



ACT GOVERNMENT

# A REFERENDUM TO ENTRENCH THE ACT'S PROPORTIONAL REPRESENTATION (HARE-CLARK) ELECTORAL SYSTEM 18 FEBRUARY 1995

## A Message from the Electoral Commissioner

On Saturday, 18 February 1995, a referendum will be held with the ACT Legislative Assembly election. Voters will be asked if they wish to **entrench** principles of the ACT's current proportional representation (Hare-Clark) electoral system.

If a majority of electors (voters on the electoral roll) support the referendum proposal, the major principles of the ACT's current electoral system will be **entrenched** — this means they will only be able to be changed if a majority of electors vote in favour of change at a future referendum, or if a two-thirds majority of Legislative Assembly Members (12 or more) vote in favour of change.

If the referendum proposal is not supported by a majority of electors, the major principles of the ACT's electoral system will be able to be changed by a simple majority of Legislative Assembly Members (9 or more).

This booklet contains:

- details about the referendum;
- a description of the ACT's current electoral system;
- arguments in favour of the referendum authorised by the Members of the Legislative Assembly who voted in favour of holding the referendum;
- arguments against the referendum authorised by the Member of the Legislative Assembly who voted against holding the referendum;
- a copy of the Bill for an Act to entrench the principles of the proportional representation (Hare-Clark) electoral system; and
- voting instructions and a sample ballot paper.

I am required by law to send you the arguments for and against the referendum in this booklet. Please read this booklet before you vote in the referendum on 18 February.

**Phillip Green**  
ACT Electoral Commissioner



Elections ACT

## ABOUT THIS REFERENDUM

### **Haven't we already had a referendum on our electoral system?**

A referendum on the ACT electoral system was held with the last ACT election in 1992. That referendum asked voters to choose between the Hare-Clark electoral system and the single-member-electorate electoral system. The Hare-Clark system was chosen by 65% of voters.

That referendum was only advisory in nature. It did not bind the Legislative Assembly to implement or maintain the Hare-Clark system.

The Hare-Clark system was enacted by the Legislative Assembly in 1994.

### **Why are we having a further referendum?**

On 8 December 1994 the ACT Legislative Assembly passed the Proportional Representation (Hare-Clark) Entrenchment Bill 1994. The purpose of this Bill was to ask the ACT electors, at a referendum, whether they want to entrench the principles of the current electoral system.

### **What does it mean if a law is "entrenched"?**

If an ACT law is entrenched it cannot be changed as easily as an ordinary law. An ordinary law can be changed by a simple majority of Legislative Assembly Members (9 or more). A law that has been entrenched can only be changed by a special majority of Members or by approval at a referendum.

Entrenching a law does not mean that it cannot be changed — it means that it is more difficult to change than an ordinary law.

### **What happens if a majority of electors support the referendum proposal?**

If a majority of electors (voters on the electoral roll) support the referendum proposal, the principles of the ACT's current electoral system listed in the Entrenchment Bill (see page 24) will be **entrenched** — this means they will only be able to be changed if a majority of electors vote in favour of change at a future referendum, or if a two-thirds majority of Legislative Assembly Members (12 or more) vote in favour of change.

### **What happens if the referendum proposal is not supported by a majority of electors?**

If the referendum proposal is not supported by a majority of electors, it means that the ACT's electoral system will remain part of an ordinary law of the Legislative Assembly which can be changed by a simple majority of Legislative Assembly Members (9 or more).

### **Who are the Members of the Legislative Assembly who voted in favour of the referendum?**

Wayne Berry, Kate Carnell, Terry Connolly, Greg Cornwell, Tony De Domenico, Annette Ellis, Rosemary Follett, Ellnor Grassby, Gary Humphries, Trevor Kaine, David Lamont, Roberta McRae OAM, Michael Moore, Bill Stefaniak, Helen Szuty and Bill Wood.

### **Who is the Member of the Legislative Assembly who voted against the referendum?**

Dennis Stevenson.



## THE ACT'S CURRENT ELECTORAL SYSTEM A BRIEF DESCRIPTION

*This referendum is about entrenching the major principles of the ACT's current electoral system. The following information, prepared by the **ACT Electoral Commission**, is a summary of the current system to help you understand the referendum issue.*

The ACT's current electoral system is a proportional representation system based on the Hare-Clark system used for Tasmanian House of Assembly elections.

### **What is proportional representation?**

Under a proportional representation electoral system, each elected candidate ideally represents the same proportion of voters as each other elected candidate. Or, to put it another way, seats are allocated to candidates as closely as possible to the distribution of votes.

### **What is the essence of the ACT's Hare-Clark system?**

Hare-Clark is a proportional representation electoral system of a type known as a "single transferable vote" system. Each voter is given one vote, which can be transferred from candidate to candidate according to preferences shown by the voter.

