8

The Senate Results

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Of Australia's 45 House of Representatives elections, 39, including the 2016 election, have been conducted in conjunction with an election for the Senate.¹ The battle for government in the House of Representatives (the House) defines the party contest for both elections, though surveys (McAllister 2011) and election results reveal a small but growing incidence of split-ticket voting. That similar party vote shares produce different party representation in each chamber is due to members being elected by different electoral systems.

The major party contest in the House of Representatives and the growth of minor parties in both chambers is dealt with elsewhere in this book (see Raue, Chapter 7, this volume; Kefford, Chapter 15, this volume). This chapter deals with the impact of two important features of the Senate's electoral system in 2016. The first was the decision of the government to engineer a double dissolution rather than hold a normal House and half-Senate election. The second concerns the major changes to the Senate's electoral system introduced ahead of the election. What impact did these changes have on the result, and how did voters react to the new methods of voting?

1 There have been 31 joint House and half-Senate elections, eight for the House and the whole Senate including seven following double dissolutions, six House-only elections and four separate half-Senate elections. All 17 elections since 1974 have been joint elections, including five that followed double dissolutions.

Senate structure and election timing

The Australian Constitution sets out a system of national government based on Westminster principles with government responsible to the popularly elected lower house of parliament. The Constitution also created a powerful and popularly elected upper house, reflecting the compromises required to achieve federation in 1901. Seats in the House of Representatives are allocated to States based on their population, but, in the Senate, States have equal representation. Together, these features created the possibility of strong bicameralism in Australian government, but it took a change to elect the Senate by proportional representation in 1949 to turn possibility into reality.

The House of Representatives is elected for flexible three-year terms while the terms of State Senators are fixed at six years, half of each State's Senators facing election every three years.² Senate election dates are not fixed but are restricted to being held in the 12 months before Senate terms expire. The interaction of the House's variable term and the Senate's fixed term has always created timing difficulties for governments trying to avoid separate elections.

The Constitution provides little guidance on the Senate's electoral system. State Senators are to be elected by the people voting as one electorate until the parliament otherwise provides. There has been no attempt by parliament to move away from State-wide Senate elections. Any electoral system must be uniform for all States and the franchise must be the same for both chambers.

A deadlock provision was included to resolve disputes between the houses. Bills meeting certain requirements for failing to pass the Senate can be used to break the fixed terms of the Senate and produce a 'double dissolution' and subsequent election for the House and the whole Senate. If after an election the Senate persists in preventing passage of trigger bills, the government can call a joint sitting of both houses as an alternative legislative path.³ Double dissolutions complicate future election timing by backdating the terms of new Senators.

2 Since 1975, there have been two Senators elected for each of Australia's two Territories. Terms of Territory Senators are not staggered and are tied to the terms of the House of Representatives.

3 Of the seven double dissolutions, two saw the government defeated (1914, 1983) and the 1975 double-dissolution election was a special case following the dismissal of the Whitlam government. Of the four won by the initiating government, in 1951 the Menzies government won a Senate

In 2016, the restrictions on holding half-Senate elections prevented the Turnbull government calling a House and half-Senate election before August, and the term of the House made December 2016 the last practical time for a joint election.⁴ A House-only election before August was possible but required a separate half-Senate election by May 2017. A double dissolution in late 2015 or early 2016 based on existing triggers would have backdated Senate terms to July 2015 and created an effective two-year term by requiring a new half-Senate election by May 2018. The last date on which the Constitution permitted a double dissolution of parliament to take place was 10 May 2016, and a longer-than-normal campaign permitted the election to be held in early July, pushing the next half-Senate election out by 12 months to May 2019.

Parliament rose for the autumn break on 18 March 2016, having passed changes to the Senate's electoral system but without resolving one of the bills the government hoped to use in calling a double dissolution. On 21 March 2016, the Prime Minister announced he had requested the Governor-General to prorogue and recall parliament for 18 April 2016 to consider the disputed bills, stating his intent to request a double dissolution and election for 2 July 2016 if the bills were not passed. The government also announced the annual Budget would be brought forward to 3 May 2016 to avoid a clash with the last date for the dissolution of both Houses.

The recalled Senate defeated the government's bills on 18 April and the parliament adjourned until the Budget. There was no time to pass the Budget before the election, so with election day in the new financial year, an interim supply bill was passed to cover government services until the new parliament met. The dissolution of both houses took place on 8 May, with writs issued on 16 May 2016 for an election on 2 July 2016.

majority, 1974 and 1987 saw the government returned without a Senate majority but with a joint sitting majority, while the Turnbull government was re-elected in 2016 with neither a Senate nor a joint-sitting majority. The only double dissolution to be followed by a joint sitting was 1974.

