

## **Democratic and Electoral Shifts in Queensland: Back to First Past the Post Voting**

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Free and fair elections are the basic building blocks of democracy. Over time the Queensland electoral system has been subject to the vagaries of political manipulation in three main ways: zonal malapportionment, boundary manipulation (gerrymandering) and changes to the methods of counting valid votes. This paper focuses on the last device— changes to the methods of counting made to suit the interests of the governing political parties.

Colonial Queensland used first-past-the-post voting from 1860 to 1892. This voting method was adopted from British practice and combined variously with single and multi-member electorates. It tended to suit well-known local identities in the decades before the Labor party appeared on the scene and disciplined political parties became the norm.

In 1892 an unusual form of optional preferential voting known as the contingent vote was introduced in Queensland. It is a compressed form of a two-round run-off election, such as used in French presidential elections. Under the contingent vote, when no candidate receives a majority of votes all candidates are eliminated except the leading two and preferences from eliminated candidates are then distributed to ensure a majority winner. It is different from the preferential system with which Australians are more familiar, the alternative vote, where there is serial elimination of candidates and distribution of preferences from the bottom up. Under the contingent vote a candidate ranked third in terms of primary votes cannot end up being elected, as happened in the federal seat of Blair in 1998.

Queensland persisted with the contingent vote until 1942, the longest continuous use of this electoral system anywhere in the world. In that year the Labor government led by Frank Cooper re-introduced first-past-the-post voting to consolidate Labor's grip on power, following a flow of preferences away from Labor in the previous two elections and the loss of Cairns in a by-election.

First-past-the-post voting continued until it was replaced by a compulsory or full preferential system in 1962—a change introduced by the Coalition government of Frank Nicklin. The Coalition assessed that with Labor divided after the acrimonious split of 1956–7 a full preferential system mopped up the independent conservative vote and maximized their chances of reelection. An unintended consequence was that such a system gradually encouraged three-cornered contests, with the Coalition parties challenging each other for territory.

Compulsory preferential voting continued until a series of non-partisan reforms were adopted, based on recommendations of the Electoral and Administrative Review Commission (EARC) in 1990-91. While none of the major parties had favoured optional preferential at the time, and very few lobbyists or interest groups had endorsed it, EARC called for its reintroduction. It was responding to the argument that the law ought not to force electors to vote for candidates they did not wish to see elected. In the event, there was tri-partite support for the EARC reforms in the legislature and the modern form of optional preferential voting was adopted in time for the 1992 election.<sup>1</sup> The general elections of 1992, 1995, 1998, 2001 and 2004 have all been waged using the optional voting system.

Optional preferential voting allows electors:

- to vote for a single candidate only (called ‘plumping’);
- or to allocate partial preferences (say to two or three but not all candidates);
- or to allocate a full preferential ranking to all candidates.

The choice of whether to transfer a preference to some or all other candidates is in the hands of the individual voter. There is no compulsion to transfer preferences as in full preferential systems. Under optional preferential voting, voters who plump for a candidate who finishes 3<sup>rd</sup> or 4<sup>th</sup> ‘exhaust’ their ballot. While their votes remain valid, they do not count further in the final result.

When optional preferential voting was introduced in 1992 the major parties largely ignored it and recommended that their voters allocate a full set of preferences. In 1992, 1995 and 1998 all major parties chose to allocate preferences right ‘through the card’. The reason they did this, despite some favouring only a partial distribution of preferences, was that they feared voters would confuse state and federal electoral requirements. That is if the state political machines urged voters not to allocate full preferences it would increase the percentage of informal votes federally.

Until the reforms of 1992, each of the changes to the Queensland voting system were made because of perceived electoral benefit by the government of the day. Hence, the Coalition parties re-introduced compulsory preferential voting in 1962 not out of a democratic desire for greater representativeness, but out of concerns that with two right-of-centre parties contesting some individual seats they risked splitting their vote if they retained first-past-the-post voting.

Compulsory preferential voting forced voters to allocate preferences down the list of candidates—including to candidates they may not have wished to see elected. On the positive side, voters voting for minor parties or for independents did not ‘waste’ their votes as their 2<sup>nd</sup> or 3<sup>rd</sup> etc preferences passed on to other candidates. Often over 50 per cent of the seats contested ‘would go to preferences’ (i.e. were not claimed until a distribution of preferences had given one candidate an absolute majority).

