

Modifying the Australian Federal Election Voting System to Reflect Indigenous Cultural Heritage

**By
Tristan Barnett**

It is estimated that Aboriginals have lived in Australia for at least 60,000 years and Torres Strait Islanders for at least 2,500 years. European settlement in Australia took place in 1788. Prior to 1788, 100% of the Australian population were Indigenous Australians (Aboriginal and Torres Strait Islanders), but currently Indigenous Australians represent only 3.3% of the Australian population. Also, it is estimated that over 1 million Aboriginal people inhabited the island continent prior to European settlement in 1788. As a result of introduced diseases and other factors, this number has declined to an estimated 761,300 Aboriginal and Torres Strait Islander people in Australia as at 30th June 2017. Given this information it seems reasonable that a federal election voting system should be partitioned between Indigenous Australians and European settlers.

The bicameral Parliament of Australia consists of two Houses, the lower house is called the House of Representatives and the upper house is named the Senate. The doctrine of the separation of powers in Australia divides the institutions of government into three branches: legislative (governor-general, lower and upper house), executive (Cabinet Ministers and Prime Minister) and judicial (primarily the High Court). The legislature makes the laws; the executive put the laws into operation; and the judiciary interprets the laws. The doctrine of the separation of powers is often assumed to be one of the cornerstones of fair government.

In Australia, electoral districts for the Australian House of Representatives are called divisions or more commonly referred to as electorates or seats. There are currently 151 single-member electorates for the Australian House of Representatives. The Australian Electoral Commission (AEC) determines from time to time the number of members to which each state and territory is entitled and the boundaries of each electorate, in a process known in Australia as redistribution. This process is to ensure an approximately equal number of voters in each electoral district. Under this voting system, the government is elected based on a majority of seats won. This is hierarchical - and not based on individual primary votes. Preferential voting is used to determine the government. The political party which wins the majority of seats in the House of Representatives will form government. As of 2019 there are 151 seats in the House of Representatives, the party which forms government must win a majority of 76 seats. A hung Parliament is said to exist when no single party or coalition of parties has a majority of seats in the House of Representatives. A minority government can be formed when a party or coalition, which does not have a majority of seats in its own right, is able to achieve a majority on the floor of the House with support from independent Members or minor parties. The Senate is determined by proportional representation. According to game theory there is no optimal voting system.

There are a vast number of registered political parties in Australia. The key goal of political parties is to form government (as the legislative that makes the laws is dominated by the government since they have the most number of seats in the House of Representatives), secondly to obtain as many seats in the House of Representatives and thirdly as many Senators in the upper house. There are three main parties represented in the House of Representatives—the Australian Labor Party, the Liberal Party of Australia, and the Nationals. Since the general election of 1949, the Liberal Party and the Nationals (under various names) when forming government have done so as a coalition. Since the general election in 1949 the other parties represented in the House have been:

Australian Labour Party (Anti-Communist) – 1955 (seven former members of the Australian Labor Party);

One Nation – 1997 (one former independent Member)

Australian Greens – 2002 (one Member), and from 2010 (one Member)

Nationals (Western Australia) – 2010 (one Member)

Katter's Australia Party – from 2013 (one former independent Member)

Palmer United Party – 2013 (one Member)

Centre Alliance, formerly Nick Xenophon Team – from 2016 (one Member).

At the 2019 Federal election, the Liberal/National Party, Labor Party and the Greens scored 41.4%, 33.3% and 10.4% of the primary vote respectively. The Liberal/National Party formed government with 77 seats, the Labor party won 68 seats and the Greens won only 1 seat. If the voting system was based on the primary vote then clearly the Greens would have obtained more seats in the House of Representatives. Further, as mentioned above with Aboriginals living in Australia for more than 60,000+ years (before European settlement in 1788) and Indigenous Australians currently only representing 3.3% of the current Australian population, would suggest a partition in voting between Indigenous Australians and European settlers. Based on this reasoning, the Greens could have potentially won more seats in the 2019 Federal election and quite possibly even formed government. Although the author was unable to find online evidence of preference for votes amongst Indigenous Australians; based on various Aboriginal guided tours that the author has experienced and the Greens policies focus on Justice for First Nations Peoples, there is evidence to suggest that Indigenous Australians could preference voting for the Greens.

<https://greens.org.au/platform/equality>