

STATE OF QUEENSLAND
LEGISLATIVE ASSEMBLY
NOT ORDERED TO BE PRINTED,
THE CLERK OF THE PARLIAMENT

[Signature]
26/2/91

*Tabled by Mr. M. Foley M.C.A.
whilst tabling Report on Queensland
Electoral System*



SUBMISSIONS TO:
**THE PARLIAMENTARY COMMITTEE
FOR ELECTORAL AND ADMINISTRATIVE
REVIEW**

ON
**EARC REPORT ON
LEGISLATIVE ASSEMBLY
ELECTORAL SYSTEM**

T.G.B. Mulherin
PO Box 3094
LOGANHOLME QLD 4129
Tel (07) 2098093
9 November 1990



To Hon Wayne Goss, M.L.A., Premier of Queensland
Hon Russell Cooper, M.L.A., Leader of Qld Opposition
Mr Denver Beanland, M.L.A., Leader of Liberal Party
Mr Matt Foley, M.L.A., Chairman, Parlt EARC Committee

cc. Hon Deane Wells, M.L.A., Attorney General
Ms Molly Robson, M.L.A., Member for Springwood

*Re the "Two Zone" Concept in EARC Report, as described in
Courier-Mail of 9 November 1990*

Regarding the reconciling of the problems of providing representation to people in remote areas with the question of applying "democracy" to the total electorate, which the EARC seems to have found to be "too hard", perhaps the suggestion below might prove of some interest.

My suggestion, assuming the parliament accepts the EARC concept of "phantom voters" in the four so-called "remote" areas, is

Treat the members so elected exactly as provided for by the EARC Report, ie as ordinary members with the full rights, assistance, privileges etc of all ordinary members of parliament, and with special added privileges recommended by EARC re vehicles, "008" numbers etc, but with one additional qualification only, namely:-

When a division is called in the house, record their votes as a fraction of "1", such fraction being assessed on the number of "phantom voters" needed to make up their individual electorate quotas, eg. if there are 10,000 votes plus 10,000 "phantom votes used in making up a quota, that member's vote in a division to count as .5 of a vote; if 15,000 votes plus 5,000 "phantoms", then the vote in a division would be worth .75 of a vote.

It is pointed out a division resolved 45.25 to 43.75 is none the less resolved, and this suggestion, if adopted, would seem to overcome the remote areas problems and at the same time give every citizen in the final analysis, equal value for their votes.


T.G.B. Mulherin

(076)661256

North Branch Road
MARYVALE 4370
12th November, 1990

The Research Director
Parliamentary Committee for Electoral and
Administrative Review
Parliament House
Cnr. George and Alice Streets
BRISBANE . 4000



Dear Sir,

Re your advertisement in "Sunday Sun" of 11-11-90 seeking
Submissions on the EARC Report.

Attached hereto are my submissions as requested.

My original submission to EARC is listed as No. 76 Volume 1.

Yours faithfully,

K.D. Bell
.....
K.D. Bell

Submission on EARC Report

I have been unable to secure a copy of the above report and being somewhat isolated have based the following on reports in the "Courier Mail" and ABC Television.

I am pleased that EARC has recommended:-

Continuation of single member electorates
Compulsory enrolment and voting
Independent Electoral Commission
Extra resources for members in electorates large in area
Optional preferential voting

I covered these points in my original submission.
I can accept the continuation of 89 electorates of approx. 20,000 electors + or -, even though my original submission was for 80 electorates at 22,000 electors.

What I cannot accept is the suggestion of "weightage" even though it is only for a small number of seats.

Since my original submission I have had many discussions on the claims for "isolation" and have spent much time considering many points, both for and against. My opinions as set out in my original submission remain the same.

Professor Hughes states that Councillor Robertson's proposal is "a very ingenious bit of machinery." (Courier Mail Sat. 10-11-90). It may be, but it completely ignores the democratic principle of electoral equality, and that is what I believe EARC is about. I cannot accept that a prickly acacia growing on a bore drain in the Richmond - Julia Creek area has a vote equal to my vote.

Twenty years ago I covered an area from Kowanyama - Georgetown - Hughenden to the east, the Gulf to the north, approximately the railway to the south and the Northern Territory border to the west as a pest controller. I covered this area in a 1963 Holden Panelvan and later a Mazda 1500 utility. Allowing for the improvement in both roads and vehicles in this time, the actual physical travelling stress would be much less.

I was an elector in Flinders when Bill Lonergan was member and when Bob Katter Jnr. was first elected. I left there with an elector strength of approx. 7,000 and moved to Landsborough with an elector strength of approx. 20,000. I believed it was wrong then and still consider the idea wrong.

I have not heard that Charters Towers has been removed from Flinders electorate. If it still remains in Flinders and was included in a weighted electorate of Flinders, it would make a complete mockery of any democratic process. It has been a city for many years. Due to family commitments I visit Charters Towers every couple of years and any claims of "isolation" would definitely not be based on fact as each visit has shown growth and the new road to Townsville and the coast puts it in a reasonable 1½ hours travelling.

The recommendation of parliamentary education within the schooling system and within the wider community is excellent.


.....

K. D. Bell

P.O.Box 291
CALOUNDRA 4551

12.11.90

Chairman (M.Foley M.L.A.)
Electoral & Administrative Review Committee,
PARLIAMENT HOUSE

COMMENT ON EARC REPORT

Dear Sir,

REMOTE ELECTORAL WEIGHTAGE

1. I do not think this is necessary. I spent time out west in the sixties and found communication was not a problem. Thus with modern day advances in communication there appears to be no good reason why the west would be disadvantaged by one vote one value.

2. If you leave a little chink of light showing, one day a future Government will push the door open a bit further and the past zonal systems will re-emerge.

3. If there has to be M.L.A.s representing small populations then why not have the M.L.A., but do not give him a vote in Parliament. The precedent for this non-voting status is the Northern Territory which sent representatives to Canberra but without a vote in Parliament.

4. The danger is -

If you have 4 electorates with phantom voters and real voters who then enjoy a weighted vote, compared to the rest of the State, the possibility arises that the balance of power can be decided within those 4 seats.

Thus the whole purpose of the exercise may be wasted in the future. The Government may be decided by weighted votes, still not reflecting a true voting balance.

5. A future Government may say "We will enlarge the number of western electorates from 4 to 6". And we know what that will lead to.

The thrust of this submission is -

THERE MUST NOT BE A LOOPHOLE OR CONCESSION THAT MAY BE ABUSED IN THE FUTURE. ALL ELECTORATES MUST BE ONE VOTE/ONE VALUE WITH A 10% TOLERANCE.

Yours faithfully,
K. Humphreys.

Folio No:
Date:
.....

Stake 4
"Prospect Pacific"
10 Barralong Court
Buderim. Qld. 4556
Phone (071) 45 1105

12th November, 1990

The Director,
Implementation Unit,
E.A.R.C.
P.O. Box 185,
NORTH QUAY Qld. 4002



Dear Sir,

re: EARC - Premier's call for submissions upon Recommendations

Some from the ranks of the present governing party have acclaimed the one vote one value recommendation has caused Queensland to re-join the rest of the democratic World. And that view was given credence by the media, quoting it as fact.

The true position is fairly stated in the submission by Mr. John Ahern - see Volumes I to III of original public submissions.

However, should Queensland really and honestly wish to join the rest of the democratic World - voting should NOT be compulsory.

And the high level of "informal" votes cast in Queensland is but one indication that many, many people vote because of obligation - an obligation that is in fact inconsistent with Democracy itself, and certainly out of step with the rest of the democratic World.

Anyone who has been a scrutineer of polls in Queensland, in fact anyone closely involved with the administration of polls in Queensland will vouch for the fact that a very high percentage of invalid votes are actually a vote against compulsory voting, vis. people who really want to vote do not cast either a blank ballot paper or one marked only with an obscenity.

So, if Queensland is to be "a true democracy" voting should NOT be compulsory.

Yours faithfully,

B.J. Fludder, J.P., F.C.A.



State 5

MS F43
Southwest 4312
9th Nov. 1990.

Dear Sir / madame,

My submission is to have non-compulsory voting for Queensland State Elections.

There are many reasons for this, 1. it is already used in New-Zealand, United-States, United-Kingdom, and many other democratic countries.

2. There are is a growing concern of apathy and disinterest in the community, when it comes to anything political. Therefore many will not vote in a manner that is responsible and may be inclined to skip voting or just write 1, 2, 3, 4. like that on their ballot paper and maybe other ways as well. Subsequently avoidance of scandals where people are voting for the wrong reasons. I actually heard a story where a woman voted for a leader, because he had the best hair-cut.

Therefore it is time for change, change that will strengthen the democratic process of "freedom of choice".

If you adopt my submission then automatically, it would still need to be standard that every-one comply, and ~~not~~ enrol when they turn 18 years old. Failure to enrol should be treated as a criminal offense.

Trusting all is well,

Yours sincerely,

P. J. Bahrendorff.

SUBMISSION TO EARC (Q'ld)

State 6

(075) 371.330



Ms. J. Low,
4 Teresa Esment,
Salvador, 4215
13th Nov. '90

Sirs,

I wish to make known to the Electoral and Administrative Review Commission of Queensland, my concerns of their recent recommendations to make a vote in some rural electorates worth more than a vote in other areas of Queensland. I find this is not an equitable situation, and will grossly affect all citizens of this State. It is certainly not a matter of "equity" to make another person's vote worth a greater value because they live in a particular area! If "one vote, one value" is the priority, I would humbly suggest that other ways of solving, and/or examining the problem of rural citizens should be examined.

Also, in case the brief of the EARC deals with Electoral Voting procedures, I would like to draw their attention to the grossly huge and obscene waste of paper, at ~~own~~, electoral venues (with regard to preservation of trees & timber conservation). If all parties could display a sign each outside, plus inside, & at each writing counter, it would prevent such dreadful waste - after all, very few people miss out on their electoral mail in their letterboxes. Respectfully,
Doreen Lamb.

3/17 Woodford St.

Holland Park West. Qld. 4121.

12 November 1990.

The Research Officer

E. A. R. Parlt. Committee

Parlt. House George St. Brisbane.

Dear Mrs Kansley: State Electorates

I declare that too many of the most significant reforms of the E. A. R. C. are against the main requirements of most Queenslanders.

Aborigines, women, Torres Islanders, residents, rural and provincial groups and inner Brisbane people will often be treated as tenth rate people by ten percent tolerance theory. This theory is/was significant to great problems for the Victorian Govt and such mistakes should not be hoisted onto Queenslanders. Ten percent tolerance pits suburban and outer metropolitan consumerism against the vitality of sociogeographic communities. Australian political parties are all held for low esteem because of low esteem over resourcefulness, growing elitism, greed and remoteness. The ten percent theory is all can unwelcome extension of the decimal currency and metrication problems seen by many as retrograde decisions. We may well do better.

People are more important than political parties.

Important Historical Facts.

1. 1890: - Qld had a Legislative Council, 72 Ms. L. A. and Brisbane had many suburban Councils.
2. 1920: - Qld had a Legislative Council, 72 Ms. L. A. and Brisbane had 205 Councillors and Aldermen in nineteen Councils.
3. 1930: - Qld had no Legislative Council, 62 Ms. L. A. and fewer than thirty Brisbane Aldermen.
4. 1950: - Qld had 75 Ms. L. A. in four Zones, Brisbane had fewer than thirty Aldermen and C/W Electorates increased 60% to about one dozen.
5. 1960: - Qld had 78 Ms. L. A. in three Zones, Brisbane had twenty nine Aldermen (maximum since before 1925) and about one dozen C/W Seats.
6. 1980: - Qld had 82 Ms. L. A. in four Zones, Brisbane had twenty one Aldermen and no increase in C/W Seats.
7. 1985: - Qld has 89 Ms. L. A. in four Zones, twenty seven Brisbane Aldermen.
8. 1988: - 55% of Queenslanders have rejected \$40 Million Referendum, C/W, to have ten percent electoral tolerance, in a majority of C/W Seats.

1989 - W. Australia divides into six Zones, with Proportional Voting for L. Council.
In 1958, Brisbane had twenty eight fully Brisbane State Electorates, and
in 1988, only twenty one fully Brisbane seats with six various parts of seats.

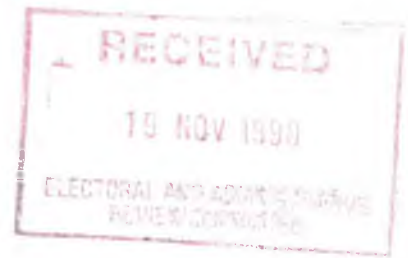
Which history shows the defrauding of Brisbane a local polarising of politics due to huge costs. Numerous cities have outgrown the traditional till 1960s major cities of Townsville and Rockhampton. I sustain most strongly that non Metropolitan people are discontented that on the three main Cardinal Compass directions over ten Seats are located within two hours drive of Parlt. House. From nine till twelve seats minimum for all people or at least nine M.P.s are required. Further, Centralism's essential requirements are that at least very quarters of the people are represented in and around HQ, to eschew the elitist, remote polarising of two only Political Parties near HQ.

Suggestions:

1. To have two Zones and Eighty nine seats, I suggest we have two Zones represented by eight Top Tier M. Ps at each Zone, and seventy three Divisions heading single Member M. Ps. in the 2nd Tier.
2. Tolerance to be 2,000 each way from the expected 25,500 quota.
3. That all cities from 75,000 population and bigger elect three (three) Aldermen on the Mayor or Lord Mayor's Ballot Paper.
4. That the Zone M. Ps. and Lord Mayor / Mayor Ballots be decided by Hare-Clark Proportional Voting.
5. That agreement to single member seats be voted as optional preferences.
6. That a Southern, Western and Far Northern Zone have thirty six single Member seats and that the Eastern Zone has thirty seven Seats.
- 7(a) That the Southern, Western and Far Northern Zones have one seat from North of the Barron River till Carpentaria Shire, with Tablelands places.
- (b) That from west of the Thomson River near Longreach through Western Border Shires to Mt Isa, Carpentaria and places east in the Second Seat.
- (c) That two seats in Western and Southern Marnoo seats be the third and fourth seats. All (a) (b) (c) have 24,000 voters each.
- (d) That Griffith, Bowman, McPherson, Moncrieff, Rankin, Fadden, Forde, Moreton and Oxley have one twenty eight seats.
- (e) The remaining Zone seats be two Groome based seats and rural and western Ryan voters to total thirty six seats i.e. parts in Ryan.
8. The Eastern Zone to be thirty seven seats not in 7a and 2nd Tier. The distance and area problems in 7(a) (b) (c) want a slight margin. That Brisbane Longreach, Loughroma and North Mulgrave Shire are split will oblige sensible Zone M. Ps. to gauge local towns wisely in chartering visits.

Yours Sincerely,
Bruce Alexander

state 2.



4 Appaloosa Court,
Mudgeeraba, Qld 4213.
15/11/1990

Research Director,
EARC Parliamentary Committee,
Parliament House,
Brisbane. 4000

Dear Sir,

My wife and I would like to advise you that we fully support **ALL** the recommendations made in the independant EARC report.

In particular we strongly support the first past the post method of determining a successful candidate. Too often in the past we have been obliged to state preferences that, to be honest, we would have preferred not to make.

Yours faithfully,

A handwritten signature in blue ink, appearing to read "H. W. Ball", is written over the typed name.

H. W. BALL.



State 9

**THE
CATHOLIC JUSTICE AND PEACE COMMISSION
OF THE ARCHDIOCESE OF BRISBANE**

GPO BOX 282 BRISBANE Q 4001
PHONE: (07) 224 3255

16 November 1990

Mr Matt Foley, MLA
Chairman
Parliamentary Committee for
Electoral & Administrative Review
Alice Street (Cnr George St)
BRISBANE QLD 4000



Dear Mr Foley

On behalf of the Catholic Justice & Peace Commission, I wish to convey our grave concern for EARC's recommendation for weightage in relationship to remote electorates.

We believe implementation of such a recommendation does intrinsically undermine the principle of one vote one value. If weightage is appropriate for electorates of 100,000 kilometres, it can also be argued that weightage is appropriate for lesser areas.

We also believe that unless the principle of one vote one value is explicitly enshrined, the argument for lesser area electorates remains, and with it, potentially the spectre of another "gerrymander".

Whilst recognising that 'remoteness' is a situation that warrants special consideration, the same can be argued for other situations, such as "density" where extreme poverty alongside racial, cultural and economic diversity exists.

We believe the answer to such circumstances is not in devaluing any one person's vote but rather in providing additional electoral assistance to ensure fair representation.

Trusting these thoughts will be of value to the deliberations of your committee.

Yours sincerely

BRIAN O'HALLORAN
Executive Officer



5/5 WHARF STREET
MAROOCHYDORE
QLD. 4558

Phone 074-437124

19th. November 1990

QUEENSLAND LEGISLATIVE ASSEMBLY
ELECTORAL SYSTEM

JANET RANSLEY,
THE RESEARCH DIRECTOR,
PARLIAMENTARY COMMITTEE FOR ELECTORAL AND ADMINISTRATIVE REVIEW,
PARLIAMENT HOUSE,
Cnr. GEORGE and ALICE STREETS,
BRISBANE, QLD. 4000

Dear Ms. Ransley,

I wish to submit some criticism and, I believe, constructive comment on EARC's report on the above subject. This report, in my view, is (in most respects) a reasonable end result of the committee's efforts. However, I consider that aspects of the recommendations - relating to Electoral Weightage, Community of Interest and Optional Preferential Voting - could benefit from some reconsideration.

ELECTORAL WEIGHTAGE.

In this matter, I am convinced that public perception of electoral boundaries, re-drafted in the manner outlined in the report, would be that serious inequalities of voting power still remain.

The "tyranny of distance" argument is certainly valid for highlighting the problems of communication and transport in remote electorates but this is not seen, by a significant majority of Queenslanders, as warranting unequal "power" assignment. It would only take a few media headlines and articles similar to the one attached to this letter to revive old arguments and divisions in the community. In the face of this, I am inclined to the view that subtle mathematical rationality and logic would not prevail. In this matter, I consider that emphasis should be placed on the end result being "seen to be fair".

The basic problem could, I believe, be largely overcome if the "weightage" provision were coupled with a significantly rationalised version of my suggested "Variable Voting Power for Politicians" (see page 114 of the Report and Submission 59 and Exhibit 31).

In the interests of simplicity, I now suggest that each electorate (at the time of re-distribution) be assigned a Parliamentary Vote Value on the basis of 1(one) unit for each 500(five hundred) electors in the District. This should result in Parliamentary Vote Values ranging from 36 to 44 for normal electorates if the quota is 20,000 and special "weighted" electorates may possibly go as low as 20.

Voting procedures in Parliament may not need to vary greatly from the present arrangement with, for all practical purposes, each Politician being considered equal. Option could exist, however, to challenge a close and critical issue on the basis of Parliamentary Vote Value.

COMMUNITY OF INTEREST.

My concern, in this matter, is that (as an element of redistribution considerations) this criterion is given undue emphasis. In addition, in the absence of some reasonable qualification, "community of interests" is a phrase that may be subject to wide, diverse and, at times, conflicting interpretation.

In my view, the present "vagueness" of this item (as stated in EARC's recommendations and the Draft Electoral Districts Bill) is equivalent to (say) the truncation of criterium (d) to state merely "demographic trends in the State."--- leaving plenty of scope for imagination!! It seems evident that considerable thought was given to clarifying the demographic considerations but "community of interests" has been left more to chance.

If it is considered impracticable to clarify the application of "community of interests" considerations, my concerns would be reasonably allayed if this criterion could be relegated from top to bottom: "billing" (i.e. (a) to (f)) and clearly defined as a secondary consideration (i.e. subordinate to the other criteria).

There is perfectly logical argument for the establishment of electoral boundaries to "contain" electors having common "community of interests" but there is an attendant risk (under certain circumstances) of developing "class" divisions if this is treated as a primary consideration and taken to extremes.

My personal view is that, for a QUEENSLAND Parliament, we should endeavour to obtain at least some Members who have exposure to (and are responsible for) a wide range of QUEENSLAND interests. Members who have what may be termed "narrow" or "single" interest electorates have an easier management role and can probably provide a better service to their constituents but may not provide the best service to the wider interests of QUEENSLAND.

OPTIONAL PREFERENTIAL VOTING.

I have no serious objection to the introduction of "option" to our preferential voting system, although it seems likely that the passing of time and laziness would lead to most electors exercising the option and taking a less active interest in political matters. This would probably promote a dangerous trend.

It is probably too late now but my suggestion would be to consider the possibilities of PARTIAL PREFERENTIAL VOTING. If no one were required to extend their preferences beyond 3(three), we could have a simple system that is uniform - less prone to voter error - and one that provides a possible compromise.

Yours Faithfully,



W. H. FREEMAN.

EARC plan for far west vote to be double the norm

A VOTE in the State's far west could be worth twice as much as a vote in other parts of the State, under Electoral and Administrative Review Commission recommendations.

However, EARC commissioner Professor Colin Hughes yesterday said that he believed the State-wide vote variations would not go higher than two-to-one.

He said the EARC recommendations, if adopted, could lead to up to six remote seats receiving special voter weightage.

"It's hard to be dogmatic on the subject because a lot will depend on how you start drawing the boundaries," he said.

The EARC recommended a one-vote, one-value system with a small degree of weightage in remote areas.

Professor Hughes said reports that the special weightage might

By MADONNA KING

apply to as few as two seats were probably unrealistic.

"The State's only got 1.7 million sq. km and a lot of that is in the coastal strip . . . therefore it depends where the boundary between the populous and the 'weighted' area happens to fall," he said.

Professor Hughes said it was too early to calculate the number of seats to be gained in the South-east Zone, which is centred on Brisbane and the nearby coasts.

"Certainly you could expect the area between Brisbane and Coorangatta and between Brisbane and Noosa will have a gain of seats and the rest of the State will correspondingly lose a few," he said.

He said the State's zonal system had "opened the way to a lot of outcomes that smacked of gerrymandering" and its impact had left "much to be desired".

"A lot of institutions hang around long after their usefulness is long past. Putting it charitably, if the zonal system ever did have its uses that case is no longer viable."

Professor Hughes, who ruled himself out of contention for the recommended position of a Queensland Electoral Commissioner, said he was "mildly gratified" at political parties' response to the report.

"Everyone has been able to see the wheels turning round and the process engaging and that leads the reasonable and the unbiased to say 'well I don't agree with them but it is a perfectly plausible and acceptable way of coming to a decision'."

He said the 500-page, two-volume report, if adopted, would open up State electoral processes and result in an independent commission free of government interference.

"I think those two things are much more important than any particular formula or any particular tolerance," he said.

Professor Hughes said the State electoral review had begun with as open a mind as possible, but it wasn't a case "of the proverbial martians stepping out of the spaceship and saying 'where are we'."

"It was certainly the case that we had no preconceptions as to what a 'good' Queensland electoral system ought to look at," he said.

The Australian Democrats yesterday criticised the report, saying the EARC's rejection of proportional representation was a "major tragedy for Queenslanders".

Queensland Democrats Senator Cheryl Kernot said: "Parliament will never truly and democratically reflect the wider views of the community under the system recommended by EARC."

The Parliamentary Committee of Electoral Reform.
Queensland Parliament House
Brisbane.

18th November 1990.

Dear Sirs,

The News Media report that your Committee is interested in receiving comments from the general public relating to the EARC Electoral proposals for Queensland.

I consider it is disappointing that EARC has excluded Proportional Voting Representation (ie. Party with 10% of the votes is allocated 10% of seats). To me it seems most important that voters are truly represented by Members of their choice. Perhaps EARC was concerned that it was more important to achieve a stable Government. The past record of the National Party achieved this but the results were not welcomed by many Queenslanders.

I regret that the one vote: one value basis has been proliferated for the Four Remote Electorates. Remoteness and keeping in touch with one's Member is more related to communication and size of Member's staff for problems. It is certainly not related to voting on equal footing with other Queenslanders.

Thank you for this opportunity to comment.

Yours Sincerely,

George Tidbold

Mr. G.A. Tidbold

5 Warrandyke Court
Camp Mountain Q 4520.





52 Willunga St.,
Brookfield,
Queensland 4069.
Tel:07-374 1505/1587
Fax: 07-374 1587
Date: 22.11.90

Mr M.J.Foley MLA
Chairman, Parliamentary Committee
on Electoral and Administrative Review
Parliament House
George Street
Brisbane 4000

Dear Mr Foley,

Electoral Review recommendations

I feel I must comment on the proposed 'weighting' system recommended as part of the recent report on electoral reform. It must be perfectly clear to any thinking person that this is just the gerrymander re-visited, with exactly the same loading ie 2:1 as the previous one. Admittedly the 'overload' created previously by gerrymandered boundaries as well as the zone weighting may be avoided by fair boundaries (this remains to be seen) but the zone weighting as such still exists.

I really cannot understand why everybody greeted the announcement of the system as a great reform (with perhaps a 'slight'(!) weighting). Phantom voters - ye god, do we want Queensland still to be the laughing stock of the world! The only attempt I have seen at justification stated that "it is generally recognised that something should be done for the 'disadvantaged' people in the far west of the state". Disadvantaged? How? By distance, isolation, heat and dust perhaps, but electorally? How can any one person be electorally disadvantaged with respect to another person if they both have 'one vote one value'? On the contrary, it is the city dweller who will be electorally disadvantaged in relation to his country neighbour under the proposed system.

Really, this aspect of the proposal makes a mockery of adherence to Fitzgerald principles.

Yours sincerely,

(Eric Walker)



State 13
KILKIVAN SHIRE COUNCIL

COUNCIL CHAMBERS
26 BLIGH STREET
KILKIVAN, QUEENSLAND
Telephone: 074 - 841133
Facsimile: 074 - 841390

All Correspondence
to be addressed to:
The Shire Clerk
PO Box 9
KILKIVAN QLD 4600

In Reply Please Quote:
RCC/bkf/E3

21st November, 1990

Mr. T. Sherman,
Chairman,
Electoral and Administrative
Review Commission,
P.O. Box 349,
NORTH QUAY. 4002

Dear Sir,

Re: Legislative Assembly Electoral Boundaries.

Following the release of the Issues Paper on the Legislative Assembly Electoral System, I am directed by Council to request that following any amendments to the current state electoral boundaries in Queensland, Kilkivan Shire remain wholly within one State Electorate, as this Council believes that the whole Shire can be represented better by one (1) State Member rather than two (2) or more covering part of the Shire only.

Yours faithfully,

Ray C. Currie,
SHIRE CLERK.



State 14

19 Matthews St
STAFFORD QLD 4053
Phone 356 1132

22 November 1990



E. A. R. C.
P.O. Box 349
NORTH QUAY QLD 4002

Dear Sir/Madam

A great deal has been said about the (geographical) gerrymander.

I wish to submit that the temporal gerrymander be banned.

This occurs when governments call early elections, at times favourable to them, thus increasing their chances of retaining power.

In other words, governments should serve their full terms.

Four year parliaments should not be considered when governments may not even serve the three years they are supposed to have now. It only gives them more opportunity to indulge in temporal gerrymandering.

Yours faithfully

E. Hall
E. HALL



State 15

Parliament House
Brisbane 4000

20 November 1990

Mr Tom Sherman
Chairman
Electoral and Administrative Review
Commission
9th Floor
Capital Hill Building
85 George Street
BRISBANE Q 4000

Dear Mr Sherman

I have taken up the opportunity to respond to your report on the State Electoral System. There are two issues I wish to comment on:-

The acceptance of the notion of 'weightage' to compensate for isolation from one's parliamentary representative is welcomed.

However, I believe the degree of weightage needs further refinement. I find it difficult to understand why the Commission chose 100,000 square kilometres as a benchmark for triggering the weightage component. There are several other electorates that deserve consideration.

For example, the present seat of Balonne is also vast in area. It stretches nearly 400 kilometres from east to west and 300 kilometres from north to south. In motoring terms, these distances represent 4 hours and 3 hours of hard driving respectively - both lengthy trips when it must be considered that the member for this electorate will travel such distances constantly; not on an occasional basis.

It should also be taken into consideration that the parliamentary representative has a sizeable portion of his working hours rendered useless because he spends so much time simply driving. Add to this the time the member spends travelling to and from parliament and it can be seen this parliamentarian is considerably disadvantaged.

The second issue I wish to comment upon is the priority given to 'equal enrolments' at the expense of 'community of interest'.

It is my contention that the larger the electorate the more likely the possibility of placing communities together that do not have shared community interests.

In the federal electoral system, I cite the seats of Maranoa, Rankin and Fisher as examples where communities that share little in common are thrown together.

What do Clifton on the Darling Downs and Inala have in common? What common interests do Caboolture and Cooyar on the northern Darling Downs share? In both cases the people of these two rural communities are condemned to a minority status within their own electorates because of the inflexibility of the federal system.

It is my contention that more flexibility could be allowed with the principles of 'weightage' and 'equal enrolments' so that 'community of interests' can be given greater consideration.

It seems to me that consideration of 'equality of representation' may not receive the attention it deserves if the Commission locks itself too inflexibly into equal enrolments and a 100,000 square kilometres benchmark for weightage adjustment.

I urge the Commission to reconsider these two aspects of its recommendations.

Yours sincerely

A handwritten signature in blue ink that reads "Brian Littleproud". The signature is written in a cursive, flowing style.

Brian Littleproud MLA
Member for Condamine



State 16

52 Central Avenue
St. Lucia
Q 4067

The Research Director
Parliamentary Committee for Electoral and
Administrative Review
Parliament House
Brisbane Q 4000

Submission in respect of Electoral and
Administrative Review Commission Report on
the Queensland Legislative Assembly Electoral
System.

1 I am deeply concerned that the above
Report recommends that some electorates
be entitled to include notional voters in
proportion to their area. I believe this
to be contrary to the ideal of equal
suffrage.

2 I have studied the arguments related
to the recommendation, and the dominant
concern appears to me to be that constituents
should have access to their members of
Parliament. I believe that this can be
achieved without the unfairness of the
recommendation in respect of voting
power. I will come back to this possibility

later.

3 I believe that if unequal weightage based on electoral size were to be implemented, extreme care would be necessary to ensure that:

(a) Parliament retained the power to vary the underlying conditions on which the weightage was based, and

(b) Parliament could not easily nor capriciously vary the underlying conditions without giving a clear message to the citizens of Queensland of the significance of their action.

In particular, the underlying condition I am concerned with is the conversion formula from area to extra electors.

4 I have not found any method of controlling the above conversion formula recommended in the report. Entrenchment has been discussed but rejected. The recent history of Queensland does not support the contention of the report that interested citizens and groups of citizens will be able to monitor the actions of Parliament in respect of the conversion formula.

5 I do not believe that responsibility for the above formulae should be given to the proposed Electoral

Boundaries Commission, for their purpose is to set the boundaries according to the guidelines. Nor do I believe that the responsibility should be given to any group except the Parliament, even if a separate independent commission were proposed.

6 I believe that the citizens of Queensland would best be served by enshrining the principle of equal suffrage by nominally equal numbers of voters in each electorate so publicly, loudly, and proudly that it would be axiomatic that the electorate would never countenance even the suggestion that the principle might be ignored. I also believe that this is the practical and manageable solution to the problem of safeguarding the formula on which any electoral weighting is based.

7 If the citizens of Queensland believe that large electorates are unable to gain direct access to their members of Parliament, and that the proposal for weighting would have remedied this problem, there may be many other ways to remedy it without needing electoral weighting. Surely, we all have a responsibility to try to find a solution which solves both problems or perhaps solves the one and does not

cause the other.

8 Possibly, a solution could lie of this form;

(a) That the Electoral Boundaries Commission be empowered to identify any electorate which it creates that suffers from difficult access to its Parliamentary representative. Following the recommendations of the E.A.R.C. report, this perhaps could be automatic based on area, and the area could be chosen by the Parliament.

(b) That electorates so identified be entitled to elect either a single member of Parliament or a Team which stands for Parliament as a Team. The size of allowable team perhaps could also be chosen by the Electoral Boundaries Commission, perhaps based on a guideline set by the Parliament. Following the E.A.R.C. report, if this were to be done, the guidelines should be

- (i) Electorates greater than 100,000 square kilometres be identified initially.
- (ii) Teams of 2 people be allowed initially.

(c) The members of an elected team would ~~be~~ be entitled to all allowances, conditions, etc. of a member of parliament except that only one would be allowed to vote on any question in the parliament. I see no problem with this as it would simply be a question of honour. How any political party could

allow them to exercise their influence upon their party is not relevant here. I would also suggest that there is no need to define how such teams would divide their time within the electorate, nor how they would divide their time between the electorate and the Parliament. Maybe they would prefer to divide their electorate geographically and attend to half each.

(d) If the electorate still prefers a single member, I would suggest that such a single member elected in an identified electorate should be entitled to whatever enhanced conditions or allowances the Electoral Boundaries Commission considers helpful. Perhaps there is a better way, but the intention should be that a single member get as much support in the job as a team would have had.

9 I expect there are other ways of achieving better access to parliamentary representatives of large electorates as well as equal suffrage. Some may not be novel or untried. I believe that such a solution should be tested, at least, before electoral weightage of the sort proposed by the EARC is accepted by the Parliament.

10 As I have proposed a model

that apparently creates extra members of Parliament, I would like to say that it would cost the same amount as the E.A.R.C. proposal and that the number of people working at the Parliament would be the same as for the E.A.R.C. proposal. The total number of votes cast in the Parliament would be less than for the E.A.R.C. proposal.

11 I apologize for not referencing the quoted contents of the E.A.R.C. report on the Queensland Legislative Assembly Electoral System. My argument is not detailed, and I believe referencing would not have helped it. I have tried to state truthfully what I have understood from the report.

Yours faithfully,

Graham Sheridan
Graham Sheridan.

28th November 1990.



Stake 17

.....
.....
.....
.....

36 Justin Ave.,
 NTH, TAMBORINE. 4272. QLD.
 23/11/90

Mr. Tom Sherman,
 Chairman,
 Electoral and Administrative Review Commission,
 P.O.Box 349,
 NORTH QUAY. 4002. QLD.



Dear Mr. Sherman,

REPORT ON PARLIAMENTARY BOUNDARIES

Following the recent publication of the EARC report on parliamentary boundaries and the request for public submissions in relation to that report, I offer the following comments.

I write as a retired public servant who has served in two state governments and the federal government. I spent my childhood on a farm in South Australia and when I was a young man I worked for a brief time on a remote cattle station in South West Queensland. Later in my career I worked for four years as Principal Librarian of the Commonwealth Parliamentary Library. I only make these points as evidence of my interest in remote areas of the state and in the political processes of government. I am not a member of a political party.

When gaining my professional qualifications I attended two universities. In 1988 I retired as State Librarian of Queensland after having worked with departmental heads of varying capacities one of whom was imprisoned for dishonesty.

During my eighteen years as a senior public servant I travelled extensively throughout the state and had a considerable amount of contact with local authorities.

I offer the above background to sharpen the focus on my concern about one aspect of the report with which I disagree. In doing so I applaud the report for what it has tried to do.

I refer to paragraph 10.29 where in the interests of equal suffrage it is stated that, "If there exists in Queensland a situation in which citizens because of remoteness, distance or other geographical factors, are placed at a disadvantage in terms of effective access to their MLA'S this must adversely affect their ability to take part in the conduct of public affairs. Such a disadvantage must prejudice good government because representative democracy requires reasonable access by electors to their elected representatives. If some deviation from equal suffrage is necessary to overcome this disadvantage, then in

the opinion of this Commission such a deviation is justified".

I do not find the justification for this recommendation convincing. Apart from questions of material status or lack of it all citizens are supposed to be equal before the law. No person is excused for taking another person's life because he or she lives in the desert. Nor should he or she suffer an increased penalty because they live in the city. Quite apart from how their misdemeanours are evaluated by the law in a democracy people are equal. Paragraph 10.67 puts it nicely when it says "all are equal before the law, all should have equal say in those who make the laws".

The disadvantages of remoteness do not have a unique status as the report suggests. The cattle station on which I worked was close to the South Australian border. I never detected the slightest difficulty by people who wanted to attend the annual Innaminka races and resulting booze-up. The hangovers that followed were part of an acceptable ritual. When I rode across the gibber plains of the Simpson Desert fewer people in our electorate than urban electorates made it no easier for me to contact my member of parliament. But lack of a telephone did.

Geographical remoteness is no greater disadvantage than an inability to speak the English language or a physical handicap. In both cases effective communication with a member of parliament is also inhibited.

If personal contact with a member of parliament is the primary qualification attached to equal suffrage then this is an impossible ideal, even in cities. The size of modern electorates prevents it being realized unless the number of politicians is increased to an absurd extent an option which the Commission quite properly opposed.

Nor can I understand the logic of the argument that allows equal suffrage to apply in the case of federal electorates but requires it to be amended in state electorates. If there was a case for geographical weighting I should have thought it would have been more relevant to the larger federal electorates.

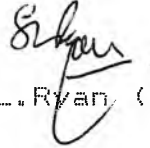
In a finely balanced election the election of members representing a minority can have far-reaching and divisive effects. I find the argument based on geographical remoteness absurd. The Commission should have devised an electoral system compatible with the sophisticated communication resources of the twenty-first century not the obsolescent restrictions of the nineteenth. Easier access to those resources by all parties would have been preferable and left the principle of equal suffrage intact.

For these reasons I find the Commission's Report flawed and disappointing. I sincerely hope that the parliamentary committee reviewing it will insist on giving equal suffrage

its true meaning when legislation is finally drafted to modify the state's electoral boundaries.

I shall be grateful if you will refer my letter to the appropriate parliamentary committee.

Yours sincerely,

A handwritten signature in cursive script, appearing to read "S.L. Ryan".

S.L. Ryan (State Librarian. Retd.)

2.12.90.



Stake 18

'Addiscombe'
Thorndale Rd.
M.S. 50
Stanthorpe 4380.
(076) 835335.

Dear Sir,

The proposal by EARC that some constituencies in western Queensland should be subject to "electoral weighting" is totally unacceptable. "One vote, one value" means precisely that and should not be deviated from under any circumstances. To make such a concession now re-establishes a dangerous precedent and could conceivably result in electoral injustice. I urge your committee to reject this particular recommendation - that is all it is, a recommendation. EARC was set up to advise, not to legislate and the Government should not be afraid to reject advice that conflicts with its principles.

Having said this, both the electors and the elected in large, sparsely populated electorates do, ipso facto, have problems. But these are largely logistical and can, to a great extent, be overcome by improving the facilities available to both the electors and their members; e.g. 008 numbers to member's parliamentary offices, provision of adequate travel facilities to allow members to

get to and about their electorates - perhaps even subsidised air travel. To Queensland's tax payers this must be part of the price of democracy.

Yours fraternally,
J.W. Ridge

JOINT CHURCH SOCIAL JUSTICE GROUP
"CHRISTIANS COMMITTED TO JUSTICE"

233 Milton Road
MILTON 4064
Ph. (07) 3694286

P.O. Box 1261
MILTON 4064



30TH NOVEMBER, 1990

Mr. Matt Foley,
Chairman,
Parliamentary Committee for Electoral and
Administrative Review,
Alice Street,
BRISBANE. QLD. 4000

Dear Mr. Foley,

The Joint Church Social Justice Group met recently and, amongst other things, considered the recommendations from E.A.R.C. for weightage in remote areas. We believe the idea of phantom voters in order to reach artificially, the desired number of 20,000 is quite contrary to the principle of one vote one value.

The Group is of the opinion that, in remote areas, the problem of distance and small population can be overcome by providing extra resources for the member representing that electorate. This would surely not be too difficult.

The weighting of some areas in the way suggested leaves open the possibility for abuses to creep back into the system.

We therefore urge you to reject the weightage system in the E.A.R.C. recommendations and ensure that the principle of one vote one person is firmly integrated into the political life of Queensland. Only then can we have any sense of trust in the future of democracy in this State.

Yours sincerely,

W.B. Stratford
CONVENOR.

State 20

4 Rotorua Court
Aspley
Q 4034

Tel: 263 7454
1st December 1990

Research Director
EARC

Dear Sir,

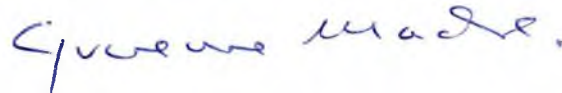
The recommendations of the EARC committee have not provided for the resolution of the electoral weightage versus one vote one value dichotomy. The 2% formula using phantom voters does not resolve this.

There is a simple solution which resolves this problem by giving one vote one value throughout Queensland but at the same time gives voters in sparsely populated areas extra representation, as follows:

Have a normal size of electorate of 20,000 voters, but only 10,000 voters in sparsely populated areas - but give the elected representatives from the 10,000 voter electorates only half a vote in parliament. This system solves the problem of giving easier access to representation in remote areas without giving unfair weightage to these electorates.

Representatives from these remote areas would be given all the other normal benefits of members of parliament.

Yours Sincerely



Dr Graeme Mackinnon



Mr G Williams
41 Cooyar Street
Aspiey 4034

6 December 1990

Mr M Foiey
Chairman
Electoral and Administrative Review Committee
Parliament House
Brisbane 4000

Dear Mr Foley

Re EARC report on the Queensland electoral system

I for one was utterly amazed at the proposal for weightage of country electorates larger than 100,000 square kilometres in the above report.

