



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY
Mr Jeremy Hanson MLA (Chair), Dr Marisa Paterson (Deputy Chair), Ms Jo Clay MLA

Submission Cover Sheet

Inquiry into 2020 ACT Election and the Electoral Act

Submission Number: 002

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From: [REDACTED]
To: [LA Committee - JCS](#)
Subject: So-called "savings" provisions
Date: Tuesday, 9 February 2021 2:39:35 PM
Attachments: [Introduction.docx](#)
[Canberras Hare-Clark.docx](#)

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Good afternoon members of the Legislative Assembly

I thank you for the opportunity to make a submission regarding the 2020 ACT election. My name is Malcolm Hugh Mackerras AO. My telephone number at work is [REDACTED]. At home it is [REDACTED]. My residential address is [REDACTED].

My submission is this: the ACT Legislative Assembly should ask the ACT Electoral Commissioner, Damien Cantwell, to advise the Australian Electoral Commissioner, Tom Rogers, about how polling officials should explain so-called "savings" provisions honestly.

There are seven proportional representation systems by which Australia's politicians are elected. Only four of them are not in need of reform. They are, listed in order of merit, the Tasmanian Hare-Clark system, the ACT variant of Hare-Clark, the method by which the NSW Legislative Council is elected and the method whereby the SA Legislative Council is elected. The marks I give those systems are 85 per cent for Tasmanian Hare-Clark, 78 per cent for ACT Hare-Clark, 58 per cent for NSW Legislative Council and 51 per cent for SA Legislative Council.

There are three systems for which I advocate change. Of the three, the best is the method whereby the Victorian Legislative Council is elected. It gets a mark somewhere between a pass and a credit. The other two get fail marks from me. The Senate voting system is the worst in Australia, that for the WA Legislative Council the second worst.

I attach to this email the Introduction to my book "Unrepresentative Swill: Australia's Ugly Senate Voting System". I hope members will read closely pages 12, 13, 14 and 15. The relevance of those pages to the ACT may not be immediately clear so I must explain.

When the new Senate system was brought into being in 2016 some supporters of that so-called "democratic reform" claimed that the Senate's "savings" provisions were based on the ACT system. There does, admittedly, appear to be some similarity.

For members to understand the similarities/differences between the Senate, ACT and Tasmanian ballot papers I invite members to go to my website that can be accessed at www.malcolmmackerras.com. Two parts of my website should be visited. The first is titled "The People's Republic of Kurrajong". The second is titled "Informal Senate Votes".

If readers will study the pages 12, 13, 14 and 15 cited above they will understand why I am so very critical of the way in which the so-called "Information" pamphlet of the Commonwealth is designed. The point is that the Senate voting system was not designed to help voters. The purpose of the deceitful ballot paper instructions is to help the big-party machines to manipulate voters. The so-called "democratic reform" of 2016 was nothing more than a thoroughly

dishonest re-contriving of the contrivances of the immediate past system – implemented in the most cynical way it would be possible to imagine.

So, here is where I believe the Commonwealth can learn from the ACT.

First, Tom Rogers should look at the ACT Commission's "Your polling place guide for Saturday 17 October 2020". He should turn to page 14 where he would read this message to voters: "You should fill in at least 5 squares as there are 5 vacancies in each electorate. If you don't fill in this many squares, your vote will still be counted even if you vote for only one candidate." Rogers might notice that the same words appear on page 19 of "Your official election and early voting guide".

Second, Rogers should take advice from Cantwell on how polling officials are instructed.

Over the 25 years of the operation of Hare-Clark in the ACT I have had many conversations with polling officials. I have not met even one who did not know the rules. Furthermore, the ACT Electoral Commission has never discouraged polling officials from telling voters that a single first preference is required by law to be counted as a formal vote.

It is my intention to follow this submission up with a "snail mail" parcel explaining these things in greater detail. It will take some work so I may not get it done until early or the middle of March. In the meanwhile members may be interested in the second attachment to this email. I'll explain its significance in the "snail mail" parcel.

Yours sincerely

Malcolm Mackerras