

- Serious Assault on Countback in the ACT
- NSW Legislative Council Controversy
- Lopsided Aspects of Canadian Election
- Tasmania's First Countback since 2010 Polls
- The Elections in Eire in February 2011
- UK's 'Alternative Vote' Referendum Failed

## Serious Assault on Countback in the ACT

A four-yearly redistribution for the Legislative Assembly of the Australian Capital Territory began in late January 2011. With enrolment numbers outside statutory tolerances, PRSA's ACT Branch [recommended](#) that the suburbs of Palmerston and Crace be moved from the central Molonglo electorate to Ginninderra. Boundaries proposed by the ACT Electoral Commission in April agreed on this point, but the ACT Branch [objected](#) to a premature proposal to place all of a new Molonglo Valley growth area in one electorate.

On 31 March, the Stanhope Government introduced legislation to limit nominations by parties to the number of vacancies in an electorate and to permit party nomination of replacements if no consenting candidate from their ranks could be found when a casual vacancy arose. As the latter proposal violated [the entrenched Hare-Clark principles](#), it would need, to pass, either a two-thirds Assembly majority or approval by a majority of electors at a referendum.

In a submission to the Assembly committee inquiring into the proposed legislation and related matters, the PRSA's ACT Branch lambasted party-oriented reasoning of the ACT Electoral Commission in its [Report on the ACT Election 2008](#). While an overall limit on candidates might be appropriate, there are no grounds for setting it so low as to possibly deprive voters of available choice promoted by Hare-Clark supporters. More election resources should be devoted to alerting voters that numbering further squares cannot harm those they support most strongly.

The ACT in 1994 deliberately refrained from adopting unused [Tasmanian provisions](#) then allowing parliamentary leaders to request a by-election should none of their unsuccessful candidates be available to fill a casual vacancy. At ACT [countbacks since 1995](#), there were, on four occasions, three consenting candidates from the same party as the vacating candidate, twice two and once just one. Nothing justified this most serious assault on the Hare-Clark system since the short-lived [1993 attempt](#) to white-ant Robson Rotation.

The ACT Branch also called for the restoration of columns where non-party groups nominated multiple candidates, agreed with suggestions that pre-poll voting be more readily available, and endorsed proposals that witnesses need not sign postal voting certificates, more information be included on certified extracts and lists of electors, and greater flexibility be allowed in layout of declaration votes.

On 9 May, long-serving Chief Minister Jon Stanhope announced his imminent Assembly departure as he could not commit to serving another term if he was to achieve another career. [Ms Katy Gallagher](#) was elected unopposed as the new ALP Leader, and was elected as Chief Minister by the Assembly on 16 May. With Mr Stanhope's most likely replacement as an MLA recently having secured an overseas diplomatic posting, there were just two Labor consenting candidates and four others. A dentist and businessman, Chris Bourke, won [the countback](#) by just 255 votes, and became the first indigenous Member of the ACT Legislative Assembly.

## NSW Legislative Council Controversy

Of the 311 candidates contesting the New South Wales Legislative Council elections on 26 March 2011, there were 293 that appeared in 16 groups containing at least 15 names, in order to meet constitutional prerequisites for numbering of party boxes. After the successive election of 17 candidates, the sequential exclusion of 290 began: 65 failed to reach 10 votes and 222 exited with under 100. Only 16 unsuccessful candidates reached 1,000 votes, highlighting a major defect in the arrangements adopted to thwart micro-parties after the [1999 tablecloth ballot-paper](#).

The Coalition, which gained 47.7% of [first preferences](#), won an absolute majority of places. That was the first such majority for a group since contests started for eight-year terms for 21 members. Labor won a record low of five places, and the Greens three. The Shooters and Fishers Party, starting with 3.7%, and the Christian Democratic Party, with 3.3%, each had its leading candidate elected.

The former leader of the One Nation Party, Pauline Hanson, was over 18,000 votes ahead of the eleventh Coalition candidate when exclusions began, but she received fewer than 5,000 votes in transfers and was defeated by 1,306 votes. Only Ms Hanson, John Hatton's group and the Socialist Alliance obtained more than 5% of their support [below the line](#). Towards the [end of the scrutiny](#), 75-80% of votes were becoming exhausted, as there was no preference for a continuing candidate or party.

A Court of Disputed Returns challenge was mounted by Ms Hanson, based on misdeeds by "dodgy electoral staff" alleged in an email that unsurprisingly turned out to have been fabricated. The Court recommended that taxpayers rather than Ms Hanson bear costs, even though she had not sought to meet her informant, but the Attorney-General will decide whether any form of recovery will be attempted.