⁴ A half-Senate election had to be held between 6 August 2016 and mid-May 2017. The last possible date for a House election was Saturday 14 January 2017, but practically had to be held by early December 2016.

The development of the Senate's electoral system

While Senators have continued to be elected from State-wide electorates, the ballot paper structure, method of marking and counting system have changed substantially. This history is explored fully elsewhere (Farrell and McAllister 2006), but the most significant change took place in 1949 with a switch from a majoritarian counting system to proportional representation by single transferrable vote (PR-STV). Proportional representation changed the Senate from a chamber that had previously usually been dominated by government into a more effective house of review where governments had only small majorities or were forced to negotiate with minor parties and Independents.

The form of the ballot paper and method of voting have undergone more regular change than the counting method. Numbering preferences was introduced in 1919 to align with the preferential voting for House elections and became full preferential voting in 1934.⁵ Candidates were first grouped by party in 1922, with a horizontal ballot paper and party determination of candidate order adopted in 1940. The switch in counting method in 1949 involved no change to the ballot paper.

While Australia's persistent high rate of informal or spoiled ballots has been due in part to compulsory voting, full preferential voting has also played a role, especially at Senate elections. Figure 8.1 plots the rate of informal voting at Senate elections since the adoption of numbered ballot papers in 1919 and shows the impact of changes to the ballot paper structure and method of voting in 1984. Between 1919 and 1983, the rate of informal voting averaged 9.1 per cent per election. This decreased to an average of 3.5 per cent after the new ballot paper was introduced in 1984. Avoiding a return to high rates of informal voting played a role in the changes to the Senate's electoral system for the 2016 election.

5 From 1919 to 1931, Senate contests required $2*(n+1)$ preferences where n was the number of vacancies.

Figure 8.1. Informal vote at Senate elections, 1919–2016

Source. Constructed by author from data in Barber (2017).

The 1984 change split the ballot paper horizontally, a thick black line dividing the ballot paper into an area for party votes ‘above the line’ and votes for candidates ‘below the line’ (see Figure 8.2). Full preferential voting was retained for ‘below-the-line’ votes; however, voters were required to select only one party ‘above the line’, which was imputed to mean the voter adopted the chosen party’s list of preferences for all candidates. To have a voting square above the line, groups/parties were required to lodge group-voting tickets that gave initial preferences in order for the group’s candidates ‘below the line’, followed by preferences for every other candidate on the ballot paper.⁶

Around 98 per cent of major party voters and 90 per cent of minor party voters voted above the line. The asymmetry in effort between the two voting methods herded voters into accepting the party tickets, a problem made worse as the number of candidates and parties contesting election increased.⁷ Printing technology restricting the Senate ballot paper to 1.04 metres wide required the Australian Electoral Commission (AEC) to shrink font size in response to the increasing number of groups. In 2013, the AEC began issuing magnifying sheets with ballot papers.

The division of the ballot paper was clearly an effective solution to informal voting, but there were political consequences. Before group-voting tickets, parties distributed how-to-vote material outside the polling place to show voters how to complete a formal vote and to influence preferences.⁸ Group-voting tickets granted parties control over the distribution of preferences for all votes completed using an above-the-line square, resulting in parties recommending only an ‘above-the-line’ vote. For the first time, minor and even micro parties could achieve control over preferences, opening a new market for trading preference, inducing talk of the system being ‘gamed’.

6 Groups were permitted to lodge up to three group-voting tickets. If multiple tickets were lodged, a party’s total vote was split, with equal numbers allocated to follow the preferences of each ticket. Preference tickets could be inspected in a booklet available in each polling place or, in later years, could be viewed on the internet.

7 Comparing the 1987 and 2016 double dissolutions, the average number of candidates per State was 39 and the average number of groups 10 in 1987 compared to an average of 98 candidates and 32 groups in 2016 (Territories not included).

8 Active campaigning is permitted outside polling places in Australia, with candidates and parties distributing how-to-vote material as a guide to ensure voters cast formal votes and to influence their preferences.

SAMPLE

Source. AEC (2016). Used with permission.

Comparative PR-STV literature draws a distinction between intraparty and interparty preference transfers. Intraparty transfers are rarely relevant in Australia due to ballot paper grouping and the use of full preferential voting.⁹ The use of 'above-the-line' voting has further minimised the number of non-transfers within a group while also allowing parties to lock the order in which its candidates are elected. Group-voting tickets significantly increased party control of interparty preference transfers and created a distortion of the proportionality of Senators elected compared to party vote share. A preference flow based entirely on a voters' original choice of first preference reflects 'the preferences of the party originally supported rather than the preferences of the voter' (Farrell and Katz 2014: 19).

