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ALTERNATIVE VOTING PLUS: A PROPOSAL FOR THE SOUTH AUSTRALIAN HOUSE OF ASSEMBLY¹

Daniel Messemaker (BA (Hons) Student, Department of Politics and International
Studies, University of Adelaide)

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Abstract

This working paper outlines the case for the South Australian House of Assembly adopting an Alternative voting plus (AV+) voting system and argues that AV+ would represent a genuine attempt at producing a majority government whilst increasing proportionally.

Introduction

South Australia has a long history of issues surrounding the House of Assembly electoral system. Between the 1930s and the 1960s the State had a maldistribution of electoral districts allowing for the over-representation of the country and under-representation of the city. This allowed Sir Thomas Playford, leader of the Liberal and Country League (LCL), to remain in government for a record 28 years.²

The system was reformed in 1969 under the Hall LCL Government. However, 'one vote, one value' was only achieved by the Dunstan Labor Government in 1975. At the time the newly renamed Liberal Party presented a proposal for a fairness clause be added to the State Constitution. This would require any redistribution of electorates to allow for a government to be formed by the party winning at least 50% of the two party preferred vote. The proposal failed to pass but was eventually adopted in the 1990s.³

In recent years, South Australia has seen parties forming government with less than 50% of the two party preferred vote. South Australia has a higher proportion of independents elected than other States using preferential voting. In some cases, this causes minority governments to be formed by the party with less than 50% of the preferred vote. Furthermore, the State has a two party geographical divide larger than other States. Country electorates are predominantly won by the Liberal Party. Metropolitan seats, on the other hand, are won by Labor. In those seats, the Liberals have won by a very safe margin, gaining well in excess of the number of votes required to win that seat. These factors have created a two party preferred vote which is not always representative of seats won, and in turn, which party governs.⁴ This working paper proposes the alternative vote plus system as a possible way to correct this issue.

AV+: A History

Alternative voting plus, or AV+, is the creation of the United Kingdom's Independent Commission on the Voting System. The commission was chaired by former President of the

² See, Dean Jaensch, "The Playford Era," in *The Flinders History of South Australia: Political History*, ed. Dean Jaensch (Netley: Wakefield Press, 1986), 260-3; Neal Blewett and Dean Jaensch, *Playford to Dunstan: The Politics of Transition* (Melbourne: F W Cheshire, 1971).

³ Don Dunstan, *Felicia: The Political Memoirs of Don Dunstan* (South Melbourne: Macmillan, 1981), 262-3; For a comprehensive history of the clause see, Jenni Newton-Farrelly, "The Fairness Clause in South Australia," (Electoral Regulation Research Network/Democratic Audit of Australia, 2012).

⁴ Clement Macintyre, "An Assessment of the Methodology used by the South Australian Electoral Boundaries Commission in applying Electoral Redistributions," (Electoral District Boundaries Commission of South Australia, 2015), 1-2.

European Commission, Lord Jenkins of Hillhead. Lord Jenkins, who had broken off ties to the Labour Party, was a scholar of repute with respect from both his former party and the new party he helped to form, the Liberal Democrats. More importantly he was seen as a 'political reformist'.⁵

As the UK entered the 1970's, an interest arose in the reform of the House of Commons electoral system. This was led, at first, by the Liberal and Social Democratic parties, which as third parties saw under-representation compared to nationwide votes. Furthermore, interest was cultivated by the introduction of proportional representation in the Northern Irish Assembly and European Parliament Elections, plus mixed member proportional representation (MMP) in the Scottish Assembly.⁶

The major force behind reform was the Labour Party, which had been in opposition since 1979. As the Commission subsequently noted, the House of Commons use of first-past-the-post had a tendency to create 'long periods of systemic bias against one or other of the two main parties.' This is to say that if both parties were given equal votes, one would receive more seats than the other. The un-proportional nature of the system was created by parties receiving an excess of the number of votes required to win a seat in "safe seats", similar to the situation in South Australia.⁷ At the 1997 election, the Party promised an independent commission to review the system. Labour won that election and the Jenkins Commission was established.⁸

The Commission was given the following terms of reference. Any system recommended must give:

broad proportionality, the need for stable Government, an extension of voter choice and the maintenance of a link between MPs and geographical constituencies.⁹

The Commission reviewed a range of systems including alternative voting (called preferential voting in Australia), single transferrable vote (Hare-Clark) and MMP. It saw benefits in MMP's top-up system in fulfilling its terms of reference. However, alternative voting also saw benefits, particularly in creating a majority. The Commission, therefore, created a new system combining these two systems.¹⁰

AV+: How it works

As noted above, AV+ is a combination of preferential voting (PV) and MMP.¹¹ There are two types of Members of Parliament under AV+: constituency and regional members.

Constituency members are the traditional style of MP as currently seen in lower houses.¹² Those constituency members are elected using PV. In the Jenkins Commission's view, they should constitute 80-85% of the House of Commons.