I made a submission to EARC in which i pointed out that weightage for country electoral districts is entirely inappropriate and unnecessary.

i make this appeal to your committee to recognise this fact - the tyranny of distance is not reduced by a weightage proposal.

What does happen however is that one party is advantaged over others. I refused to recognise that an electorate of 200,000 square kilometres is any more manageable than one of 400,000 square kilometres no matter how many voters it contains.

However if we must proceed down this track then consider this proposai. That all electorates in the western and far northern zone be combined into one eictorate with the same number of members as was returned by each of them separately. Voting however would be on a proportional basis. This would eliminate the advantage to any single party.

The people of Queensland have had to put with malaportionment for too long so this opportunity must not be squandered. Let the Labor party undo totaiiy that which it put wrong in 1949.

Yours faithfully

Graeme Williams
Graeme Williams.

3/17 Woodford St
Holland Park West. Qld. 4121.
12 December 1990.

State 22



Ms. Ransley Research Secretary Director
Electoral and Administrative Reform Parlt. Committee
Parlt. House
Cnr Alice and George Sts, Brisbane.

Dear Ms Ransley: Queensland's Electorates

I render a second submission on this matter after feed-back from people concerning my submission some weeks ago.

The EARC Report arrogantly dismisses Queensland's best experiences and claims for less than a score of bizarre and spoonfed electorates. The two percent "phantom" vote idea is wrong due to it being based on area rather than distance from HQ centres, being a gimmick, and because it dismisses the bizarre Cook - Wujal Wujal - Barron River situation. We deserve a lot better. It will be absurd to have a handful of "phantom" vote electorates when Tropical and C/W Marawa electorates all have serious claims to distance problems. The non-metropolitan people less often use telephones and a potential secretarial bureaucracy combined with distance than do spoonfed Canberra and Southeastern Administrators. We have had three or four Zones always with bizarre features for over forty years. Why can't we have four Zones where quotas and boundaries are sensible, equal and just? The "phantom" eastern boundaries will be used to very questionable favouritism, just as earlier Zoning was.

Even if you disagree with my boundaries in my submission recently, when will public figures wake up that centralism is essential and the central places attract self servers galore? The consequences and results thereof are that HQ are different from the outer suburbs and outer metropolitan places in a Parliamentary area. The outer places would decline without the HQ more than the other way around.

Your EARC claims in 4.54; 4.55 and 4.56 are most contestable. How, as in 4.54, can you claim that single-member

electoral districts----- seem to be widely accepted? As Northern and Western electoral districts have really had seven electoral districts for every three Brisbane places for over forty years a de facto multi-member scheme has existed for over forty years. Why not link these places to their HD, meet the claims of northern indigenous peoples, and do it justly? What is meant by "the Queensland context"? This is offensive, condescending and against our experience with Senate voting where PR returned both. DLP and Austr. Democrats with markedly alternate patterns and priorities to other states? Messrs. Sherman and Hughes may as well go south quickly to be replaced by Westralbian, Tasmanian or even East European personnel if they persist in over-centralism rather than centralism so condescendingly.

As the ALP wanted a substantial increase in MPs, and the NPA - Qld proposed a multi zoned scheme

In the 1920s. Qld removed the Legislative Council and replaced nineteen Brisbane Councils with over 200 Councillors, electing fewer than thirty Aldermen on one B.C.C. Council - profoundly radical. To claim against the radical in 4.55 is condescendingly inaccurate. It also caused Brisbane to be ever since deprived of widely accepted expectations to a degree causing electoral troubles since so that residents of riverside Brisbane Wards have been seriously franchise deprived for nearly seventy years. The severely abstract ten percent tolerance proposed will give Brisbane one more electoral district while my two tier proposals will bring partial representation from over ten more M.P.s whom Brisbane people will always have prior access to. The claim that single member electoral districts are widely accepted is most contestable. Increasing research shows that people have politicians in increasingly low esteem. Further, many Queenslanders deplore that there is no scope at all for review with no Legislative Council. We don't want another House, but we want a

3.

better effort from our MPs. A minority of PR MPs elected as a Second Tier of MPs will solidly fill that function. Further, our Speaker may be elected back without too much difficulty by this two-tier system, important for decorum and dignity which a State will pass its Centenary warrants.

Electoral boundaries and undue electoral weightage are both implicit in the proposed phantom voters - most assuredly the 25 000 / 30 000 "Phantom" voters added to 50 000 or so in Gregory, Cook, Flinders Warrego and Mount Isa will go close to adding a few thousand to fill quotas and absurd anomalies are in great potential. The way boundaries have been drawn since 1949 has resulted in great problems - we have had zones like the so-called Provincial Zone which always since 1958 has been a knife-and-fork carve up from Cairns to Cabottville which only an ostrich looks away from in declaring no problems. Three electorates, Mulgrave Mourilyan and Finchbrook equal two Cairns electorates; Barumba, Burnett and Callide equal two Bundaberg based electorates, along the same coastline and the EARC says "no problems"! Fifty five percent of Queenslanders voted against ten percent tolerance and \$40,000,000 Dollarson it in 1988. The reverse was they wanted better. To give fewer than 100,000 voters a "phantom" system and leave nearly 1 700 000 voters is attacking their intelligence in a destructive way after all the Franchise problems since the Moore Govt. worsened matters by reducing the numbers of seats about 1930 and so did a Coalition Govt worsen the Franchise with reducing the BCC to twenty one Aldermen in the 1970s. The minorities, be they indigenous, inner Brisbane or the inland people are deserving a replacement of the single member abuse and to tell northern indigenous people "not yet" to multi member prospects is like nineteenth century aboriginals' condescending yarns about "another mile" to your destination. Two tier voting will oblige all parties to consider how highly they will give indigenous and other minorities a chance or subject them to potential opposition.

4

The boundaries I recommended some weeks ago cause problems due to the unusual way I set them down. The prior importance of distance problems ahead of large areas' problems as I sustain, requires that Cook, Gregory, Flinders, and Warrigo be linked to the nearest substantial city so that the whole hinterland spreads distance and other problems in community combination. Semi-Federal PR voting is understood and I believe that three Zones are required not the two the EARC and I recommended. One Zone needs to be linked to favouring the four named electorates, one is needed to carry the excess population quota so caused - and a third, unusual, average Zone is needed for real centralism and HQ purposes.

Firstly, three Zones selecting eight M. Ps. by Hare-Clark PR voting are required. The extra sixty-five Members need to represent single-member electoral districts on equal franchise with 2,000 variation from the total quota. They would have a quota of about 27,660. The Gregory, Warrigo, Cook, Flinders' linked Zone would have twenty single member districts in Leichhardt, Kennedy, Herbert, Dawson, Capricornia, Gyroon, Meranoon, plus Gladstone and probably Warwick state electorate, and inland parts of Hinkler, for this new Northern and Western Zone. 19,289 Quota.

The second Zone I recommend is one having twenty-one electoral districts from the rest of Rankin, McPherson, Moresieff, Griffiths, Ryan, Forde, Fadden and about half of Moreton and Brisbane for this Southern Zone.

The third, Eastern Zone needs enough of eastern Moreton, eastern Brisbane and all other electorates from Bowman to the first Zone above, where parts of Hinkler go in this Zone. Twenty-four Electoral districts are to be in this Zone. Quota is 20,800. of Southern Zone quota: 19,970.

In this way, semi-federalized, equal electorates avoid the instability of PR systems, while enhancing minorities' freedom of voting choice. The four vast electorates won't have phantoms to spook their anomalies in a few years' time with this system.

To declare that electoral boundaries' drawing and undue electoral weightage are the only major problems in 4-56 is reprehensibly narrow after the great expenses, and expectations of money, money.

Ten per cent variation will treat many Queenslanders to tenth Fraternities increasingly more frequent in Victoria. We need learn from their problems.

The above system does a lot more than meet minority claims. It caters better for the most remote centres than the

existing or proposed phantom systems, it gives every Queensland nine MPs, it enables the Speaker to be elected in such dignity as to pass on that dignity to a House of Assembly. Often the focus of bad conduct for highly placed people, in the public focus the potential and place for the second tier to reduce partisanship and proper review in a way probably never done in Alders when there was a Legislative Council, and indigenous people will have the multiplicity of representation they sought and every political party needs to consider how high a place on their voting team they give Torres Islanders and Aborigines in the proposed Northern and Western Zone here. It is most condescending and out dated to say "not yet" to such people. Further, even though the C/W House of Reps. had twenty four places added in the 1980s, two C/W. Ald seats are bigger in Maranoa and Kennedy due to absurd Metropolitan majorities in Rankin and Fisher, as with Brand, Canning and Pearce in W. Aust, Cowan in S. Australia, and twice that number in Victoria and N.W. We do not require such unnecessary large seats here "to keep the country people together" as the distance from Perth is often very great initially. Suburban consumerism has misled potentially vigorous Australians to have great shortcomings in resource, resolve and responsibility (due to excesses in suburban consumerism). The hinterlands of lesser cities make for adventures in sociogeographic areas, which are necessary for revitalization. We are not beholden to metropolitan pacemakers in only sixty-eight C/W. seats between Gosford and Geelong, some of whom are long misled to philanthropic expectations of a sequentially debilitating nature.

I sustain in my previous submission's suggestion for three Aldermen to be elected on Lord Mayor/Mayor's tickets in Councils over 75,000 in population. The B.C.C. needs different more intimate representation than now, and the 75,000 plus cities have increasing remoteness. B.C.C. representation needs to be decisively closer than the State Govt electoral districts. Now it is not so. Pre-determined ten percent plus a gimmick is unworthy of Queenslanders.

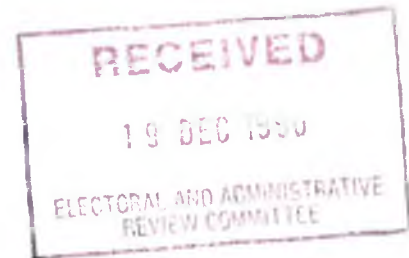
Yours sincerely

Bruce Alexander

Mt. Glorious Rd.,
Samford,
Q., 4520

12/12/'90

Chairman,
Parliamentary E.A.R.C.,
Parliament House,
Brisbane.



Dear Sir,

I wish to add my objection to the proposal for weighted electorates as suggested in the E.A.R.C. report. Although the number of seats affected in the proposal is few and in the present electoral situation would have little effect, the mere existence of the situation where some votes (no matter how few) are "more equal" than others perpetuates a weakness that could be manipulated by less scrupulous politicians at some future date.

If the Parliamentary committee agrees that the sparsely inhabited western and northern districts need special consideration, then might I suggest consideration of a method of increased representation that does not distort the power structure of Parliament. This would be achieved by appointing ex-officio members in addition to the elected members in say the largest (in area) five electorates. These members would have full rights to represent electors on a partnership basis with the elected members, could speak on matters concerning their electorates in Parliament; but would have no voting rights.

The selection method of these ex-officio members should be by appointment not by election so that objections cannot be raised that some elected members are "less equal" than others. The simplest method would be for the properly elected member for the electorate to make the appointment subject to parliamentary approval. The jurisdiction of the extra

members could be determined on a geographic basis by dividing a large electorate into two smaller areas of representation, or on a demographic basis. This could be the best method in a for northern electorate such as Leichardt. The ex-officio member could be selected from the aboriginal or islander electorate with the special responsibility of representing the interests of those groups.

I have no objections to the other recommendations of the Committee. Specifically I agree with the proposal for optional preferential voting.

Yours sincerely,

A handwritten signature in cursive script that reads "Ron P. Sheard". The signature is written in dark ink and is centered below the typed name.

(R.P. Sheard)

State 24

78 River St
Mount Morgan QLD
17th Dec 90

RECEIVED
19 DEC 1990
ELECTORAL AND ADMINISTRATIVE
REVIEW COMMITTEE

The Electoral Commissioner
State of Queensland
Brisbane,
Sir

I wish to register my opinion about
voting (A) 1st past the post no 2nd counts on
preferences.

(B) I object to compulsory voting -
as all politicians & Government servants
particularly high ranking ones are
criminals I don't agree I should be
forced to choose one criminal or
another 101

13 Senators each signed
W.A. & Sth Aus. Hugh Wellesley (13)
148 M.H.R.S 1+4+8 = 13
78 Senators 6 states 6/78
= 13.

Birth Certificate \$13
Cost to move unregistered caravan \$13 per
day. 13 letters in United Kingdom
13 in Massachusetts the 1st U.S. state
13 original states 13 countries in Sth
America. 13 GREEN AVE Kensington London
Bunch of MAFIOS!

Research Director
 Parliamentary Committee for
 Electoral & Administrative Reviews,
 Parliament House,
 Cnr George & Alice Street,
 BRISBANE. 4000.

17 December 1990.



Dear Sir/Madam,

I wish to lodge my complaint to your committee with regards to changing electoral boundaries.

I believe you should not have the right to do so without getting the opinions of the residents concerned. It is very difficult for us to get representation if we do not have enough elected members from our own areas. We are already disadvantaged by being so far away from the main centre of govt. We do not have the population to be able to have a large representation in Brisbane.

I do not believe Townsville City and Thuringowa City Councils should be amalgamated.

Yours sincerely,

L.G. Wharton

L.G. WHARTON
 18 CATARACT AVE,
 RANGE WOOD. 4817
 TOWNSVILLE.

11 Mitchell St

NAMBOUR 4560 QLD

Tuesday, 18 December, 1990.

The Research Director
Parliamentary Committee for
Electoral and Administrative Review
Parliament House
Cnr George and Alice Streets
Brisbane QLD 4000.



Dear Sir,

I submit that all newly drawn up electorates should be of such a number that only 10% of that number should be the difference between each.

Surely it is unwise to tempt the fates by having any future unforeseen circumstance cause yet another controversy through unfair differences between one region and the other because of unmanageable population differences.

Yours in good faith,

Peter C McMullen.



AUSTRALIAN SENATE

Senator Mal Colston

SENATOR FOR QUEENSLAND
DEPUTY PRESIDENT AND
CHAIRMAN OF COMMITTEES



Seabank Centre
12-14 Marine Parade
(P.O. Box 2953)
SOUTHPORT 4215
Telephone (075) 710 555
Facsimile (075) 912 362

18 December 1990

Mr M Foley, MLA
Chairman
The Parliamentary Committee for Electoral
and Administrative Review
Parliament House
BRISBANE QLD 4000

Dear Sir

I make a submission to your Committee in relation to a particular recommendation of the Electoral and Administrative Review Commission.

I consider that the recommendation which allows an electoral weightage for electorates of more than 100,000 square kilometres in area should not be accepted by the Queensland Parliament.

There has been deep strength of feeling in Queensland against zonal electoral systems, with the votes of some citizens being of greater value than others simply because of their geographical location. EARC probably suggests that its weighting proposal is not a recommendation for a two zonal system, but I believe that a type of two zonal system could be the result.

In the Senate on 29 November 1990 I outlined in detail my objections to this particular EARC recommendation. I attach a copy of my speech and ask that it be accepted as part of my submission for your Committee's consideration.

I am willing to appear before your Committee if necessary.

Yours sincerely

MAL COLSTON
Senator for Queensland

Queensland: Electoral System

Senator COLSTON (Queensland) (1.00)—Mr Acting Deputy President, in my contribution this afternoon I intend to outline the danger that new electoral boundaries in Queensland, the State I represent, will not shed the cloak of malapportionment that has for so long blighted Queensland's electoral system. If this possibility is not thwarted it will be a massive disappointment for those who have fought hard and long, sometimes against almost insurmountable odds, to rid Queensland of a rotten electoral system, a system which was deliberately designed to boost the opportunity for a particular party to remain in power. That party, of course, was the now discredited National Party in Queensland, and the electoral system was commonly referred to as a gerrymander. Even though that term is not strictly technically correct in the context of Queensland's electoral boundaries, its use was a clear indication of the deep lack of confidence Queensland residents had in their system of electing parliamentary representatives.

At the time of Queensland's 1989 election there was a groundswell of opinion for the introduction of an electoral system based on the principle of one vote one value. It is generally accepted that in a system of single member constituencies for enrolments in individual electorates, a tolerance of plus or minus 10 per cent may be regarded as a one vote one value electoral system. This is a fairly liberal tolerance and some observers believe that

a 5 per cent tolerance may be more appropriate. After all, with a 10 per cent tolerance either way—that is, from 90 per cent to 110 per cent—it is possible for one electorate to have an enrolment 22 per cent higher than another. It is now history that in the 1989 State election Labor secured 50.3 per cent of the primary vote and about 54.3 per cent of the two-party preferred vote and, in doing so, overcame the State's malapportioned electoral system.

On assuming government, Labor, under the leadership of Premier Wayne Goss, established the Electoral and Administrative Review Commission, usually referred to as the EARC. The EARC's duties included a review of the State's malapportioned electoral system. Before discussing the EARC's findings, I shall outline Labor's policy in regard to electoral justice in Queensland. The policy is quite specific. It states:

Labor believes that the essence of representative democracy is an electoral system based on the principle of one vote one value. To this end Labor will institute an independent electoral commission which will establish fair electoral boundaries based on geographical community and population factors, with an optional preferential system of voting with a 10 per cent tolerance. There will be no electoral zones.

Like all the major parties, Labor made a submission to the Commission. The EARC, however, was not obliged to bring down a report based on Labor policy, even though Labor is in government in Queensland. Nevertheless, although some parts of Labor's submission were not accepted by the Commission, Labor Party members in Queensland are able to accept comfortably almost all of the key points of the EARC's recommendations.

The key recommendations are continuation of single member electorates; compulsory enrolment and compulsory voting; optional preferential voting; an average of about 20,000 voters per electorate with a 10 per cent tolerance amongst electorates; an electoral weightage for electorates more than 100,000 square kilometres in area; the number of members of State Parliament to remain at the current level of 89; an independent redistribution commission to determine electoral boundaries;

the early appointment of a Queensland electoral commissioner who will be the chief executive of a Queensland electoral commission; and the State Education Department to give priority to electoral and citizenship education for primary and secondary schools.

Most of these recommendations go a long way towards meeting the urgent public demand for a fair electoral system in Queensland, one based on the principle of one vote one value. But the Commission's recommendation to weight electorates more than 100,000 square kilometres in area is a serious flaw. What the EARC's proposal would do, if adopted, would be to create a two-zone electoral system. It is simply not possible to have a one vote one value electoral system with two zones having different quotas in the different zones. It would not be correct for the Queensland Parliament to accept this part of the Commission's recommendations.

The EARC's basic proposal in relation to weighting is to add what have been termed phantom voters to the enrolment in electorates with an area of 100,000 square kilometres or more. The number of phantom voters may be up to 2 per cent of the electorate's area. Thus, for example, an electorate of 150,000 square kilometres may have 3,000 phantom voters added to its enrolment.

I find it incredible that this idea had its genesis in a proposal made by a well-known member of the Australian Labor Party in Queensland, Councillor Noel Robertson. According to the EARC's report, Councillor Robertson proposed his own hybrid suggestion to the EARC. His method absolves certain electorates from adhering to an electoral system based on the principle of one vote one value.

I have always enjoyed good relations with Councillor Robertson, who is Chairman of the Cloncurry Shire Council, but on this occasion I must totally disagree with him. I cannot accept that he was unaware of Labor policy. He was Labor's candidate for the seat of Flinders at the 1989 election, so he should have had more than a passing knowledge of Labor policy. When I have the opportunity, I shall de-

termine whether he sought permission from his own Party to propose his hare-brained scheme.

I also find it incredible that the distinguished commissioners of the EARC would consider this proposal worthy of comment, let alone suggest that their two-zone recommendation should be passed into law. Surely they knew the strength of feeling against zonal systems in Queensland, with the votes of some citizens being of greater value than others simply because of their geographical location. The EARC protests that it has not recommended a two-zonal system, but it has.

It is worth while looking at what the EARC's proposal would mean in concrete terms. The figures I am about to outline are based on data and analyses of those data provided to me by the statistics group

of the Parliamentary Library. I am indebted to that group for its assistance.

Under the existing boundaries, four Queensland State electorates are over 100,000 square kilometres in area. These are Flinders, 199,000 square kilometres; Warrego, 225,500 square kilometres; Cook, 350,750 square kilometres; and Gregory, 443,250 square kilometres.

The EARC's proposals would result in a quota per electorate of about 20,000 voters. Assuming this figure of 20,000 with a 10 per cent variation, enrolments could vary from 18,000 to 22,000 voters. I seek leave, Madam Acting Deputy President, to incorporate in *Hansard* a table which illustrates how the proposals would affect these four electorates. I have in fact cleared this table with the Whips from both sides of the chamber.

Leave granted.

The table read as follows—

EFFECT OF EARC PROPOSAL ON FOUR QUEENSLAND ELECTORATES OF AREA GREATER THAN 100,000 SQ KM

	Flinders	Warrego	Cook	Gregory
Area sq km	199,000	222,500	350,750	443,250
Phantom voters(a)	3,980	4,450	7,015	8,865
Lowest possible enrolment(b)	14,020	13,550	10,985	9,135
Weighting factor(c)	1.57	1.62	2.00	2.41
Existing enrolment(d)	11,079	8,931	13,339	8,132

- (a) Phantom voters equal to 2% of area.
 (b) Lowest enrolment figure when added to phantom voters equals the lowest permissible enrolment (18,000).
 (c) Ratio of highest permissible enrolment (22,000) to lowest possible enrolment.
 (d) Enrolment at last general election.

Senator COLSTON—I thank the Senate. This table reveals that the number of phantom voters in those four electorates are 3,950 for Flinders; 4,450 for Warrego; 7,015 for Cook; and 8,865 for Gregory. If these phantom voters are deducted from 18,000, the lowest allowable enrolment for electorates, it may be seen that the number of real voters required for each electorate is 14,020 for Flinders; 13,550 for Warrego; 10,985 for Cook and 9,135 for Gregory. Taking into account these electorates' existing enrolments, Flinders and Warrego would need additional real voters to make up the least possible quota of 18,000 voters. Cook would be able to

shed over 2,000 of its existing enrolment and Gregory would give about 1,000 of its real voters to another electorate.

With other electorates, the possible enrolment may vary from 18,000 to 22,000. The ratio of the lowest to the highest possible enrolment is 1 : 1.22. Put another way, a vote in the electorate with the lower enrolment is worth 1.22 times the worth of a vote in the electorate with the higher enrolment. As I mentioned earlier, this type of variation in a one vote one value system of electorates is usually regarded as acceptable.

The ratios of real voters in the four electorates being discussed to the highest possible number of electors in other State electorates are not acceptable. They are 1.57 for Flinders, 1.62 for Warrego, 2.00 for Cook and 2.41 for Gregory. Should the EARC's suggestion for remote areas be given any credence when it allows for possibilities of votes in one area being

worth two and more times the value of votes in other areas? My response is that it should not. This is the very defect in the current zonal system that Queensland electors want to see removed. I have discussed the probable consequences of the EARC's proposals on those four State electorates, which currently have an area of 100,000 square kilometres or more. Nevertheless, under the proposals more than four electorates could be over 100,000 square kilometres in area.

It is also worth noting that three Federal electorates in Queensland exceed 100,000 square kilometres in area: Leichhardt, 141,300 square kilometres; Maranoa, 625,200 square kilometres; and Kennedy, 772,000 square kilometres. None is weighted with phantom voters and there is rarely, if ever, any clamour that the Federal representatives in those electorates have areas too large to cover adequately. To suggest, as the EARC does, that these representatives have 12 senators to assist them is also totally misleading. If the EARC believes that this is so, it does not understand the reality of Federal politics.

It is my understanding that the EARC report is to be examined by the Parliamentary Electoral and Administrative Review Committee. It will then be considered by the Government. I would urge the parliamentary committee to consider the adverse consequences of the weighting proposal. Just because the EARC has made a recommendation to have two classes of electorates does not mean that the idea is sound. My assessment is that the weighting proposal should be rejected and the State Government should take this opportunity to reject this aspect of the EARC's advice. If it does not, an unacceptable zonal component will remain an unpalatable feature of the Queensland electoral system.



**National Party
of Australia -
Queensland**

State Secretariat: Bjelke-Petersen House, 6 St. Pauls Terrace, Spring Hill, Q. 4004

14th December, 1990

Mr M. Foley, M.L.A.,
Chairman,
Parliamentary Electoral and
Administrative Review Committee,
Parliament House,
BRISBANE, QLD. 4000



Dear Sir,

I respond on behalf of the National Party of Australia (Queensland) to the Electoral and Administrative Review Commission's (EARC) Report on the Queensland Legislative Assembly Electoral System of November 1990 presented to Parliament on 8th November, 1990.

In doing so I am mindful of the 21st July, 1989 "historic tripartisan agreement" on electoral matters between the three leaders of the major political parties - Messrs Ahern (National Party of Australia - Queensland), Goss (Australian Labor Party - Queensland) and Innes (Liberal Party of Australia - Queensland) in the presence of Mr Fitzgerald QC.

That agreement stated that Mr Fitzgerald QC had "been assured that irrespective of the outcome of the referendum, all recommendations of the EARC with respect to electoral matters will be immediately implemented".

The recommendations contained in the Report have now been considered by members and the Administrative and Parliamentary wings of the National Party.

State Management Committee at its meeting of 8th December, 1989 noted that the major features of the electoral system, as proposed by the EARC in the Electoral Districts Bill, were analogous to the principles that the National Party believes necessary for the conduct of fair elections.

The Committee resolved there was one matter relating to the voting system (as distinct from electoral matters) from which the National Party respectfully dissents and that is the recommendation pertaining to optional preferential voting for the Queensland Legislative Assembly (6.26).

/2

The National Party holds the belief that, for a vote to be valid preferences should be fully allocated. As said in the Party's 11th May, 1990 submission to the EARC on the First Stage Legislative Assembly Review in response to questions on the voting system, compulsory preferential voting is favoured.

Following the release of the Estimate of Regional Product 1986-87 prepared by the Government Statistician's Office for the EARC much publicity was given to the findings. National Party Parliamentarians received numerous telephone calls and letters commenting on the report, particularly querying the formula and the reason for relating regional product to electoral zones.

It is appreciated that a number of submissions advanced an argument in support of weightage or a zonal system electoral distribution arguing that rural Queensland produces a disproportionately large share of Queensland's economic wealth.

Whilst the statistician's findings may have served EARC's purposes, it could be argued that Gross Product is an incomplete measure of a region's contribution to the State's wealth because the income expenditure and production approaches to Gross Product all overvalue the contribution made by the State's public sector.

The National Party particularly endorses the criteria the Commission has recommended to be given due consideration in preparing the proposed distribution of the State. These are:-

- community of interests within the proposed electoral district;
- means of communication;
- physical features;
- demographic trends and
- weightage of no more or less than 10% except for electoral districts at least 100,000 square kilometres in area, where the quota may be departed according to a prescribed formula.

It is very clear that the research that the EARC undertook on the concept of equal suffrage was instrumental in developing the proposed criteria for the distribution and the inclusion of a weightage for remote areas.


The finding that the right to take part in the conduct of public affairs was the general principle of Article 25 of the

International Covenant on Civil and Political Rights and that equal suffrage was only one of a number of human rights, is important as it has removed numerical equality as the main principle for a distribution.

It was noted that the EARC consulted Professor Philip Alston, Director of the Centre for International and Public Law, Australian National University, Canberra on the matter of equal suffrage.

The Party is of the view that this research is fundamental to the debate on the popular misconceptions surrounding the question of "one-vote one-value".

Yours faithfully,



Ken Crooke
State Director

State 29



AUSTRALIAN LABOR PARTY SUBMISSION

TO

ELECTORAL AND ADMINISTRATIVE REVIEW PARLIAMENTARY COMMITTEE

FROM

WAYNE SWAN, ALP CAMPAIGN DIRECTOR

December 20, 1990

INTRODUCTION

Labor welcomes, with one exception the electoral reform package contained in the report by the Electoral and Administrative Review Commission on the Queensland Legislative Assembly Electoral System.

This reform package embraces, with one exception, the most comprehensive package of electoral reform to remove electoral corruption seen in this state this century.

The report banishes electoral corruption and zonal and boundary manipulation of the sort that disgraced this State for four decades by the creation of the Independent Electoral Commission and the adoption of the broad principle of one zone, one vote one value with one exception.

EARC has recommended departure from a uniform quota with a 10% tolerance in 5 of 89 seats, or expressed another way - 5% of the total number of seats in State Parliament.

This variation creates one extra seat in the remote Western and Northern Queensland.

One extra seat will not prejudice majority rule and will not necessarily advantage any political party.

In total this package of reforms will deliver integrity, honesty and fairness to the Queensland electoral system.

This package takes politicians and political parties out of the processes of drawing boundaries and rigging the system. It restores integrity and openness and abolishes vote rigging and electoral corruption.

EARC'S LIMITED WEIGHTAGE PROPOSAL

Labor disagrees with the departure from one vote one value and we don't accept the Commission's reasoning for this departure.

However, Labor recognises that this minor departure will not create an unfair political outcome.

The principle of one vote one value is only departed from to the extent that one extra seat is created in Western and Northern Queensland. This area would have contained four seats not five had one vote one value been adhered to universally.

The fundamental question is: in view of the extent of controversy on this matter, is the EARC proposal such a serious variation from electoral justice to justify Parliament overturning a recommendation on which there is a large measure of community consensus? The proposal makes only a marginal impact on whether or not Labor retains a majority and, should Labor lose, is unlikely to affect the Liberal Party's prospects of being the majority partner in a future coalition. In these circumstances, it is submitted that there is not a sufficient basis for upsetting

the EARC recommendation. In view of the history of conflict on this matter, it is now more important to implement an agreed settlement of electoral reform that has a considerable degree of public support.

Labor reaffirms its platform commitment that "the essence of representative democracy is an electoral system based on the principle of one vote one value". Our platform makes it clear that Labor "will institute an independent electoral commission which will establish fair electoral boundaries based on geographical community and population factors, with a 10 percent tolerance."

The spirit of platform is recommended in the EARC report with the exception discussed above.

Whilst Labor disagrees with the umpire's decision in relation to the weightage principle, we are committed to upholding the decision of the umpire to ensure continuing public support for this substantial package of electoral reform.

For Labor to depart from this package put forward by EARC, as unpalatable as it may be, would be seen to be undermining the umpire's decision and creating a precedent for future National Party governments to rig the system by rejecting an independent arbiter's decision.

In the 1989 State Election campaign Labor committed itself to the Fitzgerald Process. The EARC report is the outcome of that process and for that reason, more than any other, we must accept the umpire's decision.

In addition, there are sufficient checks and balances in the package to ensure that weightage is not manipulated for party political benefit.

The creation of an independent commission means that the weightage cannot be manipulated by one party for their benefit. So the limited weightage is non-partisan in nature.

LABOR'S ORIGINAL SUBMISSION

In our original submission to EARC the Labor Party argued that each member of parliament should be elected by an equal number of electors as far as possible. We argued then, and still firmly believe, that greed, lust for power and naked political opportunism always underlie pleas for departure from this principle. We argued that behind such departures from the principle of one vote one value there are always politicians attempting to give their supporters extra power at the expense of a democratic electoral result.

This motivation is not present in EARC's recommendations. While we understand EARC has relied solely for its justification of weightage on the difficulties involved by members representing electors in remote areas, Labor does not agree with this element of the package.

EARC relies on the view that there must be direct personal contact between a member and his electorate. The fact is that modern methods of technology and communication are available to both the electors and the member and that this compensates for factors of distance.

This package abolishes the use of the two basic techniques that have been used in the past to prevent majority rule in Queensland, ie:

1. malapportionment where different quotas of electors are allocated to different classes of seats or zones is abolished in this report; and
2. gerrymander where boundaries are drawn to maximise the votes of supporters by spreading them across as many electorates as possible and by concentrating the votes of opponents in as few electorates as possible, is not possible because there is an independent electoral commission.

In our original submission to EARC we argued that when attempting to evaluate the fairness of an electoral system it is necessary to make a clear distinction between equality in the value of votes and the fairness of the outcome. While equality in the value of votes is the basis of a fair system, it is not a complete guarantee that a fair system will result.

The small departure from the principle of one vote one value is in our opinion party neutral and therefore will not prejudice a fair election outcome.

As we said in our last submission, the Macquarie dictionary defines fair, inter alia, as "free from bias, dishonesty or injustice; without irregularity or unevenness; honest, just, straightforward".

This package of reform will produce majority rule with fair representation for significant sections of the community.

In supporting the overall package of reform, the Labor Party has placed a high premium on community consensus. If electoral reform is to survive there has to be community trust and faith in the EARC process.

We can't return to the days described by Commissioner Fitzgerald when he said "The fairness of the electoral system in Queensland is widely questioned. The concerns which are most often stated focus broadly upon the electoral boundaries, which are seen as distorted in favour of the present (now past) Government, so as to allow it to retain power with minority support."

The Goss Government, together with the Electoral and Administrative Review Committee is restoring public faith in our political institutions. The Labor Party believes the long term reform of Queensland is best served by continuing to support the umpire, even if individual aspects of the package are unacceptable.

OPTIONAL PREFERENTIAL VOTING

Another possible area of controversy is EARC's support for optional preferential voting. This recommendation relies fundamentally on two propositions:

*the value attached by any voter to any subsequent preference will vary enormously from voter to voter - some will attach equal weight to all preferences, as against others who place no weight on any preference other than the first; and

*a democratic voting system ought to extend the franchise as much as possible by validating any vote where a clear intention can be detected.

It is submitted that the umpire's decision on this matter can be adopted by Parliament legislating, that while the ballot paper instructions and public information advertise the preferential system and the need to fill in all squares, no vote is declared informal (through leaving squares blank or a mistake in numbering) if a voter's intention is clear. The vote is formal only to the extent that the voter's intention can be discerned. Provision must then be made for exhausted votes.

WAYNE SWAN
Campaign Director

December 20, 1990

The Parliamentary Committee
for
Electoral & Administrative Revue

Mrs. J. Stevens
121 Wilruna St.
Wacol
Qld. 4076
Tel. 2711640

20.12.90

Dear Sirs

I would like you to consider the following submission prior to any proposed changes to the State Electoral laws in respect of the recommendations put forward by the E.A.R.C. and in respect of action taken subsequent to recommendations of the C.J.C.

The issues are founded upon the Fitzgerald Report, I base this submission on the same premiss.

The Fitzgerald Report belongs to the Electorate, its content should be respectfully assessed for the common good. It is in the common good that the truth become evident, that all allegation be determined for what it is, that is, opinion that is yet to be proven.

I consider that the main point to come out of the Fitzgerald Report was the alleged constitution of improper laws. Improper law is an enigma, once constituted it cannot be said to be improper. The law must be regarded as proper by citizens, authorities and the judiciary alike. No-one can say that the law is wrong, no-one at all.

The Hon. Tony Fitzgerald veiled his words, he did not say improper laws, he said ad hoc legislation, constituted in his opinion by improper Parliamentary procedures that failed to provide checks and balances. His Report was confined to the State of Queensland, I submit that the restriction placed upon him prevented him from identifying the true cause of the 'ad hoc' laws.

During 1987 I had occasion to challenge a Federal Law that contravened a State Law. The State Law had been administered, yet the Federal Law, retrospectively, over-ruled the State Law and its administration. The Court was forced to uphold the Federal Law. This particular Federal Law was amended four times in less than 12mths because it also was in contravention of constituted Federal law, others before me had been able to win appeal against it, by asserting their legal rights as established by the law it contravened, the subsequent amendments closed the loopholes that allowed people to establish their legal rights. My legal rights, State and Federal were denied, by this ad hoc legislation.

Recently I note that in an attempt to legislate the Australian

Securities Commission in the Federal Parliament, a High Court ruling deemed it outside the Commonwealth powers, without complimentary State legislation first. The laws must be consistent to be proper. The Federal Government cannot assume power over the State Governments, each has equal status, equally representative of the Electorate, only the extent of their territory differs.

Unfortunately the Federal Government did, for some time, amend laws at an alarming rate, hundreds of amendments, too small in themselves to rate a mention, but which collectively constituted major changes to the Constitution. That the Public remain uninformed is I believe a cause for grave concern. Until individuals come up against these laws they remain ignorant of them, this allows for agenda to be hidden, and causes confusion in the community, the people cannot be sure what their rights are. This is the basis of improper Parliamentary procedure, it impacted on the State Governments, rendering State laws inconsistent, ineffective and improper long after they were constituted.

I submit that the State legislature had no way of preventing the proper laws from becoming improper. That all States suffered a breakdown in administration. That all State Governments attempted to re-constitute or amend laws when the inconsistencies or ineffectiveness became apparent. Bearing in mind the volume of the improprieties forced upon the State laws, and the efforts made to counter balance the effects, it must be conceded that on the face of it, it would appear, that it was the State legislature that constituted the 'ad hoc' legislation. That like the majority in the electorate, the Hon. Tony Fitzgerald did not come up against the inconsistent Federal laws. That he was ignorant of the truth.

For obvious reasons the criminal justice laws were particularly affected, it becomes impossible to administer two opposing legal codes. Improper law opens all law to question, allowing improper practices, corruption and political opportunism to succeed, at all levels in society. When these effects caused public concern to pressure the Government it set up the Fitzgerald enquiry to allay that concern. The report, for the reasons stated, laid blame on the State Parliament. A confused and offended electorate naturally dismissed the National Party from Office. The Electorate's right to an honest appraisal of the choice of Elect was denied. The Fitzgerald report was used as propaganda by the contenders. The people misinterpreted Tony Fitzgerald's allegations to be proven fact. The Federal A.L.P. had over-ruled the National Party in fact as well as in effect.

It was evident that Sir Joh Bjelke Petersen at no time accepted responsibility for the improper law. He knew that no-one could say the law was improper. He intended to avert the total breakdown of law and order such an assertion would undoubtedly have caused, by claiming improper use of the law by the administrators. Judge Vasta was charged and found not guilty. It would seem the Federal Government would prefer otherwise, as he is now charged with a federal offence. Judge Vasta is a learned legal advocate of the law, when such a person proclaims an invasion of privacy, and the loss of the right to the presumption of innocence, we should all be aware that the same laws stand constituted against us all. When these rights are lost a conviction is guaranteed regardless of proof to the contrary. It will set a fine precedent for future use against anyone at all. Improper laws deny justice.

To say that the electorate and the Hon. Tony Fitzgerald was unaware of the National changes to the Constitution is to say that the majority, learned or otherwise, were, this must include the State Governments, politicians from all parties.

The Qld. A.L.P. after 32yrs in Opposition could not accept that it rated so low in the electorate. When the Fitzgerald enquiry was set up the A.L.P. alleged that a gerrymander existed, this was then put on the Fitzgerald agenda.

I submit that the alleged gerrymander did not exist, that the power of the electorate was proven when it elected the A.L.P. to Office. The Fitzgerald report ought properly to have been laid to rest upon the election of the new Government.

The new Government is, as yet, ignorant of the over-ruling powers assumed by the Federal Parliament. The improper laws still stand, the State Governments cannot now regain any degree of independence. The electorate cannot regain lost legal rights, it also has lost the right to self determination, and to self regulation. The only bastion of Justice still remaining for the majority is the right to Elect, this right is eroded by improper interference, innuendo and now the annihilation of an alternative. It is beyond the powers of the State Governments to make good the improprieties forced upon the electorate. Improper parliamentary procedure gags all opposition. The people have no voice in the parliaments. Public consensus has been replaced by endless inquiry which is alleged to reflect public opinion, to determine the needs of the people. No-one person, or group, can determine the needs of all others. Self determination is the hallmark of Democracy.

The Qld. A.L.P. misjudged the power of the Electorate, It is now misjudging the power of improper law. To admit that the law is improper will cause a complete breakdown in the forces of law and order, all previous convictions and all previous administrative decisions could be held up to ridicule. The public purse could not support the valid claims for compensation. Narrelle Saunders comes to mind, the A.L.P. must follow the **N.P.** line and allege improper use of the law, the Government cannot be held liable. This can be said to be in the common good. Unfortunate for Ms, Saunders, she remains a victim of improper law, but then so do I, The Federal Government denied my legitimate claim, it cost me \$30,000 and hundreds of others like me, saving the public purse millions, it no longer matters about the individual. The dilemma remains however, if the improper law is not struck from the constitution the corruption the improper practices will continue, to everybody's detriment. The Government will continue to justify itself, refusing to accept liability for the common good, setting up Commissions for everything, to enable it to claim it has public concensus. The polls are the point of public concensus, there-after a direct line of communication with the electorate should be maintained.

I submit that the recommendations of the C.J.C. and the E.A.R.C. are founded upon improper allegations that are proven to be inaccurate. That the continued use of the Fitzgerald Report is grossly improper. That the prosecution of Crown representatives is improper use of improper law. The laws of Parliamentary Privelege still stand, that it would be grossly improper to strike them from the constitution, 5yrs retrospectively, in order to gain convictions by foul means. The invasion of privacy is of equal importance to the people and to politicians. If the laws of Parliamentary privelege are not maintained the Opposition will not be free to voice Public concerns in the Parliament for fear of litigation. It is NOT in the common good. Any changes to the Electoral Laws will render them inconsistent with National law, giving the Federal Government the power it seeks to change the entire electoral system. It will be claimed that the people have indicated its wish for change. A Federal E.A.R.C will ensure the Government gets what it seeks, Total Power. If any State refuses to give concensus, the breakdown in administration will prove the need for strong reforms. The breakdown in administration and law and order was not caused by the State Governments, it was engineered for political gain, improper law, and improper use of the law, is not in the common good.