The tighter party control imposed by group-voting tickets turned aspects of the Senate's electoral system into a form of closed-list proportional representation (Farrell and McAllister 2006). However, the tight control of interparty transfers distorted results compared to a list system based on simple highest remainder methods of allocating final seats. To assess the impact of interparty transfers, Table 8.1 compares outcomes at Senate elections since 1984 to outcomes for the same vote shares under a list PR system using a Droop quota and highest remainder method of allocating final seats. To explain the columns in the table:

- Filled quotas: the number of Senators elected through quotas filled on the total of first preference votes by party.
- Highest remainder: the number of Senators elected after having the highest remainder or partial quota on first preference votes.
- Trailing wins: the number of Senators elected after having trailed the party with the highest remainder on the initial counts.
- Parties passed: the number of higher polling party candidates passed by trailing winners.

9 At Australian subnational elections in Tasmania (TAS) and the Australian Capital Territory (ACT), candidates are grouped by party but without an above-the-line option. Intraparty transfers remain high because of a requirement for as many preferences as there are vacancies to fill.

Table 8.1. Senate results compared to list-PR with highest remainder allocation

Election (Seats)	Filled quotas	Highest remainder	Trailing wins	Parties passed
1977 (30)	24	5	1	1
1980 (30)	25	4	1	1
1983 (60)	54	3	3	2
1984 (42)	33	7	2	2
1987 (72)	62	6	4	6
1990 (36)	28	6	2	2
1993 (36)	30	4	2	3
1996 (36)	28	7	1	1
1998 (36)	24	7	5	5
2001 (36)	25	6	5	6
2004 (36)	29	6	1	3
2007 (36)	27	8	1	2
2010 (36)	27	7	2	4
2013 (36)	21	6	9	33
2016 (72)	52	18	2	7

Source. Calculations by author based on election results published by the AEC, excludes Territory Senate races.

A quarter of the Senators elected in 2013 were from trailing positions, and the ratio of parties passed to trailing wins was much higher than at any previous election. In Western Australia (WA), Wayne Dropulich of the Australian Sports Party was elected despite the party polling just 0.23 per cent or 0.016 quotas. The Sports Party was ordered 21st of 27 parties on first preference votes, but received preferences from 20 different parties to achieve a quota, 15 of those parties having polled a higher first preference vote.¹⁰ Preferences allowed Dropulich to leapfrog parties and defeat a Labor candidate who began the count with a remainder of 0.86 quotas (Green 2013). In Victoria (VIC), Ricky Muir and the Australian Motoring Enthusiasts Party began the count with 0.51 per cent or 0.035 quotas, receiving preferences from 22 other parties, including nine with more votes, and passed a Liberal candidate with a remainder of 0.81 quotas (Green 2014b).

¹⁰ Dropulich was elected at a recount, but it was discovered that 1,370 ballot papers had gone missing since the first count. The Court of Disputed Returns ruled the correct result could not be determined and the WA Senate election was rerun in April 2014 at which Dropulich was not elected.

Over three decades, candidates and parties had learnt the rules of the game. A so-called micro-party alliance used the tactic of ‘preference harvesting’, where minor and ‘micro’ parties chose to ignore ideology, instead strategically directing preferences to each other ahead of all larger parties. With preferences accumulated into the pool by group-voting tickets, victories for candidates such as Muir and Dropulich became possible. Comparing tickets to below-the-line votes for the same party often revealed very different preference flows (Green 2014a).

Electoral changes for the 2016 election

Immediately after the 2013 election, the federal parliament’s Joint Standing Committee on Electoral Matters (JSCEM) launched an inquiry into the Senate’s electoral system. The Coalition, Labor and Green members came to a unanimous conclusion on reform (JSCEM 2014). The proposals languished until early 2016, when they were revived as part of the Turnbull government’s options for calling a double dissolution. On 22 February 2016, the prime minister announced the government’s intent to move on reform. After negotiations, the final legislation included the following changes:

- The divided Senate ballot paper was retained but group-voting tickets were abolished.
- JSCEM’s recommendation for fully optional preferential voting above the line was replaced by instructions that voters should complete at least six squares.
- After first proposing to retain full preferential voting below the line, JSCEM’s original optional preferential voting proposal was adopted with instructions that voters should number at least 12 squares.
- Generous savings provisions were included. Any above-the-line vote with at least a valid first preference was to be formal, while a below-the-line vote required at least six valid preferences.
- JSCEM’s proposals to toughen party registration were not pursued, but a proposal to print party logos on ballot papers was adopted.