To be certain of election, a candidate must obtain a set proportion (or quota) of the votes for his or her electorate (see page 5 for details).

Candidates are listed on ballot papers using the method of rotating the position of each candidate on the ballot papers known as "Robson Rotation". This method is described on the next page.

To vote, voters simply number preferences for candidates by writing 1, 2, 3, 4, 5, 6, 7 and so on.

After polls close, every number "1" vote is counted. Each candidate with a quota is elected. Any surplus votes received by elected candidates over the quota are allocated to other candidates according to voters' preferences. After that, the candidate with the fewest votes is excluded from the count and his or her votes are allocated to other candidates according to voters' preferences.

This process of transferring surplus votes and excluding the candidate with the fewest votes continues until all vacancies are filled.

### **How did Hare-Clark get its name?**

The modern Hare-Clark system is based on methods developed by Englishman Thomas Hare (1806-1891) and Tasmanian Andrew Inglis Clark (1848-1907). It was first used in Tasmania in 1897.

**FOR FURTHER INFORMATION CONTACT THE ACT ELECTORAL COMMISSION ON 205 0033.**

## THE ACT'S CURRENT ELECTORAL SYSTEM A DETAILED DESCRIPTION

*The following information, prepared by the **ACT Electoral Commission**, gives detailed information on the major aspects of the current electoral system.*

### **Legislative Assembly Members**

There are 17 Members of the Legislative Assembly.

### **Electorates**

The ACT is divided into three electorates: Brindabella, Ginninderra and Molonglo.

The electorate of Brindabella will elect 5 Members of the Assembly. Brindabella comprises Tuggeranong, the Woden suburbs of Torrens, Pearce and Chifley and the southern rural areas of the ACT.

The electorate of Ginninderra will elect 5 Members of the Assembly. Ginninderra comprises Belconnen and Hall.

The electorate of Molonglo will elect 7 Members of the Assembly. Molonglo comprises Gungahlin, North Canberra, South Canberra, Weston Creek and Woden, excluding the Woden suburbs of Torrens, Pearce and Chifley.

### **Voting is compulsory**

It is an offence to fail to vote at an election without a valid and sufficient reason. The maximum penalty for failure to vote is \$50 plus court costs.

### **Ballot papers**

A feature of the ACT system is the Robson Rotation method of rotating the position of each candidate on the ballot paper.

Candidates' names will be listed in party and non-party columns, but within each column candidates will be listed in a different order on each consecutive ballot paper. This means that no candidate has the advantage of appearing in the same position on every ballot paper.

For example, if there are 4 candidates in a column, that column will be printed 4 different ways, with one-quarter of the ballot papers having candidate "A" in the top position, another quarter of all the ballot papers having candidate "B" in the top position, and so on for each candidate in the column.

Two or more candidates nominated by a registered political party in an electorate will be listed in a party column. Two or more non-party candidates may also choose to be grouped together in a separate column. Independent candidates and party candidates standing alone are included in "ungrouped" columns on the ballot papers.



## THE ACT'S CURRENT ELECTORAL SYSTEM A DETAILED DESCRIPTION

### Marking ballot papers

Voting under Hare-Clark in this election is fully preferential. That is, voters are able to show preferences for every candidate on the ballot paper. Voters cast their votes by showing preferences for candidates in the order of their choice by using the numbers 1, 2, 3, 4, 5, 6, 7 and so on.

Voters should show preferences for at least as many candidates as there are vacancies in their electorate (5 vacancies in Brindabella and Ginninderra and 7 vacancies in Molonglo).

Ticks and crosses are not counted.

### Vote counting

To be certain of election under the Hare-Clark system, a candidate must obtain a set proportion (or quota) of the votes for his or her electorate. Any candidate whose votes equal or exceed a quota is elected.

A quota is calculated by using the formula:

$$\frac{\text{total number of valid votes}}{\text{number of vacancies} + 1} + 1$$

The quota in the two 5-member electorates will be one-sixth, plus one, or roughly 16.67%. The quota in the 7-member electorate will be one-eighth, plus one, or roughly 12.5%.

A candidate may reach the quota simply by receiving first preference (number "1") votes, or by receiving a combination of first preference votes and votes transferred from other candidates who have been elected or excluded.

If a candidate has more votes than the quota, and not all vacancies have been filled, the surplus votes of that candidate are distributed to other candidates according to the preferences indicated on those ballot papers.

Ballot papers counted to an elected candidate with a surplus are distributed at a reduced value called a "fractional transfer value". For example, say the quota was 10,000 votes, and "Candidate A" received 20,000 first preference votes. That candidate has a surplus of 10,000 more votes than the quota. In order to distribute those 10,000 surplus votes to other candidates, each of those 20,000 ballot papers would be distributed, but each ballot paper would have a "fractional transfer value" of 0.5 (or one half of a vote). So, if "Candidate B" received 4,000 ballot papers from "Candidate A", they would be worth 2,000 votes.

