



Public Health Association
AUSTRALIA

Inquiry into the

Commonwealth Electoral Amendment (Above the Line Voting) Bill 2013

by the Joint Standing Committee on Electoral Matters

*Public Health Association of Australia submission on the voting system
in the Senate*

**IMPROVING OUR DEMOCRACY - EMPOWERING VOTERS USING
OPTIONAL PREFERENTIAL VOTING**

**Senate Finance and Public Administration
Committee**

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1. Introduction

The Public Health Association of Australia Incorporated (PHAA) is recognised as the principal non-government organisation for public health in Australia and works to promote the health and well-being of all Australians. The Association seeks better population health outcomes based on prevention, the social determinants of health and equity principles. The PHAA has a vision for a healthy region, a healthy nation and healthy people living in a healthy society and a sustaining environment while improving and promoting health for all

Public Health

Public health includes, but goes beyond the treatment of individuals to encompass health promotion, prevention of disease and disability, recovery and rehabilitation, and disability support. This framework, together with attention to the social, economic and environmental determinants of health, provides particular relevance to, and expertly informs the Association's role.

The Public Health Association of Australia

PHAA is a national organisation comprising around 1900 individual members and representing over 40 professional groups concerned with the promotion of health at a population level.

Key roles of the organisation include the development of policy, capacity building and advocacy. Core to our work is an evidence base drawn from a wide range of members working in public health practice, research, administration and related fields who volunteer their time to inform policy, support advocacy and assist in capacity building within the sector. PHAA supports a preventive approach for better population health outcomes by championing appropriate policies and providing strong support for Australian governments and bodies such as the National Health and Medical Research Council in their efforts to develop and strengthen research and actions in public health.

PHAA has Branches in every State and Territory and a wide range of Special Interest Groups. The Branches work with the National Office in providing policy advice, in organising seminars and public events and in mentoring public health professionals. This work is based on the agreed policies of the PHAA. Our Special Interest Groups provide specific expertise, peer review and professionalism in assisting the National Organisation to respond to issues and challenges as well as a providing a close involvement in the development of policies. In addition to these groups the PHAA's Australian and New Zealand Journal of Public Health (ANZJPH) draws on individuals from within PHAA who provide editorial advice, and review and edit the Journal.

Advocacy and capacity building

In recent years PHAA has further developed its role in advocacy to achieve the best possible health outcomes for the community, both through working with all levels of governments and agencies, and promoting key policies and advocacy goals through the media, public events and other means.

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Voting systems – a public health matter

Healthy societies are fundamental to public health. The Ottawa Charter for Health Promotion (1986) of the World Health Organization (WHO) identifies the importance of fair systems as a fundamental aspect of a healthy society:

“Good health is a major resource for social, economic and personal development and an important dimension of quality of life. Political, economic, social, cultural, environmental, behavioural and biological factors can all favour health or be harmful to it”¹.

Effective national governance is an important factor in the health of communities – it ensures appropriate application of the rule of law as it ensures transparency and strengthens social capital by building trust. It increases capacity to ensure policies, programs and social activities that create daily living conditions are conducive to good health. As explained by Wise and Sainsbury,

“Clearly, the relationship between democracy and health is complex and protean”, and

“a prerequisite to reaching these health goals is the achievement of political equity (the equal distribution of political power in a population) delivered through democracy”².

Where there are distortions in the political or democratic systems public health is much more vulnerable to being undermined via changes in political priorities or captured, for example, by vested interests that can affect the general communities’ opportunities to lead healthy lives. Similarly, the right to participate in decisions about health and health care systems are a principle maintained in well performing health systems. This right may be diminished when there is no transparency on what the preference parties believe about various aspects of health, health care and universal health coverage.

Additionally, an overly complex voting system tends to disenfranchise even further the vulnerable members of society (low SES, disabled, uneducated, unemployed and illiterate). These are the very people in society who are also at increased risk of ill-health. Where it is possible to deliver an effective electoral system that is simple to use, the more vulnerable are more enfranchised. Barriers to participation in the political process should be removed where possible.

Australia has relatively effective governance, political and electoral systems and it is important that our citizens remain vigilant to any weakness in these systems.

This submission – fairer and more equitable electoral Senate voting system

At the Annual Conference and Annual General Meeting of the PHAA that was held in Melbourne just after the Federal Election, a resolution was passed calling on the Association to make a submission to the parliament on improving the electoral system in as far as it applies to the Senate. The PHAA requests the parliament to revise the system for voting for the Senate, so that it allows voters the most effective and meaningful representation possible.

