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**AN INSTANCE OF CARTEL BEHAVIOUR? THE POLITICS OF SENATE ELECTORAL
REFORM 2016**

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Abstract

This working paper outlines the history, politics and mechanics of the recent changes to Senate voting.

Introduction

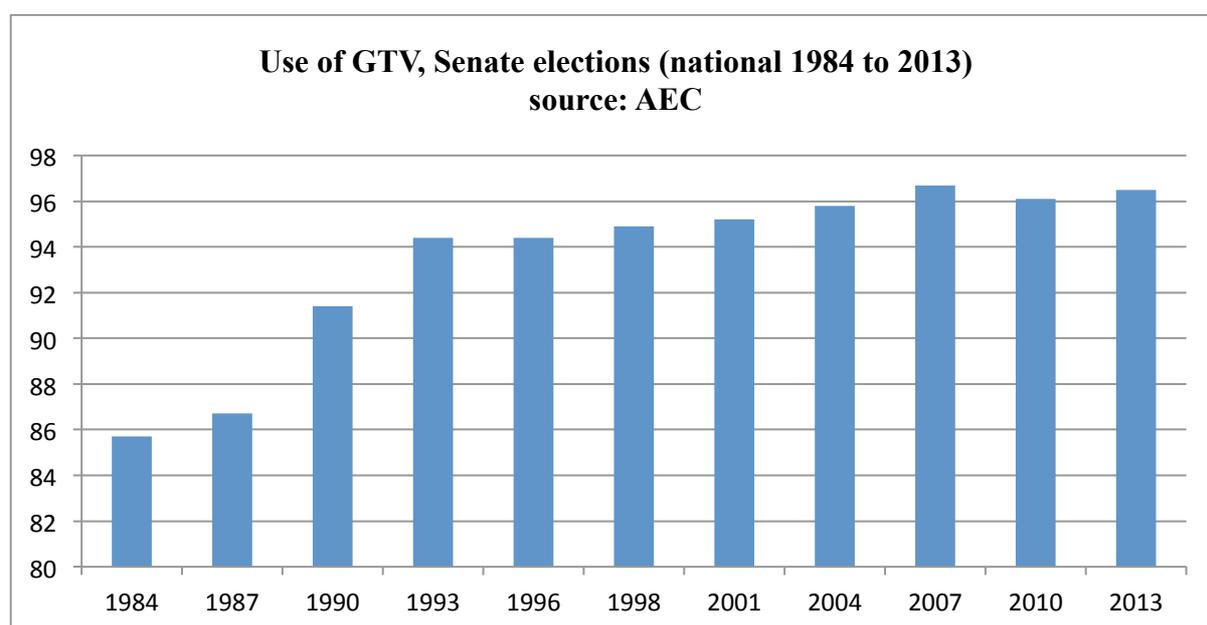
As the result of the count of the 2013 half-Senate election indicated that a high number of candidates from parties other than Labor, the Greens and the Liberal-National coalition had won seats in the Australian Senate, pressure began to mount on aspects of the Senate voting system. In particular, the ‘Group Vote Ticket’ (or GVT) (i.e. the option that electors have to vote for a party ticket rather than fill in preferences for all candidates) became the focus of criticism of the system. This option has been available to electors since 1983 when the then Labor government undertook extensive changes to the *Electoral Act (1918)* (see Rydon 1988, 1985). Since its introduction, the GVT has been immensely popular with voters (see Figure 1). However, it was also the case that the new system provided scope for the administrative executives of the political parties to seek to exercise influence over outcomes through the decisions they made on how preferences would be ordered. Parties could, and did, enter into negotiations over the allocation of preferences (the colloquial term for this being preference “wheeling and dealing” (Mayer 1980)). This aspect of the system became the source of controversy especially where there were contentious representational outcomes (see Green, A. ‘Above or below the line? Managing preference votes’ <http://www.onlieopinion.com.au/print.asp?article=3359> (accessed 30/3/2015)).

Table 1: The 2016 half-Senate result

| | NSW | VIC | QLD | WA | SA | TAS |
|--------|-----------------------|----------------------------|-----------------------|---------------------|----------------------------------|---------------------|
| | vote(seats) | vote(seats) | vote(seats) | vote(seats) | vote(seats) | vote(seats) |
| ALP | 31.9 (2) | 32.6 (2) | 28.7 (2) | 26.7 (1) | 22.6 (1) | 32.9 (2) |
| LNP | 34.6 (3) | 40 (2) | 41.1 (3) | 38.8 (3) | 27.0 (2) | 37.4 (2) |
| GRN | 7.7 (0) | 10.8 (1) | 6 (0) | 9.6 (1) | 7.0 (1) | 11.5 (1) |
| others | 22.3 (1) (LDP 9.5) | 12.9 (1) (AMVEP 0.5) | 21.9 (1) (PUP 9.9) | 21.8 (1) (PUP 5) | 40.6 (2) (XEN 24.8 FF 3.8) | 15.6 (1) (PUP 6) |

Source: www.aec.com

Figure 1



The 2013 half-Senate election was a case in point (see Table 1). Ahead of the contest, analysts noted a surge in party registrations (see Figure 2) and learned that many of these new minor parties (later dubbed “micro parties”) had entered into agreements to direct preferences to each other. If the effect of this proliferation of parties was to result in an aggregated vote of more than 14.4 percent (the vote share needed to be able to secure a seat), the cross-preference deal would ensure one of their number would be elected. This was precisely what transpired, and so in every state at least one “micro-party” candidate was able to win a seat. The main beneficiary of the swing in the Senate vote was the Palmer United Party (PUP), but candidates from the Liberal Democratic Party (LDP) in New South Wales and the Family First party in South Australia also won seats.

