the voters should have the right to vote for them in the order that they choose.
- For the major parties, the party vote is spread more evenly amongst all its candidates. At the point in the count when all candidates with quotas have been elected and the candidates with the lowest votes are being eliminated, these major party candidates will remain in the ballot. This enables the major parties to elect more candidates than may appear to be mathematically possible.
- An examination of the results of the 2003 Legislative Council election shows that both the Labor Party and the Coalition would each have won one extra seat had the Robson rotation applied in that election. If the party's vote is divided by one more than the number of seats it actually won, the result per candidate is substantially higher than the vote achieved by either the Shooters Party (2.0%) or the Christian Democratic Party (3.0%), neither of which gained a quota. Both these minor parties would have been excluded and their preferences distributed. In the 2007 Legislative Council election the Shooters Party (2.8%) would have failed to elect a candidate; its preferences would have decided which of the major parties took that seat. Note that with the abolition of above-the-line voting these parties would not have been able to direct their preferences.
- The spreading of the votes removes the unwarranted fear that exhausted votes will play a major part in the determination of the ballot. There is no necessity to require a minimum number of preferences. Any attempt to reduce the exhausted vote will increase the informal voting more and, in the final result, fewer people will have participated in the ballot. Informal voting in the

multi-member ACT House of Assembly is much lower than for the two single-member ACT House of Representatives seats.

- The Robson rotation, coupled with optional preferential voting, reduces the size of the ballot paper. There is no value in minor and micro parties running a full team of candidates just to ensure that their vote does become exhausted, and the fewer the number of candidates in a micro team the more likely the voter will continue with preferences to more serious candidates.

Cost Reduction

The measures recommended by the PRSA (NSW) will significantly reduce the time taken to count the ballot and therefore the associated cost.

A major expense in the 2007 State election was the \$3,556,976 for the Legislative Council count. This figure would be substantially reduced with the introduction of the Robson rotation. Because the Robson rotation ensures that a party's votes are shared between its candidates, many candidates, particularly in the major parties, will each have a large percentage of a quota against their own name. After the initial examination these papers will never need to be examined again. If a candidate such as a party leader has a number of quotas the Robson rotation will ensure that the second preferences will be spread between the party's other candidates. It would be rare for a ballot paper to be counted beyond its third preference. With the rigid party lists currently used, most votes go to the candidate heading the ticket and the preferences from these papers are counted and recounted up to ten times.

Optional preferential voting will eliminate the need for each party to run a full ticket and therefore reduce the size of the ballot paper and the duration of the count.

The increase in printing costs necessitated by the Robson rotation should be more than offset by the savings made.