## **THE ACT'S CURRENT ELECTORAL SYSTEM A DETAILED DESCRIPTION**

If, after all surplus votes have been distributed, vacancies remain to be filled, the candidate with the fewest total votes will be "excluded" and his or her ballot papers will be distributed to continuing candidates according to the preferences shown by voters.

At this stage, ballot papers are distributed at the value at which they were received by the excluded candidate. Ballot papers received by the candidate as first preference votes have a value of "1 vote", while ballot papers received following the distribution of a surplus will have a "fractional transfer value".

After ballot papers are distributed from an excluded candidate, the total votes for each continuing candidate are calculated to determine whether any candidate has received votes equal to or greater than the quota.

The process of distributing surplus votes from elected candidates and excluding the candidate with the fewest votes continues until all vacancies are filled.

### **Filling casual vacancies**

A casual vacancy in the Legislative Assembly can arise where a Member dies or resigns, or where a court declares a vacancy.

Under the ACT's Hare-Clark system, a casual vacancy in the Legislative Assembly will be filled by recounting the ballot papers that contributed to the election of the vacating Member to determine which candidate was the next most favoured candidate chosen by the voters who elected the vacating Member. (No by-elections are necessary under this system.)

Only those candidates who contested the original election who indicate that they wish to contest the casual vacancy will be considered in this process. This recount method can only be used where 2 or more eligible candidates indicate they wish to contest the vacancy. If only 1 candidate indicates he or she wishes to contest the vacancy, that candidate is automatically elected.

If no candidates contest a vacancy, the Legislative Assembly must choose a person to fill the vacancy. If the vacating Member was nominated for election by a registered political party, the person chosen to fill the vacancy must belong to the same party. Otherwise, the person chosen must not have been a member of a political party for the preceding 12 months.

**END OF INFORMATION PREPARED BY THE ACT ELECTORAL COMMISSION**

**FOR FURTHER INFORMATION CONTACT THE ACT ELECTORAL COMMISSION ON 205 0033.**



THE FOLLOWING PAGES CONTAIN THE  
ARGUMENTS **FOR** AND **AGAINST** THE  
ENTRENCHMENT OF THE ACT'S  
PROPORTIONAL REPRESENTATION (HARE-CLARK)  
ELECTORAL SYSTEM.

The **YES** case has been authorised by the Members of the ACT  
Legislative Assembly who voted in favour of the referendum.

The **NO** case has been authorised by the Member of the ACT  
Legislative Assembly who voted against the referendum.

**ACT LEGISLATIVE ASSEMBLY ELECTION & REFERENDUM 18 FEBRUARY.**

## ARGUMENTS IN FAVOUR OF THE REFERENDUM

### VOTE "YES" TO ENTRENCH OUR HARE-CLARK ELECTORAL SYSTEM

When you voted for the last ACT Legislative Assembly in February 1992, you were also given a say about what form our future electoral system should take.

The two choices offered in this advisory referendum were:

- a Hare-Clark system of proportional representation based on what has been used in Tasmania; and
- a single-member-electorate system based on what has been used in House of Representatives elections.

Two out of every three Canberrans indicated their preference for the Hare-Clark option as spelt out in the Referendum Options Description Sheet sent to all voters by the Australian Electoral Commission.

The Legislative Assembly has implemented that system for the 1995 and subsequent ACT Legislative Assembly Elections through the ACT Electoral Act.

On 18 February 1995, you will have an opportunity to make sure the key features of this system are entrenched for future ACT Legislative Assembly elections. "Entrenched" means they cannot be changed unless there is another referendum or changes are passed by a two thirds majority of the Legislative Assembly.

Take this opportunity to stop the key features of this electoral system being easily changed. Vote "yes" to safeguard these key features.

CONTINUED OVERLEAF



## ARGUMENTS AGAINST THE REFERENDUM

Politicians want you to endorse an electoral system at this referendum which they describe as:

“the best and fairest in the world”.

You are expected to believe this statement and vote ‘yes’! But what is the truth of the matter?

The truth is that this system (the Hare-Clark system) is used in only one other place in the world. Thus “the best and fairest system in the world” is at best a fairy story invented by politicians. But that is not their only deception about the choice of an electoral system for the ACT. Read on!

**And then**

**Vote No!**

CONTINUED OVERLEAF



## ARGUMENTS IN FAVOUR OF THE REFERENDUM

### Why another referendum?

Specifically, in a **binding referendum** being held under the terms of the *Australian Capital Territory (Self-Government) Act 1988*, you can vote to ensure that the key principles of the Hare-Clark system are entrenched - i.e. they cannot be changed unless there is another referendum or changes are passed by a two thirds majority of the Legislative Assembly.

