

### Constitutional Convention votes for better PR-STV

The Irish Republic's Parliament established, in July 2012, a 100-member [Constitutional Convention](#) to review, and to report to the Parliament on, aspects of the [Irish Republic's Constitution](#) including the system to elect members to its lower house, the [Dail Eireann](#). That system, entrenched in the [Constitution's](#) Article 16(2) [since 1922](#), is proportional representation using the single transferable vote in electoral districts that each elect no fewer than three members.

The Convention is expected to issue its final report soon. It has already released [results of the voting](#) in May and June that its members have undertaken, which show that:

- 79% opposed replacing the existing [PR-STV](#) system with a [Mixed Member Proportional](#) system,
- 86% supported increasing the minimum number of MPs per electoral district from three to five, and
- 67% supported a change to the alphabetical ordering of candidates' names on ballot-papers.

The deliberations producing such welcome outcomes appear in [thirty videos](#) of [presentations](#) and [debates](#).

### Transferred control over ACT Assembly size potentially reduces voter influence

On 13 February 2013, as the Prime Minister, Julia Gillard, had [foreshadowed](#), a [Bill](#) to transfer control over the ACT Legislative Assembly's size was introduced in the House of Representatives. It provided that a full two-thirds majority of the Assembly would be required to effect any future changes. The Senate passed it unamended on 21 March with no call for public input, so [the resulting Act](#) overrode aspects of the [1995 entrenchment](#) of Hare-Clark principles.

After a Labor amendment to Gary Humphries's original Bill, changing the Assembly size, if power over it were transferred, could be achieved in two ways, either through a two-thirds Assembly majority, or by approval by a majority of electors (in practice nearly 60% of formal voters) after an Assembly majority initiated a referendum.

The second alternative, which might have occurred in response to an attempt to reduce the size of the Assembly, is no longer available, and where two-thirds Assembly agreement upon change already exists, it is difficult to envisage a referendum being held. Whether the weakening of potential voter influence was intentional is not clear.

The PRSA's ACT Branch was very involved in [securing the Hare-Clark system](#) and getting its key

principles entrenched, so it has long seen the need for electors to be comfortable about changes to the system. [Its submission](#) to the Expert Reference Group the ACT government [set up](#) to examine optimal Assembly size did not seek more MLAs, as various concurrent reforms of processes and procedure would be necessary to attract elector support or acceptance.

The submission showed how the 7-member electorate more accurately reflected voters' wishes and over time led to a higher percentage of women being elected. It also gave concrete suggestions about how the Assembly could more easily tap into available community expertise, and make the most of its available resources.

The [Expert Reference Group's report](#) was publicly released on 16 April. It firmly concluded that 7-member electorates were superior to those electing 5 MLAs, but that 21 MLAs would be insufficient to meet all the challenges of good government. The Group recommended an immediate or early move to five 5-member electorates with a view to achieving five 7-member electorates within a further decade or so. The ACT Branch's submission had noted that such large increases, above 100%, would be [unprecedented](#) among the States and Territories since federation.

The report heeded arguments that reliance in the [discussion paper](#) upon unweighted aggregation of numbers of representatives at three levels of government was unsound, but was [criticized](#) for overlooking the part-time nature of various small-population legislatures overseas.

ACT Greens' [submission](#) supported either three 7-member or 9-member electorates. The new Liberal leader, Jeremy Hanson, was quickly [sceptical](#) about a need for extra MLAs given the exclusion of many resourcing matters from terms of reference the government alone drafted, and its being unwilling to appoint any additional judge or minister.

Mr Hanson took the leadership decisively on 11 February 2013 as his predecessor, Zed Seselja, won preselection over incumbent Senator Gary Humphries in [two internal polls](#) with repeated [30-vote margins](#). The first attracted [widespread complaints](#) about how much ACT Liberals were disfranchised by the meeting attendance rules.

After Mr Seselja resigned from the Assembly on 11 June 2013, seven unsuccessful candidates, two being Liberals, stood for the [countback](#). Just eight votes separated the Liberals minutes after the computerized [countback](#) began on 24 June. Nicole Lawder, Homelessness Australia CEO, won on further preferences from the female ALP and ACT Greens

candidates that were marked earlier on ballot-papers among Mr Seselja's 1.8 quotas of first preference votes.

### Article by Vic-Tas Branch Members on Unelected MPs

At the time that a [May 2013 joint sitting](#) of Victoria's Parliament was conducting the charade of 'choosing' a Labor Party member to replace Hon. Martin Pakula MLC, who had resigned from the Upper House to win the safe Labor seat of [Lyndhurst](#), *The Conversation* website featured an article by two members of the PRSA's Victoria-Tasmania Branch. Its editor chose the title, "[Unelected Swill](#)", alluding to Paul Keating's [unfortunate gibe](#).

