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Preferences rule in Senate race

The minor parties could be the winners as the ALP tries to ensure that the coalition doesn't retain control of the Senate,

writes **Geoffrey Barker**.

Some elaborate political mating rituals are under way as Labor and the minor parties explore preference vote deals aimed at breaking coalition control of the Senate in the coming election.

It remains to be seen whether or how completely the deals will be consummated, but Labor's primary motivation is to avoid having its legislation frustrated by a hostile Senate if Kevin Rudd leads the ALP to victory.

The primary motivation of the minor parties is to increase their Senate numbers and to exert influence over any post-election government, Labor or coalition.

Ideally, of course, Labor would like a Senate majority in its own right. But realistically it hopes the post-election balance of Senate power will be held by minor parties – the Greens, Democrats or Family First – with whom an ALP government would hope to deal over its legislative proposals.

The Senate election is attracting close scrutiny this year because of the government's ruthless use of its majority since 2004. It has effectively diminished the Senate as a check on executive power, using its majority to force through contentious legislation, to limit Senate inquiries, and to weaken Senate committees.

Despite recent Morgan and Galaxy polls suggesting that the coalition is likely to lose its Senate majority at the election, Labor remains deeply pessimistic. So it is playing hardball with the minor parties.

''We are talking to everyone and will not be stampeded into making deals with anyone,'' says senior Labor MP Alan Griffin, one of Labor's preference negotiators.

Unimpressed by an offer from the Greens to preference Labor in all marginal House of Representatives seats in return for Labor first preferences in Senate races, Labor is also considering a preference exchange with Family First.

Greens leader Bob Brown is openly hostile: ''I have said we need a change of government because the Howard government has passed its use-by date . . . Labor has a choice . . . balance of power with us, or with us and Family First. That would be more complicated for them. The clearest option for them is a working relationship with the Greens. We are ready and willing.''

Family First senator Steve Fielding says: ''We are talking with both major parties at the moment but we don't comment on those negotiations.'' He says most Australians are uncomfortable when the government totally controls parliament and that Family First has voted against the government's Work Choices legislation.

Labor and the minor parties will decide their Senate preference arrangements on the ruthlessly pragmatic basis of perceived advantage from the value of the preferences on offer. Ideological and policy proximity will not come into it. Brown, for example, was quick to declare the Greens would limit to Tasmania their preference retaliation against Labor for backing the Gunns pulp mill. The Greens say they still want Labor to win the election, and doubtless hope to get Labor preferences for their Senate candidates.

But Senate election outcomes are harder to poll and to predict than House of Representatives elections because of the larger number of parties and candidates, the state-by-state vote counting and preference distribution systems, and the optional preferential voting system that allows electors to vote ''above the line'' and accept the preference distribution of their preferred party or ''below the line'' and stipulate their own preference distribution.

The Howard government holds 39 of the 76 Senate seats, giving it an effective majority of two. Labor holds 28; the Democrats and the Greens hold four each and Family First holds one. This year three coalition senators face re-election in each state and one in the ACT and Northern Territory. To retain its Senate majority the coalition has to hold its three seats in each state as well as its ACT and NT seats.

If the coalition lost one Senate seat, coalition and non-coalition Senate numbers would be equal. As tied Senate votes are resolved in the negative, legislation passed by a post-election Labor government could be blocked in the Senate, setting the scene for a possible double-dissolution election.

If the coalition lost two Senate seats, it would need the support of a minor right-wing party senator (Family First's Steve Fielding, who is not facing re-election this year) to block legislation introduced by a Labor government.

Only if the coalition lost three Senate seats would a minor left-wing party (presumably the Greens) hold the balance of power and be able to ensure the passage of Labor legislation. Despite polls suggesting that the coalition faces the loss of three Senate seats,

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this outcome is regarded as far from certain, given the recent history of voting patterns and outcomes in Senate elections.

The main reason is as follows: over the past three Senate elections the combined centre- right vote (coalition, One Nation, Family First and others) has stayed fairly steady, ranging from about 48 per cent to around 53 per cent in different states. The coalition's share of this vote has ranged in the different states from a low of about 36 per cent to a high of 50 per cent.

Generally these parties have exchanged preferences, ensuring that the coalition has usually achieved the quota of votes under the complex Senate counting formula to give it a third Senate seat in each state. The preferences of other so-called ''odds and sods'' groups that contest Senate elections have also helped the coalition by adding another few per cent to its quotas in various states.

By contrast the vote for centre-left parties

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(Labor, Democrats and Greens) has been steady or has languished, and the Democrats even face the possibility of extinction at this year's election. What's more, the Democrats have tended to split their preferences and the flow of Green preferences to Labor has not always been strong. There have, moreover, tended to be fewer minor centre-left party preferences to distribute just because there have tended to be fewer minor centre-left votes than minor centre-right votes.

