



A Referendum for a new electoral system for the ACT Legislative Assembly.

15 February 1992

A message from the Electoral Commissioner

Dear Elector,

This Referendum is an opportunity for all electors in the Australian Capital Territory to have a say in deciding what kind of electoral system will be used for future ACT Legislative Assembly elections.

On polling day, Saturday 15 February 1992, you will be asked to choose between two electoral systems:

- the Single Member Electorates system, or
- the Proportional Representation (Hare-Clark) system.

This booklet contains a description of each system, approved by the Commonwealth Parliament, and arguments (to a maximum of 2,000 words) in support of each system. The argument for the Single Member Electorates system was prepared and authorised by the Minister for the Arts, Tourism and Territories; the argument for the Proportional Representation (Hare-Clark) system was prepared and authorised by the Leader of the Opposition and the Leader of the Australian Democrats in federal Parliament.

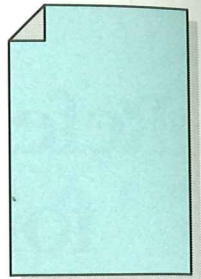
I am required by law to send you these descriptions and arguments, and to present them to you in the form they are shown here.

Please read this booklet before you vote in the Referendum on 15 February.

B Cox
Electoral Commissioner

Throughout this booklet information on the

*Information on
Single Member Electorates
is always on left hand
green pages.*



REFERENDUM OPTIONS

The following brief descriptions of a model Single Member Electorates
been prepared by the Parliament to assist ACT

MODEL SINGLE MEMBER ELECTORATES SYSTEM

- The ACT will be divided into 17 separate electorates. Each electorate will elect one member to the Legislative Assembly.
- No candidate will be allowed to stand in more than one electorate at a general election.

The ballot paper used will look like this:

BALLOT PAPER

LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY

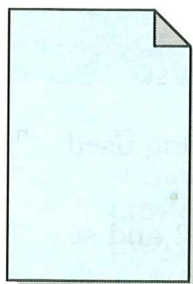
ELECTORAL DIVISION OF ...

**Number the
boxes from 1 to ...**

<input type="checkbox"/>	CANDIDATE'S NAME PARTY
<input type="checkbox"/>	CANDIDATE'S NAME PARTY
<input type="checkbox"/>	CANDIDATE'S NAME PARTY
<input type="checkbox"/>	CANDIDATE'S NAME PARTY
<input type="checkbox"/>	CANDIDATE'S NAME PARTY
<input type="checkbox"/>	CANDIDATE'S NAME PARTY
<input type="checkbox"/>	CANDIDATE'S NAME PARTY

CONTINUED OVERLEAF

two voting systems is shown on facing pages.



*Information on
Proportional Representation (Hare-Clark)
is always on right hand
blue pages.*

DESCRIPTION SHEET

system and a model Proportional Representation (Hare-Clark) system have electors in deciding which electoral system they prefer.

MODEL PROPORTIONAL REPRESENTATION (HARE-CLARK) SYSTEM

- The ACT will be divided into 3 separate electorates, of which two will elect 5 members each, and one will elect 7 members, to the Legislative Assembly.
- No candidate will be allowed to stand in more than one electorate at a general election.

The ballot paper used will look like this:

BALLOT PAPER			
LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY			
ELECTORAL DIVISION OF ...			
Number the boxes from 1 to ...			
PARTY	PARTY	GROUPED NON- PARTY CANDIDATES	UNGROUPED CANDIDATES
<input type="checkbox"/> CANDIDATE'S NAME	<input type="checkbox"/> CANDIDATE'S NAME	<input type="checkbox"/> CANDIDATE'S NAME	<input type="checkbox"/> CANDIDATE'S NAME
<input type="checkbox"/> CANDIDATE'S NAME	<input type="checkbox"/> CANDIDATE'S NAME	<input type="checkbox"/> CANDIDATE'S NAME	<input type="checkbox"/> CANDIDATE'S NAME
<input type="checkbox"/> CANDIDATE'S NAME	<input type="checkbox"/> CANDIDATE'S NAME	<input type="checkbox"/> CANDIDATE'S NAME	
<input type="checkbox"/> CANDIDATE'S NAME	<input type="checkbox"/> CANDIDATE'S NAME		
<input type="checkbox"/> CANDIDATE'S NAME	<input type="checkbox"/> CANDIDATE'S NAME		
<input type="checkbox"/> CANDIDATE'S NAME	<input type="checkbox"/> CANDIDATE'S NAME		
<input type="checkbox"/> CANDIDATE'S NAME	<input type="checkbox"/> CANDIDATE'S NAME		