¹ WHO Ottawa Charter (1986) <http://www.who.int/healthpromotion/conferences/previous/ottawa/en/>

² Wise M, Sainsbury P. *Democracy: the forgotten determinant of mental health*. Health Promotion Journal of Australia, 2007; 18: 177-83

2. The Senate election 2013

The problem

The rise of the so-called Senate “micro-parties” has provided the catalyst for Senators and MPs and the community at large to consider how effectively the electoral system delivers a fair outcome for voters in Australia. The PHAA is keen to participate in the process to consider to what extent the current proportional representation system is appropriate and how it can be modified in order to ensure more effective use by a range of voters.

The ballot papers for the larger states, in particular, became unwieldy and were the most obvious sign to many voters that the system does need some reconsideration. On the one hand many new parties and independent candidates were prepared to put their hands up to contest the election. This is a sign of a healthy democracy. On the other hand the ballot paper seemed so large as not to be able to be used simply and effectively. Voters were strongly encouraged to vote above the line, because of the complexity of voting on every square for up to more than a hundred marks on the ballot paper – effectively handing their choice of preferences to decisions made outside of their understanding or control.

The current system provides for votes being used as a tradable commodity. The danger of trading votes is that it undermines effective governance. It can lead to unintended consequences, with individuals’ votes being allocated to candidates and/or parties that a voter would not wish to support.

Fairer and more equitable voting systems

The principles that underpin a fairer and more equitable electoral system include the following:

- The principles that underpin a fairer and more equitable electoral system include the following:
- The electoral law should ensure that the right of every citizen to vote is the paramount interest in formulating administrative practices for registration of electors and for voting
- Electoral systems used to elect representatives to parliament should be designed to ensure that the effect and influence of the vote of every elector is as closely as possible the same regardless of each elector’s place of residence or the political party or other candidates which they choose to support
- Electoral systems used to elect individuals to parliament should result in representation for each party, and for other candidates, which closely matches the proportion of the electorate which supports them
- On ballot papers, voter intention, where it can be recognised, should be paramount. In a truly optional preferential system it is only at the point when voter intention is not understood that a ballot should be declared informal. For instance, where a voter has only numbered 1-5 on a Senate ballot paper below the line, the paper should not be invalid until distribution reaches the 5+ point
- Registration of political parties should be open to all political movements in the community without discrimination
- Political parties should by the act of becoming registered receive entitlements such as public funding, free administration of party elections, protection of their party name and identification of candidates on ballot papers, but take on obligations such as the near real time disclosure of all gifts

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and donations, integrity in internal party democracy and proper accounting for all expenditure of public funding

- Public funding of political parties should be designed to support activities which allow for the long-term development of their policy development ability, assist party members to debate and democratically determine their party policies, and attract and empower individual party members.

Empowering voters

Simple methods exist to empower voters to have the greatest impact possible and to shift power from political strategists. These modifications that are suggested at sections 3, 4 and 5 of this submission are used in other proportional representation systems in Australia and they can be applied to the Senate electoral system.

A fundamental notion of political participation is to empower the voters to the greatest extent that is practicable. In the past the distribution of party preferences on Senate Group Voting Tickets has been left to decisions determined by political parties. It is worth noting that these preference deals are not necessarily made democratically, by party memberships, after open debate – they can be determined without transparency to the members of any of the parties involved, for reasons related solely to vote counting tactical calculations by party strategists and advisors whether in minor or major parties. Such decisions are often made in the last few weeks prior to an election after it is announced formally which parties and which candidates are running. Members of some or all of the parties concerned – which are often parties with very different political aims – are sometimes appalled to discover what has been agreed to in their name.

Voters are often unaware of the exchange of preferences and minor parties that have very little genuine support can be elected. The 2013 Senate election illustrated this point. Allowing parties to exchange preferences led to unforeseen consequences. On the one hand a minor party or independent may have a small percentage of first preference votes but is sufficiently well regarded in the wider electorate that preferences flow from multiple sources to facilitate an election ahead of someone with a higher first preference vote but no wider support. Such a minor party candidate who assembles a quota of votes, even from a very small starting vote, has a sound measure of legitimacy because of the free decisions made by many electors giving them preferential support. Assemblage of votes from contrived GVT (Group Voting Tickets) or controlled preferencing does not necessarily have the same legitimacy.

The vast majority of voters do not have the time or the wherewithal to assess complex preference flows from the tactical-advantage perspective that is carried out by party strategists. However, it is unlikely that voters would move their voting preference from one minor party to another party that has a completely different philosophical position.

There are, however, simple methods that need to be considered to empower voters and at the same time make the electoral system more open and transparent.

An analogy seems appropriate. A modern motor vehicle is a very complex machine with computing control, mechanical complexity and built in safety mechanisms that only a very small number of people really understand. However, it is relatively easy to operate the same vehicle. The same should be able to be applied to our electoral system. It may be quite complex in design but it should be easy for voters to use it in a manner which fulfils their intentions.

3. No need to restrict minor parties and independents

Reforming the electoral system can be achieved without penalising minor parties and independents. To do so would be to discourage the widest possible participation in our democratic systems creating an unfair, inequitable and inappropriate democratic system that favours some over others before a vote is even cast.