Having supported the original JSCEM recommendations, the Labor Party opposed the legislation. In the House, former JSCEM member and Labor’s spokesperson on electoral reform, Gary Gray, spoke in support of the changes before voting against the bill with his party. In the Senate,

the Greens would not permit the government to use ‘guillotine’ procedures to close debate, allowing Labor to engage in an overnight filibuster before the bill was finally passed.

Criticism of the bill centred on the number of exhausted preferences that the reforms would produce and how this would disadvantage smaller parties. It was argued—erroneously, in view of Labor’s opposition to the changes—that the legislation was an example of cartel party behaviour, incumbent parties combining to disadvantage new entrants, and that ‘vote exhaustion will be the new way electors could be disenfranchised’ (Economou 2016). Leading Labor’s opposition to the bill, Senator Penny Wong spoke of 3 million votes being exhausted, based on an assumption that most voters would continue with the ‘1’ only option in use for three decades. A constitutional challenge against the changes was launched, but the High Court dismissed the case ruling none of the presented arguments had ‘any merit’.¹¹

The changes created substantial logistical difficulties for the AEC. The new system required all ballot papers to be optically scanned or data entered manually to create electronic versions, and the preference distribution software was upgraded to cope with a 20-fold increase in records. Confusion arose over the difference between the ballot paper instructions for six preferences above the line against the savings provision allowing a single ‘1’ to count. The AEC engaged in an extensive publicity campaign on the new rules and ballot paper—issuing officers were trained to state the new instructions. The only negative was reports of longer queues at polling places caused by voters taking longer to complete their Senate ballot papers (AEC 2016: para. 7.11).

The impact of calling a double dissolution

Double dissolutions are a significant constitutional event, but the election that follows is little different from a normal election. The appearance, rules for completion and method of counting House and Senate ballot papers are unchanged. Only the number of State Senators to be elected changes, reducing the quota from 14.3 per cent to 7.7 per cent. The decrease in effective threshold for election increases the proportionality of the result.

11 *Day v Australian Electoral Officer for the State of South Australia; Madden v Australian Electoral Officer for the State of Tasmania* [2016] HCA 20 (13 May 2016), para. 37.

The quota change had a significant impact on the Turnbull government's prospects of defending its Senate position. To win half of a State's six half-Senate seats, a party needs 42.9 per cent of the vote. Winning half of a State's 12 seats at a double dissolution requires a higher 46.2 per cent of the vote. A party with 40 per cent of the vote at a double-dissolution election has 5.2 quotas and is likely to elect five Senators. The same vote at a half-Senate election corresponds to 2.8 quotas and would deliver six Senators to a party if achieved at successive elections. This provided a significant dilemma for the Turnbull government in the three States where the Coalition was defending six Senate seats, as shown in Table 8.2.

Table 8.2. Senate results in 2016 in States with six Coalition Senators

State	2016 % vote	Half-Senate quotas	Double-dissolution quotas
NSW	35.85	2.51	4.66
QLD	35.27	2.47	4.59
WA	38.49	2.69	5.00

Source. Calculations by author from AEC results website.

The Coalition elected five Senators in each State. In the AEC's recount of the same votes to model a half-Senate election, the Coalition returned three Senators in each State. The Coalition's loss of three Senate seats at the double dissolution was a consequence of the change in quota, not a change in party support. Votes that elected Pauline Hanson's One Nation (PHON) and the Liberal Democrats to the final seats in these three States at a double dissolution would have been distributed as preferences to elect a third Coalition Senator at a half-Senate election.

The results

The lower quota at a double dissolution was an incentive for minor parties to contest the election, even though the electoral system changes made it harder for smaller parties to be elected. A total of 631 candidates contested the 76 vacancies compared to 529 for 40 vacancies in 2013, the number of ballot paper groups falling from 227 to 206. The increase in candidates was due to the major parties standing more candidates because of the double dissolution, and an increase from 11 to 79 in single candidates appearing in the 'Ungrouped' column. Table 8.3 summarises the overall results of the election. The final two columns show the post-election allocation of Senators to three- or six-year terms.

