



## THE HENRY PARKES ORATION 2022

# ‘How good are Australian elections?’

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Henry Parkes was a radical democrat, and tonight I am going to talk to you about Australia’s achievements of radical democracy in nineteenth and early twentieth century Australia. This oration remembers and celebrates his famous address to the citizens of Tenterfield in 1889, in which he rekindled the movement for federation of the Australian colonies. Politicians had been talking about it for at least a decade but momentum was stalled, in no large part because New South Wales stood apart. At Tenterfield Parkes brought the mother colony on board and the next year, 1890, a conference of leading politicians from each colony met in Melbourne and agreed on a way forward – that the colonial parliaments would select delegates to begin drafting a constitution.

Speaking in the Tenterfield School of Arts at a banquet held in his honour, Parkes said:

The great question which we have to consider is, whether the time has not now arisen for the creation on this Australian continent of an Australian government and an Australian parliament ... Surely what the Americans have done by war, Australians can bring about in peace.

I’ll repeat that: ‘Surely what the Americans have done by war, Australians can bring about in peace.’

Which they did. Australia was born not on the battlefield but at the ballot box, in the two referenda in the last years of the nineteenth century that accepted the federal constitution. Sixteen years later, in 1915 on the Gallipoli Peninsula, the mettle of its men was tested by war and the nation was born again. The Anzac Legend is a core Australian foundation myth. But we need more than stories of blood and heroic sacrifice, compelling as these are, to understand our peace time nation. Tonight I will tell you the story of the development of Australia’s electoral system. It’s a story about confidence in democratic majorities and about the practical innovations to make sure that our elections capture the will of those majorities.

So the first answer to the question in my title – How good are Australian elections? – is, echoing Scott Morrison, an emphatic ‘How good is Australia!’, more a statement than a question, said with the implicit answer of ‘Very!’: we are very good indeed at elections and have led the world. Tonight I will tell you something about these achievements. But we can also ask this as a genuine question: are there things we could do better? At the end I will raise a few possibilities, and people may have other points to make about this in the Q&A.

### **Manhood suffrage and the secret ballot**

I’ll begin with manhood suffrage and the secret ballot. These had been in place for almost three decades in eastern Australia at the time of Parkes’ Tenterfield oration in 1889. As a young man in Birmingham in the 1830s, Parkes participated in the campaign for the reform of Britain’s parliament, which resulted in the 1832 reform act. This abolished the rotten boroughs and gave some representation to the new industrial cities like Birmingham, but it delivered nothing to propertyless working men like Parkes.

Agitation for the reform of parliament continued, carried by the Chartists, a working class political movement formed in 1838, the year before the impoverished young Henry and his new wife, Clarinda, sailed to Australia as assisted, or bounty, migrants. Henry brought the Chartists' commitments to a democratic parliament with him, as did many other young men forced by poverty and lack of opportunity to leave Great Britain during the hungry forties. Their numbers were swelled in the 1850s after gold was discovered in Victoria and many more young people, especially men, flocked to the gold fields to seek their fortunes. The Chartists had six demands: the vote for all men, secret ballots, to prevent bribery and intimidation, the abolition of property qualifications for members of parliament, payment for members of parliament (necessary if working men were ever to enter parliament), equal electoral districts and annual parliaments.

The 1850s are crucial years for the establishment of Australia's electoral system. During this decade all the colonies except for Western Australia were granted self-government and constitutions were adopted, which established two chamber parliaments. Western Australia was excluded because it still depended on convict labour. Which men would be able to vote and stand for these new parliaments? Chartists wanted no property qualifications at all, but the British parliament was the final arbiter. It was persuaded to set a relatively low property qualification by a conservative ex-colonist, Robert Lowe, using a conservative argument. He argued that if the property qualification was too high rich ex-convicts would be able to vote while worthy new immigrants yet to establish themselves would not. The British government was persuaded and the vote was given to all adult men paying a minimum of ten pound rent per annum. This was the same as the line drawn in Britain, but the colonial economies were very different, and became even more different after gold was discovered and rents soared. Far more men were automatically enfranchised than the British parliament had ever intended. In the first elections in New South Wales held after self-government, 63 per cent of men in the state had the vote and a whopping 95 per cent in Sydney where rents were higher than in the countryside. In England at the same time only 20 per cent of adult men could vote.

The story was similar in Victoria. In the wake of the Eureka uprising the vote was given to any man with a mining licence. As these only cost a pound a year this was virtual manhood suffrage. South Australia simply included manhood suffrage in its constitution. The three other states were slower, Tasmania with its large population of ex-convicts did not grant manhood suffrage till 1900. Still, this was well ahead of Britain which delayed until after World War One! I should mention, though, one major impediment though to the progress of democracy in the colonies: elections for the upper houses or legislative councils of the colonial parliaments. Property qualifications to vote for these stayed in place until well into the twentieth century – which led to often protracted conflicts between democratic lower houses and conservative upper houses which blocked progressive reforms.