The *Proportional Representation (Hare-Clark) Entrenchment Bill 1994*, which you are being asked to endorse, contains a number of features of the electoral system that are to be safeguarded. These include provisions that:

- each electorate must return an odd number of members (not fewer than five);
- you will always have a right to a fully preferential vote, and will not be deemed to have marked numbers you didn't write;
- there will be no registered party ticket voting (as occurs in Senate elections) which is inconsistent with Robson Rotation; and Robson Rotation will be maintained;
- wastage of votes will be kept to an absolute minimum;
- casual vacancies will be filled by the countback method;
- voting will be compulsory (with its limited exemptions for religious convictions and so on); and
- the Legislative Assembly will not be able to alter its size (the Commonwealth Parliament has set the number of MLAs at 17, and still retains power over this particular matter).

If you ratify this legislation, the key features of our Hare-Clark electoral system cannot be changed unless there is another referendum or changes are passed by a two thirds majority of the Legislative Assembly.

**Your vote is important to ensure that the key features of the electoral system cannot easily be changed.**

CONTINUED OVERLEAF



# ARGUMENTS AGAINST THE REFERENDUM

## VOTE NO

The reasons to vote

No

- Vote NO to a system that favours politicians not people
- Vote NO to a choiceless “all-or-nothing” 12-point political package
- Vote NO to cementing an electoral system into place that we haven’t tried
- Vote NO because we were never given a fair choice of available systems
- Vote NO to major parties grabbing more power
- Vote NO to discriminating against small parties and independents
- Vote NO to reinforcing a system of self-government that we already rejected at referendum

### Why did politicians call this referendum?

This referendum was called by politicians to benefit major parties, NOT Canberrans. Just like earlier political-party-initiated referendums in the ACT.

Though there are 12 parts to this referendum, there is only one question, ‘Yes’ or ‘No’. If we vote ‘yes’, we have to accept every one of the 12 parts with no choice. This is undemocratic and dangerous. It is another strong reason to Vote No!

Major-party politicians want Canberrans to say ‘yes’ to cementing into place an electoral system that gives more power to the major parties (Labor and Liberal). An unfair electoral system which perverts representative democracy by making it almost impossible for us to elect independents or representatives from small parties.

Most Canberrans vote for major parties. This is their choice. But it is wise to retain our right to vote for break-away parties, new parties, independents, or small parties. If we say ‘yes’, it will be difficult to change this unfair electoral system in the future.

**Let us not fall into their trap - Vote No!**

CONTINUED OVERLEAF



## ARGUMENTS IN FAVOUR OF THE REFERENDUM

### Who supports this?

The *Proportional Representation (Hare-Clark) Entrenchment Bill 1994* passed through the Legislative Assembly by a 16-1 majority, being supported by all elected members of the Australian Labor Party and the Liberal Party, and the two Independents.

### What we have now

In keeping with your wishes at the 1992 referendum, the ACT Legislative Assembly completed the task of implementing the Hare-Clark electoral system in April 1994. The new ACT electoral system will apply to the 1995 and subsequent Assembly elections.

The key features of our electoral system as it will apply in February are:

- **three electorates, Ginninderra** (Belconnen and Hall), **Brindabella** (Tuggeranong and the suburbs of Chifley, Pearce and Torrens), and **Molonglo** (virtually the rest of the ACT), these electorates returning five, five and seven members respectively
- **Robson Rotation** to ensure all candidates within a particular party or group column are treated equally in terms of appearing in the best positions (mainly top and bottom) within that column - this ensures that every candidate within a column benefits equally from the "donkey vote"
- **countback** for the filling of casual vacancies, so that there is continuity in the Assembly based on voters' wishes at the last election, without any need for by-elections
- **a tolerant attitude towards informal voting**, the Assembly having decided that voters should not be disenfranchised for omitting or duplicating numbers as they mark preferences (provided they mark just one first preference)
- **a concerted effort to minimise wastage of votes**, with candidates not being required to obtain more than is strictly necessary for election, and votes for those who cannot be elected being transferred to others who might be, in accordance with what has been indicated on individual ballot papers

**Any or all of these features could be changed by a simple majority in the Assembly after the next election, as things currently stand.** However, if this referendum succeeds the result will be binding on future Assemblies.

None of the key principles could be subsequently amended without either approval at another referendum, or a vote by two-thirds of the Assembly.

**Carriage of this referendum proposal will mean that the electoral system is immune from substantial change without voter approval or overwhelming support in the Assembly.**

CONTINUED OVERLEAF



## ARGUMENTS AGAINST THE REFERENDUM

### Why do major parties want to get rid of small parties and independents?

Each independent and small party seat is seen as a loss of power by the major parties. The original ACT electoral system gives Canberrans a fair chance of electing some independents, some representatives from small parties, as well as candidates from the major parties.

