‘Adventure, Heterodoxy and Knavery’: Queensland’s Electoral Experience

Rae Wear

I have drawn the title for this paper, which celebrates the 100-year anniversary of the abolition of plural voting in Queensland, from S.R. Davis, who described the electoral experience of the Australian states as:

A mixture of three things — adventure, heterodoxy and knavery. Between them, the States have fathered a crop of electoral devices, confounded their textbook behaviour, and at times and in places used them with a skill which even a fun-fair poker machine proprietor could admire.¹

Electoral systems provide a great deal of scope for engineering — Grofman and Lijphart list 13 elements of political laws whose manipulation will produce different political outcomes.² Queensland politicians experimented with most of them, and while some electoral legislation helped cement this country’s reputation as a democratic ‘pacemaker for the world’,³ other laws were barefaced attempts to gain political advantage. Sometimes both outcomes were achieved. Even when genuine democratic advances were made, the new laws changed the political balance and advantaged one side over the other. Almost always, changes were rationalised in democratic terms: only rarely was a political purpose in tampering with electoral machinery acknowledged, although opposition parties, who operated with equal expediency when in office, usually raised the alarm. Colonial Queensland was replete with accusations of roll tampering, interference with the ballot, and intimidation of voters. Duncan Waterson provides an entertaining account of ‘plural voting, resurrecting the dead, representing the absent and personating the prominent’ in the Darling Downs seat of Aubigny during the 1883 Queensland election.⁴ Similar accounts can be found in other parts of Australia, so Queensland is by no means unique in the creativity demonstrated by those seeking office.⁵

In the period described by Waterson, Queensland had a first-past-the-post system which was introduced for the first election in 1860 and continued until 1892, when
the Griffith-Mcllwraith government replaced it by contingent, or optional preferential, voting. The new system was innovative in that, through the use of preferences, it compressed the two-round system for achieving a majority that was used in Europe into one round. It also advantaged the liberal and conservative forces in the Parliament who feared that the new and flourishing Labor Party might split the non-Labor vote. ALP Member of the Legislative Assembly Thomas Glassey made no bones about his thoughts on the motivation behind the Elections Bill of 1892: ‘The Ministry and their supporters are absolutely terror-stricken; they are afraid of the new party that has arisen in the State, and every possible obstacle is placed in the way of that party to prevent their attaining the position to which they aspire.’

Contingent voting remained until 1942 when first-past-the-post voting was reintroduced, ostensibly because it was simple system and the one used in the United Kingdom. The opposition treated these claims with scepticism, wondering why it had taken Labor 27 years (with a break of three years) to emulate the House of Commons. The real reason for the change appeared to be a by-election defeat in Cairns where preferences of anti-Labor candidates had been directed to a ‘King O’Malley Labor’ candidate. The opposition claimed that the government ‘was looking forward to losing the two by-elections that will be held in the near future if they do not endeavour to make things safe by the introduction of this measure’. Twenty years later, with Labor on the opposition benches, another change was made. This time, compulsory preferential voting was introduced by the Nicklin government, bringing Queensland into conformity with the Commonwealth and other mainland states. There were two benefits in this for the Country Party: when combined with the zonal system, it meant perpetual junior status for the Liberals; and it also made it much more difficult for the ALP to return to power. Opposition leader Jack Duggan was probably correct when he assured his fellow parliamentarians that ‘this measure has been brought into being solely to serve the selfish interests of the Government of the day’, but this was hardly novel. Salt was rubbed into Labor’s wounds by the knowledge that the Queensland Labor Party created by Vince Gair after the 1957 split would under no circumstances be allocating its preferences to the ALP!

The Compulsory Preferential Voting system was replaced by Optional Preferential Voting (OPV), one of a number of Electoral and Administrative Review (EARC) recommendations, in time for the 1992 state election. Research conducted by the Queensland Electoral Commission showed that close to 60 per cent of voters opted to vote for their first choice of candidate only, while a further 8.46 per cent employed a partial preferential vote. The ALP, which had originally opposed OPV, urged voters in 2001 to ‘Just Vote One’ with great success. There is overwhelming support for OPV in the electorate, and no pressure either from the public or political parties for change.