⁵ "Obituary: Roy Jenkins," *The Economist*, 11 January 2003, 78.

⁶ Oonagh Gay, "Voting Systems: The Jenkins Report," (United Kingdom House of Commons Library, 1998), 12-20.

⁷ United Kingdom, Independent Commission on the Voting System, *Report* (London: Stationary Office, 1998), vol 1, 11-2.

⁸ Gay, "Voting Systems," 17.

⁹ United Kingdom, *Report*, vol 1, v.

¹⁰ *Ibid.*, vol 1, 25, 34.

¹¹ Perhaps we would call the system PV+ in Australia.

Regional members are MPs who represent a regional electorate which overarches and contains several constituency electorates. The Commission created different ways of setting these regions in different parts of the UK. In Scotland and Wales, the members would represent the same districts used by the Scottish Parliament or Welsh Assembly for those respective legislature's additional members. In Northern Ireland the districts would be based on the local political situation. England's would be based on the Home Counties and metropolitan areas. Some regions would return multiple members based on population. Regional members would represent 15-20% of the total composition of the House of Commons.¹³

Like MMP in New Zealand, regional members would be elected by a second ballot at the general election. The ballot is party list based and counted using proportional representation. Unlike MMP, there is no threshold. The party totals are then divided by the total number of constituency members from that party elected within the regional electorate, plus one. The party with the highest vote remaining wins the regional seat. The second members and so on are elected using the same calculation with adjustments for every top-up seat won already.¹⁴

As way of demonstration, if the South Australian House of Assembly south-east districts formed a single member regional electorate at the 2014 election, the following would occur:

South East Regional Seat under AV+, 2014 State Election ¹⁵						
Electorate	Number of Votes by Party					
	Australian Greens	Australian Labor Party	Family First Party	Independent	Liberal Party	National Party
Mount Gambier	1031	2338	1095	5872	11100	0
Mackillop	1212	3099	1602	1503	13803	0
Hammond	1458	5314	1654	0	11469	912
Chaffey	1199	3615	2891	0	14196	0
Regional total	4900	14366	7242	7375	50568	912
Seats won	0	0	0	0	4	0
Regional total adjusted for seats won total ÷ (seats won + 1)	4900	14366	7242	7375	10113.6	912
Regional seats won	0	1	0	0	0	0
Total seats won	0	1	0	0	4	0

AV+: The Advantages for South Australia

It is this working paper's view that the implementation of AV+ in South Australia would see many advantages. First, AV+ would assist in the creation of majority government. Second, AV+

¹² That is to say single member electorates geographically determined.

¹³ United Kingdom, *Report*, vol 1, 39-40, 2, 5-6.

¹⁴ *Ibid.*, vol 1, 41-3, 50.

¹⁵ South Australia, State Electoral Commission, *Election Statistics: South Australian Elections, 15 March 2014* (Adelaide: State Electoral Commission of South Australia, 2014).

is in line with the State's current constitution and would therefore not require a referendum. Third, AV+ would give greater representation to the State's regions. Fourth, AV+ would see more MPs living in their electorate. Fifth, AV+ would create competition between MPs. Finally, AV+ incorporates elements the voter is familiar with.

Firstly, AV+ would assist in the creation of majority government. The Westminster system requires the government of the day to have the confidence of 'at least 50% plus one members' of the lower house. This can be through a single party having a majority, or through the support of other parties or independents. Generally speaking, parties have a preference for the first.¹⁶ Systems such as proportional representation, MMP and Hare-Clark have a lower chance of seeing a majority formed.¹⁷

AV+ does not aim to create a "hung" parliament. Indeed, the aim to produce a majority was, as stated above, one of the terms of reference for the Jenkins Commission. Additionally, one of the members of the Commission notes that this was the primary aim of the Commission.¹⁸ When the outcome of a general election is "correct", that is to say that the party which received a majority of the votes state-wide forms government, AV+ does not change the outcome. The system aims, in that case, to maintain the current majority. On the other hand, when the outcome is "incorrect", the system attempts to correct this issue by moving the proportion of parties represented more towards the "correct" outcome.

The system works by using votes which would have otherwise gone to waste. For example, if an individual MP is elected with a high primary vote, after preferences and the 50% plus one threshold has been met, additional votes are effectively wasted and are of no value. This is the reason why, in South Australia, in the two party preferred state-wide vote one party is receiving higher percentages but fewer seats than the other. AV+ uses additional primary votes to return the regional member. If one party receives a large primary vote but is still underrepresented, then that party would clearly win the seat. In South Australia, this would assist to "correct" the outcomes of recent elections in line with the state-wide vote.