Canberrans didn't want this expensive state-like Legislative Assembly in the first place. But leaving that aside, there was one very good aspect to the electoral system for the first two ACT elections in 1989 and 1992. It had ONE ELECTORATE. This gave us a fair choice of who we could elect.

The result? In 1989 and 1992, we elected some independents, some representatives from small parties, as well as candidates from the two major parties.

#### Candidates we elected for the first two terms

	<u>Labor/Liberal Members</u>	<u>Independents/small parties</u>	<u>Total</u>
1989-92	9	8	17
1992-95	14	3	17

This system was not perfect, but it gave Canberrans a real say in who was elected. Simply put, if we wanted to elect new parties, break-away parties, independents or representatives from small parties, we could; the system did not prohibit it by favouring the major parties. It was the people's choice.

Major-party politicians have not been happy to be forced to work with independents or representatives of small parties. They do not want to share power; they want all the seats. So what happened? The system was rorted to make it almost impossible for Canberrans to elect anyone other than Labor or Liberal politicians.

**Don't reinforce an undemocratic major-party monopoly - Vote NO**

CONTINUED OVERLEAF



## ARGUMENTS IN FAVOUR OF THE REFERENDUM

### The actual principles

***“at a general election, an odd number of members of the Legislative Assembly shall be elected from each electorate”***

This ensures a party whose candidates command majority support in an electorate obtains a majority of seats there. With even numbers, half the seats can be obtained for much less than half the votes (for instance, 40% is enough in a 4-member electorate, and 43% in a six-member electorate). This could motivate redistributions to try to get even numbers of members where particular support is weakest, and odd numbers elsewhere.

***“at a general election, at least 5 members of the Legislative Assembly shall be elected from each electorate”***

This removes the possibility of single-member electorates or three-member electorates. Electorates returning five or more members provide closer alignment between votes obtained by various parties and candidates, and seats won. They are also subject to less change in their boundaries over time.

***“each voter has the right to a fully preferential vote”***

This has always been the practice in the ACT. When you number preferences, you simply indicate the order in which you want candidates to benefit from your vote. If your vote cannot help elect those whom you most want to see elected, it need not be wasted, but can be transferred to other candidates still acceptable to you. Entrenching this right guards against schemes which create artificial majorities through the deliberate wastage of large numbers of votes.

***“squares for the indication of preferences on each ballot paper shall appear only alongside the names of individual candidates”***

This explicitly rules out the introduction of Senate style above the line voting, and ensures that Robson Rotation gives every candidate within a party column the same opportunities to benefit from the “donkey vote”.

***“a voter shall not be taken to have marked any preferences beyond the numbers, starting with “1” for the candidate with the first preference, marked by the voter in the squares alongside the names of individual candidates”***

First, this prevents the introduction of registered party ticket voting by deeming a zero or a letter of the alphabet to indicate endorsement for a particular order of names. It also prevents re-interpretation of what you have written on your ballot paper.

CONTINUED OVERLEAF



## ARGUMENTS AGAINST THE REFERENDUM

### Didn't Canberrans decide all of this at the 1992 Referendum?

The 1992 referendum advice sheet, as issued by the Electoral Commissioner, opened with these words (quote):

**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.**

This is a misleading and deceptive statement. Why?

Misleading because, having promised so much, they delivered so little. There are at least five possible electoral systems, most already in use in Australia at either State or Federal level. This politician-initiated referendum limited Canberrans' choice to only two on the ballot paper (quote):

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

Deceptive because they were not content with restricting us to such a limited choice. Worse, they attempted to hide what they had done by incorrectly describing the Hare-Clark system above as (quote):

the Proportional Representation system

Hare-Clark is just one of many proportional representation systems, including the original one we have had for 6 years. We were not told this nor given an opportunity to retain our original system, or choose any of the other systems. The High Court has said it is deceitful to ask improper questions on a ballot paper, or questions which limit an elector's freedom of choice.

### How they take away our rights

The official Hare-Clark case distributed for the 1992 referendum told us about fairness in a voting system. It stated (quote):

**If a party gets a quarter of the vote, it should  
get as close as possible to a quarter of the seats.**

This is true. The same fairness requires that if a small party representative or an independent gets 1/17 of the vote (with 17 members in the Assembly, as is the case in Canberra), they should also get 1/17 of the seats; one seat. In the first two ACT elections this is what happened. But now, if we want to elect an independent or small party representative, they will need two to three times the percentage vote.

**Keep the right to change the electoral system -  
Vote NO**

CONTINUED OVERLEAF



## ARGUMENTS IN FAVOUR OF THE REFERENDUM

***“ballot papers shall be prepared and collated in accordance with the method known as the Robson Rotation...”***

This ensures that the Robson Rotation method of randomisation of names in the columns on the ballot paper, as used in the Tasmanian House of Assembly, is used in ACT Legislative Assembly elections. Within each electorate, party columns are in the same place on all ballot papers. No two consecutive ballot papers issued to voters will share the same order of candidates in any party column.