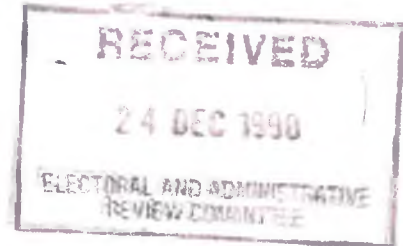
It is in the common good that these matters be dealt with without Political bias. To this end I have sent two copies of this submission one to the Hon. Wayne Goss and one to the Hon. Russell Cooper.

I respectfully thank you Gentlemen

"DAWN SIDE"
Capella Qld 4702
19th Dec. 1990

State 31

Research Director,
E.A.R.C. Parliamentary Committee,
Parliament House,
BRISBANE
19th December, 1990



Dear Sir,

May I offer the following submission to the E.A.R.C. Parliamentary Committee. Whatever happened to the Aussie ethic of a fair go for the little bloke? Numerically we in the bush are the little bloke. The philosophy that brought about the "one vote one value" cliché seems to be reflected in Animal Farm, "all animals are equal but some are more equal than others."

Many of the original submissions played down the "tyranny of distance" and suggested that with modern technology many of the problems of the bush can be overcome. The vastness of the Federal electorate of Kennedy was cited, stretching as it does from Camooweal to Townsville and nearly to Emerald. It was suggested that if one can represent all that area with its diversity of interests in Canberra then a much lesser area should be a "piece of cake" at State level. But can one man satisfactorily represent such diversity? Kennedy contains sugar cane growers on the coast, workers in the sugar mills, mining at Mt. Isa and the Central Highlands, grain growing, as well as cattle and sheep raising. Can one man be expected to have an intimate knowledge of all those things in order to fairly represent them. How much simpler to represent an electorate like Mt. Gravatt for example. The usefulness of all our electronic gadgetry is pretty limited when it comes to being a substitute for personal contact. Despite all our FAX, STD and satellite communications etc. we were never more disenchanted with the standard of our representation than we are today.

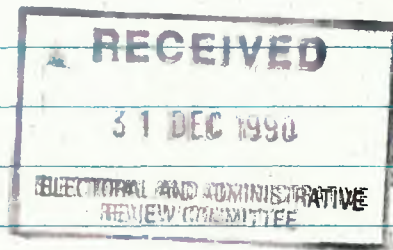
In the bush we have a problem of filling vacancies for teachers, Doctors etc. Both these professions are seeking considerations from government for simply accepting appointment to these positions. If the so-called gerrymander means anything to the general population, it would be rushed, on the grounds of doubling the individuals vote value. If those professionals condemning the negative weightage they suffer in the city were sincere, perhaps they should move out to prove that sincerity. Otherwise we can only assume the gerrymander exists only in the minds of some people.

Fiddling electoral boundaries is not going to produce a fairer democracy, but fiddling them in the way recommended by E.A.R.C. will certainly reduce any influence country people have on the decision making processes of this State. The only way truly "one vote one value" is ever achieved is by the referendum. The present arrangement for three (or maybe four years) makes a charade of Parliament. Give us the Citizens Initiated Referendum and we will have much less concern about the size of electorates.

Yours faithfully,



R. Fischer



State 32

11 Cook St.
RED HILL
BRISBANE
4059

27 December 1990

The Chairman,
The Parliamentary Committee for Electoral
and Administrative Review.

Dear Mr. Matt Foley, Please find enclosed
my personal submission in response
to the EARC Report on the Legislative
Assembly Electoral System of Queensland.

Yours sincerely,
Vince Englart

A PERSONAL SUBMISSION ON ELECTORAL REFORM

I wish to record my personal appreciation for the work of the Electoral and Administrative Review Commission (EARC). It provided the opportunity for me and the political, environmental and community groups (the New Left Party, The Wilderness Society and Citizens for Democracy) to which I belong to express our opinion on the electoral system. The EARC Report on Queensland Legislative Assembly Reform notes

1.12 The excellent response to the Commission's invitation for public submissions on the Legislative Assembly electoral system is evidence that many Queensland citizens are concerned about the electoral system in operation in this State....

While agreeing with much of the recommendations of EARC's Report I must record my continued support for an electoral system based on proportional representation.

The Report notes on page 233

13.8 In the course of this Review, the Commission received many submissions arguing other changes to the electoral system. The major change proposed was the adoption of Proportional Representation.

The Report notes on page 28

4.24 The support for PR in the submissions was summarised by Senator Kernot of the Australian Democrats (T5-6)

"It was interesting to me to reflect that such a diverse group of people recommended the adoption of proportional representation. It was interesting to me that those groups ranged from Call to Australia, commonly thought of as an extreme right wing group, to conservation groups across the State. I noted that the exceptions to this were the Labour, the Liberal and National parties, and I do not think that is surprising because I would argue that both the present system and the preferred systems of these parties discriminate in favour of these traditional parties. They discriminate by failing to give a voice to significant minorities, they discriminate by promoting a two-party system which, in turn, I would argue promotes safe seats, makes it easier for parties to impose candidates on local electorates. In fact, I think that it is just a great big, cosy club, and I am not surprised that they might all share a view to keep others out."

Table 4.1 of the Report (page 35) notes the small percentage of votes cast for minor parties and candidates. I submit that these figures do not properly reflect the significance of minority parties and movements.

For example, the 1989 State election saw almost unprecedented activity by environmental, democratic and anti-corruption movements, not so much to elect an ALP government but more to remove the perceived cause of corruption and bad government in Queensland, the National Party government.

It was a different matter in the 1990 Federal election which saw a minority of primary votes going to the ALP which was only able to achieve a majority of seats on the basis of the second preferences from other parties and movements, especially the conservation movement.

GLOBAL CONCERNS

I attach my initial submission to EARC (S.124) in which I emphasise my concern for the future of the globe unless we take urgent measures in the 90's. Indeed, my concerns are the concerns of growing numbers of people around the world.

It is not enough that our governments at any level be the "nice cosy clubs" that Senator Kernot refers to. Popular concerns must find reflection at all levels of government if we are to face up to the problems of the 90's.

While it may be too much to expect the present Parliament to adopt PR it is my hope that it will note the observation made in the Report on page 37.

4.57 It is always possible that the party system is changing, or about to change, as some commentators claim. If the role of the three major parties diminishes and support is transferred on a significant scale to emerging political forces, it would be appropriate to think again and to seek to introduce a different divisional system which would meet the needs of a different political situation. Were the Legislative Assembly to have a standing committee on electoral matters, a possibility that the Commission will have to address in its Stage 4 investigation, that would be the appropriate forum in which such questions could be explored.

WEIGHTAGE

I expect that the present Parliament will adopt the Report's recommendation for single-member electoral districts. However it should not adopt any system of weightage because this would violate the principal of "one person, one vote, one value". Undoubtable, electors in remote areas suffer disadvantage because of remoteness. But, as many submissions argue, weightage could be based on other disadvantages that other electors suffer. The Report suggests some measures to assist members representing remote areas. If only one-eighth (12.5 percent) of an electorate support a particular representative for their interests in a seven member PR electorate they would have a voice in parliament. Not only electors who

are disadvantaged because of remoteness or other reasons but other imbalances, such as the small number of women elected, could be addressed.

OPEN GOVERNMENT

I have become aware that the work of opposition members and government back-benchers suffers because they are only allowed one staff member. It seems that much of their time is taken up with administrative and electorate matters not connected with their legislative function.

I'm pleased to note that legislative initiative, once dominated by the inner Cabinet, now lies with the all-Party Parliamentary Committee. While I would protest the squandering of public funds, I would not like to see more open government suffer because of State budget constraints.

While I would prefer to maintain compulsory preferential voting, my main fear is that optional preferential voting will lead to de facto "first past the post" voting. Perhaps the proposed measures to educate the public on electoral matters will help people to understand that even if their first choice is not elected they do have a second option, though it may be the "best of a bad lot".

While I will continue in the future, as in the past, my extra-Parliamentary activities, often not to the liking of the government in power, I must say that the extra-Parliamentary forum that EARC has provided is unique to my personal experience.

While the Report does not recommend the PR electoral system that I and my friends so much hoped for, it has strengthened our resolve to win PR in the future.

Attachment

A PERSONAL EARC SUBMISSION

I belong to some community groups that will make submissions to EARC. However, I feel the need to emphasise the urgency of achieving a democratic society.

In the 1990's humanity confronts the unprecedented challenge that its economic and social activities have reached a point where they threaten the very life-support systems of "Spaceship Earth". In the words of environmentalist David Suzuki, we have this decade to begin to turn around the destructive practices which threaten human survival before it is too late. "Sustainable development" is the issue for the '90's.

Ecological problems are cumulative and most of the damage has been done by the industrialised countries, ie. just one fifth of all humanity. A progressive reduction in the impact of these societies on nature is essential.

I recognise the magnitude and difficulty of the social and attitudinal changes involved. I favour a democratic and persuasive approach to these changes, and a democratic outcome. I also recognise that powerful vested interests, in corporations and bureaucracies, will oppose change, and that authoritarian and anti-democratic solutions ("eco-fascism") may be put forward. Equally, I do not want "solutions" forced on society through eco-catastrophes, famine etc.

At the same time, there are unparalleled opportunities for radical restructuring of world social and economic systems. There is a chance to construct a society that is just, fulfilling and sustainable. A conserver society which makes the switch back to a conserving and recycling society and away from the wasteful, consumerist and "growth for growth's sake" society of the last 40 years.

Growing numbers of people share my view of the world yet these views are not reflected in our elected representatives. I find at election times my ultimate choice is between two parties. I feel dis-franchised at times when I feel strongly about the issues confronting the people.

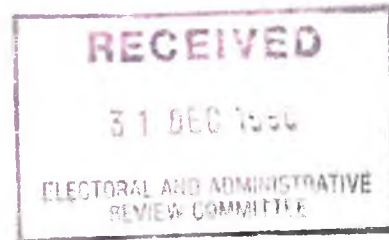
In general I favour electoral reform to make existing institutions of representative democracy more representative of popular opinion, through a proportional representation electoral system together with guaranteed rights of funding and media access, in proportion to electoral support.

Vince Englart

State 33

Towen Mt Rd
Nambour 4560
27-12-90

The Research Director
Parliamentary Committee for
Electoral and Administrative Review
Parliament House
Brisbane



Sir/Madam

I urge this Committee to reject the recommendation in the EARC Report (10.240) in so far as it relates to the provision for a weighting for area (the so-called "phantom" voter proposal) in electorates that exceed 100,000 sq km .

The EARC Report rightly in my view recognised that the basic principle for any electoral system has to be the equality of voters. As the Report recognised, the "phantom" voter proposal represents a serious departure from that principle of equality. I am not convinced that such a departure can be justified.

The EARC Report did not adequately, in my view, examine modern telecommunications technology. For example, Para. 10.172 deals with 008 telephone systems in 5 lines, without considering the existing and widely used conference systems offered by Telecom which would meet the objections raised by EARC.

However, my major concerns are that the "phantom" voter proposal would create serious problems while failing to solve the "tyranny of distance" that seems to have been in the minds of the EARC members.

For example, the "phantom" voter proposal, if implemented, would still allow these conditions to exist:

there would inevitably be voters living in electorates of less than 100,000 sq km who were distant from their MP. Why are they to be ignored? (I believe that there are many voters, for example the elderly or poor who for reasons of immobility and the lack of public transport could find access to their MP difficult, even if they

lived into the South-East. It is a rural fantasy to picture all voters living in the South-East as living within 3km of their MP's office!);

there would be many voters in such "phantom" electorates who had the good fortune to live in the town where their MP was based. The EARC Report noted that a majority of voters in such vast electorates actually live in the major towns, where presumably, MP's offices would be located;

there would still be many voters in such "phantom" electorates who lived hundreds of kilometres from their MP's office, despite the 2% weightage. After all, even with only 8000 voters in such electorates, there were still vast distances between communities!

The equality of voter power is too important to be abandoned even before it can be enjoyed. The EARC recommendation for some rural weightage is mere tokenism: why abandon a principle for the sake of making an ineffectual gesture?

Frequently, the EARC Report notes submissions appealing for a system where every voter enjoys exactly the same access to their MP. Such a system is an absurdity, an impossibility. Not all voters can ever live equidistant from their MP's office. Voters are not equally wealthy or influential either. The equality of voting power is one certainty we can build into our electoral system. Reject any form of weightage!

Yours,

Clive Newton

Clive Newton

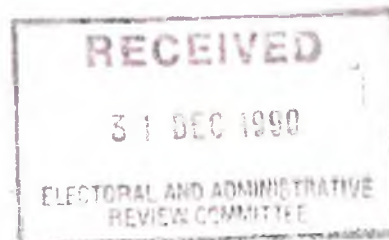
Ph 074 - 412813

State 34

7 Princess Crescent
Nambour 4560

24 December 1990

The Research Director
Parliamentary Committee for
Electoral and Administrative Review
Parliament House
George Street
Brisbane 4000



Dear Director

Re EARC Report on Queensland Legislative Assembly
Electoral System

I wish to submit the view that there should be no weightage given to the number of electors in some electorates.

That is - all electorates for the Qld Legislative Assembly should be created using the broad formula of equal numbers of electors with no more than a 10% tolerance.

The United Nations Declaration on Human and Political Rights declares that elections for political office should be on the basis of universal suffrage and equal representation for all electors.

If after canvassing opinion from all nations, the UN did not see fit to mention weightage for isolated or sparsely populated regions, then any rationale for such a system in Queensland cannot be sustained.

If government is to be democratic, then all votes must be of equal value.

I urge the Parliamentary Committee to reject that part of the EARC Report which recommends weightage for some electorates.

True democracy is based on one vote one value.

Yours sincerely

A handwritten signature in purple ink that reads "Greg Pitman". The signature is fluid and cursive.

Greg Pitman

24/12/1990

State 35
Thomas S. Law
13 Denawen St.
Palm Beach
Gold Coast City 4221

SUBMISSIONS TO THE E.A.R.C.

To
The Director of the E.A.R.C.



Dear Sir,

I believe these submissions if adopted would improve the Electoral System and lead to a fairer System.

Before coming to Queensland I was the Secretary of the South Melb. Ratepayers Assn. I was a Candidate Twice for that Council. I was also the Vice President of the Council of Progress Assns of Victoria.

I have never been a member of a Political Party, and I always vote Informal because 90% of the time Party Candidates are successful and their Party comes before the People.

My Recommendations are,

COMPULSORY VOTING AND PREFERENTIAL VOTING BE ABOLISHED
THE RIGHT OF RE=CALL BE INSTITUDED
THE TERM OF OFFICE BE CONTRACTURAL AND PENALTIES FOR FAILURE TO TO COMPLY WITH CONDITIONS OF CONTRACT.
TERM OF OFFICE THREE YRS

COMPULSORY VOTING

It is an Infringment of CIVIL RIGHTS it compells attendance at the Polls by Threats and Penalties.

It does not ensure a VOTE to be cast and Defeats its own purpose
It is a waste of Public Money as it requires the cost of "Please Explain Notices", many Council do not pursue the matter to its full extent and only a very small number are Fined

PREFERENTIAL VOTING

Is a Conspirâcy from Beginning to End deals are made by
or With Losing Candidates before the Election Day.

Part 2

PREFERENTIAL CANDIDATES

DUMMY CANDIDATES are often used, these are People who stand for Election with the express purpose to give a preference to a friend or prevent someone from succeeding.

In my second Council attempt I was approached by a major Party to make a Deal if I agreed to Stand Down I would be Elected Unopposed the next Year.

As the other Two Candidates had exchanged Preferences it would be nearly impossible for me to Win so I did the next best thing I gave my Preferences to the DUMMY CANDIDATE and caused the big upset the DUMMY WON within a year He resigned from Council

DIVIDE AND CONQUER

DUMMY CANDIDATES are recruited from ETHNIC COMMUNITIES with Promises and Benefits not offered to the Rest of the Communities,

This is a very Dangerous move as it Splits the Community and causes Hatered and Violence.

RIGHT OF RE-CALL

No Candidate should be Entitled to put forward a Policy or make Promises which are not meant to be kept. The present situation is the Day after the Election the Candidates can do as they please and there is nothing the Electors can do about it.

Only the Right of Re-call and Contractural Terms can Halt this Abuse.

In conclusion I would like to add that along with Compulsory and Preferential Voting, How to Vote Cards be Abolished and People should be allowed to attend the Polls without being Hassled by Candidates and their Supporters

I wish the Commission every success and look forward to reading your recommendations however as Parliament and Polititions have the last word I am not optimistic

Your Sincerely

Thomas S. Law



Department for Mission and Parish Services

The Uniting Church in Australia - Queensland Synod

Office at: Uniting Church Centre
60 Bayliss Street
Auchenflower. Q. 4066
Facsimile: (07) 377 9716

Mail to: G.P.O. Box 674
Brisbane. Q. 4001
Telephone: (07) 377 9777



21 December 1990

The Research Director
Parliamentary Committee for Electoral and Administrative Review
Parliament House
Cnr George and Alice Streets
BRISBANE QLD 4000

Dear Madam/Sir

On May 11 1990 the Committee for Social Responsibility of the Uniting Church in Australia (Queensland Synod) made a submission to E.A.R.C. regarding the Queensland Legislative Assembly Electoral System (S238).

In that submission the Committee described the present Queensland zonal system as being unfair preferring, instead, the principle of One-Vote-One-Value as being more compatible with Christian values.

The Committee believes that E.A.R.C.'s recommendation for "phantom voters" for electorates larger than 100,000 square kilometres is a radical departure from the principle of One-Vote-One-Value. The suggested weighting also leaves the way open for future abuses of the system, such as "gerrymanders".

Whilst recognising that isolation warrants special consideration, we believe that other situations, such as extreme poverty and a myriad of contrasting cultures, do as well. Solutions to these issues lie within the elected government through additional electoral assistance, not within the electoral process itself.

We therefore ask the Parliamentary Committee for Electoral and Administrative Review to reject this recommendation of E.A.R.C.

The Social Responsibility Committee submission also recommended proportional representation, particularly mixed-member systems.

The Committee is disappointed with the reasons given for not recommending a mixed-member electoral system for Queensland. Firstly, the mixed-member system is, we believe, a worthwhile attempt to draw on the best of both proportional representation and single-member electorates and is worthy of greater consideration (c.f. section 4.44, page 34).

Secondly, not enough consideration was paid to statements that "grass-roots" political movements are a significant emerging political phenomena (c.f. section 4.57, page 37).

Thirdly, historical continuity and tradition should not automatically justify the maintenance of the status quo (c.f. sections 4.12, 4.55). Unfortunately, principals of "historical continuity" have been used in the past to perpetuate injustices, such as slavery and oligarchy.

We share the concern of E.A.R.C. to maintain a balance between stable governments and accurate representation of political opinions. However, the Committee does not consider that society has made a significant and creative attempt to merge the two. Our submission states:

"It is believed that varied opinion is a positive, rather than negative, aspect of democracy. If there are a variety of public opinions concerning a major political issue, then public debate, negotiation and reconciliation within Parliament is a much more desirable and loving way of responding to these differing opinions compared with the 'bulldozing' of the majority opinion." (S238)

Society has a long way to go in developing this conciliatory and consensus approach. We believe it is vital to the future of politics.

The Social Responsibility Committee therefore urges you to keep the question of mixed-member representation on Queensland's electoral reform agenda. Maybe the suggested Standing Committee on Electoral Matters is the place.

We hope that these thoughts will be considered of value to the deliberations of the Parliamentary Committee for Electoral and Administrative Review.

Yours sincerely,



Mark Young
Social Responsibility Consultant



Paul Henman
Convenor
Social Responsibility Committee

THE QUEENSLAND WATCHDOG COMMITTEE

SUBMISSION TO : THE ELECTORAL AND ADMINISTRATIVE REVIEW
COMMISSION PARLIAMENTARY COMMITTEE

SUBJECT : REPORT ON THE QUEENSLAND LEGISLATIVE ASSEMBLY
ELECTORAL SYSTEM

DECEMBER 31, 1990

1. SUMMARY

The Queensland Watchdog Committee (QWC) rejects EARC's proposal for vote weighting as contrary to democratic principles, and urges the Electoral and Administrative Review Parliamentary Committee recommends:-

- that parliament implements a one-vote one-value electoral system for ALL Queensland.
- that parliament rejects any proposal where some Queensland votes are worth up to twice those of others as anathema to the concept of Queenslanders being equal before the law, and equal when they vote.
- that parliament rejects totally EARC's intellectually indefensible formula that equates areas of land with numbers of voters to calculate a quota of "phantom voters" using an arbitrary coefficient of 0.02.

The Queensland Watchdog Committee regards EARC's recommendation for vote value variations as logically flawed and setting a dangerous international precedent. We urge the EARC Parliamentary Committee reject EARC's weightage proposal for these reasons:-

- A major foundation of EARC's weightage recommendation is a ruling of a Canadian Provincial Court which has no legal jurisdiction in Australia.
- Canada is a country where much rorting of electoral systems has taken place. It provides no impeccable model on which to base Australian electoral law.
- The other foundation for EARC's weightage recommendation is article 25(a) of the International Covenant on Civil and Political Rights (ICCPR). EARC's legal justification for basing the weighting of votes on this international human rights covenant is dubious.

M. Chris Griffiths

Qld

W Com.

1067.

Further, EARC's use of article 25(a) to recommend the variation in vote values is possibly a "world first", an infamous landmark in international electoral law.

EARC has selectively dismissed other legal rulings, such as the United States ruling Reynolds Vs. Sims (1963) that cites vote value variations of two to one as diluting the democratic rights of those residing in the disfavoured areas.

EARC's legal interpretation (by Professor Philip Alston, Appendix I) on the application of the ICCPR to vote weighting is totally at odds with a legal opinion on the same topic delivered in May 1987 by Tony Fitzgerald QC. Fitzgerald's opinion was commissioned by the Queensland Labor Party prior to his appointment to the state's anti-corruption commission. It recommended the Australia-wide enactment of equal suffrage based on the same international convention clauses Alston is using to justify vote weighting. These two legal opinions are at odds.

EARC has dismissed without logical justification the argument that multiple electorate offices can be used to offset problems faced by MP's in remote electorates. The group is dismayed by the report's claim that all electors must reside in one of two populations for multiple electorate offices to work - this is contrary to common sense and federal practice.

EARC's endorsement of the Robertson formula is at odds with EARC's espoused "principles", particularly its requirement that any weightage not produce unfairness in the overall system. However it is obvious the recommended weightage will handicap the Queensland Liberal Party in future elections.

The Robertson formula directly equates people with geographical areas of land using a mystic two per cent coefficient that calculates a reduction in an electorate's enrolment quota. This is absurd, as the two entities, people and areas of land, cannot be equated.

The Queensland Watchdog Committee regards the Robertson formula as repugnant, simplistic and naive, and in many instances incapable of delivering electoral justice according to the Commission's own objectives.

The weightage recommendation sets a precedent for rorting vote values not only in Queensland and Australia, but world-wide as well. When dismissing this concern EARC forgets federal National Party policy espoused back in 1987 favoured the weighting of votes federally. EARC's recommendation has possibly placed the weighting of votes back on the federal political agenda.

3

The Commission is wrong to suggest federal senators compliment the work of federal MHR's in remote electorates as a reason why their vote weighting proposal would not be adopted federally. Our contact with MP's suggests this is far from true.

We recommend the Parliamentary Committee considers Fitzgerald's legal opinion and seeks its own in assessing any reference to the ICCPR to justify vote weighting in Queensland. It should also assess the way EARC had adapted Professor Alston's legal advice (Appendix I) to justify its weightage proposal for Queensland, its belief that ICCPR article 25(a) would be breached by one-vote one-value, that ICCPR article 25(b) would not be breached by vote weighting, and its interpretation of "the right and the opportunity to take part in the conduct of public affairs."

On other matters, we urge the parliamentary committee:-

- consider whether the surveyor-general should be a member of the Redistribution Commission, or whether the appointment of the Surveyor-General is being recommended out of historically precedent.
- accept the Commission's recommendation for optional preferential voting, and totally reject as partisan propaganda the spurious assertion that optional preferential voting is somehow "defacto first-past-the-post".
- recommend the constitution of a Standing Committee on Electoral Matters to cater for the future evolution of the Queensland electoral system after the wind-up of EARC and its Parliamentary Committee.
- issues a statement assuring the public the Parliamentary Committee is under no obligation to deliver to Parliament any recommendation to implement EARC's report without question, and will consider independently its recommendations according to the content of EARC's report, the submissions it receives, and according to its role as specified in the EARC Act.

2. PREAMBLE

To date there has been some community reluctance to publicly disagree with findings of the Electoral and Administrative Review Commission. It has been said to do so would undermine the legitimacy of the Commission and simultaneously the authority of its recommendations in many important areas - electoral reform, freedom of information, local government reform, administrative law reform to name a few.

However, the Queensland Watchdog Committee believes there is a world of difference between personal attacks on the Commission and its motives, and vigorous disagreement with aspects of its reports.

This became an issue when the Communities Against Forced Amalgamation (CAFA) and National Party frontbencher Mr Des Booth attacked personally EARC chairman Mr Tom Sherman over local government reform. The QWC in turn criticised this attack as unjustifiable and as designed to undermine the Fitzgerald reform process.

While the QWC disputes EARC recommendations, we do not attack it personally. We are rightly participating in the process established in the EARC Act, which includes public debate on EARC's reports through submissions to its parliamentary committee. The Fitzgerald report referred to the need for informed public debate, as opposed to the practice of manipulating public opinion using expensive public relations machines at taxpayers' expense.

We maintain our confidence in the Fitzgerald reform process and the activities of EARC, however we totally reject the Commission's recommendation for weightage in Western Queensland, the report's assumptions and statements in support of weightage, and its proposed formula for implementing it.

On this basis we urge the EARC Parliamentary Committee overturn the report's proposal for vote weighting and urge parliament adopt a one-vote one-value electoral system for ALL Queensland.

3. THE REASONING FOR EARC ADVOCATING VOTE VALUE VARIATIONS.

3.1. Public acceptance of EARC's weightage proposal

At first EARC's report on the state electoral system received little opposition to its weightage proposal. The initial media reports emphasised "a two per cent variance" when they discussed EARC's proposal for weighting votes in electorates of over 100,000 sq kms.

At this stage public concern did not focus on this proposed variation - after all a two per cent extra variance appears minor. As one person usually quite conversant with electoral systems said, we now have a 12 per cent variation in rural areas and 10 per cent elsewhere.

Public opposition began to mount once it was understood the report was recommending some Queensland votes be worth twice the value of others. There was concern Queensland's political leaders may have been too hasty in accepting EARC's report without realising the gross vote value distortions it was sanctioning. It was felt the Commission had gone too far in allowing vote variations of two to one - a precedent that could be used to implement malapportionment federally and in other states. It was also felt the precedent could open the way to the future further rorting of the Queensland electoral system.

This concern is now being expressed by politicians. Liberal Party leader Mr Denver Beanland is unequivocal his party will not accept EARC's vote weighting proposal, and recently Premier Wayne Goss qualified in parliament his support for EARC's recommendations when he said his commitment was to the Fitzgerald implementation process. Recently Federal Labor MP Mr Gary Johns added his voice to the dissent, when he said the weightage recommendation would set a dangerous precedent.

The Queensland Watchdog Committee expects other MP's will add their voices to those opposing vote weighting. The Committee expects the Queensland public, though supportive of the EARC process, will too overwhelmingly reject this particular proposal once its implications are fully understood. We believe this is a matter of time.

3.2. The assumptions behind EARC's weightage proposal.

EARC's recommendation for vote weighting comes from "principles" it establishes in its report (section 10.26):

- "(a) equal suffrage is an important civil and political right recognised internationally and increasingly in comparable jurisdictions as well as in Australia;

6

- (b) equal suffrage is not absolute and must be considered in relation to other civil and political rights, particularly the right of citizens to take part in the conduct of public affairs directly or through freely chosen representatives;
- (c) if the application of equal suffrage results in the prejudice to good government it can be restricted provided the restrictions:
- i is not unreasonable;
 - ii is proportionate to the prejudice identified; and
 - iii does not produce unfairness in the overall system."

EARC says these "principles" are based primarily on two legal precedents. The first is a legal ruling, *Dixon vs. British Columbia*, made in 1989 in a Canadian Provincial Supreme Court (10.23, 10.24). This ruling in turn is based on sections 1 and 3 of the Canadian Charter of Rights and Freedoms (10.21), and says:

"..only those deviations should be admitted which can be justified on the ground that they contribute to better government of the populace as a whole, giving due weight to regional issues within the populace and geographical factors within the territory concerned."

The second is the Commission's interpretation of article 25 of the International Covenant on Civil and Political Rights (ICCPR). This is based on a legal opinion by Professor Philip Alston included in the report as appendix I.

3.3. The Watchdog Committee's objections to these underlying assumptions.

The Queensland Watchdog Committee rejects aspects of the above "principles", EARC's reference to the British Columbia court's ruling, and the Commission's legal interpretation of the ICCPR for the following reasons:-

3.3.1. We reject the use of a Canadian provincial court's ruling as a prime precedent for Australia, as:-

- . it has no legal standing in Australia. EARC's justification is simply that Canada is constituted similarly to Australia - a Westminster system with federal and state legislatures.
- . Canada has a history of gross electoral rorting which is no working model from which to establish democratic principles.
- . The Canadian ruling recommends a maximum 25 per cent deviation. "It is appropriate to set limits beyond which it cannot be eroded," the ruling says. It must be remembered EARC is recommending vote variations of up to 100 per cent for Queensland.

7

There is a clear historical trend in Australia towards votes of equal value (10.15), a trend EARC notes (10.16) was unanimously accepted by all political parties represented on the Commonwealth Joint Standing Committee on Electoral Matters. In adopting the Canadian ruling, the report is turning back the clock and reversing this historical trend.

3.3.2. We reject the report's assumption any variation of vote values envisaged for Queensland is justified in article 25(a) of the ICCPR. [Article 25(a) declares citizens should have a right "to take part in the conduct of public affairs, directly or through freely chosen representatives".]

EARC's legal advice by Professor Philip Alston is inconclusive about its interpretation of article 25(a), suggesting the term "public affairs" is intended to mean access to governmental and administrative functions.

"In sum, article 25(a) is an important and potentially far-reaching provision, but one whose scope is yet to be the beneficiary of any detailed or sophisticated analysis at the international level."

"...That the provision has not been interpreted with any great strictness is shown by the fact that it is not considered to be incompatible with indirect elections either of a chamber of a parliament or of a President." - Appendix 1, page 5.

Alston's advice concludes:-

"such restriction [on varying vote values] should be carefully confined and prescribed, should be designed to further the overall goals contained in article 25(a) [of the ICCPR] and should not be inconsistent with other provisions of the Covenant (such as those mandating non-discrimination)." - Appendix I, page 11.

Given this, EARC's use of ICCPR article 25(a) to justify vote weighting is brave going on foolhardy by world standards, and possibly a world first. The report is breaking new ground by concluding that article 25(a), which IS NOT contravened by indirect elections of a US president, IS contravened by a system of direct representation that provides electors with access to their members of parliament via multiple electorate offices, fax and phone facilities, and postal services, as well as by face-to-face contact. In this legal sense it is extremely dubious for EARC to argue that article 25(a) gives it justification to override article 25(b), the right "to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage...".

B

It is even more dubious for EARC to conclude it is justified in recommending vote value variations of up to two to one. This is particularly so when one considers other international legal opinions that the report ignores on this point, for example Reynolds Vs. Sims (1963) 377 US, 533, based on an interpretation of the US constitution:

"And, if a State should provide that the votes of citizens in one part of the State should be given TWO TIMES, or five times, or ten times the weight of votes of citizens in another part of the State, it could hardly be contended that the right to vote of those residing in the disfavoured areas had not been effectively diluted." (emphasis added)

In its report EARC completely ignores "democratic pluralism" as one means of people taking part in the conduct of public affairs. Much representation of people is via extra-parliamentary organizations such as the National Farmers' Federation, the Cattlemen's Union, the United Graziers' Association, and through industrial unions such as the Australian Workers' Union. Article 25(a) may well be referring to this extra parliamentary representation as much as to parliamentary representation.

Professor Alston's advice (10.12) that the ICCPR can be interpreted as allowing vote value variations is but one legal opinion. In 1987 the Queensland Labor Party sought legal advice on a similar vein - whether the ICCPR empowers the Federal Government to enact equal suffrage legislation at state level (eg. in Queensland) under the Commonwealth's external affairs power. The 40-page legal opinion concludes the commonwealth could. The opinion is by Brisbane QC Tony Fitzgerald, and is dated May 1987 - some three weeks before the first order-in-council establishing him as commissioner of the state's anti-corruption enquiry.

Fitzgerald's opinion is crucial, because it recommends the enactment of equal suffrage based on the same international convention that Alston is using to recommend the enactment of vote weighting. They are directly at odds.

The Queensland Watchdog Committee recommends the Parliamentary Committee considers Fitzgerald's opinion and seeks its own opinion assessing any reference to the ICCPR to justify vote weighting in Queensland. It should also assess the way EARC had adapted Professor Alston's legal advice to justify its weightage proposal for Queensland, its belief that ICCPR article 25(a) would be breached by one-vote one-value, that ICCPR article 25(b) would not be breached by vote weighting, and its interpretation of "the right and the opportunity to take part in the conduct of public affairs."

3.3.3. The Queensland Watchdog Committee regards as a contradiction EARC's "principle (c)" that the application of equal suffrage can be restricted if it prejudices good government. It is in fact fundamental to good government that every elector has an equal say in the election of parliament. Further, the statement opens the proverbial Pandora's box as to what vote value variations are justifiable and under what conditions they are permissible.

The report's recommendation is itself a good example of this-EARC's answer to what variations to equal suffrage are justifiable is the very arbitrary Robertson formula, and its recipe for vote weighting which in its words:-

- i is not unreasonable;
- ii is proportionate to the prejudice identified; and
- iii does not produce unfairness in the overall system."

Yet a vote value variation of two-to-one is extremely large and very unreasonable, and way out of proportion to the prejudice identified. Further, the proposal produces unfairness in the overall system as it clearly prejudices the Queensland Liberal Party by giving the National Party up to two seats at the Liberal's expense. It would allow for a result where the National Party leads a conservative coalition even where the Liberal Party outpolls it. EARC's vote weighting recommendation therefore contravenes its own principles (see also report section 1.15(d), "Fairness Between Political Parties".)

The Robertson formula and the concern about "unfairness" will be dealt with later, but here it is sufficient to say the Queensland Watchdog Committee totally opposes any variation to one-vote one-value beyond a maximum 10 per cent tolerance as practiced elsewhere in Australia. It regards EARC's proposed vote value variations as opening the door to political rorting of the electoral system in Queensland, Australia, and around the world.

EARC identifies the conditions under which vote weighting is permissible as remote electorates of size 100,000 sq kms or more. Yet if vote weighting is allowed in this case, it is arguably justified as a means of offsetting other forms of hardship-electorates which members have difficulty servicing because of large non-english speaking migrant populations, disproportionate illiteracy or elderly immobile populations. Again it is a case of opening the Pandora's box by sanctioning inequality between vote values.

3.3.4. The Queensland Watchdog Committee further believes the report wrongly concludes there is no way of overcoming any perceived barrier to fair representation in remote electorates other than by weighting votes to reduce the electorates' sizes-for example, by providing multiple electorate offices, low-cost telephone and fax facilities in remoter electorates.

The group is dismayed by the report's claim, section 10.174, that "extra electorate offices only become feasible where electors tend to be concentrated in two centres in an electorate." In its report EARC forgets multiple electorate offices give voters who may live a distance from either centre the opportunity to attend the closer office. For example a voter 600 km from one electorate office and 100 km from another would choose to attend the latter.

The provision of multiple electorate offices may in fact be more effective at increasing an elector's proximity to an electorate office than EARC's weightage proposal. There could be up to three such offices in very large electorates, such as in Eyre in South Australia. The proximity of voters to offices would be better than that provided by reduced electorate sizes resulting from EARC's weightage proposal, on a maximal two-to-one basis. Yet the provision of multiple electorate offices would not deny an equal say at elections for all voters.

The member for Australia's largest seat Kalgoorlie, Mr Graeme Campbell, wrote to EARC illustrating how a large electorate can be effectively represented with face-to-face contact by providing multiple electorate offices in his electorate of 2.5 million square kilometers. Mr Campbell has held his seat of Kalgoorlie for many years.

4. EARC'S PROPOSAL FOR WEIGHTING VOTES - THE ROBERTSON FORMULA

The Queensland Watchdog Committee regards the Robertson phantom voter formula that substitutes real votes with phantom ones as repugnant, simplistic and naive.

4.1. The formula is repugnant.

The formula directly equates people with geographical areas of land using a mystical coefficient of two per cent that calculates a reduction in an electorate's enrolment quota. This is absurd, as the two entities - people and areas of land - cannot be equated. The link has also been rejected legally, for example in the ruling Reynolds Vs. Sims (1963) made in the US Supreme Court:

"Legislators represent people, not trees or acres. Legislators are elected by farms or cities or economic interests."

Yet EARC's formula directly equates these two - by two per cent. Even the Commission notes the arbitrariness of this (10.227):

"The second objection may be the proposed 2% is an arbitrary figure. The Commission considers that there is inevitably an element of arbitrariness in this figure...1% makes little difference. On the other hand, it appears that a 3% allowance would overcompensate and produce unfairness in the system."

We believe it is totally inappropriate for the Parliamentary Committee to recommend the departure from equal suffrage using such a suspect formula containing such a suspect coefficient, particularly when the Commission itself admits it is arbitrary.

4.2. The formula is simplistic.

While the QWC rejects vote weighting outright, it notes the phantom voter proposal is simplistic to the point of being inconsistent with its objective of assisting representation where most needed. The formula identifies only one variable (area) as what constitutes a difficult electorate to service. For example, the New South Wales electorate of Burke is large area-wise (296,000 km²), and would qualify for 5,920 phantom voters if the formula was applied there. However Burke is relatively easy to service as it contains Broken Hill and little population around it. Similarly Gregory (443,250 km²) would receive greater vote weighting than Cook (350,750 km²), yet Cook contains over double the number of population centres to service - 16 towns of 200 or more as opposed to 7 in Gregory. At a conference on electoral reform on December 8 1990, Professor Hughes described the formula as "rather crude" when asked a question about compensation for other aspects of demography in remoter electorates.

4.3. The formula is naive.

The Robertson formula opens the way for further rorting of the electoral system, despite the report's contrary claim in section 10.228. Here EARC misses the point in considering gerrymandering as what could be regarded as legitimised by its proposal - clearly the concern is malapportionment. The report considers the abuse of the current formula as minimal should other electoral districts be altered to conform with the 100,000 sq km threshold. However it does not entertain other possibilities - like variations to the threshold figure of 100,000 sq kms, to the two per cent, or the substitution of another formula altogether under the guise of "targeting remoter electorates more accurately", or "variations due to changes in the state's demography". Professor Hughes's description of the formula as crude, and the report's description of the two per cent threshold as arbitrary, paves the way for change by a future government intent on rorting the system. There is also little to suggest the public would quickly appreciate an injustice was being done to them - given the complexity of the formula and its incomprehensibility to people not conversant with electoral matters.

Worse, the introduction of any formula for weightage legitimises the concept of formulae that vary vote values, and makes it politically expedient for Australian governments at any level to consider vote weighting. The federal National Party must be rubbing its hands at the prospect of weighting federal divisions, given the number of larger federal divisions and the legitimacy this recommendation would give to such a move. Former leader Ian Sinclair spoke on Brisbane talk-back radio (4QR) during the lead-up to the 1987 Federal Election on the federal National Party wanting some electoral weightage in larger federal divisions.

Overseas governments must too be savouring the prospect of introducing malapportionment based on EARC's landmark interpretation of the ICCPR which legitimises variations in vote values as necessary for fulfilling international human rights' treaty obligations under ICCPR article 25(a).

In short, the Robertson formula both in detail and in concept is an aberration to the quest for fairer electoral systems domestically and internationally, and EARC's pondering and dismissal of its possible abuse (sections 10.229 and 10.236) is at best narrowly focussed and incomplete.

We urge the Parliamentary Committee totally reject the Robertson formula and any other formula that attempts to vary the value of citizens' votes under the guise of improved parliamentary representation.

4.4. Other objections to vote weighting.

In its report EARC sets aside a section (10.221 to 10.238) where it attempts to preempt criticism of its weightage proposal and rebut it before it is made. These criticisms are broadly:-

- . concern about the setting of precedents (particularly federally)
- . concern about the abuse of the formula (already dealt with).

The Queensland Watchdog Committee rejects totally EARC's argument that a precedent for weightage in other electoral systems is not being set by its weightage recommendation.

First, the Commission is basing its recommendation heavily on the application of article 25(a) of the ICCPR. This article makes no distinction between bicameral and unicameral parliaments (nor between direct and indirect elections). In other words EARC is making an interpretation of the ICCPR which could be used anywhere (including federally) and is an extremely dangerous precedent.

Secondly, it is totally naive of EARC to say (10.226, 10,227) that its weightage proposal would be not be relevant federally because federal senators assist federal members of parliament. In its report EARC says:-

"The federal practice is a substantial objection. As already noted in this report there are federal electoral divisions much larger than the biggest Queensland electoral district. Why should Queensland electoral districts much smaller be favorably treated when much larger federal electoral divisions are not?" - (section 10.225)

"There was some evidence to suggest there was no prejudice in large federal electoral divisions. The Commission did not pursue this matter ... Queensland has only one House of Parliament and all electoral representation is concentrated in that legislative assembly. THEREFORE federal members in large divisions are assisted by Senators." - section 10.226).