CONTINUED OVERLEAF

MODEL SINGLE MEMBER ELECTORATES SYSTEM

- Voting will take place in each electorate in accordance with the system of voting used to elect members of the House of Representatives.
 - Instructions on the ballot paper will require voters to show preferences (1, 2 and so on) for all of the candidates standing in the electorate.
 - Candidates to be elected will have to receive a majority (i.e. 50% plus 1) of the formal votes in the electorate.
 - If no candidate has obtained a majority of votes after first preference votes have been counted, the candidate with the fewest votes will be excluded and his or her votes will be transferred to the remaining candidates who stood next highest in the relevant voters' preferences.
 - This process of excluding candidates with the fewest votes will continue until one candidate has obtained a majority of the votes still in the count.
- If a member dies, or resigns, or otherwise vacates his or her seat, the vacancy will be filled by a by-election in his or her electorate.
- The boundaries of electorates will be drawn by bodies independent of the Commonwealth and ACT governments. The criteria which govern the drawing of the boundaries of House of Representatives divisions will apply as nearly as practicable to the drawing of the boundaries of Legislative Assembly electorates.
- A redrawing of boundaries should take place in the first 12 months after each general election of members of the Legislative Assembly.

END OF DESCRIPTION SHEET FOR SINGLE MEMBER ELECTORATES SYSTEM

MODEL PROPORTIONAL REPRESENTATION (HARE-CLARK) SYSTEM

- The names of candidates within party groups will not be printed in the same position within the group on every ballot paper. Instead, a particular candidate's name will be printed at the top of the group on some ballot papers, in the second position within the group on other ballot papers and so on, so as to share out the positions.
- The same principle will apply to the printing of independent candidates' names in the column for independents on the ballot paper.
- Instructions on the ballot paper will require voters to show preferences (1, 2 and so on) for as many candidates as there are vacancies to be filled in the electorate concerned. Voters will have the option of showing as many further preferences as they wish. Seats will then be allocated to the candidates using the Hare-Clark system of proportional representation, as used at elections for the Tasmanian House of Assembly:
 - Candidates will have to achieve a quota of votes in order to be elected. The quota will be determined by dividing the number of formal votes by 1 more than the number of vacancies to be filled, and adding 1 to the number so obtained (disregarding any remainder).
 - If an elected candidate obtains surplus votes (i.e. votes in excess of the quota), the votes will be transferred to other candidates in the count.
 - If vacancies remain to be filled after surplus votes have been transferred, the candidates standing lowest on the count will be excluded and their votes transferred to the remaining candidates who stood next highest in the relevant voters' preferences.
 - This process of distributing the surplus votes of elected candidates and of excluding candidates will continue until all the vacancies have been filled.
- If a member dies, resigns, or otherwise vacates his or her seat, the vacancy will be filled by a fresh examination of the ballot papers bearing the votes which elected him or her, to determine which of the available candidates who failed to be elected was most preferred by the voters who chose the former member.
- The boundaries of electorates will be drawn by bodies independent of the Commonwealth and ACT governments. The criteria which govern the drawing of the boundaries of House of Representatives divisions will apply as nearly as practicable to the drawing of the boundaries of Legislative Assembly electorates.
- A redrawing of boundaries should take place in the first 12 months after each general election of members of the Legislative Assembly.

END OF DESCRIPTION SHEET FOR PROPORTIONAL REPRESENTATION (HARE-CLARK) SYSTEM

THE ARGUMENTS IN SUPPORT

The following arguments in support of the two proposed federal Parliament who support each system. They

THE CASE FOR THE SINGLE MEMBER ELECTORATES SYSTEM

Q WILL THE SINGLE MEMBER ELECTORATE SYSTEM GIVE ME A LOCAL MEMBER WHO IS ABLE TO DEAL WITH MY PROBLEM?

A Yes. Your local member can be approached to deal with individual and community problems in your area.

Q WILL THE LOCAL MEMBER SYSTEM PROVIDE GREATER COMMUNITY PARTICIPATION IN DECISION-MAKING?