Stability has not, however, always characterised Queensland’s electoral system, which has evolved in response to both democratic pressures and the desire for political advantage. Thus eligibility requirements for the vote have undergone considerable change. Manhood suffrage, subject to a small property or tenancy
provision which excluded new arrivals, aliens 'and a few hundred of the most worthless, wandering, improvident members of the community',\textsuperscript{15} was introduced in 1860. A one-vote-one value system had yet to be achieved because property owners were allowed to vote in more than one district if they met eligibility requirements. Supporters of plural voting defended it on the grounds established by Locke: that the ownership of property demonstrates rationality and that those with demonstrated rationality are more entitled to vote (or in this case to vote more often) than others. It was a vote for 'thrift'\textsuperscript{16} which remained until Queensland followed the other states and abolished plural voting in 1905, the same year that it extended the franchise to women. Labor Member of the Legislative Assembly P. Airey described the abolition of the plural vote as 'the logical sequence and expression of the rising tide of democratic opinion',\textsuperscript{17} while Sir Augustus Gregory, in the Legislative Council, interpreted it more pragmatically as the reward to the Labor Party for its support of the Kidston government.\textsuperscript{18}

With votes for women and the abolition of plural voting, Queenslanders could with good reason feel pride in the electoral governance of their new state. Injustices remained, however. In the same year that women were given the right to vote, the Electoral Franchise Bill stated that: 'No aboriginal native of Australia, Asia, Africa, or the islands of the Pacific, shall be entitled to have his name placed on an electoral roll.' Some argued against the provision. Andrew Petrie, the Member for Toombul, stated:

\begin{quote}
We have taken these people's country, and we now want to exclude them from all our privileges. I think that some of those natives, many of whom I regret to say are half-castes, who are trying to earn an honest living, who have been educated by the State, and who have had homes found for them by the State, should be allowed at least a say in the matters of the State.\textsuperscript{19}
\end{quote}

Another attempt to argue for the extension of the franchise to the excluded groups was met by claims that the advocates were motivated by political expediency. When John Leahy, the Member for Bulloo, argued for genuinely universal suffrage, he was accused of doing so because he wanted the excluded racial groups' votes 'because they are of a certain brand in politics'.\textsuperscript{20}

Compulsory voting was introduced for the first time in Australia in 1914 by the Denham government, which hoped thereby to achieve a boost in support. Torres Strait Islanders, Aborigines and British subjects who were of African or Asian origin continued to be excluded, however. In 1931, British Indians and Syrians were given the right to vote, which was extended to residents of African and Asian origin in 1959. It was not until 1965 that Aborigines and Torres Strait Islanders were allowed to vote on a voluntary basis, and 1971 when enrolment was made compulsory. The final extension of the franchise occurred in 1973, when the age qualification was reduced to 18.

In the same year as voting was made compulsory, the government introduced legislation designed to purge the roles and to make the 'the resurrection of the
dead’ for electoral purposes, and the injunction to ‘vote early and vote often’ redundant. Other changes, such as adjustments to residency requirements, appeared to have a more overtly political purpose. The length of time it was necessary to reside in the state, and in an electorate, fluctuated depending on which parties held office, with the ALP favouring shorter residency requirements because many of its supporters were itinerant workers. The 1905 extension of the franchise required that electors have resided in the state for 12 months in order to be eligible to vote, and provoked accusations that the government was using lengthy residency qualifications to discriminate against men who followed nomadic occupations such as ‘miners, shearsers, station hands, sugar workers’. The Ryan Labor government reduced the requirement to three months in the state and one month in the electoral district. In 1930, the Moore government introduced legislation into the Parliament which proposed to increase residency to six months in the state and three months in the district. On behalf of the ALP, Forgan Smith complained that ‘by this means the Government hopes to disenfranchise workers in the sugar and pastoral industries, and workers who are engaged in occupations nomadic in character, and who are compelled to shift from place to place in search of employment’. In other words, the legislation disadvantaged Labor which, on its return to office, also returned to the old requirements. In 1959, the Nicklin government reverted to a three-month residency requirement. The current residency requirement is one month in an electorate.

