

# AUSTRALIA'S ELECTORAL SYSTEM

## *Contents*

<b>Introduction .....</b>	<b>2</b>
<b>Eligibility to vote .....</b>	<b>2</b>
<b>The Parliament .....</b>	<b>3</b>
<b>Full preferential voting system .....</b>	<b>5</b>
<b>Electoral System - House of Representatives .....</b>	<b>6</b>
<b>Electoral System - Senate .....</b>	<b>6</b>
<b>Nominations for Candidates .....</b>	<b>7</b>
<b>Public funding and disclosure for election campaigns .....</b>	<b>8</b>
<b>State and Local Government.....</b>	<b>9</b>

## **Introduction**

The six former British colonies of Australia became an independent federation in 1901 when all constitutional and judicial links with the United Kingdom were cut.

As a fully independent nation, Australia is governed by two Houses of Parliament - the Senate or upper house and the House of Representatives or lower house - which are directly elected by the people of Australia.

Under the Constitution Queen Elizabeth II is the Queen of Australia and represented in the country by the Governor-General.

## **Eligibility to vote**

All Australian citizens over the age of 18 must be enrolled on the Commonwealth Electoral Roll at all times and must vote in federal elections, and in referendums to change the Constitution. The franchise is also extended to those British subjects who were on the Commonwealth Electoral Roll before 26 January 1984.

The Commonwealth Electoral Roll is maintained and continually updated by an independent statutory authority, the Australian Electoral Commission.

Australians are required to ensure that they are enrolled in the electoral division in which they live. The accuracy of the computerised Roll is continually checked by officers of the Commission and computer records are kept of those who voted and failed to vote at federal elections and referendums.

Australians may be fined up to \$50 for failing to enrol and/or vote.

Compulsory enrolment was introduced in 1911 and compulsory voting in 1924. The legal obligation to enrol and vote is generally well accepted by Australians and voter turn-out in federal elections and referendums usually exceeds 95 per cent.

Until 25 January 1984, permanent residents who were citizens of other British Commonwealth countries were required to enrol and vote and were entitled to nominate for election after three years' residence. Now, however, only citizens may nominate for election to the Australian Parliament although resident non-citizens who were voters before 25 January 1984 still have that right.

## **The Parliament**

The Australian Constitution provides for the Westminster system of government responsible to the elected legislature, by requiring that Ministers of State must be members of either the House of Representatives or the Senate. It maintains the Westminster system of government responsibility to the legislature by requiring that ministers be members of either the House of Representatives or the Senate.

The Sovereign's representative in Australia, the Governor-General, will by convention commission the leader of the largest party or group of parties in the House of Representatives to form a government.

The term of the House of Representatives is three years although the full

term is not always served as there is discretion available to go to the electorate earlier.

The House of Representatives consists of members who each represent a single-member electoral Division. Redistributions are conducted by independent Redistribution Committees at periodic intervals when the boundaries of electoral Divisions may be redrawn to ensure that parliamentary representation reflects population changes and the number of voters in each Division in a State or Territory remains approximately the same.

In physical area electoral Divisions may vary enormously. The Division of Kalgoorlie in Western Australia, for instance, covers about 2,285,000 square kilometres while the Division of Phillip in suburban Sydney, has an area of 17 square kilometres.

The boundaries of electoral Divisions do not cross State or Territory borders.

Electoral Divisions throughout the nation contain roughly the same number of electors, except in the small State of Tasmania, which is guaranteed a minimum of five Divisions in the House of Representatives under the Constitution. Because of Tasmania's small population, each of the five Divisions has an enrolment lower than the national average.

The Senate is sometimes known as the 'State's House' since each State, regardless of population, has equal representation there. Each State is represented by 12 senators and both the Northern Territory and the Australian Capital Territory have two Senators, making a total of 76.

Under section 57 of the Constitution, the Governor-General may dissolve

both Houses of the Parliament, leading to a general election for all Divisions in the House of Representatives and for the Senate. These elections are known as 'double dissolutions' and have been held in 1914, 1951, 1974, '75, '83 and '87.

## **Full preferential voting system**

Under the Commonwealth Electoral Act federal elections for the House of Representatives and the Senate are conducted using a full preferential voting system, as opposed to optional preferential voting or 'first-past-the-post' as used in other countries.

The voter marks his or her preference for each of the nominated candidates whose names are printed on the ballot paper for the House of Representatives or the Senate. The voter does this by placing a number, starting with the number '1' to indicate the first choice, opposite each candidate's name.

Voters may use ticket voting for the Senate, where only one mark is required against the name of a political party or an independent, and preferences are then distributed according to the ticket lodged with the Australian Electoral Commission prior to polling day.

The voter must indicate his or her preference for each and every candidate or the vote is informal and will not be counted. The vote will be invalid if there is a mark on the paper which identifies the voter.

This system of full preferential voting ensures that a majority of voters have a say in the election of the successful candidate even though each voter's first

choice might not be elected.

## **Electoral System - House of Representatives**

Each Member of the House of Representatives is elected for a Division under an absolute majority system, where a candidate must receive 50 per cent plus one of the votes in a Division for election.

Formal votes are counted to see whether any candidate has an absolute majority of first preference votes. If no candidate receives an absolute majority of first preference votes, later preferences are distributed.