***“a candidate whose total votes equal or exceed a relevant quota ... shall be declared elected”***

Candidates obtaining this number of votes are mathematically certain of election. Wastage of votes is minimised because elected candidates are not required to obtain any more votes than is strictly necessary.

***“... any surplus votes for a successful candidate shall be transferred to continuing candidates in accordance with the next available preference indicated on ballot papers that were counted for the successful candidate”***

This makes sure that excess votes for successful candidates assist others, in accordance with the wishes of individual voters. It guards against schemes which allow someone else to determine what happens to surpluses.

***“if there are no surpluses to be distributed, the candidate with the least total votes shall be excluded and the ballot papers counted for the excluded candidate shall be transferred to continuing candidates in accordance with the next available preference, if any, indicated on each ballot paper”***

This ensures that voters can express their preferences and that their votes will be transferred according to their wishes, should it prove incapable of helping to elect the candidate or candidates supported most strongly.

***“... a casual vacancy ... shall be filled by a recount of the ballot papers counted for the person who, at the last election before the vacancy occurred, was elected to the seat in which the vacancy has occurred”***

Where an MLA dies, resigns or vacates his or her seat, the vacancy thus created is normally filled by a re-examination of the votes of those who had originally voted for the MLA at the last election, thus ensuring that continuity is maintained in the Assembly. The absence of by-elections prevents unnecessary distraction of governments.

CONTINUED OVERLEAF



## ARGUMENTS AGAINST THE REFERENDUM

### Why ONE ELECTORATE is important

More than ONE ELECTORATE will make it extremely difficult for us to elect small parties or independents. Why? Because to get even a single seat, they will need two to three times the percentage vote they needed in the first two ACT elections.

This is why the major parties wanted to change the system. Now they want us to vote 'yes' to make it harder for us to correct their rort in the future.

Here are the simple details. A candidate was guaranteed being elected with 5.56% of the vote in the first two ACT elections. In the forthcoming February 1995 election, to be guaranteed a seat, candidates must get either 16.8% or 12.5% of the vote (depending on whether they stand in a 5 or 7 member electorate).

This is TWO to THREE times the percentage of votes they needed in the first two ACT elections. This huge difference is shown below:

Election year	No. of electorates	No. of Members in each electorate	% of votes needed to guarantee a seat
1989 & 1992	1	17	5.56%
February 1995	3	5, 5 & 7	16.8% or 12.5%

The choices in the 1992 referendum were severely limited and so worded as to give a huge advantage to the major parties. Imagine a referendum on a proposed tax increase which gave a choice of either '10%' or '25%', without a choice of 'no tax increase'. But on the ballot paper the two choices were worded:

'Social justice for all' ☐

or:

'a 25% tax increase' ☐

We would naturally pick 'social justice' and thereby vote for a hidden 10% tax increase. By voting for the Hare-Clark system, many inadvertently chose a three-electorate system and thereby a greater major-party monopoly. We could have had a referendum choice of Hare-Clark in one electorate.

**Don't close the door on small parties  
and Independents - Vote NO**

CONTINUED OVERLEAF



## ARGUMENTS IN FAVOUR OF THE REFERENDUM

Further, as unsuccessful candidates from other parties will apply when a casual vacancy occurs, parties expecting to get candidates elected are likely to endorse more candidates than they might otherwise. Voters will be free to support any of a party's candidates.

### ***“voting in an election shall be compulsory”***

This matter was not specifically addressed in the Referendum Options Description Sheet. Nevertheless, compulsory voting has always been a feature of ACT elections, exemptions being made for people whose religious duty forbids them to vote, and in other reasonable circumstances.

### ***“This Act applies ... to the number of members in the Legislative Assembly”***

At the moment, the size of the Assembly is set at seventeen in the *Australian Capital Territory (Self-Government) Act 1988* over which the Commonwealth Parliament retains control. Should this power be handed over to the Assembly in the future, a change in its size could only be made after the approval of the people at another referendum, or the agreement of at least two-thirds of the Assembly.

**Each of these principles makes an important contribution to the ACT electoral system and deserves substantial consensus or direct community consultation before any fundamental change is made.**

**Therefore, when you receive your referendum ballot paper on 18 February, vote “yes” to entrench our new Hare-Clark electoral system.**

**Hare-Clark ... it's what you wanted.**

END OF THE ARGUMENTS IN FAVOUR OF THE REFERENDUM



## ARGUMENTS AGAINST THE REFERENDUM

### What support does a **ONE ELECTORATE** system have?

#### 1. The Australian Electoral Commission

The electoral system which the *Australian Electoral Commission* originally recommended as the best for Canberra, was a good proportional representative system, in **ONE ELECTORATE**. Being non-political, the electoral commission chose a system which gave Canberrans the broadest representation.