Second, AV+ is in line with the State's current Constitution and therefore does not require a referendum. The State Constitution requires that each House of Assembly district contain the same number of Members.¹⁹ This means an electorate could return one or more MPs as long as each district is the same. This section of the Constitution requires a referendum to remove.²⁰ AV+ could, therefore, be implemented with single member regional electorates without referendum. However, there are two issues. One, the fairness clause would not allow the system. The fairness clause does not need a referendum to be removed, so this does not present an issue. Two, regional electorates go against the intention of the Parliament when the State moved to single member electorates, that each Member has a monopoly on the representation of an area. This too can be easily changed by the Parliament.

¹⁶ Alan J Ward, *Parliamentary Government in Australia* (North Melbourne: Australian Scholarly, 2012), 77-8.

¹⁷ See, for example, the results of lower house elections in the Netherlands, New Zealand and Tasmania.

¹⁸ David Lipsey, *In the Corridors of Power: An Autobiography* (London: Biteback Publishing, 2012), 195.

¹⁹ *Constitution Act 1934 (SA)* s 88.

²⁰ Note, South Australian referenda only require a 50% plus one of the State-wide vote, not a double majority as seen in Commonwealth law.

Third, AV+ would give greater representation to the State's regions. In South Australia, like many other States, employment and growth rates are different region to region.²¹ These rates are regional rather than within a single electorate. For example, high unemployment impacts the entire northern suburbs of Adelaide, not just the seat of Playford. Additionally, people do not genuinely live, shop, and work within the same electorate. This has formed the basis of many complaints about redistribution in the past.²² Furthermore, Government projects such as the north-south corridor development, a major infrastructure project, impact several electorates.²³ With regional representation, a regional wide view would be represented rather than a local neighbourhood.

Fourth, AV+ would see more MPs living in their electorate. Regional electorates are, by definition, geographically larger than constituency electorates. Clearly, the larger an electorate, the more opportunities, real estate speaking, for a Member to live in that electorate. In 2010, more than one third of State MPs did not live in their electorate. A majority of these were metropolitan Members.²⁴ Granted, because of the fairness clause, electorate borders change at each election. However, the electors have an expectation that a Member is able to share the problems and benefits of their local area. Regional electorates would give a higher chance of Members living in their electorate.

Fifth, AV+ would create competition between MPs. Currently a member has a monopoly on issues within a local area. A Legislative Councillor or Federal MP may become interested in an issue, but for day-to-day issues this is true. It was noted by the Tasmanian Parliamentary Salaries Tribunal in 1964, that the State's multi-member electorates create competition between Members. Each member is attempting to conform and exceed the standard of community consultation and representation set by the other members.²⁵ Though the style of AV+ this paper proposes is not multi-member *per se*, a local area would be represented by two MPs. For a voter, if an issue is not solved to their satisfaction by their local member, this gives an alternative port of call with the MPs competing for the best solution. This would be particularly apparent when the local MP and the regional member are from different parties.

Finally, AV+ incorporates elements the voter is familiar with. AV is the current system used in House of Assembly elections. In AV+ this is maintained but the regional seats are added. Granted, this system may be confusing for the voter, however, it could be simplified by the ballot asking which party would be preferred to govern. The relationship between the regional and constituency electorates is similar to the current relationship between the State and Federal electorates, or the relationship between some municipal wards. Indeed, the Federal electorate boundaries could be used as the regional seat boundaries as Tasmania does with Hare-Clarke.

²¹ See for example, Julian Morison and Parvin Mahmoudi, "South Australian Regions," in *State of South Australia: Turbulent Times*, ed. John Spoehr (Kent Town: Wakefield Press, 2013).

²² See, South Australia, State Electoral Commission, "EDBC submissions," <http://www.ecsa.sa.gov.au/electoral-boundaries/electoral-districts-boundaries-commission/edbc-submissions>.

²³ In fact, this project impacts a majority of the metropolitan electorates.

²⁴ Brad Crouch, "South Australian pollies whose homes are far from their voters," *The Advertiser*, 12 April 2013.

²⁵ Tasmania, Parliamentary Salaries Tribunal, *Report* (Tasmanian Government Printer, 1964), 8.

Conclusion

AV+ has never been used in practice. The system was attacked as soon as the Jenkins Commission published its report. Those interested in electoral systems in the UK either defended first-past-the-post or stated that proportional representation should be adopted. The Blair Labour Government did not commit to the system because of a lack of support by senior ministers. This caused Labour to omit electoral reform from the Party's 2001 election manifesto. The system was effectively discarded.²⁶

This paper argued that AV+ may be an answer to South Australia's problems. AV+ is a genuine attempt at producing a majority government whilst increasing proportionality. Indeed, the Jenkins Commission's requirements for 'broad proportionality, the need for stable Government, an extension of voter choice and the maintenance of a link between MPs and geographical constituencies' are elements that any future South Australian system may be based on.

²⁶ Philip Norton, *The British Polity*, 5th ed. (Abingdon: Routledge, 2016), 122-3.

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