A sense of outrage started to develop around the election of Ricky Muir from the Australian Motoring Enthusiasts Party (AMEP) in Victoria, who won his seat with a very small share of the primary vote (17,083 primary votes, or 0.5 percent). The composition of the Senate then became a problem for the newly elected Liberal-National coalition government as it found an unwillingness on the part of the cross-bench to agree to some of its more contentious legislation. This would have been particularly galling given that the influx of cross-benchers was from the right of Australian politics, and that, in the case of senators Muir and Leyenhjelm, had been secured at the expense of what might have otherwise been Liberal seats. Herein lay the incentive for the Coalition to seek to alter the Senate voting system.

After the 2013 election, the Joint Parliamentary Standing Committee on Electoral Matters (JSCEM) convened and focused on two issues in particular: first, the cross-preference deals that were struck between the minor parties that resulted in the increase in minor party representation (the colloquial term for this is ‘preference harvesting’); and, second, the exponential increase in party registration that occurred in the lead-up to the election. On the question of party registrations, the committee was clearly of the view that this was being caused by a small number of political operators seeking to either register or encourage the

registration of parties in a bid to ‘game’ the system by enhancing the environment in which preference harvesting could occur. The JSCEM recommended increasing the number of bona fide members required for a party to be able to be registered with the AEC and for registration fees to significantly increase. Individuals would also be banned from registering multiple parties (JSCEM 2014).

On the question of how best to deal with preference harvesting, submissions from Labor, the Coalition and the Greens all argued the case for the abolition of the GVT and to allow instead for electors to be able to cast optional preferences. The independent senator from South Australia, Nick Xenophon, was also a strong advocate of this approach and had previously introduced a private members bill to institute optional preferential voting soon after the 2013 election. This bill languished for want of government support and the matter of electoral reform stalled under Tony Abbott’s prime ministership. However, upon becoming leader and wishing to call a double dissolution election partly to address the problem his government had with the upper house, new prime minister Malcolm Turnbull became very interested in Senate voting reform. With the Greens and Senator Xenophon indicating their support (but, interestingly, Labor changing its position), the government commenced the process of changing the electoral laws to ban the GVT and to allow for optional preferential voting.

The GVT and the dynamics of Senate elections

The Australian Senate is elected using the Single Transferrable Vote (STV) method of proportional representation where electors have historically been required to cast a preference for every candidate on the ballot. As candidate numbers increased over time, the scope for voters to make mistakes when casting a preference for all candidates also increased, and by 1983 – the year in which the Hawke changed the rules – informal voting rates were so high as to constitute a controversy. The adoption of the GVT was intended to address this problem and the success of the reform can be seen in the rate at which it has been used by Australian voters and the dramatic decline in rates in informal voting in Senate elections (see Figure 2). The reform did solve the informal vote problem, but a new issue arose as the political parties started to use the allocation of preferences as a means to trying to influence representational outcomes. The first instance of this occurred in 1984 when the NSW Labor party directed preferences away from the Nuclear Disarmament Party’s Peter Garrett (Quiggley 1986), after which the use of GVTs also figured in strategies to limit PHON in 1998 and was influential in the election of a Family First senator from Victoria (see Economou 2006). This behaviour did not appear to act as a disincentive to party formation for the purposes of contesting Senate elections, however. Also, the rate of non-major party representational success (including the Greens) started to increase after 1984.