But to keep with the story of democratic progress.

**The Australian colonies also achieved the second of the Chartist demands well ahead of Britain – the secret ballot.** After the 1832 reform bill the British landed ruling class had fought back by insisting on open voting. A tenant farmer, announcing his vote to the returning officer at a public polling booth, was easily intimidated by the land owners bailiffs. Wavering electors were bribed with drink.

Not all Australian politicians supported a secret ballot but the pressure was on. There was a problem though: how was it to be achieved, especially now that so many men could vote? Secret voting was already established in some parts of the United States, where electors brought a piece of paper to the polling booth already filled in with the name of their preferred candidate. But secrecy was soon compromised as the candidates, and political parties began to supply already filled out ballot papers in distinctive colours.

The challenge was a practical one, and it was solved by a man called Henry Chapman, who the Victorian parliament charged with the task of finding a solution. He was a student of the radical thinker and parliamentary reformer, Jeremy Bentham, and took up Bentham's suggestion that the voter should arrive at the polling booth empty-handed. The government would provide the ballot papers with the candidates names listed. All the voter had to do was complete the ballot paper and put it in the ballot box.



expected that they would also get the vote in the new Commonwealth, the Constitutional referendum would likely have been lost in South Australia and the process of federation stalled. All colonies had to assent if federation was to be achieved.

**The first federal parliament was elected on the basis of the electoral laws of the various colonies.** These varied. Women could vote in South Australia but not elsewhere. Aborigines could vote in NSW, Victoria and South Australia but not in Western Australia and Queensland. The decision was that the laws governing federal elections would be the same or uniform across the states. This distinguishes Australia from the United States where elections for the federal political institutions, including the President, are conducted according to state laws which differ a good deal from state to state.

The Commonwealth Franchise Act of 1902 would henceforth govern federal elections. This Act established universal franchise for all men and women, but only if they were white. The bill which the Liberal government of Edmund Barton and Alfred Deakin took to the parliament gave the vote to all natural born or naturalised subjects of the King resident in Australia for 6 months or more. There was no mention of race. It was quickly pointed out that this would give the vote to coloured members of the British Empire living in Australia – an Indian or a Jamaican say. The leader of the government in the Senate who was overseeing the passage of the bill, Richard O'Connor, responded that this was a very small number and that the racially restrictive immigration act would mean it would not grow. He also pointed out that only in Western Australia and Queensland were coloured people and aborigines prevented from voting; that many were already on the electoral rolls and that the right of these individuals to vote in federal elections was protected by the constitution. O'Connor argued forcefully that Aborigines should not be excluded from the franchise. It was monstrous, he said, that Aboriginal men, able to vote under colonial legislation, would have to tell their sons, 'Although your people owned this country for centuries before the white man came here, although you are his equal in intelligence ... you shall not have the right to vote'.



Opposition to giving Aboriginal people the vote was vehement, especially from Western Australian and Queensland Senators and members of the lower house, and in the end O'Connor did not have the numbers to pass the Bill and had to give in. The aboriginal natives of Asia, Africa, Australia and the islands of the Pacific were excluded, except for the Maoris. The disenfranchisement of Aborigines is one of the infamous stepping-stones of cruelty and shame in our treatment of Indigenous Australians, which was not fully remedied until 1962.

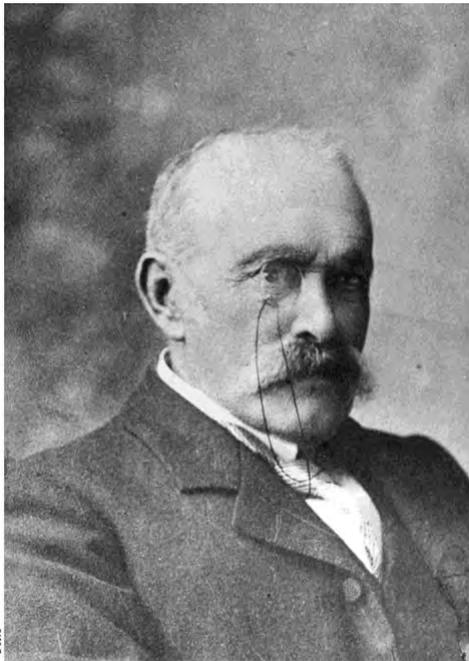
### **Beyond universal franchise**

Universal franchise is the bedrock of a democratic electoral system; everyone having the right to vote is a necessary condition of democracy. But is it sufficient? When and where do we vote? Who draws up the boundaries of the electorates? And should voting be compulsory? I began to think hard about these questions after my publisher, Michael Heyward of Text, suggested to me that I write a book on compulsory voting. Australia is one of only 19 of the world's 166 democracies that makes voting compulsory. None of Europe's large democracies does, and none of the countries we most often compare ourselves with, the United Kingdom, the US, Canada, New Zealand or Ireland. It was after Trump had defeated Hilary Clinton in the 2016 presidential election and many Australians were reassuring themselves that because of compulsory voting, such a man could never be elected here. So Michael asked himself, why does Australia have compulsory voting, and when did we get it? He realised he didn't know – and if he didn't know neither would most other Australians. Would I write a book about it?