#### 2. Most Canberrans surveyed favour **ONE ELECTORATE**

During a poll in February 1991, 694 Canberrans were asked to choose between four electoral systems. 53% of those with a preference, voted for a system where the 17 candidates with the highest number of direct and preferential votes get elected. This can only happen in one electorate. The remaining 47% of the polled vote was spread between the three other choices. This revealed that **ONE ELECTORATE** was by far the favourite. However, in the 1992 referendum, major-party politicians not only nobbled the favourite; they refused to even let it run in the race.

#### 3. Historical precedence in Australia

The **ONE ELECTORATE** system, used in seven states and territories and the Commonwealth, has seen the broadest use in Australian parliamentary history. Therefore, it should have been offered as a choice on the 1992 referendum ballot paper.

#### 4. Historical precedence in the ACT

We had **ONE ELECTORATE** for the first 6 years of the ACT Assembly. This alone is more than enough reason why the one electorate system should have appeared as a choice on the 1992 referendum ballot paper.

#### 5. Democratic performance

A **ONE ELECTORATE** system gives the best chance of electing independents, representatives from small parties, as well as candidates from major parties. This meets the needs of a democratic system with positive checks and balances.

**To cement in place an unfair electoral system  
makes little sense - Vote NO**

CONTINUED OVERLEAF



## ARGUMENTS AGAINST THE REFERENDUM

### **Vote No** **to an electoral system we have not tried**

The Hare-Clark three-electorate system is untried in Canberra. Simple caution should require that we 'try before we buy'. The time to 'cement into place' a chosen electoral system is after it has delivered the goods, not before. To vote 'yes' now would be to accept yet another package of political promises.

The politicians tell us that they need our 'yes' vote to cement into place the Hare-Clark system that they claim is:

the best and fairest in the world.

This is another glib political claim about an electoral system unproven in the ACT. It is used in only one other country in the world, the Republic of Eire.

Major parties know that once we realise we have been deceived, we will never agree to a 'yes' vote. They want us to say 'yes' at the referendum before we have looked at the goods.

When all politicians of both major parties vote unanimously as they did with this referendum, we know, as with their pay, superannuation, privileges, etc, that it benefits them and only them.

**Don't give major parties more power.**  
**Don't restrict your freedom of choice**

### **Vote NO**

CONTINUED OVERLEAF



## ARGUMENTS AGAINST THE REFERENDUM

### Vote No

#### **Don't cement into place a three-electorate system which can divide Canberran people.**

- A Labor controlled electorate could be given preference by a Labor government for scarce budget resources, educational or employment opportunities, in order to retain support. Your electorate may suffer.
- A marginal Liberal electorate could do the same.
- A Minister, responsible for a particular service eg. health, could feather their own electorate (and 'whiteboard' the evidence). Your electorate could miss out.
- Voters whose problems have been well handled by an existing Member could, after February 18, be denied access to that Member, who may no longer be the local Member.

Imagine a politically subdivided Canberra: each electorate is dominated by a major party, with no small party or independents to check their continued vote-buying trade-offs.

Imagine the increased taxation burden needed to support it. Then ask yourself, is this the "best and fairest" outcome?

Imagine being locked into this system forever. Not only were we deceptively led into it, we are now being persuaded to throw away the key. That's what this referendum is all about!

Imagine ...? But why bother? Just vote No!

**On the Referendum Ballot Paper  
protect your rights**

**Vote NO NO NO!**

**END OF THE ARGUMENTS AGAINST THE REFERENDUM**



This bill for an entrenching law passed the Legislative Assembly on 8 December 1994 by a special majority as required by section 26 of the *Australian Capital Territory (Self-Government) Act 1988* and section 5 of this bill. It is transmitted to the Electoral Commissioner for submission to a referendum of the electors of the Territory in accordance with the provisions of the *Referendum (Machinery Provisions) Act 1994*.



Clerk of the Legislative Assembly  
22 December 1994



AUSTRALIAN CAPITAL TERRITORY

## **Proportional Representation (Hare-Clark) Entrenchment Bill 1994**

**A BILL  
FOR**

**An Act to entrench the principles of the proportional  
representation (Hare-Clark) electoral system**

The Legislative Assembly for the Australian Capital Territory enacts as follows:

---

Job No.: 1994/202



**Short title**

1. This Act may be cited as the *Proportional Representation (Hare-Clark) Entrenchment Act 1995*.

**Commencement**

5      2. This Act commences on the day on which it is notified in the *Gazette*.

**Interpretation**

3. Unless the contrary intention appears, expressions used in this Act have the same meanings as in the *Electoral Act 1992*.