The bottom line for the centre-left parties this year is that they require a swing of around 8 per cent in NSW, Victoria and Tasmania to have a chance of taking a Senate seat from the coalition, and a swing of 10 per cent or more to take a seat in Western Australia, South Australia and Queensland. That is a very big ask, even assuming a general swing against the coalition.

History also appears to be against the centre-left parties. Six senators have been elected in each state at most elections since the expansion of parliament in 1984. In most of those elections the coalition parties have won three seats on every occasion in South Australian, Western Australian and Victoria.

Where they have not always done so — in NSW, Queensland and Tasmania — the reason has been the emergence of a powerful local factor: in NSW, the Democrats; in Queensland, the One Nation movement; in Tasmania, independent senator Brian Harradine. This year the Democrats are dramatically weakened, One Nation is a busted flush despite Pauline Hanson's quixotic quest for a Senate seat, and Harradine has retired.

To return the Senate to a balance-of-power situation by taking three seats from the coalition, Labor has to persuade Liberal voters to support Labor or the minor centre-left parties. That is another big ask. Labor will make no gains if it merely takes seats from the beleaguered Democrats or the Greens.

The coalition has launched a scare campaign over the future of its Senate majority. Addressing the National Press Club in July the leader of the government in the Senate, Nick Minchin, said public polls were pointing to an outcome in which the Greens would have ''at least five senators on the back of a preference deal with Labor and the Greens would effectively control the Senate''.

''There is no doubt that Greens senators would hold a Labor government to ransom to achieve the Greens' radical agenda,'' Minchin said. There is in fact a great deal of doubt.

First, because it is not yet clear whether Labor and the Greens will reach a tight national preference exchange. The Tasmanian Greens, according to Brown, have already moved to open tickets, and Labor is sceptical of the value of the preference deal offered by the Greens.

Second, because Labor is clearly looking to deal with the more conventional and conservative Family First party. Family First people and policies bear strong family resemblances to the old Democratic Labor Party, as the party's Work Choices stance demonstrated.

If Labor decided there was more electoral value in a smaller number of Family First preferences than in a larger number of Green preferences, it would have no inhibitions in dealing with Family First.

Indeed, significant sections of the Labor Party might find the social radicalism and small-l liberalism of the Greens more discomforting than the DLP-tinged attitudes of Family First. DLP values are deeply imprinted in Labor's historical DNA; the Greens are perhaps less familiar and less predictable.

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BOWING OUT

Andrew Murray
Democrats

DOB: 29.01.1947
State: WA
From: July 1996
Positions held: Temporary chairman of committees from 9.8.05. Played key roles in Senate inquiries into child migration and children in institutional-based care.

Natasha Stott Despoja
Democrats

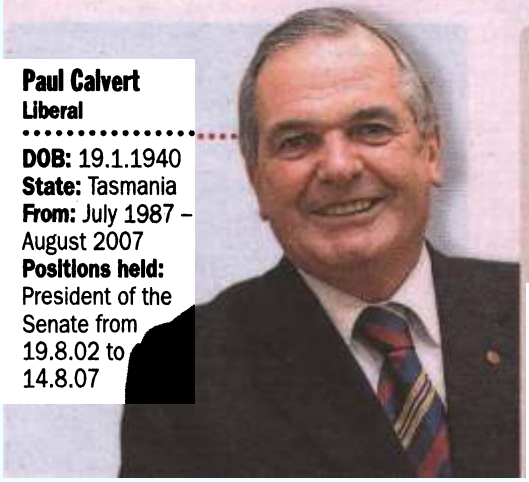
DOB: 9.9.1969
State: South Australia
From: November 1995
Positions held: Leader of the Australian Democrats from 6.4.01 to 21.8.02

Robert Ray
Labor

DOB: 8.4.1947
State: Victoria **From:** July 1981
Positions held: Minister for defence from 4.4.90 to 11.3.96

Paul Calvert
Liberal

DOB: 19.1.1940
State: Tasmania
From: July 1987 – August 2007
Positions held: President of the Senate from 19.8.02 to 14.8.07



Kay Patterson, Liberal

DOB: 21.11.1944
State: Victoria **From:** July 1987
Positions held: Minister for family and community services from 7.10.03 to 27.1.06

Rod Kemp
Liberal

DOB: 21.12.1944
State: Victoria
From: July 1990
Positions held: Assistant treasurer from 14.10.96 to 26.11.01. Minister for the arts and sport from 26.11.01 to 30.1.07