Table 8.3. Senate election results, 2016

Party	Votes		Senators			Terms*	
	Pct	Change	Elected	Pct	Change	6-year	3-year
Coalition	35.18	-2.52	30	39.5	-3	16	12
Labor	29.79	-0.32	26	34.2	+1	13	11
Greens	8.65	0	9	11.8	-1	3	6
Pauline Hanson's One Nation	4.29	+3.76	4	5.3	+4	1	3
Nick Xenophon Team	3.30	+1.37	3	3.9	+2	2	1
Liberal Democrats	2.16	-1.75	1	1.3			1
Family First	1.38	+0.27	1	1.3			1
Jacqui Lambie Network	0.50	+0.50	1	1.3	+1	1	
Derryn Hinch's Justice Party	1.93	+1.93	1	1.3	+1		1
Christian Democrats	1.17	+0.63					
Palmer United Party	0.19	-4.72			-3		
Others	11.46	+0.85			-2		

* Excludes two Coalition and two Labor Territory Senators who were elected for terms tied to the next House election

Source. 2016 AEC Election results compared to original 2013 party votes but using 2014 WA re-election Senators elected.

Major features of the results were:

- The Coalition declined from 33 to 30 seats owing to the quota changes discussed above. The Liberal Party gained a seat to five in VIC but lost one to four in South Australia (SA) with the continued strong support for the Nick Xenophon Team.
- Labor won 26 seats, gaining a seat to four in WA after its bad result at the 2014 re-election. Labor remained on a historically low three seats in SA. Tasmania (TAS) was the only State where Labor elected five Senators, though, as explained later, not the five Senators it expected to elect.
- The Greens were reduced from 10 to nine seats. The double-dissolution quota allowed the party to retain two seats in its strongest States, VIC, WA and TAS, and retain one seat in the other States with the loss of its second Senator in SA.
- Pauline Hanson's One Nation returned to the parliament with four seats, winning two seats in Queensland (QLD) and one each in New South Wales (NSW) and WA. The party polled 9.2 per cent in QLD and just over 4 per cent in NSW and WA.

- The Nick Xenophon Team won three seats in SA where its vote fell 3.1 percentage points to 21.7 per cent. The party polled only 1.8 per cent in the other five States.
- Having elected three Senators in 2016, the Palmer United Party recorded just 0.19 per cent and its remaining Senator Dio Wang was defeated in WA. Ex-Palmer United Senator Jacqui Lambie was re-elected for the Jacqui Lambie Network in TAS, polling 8.3 per cent in the State but just 0.4 per cent elsewhere. Fellow Palmer United refugee Glenn Lazarus also formed his own party, but was defeated polling just 1.7 per cent in QLD.
- David Leyonhjelm (Liberal Democrat) was re-elected to the final seat in NSW. The party had polled 9.5 per cent in NSW with a favourable ballot position in 2013 but slipped to 3.1 per cent in 2016. The party polled 2.8 per cent in QLD but was passed in the race for the final vacancy by the second PHON candidate.
- Bob Day (Family First) won the final seat in SA. He was the beneficiary of Liberal preferences, the only contest where major party preferences had a significant impact on the result.
- Two Victorian Senators elected previously by preference harvesting were defeated. Ricky Muir of the Australian Motoring Enthusiasts Party increased his vote to 0.9 per cent but was defeated, as was ex-DLP Senator John Madigan, who formed his own John Madigan's Manufacturing and Farming Party. In their place, high-profile media personality Derryn Hinch was elected, drawing the first column on the ballot paper for the Derryn Hinch Justice Party, polling 6.0 per cent in VIC but only 0.6 per cent elsewhere.

The allocation of Senators to three- and six-year terms was determined by a vote of the new Senate on resumption. Citing past practice, the Coalition and Labor combined to allocate the first six elected Senators in each State to six-year terms expiring in 2022, the balance receiving three-year terms expiring in 2019. Compared to the alternative allocation based on a six-vacancy recount by the AEC, Labor and the Coalition gained an extra six-year Senator each at the expense of the Greens and Derryn Hinch.

As the results in Table 8.3 show, only seven of the 20 crossbench members were allocated six-year terms against 13 receiving three-year terms and facing the next election. The true test for the new electoral system, and the challenge for minor parties, is the 2018–19 election when it is likely there will be a winnowing of their numbers. Electoral change and a double

dissolution did not prove a huge success for the Turnbull government, but the legacy of short terms allocated to minor parties will combine with the new electoral system to improve the Senate position of whichever party wins the 2018–19 election.

Comparing House and Senate results

As outlined by Kefford (Chapter 15, this volume), the 2016 election set another record in support for minor parties, both inclusive and exclusive of the Greens. It also created a new record in the gap between minor party support in the two chambers. For the fourth election in a row, the gap in support widened between the two Houses, as shown in Figure 8.3.