It is skewed logic for EARC to conclude federal senators must be assisting their local MHR's because it could find no prejudice in large federal electoral divisions. The following is a more accurate reflection of which electorates are visited by federal senators, according to our discussions with MP's:

- . Federal senators are elected on a party-list proportional representation basis. For their reelection they are almost totally dependent on retaining a favorable position on their party ticket (ask former Senators John Black and Chris Puplick).

14

- . As senators they spend much of their time with senate select and joint parliamentary committees.
- . As party representatives they also spend time in federal divisions where they are most needed by their party - ie. marginal federal divisions, as distinct from remote ones. They are currently more likely to spend their time in urban seats backing up the work of urban MHR's, given the greater political volatility of urban voters.

Our view may be a cynical one, but it is consistent with the prevailing power structure and allegiance of senators to their party. It certainly challenges EARC's belief that senators back-up MHR's in remote electorates. Further there is now the question as to why EARC did not pursue how Queensland federal MHR's in remote electorates service their constituents. EARC itself admits Queensland has for years had one-vote one-value at federal level, with some federal divisions far larger than any of the 89 districts that could be created if one-vote one-value was introduced at state level.

EARC's statement (10.226) that "there was some evidence to suggest there was no prejudice in large federal divisions" also suggests it is untrue there would be an enormous prejudice in state electorates smaller than their federal counterpart. EARC appears to be recommending weightage even though it has failed to do its homework and find out how the federal system works without it. (There are at least 10 divisions over 100,000 km² that would immediately qualify for vote weighting if EARC's proposal was adopted federally.)

5. OTHER MATTERS IN THE REPORT.

This submission is most concerned with electoral weightage, however there are other concerns which we wish to mention briefly:-

5.1. The Surveyor-General as a member of the Redistribution Commission.

The Queensland Watchdog Committee questions why the Surveyor-General should be a member of the Electoral Commission. Traditionally this person is a Band 3 Public Servant heading the Division of Information in the Lands Department. Certainly that division is the major mapping authority of the state, and should be required to provide the Commission whatever mapping resources it needs. However the incumbent of the Surveyor-General position is not necessarily well equipped for the judicial and deliberative role of an electoral commissioner, neither by virtue of qualification nor experience.

5.2. Optional preferential voting.

The Queensland Watchdog Committee strongly endorses the Commission's recommendation for optional preferential voting.

We totally reject the argument that the system would lead to a "defacto first-past-the-post" voting system, as it remains the elector's decision whether to cast preferences or not. Indeed the existence of optional preferential voting in Queensland for 50 years from 1892 to 1942 begs the question as to why it was abolished to make way for first-past-the-post. According to our information, the Queensland Government of the late 1930's and early 1940's had calculated it would have performed significantly better in a general election and by-elections had preferences not been allocated, and subsequently abolished optional preferential voting. If this is true, those who claim the system is "defacto first-past-the-post" are talking nonsense, as preferences were shown to make a difference.

However in the end it does not matter one iota if people cast their preferences or not which determines whether optional preferential voting is "defacto first-past-the-post" - what matters is that the choice of casting preferences remains with the voter, and not the system. In EARC's terms:-

"The Commission considers that this phenomenon reinforces the view that under the current compulsory preferential system voters are being required to express views they may not have. Encouraging voters to express preferences is ultimately a matter for candidates and parties, not the electoral system." (section 6.25).

16

The Queensland Watchdog Committee notes it is elements of the party machines (including these days the Queensland Australian Democrats) who are the ones campaigning against optional preferential voting for personal pragmatic reasons - not the public. The Queensland Watchdog Committee trusts the EARC Parliamentary Committee will see that for what it is.

5.3. Proportional representation.

The Queensland Watchdog Committee regrets EARC's decision not to recommend proportional representation for Queensland. We believe the Commission would have not have even considered electoral weightage had it recommended PR. One of PR's advantages is the ability of members in a multi-member division to work together and assist one another in servicing their area.

However we trust the committee notes the Commission has flagged the introduction of proportional representation as a future consideration. EARC says:

"If the role of the three major parties diminishes and support is transferred on a significant scale to emerging political forces, it would be appropriate to think again and to seek to introduce a different divisional system that would meet the needs of a different political situation. Were the legislative assembly to have a Standing Committee on Electoral Matters, a possibility that the Commission will have to address in its Stage 4 investigation, that would be the appropriate forum in which such questions could be explored." - section 4.57.

Of course there is a "dog chasing its tail" effect in the lack of support for minor groups and parties noted by EARC under our single-member electorate system. Many people simply do not support candidates they perceive as unlikely to win, and minor forces are far less likely to gain representation in a single-member electorate system. In this regard the domination of major parties in our single-member system is a consequence of that system and a self-fulfilling prophesy.

In the meantime, the Watchdog Committee urges the EARC Parliamentary Committee considers carefully the future evolution of the Queensland electoral system. We note EARC is a temporary commission (unlike the CJC) with a life-expectancy of five years. We also note the Parliamentary Committee would cease to exist without the Commission. However there is a definite need for an on-going mechanism to review electoral matters after this five year period. The proportional representation debate suggests there is already grounds for EARC's recommended Standing Committee on electoral matters to cater for that future evolution and our desire for a fairer democracy with the passing of time.

5.4. The independence of the EARC Parliamentary Committee.

Our final plea is that the Parliamentary Committee act independently of the initial political statements of commitment to EARC's report made by Queensland party leaders. The Parliamentary Committee is under no obligation to deliver to the parliamentary leaders the report's unquestioned implementation.

In particular the Parliamentary Committee must assess independently whether EARC's recommendation for a two-zonal electoral system and vote weighting is justified and soundly based. The committee should also indicate publicly whether it is prepared to recommend against the report's recommendation for weightage should its own analysis reveal it for the fraud it is.

The Queensland Watchdog Committee also rejects any thought that the Parliamentary Committee's role is to recommend to parliament purely what it regards as politically expedient, whether based on the state of the electoral debate in the media, or on any other consideration. We point out the Parliamentary Committee's role is well defined in the EARC Act, and its prime task is to objectively comment on the Commission's reports.

We point out this issue of the independence of the Parliamentary Committee is an important one in itself - anything less would undermine the role of the Parliamentary Committee and would refuel the time-old allegation that Queensland Parliamentary Committees are no more than a rubber stamp. Anything less would also impair the Committee's ability to examine the future EARC report on the functions and powers of Parliamentary Committees in general. It would place the Parliamentary Committee in a dubious position if it should recommend a system of independent parliamentary committees yet be seen not to be independent itself.

Apart from the principle of its own independence, there are other basic principles for the Parliamentary Committee to grapple with, for example the principle of placing the sovereignty of parliament above the views expressed in a Commission's report, and the fundamental principle of equality between the citizens of a democracy.

The question of weightage has now been firmly agendered for reconsideration by the Parliamentary Committee by this and like-minded submissions.

We wish the Parliamentary Committee well in its deliberations.

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THE RESEARCH DIRECTOR

PARLIAMENTARY COMMITTEE FOR ELECTORAL AND ADMINISTRATIVE REVIEW

PARLIAMENT HOUSE

GEORGE STREET

BRISBANE

COMMENTS IN RESPONSE TO THE ELECTORAL AND ADMINISTRATIVE REVIEW

COMMISSION'S REPORT ON

THE LEGISLATIVE ASSEMBLY ELECTORAL SYSTEM

FROM S. JOYLE

"FOREST HILL"

BLACKALL 4472.

INTRODUCTION

The establishment of the fairest possible voting system for Queensland is the enormous responsibility of this Queensland Government.

With the abolition of the Upper House in 1922, Queensland has the only unicameral government in Australia.

The abolition of the Upper House has increased the responsibilities of the Members of the Legislative Assembly, but has decreased the democratic rights of all Queenslanders.

Without an Upper House to review the legislation of the government of the day, there are no checks and balances on the government in power.

Here in Queensland, all legislation, no matter how bad, is passed and becomes law.

VOTING SYSTEM AND VOTING METHODS

Single Member electorates with full preferential voting must be maintained, so that a candidate must obtain

. 50% plus one to be elected.

. Full preferential voting avoids the possibility of minority government and

. All parties and groups are able to contest elections without giving government to a major party they dislike.

PRE-POLL VOTING

Electors ought to be able to vote during the week prior to the election. Eg. If they will be out of their electorate on polling day.

. The weather is inclement, and they may be unable to vote on polling day, or if

COMPULSORY VOTING AND COMPULSORY ENROLMENT

The public should be encouraged to enrol at 18 yrs of age, but not compelled.

Voting should be VOLUNTARY.

Australia is peculiar among democratic countries in that it compels its people to vote.

Queensland was the first state in Australia to introduce compulsory voting in 1915, so it is fitting that Queensland should be the first state to recognize that compulsory voting has led to cynicism, apathy and a lack of respect within the community for politicians and government.

It should be Queensland that should be the first state to abolish compulsory voting.

ELECTORAL WEIGHTAGE

EARC has given some recognition to the fact that for an electoral system to be fair, weightage must be given to the remote, less densely populated areas of Queensland.

Democracies throughout the world recognize this fact.

Great Britain, Canada and the United States all give weightage to their remote electorates.

However if the EARC recommendations are implemented, Queensland will still have electorates that cover huge areas of the state.

Electorates that are far too large for a candidate to represent adequately.

At present 51 of the 89 seats are in the South-East Corner of the State. The urban South-East of the State has always dominated Queensland Governments.

It is time that all Queenslanders realized this.

An electorates size should be based on the number enrolled, with a tolerance of at least 20%.

REDISTRIBUTION PRINCIPLES AND PROCESSES

Monitoring electorate numbers on a monthly basis is impractical and expensive.

Redistributions of Electoral boundaries should be undertaken after three elections have been held, with the redistribution process open to public scrutiny.

Monitoring electorate numbers should be done on a biennial or triennial basis.

THE NUMBERS OF MEMBERS OF PARLIAMENT

The numbers of the Legislative Assembly could remain at 89.

REINTRODUCTION OF THE UPPER HOUSE OR HOUSE OF REVIEW

It is imperative that an Upper House be reintroduced in Queensland without delay.

It is appalling that Queensland has been for so long without an Upper House.

An Upper House should be elected by Proportional Representation, on the same principles as the Senate, with the State as one electorate, and a quota necessary for election.

Number of Members of an Upper House

Suggested number ---- 33 or 37% of the seats in the Legislative Assembly. This percentage should remain fixed so that when seats are created in the Lower House, members of the Upper House should increase in proportion, so as to maintain numbers at 37% of the Lower House.

INDEPENDENT COMMISSION

An Independent Commission should oversee the redistribution of electoral boundaries, taking into consideration
. Community of interests within the proposed electoral district.

CONCLUSION

There seems to be a brard assumption that the Federal System has no problems --That it is some how "fair":

Any system that forces the creation of vast unwieldy electorates such as Kennedy or Maranoa cannot be classed as "fair" by any thinking person!

Not since 1922 has a Queensland Government had to make such a momentus decision!

It is an opportunity for wise legislation, for Queensland to have a Voting System and a Parliament that upholds all democratic principles. A Parliament where the rights of all Queenslanders are given the utmost support.

THE QUEENSLAND WATCHDOG COMMITTEE

SUBMISSION TO : THE ELECTORAL AND ADMINISTRATIVE REVIEW
COMMISSION PARLIAMENTARY COMMITTEE

SUBJECT : REPORT ON THE QUEENSLAND LEGISLATIVE ASSEMBLY
ELECTORAL SYSTEM

DECEMBER 31, 1990

1. SUMMARY

The Queensland Watchdog Committee (QWC) rejects EARC's proposal for vote weighting as contrary to democratic principles, and urges the Electoral and Administrative Review Parliamentary Committee recommends:-

- that parliament implements a one-vote one-value electoral system for ALL Queensland.
- that parliament rejects any proposal where some Queensland votes are worth up to twice those of others as anathema to the concept of Queenslanders being equal before the law, and equal when they vote.
- that parliament rejects totally EARC's intellectually indefensible formula that equates areas of land with numbers of voters to calculate a quota of "phantom voters" using an arbitrary coefficient of 0.02.

The Queensland Watchdog Committee regards EARC's recommendation for vote value variations as logically flawed and setting a dangerous international precedent. We urge the EARC Parliamentary Committee reject EARC's weightage proposal for these reasons:-

- A major foundation of EARC's weightage recommendation is a ruling of a Canadian Provincial Court which has no legal jurisdiction in Australia.
- Canada is a country where much rorting of electoral systems has taken place. It provides no impeccable model on which to base Australian electoral law.
- The other foundation for EARC's weightage recommendation is article 25(a) of the International Covenant on Civil and Political Rights (ICCPR). EARC's legal justification for basing the weighting of votes on this international human rights covenant is dubious.

Further, EARC's use of article 25(a) to recommend the variation in vote values is possibly a "world first", an infamous landmark in international electoral law.

EARC has selectively dismissed other legal rulings, such as the United States ruling Reynolds Vs. Sims (1963) that cites vote value variations of two to one as diluting the democratic rights of those residing in the disfavoured areas.

EARC's legal interpretation (by Professor Philip Alston, Appendix I) on the application of the ICCPR to vote weighting is totally at odds with a legal opinion on the same topic delivered in May 1987 by Tony Fitzgerald QC. Fitzgerald's opinion was commissioned by the Queensland Labor Party prior to his appointment to the state's anti-corruption commission. It recommended the Australia-wide enactment of equal suffrage based on the same international convention clauses Alston is using to justify vote weighting. These two legal opinions are at odds.

EARC has dismissed without logical justification the argument that multiple electorate offices can be used to offset problems faced by MP's in remote electorates. The group is dismayed by the report's claim that all electors must reside in one of two populations for multiple electorate offices to work - this is contrary to common sense and federal practice.

EARC's endorsement of the Robertson formula is at odds with EARC's espoused "principles", particularly its requirement that any weightage not produce unfairness in the overall system. However it is obvious the recommended weightage will handicap the Queensland Liberal Party in future elections.

The Robertson formula directly equates people with geographical areas of land using a mystic two per cent coefficient that calculates a reduction in an electorate's enrolment quota. This is absurd, as the two entities, people and areas of land, cannot be equated.

The Queensland Watchdog Committee regards the Robertson formula as repugnant, simplistic and naive, and in many instances incapable of delivering electoral justice according to the Commission's own objectives.

The weightage recommendation sets a precedent for sorting vote values not only in Queensland and Australia, but world-wide as well. When dismissing this concern EARC forgets federal National Party policy espoused back in 1987 favoured the weighting of votes federally. EARC's recommendation has possibly placed the weighting of votes back on the federal political agenda.

- The Commission is wrong to suggest federal senators compliment the work of federal MHR's in remote electorates as a reason why their vote weighting proposal would not be adopted federally. Our contact with MP's suggests this is far from true.

We recommend the Parliamentary Committee considers Fitzgerald's legal opinion and seeks its own in assessing any reference to the ICCPR to justify vote weighting in Queensland. It should also assess the way EARC had adapted Professor Alston's legal advice (Appendix I) to justify its weightage proposal for Queensland, its belief that ICCPR article 25(a) would be breached by one-vote one-value, that ICCPR article 25(b) would not be breached by vote weighting, and its interpretation of "the right and the opportunity to take part in the conduct of public affairs."

On other matters, we urge the parliamentary committee:-

- consider whether the surveyor-general should be a member of the Redistribution Commission, or whether the appointment of the Surveyor-General is being recommended out of historically precedent.
- accept the Commission's recommendation for optional preferential voting, and totally reject as partisan propaganda the spurious assertion that optional preferential voting is somehow "defacto first-past-the-post".
- recommend the constitution of a Standing Committee on Electoral Matters to cater for the future evolution of the Queensland electoral system after the wind-up of EARC and its Parliamentary Committee.
- issues a statement assuring the public the Parliamentary Committee is under no obligation to deliver to Parliament any recommendation to implement EARC's report without question, and will consider independently its recommendations according to the content of EARC's report, the submissions it receives, and according to its role as specified in the EARC Act.

2. PREAMBLE

To date there has been some community reluctance to publicly disagree with findings of the Electoral and Administrative Review Commission. It has been said to do so would undermine the legitimacy of the Commission and simultaneously the authority of its recommendations in many important areas - electoral reform, freedom of information, local government reform, administrative law reform to name a few.

However, the Queensland Watchdog Committee believes there is a world of difference between personal attacks on the Commission and its motives, and vigorous disagreement with aspects of its reports.

This became an issue when the Communities Against Forced Amalgamation (CAFA) and National Party frontbencher Mr Des Booth attacked personally EARC chairman Mr Tom Sherman over local government reform. The QWC in turn criticised this attack as unjustifiable and as designed to undermine the Fitzgerald reform process.

While the QWC disputes EARC recommendations, we do not attack it personally. We are rightly participating in the process established in the EARC Act, which includes public debate on EARC's reports through submissions to its parliamentary committee. The Fitzgerald report referred to the need for informed public debate, as opposed to the practice of manipulating public opinion using expensive public relations machines at taxpayers' expense.

We maintain our confidence in the Fitzgerald reform process and the activities of EARC, however we totally reject the Commission's recommendation for weightage in Western Queensland, the report's assumptions and statements in support of weightage, and its proposed formula for implementing it.

On this basis we urge the EARC Parliamentary Committee overturn the report's proposal for vote weighting and urge parliament adopt a one-vote one-value electoral system for ALL Queensland.

3. THE REASONING FOR EARC ADVOCATING VOTE VALUE VARIATIONS.

3.1. Public acceptance of EARC's weightage proposal

At first EARC's report on the state electoral system received little opposition to its weightage proposal. The initial media reports emphasised "a two per cent variance" when they discussed EARC's proposal for weighting votes in electorates of over 100,000 sq kms.

At this stage public concern did not focus on this proposed variation - after all a two per cent extra variance appears minor. As one person usually quite conversant with electoral systems said, we now have a 12 per cent variation in rural areas and 10 per cent elsewhere.

Public opposition began to mount once it was understood the report was recommending some Queensland votes be worth twice the value of others. There was concern Queensland's political leaders may have been too hasty in accepting EARC's report without realising the gross vote value distortions it was sanctioning. It was felt the Commission had gone too far in allowing vote variations of two to one - a precedent that could be used to implement malapportionment federally and in other states. It was also felt the precedent could open the way to the future further rorting of the Queensland electoral system.

This concern is now being expressed by politicians. Liberal Party leader Mr Denver Beanland is unequivocal his party will not accept EARC's vote weighting proposal, and recently Premier Wayne Goss qualified in parliament his support for EARC's recommendations when he said his commitment was to the Fitzgerald implementation process. Recently Federal Labor MP Mr Gary Johns added his voice to the dissent, when he said the weightage recommendation would set a dangerous precedent.

The Queensland Watchdog Committee expects other MP's will add their voices to those opposing vote weighting. The Committee expects the Queensland public, though supportive of the EARC process, will too overwhelmingly reject this particular proposal once its implications are fully understood. We believe this is a matter of time.

3.2. The assumptions behind EARC's weightage proposal.

EARC's recommendation for vote weighting comes from "principles" it establishes in its report (section 10.26):

"(a) equal suffrage is an important civil and political right recognised internationally and increasingly in comparable jurisdictions as well as in Australia;

- (b) equal suffrage is not absolute and must be considered in relation to other civil and political rights, particularly the right of citizens to take part in the conduct of public affairs directly or through freely chosen representatives;
- (c) if the application of equal suffrage results in the prejudice to good government it can be restricted provided the restriction:
- i is not unreasonable;
 - ii is proportionate to the prejudice identified; and
 - iii does not produce unfairness in the overall system."

EARC says these "principles" are based primarily on two legal precedents. The first is a legal ruling, *Dixon vs. British Columbia*, made in 1989 in a Canadian Provincial Supreme Court (10.23, 10.24). This ruling in turn is based on sections 1 and 3 of the Canadian Charter of Rights and Freedoms (10.21), and says:

"..only those deviations should be admitted which can be justified on the ground that they contribute to better government of the populace as a whole, giving due weight to regional issues within the populace and geographical factors within the territory concerned."

The second is the Commission's interpretation of article 25 of the International Covenant on Civil and Political Rights (ICCPR). This is based on a legal opinion by Professor Philip Alston included in the report as appendix I.

3.3. The Watchdog Committee's objections to these underlying assumptions.

The Queensland Watchdog Committee rejects aspects of the above "principles", EARC's reference to the British Columbia court's ruling, and the Commission's legal interpretation of the ICCPR for the following reasons:-

3.3.1. We reject the use of a Canadian provincial court's ruling as a prime precedent for Australia, as:-

- . it has no legal standing in Australia. EARC's justification is simply that Canada is constituted similarly to Australia - a Westminster system with federal and state legislatures.
- . Canada has a history of gross electoral rorting which is no working model from which to establish democratic principles.
- . The Canadian ruling recommends a maximum 25 per cent deviation. "It is appropriate to set limits beyond which it cannot be eroded," the ruling says. It must be remembered EARC is recommending vote variations of up to 100 per cent for Queensland.

There is a clear historical trend in Australia towards votes of equal value (10.15), a trend EARC notes (10.16) was unanimously accepted by all political parties represented on the Commonwealth Joint Standing Committee on Electoral Matters. In adopting the Canadian ruling, the report is turning back the clock and reversing this historical trend.

3.3.2. We reject the report's assumption any variation of vote values envisaged for Queensland is justified in article 25(a) of the ICCPR. [Article 25(a) declares citizens should have a right "to take part in the conduct of public affairs, directly or through freely chosen representatives".]

EARC's legal advice by Professor Philip Alston is inconclusive about its interpretation of article 25(a), suggesting the term "public affairs" is intended to mean access to governmental and administrative functions.

"In sum, article 25(a) is an important and potentially far-reaching provision, but one whose scope is yet to be the beneficiary of any detailed or sophisticated analysis at the international level."

"...That the provision has not been interpreted with any great strictness is shown by the fact that it is not considered to be incompatible with indirect elections either of a chamber of a parliament or of a President." - Appendix I, page 5.

Alston's advice concludes:-

"such restriction [on varying vote values] should be carefully confined and prescribed, should be designed to further the overall goals contained in article 25(a) [of the ICCPR] and should not be inconsistent with other provisions of the Covenant (such as those mandating non-discrimination)." - Appendix I, page 11.

Given this, EARC's use of ICCPR article 25(a) to justify vote weighting is brave going on foolhardy by world standards, and possibly a world first. The report is breaking new ground by concluding that article 25(a), which IS NOT contravened by indirect elections of a US president, IS contravened by a system of direct representation that provides electors with access to their members of parliament via multiple electorate offices, fax and phone facilities, and postal services, as well as by face-to-face contact. In this legal sense it is extremely dubious for EARC to argue that article 25(a) gives it justification to override article 25(b), the right "to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage...".

It is even more dubious for EARC to conclude it is justified in recommending vote value variations of up to two to one. This is particularly so when one considers other international legal opinions that the report ignores on this point, for example Reynolds Vs. Sims (1963) 377 US, 533, based on an interpretation of the US constitution:

"And, if a State should provide that the votes of citizens in one part of the State should be given TWO TIMES, or five times, or ten times the weight of votes of citizens in another part of the State, it could hardly be contended that the right to vote of those residing in the disfavoured areas had not been effectively diluted." (emphasis added)

In its report EARC completely ignores "democratic pluralism" as one means of people taking part in the conduct of public affairs. Much representation of people is via extra-parliamentary organizations such as the National Farmers' Federation, the Cattlemen's Union, the United Graziers' Association, and through industrial unions such as the Australian Workers' Union. Article 25(a) may well be referring to this extra parliamentary representation as much as to parliamentary representation.

Professor Alston's advice (10.12) that the ICCPR can be interpreted as allowing vote value variations is but one legal opinion. In 1987 the Queensland Labor Party sought legal advice on a similar vein - whether the ICCPR empowers the Federal Government to enact equal suffrage legislation at state level (eg. in Queensland) under the Commonwealth's external affairs power. The 40-page legal opinion concludes the commonwealth could. The opinion is by Brisbane QC Tony Fitzgerald, and is dated May 1987 - some three weeks before the first order-in-council establishing him as commissioner of the state's anti-corruption enquiry.

Fitzgerald's opinion is crucial, because it recommends the enactment of equal suffrage based on the same international convention that Alston is using to recommend the enactment of vote weighting. They are directly at odds.

The Queensland Watchdog Committee recommends the Parliamentary Committee considers Fitzgerald's opinion and seeks its own opinion assessing any reference to the ICCPR to justify vote weighting in Queensland. It should also assess the way EARC had adapted Professor Alston's legal advice to justify its weightage proposal for Queensland, its belief that ICCPR article 25(a) would be breached by one-vote one-value, that ICCPR article 25(b) would not be breached by vote weighting, and its interpretation of "the right and the opportunity to take part in the conduct of public affairs."

3.3.3. The Queensland Watchdog Committee regards as a contradiction EARC's "principle (c)" that the application of equal suffrage can be restricted if it prejudices good government. It is in fact fundamental to good government that every elector has an equal say in the election of parliament. Further, the statement opens the proverbial Pandora's box as to what vote value variations are justifiable and under what conditions they are permissible.

The report's recommendation is itself a good example of this - EARC's answer to what variations to equal suffrage are justifiable is the very arbitrary Robertson formula, and its recipe for vote weighting which in its words:-

- "i is not unreasonable;
- ii is proportionate to the prejudice identified; and
- iii does not produce unfairness in the overall system."

Yet a vote value variation of two-to-one is extremely large and very unreasonable, and way out of proportion to the prejudice identified. Further, the proposal produces unfairness in the overall system as it clearly prejudices the Queensland Liberal Party by giving the National Party up to two seats at the Liberal's expense. It would allow for a result where the National Party leads a conservative coalition even where the Liberal Party outpolls it. EARC's vote weighting recommendation therefore contravenes its own principles (see also report section 1.15(d), "Fairness Between Political Parties".)

The Robertson formula and the concern about "unfairness" will be dealt with later, but here it is sufficient to say the Queensland Watchdog Committee totally opposes any variation to one-vote one-value beyond a maximum 10 per cent tolerance as practiced elsewhere in Australia. It regards EARC's proposed vote value variations as opening the door to political rorting of the electoral system in Queensland, Australia, and around the world.

EARC identifies the conditions under which vote weighting is permissible as remote electorates of size 100,000 sq kms or more. Yet if vote weighting is allowed in this case, it is arguably justified as a means of offsetting other forms of hardship - electorates which members have difficulty servicing because of large non-english speaking migrant populations, disproportionate illiteracy or elderly immobile populations. Again it is a case of opening the Pandora's box by sanctioning inequality between vote values.

3.3.4. The Queensland Watchdog Committee further believes the report wrongly concludes there is no way of overcoming any perceived barrier to fair representation in remote electorates other than by weighting votes to reduce the electorates' sizes - for example, by providing multiple electorate offices, low-cost telephone and fax facilities in remoter electorates.

The group is dismayed by the report's claim, section 10.174, that "extra electorate offices only become feasible where electors tend to be concentrated in two centres in an electorate." In its report EARC forgets multiple electorate offices give voters who may live a distance from either centre the opportunity to attend the closer office. For example a voter 600 km from one electorate office and 100 km from another would choose to attend the latter.

The provision of multiple electorate offices may in fact be more effective at increasing an elector's proximity to an electorate office than EARC's weightage proposal. There could be up to three such offices in very large electorates, such as in Eyre in South Australia. The proximity of voters to offices would be better than that provided by reduced electorate sizes resulting from EARC's weightage proposal, on a maximal two-to-one basis. Yet the provision of multiple electorate offices would not deny an equal say at elections for all voters.

The member for Australia's largest seat Kalgoorlie, Mr Graeme Campbell, wrote to EARC illustrating how a large electorate can be effectively represented with face-to-face contact by providing multiple electorate offices in his electorate of 2.5 million square kilometers. Mr Campbell has held his seat of Kalgoorlie for many years.

4. EARC'S PROPOSAL FOR WEIGHTING VOTES - THE ROBERTSON FORMULA

The Queensland Watchdog Committee regards the Robertson phantom voter formula that substitutes real votes with phantom ones as repugnant, simplistic and naive.

4.1. The formula is repugnant.

The formula directly equates people with geographical areas of land using a mystical coefficient of two per cent that calculates a reduction in an electorate's enrolment quota. This is absurd, as the two entities - people and areas of land - cannot be equated. The link has also been rejected legally, for example in the ruling Reynolds Vs. Sims (1963) made in the US Supreme Court:

"Legislators represent people, not trees or acres. Legislators are elected by farms or cities or economic interests."

Yet EARC's formula directly equates these two - by two per cent. Even the Commission notes the arbitrariness of this (10.227):

"The second objection may be the proposed 2% is an arbitrary figure. The Commission considers that there is inevitably an element of arbitrariness in this figure...1% makes little difference. On the other hand, it appears that a 3% allowance would overcompensate and produce unfairness in the system."

We believe it is totally inappropriate for the Parliamentary Committee to recommend the departure from equal suffrage using such a suspect formula containing such a suspect coefficient, particularly when the Commission itself admits it is arbitrary.

4.2. The formula is simplistic.

While the QWC rejects vote weighting outright, it notes the phantom voter proposal is simplistic to the point of being inconsistent with its objective of assisting representation where most needed. The formula identifies only one variable (area) as what constitutes a difficult electorate to service. For example, the New South Wales electorate of Burke is large area-wise (296,000 km²), and would qualify for 5,920 phantom voters if the formula was applied there. However Burke is relatively easy to service as it contains Broken Hill and little population around it. Similarly Gregory (443,250 km²) would receive greater vote weighting than Cook (350,750 km²), yet Cook contains over double the number of population centres to service - 16 towns of 200 or more as opposed to 7 in Gregory. At a conference on electoral reform on December 8 1990, Professor Hughes described the formula as "rather crude" when asked a question about compensation for other aspects of demography in remoter electorates.

4.3. The formula is naive.

The Robertson formula opens the way for further rorting of the electoral system, despite the report's contrary claim in section 10.228. Here EARC misses the point in considering gerrymandering as what could be regarded as legitimised by its proposal - clearly the concern is malapportionment. The report considers the abuse of the current formula as minimal should other electoral districts be altered to conform with the 100,000 sq km threshold. However it does not entertain other possibilities - like variations to the threshold figure of 100,000 sq kms, to the two per cent, or the substitution of another formula altogether under the guise of "targeting remoter electorates more accurately", or "variations due to changes in the state's demography". Professor Hughes's description of the formula as crude, and the report's description of the two per cent threshold as arbitrary, paves the way for change by a future government intent on rorting the system. There is also little to suggest the public would quickly appreciate an injustice was being done to them - given the complexity of the formula and its incomprehensibility to people not conversant with electoral matters.

Worse, the introduction of any formula for weightage legitimises the concept of formulae that vary vote values, and makes it politically expedient for Australian governments at any level to consider vote weighting. The federal National Party must be rubbing its hands at the prospect of weighting federal divisions, given the number of larger federal divisions and the legitimacy this recommendation would give to such a move. Former leader Ian Sinclair spoke on Brisbane talk-back radio (4QR) during the lead-up to the 1987 Federal Election on the federal National Party wanting some electoral weightage in larger federal divisions.

Overseas governments must too be savouring the prospect of introducing malapportionment based on EARC's landmark interpretation of the ICCPR which legitimises variations in vote values as necessary for fulfilling international human rights' treaty obligations under ICCPR article 25(a).

In short, the Robertson formula both in detail and in concept is an aberration to the quest for fairer electoral systems domestically and internationally, and EARC's pondering and dismissal of its possible abuse (sections 10.229 and 10.236) is at best narrowly focussed and incomplete.

We urge the Parliamentary Committee totally reject the Robertson formula and any other formula that attempts to vary the value of citizens' votes under the guise of improved parliamentary representation.

4.4. Other objections to vote weighting.

In its report EARC sets aside a section (10.221 to 10.238) where it attempts to preempt criticism of its weightage proposal and rebut it before it is made. These criticisms are broadly:-

- . concern about the setting of precedents (particularly federally)
- . concern about the abuse of the formula (already dealt with).

The Queensland Watchdog Committee rejects totally EARC's argument that a precedent for weightage in other electoral systems is not being set by its weightage recommendation.

First, the Commission is basing its recommendation heavily on the application of article 25(a) of the ICCPR. This article makes no distinction between bicameral and unicameral parliaments (nor between direct and indirect elections). In other words EARC is making an interpretation of the ICCPR which could be used anywhere (including federally) and is an extremely dangerous precedent.

Secondly, it is totally naive of EARC to say (10.226, 10,227) that its weightage proposal would be not be relevant federally because federal senators assist federal members of parliament. In its report EARC says:-

"The federal practice is a substantial objection. As already noted in this report there are federal electoral divisions much larger than the biggest Queensland electoral district. Why should Queensland electoral districts much smaller be favorably treated when much larger federal electoral divisions are not?" - (section 10.225)

"There was some evidence to suggest there was no prejudice in large federal electoral divisions. The Commission did not pursue this matter ... Queensland has only one House of Parliament and all electoral representation is concentrated in that legislative assembly. THEREFORE federal members in large divisions are assisted by Senators." - section 10.226).

It is skewed logic for EARC to conclude federal senators must be assisting their local MHR's because it could find no prejudice in large federal electoral divisions. The following is a more accurate reflection of which electorates are visited by federal senators, according to our discussions with MP's:

- . Federal senators are elected on a party-list proportional representation basis. For their reelection they are almost totally dependent on retaining a favorable position on their party ticket (ask former Senators John Black and Chris Puplick).

As senators they spend much of their time with senate select and joint parliamentary committees.

As party representatives they also spend time in federal divisions where they are most needed by their party - ie. marginal federal divisions, as distinct from remote ones. They are currently more likely to spend their time in urban seats backing up the work of urban MHR's, given the greater political volatility of urban voters.

Our view may be a cynical one, but it is consistent with the prevailing power structure and allegiance of senators to their party. It certainly challenges EARC's belief that senators back-up MHR's in remote electorates. Further there is now the question as to why EARC did not pursue how Queensland federal MHR's in remote electorates service their constituents. EARC itself admits Queensland has for years had one-vote one-value at federal level, with some federal divisions far larger than any of the 89 districts that could be created if one-vote one-value was introduced at state level.

EARC's statement (10.226) that "there was some evidence to suggest there was no prejudice in large federal divisions" also suggests it is untrue there would be an enormous prejudice in state electorates smaller than their federal counterpart. EARC appears to be recommending weightage even though it has failed to do its homework and find out how the federal system works without it. (There are at least 10 divisions over 100,000 km² that would immediately qualify for vote weighting if EARC's proposal was adopted federally.)

5. OTHER MATTERS IN THE REPORT.

This submission is most concerned with electoral weightage, however there are other concerns which we wish to mention briefly:-

5.1. The Surveyor-General as a member of the Redistribution Commission.

The Queensland Watchdog Committee questions why the Surveyor-General should be a member of the Electoral Commission. Traditionally this person is a Band 3 Public Servant heading the Division of Information in the Lands Department. Certainly that division is the major mapping authority of the state, and should be required to provide the Commission whatever mapping resources it needs. However the incumbent of the Surveyor-General position is not necessarily well equipped for the judicial and deliberative role of an electoral commissioner, neither by virtue of qualification nor experience.

5.2. Optional preferential voting.

The Queensland Watchdog Committee strongly endorses the Commission's recommendation for optional preferential voting.

We totally reject the argument that the system would lead to a "defacto first-past-the-post" voting system, as it remains the elector's decision whether to cast preferences or not. Indeed the existence of optional preferential voting in Queensland for 50 years from 1892 to 1942 begs the question as to why it was abolished to make way for first-past-the-post. According to our information, the Queensland Government of the late 1930's and early 1940's had calculated it would have performed significantly better in a general election and by-elections had preferences not been allocated, and subsequently abolished optional preferential voting. If this is true, those who claim the system is "defacto first-past-the-post" are talking nonsense, as preferences were shown to make a difference.

However in the end it does not matter one iota if people cast their preferences or not which determines whether optional preferential voting is "defacto first-past-the-post" - what matters is that the choice of casting preferences remains with the voter, and not the system. In EARC's terms:-

"The Commission considers that this phenomenon reinforces the view that under the current compulsory preferential system voters are being required to express views they may not have. Encouraging voters to express preferences is ultimately a matter for candidates and parties, not the electoral system." (section 6.25).

The Queensland Watchdog Committee notes it is elements of the party machines (including these days the Queensland Australian Democrats) who are the ones campaigning against optional preferential voting for personal pragmatic reasons - not the public. The Queensland Watchdog Committee trusts the EARC Parliamentary Committee will see that for what it is.

5.3. Proportional representation.

The Queensland Watchdog Committee regrets EARC's decision not to recommend proportional representation for Queensland. We believe the Commission would have not have even considered electoral weightage had it recommended PR. One of PR's advantages is the ability of members in a multi-member division to work together and assist one another in servicing their area.

However we trust the committee notes the Commission has flagged the introduction of proportional representation as a future consideration. EARC says:

"If the role of the three major parties diminishes and support is transferred on a significant scale to emerging political forces, it would be appropriate to think again and to seek to introduce a different divisional system that would meet the needs of a different political situation. Were the legislative assembly to have a Standing Committee on Electoral Matters, a possibility that the Commission will have to address in its Stage 4 investigation, that would be the appropriate forum in which such questions could be explored." - section 4.57.

Of course there is a "dog chasing its tail" effect in the lack of support for minor groups and parties noted by EARC under our single-member electorate system. Many people simply do not support candidates they perceive as unlikely to win, and minor forces are far less likely to gain representation in a single-member electorate system. In this regard the domination of major parties in our single-member system is a consequence of that system and a self-fulfilling prophesy.

In the meantime, the Watchdog Committee urges the EARC Parliamentary Committee considers carefully the future evolution of the Queensland electoral system. We note EARC is a temporary commission (unlike the CJC) with a life-expectancy of five years. We also note the Parliamentary Committee would cease to exist without the Commission. However there is a definite need for an on-going mechanism to review electoral matters after this five year period. The proportional representation debate suggests there is already grounds for EARC's recommended Standing Committee on electoral matters to cater for that future evolution and our desire for a fairer democracy with the passing of time.

5.4. The independence of the EARC Parliamentary Committee.

Our final plea is that the Parliamentary Committee act independently of the initial political statements of commitment to EARC's report made by Queensland party leaders. The Parliamentary Committee is under no obligation to deliver to the parliamentary leaders the report's unquestioned implementation.

In particular the Parliamentary Committee must assess independently whether EARC's recommendation for a two-zonal electoral system and vote weighting is justified and soundly based. The committee should also indicate publicly whether it is prepared to recommend against the report's recommendation for weightage should its own analysis reveal it for the fraud it is.

The Queensland Watchdog Committee also rejects any thought that the Parliamentary Committee's role is to recommend to parliament purely what it regards as politically expedient, whether based on the state of the electoral debate in the media, or on any other consideration. We point out the Parliamentary Committee's role is well defined in the EARC Act, and its prime task is to objectively comment on the Commission's reports.

We point out this issue of the independence of the Parliamentary Committee is an important one in itself - anything less would undermine the role of the Parliamentary Committee and would refuel the time-old allegation that Queensland Parliamentary Committees are no more than a rubber stamp. Anything less would also impair the Committee's ability to examine the future EARC report on the functions and powers of Parliamentary Committees in general. It would place the Parliamentary Committee in a dubious position if it should recommend a system of independent parliamentary committees yet be seen not to be independent itself.

Apart from the principle of its own independence, there are other basic principles for the Parliamentary Committee to grapple with, for example the principle of placing the sovereignty of parliament above the views expressed in a Commission's report, and the fundamental principle of equality between the citizens of a democracy.

The question of weightage has now been firmly agendered for reconsideration by the Parliamentary Committee by this and like-minded submissions.

We wish the Parliamentary Committee well in its deliberations.

Australian Democrats Secretariat
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SOUTH BRISBANE QLD 4101

*The Senate: your best
check on Government*

31 December 1990

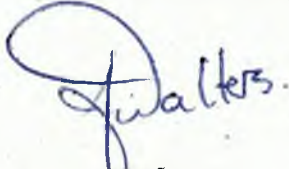
Matt Foley, MLA
Chairman
Parliamentary Committee for
Electoral and Administrative Review
Parliament House
George Street
BRISBANE QLD 4000

Dear Matt

Please find enclosed the Australian Democrats' submission in response to the EARC report on the Queensland Legislative Assembly electoral system.

We wish the Parliamentary Committee all the best in their difficult job of dealing with this important report.

Yours sincerely



Tony Walters
President



Andrew Bartlett
Secretary



The Australian Democrats' vision for the future includes an Australian economy which is:

- socially equitable;
- environmentally sustainable;
- democratically controlled;
- internationally responsible.

A SUBMISSION TO THE PARLIAMENTARY COMMITTEE
FOR
ELECTORAL AND ADMINISTRATIVE REVIEW

FROM

THE AUSTRALIAN DEMOCRATS (QLD DIVISION)

ON

THE QLD LEGISLATIVE ASSEMBLY ELECTORAL SYSTEM

1 INTRODUCTION

1.1 The Democrats wish to commence by commending the Commission and the Parliamentary Committee on the work they have done thus far. In particular, we believe the consultative process which has been undertaken has been a shining example of how public consultation should be done. The opportunity provided for so many Queenslanders to participate, and to learn the views of other participants is an unfortunately rare occurrence with Government inquiries, and should be congratulated.

