

ELECTORAL DEMOCRACY: AUSTRALIAN PROSPECTS

**Joo-Cheong Tham, Brian Costar and Graeme Orr (eds), Melbourne University Press, Carlton, 2011,
PBK rrp \$49.99, E-book rrp \$39.99 <http://web.mup.unimelb.edu.au/e-store/>.**

Reviewer: Jennifer Aldred*

It is not easy to admit to being hard-wired to have little faith in the electoral process in determining Australia's governmental health. As a student of politics and public policy in the 1970s, I learned that my attitudes had been brought about by the impact of mass media, mass marketing and multi-national commerce. More recently, it has been the move away from the two party system, the influence of lobby groups and the 'spin' to accommodate a 24 hour news cycle. Add to this the impact of the influences dealt with in this book — the vagaries of the election process itself (the enrolment process, informal voting, determination of boundaries) and of a system of party political funding which has led to parties selling access to influence to those with the cash. All have significantly sidelined the winning of public approval in the minds of those seeking to gain public power. Even the adoption of 'the permanent campaign' in Australia presupposed that, with tactics, comes compliance.

Much has changed my thinking in the past few years with a volatile electorate delivering a number of hung parliaments and, in NSW this year, a powerful electorate sending the NSW labor party to the political naughty corner. Is the voter back?¹

What better time then to read this book which is the result of a workshop held at Melbourne University — interestingly as a social justice initiative — to which academics, electoral administrators and political practitioners contributed. A profile reflecting very much the readership of this journal. Essentially dealing with electoral regulation, the collection — bought together — addresses in the contemporary context perennials of electoral democracy: participation rates; and, how political power should be won.

The seven chapters comprising Part 1 on electoral systems cover the range of legal, technical, practical, socio-economic and cultural barriers to voting participation. Peter Mares and Brian Costar question the fairness of our system which restricts the voting rights of citizens not resident in the Australia as well as those residing in Australia who are not considered citizens. This is a good chapter which lays down the gauntlet to decision-makers in Australia to consider whether the physical

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¹ See Elaine Thompson, 'The NSW 2011 election: a tale of knaves, scallywags and hubris' in this issue of the *APR*.

location or legal status of a person should deny them a vote in an age where the global movement of people is a given. Inclusion is also at the forefront of Lisa Hill's chapter on informal voting examining as she does the intentional informal vote largely considered a backlash to Australia's compulsory voting system and, more interestingly, the unintentional informal vote which leads effectively to disenfranchisement. If, as she says, 75 per cent of informal votes in any given election are unintentional, it pays to assess whether the complexity and variety of voting systems in this country is ripe for review. With a figure as high as this, fairness in the system goes beyond public education campaigns.

Megan Davis and Graeme Orr have individual chapters both dealing with remedies for inherent bias or neglect in our democracy. Here, of course, the reader moves to consider the dimensions of group rather than individual rights. Davis is an advocate of designated parliamentary seats for Australia's indigenous people — that self-determination requires not just participation in decision-making in the life of indigenous communities but in the affairs of the nation. Whether the advancement of Australia's indigenous peoples lies in a reform such as this is hard to predict. The value of this chapter in making that prediction easier is its evaluation to the Australian context of shifts in international law to encompass democratic entitlement in the right to self-determination. As such, I am not convinced that the reference to the Treaty of Waitangi was a necessary inclusion. Orr assesses the value of applying anti-discrimination law to political parties to overcome anti-democratic practices and values. He is not a fan, arguing freedom of association as a democratic right would be impinged.

Peter Brent and Rob Hoffman cover the electoral management system, broadly that of maximizing the vote through enrolment, turnout and formality then of taking the vote itself. An interesting aspect of this chapter is reluctance of the Australian Electoral Commission (AEC) to optimize the use of technology to improve participation in the electoral process. Eschewing as it does on-line enrolment must cost both in terms of efficiency and also in fairness. This chapter offers practical advice for improvement in the mechanics of our electoral process and gives credit to the NSW and Victorian Electoral Commissions for joining the digital age.²

After reading Ron Levy's chapter on fairness and electoral boundary determination, I agree with the title one of his headings — it is an 'elusive end'. Concentrating on the gerrymander, he does, nonetheless, offer solutions for removing inequalities in the electoral process when boundaries are set which favour of an incumbent or party and not the demographic.

² iVote, a remote electronic voting system was introduced for the NSW election in March 2011. See The Allan Consulting Group, 'Evaluation of technology assisted voting provided at the NSW General Election March', **Report to NSW Electoral Commission**, July 2011 for an assessment. Victoria used telephone or touchscreen voting for its 2010 state election.

I particularly liked Norm Kelly's chapter on the integrity of Australia's electoral administrations. It is a good overview of the extent to which electoral best practice is influenced by politics. As it is the parliaments that develop electoral regulatory frameworks, what political advantage can this system give the governments of the day. Moreover, where does this leave the commissions who must act in accordance with the law. The political process does not come off well in this chapter, however, our electoral administrators do.

Political finance — the subject of Part 2 of the book — moves us from the world of the citizen to the world of political commerce. Brought together, these chapters traverse the landscape of reforms aimed to strengthen our democratic system and ensure a high level of equality and accountability as we address the shift away from individuals and politics to organisations and politics. Jeremy Moss and Joo-Cheong Tham provide a useful overview of the electoral, governance and democratic function of our political parties but query how far it is possible to codify their conduct.

Brian Costar and Sally Young both deal with accountability and measures to combat electoral fraud and political corruption. Costar's chapter usefully links the dollar growth in campaigning to that of fund raising activities. Young concentrates her efforts on the diminishing role of the media to 'shine a light in dark corners' on the public funding, direct donations and fund raising that has turned politics into big business.

Chapters by Keith Ewing (*Political Party Finance: Themes in International Context*), Andrew Geddis (*Regulating Electoral Finance in New Zealand*, with Particular Reference to Third Parties) and Jacob Rowbottom (*Cash for Amendments, Homes and Moats: Standards of Conduct in Westminster*) assure us we are not alone in our endeavours to ensure that financial assistance does not translate to political advantage.

Anne Twomey examines the extent to which our electoral laws can limit political communication in the context of the implied freedom of expression under the Australian constitution. Her piece is the only one to touch on the implications of the new media and moves the thinking to limitations to regulating not just the message but the medium.³ It is food for thought that, with the emerging digital culture, it is the voter who may control the information flow. Perhaps the voter is back!

This is a fine collection of work which brings us up to date with the complex issue of determining how to detect and respond to the changing circumstances and new values which may distort fairness in our electoral process. The question is, will the factors for social change shift so quickly in the near future, they will out-pace the ability our traditional governance systems to adapt? ▲

³ Brian Coster does make reference to a choice by political parties to prefer television advertising to other forms, including 'the new media', p. 162