Figure 8.3. Minor party vote at federal elections, 1949–2016

Source. Derived from Barber (2017). Minor Parties defined as Independents and all parties other than the Labor, Liberal and National (Country) Parties

Surveys and past election results have shown that split-ticket voting between the two chambers generally represents major-party lower-house voters deserting to one of the numerous minor parties contesting the Senate. Parties with few lower house candidates that did better in the Senate in 2016 included Pauline Hanson's One Nation (+3.0 percentage points), Derryn Hinch's Justice Party (+1.8), Nick Xenophon Team (+1.5), the Liberal Democrats (+1.7) and Shooters, Fishers and Farmers (+1.3).

A consistent pattern over the last four decades has been for the Greens, and previously the Australian Democrats, to record a higher vote in the Senate. The 2016 election was the first election to break this pattern, with the Greens recording a lower vote in the Senate. Table 8.4 broadly categorises the difference in party shares between the two chambers over the last four elections.

Table 8.4. Difference in party support

Party	2007	2010	2013	2016
Labor	-3.1	-2.9	-3.3	-4.9
Coalition	-2.2	-5.0	-7.9	-6.9
Greens	+1.3	+1.4	0	-1.6
Others	+4.0	+6.5	+12.2	+13.4

Note. Senate % – House %.

Source. Derived by author from Barber (2017), though 2013 figures adjusted to include 2013 WA Senate election rather than the 2014 WA Senate re-election.

In 2016, the Greens committed more resources to targeted House seats at the expense of a general Senate campaign. Several new parties, including the Australia Sex Party and the Animal Justice Party, have emerged at recent elections to compete with the Greens, and small left parties polled around 3 percentage points higher in the Senate. Given Green support for the government's Senate reforms, there may also have been some backlash against the Greens.

Translating votes into seats

As noted earlier, the Senate's electoral system resembles proportional representation with the resolution of final seats a mix of highest remainders and preferences. The 2016 electoral changes effectively weighted the system in favour of highest remainders, first by weakening interparty transfers as the number of ballot papers exhausting preferences increased, and second by the abolition of group-voting tickets, ending party control over interparty transfers.

Table 8.5 breaks down the State results into Senators elected from filled or partial quotas. The number of Senators by party elected on initial filled quotas is shown in the first columns, Senators by party elected from initial partial quotas in the central columns, and parties with significant

partial quotas but not elected are in the right-hand column. The table includes all parties elected, passed in the count or beginning the count with at least 0.30 of a quota. Territory Senators are excluded.

Table 8.5. Senators elected by initial quota status

	Filled quotas elected		Partial quotas elected		Partial quotas not elected	
State	Quotas	Party	Quotas	Party	Quotas	Party
NSW	4	Liberal/ National	0.96	Greens	0.35	Christian Dems
	4	Labor	0.66	Coalition		
			0.53	PHON		
			0.40	Liberal Democrats		
VIC	4	Liberal/ National	0.99	Labor		
	3	Labor	0.79	Derryn Hinch		
	1	Green	0.41	Greens		
			0.30	Liberal/National		
QLD	4	Liberal National	0.90	Greens	0.37	Liberal Democrats
	3	Labor	0.59	Liberal National	0.27	Nick Xenophon Team
	1	PHON	0.42	Labor	0.25	Family First
			0.19	PHON	0.23	Katter's Australia
					0.22	Glenn Lazarus Team
WA	5	Liberal	0.67	Labor	0.33	National
	3	Labor	0.52	PHON		
	1	Greens	0.37	Greens		
SA	4	Liberal	0.83	Xenophon Team	0.55	Labor
	3	Labor	0.76	Greens	0.39	PHON
	2	Xenophon Team	0.37	Family First		
TAS	4	Labor	0.45	Greens	0.33	PHON
	4	Liberal	0.37	Labor		
	1	Greens				
	1	Lambie Network				

Note. **Bold** indicates where preferences changed the ordering of the highest remainders
Source. Calculations by author based on AEC 2016 election results.

The candidates elected from the lowest partial quotas were the fifth Coalition candidate in VIC, Liberal Jane Hume (0.30), and the second PHON candidate in QLD, Malcolm Roberts (0.19). The election of Roberts received most attention, having recorded just 77 first preference votes but benefiting from the surplus of party leader Pauline Hanson, as well as her name recognition attracting a consistent flow of above-the-line preferences as parties were excluded.

With interparty preferences now entirely for voters themselves to determine, there are two trends that can be observed in the 2016 results from the distribution of preference reports and by analysing ballot paper data. The first is that on the exclusion of every party from the count, there was a drift of preferences to the major parties. This choice by voters had previously been blocked by group-voting tickets. Except for SA, discussed below, the Coalition, Labor and the Greens turned partial quotas above 0.30 into an extra Senate seat.