Figure 2

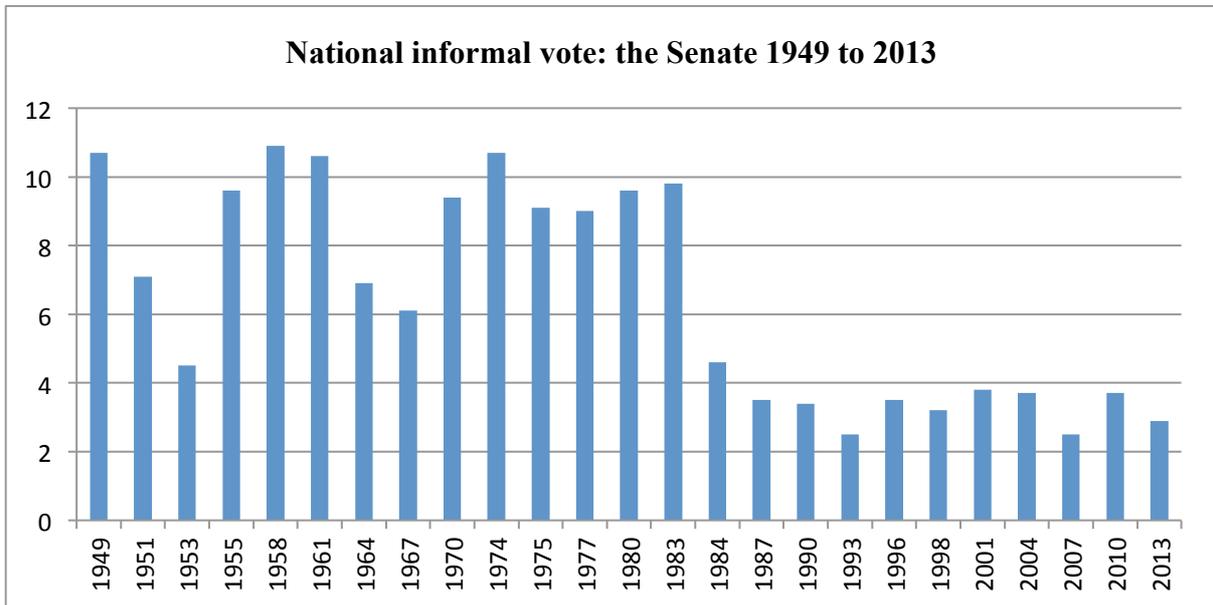


Figure 3 outlines national voting trends for the Senate since 1984. It shows that the vast majority of voters cast a primary vote for the Labor party and the Liberal and National parties (these days operating joint Senate tickets), but this is at a declining rate. The rate of decline for Labor has been greater than the Coalition, and this corresponds with a rise in support for the Greens. The right-of-centre vote has remained with the Coalition notwithstanding the two rare instances of significant re-alignments in 1998 (which proved to be temporary) and 2013 (whose durability has yet to be tested). Support for ‘others’ has grown over time and the trend has been upwards. Meanwhile, the decline of the Australian Democrats coincided with the rise of the Australian Greens – a much more ideological party that was having some success in aggregating re-aligning left voters who were abandoning the Labor party. The party’s success has clearly acted as a model for the Greens’ ideological enemies, and this may well account for the increase in the number of right-of-centre minor parties registering to contest Senate elections since 1984 (see Figure 4).

Figure 3

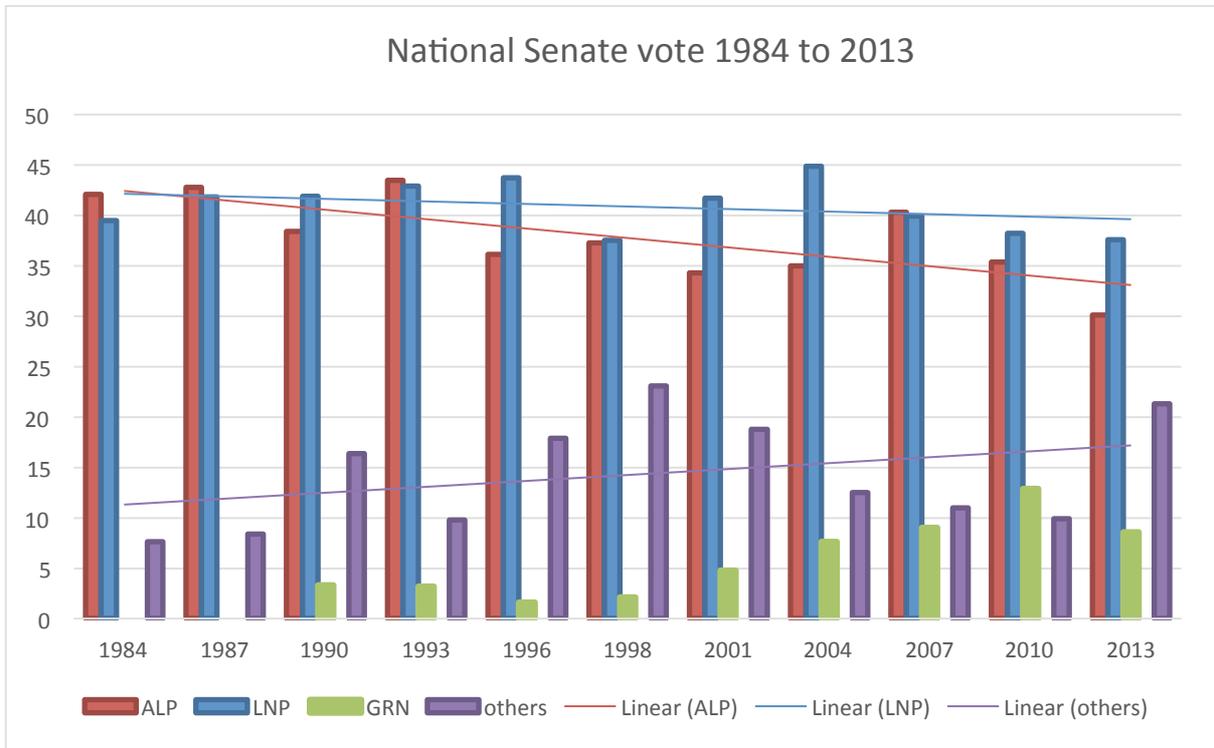
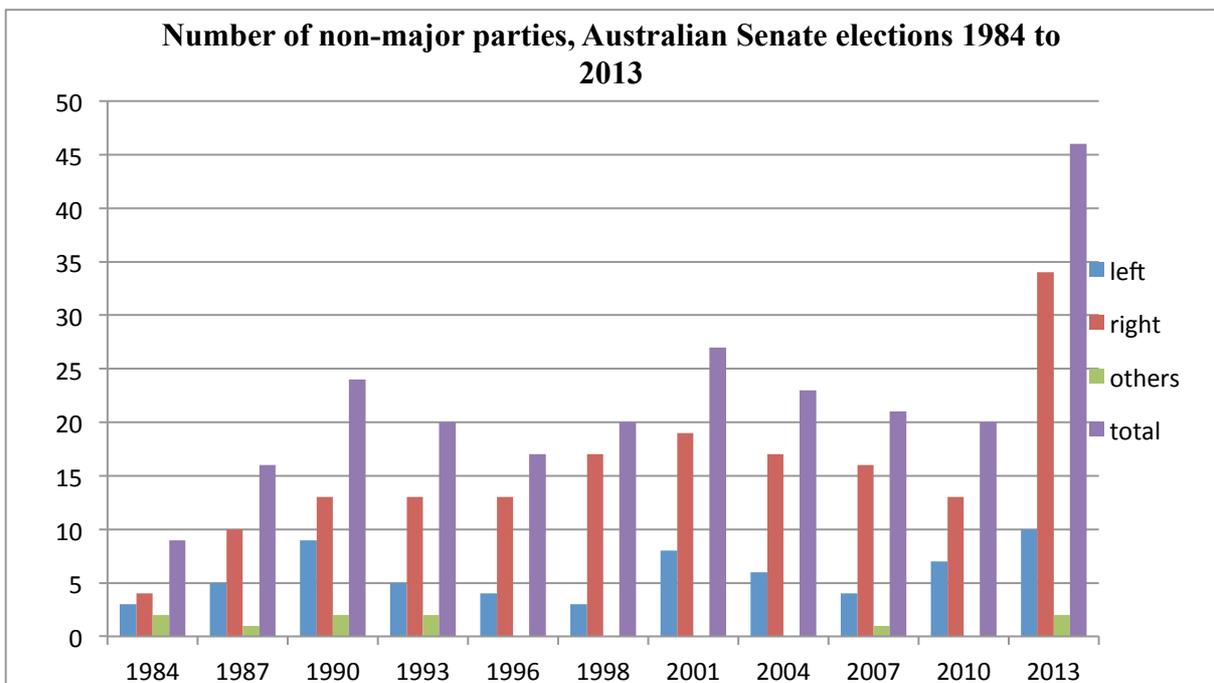


