Distinguished visitors and Dear colleagues,

Welcome to the Australian National University.

The day before a national general election is by definition an exciting time. It is all the more so when the result is so greatly in doubt and the fickle nature of the general public is to be tested by those in the most insecure of professions, politicians in a democratic nation.

Because we are so focused on the elections I would not dare divert your attention to the Centre for Democratic Institutions. You may be interested to learn, however, that today’s seminar is the very first activity to be held under the CD’s auspices. The Centre essentially began functioning only some two months ago. To relieve me of the burden of explaining the rationale for the Centre, we have taken the liberty of providing an introductory paper. Please feel free to ask about the Centre’s work in the course of the afternoon.

Having unburdened myself of the foregoing obligation to propagandise in favour of the Centre, I propose examining three unusual aspects of the Australian voting system while asking what relevance these may have for international observers. Perhaps I should note at the outset that the following is certainly not intended to be the last word on these subjects.

FEDERALISM

The 18th century idea of federalism which emerged in the United States has found root in a handful of countries; Australia, Canada, Germany, Switzerland, India and Malaysia come readily to mind.
For electoral purposes the Australian Federal system raises an interesting problem of the value of a vote. The House of Representatives is a people’s House and the electorates are roughly equal in terms of population. Only a ten percent discrepancy is allowed.
The Senate is a States’ House and the six original States have a Constitutional right to equal representation. Thus Tasmania has 12 Senators and NSW has 12 Senators. NSW has a population 13 times that of Tasmania. Each NSW Senator is accordingly elected by 13 times more people than is a Tasmanian Senator. It could be concluded that a Tasmanian Senate vote is 13 times more valuable than a NSW Senate vote.

It is true that the Constitution foresaw the House of Representatives as the dominant House as expressed in Section 24 of the Constitution establishing the House with twice as many members as the Senate. A referendum to break this nexus went the way of most referendums in Australia and was defeated. Convention requires the Prime Minister to have a seat in the House and when Harold Holt drowned and the Liberal Party elected Senator John Gorton as its leader, he had to engineer a resignation by one of his colleagues to win a by-election to the House.

The Senate has grown to be much more than a States’ House. It is a House of review and its proportional voting system allows for minor parties to win seats and indeed hold the balance of power. The point I wish to draw attention to, however, is that the Australian system embeds Federalism in the electoral process and the election of the Senate is its most striking manifestation.

All societies must deal with the relationship between the centre and the regions. Federalism is one response. The devolution process we are seeing in Britain is another. Interestingly, it is proceeding parallel with a European integration process. When societies determine the division of powers between the centre and the regions and when they calculate the division of resources, it is sometimes necessary for the package to forsake mathematical equality.

The Australian example in this regard is that we tolerate a differential of 13 in the weight of a vote between our biggest and our smallest State in order to make the Federal system work.

COMPULSORY VOTING

Compulsory voting is another unusual feature of Australian democracy. It is not based on the Constitution but has gradually developed in State and Federal legislation beginning with Queensland in 1914 and concluding with South Australian legislation in 1942.

It has an impact on the work of the political parties. They do not have to expend their energies at “getting out the vote” but rather at attempting to direct it. It could be argued that compulsory voting is of greater benefit to Labor than to the Coalition. An argument could also be mounted that the sort of protest vote that sustains the One Nation Party would be significantly reduced but for compulsory voting. Many of those voting for One Nation might have expressed their protest by boycotting politics and not casting a vote.

Compulsory voting also tends to make opinion polls more reliable because one does not have to fiddle with correctives and weightings to cover the non-voter or,
even more difficult, the occasional voter. It will be interesting to hear from Professor Butler whether this factor has been a factor in the excellent record Australian pollsters have had in predicting the pattern of voting.

I would have thought that compulsory voting has also added to the number of donkey voters. When seats are won by tiny majorities, the donkey voter may be responsible and democratic choice may have resulted from the luck of the order on the ballot. Rotation of the names of the ballot has gone some way to reduce this factor at the national level. It might be an idea to look at the ACT system of Robson Rotation to ensure that the donkey vote does not affect the result in any individual seat.

The common rationale for compulsory voting does not reflect well on Australia. It is mainly driven by a need to counter the Australia elector’s innate apathy. The prospect of elections being decided by a very small percentage of the population would be a cause for concern. So, Australians who do not have a “valid and sufficient reason” not to cast a vote face prosecution.

The question that has been posed is whether compulsory voting is in some way an infringement of an individual’s rights. One might argue that compulsory voting somehow approximates the staged and meaningless processes by which 99.9% of eligible North Koreans cast their vote for the sole candidate before them.

In my view the situation in Australia is rescued by two factors; the secrecy of the ballot and the right to cast an informal vote. An elector may elegantly leave the ballot blank. More commonly I suspect the intentional castor of a spoilt ballot would enter his or her protests with some written exclamation. It might be interesting to ask our AEC colleagues if they can recall some of the more colourful informal votes. Thus the Australian elector is not required to cast a valid vote, he is simply required to vote. In my view, no human rights issue arises.

PREFERENTIAL VOTING

The last feature of Australian voting I thought I would raise is preferential voting. It is a complicated system from both the points of view of the voter and the counter. I recall a NSW Senate ballot paper before the “above the line” option existed which required the hard-pressed (and indeed, as we have seen, press-ganged) elector to write the numbers 1 to 60 on the form.

When we gather at the tally room tomorrow night we are most unlikely to know all the results. There will likely be a handful of House of Representatives seats that go to the wire requiring postal votes to trickle in and be counted. And in the Senate it may be weeks before the preferences are sorted to determine the sixth Senate seat in a number of States. It would be interesting again to interrogate our AEC friends as to what is the record in terms of how long it took to declare the final parliamentarian’s seat.

Preferential voting is an attempt to make everybody’s vote matter. It is an attempt to ensure that our representatives have achieved the requisite plurality of support. It is thus our attempt to translate the concept of democracy in electoral terms.
We have become accustomed to it in Australia and I have to confess to a certain fondness for it. The first-past-the-post system has a certain Darwinian appeal but when one sees fifty candidates presenting themselves and victory achieved by the candidate with 5% of the vote, questions about representative democracy arise. Proportional representation clearly has great merit from the point of view of democratic design but the resulting coalitions are too often unable to govern effectively.

I was impressed with the run-off system employed in France whereby, if no candidate achieves 50% of the vote in the election, a run-off between the top two candidates is held a fortnight later. But we all know that Australians could not tolerate the thought of adding two further weeks to the campaign. The Prime Minister understands that we can only survive the current 5-week campaign because we have had a high calorie diet of sport to sustain us in the process.

So the preferential system is an attempt to get it all done in one day and force the hapless elector to agree that on the long lists before her, it is not good enough simply to like one candidate, it is necessary to enter into the difficult exercise of the comparative worth of all the candidates.

THE SEMINAR

Having quenched my thirst to engage in political science debates, I come to the real purpose of my presentation – to introduce Marian Simms, John Warhurst and David Butler who are the real political scientists and who will descend from the heights of theory and get down and dirty in the trenches of the 1998 campaign.

I look forward to future occasions when the Centre for Democratic Institutions and the Australian Electoral Commission will work together on other projects in fulfilment of the CDI’s mandate to harness the best of Australia’s democratic experience in support of developing countries’ needs for good governance.