A Yes. Because your local member will have to satisfy a majority of the voters in the local electorate, the member will ensure that the community is able to participate in the decision making processes of government, and ensure the local community's views are sought and taken into account before important decisions are made.

Q WILL THE ELECTORATES REFLECT LOCAL COMMUNITIES OF INTEREST?

A Yes. The boundaries will be drawn (independent of the Government) to reflect local communities of interest, incorporating neighbouring suburbs which share high schools, regional shopping centres, church communities, community and sporting groups, etc.

Q WILL I BE ABLE TO UNDERSTAND THE ELECTORAL SYSTEM?

A Yes. The system will be the same as for the House of Representatives and every other lower House of Parliament in mainland Australia.

Q CAN I CHOOSE WHO REPRESENTS MY LOCAL COMMUNITY?

A Yes. You will vote directly for a member who will represent your community and its interests in the ACT Legislative Assembly. That member will then be directly accountable to you and your local community.

OF THE TWO PROPOSED VOTING SYSTEMS

voting systems have been prepared by the members of the will assist you in deciding which system to vote for.

THE CASE FOR THE PROPORTIONAL REPRESENTATION (HARE-CLARK) SYSTEM

HARE-CLARK FOR THE ACT: THE FAIR VOTING SYSTEM

At the next ACT election, you will also have to choose the voting system for future elections. You will have a choice between two options in the ACT:

Hare-Clark, which will:

- *always produce a fair outcome in line with voters' wishes*
- *make members accountable to voters*
- *offer voters a wide choice of local candidates within stable boundaries*
- *prevent party-machine domination*
- *eliminate by-elections*
- *translate a majority of votes into a majority of seats*

and

Single-member electorates, which would:

- *distort electoral outcomes*
- *usually produce a one-party ACT Assembly*
- *provide safe seats for party hacks*
- *limit voters' choice of candidates*
- *preserve party-machine domination*
- *create continual destabilising boundary changes*

ASSESSING VOTING SYSTEMS

What makes a good voting system? It must provide:

- *a Fair Result*, which reflects votes cast
- *Choice* for voters (Voter Control, not Party Control)
- *Accountability* of government to voters
- *Stability* of government under normal political circumstances

How do the two options measure up?

OBJECTIVE	HARE-CLARK	SINGLE-MEMBER
- Fairness	Yes	No
- Choice	Yes	No
- Accountability	Yes	No
- Stability	Yes	Yes

THE CASE FOR THE SINGLE MEMBER ELECTORATES SYSTEM

Q CAN THE VOTERS CHOOSE WHO WILL BECOME THE GOVERNMENT AFTER THE ELECTION?

A Yes. You will be able to choose clearly between the Government and Opposition candidates, knowing that your choice will determine who is the government after the election.

Q WILL THE LOCAL MEMBER SYSTEM PREVENT 'BACK ROOM DEALS' BETWEEN SOME POLITICIANS TO DETERMINE THE GOVERNMENT?

A Yes. The voters will determine the government by their choice of candidates in each seat. This will put an end to the practice of politicians, after their election, changing their allegiances depending on who offers them the best deal, or who offends them.

Q CAN I DISMISS MY LOCAL MEMBER IF THE MEMBER IS NOT SERVING THE COMMUNITY WELL?

A Yes. Each three years on the prescribed election date, you will be able to judge the member. If the community is dissatisfied, then they can vote that member out of office.

Q WILL CANDIDATES ADDRESS ALL MATTERS OF CONCERN TO MY LOCAL COMMUNITY?

A Yes. The local member system ensures that candidates must present a platform addressing all matters of concern to the electorate, not just a single issue or extremist view.

Q WILL MY LOCAL MEMBER BE ACCESSIBLE TO ME?

A Yes. Because each member will represent about four or five Canberra suburbs, they will identify with that area, and be available directly to voters in the electorate.

Q WILL THIS MEAN MORE POLITICIANS IN THE ACT?

A No. The number of members of the Assembly will remain at 17, which still means that the ACT will have fewer politicians per head of population than any other place in Australia.

THE CASE FOR THE PROPORTIONAL REPRESENTATION (HARE-CLARK) SYSTEM

Let's look at each of those in turn.