2 PROPORTIONAL REPRESENTATION

2.1 That said, the Democrats express their great disappointment at one of the Commission's major recommendations. We feel that the recommendation against adopting proportional representation as the electoral system for this State's parliament is a tragedy for those who were looking to EARC as the opportunity to bring a fair and equitable system to this state. Such opportunities do not often arise, and it appears that Queensland will now move into the 21st Century with an outdated electoral structure in place.

2.2 A significant number of groups, diverse in nature, recommended the adoption of PR in their submissions. While we realise that head counts should not determine the electoral system, it is important that any system should have a measure of public support. Indeed, the Commission uses this as their main justification for recommending the continuation of a single member electorate system, stating that such systems "are the norm ... in Australia ... and are widely accepted" (para 4.55).

2.3 EARC's Report asserts that there "has been no conspicuous example of unfairness" in Queensland election results (para 4.49) to justify changing to a PR system. Ironically in the same paragraph they use the Democrats' experience under the Federal system as an unequivocal example of such unfairness. The Commission seems to suggest that such a system is unfair only when a group or party gets a sufficiently large enough number of votes for it to be seen to be unfair.

- 2.4 Surely if a system is inherently unfair, this remains the case whether or not each individual election produces an unfair result. One might just as well say that the old Queensland system of malapportionment was only unfair at those elections where it impacted unfairly on a particular party, which was certainly not the case at every election.
- 2.5 The Commission seems unaware of political reality. The facts clearly show, not just in Australia, but around the world, that single member electoral systems actively discourages the development of political parties, and the differing views which those parties represent. It is essential for any political party to gain parliamentary representation to have any chance of developing support and attaining more media and public attention. If there had not been a PR system in the Senate, the Democrats would undoubtedly be non-existent today.
- 2.6 To use figures such as those in Table 4.1 of the Report to suggest there is no need for a PR system ignores the enormous barriers which a single member system creates for new or smaller parties. Surely this is a perfect example of a self-fulfilling prophecy.
- 2.7 The most recent Morgan opinion polls in Queensland shows a level of support for 'Others' at consistently over 10%. Again we must stress that there is a significant group of people whose views are not represented through the current electoral system.
- 2.8 The basic fact is that a single member system, even with the fairest boundaries and equal weightage, tends to give unfair results. At its most extreme, a party can obtain fractionally over 25% of the vote and still gain a majority of seats. While this is an extreme example, it accurately illustrates the inherently unfair nature of single member systems.
- 2.9 The Democrats realise that politically there is no possibility of PR being introduced at this point in time, so we will restrict our comments on this matter. We are pleased the Commission has acknowledged in its report many of the facts about the inherent fairness of PR. Hopefully in the future an appropriate body will take the next step and put the system in place.

3 VOTING METHODS

- 3.1 EARC examined first past the post, optional preferential and compulsory preferential voting methods. The recommendation was to change to optional preferential voting.

- 3.2 The Democrats are pleased that the first past the post method has been summarily dismissed by the Commission. However, we have mixed views about optional preferential voting. Whilst we concur with the view that people should not have to express preferences which they do not have, we are concerned that this system could become a de facto first past the post system.
- 3.3 The Democrats usually refrain from directing preferences to one other party and offer voters options of how they might wish to give their preferences. It has been the experience of many party workers on polling booths that a large number of voters do not understand how preferential voting works. Given that this is the case, if people were not required to do any more than mark a 1 on their ballot paper, this is probably all that many of them will do, particularly as how to vote cards of some parties will probably recommend this. Such an occurrence will mean that there will in effect be a first past the post system. The Commission clearly and accurately sets out the case against such a system in paragraph 6.20 of their report.
- 3.4 The Commission states that "it is not unreasonable or oppressive to require every adult citizen to play a meaningful part in the choice of their government" (para 6.24) as their justification for maintaining compulsory voting (one which the Democrats concur with). We suggest that it may similarly be not unreasonable to require voters to make their vote as meaningful as possible (i.e. compulsory preferential voting). However, we concede that this is a grey area, and there is some merit in the Commission's argument.
- 3.5 If optional preferential voting is to be introduced, we strongly recommend that there be a significant public education campaign to ensure people properly understand preferential voting. The Commission recommends improved education on electoral matters in paragraph 9.108. We would suggest that issues relating to preferential voting be high on the priorities of such education. This would be more vital than ever if optional preferences are to become the practice.

4 ELECTORAL WEIGHTAGE

- 4.1 We commence this section by reiterating that any single member electoral system is inherently unfair, regardless of any weightage. However, if the public is saddled with such an unfair system, it should be as fair as possible within the limitations of this system.

- 4.2 The Democrats recognise the validity of claims that larger electorates are harder for members to service, and people in remote areas are disadvantaged by distance. However, we do not believe that giving remote areas weightage in their electorates is the appropriate way of compensating for this disadvantage.
- 4.3 Parliamentarians have two main functions. One is to service the electorate they are elected to represent, and this really is a matter for the electorate alone. The other function is to play a legislative role in the Parliament itself. What happens legislatively is obviously dependant on who is in Government, and this obviously affects everyone in the State. We can see no justification why people in remote areas should have a greater say in determining who is in Government, when this impacts on the entire population of the State.
- 4.4 To compensate for the greater difficulty which members in remote areas have in performing their role of servicing their electorate, we believe that additional facilities should be provided. The Commission has recommended a number of things in this regard, with which we concur. Whilst cost is obviously a limitation, an entitlement to a second electorate office, and extra allowance for air travel rather than a four wheel drive vehicle should be sufficient to compensate for the tyranny of distance.
- 4.5 The Democrats believe that the continuation of any form of electoral weightage is unacceptable. If the principle of weightage is accepted, the finer details can be amended at a later date to create a far more inequitable formula than the one proposed. Whilst EARC may feel that the eternal vigilance of the Queensland media and public, and the watchdog role of an independent electoral commission or other bodies will prevent this, we are not so confident. In the end, any change to the electoral system comes down to the government of the day (unless provisions are entrenched in the Constitution). If the government believes that the potential electoral backlash will be outweighed by the advantages, they may well make such a change. We recognise that political parties do not always act solely out of self-interest, but it does still happen now and then, and it might possible occur in the future.

5 OTHER MATTERS

- 5.1 The Democrats again express their belief that the reintroduction of an upper house should at least be a matter for investigation. It is unfortunate that this was not part of the Commission's terms of reference, and we hope that it may be possible for this matter to be investigated at a later date.
- 5.2 Similarly, we believe that the issue of citizen initiated referenda should be examined. This is an issue which we believe has broad support in the populace, and its introduction would go some way towards making people feel less alienated from the processes of government (especially as they will still be stuck with an unfair, unrepresentative single member electoral system).
- 5.3 We support the recommendation against entrenching provisions of the Queensland electoral system. Community views change over time, and it is best to err on the side of flexibility in this regard.
- 5.4 We support the recommendation to establish a Queensland Electoral Commission as outlined in paragraph 12.33, and to establish a Redistribution Commission as outlined in paragraph 11.243.
- 5.5 We strongly endorse the Commission's recommendations on electoral system education. We believe that this is a matter of great importance and urgency. Education is the basis of a sound democracy, and current levels of knowledge about the processes and functions of government certainly leave much to be desired.

6 CONCLUSION

- 6.1 Finally, we wish to provide our view of the role of the Commission's report. We repeat our praise for the whole process which has taken place to date. However, even with a flawless process and the most expert Commissioners, we do not believe that EARC should be perceived as 'the umpire' who has made their decision in the form of this report and which must therefore be faithfully obeyed. We would be surprised if the Commissioners saw their roles thus. We do not imply in any way that the Commission has portrayed itself in this way. However, we have made these comments because of statements by others that this is how they will be treating the report.

- 6.2 We strongly oppose the notion that EARC recommendations must be adopted unquestioningly. Certainly, after such a sound process, the recommendations must be considered fully, and good arguments produced not to follow them. However, to simply say that EARC is the umpire and must be obeyed is not only incorrect, it is negligent behaviour which betrays the whole reform process.
- 6.3 We conclude by again thanking the Commission, and all the participants for their efforts. We wish the parliamentary committee all the best in their difficult deliberations.

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SUBMISSION TO THE PARLIAMENTARY COMMITTEE ON ELECTORAL AND ADMINISTRATIVE REVIEW

Professor Patrick Weller and Dr John Wanna

Centre for Australian Public Sector Management
Griffith University

Introduction

In our professional view the Report on the Queensland Legislative Assembly Electoral System represents a compromise document written for political consumption by the prevailing political party organisations. The Report has a number of positive aspects which we would endorse, but it also has some serious weaknesses which should be avoided. We would also like to make some comments with respect to the review and reporting process for future reference.

From the outset we realise that there are great political problems with amending this particular set of recommendations on the state electoral system. The Fitzgerald aura remains pronounced in Queensland politics, and there is a general desire to seek greater accountability in public office. There would be considerable cynicism in the electorate if politicians see to be benefitting from an electoral system had too great a role in devising that system. However, we consider that the recommendations for the state's electoral system contain some important flaws which the Parliamentary Committee could and should rectify.

The Strengths of EARC's Report

One of the main strengths of EARC's review of the electoral system is the demonstrated commitment to openness and public participation. The Report also reflects a thoroughness in evidence gathering and in the consideration given to submissions. We would congratulate the Commissioners for their comprehensive survey of the submissions. In the various sections of the Report EARC canvassed many theoretical points and persuasions before extracting a specific recommendation. The Report should be a useful benchmark and resource for future electoral reviews.

The Commission's recommendations have already received some criticism in the media and in public fora. What is more likely to go unnoticed are the uncontentious recommendations or the recommendations which have not captured much public debate. Specifically we wish to endorse some key aspects of the Report which we consider fundamental to our electoral system.

The recommendations we would endorse are the following.

* an independent electoral commission - this is the cornerstone of accountability for the new electoral system. Its freedom from interference by politicians is crucial. The Committee will have to consider what provisions it makes for any corruption or maladministration within an independent electoral commission. It might also consider whether the appointment of people ex-officio is the safest way of ensuring neutrality. Why should a judge or the surveyor-general necessarily be the appropriate appointees? The Report is silent on the process of appointment of these officers.

* single member electorates - these were endorsed as providing a definite line of accountability from the Parliament to the electors. We would endorse this recommendation on political, historical and cultural grounds.

* electorates based on the number of electors registered in an electorate - this gives equal weighting to the votes within the state (ignoring for the moment the rural weightage issue advocated by the Report). If electorates were based on other indicators (eg, depending on cultural factors, age or socio-economic factors) this would potentially unbalance the number of electors within electorates.

* optional preferential voting - this is a new reform proposed to allow the most popular MLAs to be elected to Parliament rather than, as is now the case, the least unpopular. (Historically Queensland used a similar system between 1892 and 1942, after which a first past the post system was introduced until 1962 when that too was replaced by a compulsory preferential system). Under an optional preferential system MLAs would be able to claim to represent a popular vote for them, and politicians and parties would genuinely have to persuade electors to vote for them out of positive commitment. This system should enhance accountability by making MLAs more dependent on winning votes and retaining them.

* additional provisions for MLA's with difficult electorates - this should include country electorates, and urban or provincial town electorates with demonstrable problems (eg, a high proportion of non-English-speaking residents or aged, or high crime etc).

The Weaknesses in the Report

Compulsory voting was recommended in the Report even though strong arguments were made against the continued practice of this non-democratic form of compulsion. We can only conclude that EARC chose to place more weight on the submissions of the major political parties than on other submissions. In opting for the *status quo* EARC seems to have relied entirely on the arguments of the main beneficiaries of such a system. In our view optional preferential voting with **voluntary voting** is a logically coherent and politically defensible proposition to adopt.

The major weakness with the Report is the allocation of weightage to rural seats with large land masses. This proposal by EARC is little more than a political compromise to appease the National Party and its rural supporters. In attempting to appease under-populated remote areas, the Report loses credibility with those wishing to see a fair electoral system introduced based on fundamental principles (such as everyone's vote being equal).

There are many political and technical problems with the introduction of weightage in a state electoral system. Why should land and remoteness be the criteria for the augmentation of voting power?

The problem is greater than merely giving a slight advantage to one political party or another. By supporting weightage, the Report legitimises the principle that geography (but not other factors) deserves particular attention. It would be too easy for a future government to accept the principle, but argue the EARC got the numbers a little wrong and, say, that 20,000 square kilometers and 10% phantom voters would be more appropriate. Such a change to legislation would be easy to achieve without appearing to alter fundamentally the EARC principles. That is an unfortunate consequence of EARC's acceptance of weightage.

Further, even if only a few seats are involved, the one party likely to be disadvantaged is the Liberal Party - and those small seats could make the difference between senior and junior party status in a future coalition.

At the 1989 election over 70% of voters supported parties that endorsed a non weighted fair electoral system. We acknowledge that the Labor and Liberal parties were committed both to a fair electoral system and to the Fitzgerald process of reform and that in this case the two principles may be seen to clash. However, we believe that the clear and specific promise of electoral reform should take precedence over the more generalised statement of commitment to a process of change. The latter need not, indeed should not, mean uncritical

acceptance of everything proposed by EARC; the changes to the Pecuniary Interests Register recommendations indicate that the Committee does not regard itself so bound. We therefore believe that the Parliamentary Committee should accept the views of the majority of electors who voted for a clear principle of electoral reform, and recommend a change to the Report to reinstate clear principles and equity into the electoral system by removing the electoral weightage.

The Process of Reviewing and Reporting on the State Electoral System

One of the disappointments of the Report is that it makes recommendations without arguing for them. Propositions and arguments are presented in the Report, but the Report is silent on how it came to its recommendations. Were some of the recommendations based on a fundamental principle, or on a compromise, or on expert submission, or the political weight given to the submissions from the various politically interested parties? The Parliamentary Committee should endeavour in future reports to ensure that the Commission's decision-making process in framing recommendations is open to public scrutiny. We should be able to read the reasons why certain recommendations are made.

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20 December 1990

The EARC Parliamentary Committee
Parliament House
George Street
BRISBANE Q 4000

Dear Sirs/Ms,

I write in response to your committee's invitation to forward submissions in relation to the Electoral and Administrative Review Commission's report on the Queensland Legislative Assembly electoral system.

Firstly may I say that I believe the EARC process is a very sound process. The procedure was recommended by Mr. Tony Fitzgerald in the Fitzgerald Report. It involves EARC publishing a discussion paper and inviting public submissions. Public hearings were then held and final submissions invited. The report was then produced. I believe the EARC process is a sound procedure because it allows widespread public discussion of issues. The Commission itself can use its resources to obtain opinion from people with expertise in the area. In addition, the members of EARC themselves are not without some expertise in the area.

Finally, the report can be considered by the Parliamentary Committee and parliament can make a decision in relation to introducing legislation to change in this case the Queensland Legislative Assembly electoral system.

Having said that the EARC process is but one step in the reform procedure. EARC is not perfect. The EARC Commissioners come from a range of backgrounds but I am sure, with no disrespect being intended, no one would claim that they are the font of all wisdom. Indeed one might have thought that most members of the Committee had little or no prior expertise in relation to electoral type matters. Perhaps they were picked for their general knowledge and experience and if so, that is fair enough but their limitations must be taken into account when considering their report.

The Fitzgerald Report recognised that anything emanating from EARC, and for that matter anything emanating from the CJC, would be taken on board by the parliament of the day but in no way did Mr. Fitzgerald suggest that parliament would delegate its functions in relation to

the areas covered by EARC and the CJC to the Commissioners and merely become a rubber stamp for any recommendations received from those bodies.

The Electoral and Administrative Review Act 1989-1990 recognises this at paragraph 2.12 which is quoted at page 3 of the EARC Commission Report when it states as follows:-

"2.12 Electoral district boundaries determined under Parliament's authority:

If the Legislative Assembly, by its resolution, adopts the Commission's report under Section 2.11(4) or adopts that report varied in such particulars as the assembly considers appropriate, the Minister shall cause to be presented to the Assembly -

(b) A bill for an Act that gives effect to that draft bill varied to the extent resolved upon by the Assembly, as the case requires, for enactment as law,"

Report fundamentally flawed

I believe the report of the Commission while prepared after adopting the correct approach and being a very useful document in terms of the ideas contained therein and the fact that it has given the people of Queensland the chance to make submissions, is nevertheless fundamentally flawed.

The fundamental flaw occurs in chapter 10 which deals with the Queensland Zonal Electoral System and electoral weightage.

The Commission quite rightly recommends that the previous zonal system be done away with. That system has been used over many years by both Labor and later Country/National Party Governments to entrench their positions. The zonal system caused the Queensland electoral system to be fundamentally unfair and wrong. The Labor Party which originally proposed the idea and the Country and National Parties which refined the system were nothing less than cheats who were successful in committing an electoral fraud on the Queensland people.

Sadly the recommendation made by the Commission in effect brings into operation a two zonal system with the second zone consisting of electorates with an area of more than 100,000 kilometres. The Commission is at pains to point out that it believes only 4 to 5 electorates will be affected by its weightage proposal but I am of the view that principles are principles and any deviation from the principle of one vote one value 10% tolerance cannot be justified.

I would like to point out that I did send a submission to

EARC originally and my submission was referred to at 7 places in Volume 1 of the Committee's report.

Chapter 13 which is supposed to be the summary and recommendations of the report starts the weak arguments in relation to the second zone again at pages 233 to 236. Obviously the EARC Commission was aware that its recommendations in relation to weightage would be highly controversial.

I note that EARC has the power to commission research to be done on its behalf and in fact it did commission certain research to be done in relation to this report. For example, Appendix E of Volume 2 is 'A History of the Queensland Zonal Electoral System'. Appendix F is 'Estimates of Regional Product Queensland 1986-1987', a Report by the Queensland Government Statistician's Office.

The recommendation for weightage is based on concern by the Commission in relation to quality and effectiveness of representation of people in remote areas. In effect EARC is concerned that if one vote one value with 10% tolerance was adopted statewide it would be too difficult for people in remote areas to see their local representative face to face.

Lack of evidence to back up proposal:

One would have thought that the first factual matter which EARC would have turned its mind to in making a recommendation for weightage on that basis would be the question of how often the average member of the public wishes to see their local member of Parliament face to face. People who are involved in the political process or who take a keen interest in political matters will tell you that a shockingly high proportion of the general population are hard pressed naming for example, Australia's Prime Minister or Queensland's Premier let alone knowing who their local member of Parliament is. Many other people are well aware who their local member of Parliament is but would prefer to avoid politicians as much as possible.

Other people respect their local member of Parliament but it is only rarely that they need to see their member in relation to some problem which he or she can help them with. Queenslanders and Australians in general are a pretty independent bunch who like to resolve problems which arise in their lives by themselves rather than running to their local member of parliament.

EARC's report can be criticised on the basis that they apparently placed a lot of emphasis on submissions they received from National Party and Labor Party members of Parliament and Labor Party candidates in remote areas who kept emphasising the problems of electors in their

electorate would have if they wanted to see them face to face. There is virtually no reference in any of the evidence given at the Commission of any complaints to the local member of any person who said that they were unable to see their local member or that they were unable to contact their local member other than by a face to face conference and that because of that they had suffered.

With respect, to make such a fundamental departure from a system which would otherwise be considered perfectly fair on the basis of a bit of a yarn with a couple of bushy politicians waffling off the top of their heads is not the quality of decision one would hope one could expect to receive from a body such as EARC which incidentally costs many millions of dollars each year to keep running.

I am always a strong believer in looking at the vested interest in any arguments put forward by anybody in relation to anything. No doubt the National Party and the Labor Party politicians and Labor Party candidates had their own political futures either in the front or in the back of their mind when making the submissions they made to EARC.

On page 157 paragraph 10.175 EARC says that increased staff can assist in dealing with electors problems but much of the evidence given by remote area M.L.A.s is that personal contact with the member is important. No doubt the members were asked to particularise how often they saw electors, who the electors were, i.e. members of the public or rather business people or representatives from local authorities or other such bodies and also they gave details and particulars of the number of complaints they had from members of the public who couldn't obtain personal contact with the member. Sadly this detailed evidence is not contained in the report no doubt because it was never sought and instead EARC preferred to rely on people with vested interests in having a weighted system waffling off the top of their heads.

Advantages for members in remote areas:

The submissions received from Mr. Gunn, the member for Eyre in South Australia, which is a massive electorate, pointed out some advantages of a country member in getting publicity in the local newspapers and also in being able to see most of the people in the local communities by visiting functions such as annual shows, picnic race meetings, school sports days and all those sorts of things in which they normally take a great deal of interest. I believe this would apply equally in Queensland. The local member could stay in the relevant town for the week before and the week after the local show or the local picnic race meeting or the local bachelor and spinster's ball (assuming the member wished to take some interest in the younger members of the community) and this contact, even if only on an annual

basis would be more than sufficient to satisfy whatever needs there were in the local community. I believe it would be likely that the local member would be bored silly by sitting around with having no one to see and would be likely to be better served if the local member adjourned to the local watering hole and announced his presence.

At page 146 paragraph 10.123 EARC points out that the majority of persons in remote electoral districts live in country towns. One would have thought it followed from that that provided the local member had funds to advertise in the local newspaper the fact that he would be visiting a particular town on a particular day or week that it would give plenty of opportunity for anyone who wished to see the member to do so. Obviously the member's allowance would have to be sufficient to allow him to do the necessary advertising.

In addition, perhaps the allowance could be extended so that the member could direct mail to all persons or households who he thought might want to see him at that town in order that persons living on properties outside of the town might also be directly notified of the time when he was available for appointments.

If the local member was really genuine about wanting to see everyone in his electorate on a regular basis he could always use a government provide four wheel drive to visit all electors in his electorate at least once during the parliamentary term. I suspect that after getting numerous doors slammed in his face the local member might get a bit sick of that and decided that he should leave it to the electors to contact him rather than him trying to visit them.

At page 154 under the heading 'The Prejudice of Remoteness' paragraph 10.155 the Commission says that 'remote area members have to be away from their electoral districts for a significant part of the year to attend sittings of Parliament. With respect, all members have to be away from their electorate for a significant part of the year to attend sittings of Parliament. The only difference for a remote area member is the time spent in travelling back to the electorate after each sitting of Parliament.

The member for Cairns or Mackay or Rockhampton may be disadvantaged as much if not more than the member for Cook, Mt. Isa, Gregory or Warrego. It could depend on how often flights from Brisbane were available and how long they took. The former member for Cook and the current member for Cook reside in Cairns.

On page 159 under paragraph 10.187 EARC again mentions this so called argument in favour of weightage when dealing with the question of additional facilities.

Again it ignores the fact that all members, or at least all members residing outside of Brisbane, suffer the same disadvantage as the members of the so called remote electorate for which weightage is recommended.

As I stated in my submission to EARC the tyranny of distance is a common phenomenon in country areas in Australia and country people are used to it.

EARC's gross neglect in this area is nowhere more illustrated than at page 169 paragraph 10.226 where it is stated 'there was some evidence to suggest there was no prejudice in large Federal Electoral Divisions. The Commission did not pursue this matter'.

One might wonder why not as it was pointed out earlier in the report the Federal Electoral System operates on a 10% tolerance system and the number of voters in Federal Electorates is some 3 to 4 time more than what exists in the one vote one value State Electoral System proposed by the Commission.

The Commission goes on to say that each State has 12 Senators irrespective of its population or size. EARC is really clutching at straws here as the system of having equal numbers of Senators in each State was something which was introduced at Federation to encourage all the States to join the Federation. The vast bulk of Senators come from the capital cities or the major provincial cities. EARC therefore ignores the House of Representatives which would have been entirely relevant to look into and then raise the question of equal numbers of senators which in practice is hight irrelevant and of no consequence to the argument they are endeavouring to justify.

EARC therefore contradicts itself because on page 151 paragraph 10.15 it had stated 'The Commission believes that comparisons with upper Houses are not relevant because they do not purport to be representative legislatives like the Queensland Legislative Assembly. In particular, it has been noted the Commonwealth Senate arose out of a constitutional compact between the Australian Colonies at the time of Federation'.

It appears that when EARC is desperate for arguments to justify an unjustifiable argument it is prepared to contradict itself.

The system is immediately prejudiced once a system of weightage is adopted. Whichever party can win the seats with the lower voter numbers which are given weightage has a head start on the other parties in the Parliament. In a very close election this head start could determine the result of the election. This type of argument again leaves open the door for a future Government to reduce the 100,000 kilometre area which it is proposed be

necessary to qualify for weightage and/or increasing the percentage by which the area of the electorate is to be multiplied.

Alternatively the argument accepted by EARC could be used to justify the introduction of the original formula proposed by N. Robertson, Cloncurry Shire Chairman referred to at page 163 paragraph 10.202 of the Report that every district have a weightage based on area.

EARC's proposal amounts to giving areas of land votes and is an affront to democracy.

The example quoted at page 165 paragraph 10.214 of an electorate having 400,000 square kilometres amounts to a tolerance for such an electorate of 40%.

At page 165 paragraph 10.217 EARC points out that in 1949 there were 7 electoral districts with an average area of 177,000 square kilometres. It would seem therefore that with a skilful redrawing of electoral boundaries the number of electorates which benefited from weightage could be increased by a future government wishing to advantage itself. Given the voting patterns of Queenslanders for many years this Government would have to include the present National Party. It would appear therefore that there is an inherent electoral bias in favour of the National Party in the proposals made by EARC.

Comparisions with other States:

EARC proposal would mean that Queensland is out of kilter with National trend.

In the Commonwealth House of Representatives and the Lower Houses in New South Wales, Victoria, South Australia and Tasmania electorates had a 10% tolerance.

In addition, in Western Australia there have been attempts made by the government in that State to introduce such a system but the Upper House which is dominated by conservatives has prevented the Government from implementing the changes. The result was that at the last State Election in Western Australia the Labor Government received well under 50% of the vote and it still managed to win the election.

EARC attempts to justify its view by pointing out that the other States have less electoral districts over 100,000 square kilometres in size.

EARC Report 10.225 refers to the Federal situation where there are much larger Queensland Electoral Districts and then conveniently for itself dismisses the need to consider the Federal situation.

The effect of the EARC proposal is that if the parliament were foolish enough to adopt the EARC proposal Queensland would go against the historical trend referred to at 10.15 of the Report and would be giving representation to land areas rather than people. The proposal is an affront to democracy.

Potential for future abuse of the weightage proposal:

EARC has in fact adopted the reasoning which the Labor Party Government of 1949 and subsequent Labor, Country and finally National Party Governments adopted to justify the zonal electoral system.

Whilst such reasoning is adopted and given effect to in legislation one cannot help but fear that the situation is left wide open for potential future abuse to reoccur.

For example, what is to stop a future government dominated by or including the Party with the strongest vote in country areas from reducing the size of the electorates to which weightage would be applicable from 100,000 square kilometres to say, 50,000 square kilometres or 25,000 square kilometres.

Alternatively, or in addition, what is to stop the percentage by which the area of land is multiplied being increased from 2% to 3%, 4%, 5% or even 10%.

I note in passing that in chapter 9 the Commission rejects the suggestion for double entrenchment of the main principles of the electoral system. Therefore it would only take an amending act of parliament to reduce the electorate size before weightage would occur and/or increase the percentage.

At 9.84 EARC naively appears to believe that pressure groups and the media are sufficient to guarantee the integrity of the system. As a person born in 1960 who for 10 years lived under the Bjelke Peterson regime I find this proposition laughable. It shows political naivete of the highest order. Then again it is probably consistent with the naivete shown in most of chapter 10.

The proposal for weightage is a cancer on the face of the draft bill and only requires one Government prepared to abuse its power to start growing and take over the legislation and debase the system.

One would have thought that if the concern EARC felt about quality of representation of people living in remote areas were justified then one would expect over time that the percentage would have to be increased or the areas reduced because the drift to the cities and the rapid population growth which has taken place in the south east corner of the State would mean that the quota for each seat in the State would rise substantially over

time. I understand that it is predicted that an extra 500,000 people will move to Queensland in the next 10 years. This means the quota for each seat would have to increase by 5,618.

If the electorates benefiting from weightage were kept at the same size the 2% figure would produce only the same number of phantom voters. This would mean the area of those electorates would have to be increased substantially for them to remain within quota. The necessity for this to occur would allow an argument to be advanced that perhaps the percentage should be increased to 3% or 4% or even more.

The only other alternative would be to increase the size of the remote electorates substantially so that the phantom voter numbers could be increased in that manner yet this conflicts with what EARC is so concerned about namely the size of electorates being too large to allow members to see their constituents face to face.

I therefore believe that it is inherent in the proposal that an argument could be raised within the next decade that either the area required before weightage occurs should be reduced or the percentage increased or both.

One wonders what would occur if large numbers of people in rural areas did walk off their properties and Government railway stations and Court Houses and other services were curtailed so the population in remote areas declined even further and faster than it has in the past. One must assume that the formula would be back in the melting pot.

Amendments needed to be made to Appendix G - Electoral Districts Bill:

The blemish on the proposed Bill introduced by the weightage proposal can be removed by making the following amendments:-

1. Delete clause 3.3(3)
2. Renumber clause 3.3(4) as 3.3(3)
3. In the existing 3.3(4) which will become 3.3(3) remove the words 'and (3)' on the second line
4. In 3.3(4) as it currently is remove the first sub-paragraph under sub-paragraph (d) so that (d) reads 'demographic trends in the State with a view to ensuring, as far as practical, on the basis of those trends the number of electors enrolled for the time being for the electoral district will remain within a margin of one-tenth more or one-tenth less of the average district enrolment;'

What if the Commission ignores the Act:

The only other problem I have with the proposed Bill is clause 4.5 which is headed '4.5 Commission's decisions not open to challenge'.

That section provides that a decision or determination made by the Commission cannot be challenged in any Court or Tribunal.

I am concerned that this may cause problems in a situation where, for example, the Commission came up with proposed boundaries which could be shown to ignore the principals set out in the Act. For example, the enrolment figures might not comply with what is set out in the Act.

In my submission to EARC I said that the situation had to be guarded against where for example the members of the Electoral Commission became mentally ill and came up with a proposal which was totally outside the bounds of what the legislation required.

Another example is where the Electoral Commission was required to start a redistribution according to law but failed to do so.

I note in chapter 11 EARC proposes that redistributions be carried out after 3 elections if there are 3 year terms, 2 elections if there are 4 year terms or if more than one-third of the electoral districts in the State are, and have been for a period of more than 2 months, at a variance from the average State electoral district enrolment by greater than the tolerance level of 10%.

What if a politically stacked Electoral Commission decided that it wasn't going to conduct a redistribution despite the fact that more than the relevant amount of time had elapsed or more than the relevant number of districts was out of kilter with the 10% tolerance requirements?

I said that in that case Parliament should be able to intervene. When I was giving submissions at the public hearings of the Commission Professor Hughes suggested that perhaps it would be better if someone independent, like a Judge of the Supreme Court or the Full Court of the Supreme Court dealt with the matter. I said that I had not thought of that and that to remove any suggestion of political interference that would be a much better proposal.

4.5 seems to me to indicate that the Commission's decisions are not challengeable at all even if a mathematical error can be shown. This is simply not good enough and the Bill should provide machinery for an

appeal against the decision of the body conducting the redistribution to be made within a certain short defined time to the Full Court or the Supreme Court of Queensland.

Requirement for Publicity-Regional Newspapers:

One other small point which arises is an inconsistency in the draft Bill between 3.1 and 3.5(5).

3.1 refers to the requirement for the Commission to invite suggestions and comments relating to distribution and says the notice must be published in the Gazette and two newspapers circulating throughout the State.

As residents of Queensland outside Brisbane would know that if there are two newspapers circulating the State perhaps the Courier Mail and the Australian or perhaps the Daily Sun these newspapers are very rarely read by residents who have lived for any length of time in any of the provincial cities or country areas outside Brisbane.

In my view the notice should be published in such regional newspapers circulated in any part of the State as the Commission considers appropriate. This is the wording used in 3.5(5) which deals with notice of the proposed distribution. I fail to see why there should be a difference between the notice inviting suggestions and comments relating to the distribution and the notice of the proposed distribution.

Other problems with the Report:

FAILURE TO RECOMMEND ENTRENCHMENT OF PROVISIONS OF THE QUEENSLAND ELECTORAL SYSTEM.

A large number of provisions in the constitution of the Queensland Parliament are entrenched. For example, there is a requirement that a referendum be held before the length of Parliament can be increased beyond 3 years. A referendum is required if the office of Governor is to be abolished. A referendum is required if an Upper House is to be reintroduced. All these provisions are doubly entrenched which means that the legislation providing that a referendum is required can only be amended or repealed by way of referendum itself.

I continue to believe as I stated in my submission referred to at page 101 of the EARC Report that the use of double entrenchment is justified in legislation as critical as this. The provisions which should be doubly entrenched are summarised in the Labor Party submission which is set out at paragraph 9.70 and on pages 100 and 101 as follows:-

1. The one-vote one-value principle and the permitted tolerance of 10%.

2. The constitution and method of appointment of the Electoral Boundaries Commission;
3. The frequency of redistribution;
4. The criteria to be applied by the Electoral Boundaries Commission;
5. The requirements for all submissions and counter submissions be public and for any hearings to take place in public; and
6. The provision that decisions of the Commission on boundaries have the force of law and are not subject to parliamentary veto.

In other words the bulk of Appendix G being the Electoral Districts Bill as proposed by EARC amended to remove the reference to weightage should be doubly entrenched.

EARC's refusal to recommend double entrenchment together with its proposal for weightage leaves the system wide open for future political manipulation.

As previously stated the reliance on the media and pressure groups in keeping any particular government of the day honest so that the government couldn't possibly think of manipulating the system to advantage itself involved incredible political naivete.

Precedent for the Parliamentary Committee to reject parts of EARC's proposals:

I note that the Committee has received a report on a pecuniary interest register from EARC. EARC recommended that the interests of spouses and other family members be open for public scrutiny but the Parliamentary Committee adopted a proposal which was later accepted by Parliament that these details should be kept on a register which is not open to the general public.

There is therefore a precedent for the EARC Parliamentary Committee and subsequently Parliament itself for deviating from EARC recommendations.

As I stated at the outset the Commission part of the EARC procedure is the first step followed by the second step of consideration by the Parliamentary Committee and finally consideration by the Parliament.

Mr. Fitzgerald did not recommend that Parliament delegate its legislative function to EARC nor could anyone argue that the membership of EARC consist of a group of people of such superb intellect and with so much common sense that any proposals they came up with should be automatically adopted.

I urge the EARC Parliamentary Committee to reject the proposals contained in the EARC Report for weightage and accept the need for doubly entrenching a 10% one vote one value system with no exceptions.

I look forward to reading the Parliamentary Committee's Report in due course.

I wish you well with your deliberations.

Lest it seem that I have been too critical of the EARC Commission may I say that they still perform a very important part of the overall process and that the approach they take is generally to be applauded.

The ready public accessibility to their Report and discussion papers is very important. It is just that in this case they have made a recommendation which is fundamentally wrong.

Yours sincerely,



Peter Cumming

State 42



CITIZENS FOR DEMOCRACY



P O Box 1180 , TOOWONG , 4066 , BRIS .

The Research Director,
Parliamentary Committee for
Electoral and Administrative Review
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Brisbane Qld,4000

Dear Ms. Ransley,

Please find enclosed Citizens for Democracy's submission on the Electoral and Administrative Review Commission report on the Queensland Legislative Assembly Electoral System.

yours sincerely

 Bron. Stevens.

Colin Kennard Bron Stevens

for CITIZENS FOR DEMOCRACY

SUBMISSION TO

THE PARLIAMENTARY COMMITTEE FOR ELECTORAL

AND

ADMINISTRATIVE REVIEW

RESPONSE ON THE EARC REPORT ON THE QUEENSLAND

LEGISLATIVE ASSEMBLY ELECTORAL SYSTEM

SUBMITTED BY

CITIZENS FOR DEMOCRACY (QUEENSLAND)

PO BOX 1180

TOOWONG, QLD, 4066

DECEMBER 1990

Citizens For Democracy is a non-party organisation. Our Committee has one member from the Labor Party, one from the Democrats, one from the Liberal Party and seven members with no party affiliation. Our group is a single issue group dedicated to the achievement of an equitable electoral system for Queensland based on electoral equality and the establishment of an independent Electoral Commission and the appointment of a truly independent Electoral Redistribution Commission.

EARC has been involved in a monumental task in trying to gauge the views of a wide range of Queenslanders on an appropriate electoral system to replace the discredited zonal system. They have had to weigh up the views of individuals, community groups and political parties. They have had to consider what would and what would not be acceptable to the Queensland Parliament. Their report contains many excellent recommendations, most having popular support from the majority of submissions from citizens and political parties. Major inadequacies of the system which were not controversial have been dealt with in an excellent manner. However in the areas of controversy, weightage and proportional representation, the report has not been so satisfactory. This is not surprising given the nature of the task they have faced and the time available for it.

However their report must come under close scrutiny. As part of the Fitzgerald process their recommendations carry a great deal of weight. The Report's inadequacies must be recognized before the document is accepted as "holy writ". A few examples of the problems we found with sections of the report are given here. Evidence is cited for and against weightage or PR but the reasoning of the Commission is not made clear. Why was some evidence accepted and other

evidence which appears stronger rejected? In places evidence appears to be cited for a case it was never meant to support.

Thus on p103 the need for entrenchment is rejected based on a series of ifs ...if the pressure groups brought into existence to advocate electoral reform remain concerned, and if the media continue to watch vigilantly over the political health of the state it may be unnecessary to entrench the basic arrangements... Yet it is plain that for most of the forty one years of the zonal system's existence the press failed to watch vigilantly, a point made in the Fitzgerald report itself, and pressure groups were subject to such a degree of harassment that they experienced the greatest difficulty in bringing the deficiencies of the system before the public.

In citing the US Supreme Court decision *Reynolds v. Sims* the Report at 10.18 refers to a less frequently quoted passage as suggesting that there may be circumstances which justify departure from equal suffrage. However the passage which states that some deviations from the equal population principle are constitutionally permissible is followed by a re-assertion of the earlier statement "...Again, people, not land or trees or pastures, vote... . Modern developments and improvements in transport and communications make rather hollow, in the mid 1960's, most claims that deviations from population base representation can validly be based solely on geographical considerations. Arguments for allowing such deviations in order to ensure effective representation for sparsely settled areas and to prevent legislative districts becoming so large that the availability of access of citizens to their representatives is impaired are today, for the most part, unconvincing". This passage is hardly a ringing endorsement of electoral weightage. Especially given further advances in communications which mean that according to Telecom every Queensland home can have access to the telephone.

The Report concludes that there is not a significant minority party being disadvantaged by single member electorates in Queensland on the evidence of the vote at the last state election yet the Democrats stood candidates in very few electorates at the last state election. It also ignores the fact that a far larger percentage of voters supported the Democrats in the only election Queenslanders vote for under PR, the Senate election.

We believe there will be strong pressure on the Parliamentary Committee to accept the recommendations of EARC in toto. Particularly since the Labor Party appears to have abandoned its commitment to electoral equality in its submission to the committee and the National Party has also supported implementation in full. However the Parliamentary Committee scrutiny is also part of the Fitzgerald process and we hope that the Parliamentary Committee will be able to reject any recommendations it feels are fundamentally flawed.

Citizens for Democracy have divided our reactions to the Report into three categories, those recommendations we feel should be supported, those we are disappointed with, and those we feel should be amended or rejected by the Parliamentary Committee.

WE COMMEND THE FOLLOWING RECOMMENDATIONS TO THE PARLIAMENTARY COMMITTEE

13.20 Compulsory voting:

Despite strong arguments put forward against compulsory voting we reiterate that it is in fact only compulsory attendance at the polling booth. This is a small

price to pay for the privilege of democracy, especially if coupled with optional preferential voting which mean a voter will not have to vote for the least disliked candidate to be able to support any candidate.

13.21 Optional preferential voting:

It is probable that optional preferential voting will be one of the recommended measures least favoured by parliamentarians. However, we believe that it should be implemented. Not only does this measure give the voter the utmost choice, it also minimises the probability that votes will be cast incorrectly, and so rendered informal.

Most importantly, however, optional preferential voting allows people not to vote beyond their preferred candidates. That is, when the voter is unable to distinguish which candidate is preferred, no further vote need be cast, thus avoiding the necessity to have the vote counted eventually for the least disliked of the major parties.

It has been alleged that optional preferential voting, by encouraging the voter to mark only a first preference, will lead *de facto* to a first past the post system. However, this would be true only if a majority of voters cast only a first preference. Further, we are confident that, as voter education is introduced, electors will become more discriminating in their behaviour. In particular, they will become aware that casting more than a first preference does not "weaken" the original vote, but enables them to influence the outcome of an election even if their candidate of first choice is eliminated.

For these reasons we believe that optional preferential voting should be

implemented in Queensland, as recommended in the EARC report.

13.22 Number of Members:

We believe that the maintenance of 89 members will lessen the disruption inevitably caused by a major overhaul of electoral boundaries. It is also appropriate in a state with such a fast-growing population and without an Upper House.