Under compulsory preferential voting, elected representatives could genuinely claim to represent the electorate, as they knew they had won the support of the absolute majority of formal voters in their seats—not simply finished first in the initial returns. Against this, voters may have been forced to cast insincere votes or resort to ‘donkey voting’ numerically down the card for convenience rather than with deliberation. An unintended consequence of the compulsory preferential system was the indispensability of the ‘how-to-vote card’ without which the vast majority of voters would be lost and risk casting invalid or aberrant votes.

Interestingly, the state electoral commission, the Electoral Commission of Queensland, quietly ‘disapproved’ of optional preferential voting—and certainly did not actively promote the concept to Queenslanders for the elections held in 1992, 1995 or 1998. The Commission did not give reasons for its reluctance to educate electors about the new system. It probably believed that a) a full allocation of preferences was a more complete or accurate expression of the vote, and b) that optional preferential voting was potentially confusing, given the federal system of compulsory preferential voting. Hence, with parties continuing to issue full preference ‘how-to-vote cards’ and the Commission not promoting optional preferencing, the effects of the change were marginal in the first three general elections.

However, with the rise of One Nation and the problems it posed for the mainstream parties after 1998, a gradual revision was made of the initial decision to continue allocating full preferences. Labor experimented in December 1998 with advice to its supporters to allocate a single preference in the by-election for Mulgrave. Then in 2001 Premier Peter Beattie, at the suggestion of his Deputy, advocated a ‘just vote one’ strategy—designed to shore up support for his own party while implying a single vote was also the best option for his divided adversaries.

Premier Beattie successfully sowed the idea in the minds of non-Labor voters that they too could ‘just vote one’—especially One Nation and City-Country Alliance voters who were disaffected and hostile to the established parties. Some Coalition candidates such as former Deputy Premier Joan Sheldon followed Beattie’s lead. The effect of Beattie’s tactic was to make over half the electorates virtually a first-past-the-post contest in 2001, 47 out of 89 seats being won on the primary vote.

For instance, Labor won the seat of Burdekin with only 36.72 per cent of the primary formal vote compared to the combined 63.28 per cent cast for the three conservative candidates. Owing to the high exhaustion rate, Labor claimed the seat with a final count of 41.68 per cent of the formal vote compared to the National’s 33.93 per cent, with almost 25 per cent of voters choosing to exhaust.

An Electoral Commission ballot survey of 11 seats found that almost 60 per cent of voters across the board voted just for one candidate. Of course only the votes of those voting for losing candidates who came, for example, 3<sup>rd</sup> or 4<sup>th</sup>, were technically exhausted. In Toowoomba North over 75 per cent of voters ‘plumped’ for just one candidate. The rate of informal voting was relatively unchanged at 2.27 per cent.

In 2004 the three main parties (Labor, Nationals and Liberals) each separately advocated a ‘just vote one’ strategy to their supporters. Labor chose the same tactic again because it had worked so well against a divided opposition in 2001. The Coalition candidates, who were contesting no three-cornered contests in this election, opted to follow suit to save having to decide whether to put One Nation or Labor last. With fewer conservative adversaries standing, the Coalition did not face the same risks as it had in 2001. Also the main parties were becoming dubious over the benefits of preference swapping. The Greens, who were standing some 70 candidates, also advocated no preferences in around 50 seats—making their advice similar to the ‘just vote one’ strategy of the major parties.

The consequence of Queensland’s quasi first-past-the-post system has forced the non-Labor side to focus more on cohesion. The Coalition was broken in the wake of the 2001 result but was re-formed in mid 2003. The City-Country Alliance collapsed and was not registered for the 2004 campaign. One Nation, however, remained a separate conservative entity and, despite being low in the polls, talked of becoming the next Opposition, displacing the Coalition. Hence, as the only significant centre-leftish party Labor continued to be advantaged by the optional preferential voting system.

In democratic terms, the use of optional preferential voting in Queensland appears to empower the voter, allowing individuals to decide whether or not to allocate preferences to some or all candidates. But in the hands of parties anxious to maximize their electoral advantage, optional preferential voting risks becoming a *de facto* first-past-the-post system—in which candidates can

be elected with around 35 per cent of the formal vote. Optional preferential voting has the potential, then, to inflate majorities while penalising the most divided side of politics.

If voters deliberately choose to ‘just vote one’ (plumping) and intend their vote to exhaust if their candidate comes 3<sup>rd</sup> or worse, then this does not undermine democracy. However, if voters simply follow party instructions to vote for one candidate and out of ignorance or unfamiliarity do not allocate preferences, then if their votes exhaust this could be a denial of a true democratic outcome.

## **References**

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<sup>i</sup> *Electoral Act 1992*.