- **Fairness**

This means seats should be allocated on the basis of the votes cast. If a party gets a quarter of the vote, it should get as close as possible to a quarter of the seats. Hare-Clark achieves this result better than any other system in the world.

Fairness and Hare-Clark

Terry Aulich, ALP: "This (Robson) Bill will make the Hare-Clark system the fairest in the world"

Robin Gray, Liberal: "The refinements that Mr Robson has brought to the Act ... will bring almost perfection to the Hare-Clark system"

(Tasmanian Hansard, 1979)

Under single-member electorates, a party's share of seats may be quite different from its share of votes. This is because results depend not only on the number of votes a party receives, but how they are distributed.

For a party with 30% of the primary vote in 17 seats, if this is:

- spread evenly, they will probably win no seats
- concentrated into the minimum number of seats, they will win 5 seats
- spread across 10 seats, they can win all 10 - and government!

In the ACT, most parties have their vote evenly spread, and poll 30% or less, and so would have no members returned. Only the ALP would have enough support to have members elected.

- **Choice**

Voter Control or Party Control?

The result of an election can be controlled by either *voters* or *party machines*. In **single-member electorate** systems, party organisations exercise a huge amount of control. At best the effective choice is restricted to two or three candidates selected by rival parties. In safe seats, party machines really determine who will be the member.

Under **Hare-Clark**, voters decide which individual candidates are elected. Parties must offer a choice of candidates - more than they can hope to have elected, since remaining candidates fill casual vacancies. With *Robson Rotation*, there are no party boxes, and there is no fixed order for candidates to appear on the ballot paper. Thus voters decide *which* members represent each party, as well as how many.

With Hare-Clark you have the best chance of getting your candidate of first choice elected. Hare-Clark will also provide a choice of *local members*: you can decide which of 5 or 7 members to consult, on a personal or party basis.

THE CASE FOR THE SINGLE MEMBER ELECTORATES SYSTEM

Q ISN'T PROPORTIONAL REPRESENTATION (HARE-CLARK) A FAIRER SYSTEM?

A No. Like other proportional representation systems, such as d'Hondt, Hare-Clark can allow people to be elected with the support of only a small minority of the voters, enabling some unrepresentative minority and extremist parties to control the subsequent Parliament.

Q WILL THE LOCAL MEMBER SYSTEM PUT AN END TO THE METRE LONG BALLOT PAPER?

A Yes. As the sample in this booklet shows, the ballot paper will be small and simple, just like that for the House of Representatives.

Q WILL THE LOCAL MEMBER SYSTEM REDUCE THE TIME TAKEN TO DECLARE THE RESULT OF THE ELECTION?

A Yes. Most results will be known on the night of the election, as with the House of Representatives. Close results, or those with many candidates, may take a little longer, but still considerably less than the weeks or months under a proportional representation system.

END OF ARGUMENT IN SUPPORT OF THE SINGLE MEMBER ELECTORATES SYSTEM

THE CASE FOR THE PROPORTIONAL REPRESENTATION (HARE-CLARK) SYSTEM

- **Accountability**

A voting system must ensure more than majority rule and stability. Governments must be *accountable* to voters. There must be members who are not part of government - an *opposition* - to keep voters informed (especially in the ACT, with no Senate-style 'house of review').

An opposition is an integral part of the Westminster system of government. It should ensure that the workings of government are properly scrutinised ...

(Bob McMullan, ALP)

Under single-member electorates, it is quite unlikely that there would even *be* an opposition in the ACT, much less an effective one. Without major regional differences in ACT voting patterns - there are no rural belts, large 'blue collar' or 'north shore'-type areas - results in all electorates are likely to be similar. If a party wins one seat, it will probably win 17.

- **Stability**

A voting system should also provide *stability*: a government with broad support should not be 'held to ransom' by parties or independents with a very small share of the primary vote, nor should voters face constantly-changing electoral boundaries.

Under the ACT version of Hare-Clark, a quota of at least 12.5% of the vote will be needed to win a seat; this will exclude parties with very little popular support. Boundaries will seldom change.

In Australia both Hare-Clark and single-member electorates have provided reasonably stable government, although single-member electorates have led to potentially unstable minority governments in most states at present. Comparing Tasmania with mainland states shows if anything *more* stability with Hare-Clark. Both could provide stability if used in the ACT - but only Hare-Clark would also provide fairness, voter choice and accountability.