13.23 Periodic Review of Numbers:

Citizens for Democracy regards the provision for an independent review of the numbers in the Legislative Assembly every seven years as important. This will enable the size of the Legislative Assembly to reflect the needs of Queensland and remove from politicians the temptation to have the number of members most advantageous to their own party.

13.24,25 Facilities for Members:

Citizens for Democracy supports these recommendations for extra facilities and an extra staff member for MPs in very large electorates. This is the appropriate way to deal with problems of geography. An extra staff member may not be an ideal substitute for the MP but it would improve the situation and this would be far better than distorting the whole system with weightage. We also believe that periodic evaluation of communications technology should be made so that such members can benefit from any advances.

13.28 Electoral Education:

We welcome the emphasis on the crucial issue of education. Democracy can only function effectively if the voters understand their political system and the role

they can play in it.

13.32 Use of the Commonwealth Roll Pending Joint Roll:

Given the poor shape the Queensland Electoral Roll appears to be in this seems to be a sensible suggestion.

13.33 Permissible Tolerance:

We commend this recommendation and hoped that EARC would have actually recommended a single quota and single permitted deviation from that quota of no more than 10% above or below the quota for the whole of Queensland.

13.35,36 Criteria for Redistribution:

We commend the criteria recommended for use in a redistribution with the exception of the formula for phantom voters which we discuss below.

The other criteria will provide a fair and objective set of guide-lines for future Redistribution Commissions.

13.37 Automatic Redistributions:

Automatic redistributions are an additional safeguard of the integrity of the electoral process.

13.38 Monitoring Electoral Enrolments:

This is an excellent proposal as it allows electorate numbers to be kept under constant monitoring.

13.40 Public Scrutiny:

We commend the provision for extensive public monitoring of all phases of the electoral distribution process. This is an important step towards participatory democracy.

13.41 Composition of Redistribution Commission:

We are satisfied with the composition of the Redistribution Commission but reiterate our earlier comment with regard to the Chair. We do not see why such a position should be limited to a Judge or former Judge. Other qualifications could also be just as useful and acceptable.

By listing these qualifications and relevant experience the opportunities to introduce partisans would still be limited.

13.42 Electoral Commissioner:

We agree that a Queensland Electoral Commissioner should be appointed as soon as possible but not with undue haste. It is essential that a well-qualified, impartial person be appointed.

13.43 Electoral Commission:

A State Electoral Commission of Queensland should be established expeditiously. CITIZENS FOR DEMOCRACY feels that such a Commission should have the status of a Statutory Authority with all Ministerial instructions to be written. This would protect the Commission from some of the abuses and inadequacies that have been alleged to exist in the current system.

CITIZENS FOR DEMOCRACY IS DISAPPOINTED THAT EARC DID NOT GIVE A DEEPER CONSIDERATION TO THE FOLLOWING RECOMMENDATIONS.

13.19 Single Member Electorates:

We believe that single member electorates as recommended by EARC do not provide representative equality and can be more easily manipulated to give electoral inequality. Such manipulation is considerably less effective in multi-member electorates. Consequently Citizens for Democracy recommended the Hare-Clark system as practised in Tasmania as did many other submissions. We do not want to repeat the arguments we made for Hare-Clark in the original submission as the Parliamentary Committee can refer to them, but we do take issue with some statements in the EARC Report.

The Report at 4.19,20 claims that all views are represented in the "two party system" but we reject this. The views of many voters are not represented by the amalgamated plurality and the compromises which become party policy. Only a PR system can achieve representative democracy where percent of votes cast is reflected in the percent of candidates returned and the compromises necessary to form coalitions are made in public, not behind party room doors.

As we noted earlier at 4.48 of the EARC report it is contended that support for minor parties in Queensland is below 5% therefore there is no significant proportion of voters going entirely unrepresented. We feel this is a spurious claim as many voters do not consider voting for a party which they feel has no chance of getting candidates elected. The vote for the Democrats in the Senate with PR is much

higher and it would be quite conceivable that such a vote could be repeated under a Hare-Clark system at State Government level in Queensland if sufficient number of voters became disillusioned with major parties. As candidates stood for the Democrats in only a handful of seats at the last State election very little can be concluded from the percent of votes they gained.

The EARC Report states at 4.56 that the major problems with the Queensland electoral system lies with undue electoral weightage. We believe that single member electorates are also a fundamental part of the problem. Proportional Representation is not a radical system. It is used for Senate Elections and for the Lower House in Tasmania. It is also used in many other countries.

While it is true that some very large electorates would result, we feel the benefits of Hare-Clark would outweigh this disadvantage. Therefore we recommend that your Committee proposes a review of the Queensland Legislative Assembly Voting system be conducted after three elections based on three year Parliaments or after two elections based on four year Parliaments with the view to re-examining the issue of proportional representation.

ENTRENCHMENT

At 9.85 the Report states "Accordingly the Commission does not recommend entrenchment." As noted earlier we have grave reservations about some of the reasoning put forward to support this statement in 9.84. Citizens for Democracy would like to see principles not processes protected. The report notes that in the United States voter equality is protected but that has not stopped gerrymandering. Protecting both the equality of votes and the independence of the Redistribution Commission would be a great improvement on the American system. We would

have preferred to see a more serious consideration of the possibility of entrenching such principles. However Citizens for Democracy is totally opposed to the entrenchment of a system of weightage.

CITIZENS FOR DEMOCRACY URGES THE PARLIAMENTARY COMMITTEE TO REJECT THE RECOMMENDATION FOR WEIGHTAGE. THERE SHOULD BE NO COMPROMISE WITH A BAD PRINCIPLE.

13.30 Recommendation for Electoral Weightage

Citizens for Democracy oppose EARC's recommendation for electoral weightage in the strongest possible terms and urges the Parliamentary Committee to replace 13.30 with a recommendation for a system based on voter equality with a tolerance of 10% above or below the quota. EARC has claimed that it has not recommended a zonal system. Electoral weightage however was at the heart of the zonal system. The votes of some citizens were valued more highly than the votes of other citizens. EARC has recommended that this continue. To compensate for one of a variety of possible disadvantages voters and their representatives might suffer, the votes of the citizens in the largest electorate could be worth double that of citizens in the majority of other electorates.

Citizens for Democracy is committed to the principle of electoral equality. There are many compelling reasons for this commitment.

Firstly, there is the philosophical principle; across the world, there has been a trend toward representative democracy and, within that trend, a strong movement toward granting each voter the same electoral weight. This has been the case in Australia at

the Federal and State level. The Joint Standing Committee on Electoral Matters Report No 1 not only noted this trend but asserted at p.57 that: "as a general principal redistributions should aim to have electoral enrolments which are within 10 percent of the average enrolment." The Committee then concluded that the "Federal Government has a clear responsibility to act to overcome this infringement of individual rights of Australian electors to have an equal say in choosing their Governments and that the Federal Government therefore has a responsibility to introduce one vote, one value".

Only Queensland and Western Australia have stood out against the trend to electoral equality and it is amazing to find that EARC has recommended that Queensland continue to do so. For an election to be truly fair we believe it is essential that each voter should have an equal impact upon its outcome. Weightage of any sort prejudices fair elections.

Departure from the principle is dangerous both in principle and practice. Each political party has identifiable groups in society which support it, and can produce reasons why those groups should be electorally privileged. Hence, we advocate the application of elector equality, as the only principle which stands above all these manipulations. Departures from this principle, in our view, are to be deplored.

Secondly, as we argued in our submission to Mr FitzGerald, vote equality leads to a higher standard of government. There is nothing automatic about this. However, when all citizens have equal electoral weights, politicians are less likely to cultivate those voters who have increased weightage. In addition, they are more likely to seek to "raise their game" in pursuit of electoral support, rather than seeking to manipulate electoral boundaries.

The EARC proposal - which seems to involve about six electorates - is clearly motivated by a genuine concern for voters in large, isolated electorates. The Commission has put great emphasis on the need for electors to have face to face contact with their local member. No comparative study of face to face contact between regions has been done in this report but it appears that rural people have gained notably over city voters in this area. They seem to expect and receive face to face contact far more than city voters. Some of the evidence cited to support weightage here is of great concern as access to doctors, pharmacists, schools and other services are cited in evidence to the Commission as justification for electoral weightage. However, attempts to compensate for these problems of remoteness by electoral weightage is both dangerous and undesirable. Our reasons for believing this are as follows:

1. The proposed electoral weightage can, in close elections, prejudice the result. Put brutally, the National Party is electorally advantaged by these proposals, and the other two parties, especially the Liberal Party, are disadvantaged. In a close election, the conservative side of politics would retain an edge over the ALP because of this weightage. In addition, on the conservative side, the National Party would retain an edge over the Liberals, despite a deficit in votes, because of the weightage. Thus, because of this departure from electoral equality, it would be possible for the National Party to come third in the popular vote, yet to end up dominating a conservative coalition, providing the Premier and most influential positions in the Cabinet. We believe that this would be a travesty, negating virtually all reform which has been achieved in this state. This would be contrary to principle 1.15d, outlined as an additional feature of a fair and democratic electoral system.

There should be fairness between political parties. It would mean that in an attempt to ensure that the ombudsman role of the politician could be done fully for perhaps two percent of voters the Legislative role could be put in jeopardy if the balance in Parliament was changed because of weightage.

2. The weightage advocated by EARC breaches the principle of electoral equality. As pointed out above, there is a constant temptation for politicians to meddle with the electoral system to their own advantage. Once the principle is breached, then it is merely a question of which groups should be electorally advantaged, and to what extent. By departing from a basic principle of democracy, this EARC proposal re-opens the way to the appalling manipulations of the last forty years. It provides a justification for the discredited system we have suffered for so long.

3. The system proposed by EARC - applicable to electorates of 100,000 square kilometres and involving a 2% multiplier - appears rather modest, even though it can pervert the results of close elections. However, it is also very fragile. It would only require an amending bill to change 100,000 to, say 20,000 and 2% to 10%, and a full-fledged malapportionment reappears. Smaller less remote electorates in Queensland suffer from seasonal factors like flood and bushfire which can limit the member's access. These could be cited as reasons for reducing the size of electorates to be advantaged or increasing the weightage. Conversely, it would be easy for a party based in the inner cities to argue that similar weightage should be applied on behalf of voteless migrants, the illiterate and other disadvantaged groups. We oppose these practices, and urge the adoption of one vote one value as a guiding principle in all Queensland electorates.

4. The small scale of isolation problems should be noted. The EARC recommendations apply to up to six Queensland electorates. If one examines the current six most dispersed electorates, one finds that they account for less than 4% of all electors. Over half this number live in country towns, and so the very real problems of isolation apply in full to only about 2% of the electorate. While sympathising with this 2%, we question strongly whether the entire democratic system in Queensland should be placed in jeopardy because of them. We also question whether isolation is the only disadvantage the Commission should have considered. Many of our Aboriginal population are living in conditions of extreme poverty and have health problems and life expectancies akin to third world countries yet there is no recommendation for special treatment for this most disadvantaged group.
5. Legitimacy is cited at 1.15 f. as another relevant feature of a democratic electoral system. We believe that most Queenslanders seek an electoral system not distorted by weightage. A large majority of voters supported the two parties opposing electoral weightage at the last election. Yet the Commission has chosen to support weightage, advocated by only one of the four parties contesting elections in Queensland. We believe a weighted system will lack legitimacy and so fail another of the criteria for a fair electoral system.

CONCLUSION

Citizens for Democracy believe that the majority of recommendations in the EARC report will, if adopted, lead to a far more equitable system for Queensland than it

has had for many years. It is lamentable that EARC has put those reforms in jeopardy by recommending a continuation of electoral weightage which was the corner stone of the previous zonal system. We urge the Parliamentary Committee to reject this recommendation. Additional facilities and extra staff for the members representing isolated areas is the appropriate way to deal with the problem of remoteness.

**PROPORTIONAL REPRESENTATION SOCIETY OF AUSTRALIA
(Qld Branch)**

State 43

P.O. Box 273 BULIMBA 4171

28 December 1990

Ms Janet Ransley
Research Director
Parliamentary Committee for
Electoral and Administrative Review
Parliament House
BRISBANE QLD 4000

Dear Ms Ransley

**RE: RESPONSE TO EARC REPORT ON QUEENSLAND LEGISLATIVE
ASSEMBLY ELECTORAL SYSTEM**

I am writing on behalf of the Proportional Representation (PR) Society in response to a request by the Parliamentary Committee for submissions relating to EARC's report on the Queensland Legislative Assembly electoral system.

1. The PR Society is concerned that the problem of stability of government under a system of proportional representation has been over-stated. Indeed the problem of stability has been erroneously linked to the process of election. A look at recent Australian political history will explain the error.
2. At present there are three coalition governments in Australia — New South Wales, South Australia, and Tasmania (I use the term "coalition" to refer to any form of arrangement which allows the government to pass legislation). With a change of government coalitions are likely in the House of Representatives, Victoria, Queensland, and Western Australia. New South Wales has seven (7) independent MPs; a close election will see them holding the balance in the NSW Lower House. The minor groups which have or may hold the "balance of power" include independents (Tas, SA, NSW), the National Party (WA, Vic, NSW, House of Reps) and the Liberal Party (Qld - provided the position between the Liberal Party and the National Party in Queensland does not change). The Northern Territory is the only place where a coalition is not likely in the foreseeable future.
3. And where are the proportional representation systems? Tasmania has the only PR system and its coalition formed only in 1989. The National Party has traditionally taken the position of the "minor party" in Australian politics, and more recently the increase in independents and other minor groups has allowed them to emerge as

potential "coalition partners". Yet the EARC report (p. 31) has argued that government will be less effective if "(minority) groups and parties (are) in a position to exercise power disproportionate to their support by entering into coalition with a major party to form a majority in Parliament."

4. This increase in third party support is a function of a new emerging political culture not of the electoral system. The Tasmanian system operated for 80 years without this so-called "destabilising" influence. It is no accident that Tasmania is now experiencing instability in its Parliament at the same time as most other Australian Parliaments. The struggle between the Liberal Party and the National Party in Queensland in recent times is simply a political struggle and will continue regardless of the reforms the Queensland Parliament may introduce. Single-member districts have hampered but not stopped the onslaught of independent MPs, and electoral systems do affect the strategies and successes of political groups, but to blame the problem of stability on the electoral system is quite wrong.
5. The EARC report (p. 31) has also argued that the introduction of PR will mean that "it is less likely that any major party will gain more than 50 percent of the vote". Again EARC does not seem to be aware that this has already occurred. Parties do not receive votes because PEOPLE DO NOT VOTE FOR THEM, and this trend away from the major parties is already occurring. What the EARC report may be suggesting is that if voters are given a greater opportunity or greater choice of candidates then they may shift their vote from a major party to a minor one. I hope that EARC is not suggesting that if voters were given the chance then they would NOT vote for the traditional three parties (ALP,Lib,NPA), and I hope the major parties are not opposing PR because they fear an electoral backlash from the voting public. The purpose of an electoral system should be to aggregate the choices of voters, not to influence the way voters vote by restricting options.
6. The EARC report (p. 34) argues that there is no evidence of great dissatisfaction with the three major parties. Many opinion polls over recent years may disagree with that, however EARC argues that the voting evidence does not show it. If EARC's conclusions are correct then a PR system will simply reflect the history of voting in Queensland; that is, voters will continue to give overall support to the three main parties as illustrated in Table 4.1 of the report (p. 35). While this supports the argument not to change systems, it certainly does not give force to arguments against change. Those who support single-member districting because of its tradition will use this argument, however deliberate malapportionment is also a tradition, yet few urge its retention because it is a Queensland political tradition.

7. The PR Society is also concerned that EARC has rejected the evidence that a system of proportional representation "would be more likely to achieve fairer electoral results than single-member electoral district arrangements based on equal suffrage" (p. 36). EARC made no attempt to analyse in detail the conflicting evidence put forward by the opposing sides, or if it did it chose not to publish anything in its report. The PR Society urges the Committee to pursue this issue further as the evidence showing the inherent fairness (among parties and voters) of PR is overwhelming. Australian Senate and Tasmanian House of Assembly results over time clearly show the stability and consistency of a PR system.
8. The PR Society urges the Committee to reconsider EARC's recommendations for single-member districts. EARC provides little evidence to support its claims and appears to have ignored clear evidence that a system of multi-member districts will produce fair results and consequently good government.
9. Finally the PR Society would like to express its opposition to the newly recommended system of weightage — elector equivalents. The Society recognises the problems voters have in remote areas, however I wish to stress that while parliamentarians work for a specific constituency, their primary function is to act as legislators. It is not appropriate to affect the representation of the Legislative Assembly (which acts on behalf of the State as a whole) simply in order to make a member's job easier in a remote area. Extra resources (telephones, staff, etc.) still provide the best option for improving the lot of people in remote areas. It is important to note that 30 years of weightage seem to have done little to improve life in remote places — how will weightage help now?

I hope the Committee will carefully consider these comments, and either I or another representative from the PR Society will be happy to discuss further with the Committee any matters pertaining to the report. Thank you.

Yours sincerely



Terry Wood
on behalf of the Proportional Representation
Society of Australia (Qld Branch)

J. Neill Sassie Ph. C., B. A., J. P.

"Palmyra" Radke Rd.,
Bethania. 4205
State 44

30/12/90

Dear Mr. Foley,

Thank you for the information supplied by you, to me, through Mr. Goss, regarding the inability of EARC to consider the question of the re-introduction of a Second Chamber to the Queensland Parliament. Around the end of June this year I was working 12 hour days and also trying to catch up on University assignments, so I did not have a great deal of time for reading newspapers in any detail so I missed the June announcement regarding this question. I would, however, like you to note that I was sufficiently doubtful of EARC being able to legitimately consider the concept that I tried to contact Mr. Goss, in his capacity as my local member, and I did contact the EARC office. EARC advised me to make my submission.

I am sending your committee a copy of my submission to EARC, and I am hoping that it will reach you in time, and that you will treat it as a submission to the Parliamentary Committee for Electoral and Administrative Review.

I would add one point to my submission. Opponents to the concept of a Second Chamber will use as a major emotional argument that it will result in "even more politicians". It is my opinion that society would be better off if more policies and decisions were being prepared and made by politicians, who ARE responsible to the people, than by bureaucrats who can and do "hide behind the Crown".

Hoping this reaches you in time,

Yours Faithfully,



J. Neill Sassie.

A Submission to

The Electoral and Administrative Review Commission.

by

J. Neill Sassie
"Palmyra" Radke Rd.,
Bethania. 4205.

The State of Queensland is, or is supposed to be, a Westminster style Western-liberal-democracy. There are two basic types of democracy. They are Direct Democracy and Representative Democracy. In direct democracy all citizens take a direct part in initiating and deciding on all public matters. This is the form of democracy that existed in ancient Greece and even earlier city-states. It is the purest form of democracy as every citizen has his say. It is not a practicable form of government for modern large political units such as the State of Queensland. Representative democracy is the best compromise between pure direct democracy and practicality. Representative democracy is a SUBSTITUTE for direct democracy and one of the main objectives of the electoral and parliamentary systems should be to as closely approximate direct democracy as possible.

Democracy has been described as "Government of the people, by the people, for the people." As long as it is understood that the word "people" in the above quotation means "all the people, equally" then the above precept is an excellent test as to whether a system is truly democratic or not.

THE ZONAL SYSTEM. In a democracy it is people, not INTERESTS, WEALTH PRODUCTION, OR SECTIONS that are represented. Representation of these things may or may not be desirable, but it is NOT democracy. Recent history would indicate that it is not desirable either. Rural interests do not appear to have been overwhelmed in those states where zonal systems do not exist. The problems of contact between the electors and their representative in large rural electorates can surely be overcome by the use of modern communications (008 telephone numbers etc.) and the use of light aircraft by the representative so that he may be available, on a routine basis, in various parts of the electorate for face to face meetings where this is deemed desirable. This problem should not be an excuse for some peoples' votes to have more weight than do others. Many urban electors have difficulty seeing their representatives if they are very busy with government duties. It is not easy to get to see the Member for Logan. The zonal system is an undemocratic anachronism that should be done away with as soon as possible.

PARLIAMENT. Parliament, which is produced by the electoral system, has two main, and to some extent conflicting, functions. The first is to represent the people (to be a "mirror of the nation's mind"), and the second is to produce stable government. If parliament is to truly represent "the people" then it should be composed in such a way that all significant political opinions are represented, and that they be represented in as near as possible the same proportions as they exist in the community at large. This can be achieved by using a proportional representation system. It is quite likely that such a system will result in a parliament in which no party, group, or stable coalition will be able to command a majority on the floor of the house. This being so, the second main function of the parliament, the formation of a stable government, is unlikely to be fulfilled

using this system. In order that a stable government can be formed it is necessary that a party or coalition is able to obtain an absolute majority. Such a party or coalition should be the most acceptable, or least unacceptable, to a majority of electors. This can be achieved by the use of a fair single seat electorate system. This can, and often does, produce a "winner takes all" result in which significant minor opinion has no voice at all, the opposition has a voice that is muted or almost totally silenced. It would seem that we can have democracy or stability, but not both. Both are essential. Can both be achieved? YES they can.... by having a BICAMERAL parliament, one House of which is elected using a proportional representation system, and the other using a single-seat electoral system. The single-seat system could be used to elect the Legislative Assembly by which the government is formed, and from which the Premier is drawn. The other house, a suggested name for which is "The Representative Assembly", would be elected using a proportional representative system.

THE BICAMERAL SYSTEM Should E.A.R.C. decide that a bicameral parliament is desirable and recommend it to the government, then new submissions should be called with regards to such matters as the relative sizes and powers of the two Houses. My own feelings are that the Representative Assembly should be half the numerical size of the Legislative Assembly, and that the two houses should be equal in prestige and power. Deadlocks between the two Houses could be resolved by joint sittings or by the calling of new elections for both houses. In the event of joint sittings each Representative Assembly vote should be double the value of a Legislative Assembly vote, thus maintaining the power parity of the two Houses.

VOTING SYSTEMS Brief comments on the points raised in Para 4.2 of the E.A.R.C. Issues Paper No 1.

a. Fairness. This would seem obvious. The fairness, however, is to the people, not to political parties as such.

b. Minority Interests. This submission has indicated how this very important point can be taken care of.

c. Intergration. This would seem to be more a function of the parliament and government rather than the voting system.

d. Accessibility and Accountability. In a representative democracy this also would seem obvious. It is a very strong point against a "party list" system of proportional representative voting.

e. Voter Participation. This should be a democratic duty of every elector. Electors should be given the option of abstaining on the ballot paper. This may have the desirable effect of producing good policies rather than just the least worst. Too often electors have the feeling that it does not matter who you vote for, a politician wins. Votes should have equal weight. If they do not then it is not a democracy, and that is not acceptable.

f. Stability of Government. This submission has also indicated the great importance of this point.

g. Effective Parliament. It is primarily the function of the electors to choose effective parliamentarians. The form of the parliament will have some effect on this point, but the electoral system should not. People cannot be made to vote for the "right" candidate, and parties cannot be made to endorse the "right" candidates.

h. Effective Parties. Parties exist but they are not essential. Except for casual senate vacancies they do not rate a mention in the Australian Constitution. They are more productive of stability rather than democracy. We have just finished a period of "strong stable government" which was produced by a well

organized political party. It was not very democratic, and some may argue that it was not very good.

i. Legitimacy. This is extremely important. Without it governments lose their moral right to govern. They often become autocratic and repressive because they are unable to tolerate criticism. They may go to extraordinary lengths to destroy a critic. e.g. John Sinclair of the F.I.D.O.

j. Speed. A speedy result is desirable, but of less importance than a democratic result.

k. Simplicity. Simplicity is important, but not as important as democracy.

l. Responsive. This is necessary so that the system should remain democratic.

In the single-seat electorates proposed for the Legislative Assembly the fairest, and generally the best voting system is the one presently in use, that is the majoritarian (alternative) system, provided that the electorates contain about the same number of electors. Preferential voting should be compulsory.

In the proportional representative system, using multi-seat electorates, proposed for the Representative Assembly the single transferable vote system is the most democratic and is relatively simple, if at times somewhat tedious if there are a large number of candidates. The number of preferences required to register a valid vote could be limited to say twice the number of seats in the electorate. All electorates should be of about the same number of electors and have the same number of seats to be won.

The Party List system is most undesirable because it gives too much power and influence to the Party machines and party officials. "Yes-men" and "party hacks" tend to be given the seats rather than talented but less amenable party candidates.

As submissions concerning Stages 2, 3, and 4 of the Electoral Review Program are to be called for at later dates this submission will not address the subjects to be covered in those stages.

CONCLUSION. The present review of the electoral system is probably a once-in-a-lifetime opportunity to make the sort of radical changes that are necessary to produce a genuinely democratic and effective parliamentary system of government. It is therefore urged that such radical measures be given serious consideration and that the "tinkering around the edges" of a flawed system be avoided. Democracy is the best system because, in the long run, it produces the best government.

28.12.1990

Research Director
EARC
Parliament House
Brisbane 4000

Dear Sir

1 I support the attitude of Chris Griffith
on one vote, one value.

2 Dr Fitzgerald's suggestions
for compensating country people
are sensible and constructive.

Rural Australia
should receive substantial assistance
to increase its contribution
to the global food shortage.

3 We should take the example
of the Fabians - of a 100 years ago -
who sought to bridge the gap
between rich and poor politically
through Federation and democratic elections

Rather than through
senseless military adventures
to hold the poor down.

4 It would be nice
if EARC could translate its principles
from Queensland to the world's stage

And prepare a plan
to define electorates for a world election.

5 This would make more sense
- and cheaper - than the present Gulf fiasco.

6 It would also be nice
if today's children - who are remarkably intelligent -
were included on the electoral roll.

Yours sincerely

Michael Good
P O Box 424
Corinda 4075





PARLIAMENTARY COMMITTEE FOR ELECTORAL AND ADMINISTRATIVE REVIEW

CALL FOR PUBLIC SUBMISSIONS

on Electoral and Administrative Review Commission Reports on Freedom of Information and Judicial Review of Administrative Decisions and Actions.

The Parliamentary Committee for Electoral and Administrative Review is an all party Committee of the Legislative Assembly of Queensland. One of its functions is to examine reports of EARC and to report to the Legislative Assembly on any matter appearing in or arising out of any such report.

The Committee has received reports from EARC entitled:

- Freedom of Information
- Judicial Review of Administrative Decisions and Actions.

The Committee is inviting written submissions from members of the public and interested parties to assist in its review of the report. The Committee has copies of all submissions made to EARC and it is not necessary for any person to re-submit such a submission to this Committee. The Committee is interested in submissions relating directly to EARC's report and its research, conclusions and recommendations.

Submissions should be forwarded by 12.00 noon, Thursday 14 February 1990 to:

The Research Director
Parliamentary Committee for Electoral and Administrative Review
Parliament House
Cnr George and Alice Streets
BRISBANE QLD 4000

Copies of EARC's report are available from GOPRINT Offices (the government printer) 371 Vulture Street, Woolloongabba or 135 George Street, Brisbane, office hours 8.30 a.m. to 4.30 p.m.

Submissions made to the Committee will be treated as public documents unless the Committee determines that confidentiality is required.

Further enquiries may be made to the Research Director — Telephone (07) 226 7631 or facsimile (07) 226 7668. Matt Foley, MLA, CHAIRMAN

Anger at vote plan

A PROMINENT ALP member has resigned from the party over its abandoning of its traditional "one vote, one value" stand.

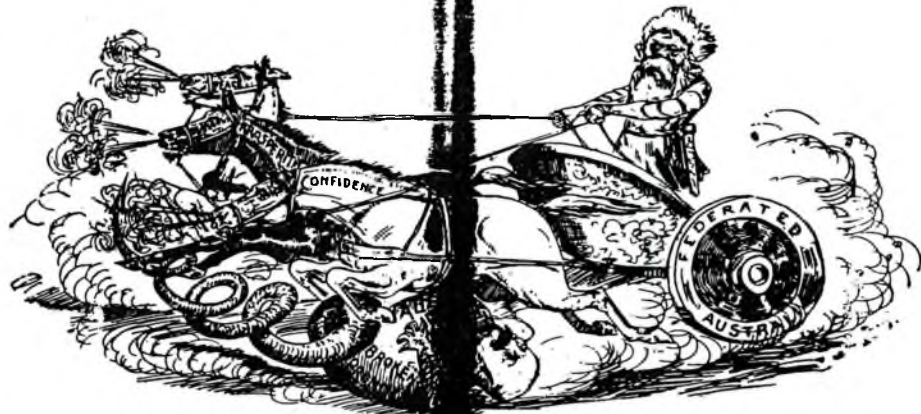
Dr Ross Fitzgerald, a member of the Queensland Watchdog Committee, said Citizens For Democracy founder Chris Griffith had submitted his resignation from the ALP.

Dr Fitzgerald said the two-zonal system advocated by the EARC report was a mal-apportionment that would make some votes more valuable than others.

Dr Fitzgerald said country people should be compensated for their isolation by more telephones, toll free numbers, faxes and aeroplanes for political representatives, not extra voting power.

VOTE FOR SIR HENRY PARKES.

Federation, Local Government and General Prosperity.



TRIUMPHANT RETURN OF SIR HENRY PARKES.

(From THE AUSTRALIAN STAR, of Saturday, July 20th., 1895)

16 Gladesville St
Kenmore.

Q. 4069.

30 December 1990

Stak 46

Matthew Foley
Chairperson
EARC Parliamentary Committee
Parliament House
BRISBANE

Dear Matt, Electoral Boundaries

I object to the 2-zonal system implied by the "phantom voters" proposal.

I think one-vote-one-value with a 10% tolerance is the fairest way to go in all areas. In sparsely populated electorates the disadvantage of distance should be compensated by generous electoral allowances plus provision of extra auxiliary staff, 4 wheel-drive vehicles, fax machines etc.

I find the concept of "phantom voters" utterly repugnant and more offensive than the former method of giving country areas more seats per head of population. Of course the "phantom voters" concept does exactly that but has about it an air of untruth. The truth is that the actual voters in those areas would have votes worth considerably more than one value. If one-vote-one-value is good enough Federally and in other States, it is good enough for country Queensland.

Sincerely,
E. G. Edwards

State 47

Mr. Widmer Barnes
1379 Anzac Ave
Kallangur, 4503

Phone: Bus. 8347411
A/H 2046935

To the Committee,

I wish to make some comments
on the EARC recommendations regarding
electoral reform, Vol 1.

The words, "one vote, one value," have received
a fair thrashing in recent times. This has
centred on the balance of voters per electorate.
There is a second part to this equation.
It lies in the method of voting, particularly
the way the vote is counted.

EARC has chosen to relegate this part to the
too hard basket. More of this later.

On balanced electorates.

I quote from Vol 1, Chapter 13.13, item (a)

"The meaning of 'equal suffrage' in
international conventions is not clear.

The expression does not mean exact electoral equality. However, it does not permit "malapportionment" Unquote.

A very debatable definition to be based on the word "equal".

However, we are dealing with reality.

A 10%, + or - variation in electorate numbers is generally accepted as being of reasonable accuracy and may be deemed not to constitute malapportionment.

Nevertheless, the overall 20% allows ample room for the weighting game to be played.

The EARC recommendations for the special electorates do constitute malapportionment and are not acceptable.

A better way has to be found, that involves only real voters, not ghosts.

Chapter 9, item (B), could form a basis for an "equal suffrage" answer.

If the basic equality is distorted from the start, the last 40 years has proven that further erosion will soon take place. All major parties have been involved.

On the voting method.

The present and retained so called majoritarian method of counting contingent votes is NOT one vote, one value.

Also, if contingent voting is not compulsory, certainly may not result in a 50% majority. The fact is that the general majority of contingent votes cast are never counted and are a waste of voter effort.

The NSW experience highlights the predictable slide towards a default first past the post result.

This is at least "one vote, one value".

EARC has correctly stated that attracting the contingent vote is up to candidates and parties. I suggest that a far greater attraction would be the knowledge that, when necessary, that vote would be counted on a one vote, one value basis.

I refer you to my original submission, number 211, page eleven.

EARC has decided to retain 89 seats.

It must be remembered that the last 6 or 7 seats were created, not by necessity, but by a government desperate to retain power.

I would think some positive leadership in the area of micro economic reform is needed here.

EARC has dumped the miscellaneous issues partly covered in Chapter 9.

On the subject of honesty.

I believe the average voter views with increasing hostility the pre-election lies, party members standing as so called independents (wife in local government), fence jumping, etc, etc.

I strongly urge this committee to closely consider these issues or refer them back to EARC for a little more thought.

One central point must be kept constantly in mind.

QUEENLAND HAS NO HOUSE OF REVIEW.

Therefore, new standards need to be set in the areas of equality and honesty, to ensure maximum accountability of any government. Accountability begins and ends at the ballot box.

If this state can pioneer such a system, it will in time be exported to other states and the Federal arena, where voting method reform is sorely needed for both houses

LBarnes.

State 48

PAGE 1

PERSONAL SUBMISSION

FROM L. NIGHTINGALE,
194 DOWDING ST.,
OXLEY,
BRISBANE,
4075.
PH. (07) 3754490 A/H

ON EARC REPORT ON
THE QUEENSLAND
LEGISLATIVE ASSEMBLY
ELECTORAL SYSTEM

TO THE CHAIRMAN,
'PARLIAMENTARY COMMITTEE
FOR ELECTORAL AND
ADMINISTRATIVE REVIEW',
PARLIAMENT HOUSE,
CNR. GEORGE AND ALICE STS.,
BRISBANE,
QUEENSLAND,
4000.

ATTENTION: THE RESEARCH DIRECTOR

INDEX

1. INTRODUCTION
2. TERMS OF REFERENCE - PRINCIPLES OF ELECTORAL SYSTEMS
3. WESTMINSTER SYSTEM
4. PROPORTIONAL REPRESENTATION
5. ENROLMENT AND VOTING
6. OPTIONAL PREFERENTIAL VOTING
7. MLA NUMBER REVIEW
8. ADDITIONAL FACILITIES FOR LARGE RURAL ELECTORATES.
9. ENTRENCHMENT
10. C.I.R.
11. ELECTORAL SYSTEM EDUCATION
12. RIGHTS OF FUNDING AND MEDIA ACCESS
13. WEIGHTAGE
14. REDISTRIBUTIONS AND PROCESS
15. REDISTRIBUTION COMMISSION AND QUEENSLAND ELECTORAL COMMISSION
16. PERSONAL REQUEST
17. ENDING

1.1 I wish to thank EARC for the report on the "Queensland Legislative Assembly Electoral System" and the efforts made by EARC. I believe that this report will result in some improvement in the Queensland electoral process and related areas.

1.2 I do believe that we still have some distance to go to achieve the cause of democracy in the electoral process, and related areas. Having said this, there are some promising recommendations. The following are areas of personal comment and commendation to assist the parliamentary committee in their final recommendation to the Queensland Parliament.

2.1 Section 1.15(a) speaks of "Fair Elections" and "In the interests of fairness, each person should have equal power and thus only one vote". I say that each person can only have equal power if they have both electoral and representative equality. This can only occur with a P.R. voting system.

2.2 Section 1.15 (c) speaks of "Adequate Representation for a Wide Variety of Interests", and "The electoral system should endeavour to ensure that the opinions of diverse groups and interests are represented to the maximum extent compatible with the operation of good government." I say that this can only occur with a P.R. voting system. Also I say that a P.R. voting system is compatible with the "operation of good government". Tasmania is an example of this. Tasmania with a P.R. voting system has had greater electoral stability than Queensland has experienced with a single member voting system. Similarly most European countries have experienced good government using P.R. voting systems.

2.3 Section 1.15 (d) speaks of "In the interests of fairness and equality, therefore, the number of seats gained by a political party should be proportional to the number of voters who support that party". This can only occur if a P.R. voting system is used.

2.4 Section 1.15 (e) speaks about "Effective Government." There are claims that only single member voting systems give effective government. I observe that effective government does occur in countries where P.R. voting systems are used. There are numerous countries, states and local governments worldwide which provide effective governments using a P.R. voting system.

2.5 Section 1.15 (f) says "If the voters do not endorse the system and its procedures as fair and reasonable, elected governments cannot trade on their legitimacy." I believe that there are significant minority groups within our community who would not endorse a single member voting system which would deny representative equality.

2.6 It appears that the EARC recommendation for a single member voting system conflicts with EARC's basic principles of electoral systems. I suggest that when a recommendation does not keep with the principles guiding that review,

then that recommendation is flawed. For this reason the recommendation for a single member voting system appears to be flawed.

3.1 Section 4.2 assumes that politicians should decide the voting system. History has proven that politicians should not be trusted in this regard. I suggest independent commissions or popular referenda as being the unbiased and democratic means for this important decision.

3.2 Section 4.20 speaks about the Westminster system. It is clear that this system operates on the basis that all interests in society have their views represented by either of the two opposing political camps. I believe that this concept is flawed because all views aren't represented on this basis. Because of this I suggest that the Westminster system serves Partyocracy and not Democracy. It appears that the major parties support Partyocracy because of their support for the Westminster system.

4.1 Section 4.4.5 says "The stress on that system is occurring because emerging minority political groups (Democrats, Environmentalists and others) claim they are not receiving fair representation". I say that this is not a "claim" but a fact. Section 4.18(b) supports my view, "The single-member system, even with equal electorates, operates very unfairly on most minor parties. In the 1990 Federal election, the Nationals with 8% of the votes won a dozen or more seats in the House of Representatives; while the Democrats, with 12% of the votes, won no House seats at all."

4.2 Sections 4.4.6 and 4.4.7 appear to contradict one another. Section 4.4.6 says "It may well be that the introduction of some form of P.R. would encourage, indeed generate, more small parties and groups to contest elections and, depending on the system introduced, allow their election to the Legislative Assembly. That in turn might lead to the absence of a clear majority of the sort traditionally known in Queensland, either the ALP

& some combination of anti-Labor forces in a coalition or single party, and a change-over to more broadly-based coalitions of diverse interests." Section 4.47 then says in conclusion "The evidence of what might or might not happen to Cabinet-formation and government stability under a P.R. regime in this State is too speculative to be given much weight."

4.3 Section 4.47 speaks of the instability of the Irish P.R. voting system but ignores the stability of the majority of European governments using the P.R. voting system. The Irish P.R. voting system is based on five member electorates. I suggest that seven member electorates would lead to greater stability.

4.4 Section 4.48 refers to the support for minor parties in Queensland. I suggest that this is not a true indication of minor party support. I suggest the Federal figures for Queensland are true figures. This is because a far greater electoral effort occurs at Federal elections than State elections. This is because of the Federal

electoral funding based on primary votes received from the previous election and no State electoral funding to my knowledge. I suggest these figures quoted are misleading and that the whole story is not shown.

4.5 Section 4.49 says "There is no conspicuous example of unfairness, such as the Liberal Party and then the Alliance provided for the British House of Commons, or the Australian Democrats for the Commonwealth House of Representatives, to press the case for change to remedy such injustice". Let it be known that the Australian Democrats only contested a small number of State seats at the 1989 State election whilst they contested all twenty four Federal seats at the 1990 Federal election. I suggest on a basis of State electoral support this situation provides a distortion of the level of State electoral support for the Australian Democrats and that the Federal figures for Queensland are closer.

4.6 Section 4.53 says "but the outcome could well be different from what the

Page 10

Tasmanian experience suggests and resemble rather that of the Senate with a predominant role of party in candidate selection and election." I suggest that if the rotating list was used with the P.R. voting system then this situation would be unlikely. I refer to 4.37(a) and 4.38 which support my position.

4.7 Section 4.54 says "However, the commission is not satisfied that, in the Queensland context the adoption of P.R. would be more likely to achieve fair electoral results than single member electoral district arrangements based on equal suffrage." In response I quote from an article by Malcolm Mackerras titled "Queensland's Electoral Scheme" on page 348 and it says "There is little systematic evidence for a gerrymander. Rather the conclusion is drawn that the results in Queensland in 1986 and 1989 are consistent with the outcomes one would expect in single member electorates with preferential voting." I suggest that a P.R. voting system is fairer because it gives representative equality

to all voters, something which a single member voting systems doesn't give.

4.8 Section 4.56 says "The existing single member system has not resulted in any problems which would justify abandoning that system in favour of another." I suggest that the present system does not support electoral Democracy expressed by electoral and representative equality. On this basis I suggest there is justification for abandoning the present single member voting system.

4.9 In section 4.57 I wish to support the introduction of an appropriate independent forum to explore future changes to Queensland's electoral system. I would suggest that the State voting system be reviewed one year before the third term (if three year terms) or one year before the second term (if four year terms). I suggest this review be conducted by an independent commission using a similar process to EARC.

4.10 The recommendation 4.58 for a single member voting system appears to show an unswerving allegiance to the Westminster system which produces 'partyocracy' in the form of two major parties. The loss is the cause for electoral Democracy. I suggest that presently there is a trend worldwide towards more Democratic government. In Australia I suggest that a P.R. voting system is a logical extension of this worldwide movement towards Democratism. I therefore ask the parliamentary committee to consider recommending a P.R. voting system for the reasons that I have outlined.

5.1 I commend EARC for their recommendation 5.34 "(a) elector enrolment should continue to be compulsory, (b) voting in Queensland Legislative Assembly Elections should also continue to be compulsory." I suggest that the cause of Democracy is best served by these recommendations particularly in the long term as voters become more politically literate and participative.

6.1 I commend EARC for recommendation 6.26 for the introduction of optional preferential voting for the Queensland Legislative Assembly elections in the context of a single member voting system. However I support compulsory preferential voting if a P.R. voting system is adopted. The EARC reasoning in 6.24 and 6.25 appears to be sound reasoning.