The second preference trend can be seen amongst smaller parties, most clearly in the election of Malcolm Roberts in QLD. Having received Pauline Hanson's surplus, the exclusion of groups began with him holding 0.19 quotas, behind five other parties with the Liberal Democrat candidate on twice the vote at 0.37 quotas (see Table 8.5). While Roberts was behind in the count, PHON's original party vote was three times that of the Liberal Democrats. In catching and passing the Liberal Democrats, Roberts and PHON attracted four times as many preferences (Green 2016a). It seems that minor parties tend to attract preferences relative to other parties in a ratio similar to that of the first preferences each party receives. Pauline Hanson's One Nation was better known than other small right-wing parties, received more first preferences than other right-wing parties, and also received more preferences.

Where parties had an ideological affinity, preference flows between them were evident. Labor and Green voters exchanged preferences, as did the Coalition parties and small Christian parties. There were relatively strong flows between various Christian parties. In NSW, where the race for the final three seats was between four right-wing parties, the rate of exhausted preferences was much higher amongst votes for Labor, the Greens and various left-wing parties.

Labor’s failure to win a fourth seat in SA, despite a partial quota of 0.55, requires explanation. The Liberal Party polled 4.23 quotas, and its 0.23 quota surplus was the largest major party above-the-line vote surplus to be distributed. Analysing ballot papers, 43 per cent of Liberal above-the-line votes had a second preference for Family First, as recommended on the Liberal how-to-vote card. That flow allowed Family First to pass PHON and win a further boost of preferences to pass Labor in the race for the final seat.

How voters reacted to the new system

Following the election, the AEC released an electronic dataset of all formal ballot papers. Table 8.6 categorises this data based on whether ballot papers were completed above or below the line, and based on how many valid above-the-line preferences were completed.

Table 8.6. Formal ballot papers categorised by method of completion and preferences

State	Number of above-the-line preferences					Below the line
	1	2–5	6	7–12	>12	
NSW	4.3	4.1	81.3	4.3	0.6	5.4
VIC	1.9	3.5	83.9	4.5	0.8	5.3
QLD	1.6	3.3	83.6	4.6	0.8	6.1
WA	1.9	3.4	83.7	4.2	1.2	5.5
SA	2.0	2.9	79.5	5.3	1.8	8.5
TAS	0.9	2.1	61.3	5.0	2.7	28.1
ACT	1.2	1.7	70.7	11.1		15.2
NT	2.1	2.4	51.3	35.6		8.6
National	2.6	3.5	81.6	4.9	0.8	6.5

Source. Calculated by author from data released by AEC (2017a: Tables 2 and 3). The number of groups was substantially smaller in the two Territories: 10 groups in the ACT and seven in the NT.

By party, Labor at 81.8 per cent and the Coalition at 86.4 per cent had a higher rate of 1–6 above-the-line voting compared to 75.6 per cent for others. The reverse was true for below-the-line voting: 5.3, 4.1 and 10.1 per cent, respectively. The standout entries in Table 8.6 are for TAS and the ACT, where familiarity with the Hare–Clark variant of PR-STV

to elect local parliaments encouraged more voters to delve below the line. That both jurisdictions are considerably smaller meant that voters had more knowledge of the individual candidates.

The rate of informal voting rose from 3.1 per cent to 3.9 per cent. Of the informal votes, 64.1 per cent were blank ballots, 17.4 per cent were informal for having multiple first preferences above the line, and another 13.5 per cent informal for not having at least six formal preferences below the line (AEC 2016). A total of 908,305 ballot papers were marked above the line with fewer than six preferences. Were it not for the generous savings provisions, the rate of informal voting would have reached the high levels seen before the 1984 ballot paper reforms.

Figure 8.4 plots the rate of above-the-line voting in Tasmania compared to the five mainland States at elections since the divided ballot paper was introduced in 1984. Experience with Hare–Clark at State elections has always encouraged a higher proportion of Tasmanian voters to vote below the line. With the 2016 reforms removing the requirement to number every square below the line, many more Tasmanians decided to pick and choose candidates.

Figure 8.4. Use of above-the-line group voting squares, 1984–2016

Source. Calculations by author from AEC statistical returns for each election.

While intraparty preference flows remained strong in TAS, both Labor and Liberal voters below the line were discerning in their choice of candidate. Both parties had chosen to demote sitting Senators, and voters responded by rearranging the party tickets. Twelve per cent of Liberal voters first preferenced the demoted Richard Colbeck, and 18 per cent of Labor voters did the same for the demoted Lisa Singh. Colbeck was unable to overcome the advantage received by higher-placed Liberal candidates from ticket preferences, but Singh was re-elected.