The article pointed to Australia's then six unelected senators, but at the current rate of departures there will [soon be eight](#) at least. A [joint sitting of WA's Parliament](#) - at whose end the Chairman admitted his declaration was premature - 'chose' Susan Lines to replace WA's Senator Chris Evans. Also, Senator Barnaby Joyce must resign if he is to contest New England, where Nationals have preselected him, and where its independent MHR, Tony Windsor, is not standing.

### Single-member-electorate boundary manipulation

At [Malaysia's](#) 2013 election, the governing Barisan National Party 'won' [handsomely](#) with 47.4% of the vote. The united Opposition received 50.9% of the vote, but 'lost'. The 133 Government-held seats averaged 40,838 voters, but in the 89 Opposition-held seats this was 63% higher, at 66,277. Electoral districts were set to contain more voters per district if likely to return an Opposition member, making it very hard for the Opposition to win.

This ploy is called [malapportionment](#), where some seats represent many fewer electors than others, in order to suit its designers. It used to be a major injustice in Australia. In South Australia's contested Assembly seats in [1953](#) and [1962](#), Labor candidates won a clear majority of votes, but the [Liberal and Country League](#) retained government. The nine and eight uncontested seats respectively at those two elections made precise statewide analysis problematic.

Rural electorates, which favoured the LCL, had far fewer electors than those in urban areas. This was often defended then as providing adequate representation for rural people. The then LCL leader, [Sir Thomas Playford](#), became the longest-serving head of government in the history of any Commonwealth realm, a record he would be unlikely to hold if [fair elections had been held](#) in South Australia in that period from the 1950s onwards.

Until 1989, Queensland practised malapportionment for decades, incorrectly called gerrymandering, first with the [Hanlon ALP Government](#) and its successors, and eventually, for much longer, with the [Bjelke-Petersen Government](#). With fair boundaries, the latter's National Party could not have governed, except in its customary coalition with the Liberals, following the [1983 election](#), at which the Nationals won half of the 82 Assembly seats with only 38.9% of the vote, but gained two more MPs by [Liberal MPs defecting](#) to join the National Party.

Australian media stressed the unfairness of Malaysia's latest result, but not that of an equally unfair and deliberately rigged result in November 2012 – the United

States House of Representatives. The USA is the [birthplace](#) and home of the [gerrymander](#), which is an electoral malfeasance that is, by far, most feasible and effective in single-member district systems. It is the [contriving of districts](#) with intricate, oddly-shaped and distorted boundaries to ensure undue gain for one party. [Elbridge Gerry](#), Massachusetts Governor from 1810, and Declaration of Independence signatory, set boundaries a cartoonist drew as [salamanders](#), which were soon dubbed 'gerrymanders'.

In the [last US House election](#), Democrats won more votes than their Republican rivals by 49.0% to 47.7%, but the Republicans 'won' the election with 234 seats, to 201 for the Democrats. In the USA, gerrymandering still occurs as - rather than an independent body applying objective legislated criteria - it is the legislature of each State that [sets boundaries](#) for its State's federal electoral districts. Legislatures' majority parties routinely set boundaries after each decennial census to advantage themselves.

The method is to group all the areas that vote most strongly for a party's opponents into as few electoral districts as possible. Selectively-shaped electoral districts corral not only the bare majority guaranteeing that opponents will win, but also lock up many more surplus votes for them so those votes cannot elect extra members, and are [thus of no use to the opponents](#). Exponents design their party's own districts with a safe, but not unnecessarily high, winning margin. The '[Gerrymander Wheel](#)' shows how this works.

In Pennsylvania, Democrat candidates won the majority of votes (50.3%) in November 2012, but only 5 out of 18 districts. Democrat-held districts are held with huge majorities. All 13 Republican-held district boundaries were [drawn](#) in such a way as to ensure they all have much smaller but still adequate majorities, and only one of the 18 districts is what Australians would call a '[marginal seat](#)'.

Malapportionment and gerrymanders are regularly witnessed because of the intrinsically unfair nature of the single-member winner-take-all electoral system, often combined with [plurality](#) vote-counting (*first-past-the-post*), which can magnify the unfairness. That allowed each United Kingdom government from [1987 to 2010](#) to have a large Commons majority without even 45% of popular support, much less 50%. In [2005](#), the Labour Party, under the Rt. Hon. Tony Blair, ruled with only 35.2% of the vote.

Distortions of democracy have led to appalling results. In the [1948 general election](#) in South Africa – held on more or less fair boundaries, but with a very restricted franchise that denied the vote to most non-white citizens – the governing United Party won 49.2% of the vote, but it lost the election. Government was 'won' by the National Party. It only had the support of 37.7% of the voters but, as the National Party voters were far more dispersed than the UP's, it secured a majority of seats and began the disastrous apartheid system.

An inherent weakness of single-member systems is that usually almost half the votes cast in each electoral district elect nobody. [Proportional electoral systems](#) lack that fault, as a far greater percentage of the vote elects representatives.