7.1 I commend EARC for recommendations 7.63 and 7.64. Recommendation 7.64 recommends "that a periodic review of the number of Members of the Legislative Assembly be undertaken by an independent electoral authority every seven years." I support this principle.

8.1 I commend EARC for recommendations 9.44, 9.45, 9.46 and 9.47 which all recommend additional facilities etc for members in large rural electorates. I suggest that consideration be given for future technological advances. I suggest a recommendation to

allow for future technology and for future public reviews on this subject to be conducted by an independent electoral body.

9.1 Section 9.79 says that entrenchment is quite legal under the Queensland Constitution. I say that Parliament should not be able to entrench in the State Constitution for the reasons given in 9.80 and 9.81. I commend EARC for 9.80 and 9.81. I say that principles only should be entrenched and that laws should then be based on these principles. The entrenchment of processes and laws pose problems as shown by 9.82 and 9.83.

9.2 I say there are two principles necessary to be entrenched in the Queensland Constitution at this time. Firstly is the principle of entrenchment via a successful referendum. Secondly is the principle of political independence for all electoral and related bodies. It is necessary to hold referenda to entrench these two principles.

9.3 The conclusion 9.84, I suggest shows little fact or logic. I suggest there is no guarantee pressure groups or the media will watch the Parliament as suggested. I suggest there is a responsible and Democratic way to entrench principles. If used as I suggest, entrenchment is a tool necessary to ensure the future fidelity of future Queensland Parliaments, in relation to electoral and related matters. History has proven that Political Parties should not be trusted with these matters.

9.4 I call upon the Parliamentary Committee to show their commitment to the cause of Democracy and recommend the two entrenchment principles and referenda of same as I advocate.

10.1 Section 9.90 lists the arguments against CIR by Walker (1987 p. 59). This section is taken out of context because Walker then goes on to rebut these arguments against CIR, later in his book.

11.1 I commend EARC for

the recommendation 9.108 on electoral system education. This is an excellent recommendation. This recommendation will serve the cause of Democracy.

12.1 I was disappointed that State electoral funding for political parties similar to that of Federal electoral funding was not included in the "Other Matters" section. I suggest guaranteed rights of funding and media access for political parties at state level in proportion to electoral support. I ask that this be considered for recommendation.

13.1 The EARC recommendation 10.740 supports a system of weightage between certain electorates. I oppose this principle because it is contrary to electoral Democracy in that this principle does not support the principle of electoral equality. Also I suggest that if a system of weightage is introduced then I perceive that there are two barriers to overcome before a P.R. voting system can be introduced. These are firstly the principle of weightage and secondly

the principle of the single member voting system.

14.1 I commend EARC for the recommendations 11.185, 11.186 and 11.243. I suggest that the process recommended in 11.243 will ensure an independent and open approach for the redistribution process if followed through.

15.1 I commend EARC for recommendation 11.244, especially that the Redistribution Commission should be independent. I commend EARC for recommendation 12.32 and 12.33 with the important reservation that the Queensland Electoral Commission is not recommended to be an independent body as with the Redistribution Commission. I ask that the QEC be recommended to be an independent body.

15.2 I suggest that commissioners of both the Redistribution Commission and the Queensland Electoral Commission be selected by the

following criteria :-

- (i) Not a current member of a political party
- (ii) Be considered and judged to be politically neutral at that time
- (iii) Be suitably qualified
- (iv) Be acceptable to all political parties elected.

15.3 I suggest that the selection methods for commissioners of these bodies should reflect the earlier proposed entrenched principle of "Independence from Parliament". These criteria and entrenched principle are necessary, I suggest, to ensure capable, independent bodies and the trust of Parliament.

16.1 I ask the Parliamentary Committee to consider my proposals which support the cause of electoral Democracy in the form of electoral and representative equality, and Democracy in general.

17.1 In closing once again I wish to thank EARC for their obvious hard work. I also wish to thank the Parliamentary Committee for their patience and diligence. I and others appreciate the opportunity to participate, for this is one of the signs of democracy and our society is better for this. There has been progress due to our collective efforts, and this is good for Queensland and the future.

Kind Regards,
Lee Nightingale



THE UNIVERSITY OF QUEENSLAND

Department of Government

St. Lucia, Qld 4072
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Fax: (07) 33651111

File No	
File No	0015
Office	



HEAD OF DEPARTMENT
DR M. B. FLETCHER
K. A. HUGHES
K. W. WILTSIRE

SUBMISSION ON COMPULSORY VOTING IN QUEENSLAND

The following points should be considered.

Democracy is based on the freedom of the citizen to be able to exercise their rights, or not, without coercion by the state. Therefore compulsory voting is a negation of democracy.

Compulsion is more the hallmark of a totalitarian regime than a healthy democratic system.

Compulsion encourages sullen, fatalistic and nihilistic attitudes in government and bureaucracy; and apathy, if not subservience, among citizens.

A non-compulsory system should encourage government and bureaucracy to be more open, responsive and supportive of citizen participation in the life of the society.

Is a compulsory system good for keeping political parties in touch with the mass of the citizenry, does it encourage vitality, apathy or complacency? Such a system is easier for governments and parties but is not necessarily good for healthy democracy.

There is a widespread lack of understanding and appreciation of the democratic system of government in Australia and Queensland, which was one factor leading to the Fitzgerald Report. A compulsory system can lead to a neglect of education about the democratic system, it can mask the faults, ignorance and apathy. Funds saved on the abolition of the compulsory system should be spent on political education.

Australia and Queensland are unusual among developed countries in having a compulsory voting system, it suggests Australian citizens are immature or irresponsible compared to other nations. This kind of attitude supports non-democratic and authoritarian governments and policies.

Other countries with non-compulsory systems have high or reasonable voter turnout in elections.

The new Queensland government following on the abuses of the past and the Fitzgerald Report should seriously consider the basis and the effects of the compulsory voting system in Queensland.

James Elliott
James Elliott
Lecturer in Government
8 January 1991



State 50

Phil Heath, MLA
Member for Nundah
1159 Sandgate Road
NUNDAH QLD 4012

Ph: (07) 266 2266
Fax: (07) 256 2801

9 January, 1991

Mr. Matt Foley, MLA
Chairperson,
EARC Parliamentary Committee,
C/- Yeronga Electorate Office,
Moorvale Lane,
183 Beaudesert Road,
MOOROOKA QLD 4105

Dear Matt,

SUBMISSION TO PARLIAMENTARY COMMITTEE FOR EARC

May I submit to you, for the consideration of the Parliamentary Committee for EARC, my opinion on sections of the report by the Electoral and Administrative Review Commission into the Queensland Legislative Assembly Electoral System.

I refer to paragraphs 10.240 and 13.30 on pages 172 and 239 respectively of Volume One of the report.

The recommendations of these two paragraphs allow for, and will entrench, the retention of a zonal system within Queensland electorates.

The two parameters given in those paragraphs, the first being electorates of 100,000 square kilometres or more in area, and the second being the 2% value, introduce an arbitrary weightage or bias under which the votes of some Queenslanders will continue to be of lesser or greater value than the votes of others.

Further, acceptance of the principles encompassed in 10.240 and 13.30 at this time will create a precedent under which future alterations can be made to either of the arbitrary figures - 100,000 square kilometres or 2% - without disturbing the principle of weightage which will be seen to be correct or allowable in future if it is accepted now.

Queensland has not enjoyed the most basic democratic right of fair elections since 1949, this is the first real chance in 42 years to re-establish the correct principles of democracy in our State legislature. If this opportunity is not taken now, it may be lost for decades more, and no Queenslander deserves even partial dis-enfranchisement for even the shortest time.

One of the reasons for the change of State Government in December 1989 was the public's expectation that following that change, there would be a fair redistribution. The prospect of an almost or partially fair redistribution was not expected, nor canvassed, prior to the election and should not be thrust upon Queenslanders now.

It was generally expected or accepted prior to the election that EARC would recommend, independent of political interference, for the provision of a fair re-distribution, and would oversee its implementation.

Since paragraphs 10.240 and 13.30 of the report, if accepted, will negate such complete fairness, it now becomes incumbent upon the Parliament Committee for EARC, and the Parliament itself, to ensure the conception and inception of the fair electoral system which Queenslanders deserve and expect.

Volume 1 of the report, in paragraphs 9.44, 9.45 and 9.46, makes worthwhile and valuable recommendations regarding the allocation of additional facilities for certain large electorates. Within these recommendations, and in the principle behind them, is the correct solution to any difficulties faced by voters in electorates covering large geographical areas.

An obvious parallel can be drawn between the largest Queensland State electorate, Gregory of 443,250 square kilometres, and the two Queensland Federal electorates which far exceed Gregory in size: Maranoa of 625,200 square kilometres, and Kennedy of 772,000 square kilometres. One Federal Member serves populations of 71,547 in Maranoa and 73,536 in Kennedy, and at no time is it contemplated by the Australian Electoral Commission that electors in those seats should have their votes weighted because of the large geographical area of the seats.

EARC, however, is recommending that the voters of Gregory should have their votes regarded more highly than the votes of any other Queenslanders because the electorate is geographically the largest of the State seats, based on current boundaries.

After a State redistribution, EARC is arguing that geography makes it too difficult for one State member to represent approximately 20,000 voters, (based on an even Statewide quota), while one Federal member can represent over 70,000 electors.

The key to such representation being of an adequate standard lies in the provision of extra facilities or resources for large electorates. Federal members already have the advantage of some such staffing and operational benefits compared with State representatives, and I am in no doubt that extra provisions as listed in paragraphs 9.44, 9.45 and 9.46 of the report will enable State members to represent 20,000 electors more than adequately, whether or not based on a comparison with Federal enrolments of approximately 70,000.

Further, provision of extra resources does not endanger the fair democratic principle of equal numbers of electors in each electorate, subject to a 10% tolerance.

In summary, may I recommend to the Parliamentary Committee for EARC that the principle of a fairly distributed electoral system, without zones or weightage, is of paramount importance. The opportunity of introducing such a system in Queensland now, after 42 years of bias and unfairness, must not be missed, nor diluted.

I strongly recommend that all words after the first occurrence of the word "quota" in paragraphs 10.240 and 13.30 be disregarded, so that the paragraph read:

"The Commission recommends that electoral districts in Queensland should contain equal numbers of electors with a permissible tolerance of 10% above or below the quota",

and that the above amended paragraph be included in the report by the committee to the Parliament.

Yours sincerely,



Phil Heath, MLA
Member for Nundah



Phil Heath, MLA
Member for Nundah
1159 Sandgate Road
NUNDAH QLD 4012

Ph: (07) 266 2266
Fax: (07) 266 2801

9 January, 1991

Mr. Matt Foley, MLA
Chairperson,
EARC Parliamentary Committee,
C/- Yeronga Electorate Office,
Moorvale Lane,
183 Beaudesert Road,
MOOROOKA QLD 4105

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Queensland has not enjoyed the most basic democratic right of fair elections since 1949, this is the first real chance in 42 years to re-establish the correct principles of democracy in our State legislature. If this opportunity is not taken now, it may be lost for decades more, and no Queenslander deserves even partial dis-enfranchisement for even the shortest time.

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An obvious parallel can be drawn between the largest Queensland State electorate, Gregory of 443,250 square kilometres, and the two Queensland Federal electorates which far exceed Gregory in size: Maranoa of 625,200 square kilometres, and Kennedy of 772,000 square kilometres. One Federal Member serves populations of 71,547 in Maranoa and 73,536 in Kennedy, and at no time is it contemplated by the Australian Electoral Commission that electors in those seats should have their votes weighted because of the large geographical area of the seats.

EARC, however, is recommending that the voters of Gregory should have their votes regarded more highly than the votes of any other Queenslanders because the electorate is geographically the largest of the State seats, based on current boundaries.

After a State redistribution, EARC is arguing that geography makes it too difficult for one State member to represent approximately 20,000 voters, (based on an even Statewide quota), while one Federal member can represent over 70,000 electors.

The key to such representation being of an adequate standard lies in the provision of extra facilities or resources for large electorates. Federal members already have the advantage of some such staffing and operational benefits compared with State representatives, and I am in no doubt that extra provisions as listed in paragraphs 9.44, 9.45 and 9.46 of the report will enable State members to represent 20,000 electors more than adequately, whether or not based on a comparison with Federal enrolments of approximately 70,000.

Further, provision of extra resources does not endanger the fair democratic principle of equal numbers of electors in each electorate, subject to a 10% tolerance.

In summary, may I recommend to the Parliamentary Committee for EARC that the principle of a fairly distributed electoral system, without zones or weightage, is of paramount importance. The opportunity of introducing such a system in Queensland now, after 42 years of bias and unfairness, must not be missed, nor diluted.

I strongly recommend that all words after the first occurrence of the word "quota" in paragraphs 10.240 and 13.30 be disregarded, so that the paragraph read:

"The Commission recommends that electoral districts in Queensland should contain equal numbers of electors with a permissible tolerance of 10% above or below the quota",

and that the above amended paragraph be included in the report by the committee to the Parliament.

Yours sincerely,



.....

Phil Heath, MLA
Member for Nundah

GARY JOHNS M.P.

FEDERAL MEMBER FOR PETRIE



Parliament of Australia
House of Representatives

UNIT 10, DAKIS ARCADE
SUTTON STREET REDCLIFFE, Q. 4020
TEL (07) 283 4277 FAX (07) 284 1379

24 December 1990

Mr Matt Foley
Chair Parliamentary Committee for Electoral
and Administrative Review
Parliament House
George Street
BRISBANE QLD 4000

SUBMISSION TO PARLIAMENTARY COMMITTEE FOR EARC

I wish to place before you my views on the report by the Electoral and Administrative Review Commission on the Queensland Legislative Assembly electoral system.

Volume 1 of the EARC Report Recommendation 10.240 allows in fact for a two zone system of electorates, where the electorates in the rural zone are provided with a weighted vote which gives the voters in those electorates a greater impact than in other electorates.

Such a recommendation, if sustained, would allow for the introduction of a flawed electoral system not vastly different from the one that previous National and Labor Governments used in order to influence the outcome of elections.

This is the dangerous precedent that an adverse decision would set.

I am aware that the ALP Administrative Commission has submitted to your committee that it will agree with the recommendation by EARC despite the fact that in its own submission to EARC it argued against a system of weightage of electoral boundaries.

In fact the ALP stated in that submission that "Any zonal system is inevitably biased and undemocratic because it always departs from one vote, one value and zonal boundaries are themselves gerrymandered for the advantage of one party over another. A zonal system creates the culture for constant boundary rigging".

The essential consideration for your committee is whether the government must slavishly follow the recommendations of the Commission.

2

Mr Matt Foley
24 December 1990

Clearly EARC has no power other than to recommend to Government and in that sense its recommendations are to provide material for discussion, not simply to be rubber-stamped by the Parliament.

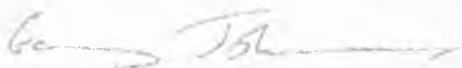
Were EARC to recommend the establishment of a House of Review, or the halving of the present number of MLA's, I am sure that your committee and the Goss Government would not be so foolish as to follow the recommendations of EARC.

Similarly in the case of weighted electoral boundaries the ALP has always maintained that the only fair system of electoral boundaries is a one vote-one value system and that as a consequence where members of Parliament have to service large electorates they should be well looked after in terms of resources.

I remind you and your committee that Mr Graham Campbell MHR, Member for Kalgoorlie, alone represents a district larger than the entire State of Queensland and in the Commonwealth Electoral Act there is no provision whatsoever (except as stipulated in the Constitution in the case of Tasmania) that there will be any variation between the size of electorates other than an acceptable 10% of tolerance for practical purposes.

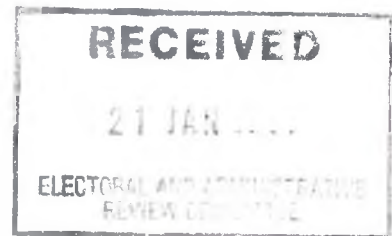
I urge your Committee to make a finding against the Recommendation 10.240 and instead recommend a single system of electorates as is the case for every mainland State in the Commonwealth in the Federal arena.

Yours fraternally



GARY JOHNS MP
MEMBER FOR PETRIE

CJ.jl



QUEENSLAND COUNCIL FOR CIVIL LIBERTIES

Stale 52

SUBMISSION TO THE

PARLIAMENTARY COMMITTEE FOR ELECTORAL AND ADMINISTRATIVE REVIEW

ON

THE QUEENSLAND LEGISLATIVE ASSEMBLY ELECTORAL SYSTEM

PREPARED BY PAUL O'SHEA B.A.(Hons), L.L.B.(U.Q.), M.Sc.(U.O.) Dip.L.P.(Q.U.T.)

Former University of Oregon Teaching Fellow in Judicial Politics,
Civil Rights and International Relations now a Solicitor of the
Supreme Court of Queensland and the High Court of Australia.

1 INTRODUCTION

1.1 The Council is grateful to the Parliamentary Committee for the opportunity to make submissions on the Queensland Legislative Assembly Electoral System as part of the overall review of that system mandated by the Electoral and Administrative Review Act 1989-90. ("the Act")

1.2 As the Council understands the Act and the intentions of the Parliamentary Committee, the Report of the Electoral and Administrative Review Commission ("the EARC Report") forms the basis of the Parliamentary Committee's review but is not binding on it. The EARC Report is nevertheless an important document in the Parliamentary Committee's deliberations. The EARC Report merits careful consideration but for the reasons which follow it also warrants considerable criticism.

1.3 From the outset, the Council wishes to emphasise that it supports the vast majority of the recommendations contained in the EARC Report and considers that document to be a milestone in the democratic development of Queensland and Australia. The process of public submission, informed discussion, public hearings, research and consideration which characterized the work of the Electoral and Administrative Review Commission ("EARC") in preparing its report on this and other matters under review can only be praised by the Council. Such processes are indicative of a maturing society where Civil Liberties, along with other attributes of a just society, are espoused and practised.

1.4 The Council takes issue, however, with the EARC Report in the following respects:-

(a) Recommendation 10.240 (p.172) to the extent that it provides for a

system of electoral weightage based on "notional voters" for electoral districts of 100,000 square kilometres or more in area.

(b) Recommendation 5.34 (p.49) to the extent that it provides for compulsory voting.

2 ELECTORAL WEIGHTAGE AND INTERNATIONAL LAW

2.1 The Electoral Rights contained in Article 25 of the International Covenant on Civil and Political Rights were central to EARC's research and conclusions.

2.1.1 It is one of the stated objectives of the Council to further the legislative compliance by all governments with the international Human Rights treaties adopted by Australia, in particular, the International Covenant on Civil and Political Rights ("the Covenant"). Therefore, the Council's submission to EARC was partly couched in terms of its interpretation of Australia's obligations under the Covenant and the international and comparative jurisprudence relating to electoral systems and human rights.

2.1.2 That these matters were also of concern to EARC is evidenced by its retention of Professor Phillip Alston of the Centre for International and Public Law at the Australian National University to write an opinion on Australia's international Human Rights obligations and the question of One Vote One Value. Professor Alston is to be praised for his opinion especially as it took him only three days to research and complete. (the EARC Report Appendix 1, p.1)

2.2 EARC's interpretation of Article 25 of the Covenant is wrong and its electoral weightage proposal does not comply with International Law.

2.2.1 The Council respectfully takes issue with some of Professor Alston's

analysis but mostly with his conclusions. More significantly, however, the Council is surprised at the use to which Professor Alston's ambiguous conclusions are put by EARC in its Report. The Council asserts that EARC's conclusions involve misinterpretation of Professor Alston's opinion; of Article 25 itself; of the United Nations record of the deliberations leading to the adoption of the Article; and of the relevant European, Canadian and American Case Law.

2.2.2 Specifically, we assert the Electoral Weightage portion of the electoral system proposed in the EARC Report renders that system to be in continuing breach of Article 25 of the International Covenant on Civil and Political Rights which Australia has signed and ratified. The Zonal System was a blatant abuse of the Civil Rights of all Queenslanders. The proposed system is but be a more subtle and insidious failure to live up to Australia's international Human Rights obligations.

2.3 EARC's conclusions are inconsistent with a plain reading of Article 25

2.3.1 Professor Alston asserts that Article 25(a) which guarantees "the right and opportunity...to take part in the conduct of public affairs, directly or through freely chosen representatives;" is a "chapeau" or umbrella clause over the the other clauses, most significantly Article 25(b) which provides for "equal suffrage". In support of this assertion, he cites but does not quote one paragraph of the "Travaux Prepetoire" (a term of art for the preparatory work leading to the adoption of the Article and the rest of the Covenant). (Appendix 1, p5.)

2.3.2 EARC concludes from this that the "right to take part in the conduct of public affairs was the general principle in this Article and the right to vote by equal suffrage was an application of that general principle."(EARC Report, p119.) With respect, there is nothing in the Article itself to support this conclusion.

2.3.3 Furthermore, this is in stark contrast to the conventional and internationally accepted interpretation of international covenants and, indeed, domestic law. Unless otherwise specifically qualified, tabulated sub-paragraphs within a provision are logically interpreted as being of equal importance.

2.4 There is little in the preparatory work leading to the adoption of Article 25 which supports EARC's conclusion.

2.4.1 With respect, Professor Alston's own research is, at best, inconclusive in its interpretation of Article 25. He admits on page 5 of his opinion that "very little light has been shed" by the international jurisprudence on the section and that the "Travaux Prepetoire" also "shed little light on the Queensland context."

2.4.2 Professor Alston insists, however, that the UN Record and the political writers do support the proposition that no particular electoral system is prescribed by the Article. The Council does not take issue with this and in the Council's own submission to EARC, whilst suggesting that Proportional Representation may better ensure equal suffrage in compliance with the Covenant, readily conceded that this was not mandated by Article 25. However, The UN Record notes that the Article will "leave States parties to the Covenant free to regulate their own electoral systems, provided each vote carried EQUAL WEIGHT." (Emphasis Added) (Appendix 1, p7)

2.4.3 Professor Alston cites a United Kingdom representative's observation in the UN record that "there should not be identical weight by means of some kind of proportional representation." (ibid) Whilst it is abundantly clear that the means to achieve equal suffrage may vary according to each country's electoral system, it is also just as clear that the Covenant clearly mandates that the votes of all citizens shall be equal in value.

2.5 EARC has erroneously used arguments in the case law which relate to marginal deviation within a prescribed limit (e.g. a 10% margin of deviation) as support for electoral weightage beyond such margins.

2.5.1 Professor Alston identifies a "Margin of Appreciation" doctrine in the European Case Law interpreting an analogous Article in the European Convention on Human Rights which would allow for deviation from strict numerical equality. The Council has already conceded in its report that absolute electoral equality is impossible to achieve in a system based on single member electoral districts. (hence the discussion of proportional representation). Therefore, a margin of deviation from an established electoral quota is a necessary element of any such electoral system and has been adopted in many countries. It is the Council's view that EARC has used arguments and authorities for the application of such acceptable and consistently applied deviation as support for electoral weightage. There are numerous examples of this erroneous reasoning throughout the EARC Report.

2.5.2 Professor Alston's conclusions from the American Case Law are clear. "...in general it may be concluded that US doctrine readily sanctions disparities of up to 10% especially if a legitimate goal of public policy is cited by way of justification. Conversely, greater disparities will not readily be approved." (Appendix 1, p9.) The Council has adopted similar reasoning in its own submission.

2.5.3 Despite this the EARC Report asserts that the most famous US case on electoral matters, Reynolds-v-Sims (1963) 377 US 533, contains passages which "suggest that the application of equal suffrage may not be without qualification." (EARC Report, p121). The passage quoted does talk about "some deviations from the equal-population principle" as being acceptable. But on the same page the US Supreme Court qualified that statement in a way that is crucial

to this debate. The Court said that such deviations may be allowed for the purposes of maintaining "the integrity of various political sub-divisions, insofar as possible, and provide for compact districts of contiguous territory in designing a legislative apportionment scheme" and that "Modern developments and improvements in transportation and communications make rather hollow IN THE MID-1960'S most claims that deviations from population based representation can validly be based solely on geographical considerations. Arguments for allowing such deviations in order to ensure effective representation for sparsely settled areas and to prevent legislative districts from becoming so large that the availability of access of citizens to their representatives is impaired are today, for the most part, unconvincing." (ibid)

2.5.4 EARC admits that it "has been unable to find any case where other than minor deviation has been permitted" and, rather lamely, cites comparative demography between Australia and the United States as something that "should be noted" in this regard. (EARC Report, p121). Curiously, EARC talks about Australia having areas which are more "remote" than the United States.

2.5.5 The electoral weightage proposed in the EARC Report is not based on remoteness but on simple geographic area. The problem of remoteness in the Electorates identified in the report could be overcome by the inclusion of provincial urban and municipal areas within these predominantly rural electorates. The Urban/Rural distinction is divisive, illogical and has been commented negatively upon in submissions to EARC and by several speakers at the Public Hearings including Professor Kenneth Wiltshire. Significantly, if such a distinction exists, it is as much a creation of previous electoral systems which incorporated weightage and zones as a pre-existent socio-political consideration.

2.5.6 Much is made in Professor Alston's opinion and in the EARC report of

derogations from equal suffrage being acceptable if they are not "unreasonable" or "arbitrary" (Appendix 1, p.10) and if they are "proportionate to the prejudice identified."(EARC Report p.123).

2.5.7 The recent Canadian decision of Re Dixon -v-British Columbia (Attorney-General) (1989) 59 D.L.R.(4th) 247 was cited in detail by EARC in formulating its justification for electoral weightage. Somewhat apologetically, EARC referred to this being a "single judge decision of a Canadian provincial court" but stressed that the judge later was elevated to the Supreme Court of Canada and that this decision was not appealed. The obvious response is that this was one of hundreds of decisions by the same judge; it is still a recent and therefore untested authority; and the reasons that a decision is not appealed include many that do not relate to its jurisprudential soundness.

2.5.8 More importantly, however, in interpreting the decision, EARC is again taking arguments for marginal deviation and wrongly using them for weightage. It is also to be noted in the Dixon case that it is interpreting a specific provision of the Canadian Charter of Rights which does not specifically provide for Equal Suffrage.

2.5.9 One paragraph of the judgement reasserts that the "dominant consideration" in drawing electoral boundaries is population and that "equality of voting power" is so important" that there is therefore a "limit beyond which it cannot be eroded by giving preference to other factors and considerations." This limit is then identified in Canada as being 25% and 10% in Australia. The Second Paragraph quoted in the EARC Report then identifies some of the considerations which will allow deviations "on the ground that they contribute to better government of the populace" and that "geographic considerations may fall into this category."

2.5.10 It is clear that the justifiable deviations must still fall within the

limits beyond which "equality of voting power" cannot be further eroded. Yet EARC used this case as a justification for electoral weightage in excess of the 10% toleration recommended for the non-weighted electorates.

2.6 The weightage proposal is wrong and in breach of the Covenant on EARC's own reasoning because it is arbitrary.

2.6.1 The "arbitrariness" of the electoral proposal flies in the face of Professor Alston's analysis and of much of the discussion contained within the EARC Report itself. Having erroneously identified "access to public affairs" as being the primary concern, EARC then arbitrarily nominates area as being the only impediment to such access which justifies the derogation of other electoral rights such as equal suffrage.

2.6.2 Why, the Council asks, is area chosen as a greater detriment to political access than level of education or economic status or cultural considerations such as language and race? EARC considered the latter in the case of Aboriginal and Torres Strait Islanders. The Commission concluded that it was not "appropriate to recommend special seats" for these people as opposed to the Canadian and New Zealand models and despite the evidence before the Commission of the political difficulties of those groups. (EARC Report P.82) Similarly, little consideration was given to the plight of alienated inner-city and outer-suburban poor citizens especially migrants with little command of English.

2.6.3 There are strong arguments that rural voters in "remote" electorates are often better equipped than their urban counterparts with the most valuable of political resources organisation, solidarity and property. The number and quality of the submissions by rural producer and lobby groups to EARC is evidence of the effectiveness of non-urban political activity in Queensland.

2.6.4 The Council does NOT argue that the disadvantaged groups referred to above should have some form of structural electoral advantage by way of weightage or special seats. As the Council said in its submissions to EARC, such potential inequality of access is a matter for the allocation of resources and is not justification for tampering with fundamental electoral rights such as equal suffrage. The arbitrary selection of one criteria of access, area, as a justification for derogation of a specific electoral right, equal suffrage, as part of a legislatively enshrined electoral system is clearly inconsistent with International Law.

2.6.5 The mathematical details of the weightage proposal, although academically interesting, serve to highlight its arbitrary nature. The proposal is very close to that put to the Commission by N. Robertson, Cloncurry Shire Chairman (EARC Report, p.163) The 100,000 square kilometres threshold and the 2% "multiplier" used to calculate numbers of "notional voters" to be added to the real voters in an electorate may well have been 50,000 square kilometres and 3%. EARC admits that "there is inevitably an element of arbitrariness in this figure" but says that 1% "would make little" and 2% "would overcompensate and produce unfairness in the system." (EARC Report p.169) The Council warns that the proposal, if adopted, paves the way for future governments, by minor numerical amendment of the Electoral Districts Act, instituting massive electoral malapportionment.

2.7 Federal electoral divisions are often much larger and more remote than 100,00 square kilometres.

2.7.1 Although not strictly an international law argument, it is interesting to note that the Federal electoral system contains many electoral districts which may be described in EARC's terms as "remote." The EARC Report refers to these and says "There was some evidence that there was no prejudice in large federal electoral divisions. The Commission did not pursue this matter." (Underlining

added) (EARC Report, p.169)

2.7.2 Federal conclusions and decisions are not, admittedly, binding on the Parliamentary Committee or on EARC. It is, however, interesting to note the conclusion of the Joint Standing Committee on Electoral Matters of the Commonwealth Parliament which reported in April 1988 on derogations from equal suffrage in Australian electoral systems. "The Committee concludes that the Federal Government has a clear responsibility to act to overcome this infringement of the rights of Australian electors to have an equal say in choosing their governments and that the Federal Government therefore has a responsibility to introduce one vote, one value." (Joint Standing Committee on Electoral Matters, Report, April 1988, p.57)

3 COMPULSORY VOTING

3.1 The Council restates the arguments contained in its submission to EARC that the Civil Right to vote should not be the subject of a civil compulsion. It is argued that compulsory voting legitimises government (EARC Report p.42) It must follow then that the governments of the United States, the United Kingdom and Germany are less legitimate because their citizens can choose not to vote. This is patently absurd.

3.2 The argument that compulsory voting reduces the costs of elections by not forcing political parties to "get out the vote" can be countered by pointing to the complacency of large established political parties in compulsory voting systems. Parties tend to take their traditional supporters for granted knowing that, as they have to vote anyway, they will probably vote as they have before. This reduces the accountability of governments and parties which need only concentrate resources and, perhaps, policy making attention, on a narrow group of "swinging" voters in marginal electorates.

3.3 Arguments that it is historically the poor and disadvantaged who do not vote in voluntary systems have some merit. This problem, however, is one more suited to the compensatory allocation of resources both educational and electorally administrative, than to the imposition of a sanction by the state. If it is hard for the sick and elderly to vote, it is the obligation of the rest of the community to provide better resources to them so that their choice of whether to vote or not is exercised free of discriminatory constraints.

3.4 Lastly, arguments that voluntary systems necessarily produce low voter turnouts ignore the experience of New Zealand and most European countries as well as that of the United States at certain times in its history (especially the late 19th Century).

3.5 The Council is always concerned to promote public participation in the political process but would rather that such participation be a free exercise of the will of the individual.

4 CONCLUSIONS

4.1 The Council supports the majority of the recommendations contained in the EARC Report.

4.2 The EARC interpretation of Article 25 of the International Covenant on Civil and Political Rights, to which Australia subscribes, is wrong.

4.3 The weightage proposal is wrong in principle and, if adopted, will constitute a breach of International Law.

4.4 Compulsory voting is an unnecessary infringement of Civil Liberties.



MATT FOLEY, MLA

Yeronga Electorate Office
Moorvale Lane
183 Beaudesert Road
MOOROOKA Q. 4105Tel. (07) 848.4410
Fax. (07) 892.2229F A C S I M I L E M E S S A G ETO: *Janet Ransley*

ATTENTION:

FAX. NO. *226 7668*FROM: *Mana Jones*

FAX. NO. (07) 892.2229

DATE: *22 / 1 / 91*NO. OF PAGES *2*. (including cover sheet)

If all pages not received please telephone (07) 848.4410.

L.J. Evans,
23 Vaucluse St.,
WAVELL HEIGHTS QLD 4012

21 January, 1991

State 53

The Secretary,
EARC Parliamentary Committee,
C/- Mr. M. Foley, MLA
Electorate Office,
Moorvale Lane,
183 Beaudesert Road,
MOOROOKA QLD 4105

Dear Sir,

I wish to register my disgust at the recommendations of EARC to retain the gerrymander in five western and northern state areas.

For 40 years we have had cooked boundaries and we have spent millions on investigations into corruption and malpractices leading from corrupt boundaries. Now EARC wants to preserve the corruption in boundaries on five state seats.

It's like getting in the Flickman and not letting him spray a portion of the house and the white ants soon spread all over the house from areas not sprayed.

The recommendation is stupid and your committee will be failing in its duty if it doesn't recommend to Parliament a complete zapping of corrupt boundaries once and for all in Queensland and let democracy be firmly established for Queensland from the next election based on one vote, one value with the only variation being the successful Federal variation of 10% tolerance up or down.

Your committee must clean up boundary corruption or you have failed the people of Queensland and wasted the vast funds used on investigations.

Yours faithfully,

L.J. EVANS

L.J. Evans



Parliament of Australia
House of Representatives

FAKED TO JANET.
GARY JOHNS M.P.

FEDERAL MEMBER FOR PETRIE

UNIT 10, DAKIS ARCADE,
SUTTON STREET, REDCLIFFE, Q. 4020.
TEL.: (07) 283 4277 FAX: (07) 284 1379



24 December 1990

Mr Matt Foley
Chair Parliamentary Committee for Electoral
and Administrative Review
Parliament House
George Street
BRISBANE QLD 4000

SUBMISSION TO PARLIAMENTARY COMMITTEE FOR EARC

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Volume 1 of the EARC Report Recommendation 10.240 allows in fact for a two zone system of electorates, where the electorates in the rural zone are provided with a weighted vote which gives the voters in those electorates a greater impact than in other electorates.

Such a recommendation, if sustained, would allow for the introduction of a flawed electoral system not vastly different from the one that previous National and Labor Governments used in order to influence the outcome of elections.

This is the dangerous precedent that an adverse decision would set.

I am aware that the ALP Administrative Commission has submitted to your committee that it will agree with the recommendation by EARC despite the fact that in its own submission to EARC it argued against a system of weightage of electoral boundaries.

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The essential consideration for your committee is whether the government must slavishly follow the recommendations of the Commission.

2

Mr Matt Foley
24 December 1990

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I remind you and your committee that Mr Graham Campbell MHR, Member for Kalgoorlie, alone represents a district larger than the entire State of Queensland and in the Commonwealth Electoral Act there is no provision whatsoever (except as stipulated in the Constitution in the case of Tasmania) that there will be any variation between the size of electorates other than an acceptable 10% of tolerance for practical purposes.

I urge your Committee to make a finding against the Recommendation 10.240 and instead recommend a single system of electorates as is the case for every mainland State in the Commonwealth in the Federal arena.

Yours fraternally



GARY JOHNS MP
MEMBER FOR PETRIE

GJ.jl

AUSTRALIAN LABOR PARTY

33B 32 Swann Road
Taringa Qld 4068
January 21, 1991

Mr. M. Foley MLA
Chairman
EARC Parliamentary Committee
Parliament House
Brisbane Qld 4000



Dear Mr. Foley,

At a recent meeting of the Brisbane Central EEC, the following motion was passed:

"This EEC is dissatisfied with the EARC-proposed Western Zone. The voting system should follow a true One Vote-One Value system as ALP policy states - i.e. only a 10% band allowed. Provision of justified extra resources to country members should be sufficient response to satisfy the needs of country voters."

I look forward to your response in due course.

Yours sincerely,

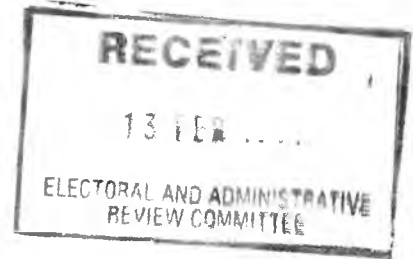
John P. Sargent
Hon. Secretary.

Queensland Watchdog Committee

PO Box 998, Toowong Qld 4066

12 February 1991

Mr Matt Foley
Chairman
Parliamentary Committee for Electoral and Administrative Review
Parliament House
George Street
BRISBANE Q 4000
(Facsimile : 226 7668)



Dear Mr Foley

We write, at your invitation, to submit to the EARC Parliamentary Committee that it conduct public hearings on EARC's report on the Legislative Assembly electoral system.

First, public hearings will allow those who wrote submissions to the Parliamentary Committee to elaborate on their case as to why they regard some of EARC's conclusions as incorrect, or as incorrectly reasoned. This is a function distinct from the public hearings conducted by EARC, which were concerned with debating and analysing alternative electoral proposals.

Secondly, we regard such an airing as essential given the Premier's recent statements that his Government intends to implement EARC's electoral reform recommendations in their entirety. Unfortunately these statements do not explain that the role of the Parliamentary Committee is not simply to weigh-up EARC's recommendations against existing policy of any political party. The EARC Act established the Parliamentary Committee to make the Commission accountable, which implies a role in evaluating its reports and recommendations. The Fitzgerald Commission also recognised as essential the need for the public to understand the issues it was addressing, a genuine educative role we hope the Parliamentary Committee will adopt.

We are further concerned that the Premier's statements pre-empt the Committee's role as they imply the Committee's report will be of little consequence in parliament's deliberations on state electoral reform. We trust members of the Parliamentary Committee are concerned at these comments and will make it known that they are not prepared to self-censor their reports and recommendations to fit in any parliamentary leader's wishes on electoral reform.

Yours faithfully

CHRIS GRIFFITH
On behalf of the Queensland Watchdog Committee



Mr. Matt Foley, MLA,
Chairman,
EARC Parliamentary Committee,
Parliament House.

14 November 1990

Dear Mr. Foley,

I am in receipt of your letter dated 13.11.90. enclosing
correspondence received from Mr. Sherman.

I am also in receipt of the letter Mr. Sherman refers to in
his letter to you.

I enclose my response to Mr. Sherman so you will know and
understand the decision I have most regrettably taken.

My decision disappoints me not only because I believe much of
what I have said has never been recorded before and is totally
accurate and relevant to matters affecting our recent history
but also because I believe that if my report had been made
public other former Liberal Members may have been prompted to
come forward to corroborate and possibly enlarge upon my own
information.

Thank you for your assistance in this issue.

I am,
Yours Sincerely,

Colin Lamont.

Mr. Tom Sherman Esq.,
Chairman,
E.A.R.C.
Queensland.

14 November 1990.

Dear Mr. Sherman,

I am in receipt of your letter of 5.11.90. advising me that it is the opinion of a QC that the evidence I wish to place on record "does not, in his opinion contain any matter which is clearly prima facie defamatory".

Regrettably I must observe that if barrister's opinions were invariably correct there would be a high level of unemployment in the profession.

Whilst having the utmost respect for Mr. Hampson QC's reputation I would not wish to have to go to the expense of paying for it in an action where another learned barrister held an opposite opinion on behalf of someone who wished to challenge my 'good faith' or any other aspect of my report.

It is my strong conviction that persons offering information to assist the Commission to serve the interests of Queensland, should be offered absolute privilege for anything which the Commission chooses to publish.

Applying the test of good faith to publication by the commission is quite another matter as the defence of any action would no doubt be met by Government funds, a luxury that private individuals do not enjoy.

Regrettably therefore until absolute protection is afforded by the Act I am not prepared to sign any statement to you or permit it to be published.

I must add that I was under the impression when I originally consented to be interviewed that absolute privilege was extended.

I am aware that Mr. Keith Livingstone was also under this impression up to and after the time when he signed his statement and gave permission for it to be placed on the public record.

I make this decision with considerable regret as I believe that the evidence I am able to give is worth recording for posterity.

I am,
Yours sincerely,



Colin Lamont.

Telephone: 226 7631
Facsimile: 226 7668



PARLIAMENT HOUSE,
GEORGE STREET,
BRISBANE, QLD. 4000.

PARLIAMENTARY COMMITTEE FOR ELECTORAL AND ADMINISTRATIVE REVIEW

19 November 1990

Mr Colin Lamont
PO Box 341
CARINA QLD 4152

Dear Mr Lamont

Thank you for your letter of 14 November 1990.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Matt Foley'.

Matt Foley, MLA
Chairman



PARLIAMENTARY COMMITTEE FOR ELECTORAL AND ADMINISTRATIVE REVIEW

13 November 1990

Mr Colin Lamont
PO Box 341
CARINA QLD 4152

Dear Mr Lamont

I refer to my letter to you of 15 October 1990 wherein I advised that I had written to the Chairman of the Electoral and Administrative Review Commission regarding concerns raised in your letter dated 10 October 1990.

I now enclose a copy of the EARC Chairman's response to that letter.

Yours sincerely

Matt Foley, MLA
Chairman

Encl.