DEVELOPMENT OF PROPORTIONAL REPRESENTATION

The development and spread of proportional representation was helped by the continued international failure of winner-take-all single-member electorates to reflect voter wishes.

Two quite different types emerged:

- the crude, non-preferential d'Hondt version used in Europe; and
- quota-preferential methods (used in the Australian Senate, and Tasmanian Legislative Assembly).

The Hare-Clark proposal for the ACT is the most advanced quota-preferential system available. Criticisms of this system based on experience with d'Hondt are either misguided, or attempts to avoid debating the merits of Hare-Clark.

Under Hare-Clark, wasted votes are avoided. Surplus votes are transferred to others.

Because *voters* determine which individual candidates are elected, pre-selection is less final; we are less likely to have disappointed candidates forming 'splinter groups'.

THE CASE FOR THE PROPORTIONAL REPRESENTATION (HARE-CLARK) SYSTEM

FEATURES OF ACT HARE-CLARK

- Three electorates - with respectively five, five and seven members
- The Robson rotation of names within party columns - a fair go for all candidates and parties
- Re-examination of ballot papers to fill casual vacancies - no by-elections

- **Three electorates**

Local representation; successful candidates require substantial community support.

Candidates who receive 16.7% of first preference votes in the five-member and 12.5% in the seven-member electorates (about 10,000 in either case) will be elected. Candidates and parties with limited public support will not be elected. Parties which can attract majority support in any seat will obtain majority representation.

Any party with majority support throughout the ACT would expect nine or more members elected. This would make for stable government, while ensuring other significant viewpoints are represented.

- **Robson Rotation**

No safe seats; no 'donkey vote'.

A number of different ballot papers are printed, with names 'rotated' within party columns. Each candidate for a party appears equally often at the top. This means:

- No safe seats. Candidates elected at one election can as easily be defeated at the next if they perform poorly. Strong government can still be maintained.

(In 1986, 14 of 35 sitting Tasmanian House of Assembly members lost their seats. The Assembly's party composition did not change).

- No unfair advantage for parties with little support. Parties with 3-4% have no hope of election, those with 6-8% very little.
- 'Donkey votes' cancel out.

- **Re-examination of ballot papers**

No by-elections; those who lose their representative determine the replacement.

If a member resigns or dies, replacement is quick, based on the ballot papers of those who voted for that representative. Costly, destabilising by-elections are avoided.

Liberal and Labor candidates in Tasmania have always been replaced from their own party.

THE CASE FOR THE PROPORTIONAL REPRESENTATION (HARE-CLARK) SYSTEM

SINGLE-MEMBER ELECTORATES WON'T SUIT THE ACT

- Majority support does not ensure government

Single-member electorates do not guarantee that a party for whom the majority voted, forms Government. Since 1950, four Federal elections have been 'won' with less than 50% of the two party-preferred vote (1954, 1961, 1969, 1990). In South Australia, the ALP were able to form a Government with 48%. The Liberal Party which was preferred by a majority of South Australians were in Opposition.

This results from two common features in single-member electorates: 'gerrymanders' and vote wastage.

- Gerrymanders

Boundaries can be drawn to unfairly advantage one party. Queensland, Western Australia and South Australia have all been plagued with boundaries drawn to favour the party in Government by giving too many seats to areas favourable to the Government of the day.

- Wasted Votes

Even if the boundaries are drawn as fairly as possible, under single-member electorates it is normal for nearly half the votes to be wasted. This may occur in two ways:

- members elected by large majorities: if a candidate receives 75% of votes, 24% has no effect, since only 51% is needed for election
- large minorities unrepresented: a party which receives 49% of preference votes in a number of electorates returns no members

Under Hare-Clark, over 80% of those votes will be effective in contributing to the election of one or more candidates.

- Less Voter Choice

In single-member electorates, voters choose between one (only) endorsed candidate from each party, and independents: a voter who likes a party but not its candidate must either:

- vote for the party and accept its candidate, or
- reject the candidate and his/her preferred party

Under Hare-Clark, you can vote for your party *and* choose your preferred candidates.