As the above examples demonstrate, both sides of politics indulged in electoral experimentation to advance the fortunes of their own party. Sometimes these experiments advanced democracy, sometimes they did not. Generally speaking, electoral weightage belonged in the second category. Electoral weightage is ‘geographically based discrimination between the value of votes’ and is ‘inevitably … likely to favour some electors more than others’. In Queensland, the beneficiaries of electoral weightage were rural. When the abolition of plural voting was being debated in the Legislative Assembly, the Member for the Brisbane seat of Toowong pointed out that Queensland would still not have a one person-one vote system:

In the case of Bulloo there are 500 or 600 voters, and in the case of Burke something like 400 or 500. In my electorate at the present time, with the male suffrage, there are about 2,500 voters, which practically means that the man in Bulloo or Burke has equal to six votes against every vote that is possessed by persons residing in the electorate which I represent. I ask Hon. Gentlemen if that is not a plural vote? Does it not lead to the very same result? Does it not mean that a smaller number of men representing a minority may dictate to the majority, and so rule the country?

The standard arguments for rural weightage are that is necessary to overcome difficulties of representation associated with a small population distributed over a large area; that rural people contribute disproportionately to the country’s export income and wealth; and that, without some sort of compensatory mechanism, rural people would effectively be unrepresented, their voices drowned by the clamour of
urban interests. The justifications for rural weightage are not totally worthless: despite modern developments in transport and telecommunications, there are difficulties associated with representing large, sparsely populated electorates. Deviating from the one-vote-one-value principle to ensure equal representation of interests or regions, as is the case with the Australian Senate, can be justified, even if it leads to accusations that senators are, in Paul Keating's memorable words, "unrepresentative swill". There is, however, no legitimate reason for weighting votes on the grounds of productivity.

Weightage was used as a device both to protect rural interests and the interests of the government of the day. It was achieved through boundary manipulation. Redistributions "almost without exception ... took place towards the end of the period of office, and were preceded by evidence of the unpopularity of the government". From separation to 1893, redistributions were conducted by the government of the day: from 1910–31 by electoral commissioners treating the state as a single zone; from 1949–91 by electoral commissioners under legislation which divided the state into several zones; and from 1991 by a Redistribution Commission chaired by a judge or former judge. Only in the last period was there transparency and genuine independence from the government. None of the parties — not even the ALP, which formally subscribed to the one-vote, one-value principle — was immune from the appeal of tampering with boundaries in an attempt to entrench power, although the period from 1910–31 was reasonably equitable. This was not, however, the usual state of affairs in Queensland. W. Forgan Smith, who vigorously attacked the Moore government over its attempts to maintain office via a favourable redistribution in 1931, and who accused government members of proceeding entirely on the sordid level of mere party advantage, himself maintained the practice. According to Sir Arthur Fadden, Forgan Smith's government's success with its redistribution prior to the 1935 state election made the seat of Kennedy so safe for Labor "that even Winston Churchill standing as a non-Labor candidate could not have won it".

The 1949 Electoral Act introduced by the Hanlon government was a more explicit device for protecting rural interests, and making the government's hold on power more secure. This was achieved by introducing a system of electoral zones, a strategy tried in other mainland states. The state was divided into four geographical zones based on sectional interests. There was a geographically tiny metropolitan zone, a south-eastern zone based on agriculture and dairying, a northern zone centred on the sugar and mining industries, and a vast western zone based on the pastoral industry. Within each zone, the number of electors in each electoral district varied; in 1949, the quota for a metropolitan seat was 10,716, and for the western zone it was 4,783. The effect of this malapportionment was to make one western vote worth two and a third metropolitan votes. At the time, this advantaged the ALP because it enjoyed strong support in country Queensland, especially in the AWU-dominated pastoral and mining areas. On the old boundaries, Labor would almost certainly have been defeated. The then leader of the opposition, Frank Nicklin, claimed that the system was 'designed solely to create a monopoly of government for the Labor Party', and was 'a blatant attempt to make the Treasury
Backbencher Joh Bjelke-Petersen weighed in with the accurate observation that the zonal system ‘will mean nothing but that the majority will be ruled by the minority’. Despite Labor’s protestations of innocence, Nicklin was correct: the ALP had seen no need for a zonal system until it was exposed to nationwide swings against it in the 1940s.