QUEENSLAND

Level 9, Capital Hill,
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Telephone: (07) 237 1185
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Electoral and Administrative Review Commission

01-458

6 November 1990

Mr M Foley, MLA
Chairman
Parliamentary Committee for
Electoral and Administrative Review
Parliament House
George Street
BRISBANE Q 4000



Dear Mr Foley

I refer to your letter of 15 October 1990 enclosing a letter dated 10 October 1990 you received from Mr Colin Lamont. Mr Lamont has expressed concern that the protection from liability for defamation afforded to persons giving information to EARC is insufficient. You asked for my comments on Mr Lamont's letter. You also asked for my views on whether the Commission was encountering any difficulties in the area of defamation which might warrant changes to the Electoral and Administrative Review Act 1989-90 (the Act).

It might be appropriate, before dealing directly with your questions, if I set out some relevant background facts.

At the first meeting of the Commission on 30 March 1990 the Commission decided to establish a public register of documents. The decision stated that the public register would contain all submissions, suggestions and objections made to the Commission in the course of discharging its functions. The decision also stated that the Commission would endeavour to place on the register as much other material as practicable relied on by it in the course of discharging its functions. The Commission decided there would be three exceptions to the material placed on the register. The exceptions were:

- (a) material accepted by the Commission as confidential (where the Commission does not accept material as confidential the person concerned is at liability to withdraw it);
- (b) working papers of the Commission and its staff;
- (c) any material volunteered to the Commission which arguably contained defamatory material.

In determining these exceptions the Commission was conscious of its responsibilities, in particular, under section 2.23 (2) (b) and (c) of the Act. These paragraphs state that the Commission:

"(b) shall make available to the public all submissions, objections and suggestions made to it in the course of its discharging its functions, and otherwise act openly, if to do so would be in the public interest and fair;

(c) shall not make available to the public, or disclose to any person, information or material in its possession, if to do so would be contrary to the public interest or unfair;"

The first exception was primarily to encourage any whistleblower or complainant to come forward with information. The second exception was primarily to protect the deliberative processes of the Commission. The third exception relating to defamatory material was primarily concerned with the fairness requirements in Section 2.23(2)(c) above.

In the seven or so months since the establishment of the public register the defamation exception has only been applied in a handful of cases. Where it has been applied the Commission has generally excised the relevant passage from the submission and placed the document on the public register with the deletion noted. The deletions have tended to be fairly small and so far as I am aware no deletion was germane to an issue before the Commission. Indeed in some cases the material has not only been arguably defamatory but has been irrelevant to the Commission's deliberations.

Two complete submissions have not been placed on the public register. One submission was largely incomprehensible but does contain arguably defamatory material. The other submission contains allegations of serious criminal conduct.

As part of the public response to the Commission's draft History of the Zonal System, the Commission was assisted by Mr Lamont and Mr Keith Livingstone. In September 1990 the Commission sought evidence from Mr C E K Hampson, QC on:

- . whether any part of a record of interview with Mr Livingstone was prima facie defamatory; and
- . whether in placing the record of interview on its public register the Commission would be deprived of the protection from liability provided by Section 7.2 of the Act.

Mr Hampson concluded that some portions of the record of interview were arguably defamatory and went on to consider the second question raised. Mr Hampson referred to the fact that Section 7.2 of the Act imposed certain obligations on the Commission and other persons, in particular, the requirement to act in good faith and without negligence. He went on to raise the question whether those arguably defamed would be entitled, in endeavouring to prove an absence of good faith, to say that a breach of Section 2.23 (2) (c) was evidence of an absence of good faith or negligence. Mr Hampson said "I regard this as an arguable possibility. This emphasises the desirability of being generous in complying with section 2.23(2)(c)".

There are two levels to the problem you have raised. The first level is the protection from liability of persons making statements to the Commission. The second level is protecting the Commission from liability in re-publishing such statements by placing them on the public register.

As to the first level it should be borne in mind that the Commission will take into account any relevant statement made by a person whether defamatory or not. The Commission may, in giving affect to the above policies and responsibilities, decide not to republish the material but that would not prevent the Commission from taking it into account and including such material in a report to Parliament which would have the protection of at least qualified privilege. Absolute privilege would attach to a report tabled in the Parliament, but section 7.2 may only confer qualified privilege to a report when furnished to yourself, the Speaker and the Premier.

In my view, section 7.2 has the right balance in that it gives sufficient protection to persons making statements to the Commission providing they act in good faith. I do not believe that absolute privilege is required. The public interest would seem to require that persons act in good faith.

As to the second level of the problem, again I think the Act gets the balance right. As pointed out above, the Act does not prevent the Commission from taking defamatory material into account and including it in a report to the Parliament. However for the Commission to otherwise publish I believe it is in the public interest for the Commission to act fairly under section 2.23(2).

I should also mention that about the same time I received your letter, I sought Mr Hampson's views on the statement from Mr Lamont. Mr Hampson has advised that he does not believe Mr Lamont's statement contains any matter which is clearly prima facie defamatory. I have today written to Mr Lamont advising him of this fact and seeking his agreement to placing his statement on the public register.

Finally you sought my comments on the observation appearing on page 2 of Mr Lamont's letter to the Committee that "the problem seems to lie in the fact that the Chairman of EARC seems to take the view that his committee and staff should not seek to edit evidence given to them but should publish all". I think it is clear from what I have said in this letter that Mr Lamont has misunderstood my position.

If the Committee wishes to pursue these matters further do not hesitate to let me know. The Commission will keep this matter under review and advise you if any problems occur.

Yours sincerely



TOM SHERMAN
Chairman



PARLIAMENTARY COMMITTEE FOR ELECTORAL AND ADMINISTRATIVE REVIEW

15 October 1990

Mr Colin Lamont
PO Box 341
CARINA QLD 4152

Dear Mr Lamont

Thank you for your letter of 10 October received on Friday 12 October in which you express concern that the protection from liability for defamation afforded to persons willing to give evidence to the EARC is insufficient.

As you point out in your letter, Section 7.2 of the *Electoral and Administrative Review Act 1989-1990* does provide protection in respect of proceedings for defamation in relation to a publication in good faith to the Commission. The relevant provisions are set out hereunder:

"(2) In proceedings for defamation in relation to a publication made in connexion with the discharge of any of the Commission's functions, there is a defence of absolute privilege in respect of a publication in good faith to or by the Commission, or an officer of the Commission in his official capacity.

(3) The burden of proof of an absence of good faith is upon a person who alleges such absence."

I note that you advise that you have a 10,000-word statement for the EARC which has been drawn up in good faith and that everything in it is to the best of your knowledge and belief the truth.

Your letter expresses concern at the possibility of a suit for defamation in which it might be asserted that your publication of material to EARC was not in good faith.

The Parliamentary Committee for Electoral and Administrative Review will consider your expression of concern on this matter and, in particular, whether there is any need for amendment to the legislation to remove the condition of good faith to the defence of absolute privilege in respect of publications made by persons to the Electoral and Administrative Review Commission in connexion with the discharge of any of the Commission's functions.

I have written to the Electoral and Administrative Review Commission in relation to this matter and shall advise you further of the Commission's consideration of the issue you have raised.

You observe at page 2 of your letter as follows:

"The problem seems to lie in the fact that the Chairman of the EARC seems to take the view that his (Commission) and staff should not seek to edit evidence given to them but should publish all."

It is relevant to note in this regard Section 2.23(2)(b) and (c) of the *Electoral and Administrative Review Act 1989-90* which provide as follows:

"2.23(2) The Commission -...

(b) shall make available to the public all submissions, objections and suggestions made to it in the course of its discharging its functions, and otherwise act openly, if to do so would be in the public interest and fair;

(c) shall not make available to the public, or disclose to any person, information or material in its possession, if to do so would be contrary to the public interest or unfair;"

These statutory provisions require EARC to consider issues of procedural fairness in publishing, say on the public register, material in respect of which persons adversely named may not have had an opportunity to answer.

In response to your concern on this matter, I have written to the Electoral and Administrative Review Commission and shall advise you of the outcome of that inquiry (see copy of letter herewith).

Yours sincerely



Matt Foley MLA
Chairman

RECEIVED

12 OCT 1990

ELECTORAL AND ADMINISTRATIVE
REVIEW COMMITTEE

P.O. Box 341,
Carina,
Brisbane 4152.
10 October 1990

Mr. Matt Foley Esq.,
Chairman Parliamentary C'ttee for EARC,
C/o Parliament House,
George Street,
Brisbane.

Dear Sir,

I write out of concern that the protection from defamation afforded to persons willing to give evidence to the EARC is insufficient.

I am aware that Section 7.2.2. establishes an automatic defence, however this 'is based on whether or not it is certain that evidence is given 'in good faith'.

As a layman I believe that this section was inserted to give absolute protection to people who would give evidence to the EARC.

However, as a layman I believe, and it is my impression that our legally trained Premier also believed, that the CJC Act was devised to ensure that the CJC always acted fairly in all of its functions.

The fact that the Supreme Court has been able to rule otherwise in respect of certain functions of the CJC destroys my confidence that if I were to give evidence to the EARC I would be certain of protection from a defamation suit.

In short, the unthinkable has happened before why should it not happen again.

I have a ten thousand word statement for the EARC which has been drawn up in good faith and everything in it is to the best of my knowledge and belief the truth.

Much of it deserves to be placed on public record for history's sake if for no other reason.

There is nothing however to prevent another person named in that report from suing for defamation. It is true I could raise the defence of 'evidence given in good faith' but that can be challenged.

A scenario could develop whereby a plaintiff alleged that not all in the report was given in good faith and that indeed, as my career in Parliament was cut off by dint of a change to electoral boundaries in 1977, my evidence carried with it an intent to 'settle some old scores' with those who I perceive to have been the architects of my misfortune.

I hasten to add that this is not the case. I have a highly developed sense of justice, a desire to assist the work of the EARC and a sense of duty to history.

Having said that I am not prepared to place myself in the vulnerable position of having to spend tens of thousands of dollars proving that the automatic defence established under the Act actually applies in my case.

The problem seems to lie in the fact that the Chairman of the EARC seems to take the view that his Committee and staff should not seek to edit evidence given to them but should publish all.

In my view the Act should offer absolute protection to anyone wishing to give evidence.

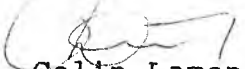
The Act could then offer the automatic defence of good faith to the EARC. This would leave the EARC with the responsibility of examining evidence, as does the CJC, and editing out that which they believe could be mischievous or given out of a mood to settle old scores or for any other reason such as unreliable sources or whatever.

Unless and until this sort of amendment is offered to potential witnesses the quality of information available to the EARC will be diminished.

Your urgent attention to this problem is sought.

Thank you for your assistance.

I am,
Yours Sincerely,


Colin Lamont



PARLIAMENTARY COMMITTEE FOR ELECTORAL AND ADMINISTRATIVE REVIEW

15 October 1990

Mr T Sherman
Chairman
Electoral and Administrative Review
Commission
9th Floor, Capital Hill Building
85 George Street
BRISBANE QLD 4000

Dear Mr Sherman,

Section 5.8(1)(a) of the *Electoral and Administrative Review Act 1989-1990* provides that it is a function of the Parliamentary Committee for Electoral and Administrative Review to monitor and review the discharge of EARC's functions.

The Committee has received a letter dated 10 October 1990 from Mr Colin Lamont in which he expresses concern that the protection from liability for defamation afforded to persons willing to give evidence to EARC is insufficient (copies of Mr Lamont's letter and the Committee's reply attached).

The central question raised by Mr Lamont's letter to the Committee is whether or not it is appropriate that good faith should be a necessary condition to absolute privilege in respect of publications by a person to the Commission in connexion with the discharge of the Commission's functions.

The relevant provisions of the *Electoral and Administrative Review Act 1989-1990* are as follows:

"7.2 -...

(2) In proceedings for defamation in relation to a publication made in connexion with the discharge of any of the Commission's functions, there is a defence of absolute privilege in respect of a publication in good faith to or by the Commission, or an officer of the Commission in his official capacity.

(3) The burden of proof of an absence of good faith is upon a person who alleges such absence."

The requirement of good faith in this provision is analogous to the provision for qualified privilege in respect of the general defamation law of Queensland set out in Section 377(3) of the *Criminal Code*.

The provision in the *Electoral and Administrative Review Act* is in virtually identical terms with the protection from liability for defamation set out in subsections (2) and (3) of Section 7.3 of the *Public Sector Management Commission Act* 1990.

The provisions of the *Commissions of Inquiry Act* 1950-1989 under which Mr Tony Fitzgerald QC conducted his Inquiry are set out at Section 14(3) of that Act:

" (3) **Protection to and liability of witnesses.** Every witness summoned to attend or appearing before a Commission shall have the same protection and shall, in addition to the penalties provided by this Act, be subject to the same liabilities as a witness in any action or trial in the Supreme Court..."

This provision picks up the absolute privilege against liability for defamation conferred on witnesses in court proceedings pursuant to Section 372 of the *Criminal Code*.

The provisions of the *Criminal Justice Act* 1989-1990 which govern the operation of the Criminal Justice Commission are set out at Section 3.30(2) of that Act:

" (2) In proceedings for defamation there is a defence of absolute privilege in respect of a publication to or by the Commission or an officer of the Commission made for the purpose of the discharge of the functions and responsibilities of the Commission or of any of the functions of an organisational unit of the Commission."

I should be grateful if you could advise the Committee as to what difficulties, if any, have been encountered by the Commission in the operation of the current provisions in respect of defamation.

I should be grateful to learn also if the Commission has a view as to the desirability or otherwise of amending the legislation in this area.

Further questions arise as to the publication by the Commission of material of a potentially defamatory character having regard to the provisions of Section 2.23(2)(b) and 2.23(2)(c) of the *Electoral and Administrative Review Act*:

"(2) The Commissioner -...

(b) shall make available to the public all submissions, objections and suggestions made to it in the course of its discharging its functions, and otherwise act openly, if to do so would be in the public interest and fair;

(c) shall not make available to the public, or disclose to any person, information or material in its possession, if to do so would be contrary to the public interest or unfair".

The above provisions require the Commission to consider the fairness or unfairness of making available to the public certain information or material in its possession and I refer in this regard to correspondence between the Parliamentary Committee and the Commission concerning procedural fairness in the conduct of investigations and the preparation of reports. (Parliamentary Committee's letter dated 6 June 1990 and Commission's letter dated 22 June 1990 published as appendices D and E to the report of the Parliamentary Committee tabled in Parliament on 2 October 1990.)

In the light of the above provisions I should be grateful for your comments on the observation appearing at page 2 of Mr Lamont's letter to this Committee that "the problem seems to lie in the fact that the Chairman of EARC seems to take the view that his Committee and staff should not seek to edit evidence given to them but should publish all."

I should be grateful if you could advise the Committee on the above matters.

Yours sincerely

A handwritten signature in cursive script, appearing to read "Matt Foley".

Matt Foley MLA
Chairman

Telephone: 226 7631
Facsimile: 226 7668



PARLIAMENT HOUSE
GEORGE STREET,
BRISBANE, QLD. 4000.

PARLIAMENTARY COMMITTEE FOR ELECTORAL AND ADMINISTRATIVE REVIEW

5 November 1990

Mr K Livingstone
57 Merle Street
CARINA QLD 4152

Dear Mr Livingstone

Thank you for forwarding a copy of the letter sent dated 25 September 1990 sent to you by the Electoral and Administrative Review Commission.

The letter and the enclosed copy of a record of interview (24/8/90 and 28/8/90) have been drawn to the attention of the members of this Committee.

Yours sincerely

Matt Foley, MLA
Chairman



Level 9, Capital Hill,
85 George Street,
Brisbane 4000

P.O. Box 349
North Quay Qld 4002

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Facsimile: (07) 237 1991

Electoral and Administrative Review Commission



*Mr. Foley -
for your info.
Keith Livingston
21/17/90*

25 September 1990
Our Ref 061/SZONHIST/49

Mr K Livingstone *398-4821*
57 Merle Street
CARINA QLD 4152

Dear Keith

Attached are transcripts of the interview I conducted with you on 24 and 28 September 1990 and subsequently edited by you.

As requested by you I am returning the original copy on which I wrote the amendments which you wished to have incorporated into the final version of the transcript at our meeting on 28 August 1990. Those changes have been made and appear in the final signed version.

Mr Sherman, Chairman, referred the transcript to a QC for advice on any parts of the record which could be considered defamatory. The advice from Mr Hampson QC was to the effect that two sentences, the last sentences on pages 16 and 18, should be deleted from the copy to be placed on the Commission's Public Register. This has been done and notes to the effect that the sentences were deleted on legal advice have been inserted in the appropriate places. I have attached a copy of the amended version of the transcript for your records.

The Commission will be using parts of the transcript in the preparation of the final version of its History of the Queensland Zonal Electoral System as we discussed earlier. Thank you for your co-operation.

Yours sincerely

John Greenaway
JOHN GREENAWAY
Senior Project Officer

RECORD OF INTERVIEW - 24/8/90 & 28/8/90

INTERVIEWER: John Greenaway

INTERVIEWEE: Keith Livingstone, Former State Director of the Liberal Party, Queensland.

1969 Member of the Liberal Party Executive elected by the Liberal Party Convention. Appointed by the Executive to the Redistribution Committee.

Feb 1970 Assistant General Secretary. Mr Livingstone continued to serve on the Committee with greater day to day involvement in redistribution matters.

Aug 1970 Appointed Acting General Secretary and confirmed as General Secretary at the end of September 1970. (Gen. Secretary position was then the top professional office in the Party)

Oct 1974 State Director. This appointment left the General Secretary with administrative duties and allowed Mr Livingstone to concentrate on Party development, strategy, tactics and election campaigns.

1975 - Left State Directorship

"In the years since I have had many lines into and out of the Executive. Eric Robinson, the key power broker in the Party in Queensland, was my chief line of communication. I was able to maintain my communication lines with

Executive members because I had built up a reputation for integrity, holding confidence and always protecting my sources. It is odd but true, that I was able to influence events more from behind the scenes in the party after I had left the Executive than the year of frustration I suffered when I served on the Executive again in 1981/82."

The redistribution process began straight after the 1969 election.

I was elected as a member of the Executive on the Liberal Party's Redistribution Committee. I became Assistant General Secretary of the Party and continued on the Committee. I had access to all material.

In August 1970 I was put in charge as the Professional Officer servicing the Committee. Eric Robinson was the Chairman of the Committee.

I remember the first meeting of the Negotiating Team with the Country Party. Sir Harold Richter was handling the matter for the Country Party.

I was stunned when he said " if they put on my tombstone that 'he was the best gerrymanderer of them all' I would be proud". He gave a lesson in Country Party gerrymandering. This consisted of drawing boundaries around Brisbane and the major Provincial Cities. He explained that unless this was done excess Labor votes from these cities could flow into adjacent country seats and jeopardise the Government's winning of those seats. He was resolute on this. There was no dissent from Country Party representatives including Mr Camm, Minister for Mines, who in fact emphasised Sir Harold's remarks.

This meeting was completely abortive as the Liberal Party had in mind a single zone system for which there was enormous agitation in the Party. In the absence of a one zone system we were prepared to consider accepting a two zone system. The Party also wanted a Judge as a member of the Redistribution Commission. The records of the State Executive and the Redistribution Committee will give a fairly good idea how this flowed from there on. There were many counter offers and concessions made to the Country Party. But the Country Party had a very healthy, strong regard for its own future which manifested itself in the utmost stubbornness.

We reached a stage in, I think, February 1971 (that date is checkable from State Executive Minutes) after these protracted negotiations over 18 months or more, that the State Leader, Mr Chalk, told the Executive he believed he could do a deal with the Country Party.

What must be understood about the Country Party is that in exercises like these their stubborn resoluteness and capacity to say things over and over while you work to put alternative submissions to them eventually wears you down. I would see the Executive's decision to give Chalk the go ahead to do a deal with Country Party an expression of exasperation at these lengthy, futile and sometimes heated negotiations. The Country Party simply wore us down. The Bill worked out by Mr Chalk with the Country Party was presented to Parliament late on a Thursday night. At which time I received a copy of it in my office.

It was a classic Country Party gerrymander. I have a very high regard for Gordon Chalk but I can't understand how he could have agreed to it. My

Research Officer and I worked on analysing the Bill into the wee hours of the morning as there was a Liberal Party Council meeting next morning and we were very firmly of the view that it was important that it go before the rank and file of the Liberal Party.

This was done despite the Ministers weighing in heavily and Mr Tooth, Minister for Health, attempting to discredit the office by saying the Bill had been assessed with bias by the office. This was a rotten falsehood and I was very quickly able to point out to Council the undemocratic gerrymandered features of the Bill. Despite the Ministerial heavyweights backed by a large number of ill informed back benchers who actually stood to lose their seats under the Bill, it was soundly thrown out by Council.

My Research Officer and I then began work on new proposals. A proposal was put to the Executive and accepted by it overwhelmingly. It was not a one vote one value redistribution but it was a considerable improvement on the system which had existed.

For example, Brisbane was one zone under the old system - the city boundary as the zone boundary; all seats from the Sunshine Coast to the Gold Coast and the country seats west and including Toowoomba under the old system were in the Country Zone and therefore had the much lower Country Zone quota. Such a system was absurd particularly in relation to the Sunshine Coast and Gold Coast.

Our proposal incorporated all these seats into one South East zone so that all those seats had the same quota as the metropolitan seats. We may not have

achieved anywhere near as much as we would have liked but this has to be recognised as a significant concession extracted from or imposed on the Country Party.

However the Bill that Chalk negotiated was defeated on the floor of the House.

The Country Party continually exerted extreme pressure for an increase in the number of seats.

Negotiations proceeded about various zones and the Liberal Party came up with a zonal system from which it was not prepared to make any concessions. This included an increase in the number of seats from 78 to 82. There was no justifiable reason in the public interest for an increase in the number of seats. It was done simply and solely as a means of bringing the Country Party to drink at the trough. The Liberal Party resisted this proposal, (they didn't like it - it was a compromise) for a long time but eventually conceded that it was necessary if there was to be any chance of a redistribution before the next election.

There was some problem in accommodating enough winnable seats for the Country Party between Mackay and Bowen. A proposal came from the Country Party that the seats of Bowen held by Liberal Deputy Leader Peter Delamothe, be abolished and he be appointed as the Queensland Agent General to London. Delamothe went to London not because he was hand picked, having the attributes for the job, but solely as a means of enabling the Country Party to hold its seats between Mackay and Bowen.

The President of the Liberal Party, Eric Robinson, informed the President of the Country Party Bob Sparkes, that this was our final offer and under no circumstances would any more concessions be made. Robinson told Sparkes that if the Country Party had not agreed to the proposal by the June 1971 Liberal Party Convention he could not be responsible for what the Convention would do. What he actually meant was that he, the Vice President and I would not attempt to stop the Convention from throwing our latest proposal out and accepting a resolution for a non-negotiable one vote one value redistribution with an Independent Commission headed by a Judge.

Robinson was on firm ground in this because the rank and file mood of the Party was very aggressively one vote one value. An indication of the stubbornness and the degree to which the Country Party will hold out in its own self-interest is the fact that Mr Sparkes did not phone Mr Robinson and accept the Liberal Party proposal until 10pm on the night before the Convention began.

My remarks have primarily been so far about the Zonal system. We right from the start had wanted a truly Independent Commission headed by a Supreme Court Judge. I had not found before then or since the Country Party to be so intractably opposed to a proposal. In the end we were faced with dropping it just as we had had to agree to a form of Zonal System because unless we had, there would have been no redistribution before the 1972 State election.

The Country Party in this way had the king hit. Labor as well as the Liberals would have been severely disadvantaged if the 1972 election had taken place on the existing boundaries.

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The Country Party in this way had the king hit. Labor as well as the Liberals would have been severely disadvantaged if the 1972 election had taken place on the existing boundaries.

The Redistribution Commissioners were picked because they were regarded as favourably inclined, to be kind to them, towards the Government. So it turned out. When the initial proposal was published the Liberal Party got most of what it had asked for in areas where it did not come into conflict with the Country Party. For example in areas on the outskirts of Brisbane where Liberal seats met Country Party seats, the Commissioners proposals favoured the National Party.

After the initial proposals were published, objections were lodged. This was the most scandalous part of the process. Some examples:

- (a) we sought the transfer of Dorrington from Ashgrove to Windsor, leaving Ashgrove a still safe Liberal seat but improving the Liberals chances of winning Windsor. It won Windsor.
- (b) a proposal was also put to Commissioners seeking transfer of some quite solid Labor territory out of Yeronga and into, I think, Salisbury. Labor was going to win Salisbury anyway so it didn't do anything for the Labor Party. However it strengthened Yeronga as a Liberal seat.

The whole process in the objections phase (i.e. phase after initial Commission proposals were published) was to move Labor votes out of safe Liberal seats and put them into safe Labor seats where all they did was increase the Liberal Party's majority.

Decisions were made on what objections we wanted to lodge to assist us and only at that stage, did one look round for reasons to support the alternatives sought. In most cases the reasons put forward were light weight if not quite specious.

Another example of an objection accepted by the Commissioners which did nothing other than turn a very safe Liberal seat and a marginally new Liberal seat into two safe Liberal seats: because of the objection of the sitting member for Mt Gravatt, Mr Geoff Chinchon, to transferring some of his territory from his extremely safe seat to the new marginal Liberal seat of Mansfield, the office bearers refused to lodge a submission seeking this change to the Commission. I regarded this as pathetic weakness. I got hold of the candidate for Mansfield, Mr Bill Kaus, and told him that if he was prepared to put in a private submission I would write it for him. He agreed. I wrote it. He submitted it and my confidence in its being accepted was justified when the final redistribution proposals were published.

The Liberal Party had endorsed candidates on the basis of seats proposed in the initial Commission proposal. Alderman John Hodges, the Deputy Mayor of Redcliffe, was opposing the sitting Country Party member, Mr Houghton. The Commission's initial proposal had Redcliffe (the seat) including Clontarf and the surrounding areas where Alderman Hodges was soundly based because he not only lived there but had two chemist shops there. When the Commission's final proposals came out all this strong Hodges' territory had been whipped out of Redcliffe and put into Murrumba. Mr Houghton's home base of Scarborough was included in Redcliffe. After the event, the Chairman of the Commission Sir Douglas Fraser, apologised to Alderman Hodges for the swap of the territory and said there was nothing he could do about it.

An earlier example: in the 1963 State election Alderman Erne Harley, Mayor of Gold Coast, was running a very strong and vigorous campaign as an Independent against the sitting member for Albert, Mr Cec Kerry. Mr Kerry was always a "nervous nelly" about his seat. On the day before the 1963 State Elections the Gold Coast Bulletin reported that there had been a mistake in preparing the rolls for Albert and South Coast, and a last minute switch of electors was made from South Coast to Albert. As I recall it, Chevron Island electors and possibly Isle of Capri electors and one other Island development were switched to Albert. This could only have acted in Mr Kerry's favour and he only just won the seat even with the help of a ratbag independent. A close examination not just of electoral maps but of Department of Surveying and Mapping maps needs to be made and compared to the verbal definition of the boundaries of the two seats as set out by the Redistribution Commissioners.

In 1977 a Redistribution was being held much against the wishes of the Liberal Party. In May that year the Federal Labor and Liberal Parties were holding a referendum on simultaneous elections for the House of Representatives and three other matters. The Premier was violently opposed to these and not one Liberal State member was prepared to come out and support the proposal being put forward by Whitlam and Fraser. That is an extremely abnormal situation and it is not unreasonable, in fact it is highly credible, that not one of those members supported the referendum proposals because they knew the Redistribution Commission would be under the influence of the Premier and if they stood out of line as Eric Robinson, the Party President, put it in a press release at the time, "the pencil was likely to go the wrong way".

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In 1971 during the absence of the Liberal State Leader overseas, the Deputy State Leader, reported to the President, Eric Robinson, that the Premier was

having working lunches with the Commissioners. Robinson reported this to the Executive. Immediately on Chalk's return from overseas Robinson took the matter up with Chalk post haste and Chalk put a stop to them. In either March, April or May 1977, I am pretty sure it was April, Robinson recounted this event to the Executive for the benefit of the newer members. After he had finished speaking Mr Fred Campbell, the Minister for Industrial Relations, said quote "that's right".

Robinson spoke to the General Secretary, Mr David Watts, and asked him to put a detailed report of what he had said and Campbell's comment in the minutes of the Executive. Subsequently I was in Robinson's office and he decided to phone Watts in my presence to check that the report he wanted was in the minutes and had Watts read it over the phone to him. He told me it was all there.

With Robinson's authority I leaked the story of the 1971 luncheons to the Political Roundsman for the Telegraph. It was astounding that there was so little reaction from the pro-democratic elements of the community including the Labor Party to the disclosure.

In 1980 the Liberal Party, for the first time, decided to deliver its own policy speech. Previous policy speeches had been joint speeches with the Country Party Premier delivering half and the Liberal Deputy Premier delivering the second half. I had always been a supporter of a one vote, one value redistribution and from intelligence I received it was clear that the Labour Party had had more than a gutfull of the weakness of the Liberal Party on the matter of one vote, one value.

It was absolutely clear to me that unless the Party included a clear unequivocal undertaking to a one vote, one value redistribution and a genuine Independent Commission, the Labor Party would direct preferences to the National Party ahead of the Liberal Party.

At the time, I was working as a consultant in the months leading up to the election for the Deputy Premier, Dr Llew Edwards. As a consultant I had somewhat more freedom in the strength and wording of material I submitted to him than his regular staff did. I put to him an extremely strongly worded submission on the consequences if we did not go the one vote, one value, genuine Independent Commission route. His staff completely agreed and said they couldn't put that to him but I was in a fortunate position. I could.

At a subsequent meeting with senior party figures Dr Edwards said that having a judge as Chairman of the Commission, which was part of my proposal, "had grave difficulties for us". I submitted another strongly worded memorandum to him telling him I would be fascinated to know what these grave difficulties were. I never received a reply from him. In my initial memo, I listed seats which would be vulnerable to a National Party victory if Labor implemented the proposal to give preferences to the Nationals ahead of us.

No comment was ever received from him on that either.

A number of seats I predicted would fall did fall and some others came very close to falling.

After each election the original leaders of the National and Liberal parties would meet to sort out a coalition agreement. I could see the writing on the wall for the Liberal Party. If it did not make a difficult hold and indeed

dangerous move, I saw the Party as having two choices. Firstly it could go meekly into coalition with the National Party but if it continued to play a publicly disruptive roll in the coalition during that term it would lose more seats to the National Party because it was seen to be disruptive and also was seen to be powerless because the matters when it publicly took on the National Party it almost invariably lost. What I would regard without being immodest as a significant quote for me on the dire future for the Liberal Party was published in the Telegraph on Boxing Day 1980 in a feature written by Quentin Dempster headlined "Is this the end of the Libs?" The Liberal Party by this stage had crawled back into bed in coalition with the Nationals.

More significantly I wrote an article in the Albert and Logan News in late December 1980 in which I predicted that the Liberal Party could well become a rump party after the next election.

I saw the future of the Party as so dire that the dangerous move I referred to earlier should be taken. I contacted the then Secretary of the Labor Party, Mr Manfred Cross, and put to him a proposal that the Labor Party support a minority Liberal Government with a Liberal undertaking that no major policy decision would be taken during this period. But, that a one vote, one value redistribution with a genuine Independent Commission would be implemented in this period. Mr Cross indicated, he was in favour of such a proposal and indeed said that the Labor Party, because of its shortage of electoral funds, could well agree to the Liberals governing for a year. His Party subsequently agreed to this and a letter along those lines was dispatched to the then Liberal Party President, Dr John Herron, who I had spoken to about it in the meantime. He did not disagree with the proposal.

Dr Herron painted himself out to be the great small "I" liberal Liberal President who had tried to hold the Party out of a coalition with the NP parties in his quotes in the Quentin Dempster article referred to earlier.

What Dr Herron did not tell even the State Executive of the Liberal Party was that he had this letter of undertaking from the Labor Party. By withholding such a vital piece of information from the Party body charged with making such a crucial decision he was guilty of a grave dereliction of Party President duty and certainly set back electoral reform more than ten years.

In 1982 during the debate between the National Party and the Liberal Party over the appointment of the next Chief Justice, I spoke to Dr Herron on the phone. He told me he had "had a gutfull" and was calling a special State Executive meeting on two days notice. It soon became obvious to me that no-one was doing anything about organising a strict resolution for the Executive meeting and it looked like we would all go along, vent our spleen and then toddle off home. I therefore worked out a carefully worded motion, worded in such a way and in strategy and tactics that it would make it as easy as possible for the State Executives to accept. The State Executive knew my hard line approach and therefore my moving the motion would immediately set it back.

I therefore arranged for a more moderate member of the State Executive to move the motion. After a lengthy debate during which Dr Herron acted solely as Chairman and did not speak to the motion, he proposed to put the motion to a vote. The Executive members I had organised to move the motion told him that the Executive had a right to hear his views on the motion before it was put. My comment is that that is what leadership is all about.

Dr Herron responded by saying that he had gone along with the decision to reform the coalition after the 1980 elections despite his opposition to that course and he had suffered a pain in the gut for two weeks. He told the Executive he did not intend to exercise either his own deliberative role as a member of the Executive or his casting vote as Chairman in the event of a tied vote which he said looked like occurring.

A vote was taken and it was tied.

An adjournment was held and I knew then the cause was lost because the nervous nellyes even included one very strong small "l" liberal Liberal State Parliamentary member who would not be prepared to go ahead on a vote for the motion. That is exactly what happened.

Before the State Executives meeting over the appointment of the next Chief Justice, I spoke to the Minister for Welfare Services, Mr Terry White. I proposed to him that if the National Party forced the issue by the use of their numbers the party should seek to get itself established as a minority government supported by the Labor Party until electoral reform was implemented and an election then held. My proposal was that late at night the Liberals move a vote of no confidence in the Government and that simultaneously while this was being debated in the House a messenger be sent to the Governor advising him of the motion and that if it was carried the Labor Party would support a minority Liberal government as outlined above. I suggested that simultaneously the Labor Party should confirm this to the Governor.

I informed White about the 1980 exercise with Manfred Cross. We agreed that the best person for him to talk to in a secret location was Peter Beattie, who

had then become Secretary of the Labor Party. White met Beattie at a house down the Gold Coast and agreement was reached to the proposal I outlined above. Always believing in covering all avenues, I told White he should inform Dr Edwards as Party Leader and get his approval. White told me this was done. Knowing Dr Edwards as I did and having no trust in him I also told White he should tell one of his Ministerial colleagues what he was doing and that Edwards had agreed to it.

We agreed that the best Minister to tell was Mr Bill Hewitt who had established a reputation for integrity during his time in the Parliament.

As another part of covering all avenues, I recommended to White that he should seek Constitutional advice from Mr Kipp Gilbert, a Constitutional expert at the University of Queensland. My particular concern was whether the Premier could send a request for an immediate election to the Governor during the course of debate on the no confidence motion and whether the Governor could and or would accept it. The advice came back that the Governor could grant an immediate election. That did not mean he necessarily would in such unusual circumstances.

We were in a position with shades of Sir John Kerr. White then went to water faster than a parched Arab to an oasis and I believe he informed the State leader, Dr Edwards, that I was behind the move to have the Executive pass a motion declaring that since the National Party had broken a clear term of the coalition agreement, the coalition no longer existed and that negotiations be held with the National Party for the formation of a new coalition. I never believed such a new coalition would be formed and that the Liberal/Labor plan could then be implemented.

A fairly large part of this event was published in the Bulletin in December 1983 and subsequently in the daily Brisbane press.

Dr Edwards denied he knew anything about it. I can say only two things about that. Firstly, White told me at the time he had spoken to Edwards as I advised him and he had no reason to lie to me about that at the time of the event. Secondly, my experience of Dr Edwards is that the more stridently and vociferously he denies something, the more certain you can be that it is right. His senior staff agreed with me on this point and examples of similar occurrences could be provided by them and me. I christened Dr Edwards a pathological liar which has become widely used in Queensland and Sir Terence Lewis's diary presented at the FitzGerald Royal Commission noted that Dr Herron and another person (I can't remember who) had told him Edwards was a "pathological liar".

White also told me at the time of the event and again he had no reason to lie to me at that time, that he had informed Bill Hewitt of what he was doing as I had advised him.

When the matter burst in the media in December 1983 I told White to get on to Hewitt and get him to confirm his account. It is a matter of deep regret to me that Hewitt indicated he could not remember. It is hardly a matter one would forget.

Going back to the 1977 redistribution. The independence of the Commission which carried out the 1977 redistribution is open to question. In 1966 when he first stood for the electorate of South Coast, Mr Russell Hinze in response to publicity from us (I was the Liberal campaign director for South Coast at that election) issued a news release saying if he was elected he would move to

live in the electorate. He never did. However the Redistribution Commissioners in 1977 drew a long tail from the southern end of the South Coast electorate up to Coomera/Oxenford to include his place of residence in the electorate. This may seem of little significance however despite the fact I believed Hinze could hold the seat as long as he wanted to, Hinze was paranoid and always became really agitated if there was talk of a Liberal standing against him or indeed doing so.

Time had made his residential position of greater significance because over successive redistributions population changes meant his seat contracted southward into the urban area of the Gold Coast and he lost significant amounts of his National Party voting rural electors. It is also significant that the Gold Coast Bulletin was able to publish the maps for the Gold Coast seats some considerable time before they were published by the Commissioners. Why should the maps for the Gold Coast seats fall into the hands of the Gold Coast Bulletin when maps for other areas did not fall into the hands of the media? There had to be an outsider with inside knowledge of the highest grade from the Commission.

During the 1977 redistribution word got around that the National Party was going to establish itself a good seat based on Caboolture. Mr Des Frawley, Member for Murrumba, wished to move from his seat to a safer National seat because Murrumba, once a very safe Country/National seat had been through development becoming an increasingly likely win for the Labor Party.

Mr Frawley was telling people long before the redistribution proposals were published that he had been given approval by the Premier to move to Caboolture so he could start settling in to what would be his new seat. Of course he won the seat at the election.

At the Convention when the Report of the State Executive Committee of Review into Redistribution (1982) was discussed, I attempted to get the call to speak. I was unsuccessful. A Vice President told me at the end of the session that he had told Dr Herron who was chairing the session that I was there trying to get the call but Herron ignored me. Herron knew from my comments when the report was considered at the Executive what I would say and did not want it said. The reaction of the State Executive prior to the Convention to my amendment for a genuinely Independent Redistribution Commission proposal to be included in the Report, was to me the ultimate proof that the Executive was interested in a one vote, one value redistribution not primarily as a matter of principle but simply because it would make it the major party in the coalition.

That was never my view because even with a one vote, one value redistribution we could not become the major party in the coalition unless we were able to break the National Party hold on the Gold Coast and the Sunshine Coast and also make further inroads into the Provincial Cities. I cannot stress too strongly enough that irrespective of what electoral system you have: zonal, one vote, one value or some other it is the people who draw the boundaries of the individual electorates who are crucial to whether the redistribution is biased or not.

That is why I fought strongly for a truly Independent Commission. When the party rejected the proposal, I saw it as embracing one vote, one value simply as a matter of self-interest. It is a deplorable weakness in the redistribution legislation which purports to set up an Independent Commission that no provision exists for any penalty of any sort to be imposed on any person who attempts to influence the Commissioners other than through the means prescribed in the Act, namely through public submissions. If the

Premier did have his working lunches with the Commissioners leading up to the 72 redistribution he was not breaking any provision of the Electoral Districts Act and I doubt if he was breaking any provisions of any other Act which might include provisions for penalties for improperly influencing Government processes.

Penalties have existed as long as I can remember including during the time of the Menzies Government for people who attempt to influence the Federal Redistribution Commission other than through the prescribed channels.

On Wednesday 26 November 1980 the former Liberal Party President and former Federal Minister, Mr Eric Robinson, just departed from the Fraser Ministry, agreed to my suggestion to do an interview with the Sargent Report then running on Channel 0, detailing the information he had provided to the State Executive in 1971 about the Premier's luncheons with the Redistribution Commissioners. In my view the material was legally actionable but none of the parties named issued a writ, let alone pursued it to prosecution. It is damnable condemnation of the rest of the Queensland media that it did not follow that story up. Mr Robinson had been prepared to put his reputation on the line and the possibility of being taken to court after having only sixteen months previously been through a Federal Royal Commission into Redistribution, to expose the Queensland rort. The media and the Liberal Party let him down. Those people who failed in their duty at that time should know that the afternoon he recorded that interview in Canberra he received a very forceful warning of an impending heart attack. I could tell from the TV screen that he was not well. He told me that the pain was so great as he walked across Kings Hall in Parliament House to the Interview room that he did not think he would be able to continue. It reflects the nature and dedication of the man that he did so.

In fact the tame Queensland media had had an opportunity during the lead up to the 1977 redistribution to fully air the matter. Mr Robinson prior to the Liberal Party Convention of that year gave me approval to leak the story to Ian Miller, then the State political roundsman for the Telegraph and a very good and courageous one too. Miller had the story published. Miller described it to me as a "sensation" but people didn't realise it. I have no doubt the tame Queensland media realised it but didn't have the fortitude to follow it up.

I agree that this document is an accurate record of interview and I acknowledge that I am aware it will be placed on the public record by the Electoral and Administrative Review Commission.

Keith Livingstone

28 August 1990.