Figure 4



There has also been an emerging sophistication in the approach of these minor parties to formulation of their GTVs that sought to circumvent the situation One Nation found itself in in 1998 when no other party would direct preferences to it and the party's sole success was in Queensland where the ticket was able to win a primary vote in excess of the quota. These minor parties thus entered into cross-preference arrangements (eventually to be co-ordinated by a political consultant who was able to get some left minor parties to enter into these agreements as well). The idea was for these parties to allow the transfer of whatever primary vote had been won to other parties to the agreement in the hope that one of these candidates might secure enough support to achieve a quota. It's hard to say if this was a politics motivated by opposition to the Greens or as an expression of an anti-major party sentiment, but it is worth noting that the vast majority of these parties placed the Coalition ahead of the ALP and the Greens on their GVTs.

Reform and its consequences?

By 2013 these two aspects of right-of-centre minor party behaviour had become the source of such controversy that reform to the Senate electoral system became the consequence. The number of parties that nominated for the 2013 Senate contest had increased exponentially, and many of these parties participated in the cross-preference arrangements that had now earned the colloquialism of 'preference harvesting'. There was an important third element to this debate: in the 2013 election, collectively the minor parties of the right-of-centre secured a very large share of the primary vote. While it varied from one state to another, in each case the total right-of-centre minor party vote was either very close to or in excess of the 14.4 percent quota. It was at this juncture that the cross-preference agreements became significant as they ensured that the aggregated right-of-centre minor party vote would come together and elect a candidate at some point in the count.

In most instances it was a PUP candidate, and this was consistent with the fact that, of all of these right-of-centre parties, the PUP was the best performer in all states save for the LDP result in NSW. Two important consequences emerged from this; first, there was an unprecedented success rate amongst these right-of-centre minor candidates and, collectively, they stood to hold the balance of power in the Senate; and, secondly, as this aggregated right-of-centre vote was so great as to achieve representational outcomes, it adversely affected the Coalition's potential to increase its representation in the upper house. This was in contrast to the swing to the Coalition that had occurred in the House of Representatives and resulted in a landslide victory. If the total vote cast for the Coalition and the right-of-centre minor parties in 2013 is added together, it constitutes a total of 4 out of 6 quota in NSW, Western Australia and Queensland. Had this resulted in Coalition seats (as it might have done had the total right-of-centre minor party vote been well under quota and the preferences had flowed through to the Coalition as per the GVTs of these minor parties) then Tony Abbott's government would have enjoyed a Senate majority