THE CASE FOR THE PROPORTIONAL REPRESENTATION (HARE-CLARK) SYSTEM

- **Safe Seats Ignored**

In a single-member electorate system, seats are either:

- *marginal*, subject to 'porkbarrelling' - spending your money lavishly - and excessive campaign attention; *or*
- *safe*, receiving little campaign attention or Government funding, and little attention from secure members

In the ACT, most seats would be safe ALP seats.

In Hare-Clark there are no safe *or* marginal seats.

- **Tiny Electorates**

In the ACT, most seats would be very small - typically about four suburbs. This would mean even a 'local' issue like a school bus route or re-surfacing an arterial road would involve a number of electorates.

Population growth would require constant boundary re-drawing - or more members!

RED HERRINGS:

Arguments against Hare-Clark

- **'Government by Auction'**

This is an argument against coalition government. In a situation where no party gets anything like a majority of the votes, it is sheer arrogance for anyone to demand government 'in their own right'.

- **'Too Complex'**

Hare-Clark has operated effectively and is well-understood by voters. The ballot paper is simpler than the Senate's, without 'above-the-line' and 'below-the-line' options.

LOOK TO THE FUTURE

Australia has led the world in the introduction of major electoral reforms:

- Secret ballot
- Preferential voting
- Votes for women

The Hare-Clark voting system was developed in Australia and has been extensively 'road-tested' in the Australian environment over many years (in Tasmania since 1907). It is generally agreed to be the **best and fairest** voting system in the world.

You have the choice between this fair system, and one which would be so unfair that it would produce a one-party Assembly more often than not. One chance to choose for the future.

If we make the wrong choice now, we can't change our minds.

THE CASE FOR THE PROPORTIONAL REPRESENTATION (HARE-CLARK) SYSTEM

Summary of the advantages of Hare-Clark:

Hare-Clark:

- provides *fair and accurate* representation of the wishes of the voter. Single-member electorates do not.
- provides you, the voter, with a genuine *choice of candidates* from your own electorate. Single-member electorates do not.
- minimises the influence of party machines.
- *avoids gerrymandering* and abuse of electorate boundaries. Single-member electorates do not.
- eliminates uncontested seats and sham elections. Single-member electorates do not.
- provides fair opportunities for minor party and independent representation.
- eliminates 'sudden death' for competent parliamentarians in marginal seats.
- eliminates 'donkey votes'. Single-member electorates do not.

It is a basic requirement of democracy that a majority of voters should return a majority of the elected representatives. Only Hare-Clark can give this guarantee.

Only Hare-Clark guarantees fairness for voters, candidates and parties. Only Hare-Clark places voters' wishes first.

Vote for Hare-Clark.

END OF ARGUMENT IN SUPPORT OF THE PROPORTIONAL REPRESENTATION (HARE-CLARK) SYSTEM.

Your Referendum Ballot Paper


When you vote in the Referendum, you will be given one of the two ballot papers shown below.

To ensure that neither option has the advantage of being first on all ballot papers, one version of the ballot paper has the box for the Single Member Electorates system in top position, while the other version has the box for the Proportional Representation (Hare-Clark) system in the top position. Equal numbers of each ballot paper will be distributed.

Because you may be given either ballot paper, you will have to look at your ballot paper carefully to make sure you vote for the system of your choice.

To vote correctly, simply write the number 1 in the box of your choice and leave the other box empty.

If you make a mistake, take your ballot paper back to the polling official who gave it to you and ask for another.



**Australian Capital Territory
Referendum Ballot Paper**

Write the number 1 in one box only

Please put the number '1' in one of the boxes below to show which electoral system you believe should be used to elect members to the Australian Capital Territory Legislative Assembly.

Leave the other box empty.

EITHER

**A proportional representation
(Hare-Clark) system** ☐


(as outlined in the Commonwealth's Referendum Options Description Sheet)

OR

**A single member
electorates system** ☐

(as outlined in the Commonwealth's Referendum Options Description Sheet)

Number one box only



**Australian Capital Territory
Referendum Ballot Paper**

Write the number 1 in one box only

Please put the number '1' in one of the boxes below to show which electoral system you believe should be used to elect members to the Australian Capital Territory Legislative Assembly.

Leave the other box empty.

EITHER

**A single member
electorates system** ☐

(as outlined in the Commonwealth's Referendum Options Description Sheet)

OR

**A proportional representation
(Hare-Clark) system** ☐

(as outlined in the Commonwealth's Referendum Options Description Sheet)

Number one box only