10      **Entrenchment of electoral system**

4. (1) This Act applies to any law that is inconsistent with any of the following principles of the proportional representation (Hare-Clark) electoral system:

- 15      (a) at a general election, an odd number of members of the Legislative Assembly shall be elected from each electorate;
- (b) at a general election, at least 5 members of the Legislative Assembly shall be elected from each electorate;
- (c) voting in an election shall be compulsory;
- (d) each voter has the right to a fully preferential vote;
- 20      (e) squares for the indication of preferences on each ballot paper shall appear only alongside the names of individual candidates;
- (f) a voter shall not be taken to have marked any preferences beyond the numbers, starting with "1" for the candidate with the first preference, marked by the voter in the squares alongside the names of individual candidates;
- 25      (g) ballot papers shall be—
- (i) prepared and collated in accordance with the method known as the Robson Rotation; and
- (ii) distributed and issued;
- 30      as set out in Schedule 2 to the *Electoral Act 1992*, being that Schedule as in force on 1 December 1994;
- (h) a candidate whose total votes equal or exceed a relevant quota as defined in Schedule 4 to the *Electoral Act 1992*, being that Schedule as in force on 1 December 1994, shall be declared
- 35      elected;



- 5 (j) unless the number of successful candidates is equal to the number of vacancies, any surplus votes for a successful candidate shall be transferred to continuing candidates in accordance with the next available preferences indicated on ballot papers that were counted for the successful candidate;
- 10 (k) if there are no surpluses to be distributed, the candidate with the least total votes shall be excluded and the ballot papers counted for the excluded candidate shall be transferred to continuing candidates in accordance with the next available preferences, if any, indicated on each ballot paper;
- 15 (l) where there are 2 or more eligible candidates in relation to a casual vacancy, the vacancy shall be filled by a recount of the ballot papers counted for the person who, at the last election before the vacancy occurred, was elected to the seat in which the vacancy has occurred.

(2) This Act applies to any law made pursuant to a power at any time vested in the Legislative Assembly to make a law with respect to the number of members of the Legislative Assembly.

#### Special procedures for making certain enactments

- 20 5. (1) This Act, or any amendment or repeal of this Act, has no effect unless it is passed by—
- (a) at least a  $\frac{2}{3}$  majority of the members of the Legislative Assembly; and
- 25 (b) a majority of electors at a referendum held in accordance with the *Referendum (Machinery Provisions) Act 1994*.
- (2) A law to which this Act applies by virtue of section 4 has no effect unless it is passed by—
- 30 (a) the Legislative Assembly and passed by a majority of electors at a referendum held in accordance with the *Referendum (Machinery Provisions) Act 1994*; or
- (b) at least a  $\frac{2}{3}$  majority of the members of the Legislative Assembly.

*[Presentation speech made in Assembly on 30 November 1994]*





ACT GOVERNMENT

# **ACT Legislative Assembly Election & Referendum.**

**Your Vote.**

**Your Voice.**

**Your Choice.**

**Saturday, 18 February 1995.**



**Elections ACT**



# YOUR REFERENDUM BALLOT PAPER



Australian Capital Territory

## Referendum Ballot Paper

Write **YES** or **NO** in  
the box below

to show whether you  
approve the law to entrench  
the principles of the proportional  
representation (Hare-Clark)  
electoral system

Do you approve the  
entrenching law?

Write **"YES"** or **"NO"**

When you vote in the election, you will also be given a referendum ballot paper like the one shown at left.

To vote correctly, you are required to write either YES or NO in the box on the ballot paper to show whether you approve of the referendum proposal.

### Where and when to vote

You will vote in the referendum at the same time as you vote in the election.

If you can't get to a polling place on 18 February, you may be able to vote earlier by post or at a pre-poll voting centre.

More information on voting in the election will be sent to each ACT household in the near future. This information will include a list of all polling places and pre-poll voting centres.

**For further information contact the ACT Electoral Commission on 205 0033.**

AUTHORISED BY PHILLIP GREEN  
ACT ELECTORAL COMMISSION 1 CONSTITUTION AVENUE CANBERRA  
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PUBLISHED BY PUBLICATIONS AND PUBLIC COMMUNICATION FOR THE ACT ELECTORAL  
COMMISSION AND PRINTED BY THE ACT GOVERNMENT PRINTER 95/2667

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ARABIC	إذا احتجت لمساعدة في الترجمة الشفوية، إتصل برقم الهاتف:	PORTUGUESE	Se você precisar da ajuda de um intérprete, telefone:
CHINESE	如果你需要传译员的帮助，请打电话:	SERBIAN	Ako vam je potrebna pomoć prevodioca telefonirajte:
CROATIAN	Ako trebate pomoć tumača telefonirajte:	SPANISH	Si necesita la asistencia de un intérprete, llame al:
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**ACT LEGISLATIVE ASSEMBLY ELECTION & REFERENDUM 18 FEBRUARY.**