The process of distributing the later preferences of voters and eliminating lowest-placed candidates continues until one candidate has a majority of the formal votes cast.

## **Electoral System - Senate**

In contrast to House of Representatives elections, where only one candidate is elected for each single-member Division, Senators are elected as part of a multi-member constituency, a State or Territory. That is, 12 Senators are required to be elected for each State, and two for each Territory. The electoral system for the Senate is known as quota-based proportional representation.

As there are a number of vacancies to be filled under the system, candidates do not need an absolute majority of formal votes to be elected. A candidate is elected when he or she receives a quota' of the formal vote. This figure is arrived at by dividing the number of formal votes cast in the State the candi-

date seeks to represent in the Senate by a number equal to the number of vacancies being contested plus one, and increasing the quotient of that calculation, disregarding fractions, by one.

In a half-Senate election, which normally takes place at the same time as a general election for the House of Representatives, and where six vacancies for a State are being contested, a candidate needs to obtain one seventh of the total formal vote, plus one, to be elected.

Under the Commonwealth Electoral Act Senators representing the two Territories stand for re-election every three years. Their quota is one-third of the total formal vote, plus one.

If a candidate receives a quota of first-preference votes, he or she is declared elected and all his or her surplus votes, first-preference votes in excess of the quota, are transferred according to the voters' second and subsequent preferences. This continues until all the vacancies have been filled by candidates receiving quotas.

Under the proportional representation electoral system for the Senate, independents or smaller-party candidates have a far better chance of election than in elections for the House of Representatives.

## **Nominations for Candidates**

Candidates for election to the Federal Parliament must be Australian citizens, 18 years or over, and an elector or qualified to become an elector. Members of State or Territory legislatures may not nominate for election to

the Federal Parliament unless they first resign.

Under section 44 of the Constitution certain disqualifications apply to candidates for Federal Parliament. Persons disqualified include anyone who is under allegiance to a foreign country, or who is attainted of treason, or who has been convicted and is under sentence for any offence punishable by imprisonment for one year or longer, or who is an undischarged bankrupt or insolvent, or who holds an office of profit under the Crown.

Candidates may be nominated by recognised political parties or, in the case of independent candidates, by six people entitled to vote in the Division in which they are standing.

Senate candidates pay a \$500 deposit and House of Representatives candidates pay a deposit of \$250, which is returned if the candidate (or group in the case of Senate elections) obtains more than four per cent of the first preference vote.

## **Public funding and disclosure for election campaigns**

Political parties registered with the Australian Electoral Commission and independent candidates are eligible for public funding to cover part of the expenses incurred in election campaigns, if they receive at least four per cent of the valid vote in the elections they contest.

To be eligible for registration and for funding, parties must be represented in the Federal Parliament, or the parliaments of a State or Territory, or have at least 500 members. Registration may be rescinded if the party does not con-



test elections for four years.

Candidates endorsed by registered parties may have their party affiliation printed on the ballot paper next to their names.

All political groups in Australia, whether or not they are registered for public funding, and all candidates in federal elections, must report to the Commission details of their electoral expenditure and gifts and donations they have received for electoral expenses.

All donations of \$1500 to parties or \$200 to individual candidates, must be disclosed. And if parties or individuals contest consecutive elections, they must inform the Commission of all gifts and donations for electoral purposes between the election campaigns.

All broadcasters and publishers are required to disclose details of electoral advertisements they have carried.

Any person or organisation (other than a candidate or registered political party) who takes part in an election must inform the Electoral Commission of electoral expenditure and any gift used to fund electoral expenditure. In addition, persons who make donations of \$4500 or more to a registered political party or \$200 or more to a candidate must advise the Electoral Commission of the donations made.

## **State and Local Government**

The Federal Parliament governs the nation as a whole but there are two additional layers of government beneath - the State and Territory Govern-

ments and the Local Governments. State Governments arose out of the original six self-governing British colonies which federated in 1901, and the Northern Territory and the Australian Capital Territory Legislative Assemblies have been created since federation. Local Government is under the legislative control of the States.

The Queen is represented in each State by an appointed Governor whose duty it is to give formal assent to legislation passed by the parliaments, similar to the Governor-General at the federal level.

New South Wales, Victoria, South Australia, Western Australia and Tasmania are bicameral with an upper and lower House of Parliament. Queensland abolished its upper house in 1922.

The two larger territories, the sparsely populated Northern Territory and the Australian Capital Territory, in which the federal capital Canberra is situated, are each governed by a single-chamber Legislative Assembly, with narrower powers than those of the State parliaments.

Some powers exercised by State governments are, in relation to the self-governing territories, held by the Federal Parliament.

Qualifications for voters and candidates for election to State parliaments and the Territory Houses of Assembly, are similar to those required at the federal level.

In the States of New South Wales, Victoria, Queensland, South Australia and Western Australia, members of parliament represent single-member constituencies.

Tasmania has a system of proportional representation in which voters elect seven members to each of five Divisions in the House of Assembly. The boundaries of the Divisions coincide with the boundaries of the Federal electorates.

The third and lowest level of government is Local Government. The powers of local councils are controlled by the State parliaments and vary from State to State, although they do receive some direct funding from the Federal Government.

*Source: DFAT*