## Lopsided Aspects of Canadian Election

Canada's [General Election, on 2 May 2011](#), was its fourth in seven years, after the minority Conservative Government lost a House of Commons no-confidence vote on its refusal to release details of proposed bills and their cost estimates.

About a fortnight before polling day, opinion polls showed the [New Democratic Party](#) (NDP) neck and neck in second place with the historically dominant Liberals, prompting frenetic late campaigning.

With a swing of just 2% to reach 39.6%, the [Conservatives](#) gained 23 seats, taking 166 of 308 ridings, yielding the first federal [first-past-the-post](#) election majority since 2000.

Buoyed by winning three-quarters of Quebec's seats, the NDP took over official Opposition status with its 103 seats based on 30.6% support, up 12.4%.

The Liberals lost more than half of their previous ridings, including their leader's, after a 7% fall in support to 18.9%, and finished with a record low of 34 seats. The [Bloc Quebecois](#) lost its leader, and was reduced from 43 seats to just 4, after losing around 40% of its previous supporters. Although the [Greens](#) suffered the same loss of voter support, their leader's success was a first for the party.

Apart from Quebec, there were particularly lopsided outcomes - all favouring the Conservatives - in Ontario, Alberta, Saskatchewan, Manitoba and New Brunswick.

## Tasmania's First Countback since 2010 Polls

Not long after Lara Giddings replaced David Bartlett as Premier of Tasmania ([QN2011A](#)), Mr Bartlett resigned his seat in the House of Assembly. Eight of the candidates for Denison at the 2010 polls nominated as consenting candidates for the countback.

The [countback](#) on 26 May 2011 of the quota of 10,630 votes showed that an absolute majority of 5,362 of those votes had another Labor candidate, Graeme Sturges, as the voters' next available preference, so Mr Sturges was declared elected as a Denison MHA.

Graeme Sturges had been a Labor member for Denison in the previous Assembly term, and Minister for Infrastructure from 2008 to 2010, but lost his seat at the general election.

Tasmania's small Cabinet lost another experienced member when a minister in the Legislative Council, [Hon Lin Thorp MLC](#), lost her seat at the periodic elections for the Upper House in May 2011.

The Premier, Lara Giddings, promptly announced that the Cabinet would be reduced to [eight members](#).

## The Elections in Eire in February 2011

The Republic of Ireland held a [General Election](#) in the

nation's 43 electorates for the 166 seats in the Dail - the lower house of its parliament - in February 2011, over 16 months earlier than needed. This followed the breakdown of the Coalition Government of the Fianna Fail Party and the Green Party arising from pressures of the Republic's banking and debt crisis, and led to Fianna Fail governing as a minority government.

The Fianna Fail Party, which had been the governing party for some three quarters of Eire's existence, suffered a dramatic decrease in its first preference vote from the 41.6% its candidates had gained at the [previous election](#), in May 2007, to just 17.4%. Its seats held fell from 71 to 20.

Its coalition partner before the election, the Green Party, fared worse in relative terms, as its previous vote of 4.7%, which had given it 6 seats, dropped to 1.8%, which resulted in its winning no seats at all. In all, seven parties are represented in the new Dail.

The Fine Gael Party won 76 seats, with 36.1% of the vote and formed a coalition government with the Labour Party, whose candidates won 37 seats, with 19.4% of the vote. It appears that this was the first election in Eire in which no party won a seat in every one of the nation's 43 electorates.

Article 16.2.6 of [Eire's Constitution](#) specifies that electorates have a minimum of 3 MPs, but it does not prohibit electorates having an [even number](#) of MPs. Eire's [electoral boundaries](#) currently encompass 17 three-member, 15 four-member and 11 five-member electorates.

## UK's 'Alternative Vote' Referendum Failed

In [May 2011](#), in conjunction with municipal elections in the United Kingdom, the Conservative-Liberal Democrat coalition formed after the 2010 General Election honoured the agreement those two parties had made before the election by [holding a referendum](#) on whether the vote-counting method used to fill the single-member constituencies for the House of Commons should change from its longstanding [plurality](#) (first-past-the-post) method to the method used in NSW and Queensland lower house polls, which is [optional preferential counting](#).

Voting was not compulsory, as has always been the case in UK polls. Voter turnout was 42.2%. The proposed change was rejected by 67.9% of voters. Only 10 of the 440 counting districts showed a majority in favour of a change.

The agreement above did not preclude the two parties to it from campaigning as they saw fit. The Liberal Democrats campaigned solidly for a YES vote, despite a former leader, Lord Owen, calling for a NO vote because the change was not to PR. The Conservatives campaigned solidly [for a NO vote](#), with few exceptions. Labour Party leaders and MPs were split in their calls for voting.