The Turnbull government's move to reform Senate voting seemed to occur in something of a rush and, as a result, there was confusion as to what changes were being proposed. Initial reports suggested that the changes to be made to the Senate voting system would require electors to cast at least six preferences above the line or, alternatively, to cast a preference for every candidate below the line with new 'saving' provisions that would allow votes cast in this way to make a number of errors in the ordering of preferences before being declared informal. Those commenting on the reforms noted the capacity these changes would have for

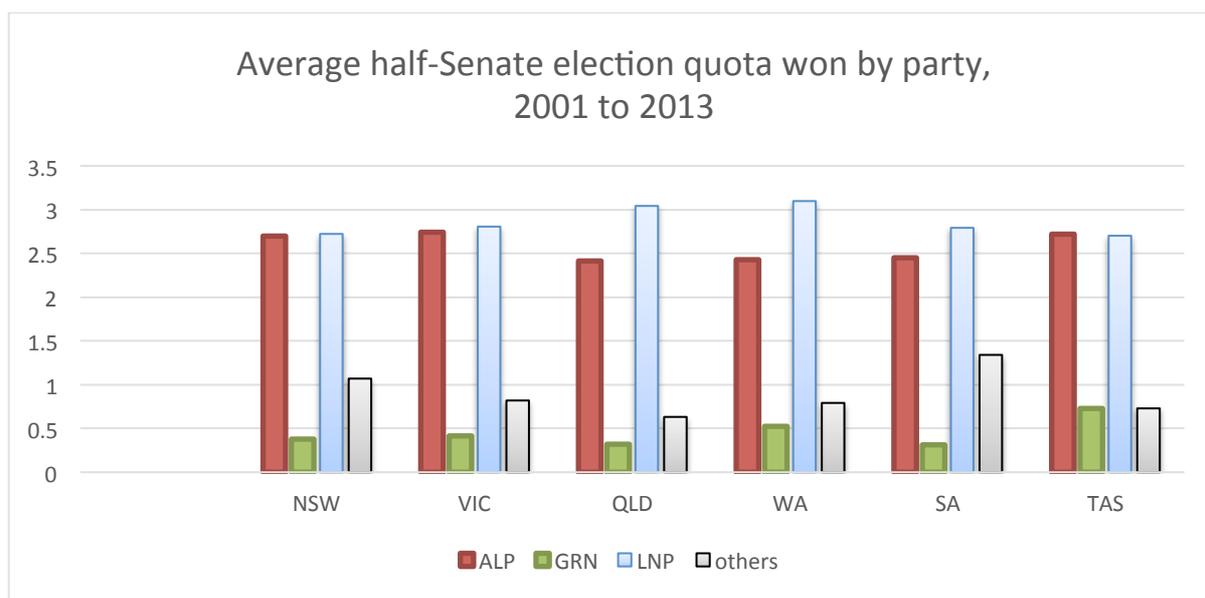
confusion given the change to the previous practice where electors simply cast a single primary vote.

The concern here was that such confusion would in all probability lead to a surge in the rate of informal voting – the very problem that above-the-line voting was developed to resolve. The government responded by saying that voters would be encouraged to cast at least six preferences above the line, but that the casting of a single primary would still be counted as formal with the proviso that the flow of preferences would go only so far as the order of candidates nominated under the auspices of the party ticket that received the single above the line primary vote. Attention then turned to the matter of casting preferences below the line where two problems were identified: first, the requirement that an elector voting below the line have to cast preferences for all candidates was seen as onerous and against the spirit of optional voting that was going to apply to above line voting. Secondly, it was noted that the double standard that would be applying to above-and-below-the-line voting would be unfair to electors seeking to vote for candidates for a party in an order different to that lodged by the party under the auspices of the above-the-line vote.

To resolve these matters the government indicated that the reforms would now allow voters to cast a minimum of six (or, in the case of a full Senate election, twelve) preferences below the black line. The explanatory memorandum accompanying the bill that went before the parliament indicated that the changes would urge voters to cast at least six preferences above the line, but that a single primary vote would still be counted as formal. The bill would also formally abolish the GVT and would require parties to have a registered officer and deputy registered officer as part of an enhanced party registration process (designed to flush out those individuals who were forming and registering multiple parties presumably to address the JSCEM's concern that Senate elections were being "gamed") and for party logos to appear on future Senate ballot papers (see the second JSCEM Report http://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/CEAB2_016/Report).

The fate of the GVT and the regulations regarding the way electors will be voting are matters of substance. Here reformers will nervously assess the impact of change on the rate of informal voting, and the rather ambiguous message about just how many preferences a voter is allowed/expected/encouraged to cast above the line indicates a sensitivity on the part of the government to this matter. Proponents of the reform soon declared that the abolition of the GVT the adoption of optional preferential voting will bring an end to preference wheeling and dealing. While the formal mechanism for lodging GVTs with the AEC is to be removed from the regulations, it is presumably still the case that parties will be able to produce how-to-vote cards. Given the confusion caused by both the haste with which the government moved to change the rules and the mixed messages about just what a voter has to do to cast a formal vote, it would seem that the major parties in particular may see a need to revive the how-to-vote card. Once this happens, preference wheeling and dealing will persist even though the GVT will be outlawed.