Labor representatives justified the zonal system in terms that would have done J.C. Calhoun proud in his philosophical struggle to find a device whereby the numerically smaller American South might be given equal representation with the more populous North. They also included a dollop of rural fundamentalism. The state’s Labor representatives indicated that their desire was to further democracy by preventing the metropolitan region from dominating rural and provincial Queensland. Premier Ned Hanlon told the Parliament that the ‘very life and security of capital cities’ rested on the ‘successful development and expansion of country areas’.

Such ‘country-minded’ rationalisations were eventually abandoned by the ALP as the party lost its rural support base, but they remained central to Country Party beliefs. Eventually the zonal system became ‘an article of faith’ for the Queensland branch of the party. Country/National Party figures made extravagant claims about the benefits that flowed from electoral weightage, including the transformation of Queensland into a ‘boom’ state. Once Nicklin’s Country Party came to power after the ALP split in 1957, it moved quickly the following year to reshape the zonal system. Vince Gair, presumably with tongue in cheek, mused on why the government persisted with the zonal system it had argued so vehemently against in 1949.

The Courier-Mail provided an answer when it suggested that the 1958 legislation ‘would replace a system weighted to assist the return of Labor with one weighted to assist the return of Country Party members’. Such protests were to no avail as the government proceeded to reduce the number of zones from four to three, with the twin goals of entrenching the Coalition parties in power and maintaining the Country Party’s senior status in the Coalition. The latter, naturally enough, irked the Liberals who, after some horse trading, were compensated by what appeared to be the gerrymandering of Brisbane electorates in order to convert the formerly Labor seats of Merthyr and Kurilpa to Liberal ones.

There were further adjustments in 1971, with an increase in the number of zones to four, justified by Premier Joh Bjelke-Petersen who quoted extensively from Ned Hanlon. In the circumstances, it seems likely that impotent Labor members squirmed. If Labor criticism was muted because the party had introduced the zonal system in the first place, some Liberals were less constrained, and criticised the imbalance between rural and urban seats. A minority of Liberal idealists known as the ginger group argued for a one-vote, one-value system. Although the 1971 Bill was withdrawn and reintroduced with an increase in the number of electorates, it still retained four zones. One of its architects, Liberal Don Lane — needless to say, not a member of the ‘ginger group’ of idealists — observed that ‘no matter what people say, the real reasons for boundaries are pragmatic’. The 1971 legislation was amended in 1977, pragmatism dictating that the zonal system remain and the redistribution of seats advantage the Nationals. Senior cabinet minister Russ Hinze,
in an often quoted statement, was brazen in his acknowledgment of the relationship between means and end:

I told the Premier, if you want the boundaries rigged, let me do it, and we’ll stay in power forever. If you don’t do it, people will say you are stupid. In South Australia Steele Hall redistributed himself out of office. I don’t think you’ll be able to blame Joh or me for doing anything like that.47

With the retention of power in mind, there was a further redistribution in 1983. This time, the Nationals governed alone with the assistance of two Liberal defectors. One of them, Don Lane, put his skills to work, helping to draft the National Party submission on proposed new boundaries, which were blatantly designed to favour its interests. Although the Liberal and Labor Parties made their submissions public, EARC, in a draft document, commented that ‘on examination [their submissions] do not appear to have been significantly incorporated into the final decisions of the Commissioners’.48 The National Party failed to make its decisions public, but Lane stated ‘that the end product of the Electoral Commissioners was very close to the National Party submission’.49 This was unsurprising given the fact that the electoral commissioners were not independent of the government, met in secret, and reported to the premier rather than the Parliament.50 To ensure that commissioners did not stray too far from what the executive desired, successive governments had introduced legislation that specified the criteria to be taken into consideration in redrawing boundaries. In 1985, for example, the government legislated on intrazonal boundaries, placing an additional constraint on the electoral commissioners.51 Four zones were retained: the southeast; provincial cities; western and far northern; and country. Once again, the system was designed to favour country areas and sustain the National Party in power by weighting the rural vote. A vote cast in a western and far northern zone electorate was worth two or three times that of one in the southeast; the votes of those in the country zone were worth one and a half times as much as those cast in adjacent provincial cities.52 The tired rationale of weightage for isolated districts because of problems of representation appeared weak in light of the fact that the legislation favoured the country zone, which included seats close to Brisbane. As the Liberals’ leader Sir William Knox — no longer silenced by the constraints of coalition — pointed out, the seat of Mt Isa, which included Mornington Island in the Gulf of Carpentaria, contained 3,000 more voters than Bjelke-Petersen’s seat of Barambah, an easy drive from the state capital.53