The principle that applies is that the impact and influence of the vote of every elector should be closely comparable to that of every other voter.

Is reaching a threshold of votes necessary?

One idea that was suggested following the 2013 Senate election was that minor parties should have to reach a quota of votes before the votes could be distributed³. The effect of this would be to eliminate the preferential nature of our voting system for all of those who wanted to vote for minor parties. This is simply not necessary. Where voters have the ability to exercise a sensible optional preferential vote there will be a much clearer outcome.

Is requiring a much greater party membership necessary?

The goal of our electoral system should be to encourage rather than discourage participation in the political process. However, participatory democracy does require some restrictions for practicability. It is appropriate in a Federal Election that minor parties should be able to illustrate that they do have community support by meeting the current obligations for membership that exist in the Electoral Act. Reacting to the Senate Election of 2013 by raising the bar even higher in terms of numbers of party members would be an over-reaction. Again, an optional preferential system will address this issue. Every effort should be made to resist the temptation to disempower citizens in the participation in our democracy.

4. Below the line voting

The current method of below the line voting provides serious disincentives for the ordinary voter who may wish to choose specific candidates. It is an anathema to a fair electoral system where a below the line vote is cast on a ballot paper with around a hundred candidates and even a minor error can make the entire vote invalid.

There is a simple and fair solution which requires only two modifications to current systems:

1. Use optional preference voting, and
2. Open up the rules for recognising voter intentions.

³ Stephen Morey *How do we solve a problem like the Senate?* The Conversation 11 September 2013

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Optional preferential voting

First, allow optional preferential voting. The voter should be able to number their choice of candidates as far as they consider appropriate - this currently happens in the ACT elections in a proportional representation system. Numbering from one to five candidates, for example, on a paper with a hundred candidates should provide a clear indication of the voter's intention. If the fifth candidate is eliminated in the count – then the vote is wasted. However, it is not an informal vote. The voter has made the choice that they have marked the candidates they want elected and have not placed a mark against people they would prefer were not in the Senate.

Recognise voter intention

Second, ensure that voter intention is given priority rather than making a vote invalid. For instance, where a below the line vote is cast, numbering from one to 27 and then a second 27 is entered on the ballot paper. In an instance such as this, where the voter's order of preference is still clear up to 26, this should be counted thus far as formal. Where the voter's intention is clear, a vote should be considered formal.

5. Above the line voting

Optional preferential voting above the line

Optional preferential voting above the line will also ensure that voters can express their intention as simply as possible. Such an approach would potentially appeal to the vast majority of voters, if it removed the possibility of distortion of their preferences by preference arrangements.

A voter who places a sequence above the line against the party of their choice should be considered to have voted in the order of each candidate as shown below the line.

Party A	1	Party B	3	Party C	4	Party D	2	Party E		Party F	5	Party G	
Cdate a		Cdate e		Cdate i		Cdate k		Cdate o		Cdate p		Cdate s	
Cdate b		Cdate f		Cdate j		Cdate l				Cdate q		Cdate t	
Cdate c		Cdate g				Cdate m				Cdate r		Cdate u	
Cdate d		Cdate h				Cdate n						Cdate v	

In this illustration the voter has cast just five votes of a possible seven. It remains valid within an optional preferential system. The votes would be counted as candidates in the order a,b,c,d,k,l,m,n,e,f,g,h,i,j,p,q,r. If none of the candidates were elected the vote would then be exhausted and the remainder in effect “wasted”. However, the voter's intention would be clear and the vote would take the effect of voting below the line with the important difference that the individual parties would have decided the order of their preferred candidates for the Senate.

6. Conclusion

PHAA supports the concept of empowering the voters by following their intention as far as practicable. We are also keen to ensure that minor parties and independents are not discouraged from standing for elections, nor that the electoral system put them at any advantage or disadvantage compared to the major parties. Minor parties and independent candidates broaden the representation of ideas and increase the competition between ideas and so make elections genuine exercises in choice, even when these candidates are not elected. Moreover, the candidacy of minor parties and independents, merely by providing more genuine choice to sections of the community who are not attracted to major parties, increases the overall legitimacy of the election results to the whole community.

We are particularly keen that the following points are highlighted:

- Maintain a fair and equitable voting system. Do not restrict minor parties and independents
- Wherever possible recognise voter intention
- Allow optional preferential voting below the line
- Allow optional preferential voting above the line

The PHAA appreciates the opportunity to make this submission and looks forward to the possibility of further participation in the inquiry of the parliament when the *Commonwealth Electoral Amendment (Above the Line Voting) Bill 2013* is considered by the Senate Finance and Public Administration Committee.

Please do not hesitate to contact the PHAA should you require additional information or have any queries in relation to this submission.



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