Figure 5



It is difficult to predict just how voters will respond to the exhortation to provide at least six preferences above the black line given the short time frame in which the AEC is expected to communicate these changes to the public. It may well be that electors will do as they have done since 1984 and embrace the above the line system and cast a single primary vote. This may be against the stated instruction on the ballot paper, but the rules as they stand will allow such a vote to be formal and count only as far as a preference or surplus to the extent of the number of candidates on the ticket of the party receiving that primary vote. The most obvious consequence of this may be a dramatic rise in the rate of exhausted ballots. Figure 5 shows the average quota won by the parties and ‘others’ per state between 2001 and 2013. Unless the many parties that make up the category of ‘others’ coalesce in to a much smaller number, it will be this vote that is most likely to exhaust. If the last election is any guide, this would be some 21 percent of the vote although the 2013 result may well have been a deviant election. The average vote for parties other than Labor, the Coalition and the Greens since 1984 is 14.2 percent – still a sizeable tranche of the electorate and worth nearly a full half-Senate quota, or nearly two full Senate quotas.

The next group of electors whose votes may exhaust if they cast only a primary vote for their party of choice will be Labor voters in South Australia, Western Australia and Queensland. This is due to the comparative weakness of the Labor primary vote in these states and the corollary this has for the number of quota being secured. In each of these states the remaining quota has tended to be well below 0.5 (in fact, on average, it has been 0.1 of a quota in all three states) and thus insufficient to expedite the election of an additional Labor candidate (see Figure 5). Under the old GVT system, this vote would move to the next preferred candidate still in the count. In recent times this has tended to be the Australian Greens, although somewhat infamously Labor in 2004 directed preferences to Family First in South Australia, Victoria and Tasmania. This led to the election of Family First’s Steve Fielding in Victoria, and almost led to the election of Family First’s Jaqui Petrusma in Tasmania instead of Christine Milne from the Greens (see Economou 2006). Under the new system, this remainder surplus is unlikely to be allocated anywhere unless the ALP makes an effort to use

printed how-to-vote cards to exhort party partisans to vote beyond a primary vote above the line.

Vote exhaustion is not the same as vote informality, and the reformed system still allows voters to allocate as many preferences as they wish beyond the parameters now set out in the act. Exhaustion rates will thus reflect the extent of the effort either the AEC puts in to explaining how the new system will work ahead of polling day, and/or the effort the political parties put in to exhorting their supporters to number squares beyond the party ticket (including, of course, the order in which these preferences might be cast). The task of printing and distributing how-to-vote cards is both expensive and enormous and presumably only the best resourced party organisations will be in a position to do it. This means that the reform will re-enforce the hegemony of the major political parties who have these resources.

Assessing the impact of these changes on representational outcomes depends on whether half or all of the Senate is to be elected, and, of course, on the vagaries of the political debate leading up to the election and what impact this has had on party formation. If voting patterns for the Senate since the introduction of the GVT are averaged, however, some patterns do emerge. The near equal balance of the total voter support between left (Labor and the Greens) and right (Coalition and all other minor parties) is maintained when the vote is considered nationally, but an interesting regional variation has been occurring where the left has tended to do better in Tasmania and Victoria whilst the right is strongest in Western Australia and Queensland. In representational terms, Labor has lost seats since 1984 to, in the first instance, the Australian Democrats and, more latterly, the Australian Greens. Labor's primary vote fell below 40 percent in 2001 and has not recovered, to now average 37.7 percent. The primary vote for the Coalition, however, has been consistently higher than that of the ALP (averaging nationally 40.8 percent) and only suffered a major re-alignment on two occasions: the 1998 election and the appearance of PHON, and the 2013 election and the impact of the PUP in particular. The appearance of Nick Xenophon has had a particular impact in South Australia where his ticket has tended to come at the expense of a Liberal seat.

Throughout this period there has been a consistent level of support for those that fall under the category of 'others'. This includes parties that did not direct preferences to the major parties such as the Australian Democrats and on occasions Nick Xenophon in South Australia, and those who directed their preferences to the Coalition such as the PHON party and the PUP in 1998 and 2013 respectively. The weakest states for the right-of-centre or non-aligned vote have been Victoria and Tasmania, whilst the average right-of-centre minor party vote in all the other states has been strong enough to achieve either a full quota or near to full quota in a half-Senate contest (in a full Senate, the average is closer to two quota in NSW and Queensland, and over two in South Australia).

Quite clearly, there is a strong and consistent right-of-centre constituency beyond the average support won by the Coalition in Australian Senate contests commensurate with (of not greater than) that for the Greens. Its impact on representational outcomes has been mitigated by the nature of right-of-centre minor party politics. Unlike the aggregation of a re-alignment away from Labor around a single dominant entity like the Greens, the re-aligning right-of-centre vote has been dispersed across a variety of parties and independents. Prior to 2013, representational success depended on a candidate achieving a quota (such as Nick Xenophon in South Australia, or PHON in Queensland in 1998), or on a fortuitous flow of surplus (if there was any) from one or other of the major parties. The 2013 result was the result of a fortuitous co-incidence of a total vote for 'others' exceeding the 14.4 percent quota and the

cross-preference agreements that ensured one of the right-of-centre minor party candidates would obtain that aggregated vote.