I was not convinced there was a book in it, but I said I would think about it. I did some reading and concluded not only that there was a book in it – but more importantly that compulsory voting was the culmination of a tradition of radical majoritarian democracy in Australia which stretched back to the establishment of self-government in the 1850s and the invention of the Australian ballot. I also learned just how distinctive Australia’s achievements were in the administration of elections and how important this has been to how we vote.

## Innovations in conducting elections

Elections demand organisation – someone to run them with rules to go by. In nineteenth century England elections were run by local government officers who took on extra tasks at election time and in the United States by the political parties. In Australia they came to be run by paid public servants. I don’t have time to tell you the detail of this – it is in my book – but the colony of South Australia pioneered this when government officials took over the management of the rolls.



**William Boothby, South Australia’s Chief Electoral Officer** (pictured at left), established the first permanent electoral organisation in the world. The new Commonwealth adopted Boothby’s organisational model, creating the Commonwealth Electoral Office to manage the federal roll and run federal elections. In 1984 this became the Australian Electoral Commission. Not only does it manage elections, but it also determines the electoral boundaries and oversees regular redistributions as populations shift. This stands in sharp contrast to the way elections are conducted in the United States, where elected party officials in the different states draw electoral boundaries to their party’s advantages and in some states indulge in egregious voter suppression to prevent supporters of their rival party from voting.

There are some other unique features of the Australian electoral system which I will briefly mention. Two we owe to the early strength of the Labor party. Something I didn’t realise until I did the research for the book was that in many other countries there is no choice about where to vote – you are registered to a particular polling booth, generally the one closest to where you live, and if you can’t make it there on the day you have to make other arrangements, such as an absentee or proxy vote. Since 1902 Australians have been able to vote at any polling booth in their state.



Labor pushed for this so that itinerant rural workers would be able to vote – the drovers, shearers and fruit pickers who would likely be away from home when an election was called.

The second distinctive feature we owe to Labor is that we vote on Saturdays. Saturday voting was first introduced in Queensland as it was the day that farmers came to town to shop. After Labor won federal government in 1910 it introduced Saturday voting for federal elections. Saturday afternoon was a half holiday, so this made it much easier for working people to vote, as well as much easier too for housewives whose

husbands would be able to accompany them to the booth or mind the children, and more convenient for young people on their way to the beach.



These two features, Saturday voting and choice of polling booth, enabled the invention of the democracy sausage. Most polling booths are at community centres, schools, kindergartens or church halls and over the years volunteers have run food and drink stalls on election days to raise funds. At the 2010 Queensland election some Brisbane friends set up a website for groups to register their election day fund raising offerings – to help people choose where to vote. The idea took off, and the democracy sausage was born. In 2016 it was the Australian word of the year. Now, getting up on a Saturday morning, thinking about breakfast, a voter can go to a website, which will tell them which of the various polling booths have fired up the gas barbecues to sell sausages, and whether there is a vegan option, which have coffee and muffins, and so on. It has added a festive element to our election day, and a hook into voting for the social media generation.

### **Preferential voting and compulsory voting**

There are a further two distinctive elements of the way we vote that I want to tell you about – preferential voting, and last but not least, compulsory voting. Unlike the Australian ballot, votes for women, and more recently an impartial body to administer elections, in neither of these has Australia led the world, though I would argue democracy would be much stronger in many countries if we had.

Preferential voting was introduced in 1919 because of pressure from farmers groups who felt that their interests were insufficiently represented by the non-labour party then in government, the Nationalist party. The farmers were threatening to stand candidates against sitting government members in three-cornered contests. In the first-past-the post system then in place, this risked the seat falling to Labor. For example, if the farmers and the nationalists each won 30 per cent of the vote and Labor won 40, Labor would win the seat, even though it had not won the majority of votes. Unlike first past the vote where the most preferred candidate wins, with preferential voting victory goes to the least disliked.

Under threat the Nationalist government introduced preferential voting. Farmers' party candidates won 11 seats. A year later the Country Party was formed, and in 1922 it won enough seats to deny the government an absolute majority. The new Country Party then drove a very hard bargain to enter a coalition with the Nationalists, a bargain which still governs relations between the Liberals and the Nationals when they form a Coalition government.