Lisa Singh had been demoted to the unwinnable sixth spot, but attracted 0.795 of a quota in her own right. She not only defeated her replacement in fifth position, but was elected before the fourth-ranked Labor candidate. In an example of friends and neighbours voting, Singh polled 32.2 per cent of the Labor vote in her former State seat of Denison and 24.1 per cent in neighbouring Franklin. For the first time in half a century, voters elected a Senator out of order from the party ticket, a warning to party powerbrokers to pay more attention to the views of voters in the smaller States.

Exhausted preferences

Despite warnings that 3 million voters would be disenfranchised by exhaustion, the number of exhausted preferences was considerably lower. Table 8.7 displays two tallies of exhausted votes. The first was published by the AEC and is derived from the totals at the end of the count. However, this includes exhaustions that took place during distributions designed to determine the order of election rather than who was elected. An alternate measure is shown as 'At Last Exclusion', which is the number of exhausted preferences at the point where 12 elected candidates had been determined. The estimates of the likely exhaustion figures, had the election been conducted with the higher half-Senate election quota, did not indicate a significantly higher rate of exhaustion (Green 2016b).

The concern with exhausted preferences overlooks that under full preferential voting, the use of a Droop quota means that a proportion of ballot papers finish with a candidate who is not elected. The PR-STV counting system resulted in exhausted preferences migrating into the non-elected quota during the distribution of preferences. At the end of

the 2016 count, the number of votes ‘wasted’ by exhaustion was little higher than the number that had previously been ‘wasted’ by not electing a Senator.

Table 8.7. Exhausted preferences by State

State	Formal votes	At end of count		At last exclusion	
		Exhausted	%	Exhausted	%
NSW	4,492,197	414,656	9.2	326,849	7.3
VIC	3,500,237	300,283	8.6	180,896	5.2
QLD	2,723,166	208,964	7.7	115,685	4.2
WA	1,366,182	85,766	6.3	49,043	3.6
SA	1,061,165	21,556	2.0	21,556	2.0
TAS	339,159	9,531	2.8	9,531	2.8
ACT	254,767	109	0.0	109	0.0
NT	102,027	0	0.0	0	0.0
Australia	13,838,900	1,040,865	7.5	703,669	5.1

Source. AEC (2017b: Table 6).

Were Senate reform and the double dissolution worth the effort?

The result of the 2013 Senate election committed the Coalition, Labor, Greens and Nick Xenophon to changing the Senate’s electoral system. Whether the 2016 election was to be a House and half-Senate election or a double-dissolution election, some electoral change was required and the agreed method, as published by JSCEM, was to end party control over preferences by abolishing group-ticket voting.

Assessing the effectiveness of the Turnbull government’s decision to engage in Senate reform and hold a double dissolution in 2016 first requires the clock to be wound back two years and, second, discerns why the Abbott government did not move earlier on Senate reform. The JSCEM report was published in May 2014, before the large crossbench elected in 2013 took its place. Adopting the JSCEM recommendations quickly would have presented the crossbench with a *fait accompli*. It could hardly have worsened the Abbott government’s difficult time in managing the passage of legislation through the Senate.

Had Senate electoral reform been in place earlier in the term, Prime Minister Turnbull could have called a double dissolution in the second half of 2015 when his poll ratings were high. A double dissolution without Senate reform would have been practically impossible, and even a half-Senate election would have been difficult. The lack of earlier Senate electoral reform forced the Turnbull government to wait, spend time legislating for Senate reform, and then effectively launching a three-and-a-half-month election campaign. By election day, the Prime Minister's electoral gloss had faded.

The double-dissolution ploy can be classed a failure as, for the first time, a government re-elected after a double dissolution achieved neither a Senate majority nor a joint-sitting majority. As outlined in this chapter, the double dissolution caused the government to lose three seats, and the size of the non-Green crossbench increased from eight to 11.

Separate from the double dissolution, Senate reform should be judged as a success. By removing party control over preferences, by moving to optional preferences and allowing voters to make their own choices, the result was more proportional to first preference vote share and undistorted by exotic preference swaps. In TAS, voters were even free to rearrange the order candidates were presented to them.

The true test of reform will be the next half-Senate election. The 2016 allocation of so many minor party members to short terms, combined with the higher quota at the next half-Senate election, has the potential to deliver, whoever wins government in the lower house, a Senate that is more manageable and more representative than has been the case since 2014.

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