It would seem unlikely that any of these parties would have the human and/or financial resources to distribute how-to-vote cards in order to influence the flow of preferences into the future. Were this constituency to ever achieve an aggregated primary vote commensurate with the 2013 result this would of course mean that the prospect of one of these parties winning a seat would be remote. The fate of a right-of-centre minor party vote that did not achieve anywhere near the quota but was still worth something approximating half a quota is worth pondering however. Under the old arrangements, this vote would have flowed to the Coalition and may have helped it to secure an extra seat, as occurred in 2004 when the flow of preferences from Pauline Hanson's ticket in Queensland assisted in the election of a total of four senators from the Liberal and National parties and, with it, a Coalition majority in the upper house for the first time since the 1970s. Under the new arrangements, this vote will probably exhaust and deny the collective right-of-centre full representational impact especially in Queensland, Western Australia and New South Wales. In other words, the Coalition appears to have supported a reform that militates against its aspiration to maximise its Senate representation.

Four observations about the Senate voting reform debate and its consequences

Changes to Australia's national electoral system do not occur often. The most important reforms can be quickly summarised, including the move to the Alternative Vote in 1918, the completion of the compulsory voting laws in 1924, the shift to STV proportional representation for the Senate ahead of 1949, the lowering of the voting age in 1974, and the raft of reforms instated by the Hawke government in 1983 of which the GVT was a part. The adoption of optional preferential voting for the Senate and the abolition of the GVT as part of the 2016 reforms are a part of this rather incremental record of change. In each instance, the rationale for reform provided by the government of the day had normative democratic resonances, although cynics could quickly identify the search for partisan advantage in these changes. The 2016 reforms are part of what is clearly a long tradition in Australian national electoral reform. Having said that, there are a number of aspects about these reforms and the debate that preceded them that remain somewhat problematic. Here are four rather troubling aspects of this debate.

1. Down with the 'micro-parties': reform as cartel behaviour

It was noticeable that the 2016 reforms were driven by explicit expressions of dismay at the representational outcome of the 2013 half-Senate election the culpability of which was sheeted home to the GVT and 'preference harvesting'. Remarkably little concession was made to the fact that these outcomes occurred because of the rate at which voters defected from the Labor, Liberal-National and Green tickets. Those appalled by the election of Family First, the PUP and especially the AMEP implied that these outcomes were the product of people being misled in some way either by the deliberate formation of a large number of parties or by the cross-preference arrangements co-ordinated by Mr Druery in particular (which, by the way, did not involve all of the minor parties) and thus the outcome was 'undemocratic'. Having been convinced of this, the advocates of reform moved to find a way in which the conditions that gave rise to the election of the PUP, the LDP, the AMEP and Family First could be changed so that, presumably, it could not happen again.

This was certainly the tenor of the JSCEM approach to which the ALP was a participant and this notion of the mainstream parties getting together to agree to reforms that would deny these other parties an ability to win seats had all of the characteristics of an economic cartel colluding to freeze out unwanted competitors (see Katz and Mair 1995). The defection of the ALP from this collusion once the legislation suddenly appeared has mitigated this very strong hint of cartel behaviour, and the case could be made that a party like the Greens took the approach it did because instituting optional preferential voting has been a long standing party policy. Still, it is noticeable that the 2016 reforms appeared to be driven by a general dislike of the outcome of the 2013 election in terms of party representation, and the implicit objective of keeping the so-called ‘micro parties’ out of the Senate. This contrasts starkly with the context in which reforms were made back in 1983 where the concern was less about the sort of people being elected to the Senate and more about the democratic implications of such a large number of voters being disenfranchised by a complicated voting system. The 1983 reforms thus had a much stronger claim to being in the service of enhancing democracy than the 2016 changes which appear to be driven mainly by a desire to expunge Senator Muir and the AMEP.

2: The selective debate about Ricky Muir’s primary vote

Senator Muir features here again, and indeed the vilification of Mr Muir began from almost as soon as it became clear that he was to be elected as a Victorian senator. For all the smearing of the individual over his employment status, his recreational pursuits, and even for the fact that he came from Maffra, the main burden that Senator Muir has had to bear has been the constant allegation that, because he received about 0.5 percent of the primary vote he had no right to be elected as a senator. It is worth remembering that results determined by the STV system depend not simply on primary vote but, rather, on the proportional allocation of the vote after the distribution of surplus and preferences. This is the basis upon which the second and third placed candidates on the major party tickets are able to win their seats, for in every instance in every state, the primary vote won by these candidates was much lower than that won by Mr Muir. There has been no suggestion that the second place Labor candidate and the second and third placed Coalition candidate has even less right to be in the Senate than Mr Muir. The selective application of aspects of the STV system to critiques of Mr Muir’s success is disingenuous for in trying to de-legitimise Muir such critiques de-legitimise everyone who has been elected under that system. Moreover, the focusing in on primary vote share as the basis of justifying the election of candidates runs counter to the intended purpose of the STV system, which was to find a way to mitigate the dominance of the mass political party. In this sense, Mr Muir’s election was a triumph of the system not least because it ensured that the very large proportion of electors who had voted further to the right than the Coalition were able to elect a senator. Far from being broken, the system actually worked in the way that its creators intended.