Although there is considerable academic debate about the electoral impact of the zonal system, there is no doubt about its intention, nor about its psychological effect. Certainly there have been worse cases of malapportionment in other states, particularly the South Australian ‘Playmander’: knavery and adventurism have not been confined to Queensland. Election results in Queensland during the Bjelke-Petersen era were within the margins expected in any system based on single-member electorates.54 Bjelke-Petersen himself drew on research by Professor Colin Hughes to argue that the bias to the Coalition in Queensland was comparatively
modest. Hughes wrote ‘that there is much less inequality and unfairness in the state’s electoral system than most writers on the subject have claimed to see’, and Allan Callaghan, Bjelke-Petersen’s news and information officer (1971–79) advised the abolition of the system because he believed it made little difference to the end result. The final proof that the zonal system did not keep Labor out of office came in 1989 when Wayne Goss led his party into power. Nevertheless, the intention of malapportionment, as Russ Hinze made clear, was to keep the Nationals in power and to ensure that, when they were in Coalition, they remained the senior partner. The zonal system was, as Bjelke-Petersen observed, a ‘tradition’ that they were unwilling to abandon, particularly as the sense of invincibility it conferred gave the Nationals a psychological advantage and demoralised the ALP, which carried the additional stigma of having introduced the system in the first place.

The National Party was surprised, and concerned, to find that Commissioner Tony Fitzgerald, in his report delivered in July 1989, found that there was ‘a vital need for the existing electoral boundaries to be examined by an open independent inquiry’. In its dying days, the Cooper government established the EARC, and all three parties agreed that they would implement its findings which were made public in 1990. The EARC recommended the dismantling of the zonal system, with one exception: a small amount of weightage was retained in five large and remote districts.

The acceptance of the EARC report was a watershed, and signalled the start of a less adventurous, less knavish period in Queensland’s electoral history, despite the Shepherdson Inquiry into electoral fraud within the ALP. This led to the resignation of the deputy premier and two Labor backbenchers, and provided a reminder of both Queensland’s colourful electoral past and a demonstration that efficient, if belated, accountability measures existed. The shortcomings of the US electoral process in 2000, of which the infamous ‘butterfly ballot’ debacle was but one instance, highlighted the effectiveness of contemporary Queensland’s electoral processes.

Notes

7 I have used the modern spelling throughout. The party adopted the American spelling ‘Labor’ in 1912, although both continued to be used.
8 QPD, Legislative Assembly, 14 June 1892: 337.
9 QPD, Assembly 19 November 1942: 1277.

QPD Assembly, 19 November 1942: 1223.


QPD, 5 December 1962: 2227.


QPD debates, Assembly, 29 September 1905: 124.

QPD, 29 September: 122.

QPD, Legislative Council, 10 January 1905: 80

QPD, Assembly, 30 September 1905: 147.

QPD, Assembly, 30 September 1905: 139.

QPD, Legislative Council, 25 November 1914: 2179.

QPD, Legislative Assembly, 3 November 1914: 1674.


EARC: 2.

QPD, Assembly, 30 September 1905: 141.


QPD, Assembly, 16 September 1931: 837.


Coaldrake, *Working the System*: 30; EARC: 23


QPD, 29 March 1949: 2279.


QPD, March 1949: 2004


EARC: 35.


‘... One Vote, One “Value”’, *Courier-Mail*, 6 May 1958.


Quoted in EARC: 31

48 EARC: 40.
49 Quoted in EARC: 40.
51 EARC: 39
53 QPD, 10 April 1985: 5117.
57 Wear, Johannes Bjelke-Petersen: 220.
59 Wear, Johannes Bjelke-Petersen, 222.
60 Quoted in Reynolds, ‘Problems and Prospects for Electoral Reform after Fitzgerald’: 247.
61 N. Preston, Peter Douglas Beattie, the Inclusive Populist in D. Murphy, R. Joyce, M. Cribb and R. Wear (eds), The Premiers of Queensland (St Lucia: University of Queensland Press, 2003): 419.
62 For an account of how deeply flawed the US system was, see Sawer, ‘Pacemakers for the World?’: v.