I am a fan of preferential voting. It enables minor parties and independents to influence election outcomes, through exchanging preferences for policy outcomes, as the DLP did with the Menzies government. More recently, it has enabled the Greens and independents to win seats. The wave of Teal independents owe their success to the determination of Australia's farmers a century ago to form their own party. It has given our electoral system the flexibility to accommodate minority interests, and to respond creatively to the decline in support for our major parties of government.

Compulsory voting followed soon after preferential voting, in 1924. People had been arguing for it, intermittently, since the middle of the nineteenth century. The most common argument was that with compulsory voting the government would be elected by the majority of voters, not just by the majority of those who turned up on the day. This would enhance the government's democratic legitimacy and make sure that politicians paid attention to the interests of all the people, not just their base.

As I read through the various parliamentary debates, I was struck by the absence of philosophical objections, of appeals to freedom or liberty or rights. Arguments raised against compulsory voting were mostly practical. It would be too hard to enforce, what should the fine be, and it would discourage people from enrolling to vote if they risked being fined for not voting, how high should the fine be. Labor had made it compulsory to be on the electoral roll in 1911 but would not take the next obvious step and make voting compulsory because this would require it to abandon its opposition to postal voting. Labor opposed postal voting because it risked the secrecy of the ballot – doctors might oversee the votes of their patients, squatters their workers, and you couldn't make voting compulsory without enabling postal voting. But by 1924 Labor had given up on opposing postal voting and supported compulsory voting.

Queensland had experimented with it successfully at a state election during the war – and Labor had benefitted. The catalyst at the federal level was the low turn out at the 1922 election: just short of 58 per cent and a drop of 17 per cent since 1919. In Queensland, though, compulsion at the state level had carried over into the federal sphere and the turnout was almost 83 per cent.

When a private members bill was introduced in 1924, it went through both houses in a single day. Only one speaker made a sustained objection to compulsion as a matter of principle, a NSW Labor Senator who had been a fierce opponent of conscription. He argued it as an infringement on the liberty of the individual, but as a Labor man he would abide by the party policy.

Compulsory voting is the result of Australia's commitment to majoritarian democracy, as was its early adoption of manhood suffrage and votes for women, and its pioneering impartial electoral administration. It has four great advantages.

- First, it fosters high turn outs. Australian turn outs are above 90 per cent of registered voters. Election outcomes are more legitimate when we know that the government won support from the majority of registered voters.
- Second, politicians can't afford to completely ignore the interests of particular groups. We know from voting studies that where voting is voluntary it is the poorest, least well-educated, most marginalised people who don't vote. But with compulsory voting policies pitched only at the comfortable are a big risk.
- Third, compulsory voting fosters political engagement. Young people, turning 18, have to vote – and so they are forced to pay at least minimal attention to parties, leaders and policies, as do immigrants who become citizens.
- The fourth and final advantage is that it lowers the temperature of political debate and draws our politics away from the zealots of left and right towards the so-called sensible centre. Because parties do not have to get out the vote, they are less likely to campaign on highly emotive divisive issues, especially those around sexuality and religion.

So, there's the statement part of my title – 'How good are Australian elections?' – and the elaboration of my answer: very good indeed.

## What could be improved?

Now to the critical question: how they could be improved?

I don't here plan to consider issues to do with the funding of campaigns and regulations governing political advertising – but want to keep the focus on voting.

There is one blinding flaw in the majoritarian basis of Australia's electoral system – which is the disproportionate weight given to Tasmanian voters. [In the House of Representatives] the Constitution guarantees five electorates in each state, irrespective of population. This is now only relevant to Tasmania, whose federal electorates have considerably fewer voters than in the mainland (around 80,000 compared to the federal average of 113,000). But it is in its Senate that Tasmania's over-representation is most egregious: 12 senators for a population of 571,000, compared with just two senators for the ACT population of 456,000. But short of a referendum to remove Tasmania's legal status as a state – which is not likely to happen - there is nothing to do about this.

The second flaw is easier to fix, and this will be my last point. It is that permanent residents are unable to vote. The 1902 Bill introduced by Richard O'Connor gave the right to vote on 'one ground only ... residence in the Commonwealth of six months or over by any person of adult age'. This liberal intention was compromised as we've seen by racial exclusiveness but it is more generous in terms of residence than our current law, which bases the right to vote on citizenship. Permanent residents have no say in the laws which govern them – even though they have lived here and paid taxes for years. This affects round 1.7 million people. Another 1.7 million people are on various forms of temporary visas and some people argue that they too should be able to vote after a period of residency. New Zealand, for example, gives the right to vote to people after a year's continuous residence.

This would be in keeping with the spirit of radical majoritarian democracy brought to Australia by men like Henry Parkes in the middle of the nineteenth century, and unlike the disproportionate representation of Tasmanians, is something we could do something about.

Thank you.