3: Vote exhaustion will be the new way electors could be disenfranchised

This point has already been alluded to in the earlier discussion of the rather complex way in which the Australian parliament has decided electors will be casting their vote at the next Senate contest. If, as the law seems to indicate, electors will still be able to cast a primary vote above the black line without indicating any other preference (despite what apparently will be the instruction on the ballot paper), and for this vote to be considered valid, the consequence will be that that vote will only have a representational impact to the point in which it will be assumed to be casting preferences for a party ticket and thereafter no further.

Unless the AEC mounts a major advertising campaign, or unless the major parties issue how-to-vote cards that provide advice to voters on what to do with their preferences, it is a fair bet that a large number of electors will do precisely as they have done at elections since 1984 and cast a single primary vote. As already explained, the losers in this will be electors voting for the micro-parties of the right, and Labor voters in those states where Labor is incapable of winning more than 2.4 quota (or any fraction below 0.5 of a quota).

Interestingly, one of the consequences of a high rate of vote exhaustion may well be a situation where a candidate wins a seat simply because he or she was the person with the largest number of votes at the exhaustion of the count. This could be a figure below the quota, which would then lead to the irony of a candidate winning a seat with less than the requisite number of votes given that the system was changed because of an allegation that, back in 2013, a candidate called Ricky Muir got a seat with a comparative small number of primary votes. No system is perfect and the GVT-based system did open the way for preference wheeling and dealing. On the other hand, those that got elected could, like their counterparts in the lower house, claim that all votes had been counted and fully utilised in the determination of the result. This is unlikely to be the case under the system as it has been amended.

4. There has been a change in attitude towards party formation

The surge in the number of political parties registered for the 2013 election became as much of a cause for concern amongst the party cartel as was the utilisation of the GVT by the right-of-centre minor parties to try to maximise their representational impact. It is true that the number of parties contesting the 2013 election was much higher than previously, but it has also been the case that party registration rates had been rising even in the midst of previous result changes designed to make it more difficult to create a new party. In the past, party formation had been identified as a sign of a healthy democracy. As Campbell Sharman (1999: 356) once wrote:

The question of what explains the emergence and persistence of minor parties is a contentious one ... but there are three elements involved. The first is broad social and political change and the emergence of new issues which existing parties have not accommodated, thus giving the new party the chance to articulate a distinctive political agenda. The second is the consequence of political events which trigger the formation of a new party or splits in an existing party. The third is the effect of the electoral system in encouraging the formation or persistence of small parties by making parliamentary representation an avenue for pursuing influence.

At least two of these explanations could account for the surge in the number of socially conservative, anti-environmental and rural populist parties in the aftermath of a period of Labor governance to which the Greens appeared to be providing critical support. One interesting aspect of Sharman's approach is that it has as its subtext a celebration of the system to deliver representational diversity and to keep the power of the executive in check.

However, commentary in the aftermath of the 2013 election was far less celebratory and hinted at much more sinister reasons for what had transpired. Far from being a veneration of the capacity of a liberal democratic state to allow for their formation, critiques of the rate of party formation ahead of the 2013 election hinted at manipulation and corruption with allegations that a small number of political operators were responsible for the registration of

multiple parties. The ‘preference harvesting’ process, and the role of its central figure Glen Druery, was also branded as sinister and explained as an exercise in ‘backroom deals’ being done in a bid to contrive a result. The colloquialism used for all of this was “gaming the system”, and, according to the critics, the proof of the manipulation lay in the election of a person no-one had heard of before (Ricky Muir in Victoria) from one such sham party (the Australian Motor Enthusiasts Party) with a minuscule primary vote (0.5 percent). The outcome of the reform process appears to vindicate the more negative view of party outlined by the JSCEM.

Conclusion

Electoral system reform does not happen very often in Australia. Most instances of reform can be linked with a notion of reformers seeking to obtain some form of partisan advantage notwithstanding the application of normative democratic arguments as justification for change. Even the changes to the Senate voting system by the Hawke Labor government in time for the 1984 election had a strong hint of partisan interest to them. Still, these changes for the Senate in particular were designed to address a major problem in which voters were being dis-enfranchised by the demands for quite high rates of numeracy and literacy ability in order to cast a valid ballot for the Senate. The adoption of the GVT was a way of allowing voters to make a simple choice whilst still conforming with STV’s requirement that an elector cast a preference for every candidate.

The latest reforms were not driven by such a clear cut democratic argument, although proponents of change focused on the scope the GVT provided for preference wheeling and dealing as a *prima facie* case of non-democratic behaviour. It is interesting to note that, unlike the Hawke reforms that used the unacceptably high rate of informal voting as the basis for simplifying the Senate voting system, the 2016 reforms have been driven by a strong notion that some in the political elite did not like the type of people who had won seats at the election. The explicit statement that reform was driven by the desire to rid the system of ‘micro parties’ – a term that in itself hints at the de-legitimising of those who sought to engage with the electoral process under the auspices of parties other than Labor, Liberal, national and the Greens - was as close to a manifestation of cartel behaviour as there has ever been in Australian politics. As the parties of government, the Liberal and National parties are culpable for this reform, notwithstanding the critical role played by the Greens and Senator Xenophon. It may be something those parties end up regretting, for, as Colomer (2005) reminds us, the actual consequences of electoral reform are often quite different from those anticipated by the reformers.

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