10

THE SENATE RESULT

Antony Green

The Morrison Government's narrow re-election was accompanied by a significant strengthening of its position in the Senate. The Coalition gained four seats from non-Green minor parties and reduced the number of minor parties from eight to four. These gains allowed the Coalition's numbers to draw level with the unchanged representation of Labor and the Greens. Combined with the smaller crossbench, this will simplify the government's task of passing legislation through the new Senate.

When the Greens vote with Labor, the Morrison Government will need support from four of the six non-Greens senators to pass legislation, or three of five after former Liberal Senator Cory Bernardi resigned from the Senate.[1] This compares with six of the eight non-Greens crossbenchers in the government's first term in office and nine of 11 in its second. The Coalition's gains also leave Labor and the Greens with less scope to initiate Senate committees aimed at embarrassing the government.

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1   South Australian Senator Cory Bernardi was elected as a Liberal in 2016 and allocated a six-year term. He resigned from the party in February 2017 and registered a new party, the Australian Conservatives. Bernardi deregistered his party after the election and resigned from the Senate in January 2020. As required by Section 15 of the Constitution, Bernardi's replacement was Liberal.

Table 10.1 Composition of the Senate, 2014–2022

Senate term	Coalition	Labor	Greens	Others
2014–16	33	25	10	8
2016–19	30	26	9	11
2019–22	35	26	9	6

Note: Party representation is based on the first sitting of newly elected senators and does not take into account subsequent changes in party membership.

Source: Party representation calculated by author from AEC results.

As will be explained in this chapter, the Coalition's improved position was not due to changes in voter support for the Coalition or minor parties. The government's gains stemmed from two issues related to the mechanics of Senate elections. The first was the large number of crossbench senators facing re-election, having been allocated three-year terms after the 2016 double-dissolution election. The second flowed from new electoral rules that were first used at the 2016 election, but the political impact of which could be tested only by their first use at a half-Senate election.

The Senate electoral changes ended full preferential voting, transferred control of interparty preferences from parties to voters and gave voters more options to pick and choose between candidates on party lists. As will be shown, the 2019 results matched expectations that the changes would increase the importance of voters' first-preference choice while diminishing the role of preferences from excluded parties and candidates.

Some background on Senate elections

The two chambers of the Australian Parliament have always been elected with different representational bases and using different electoral systems. Representation by State in the House of Representatives is based on population, but original States have equal representation in the Senate. Since 1903, the House has been elected from single-member electorates, while the Senate has been elected from Statewide multi-member electorates, using proportional representation by single transferable vote (PR-STV) since 1949. Significant changes to the operation of PR-STV were introduced in 1984 and 2016.

Electors complete separate ballot papers for House and Senate elections and, while terms for the two chambers are not tied, elections are usually held on the same day.[2] The Australian Constitution includes a deadlock provision allowing a 'double dissolution' in which the Senate's fixed terms can be broken, sending the House and the whole Senate to election together.

Candidates have been grouped on the Senate ballot paper since 1922, with parties determining the order in which their candidates are listed since 1940. Most votes are cast for the top of each party's ticket, and the trickle down of preferences means PR-STV within parties generally operates as a form of party list proportional representation (List-PR). PR-STV diverges from List-PR in the allocation of seats to parties with a remaining vote of less than a quota. Where List-PR usually uses highest remainder or highest average methods to allocate final seats, Senate PR-STV fills the final seats by distributing preferences from excluded parties and candidates. The ability of parties to influence or control the flow of preferences on exclusion therefore determines how much PR-STV deviates from simple List-PR.[3]

Before 1984 there were no party names on ballot papers and voters were required to express a sequence of preferences for all candidates on the ballot paper. Only parties that actively campaigned by distributing how-to-vote material could hope to influence the flow of interparty preferences. Most minor parties struggled to influence results by preferences.

Changes introduced in 1984 created strong control over interparty preferences, delivering the same power to both major and minor parties. A thick horizontal line was included on the ballot paper, providing an area 'above the line' where voters could mark one party box that was imputed to carry the complete list of preferences of that party, or electors could vote for candidates as before by expressing preferences for all candidates listed 'below the line'. An example of the current ballot paper is shown in Figure 10.1, differing from the pre-2016 version by including party logos and new instructions.

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2   All 18 elections since 1974 have been joint elections, 13 as House and half-senate elections and five as double dissolutions.

3   Background on the development of Australia's electoral system can be found in Farrell and McAllister (2006), while the more recent Senate changes introduced in 2016 are explored in Green (2018) and McAllister and Muller (2019).

Figure 10.1 Example of the Senate ballot paper

Source: AEC.

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 elections increased. With 98 per cent of major party votes and 90 per cent of minor party votes completed above the line, parties gained almost total control over interparty preferences. By the 2013 Senate election, the ever-increasing number of parties contesting Senate elections and the growing complexity of preference tickets lodged resulted in nine of the 36 State senators being elected from trailing positions on preferences, with several leap-frogging to victory from very low first-preference tallies (Green 2018). Group voting tickets (GVTs) were therefore increasing the divergence between PR-STV and List-PR outcomes.

The 2013 result led to changes that were introduced ahead of the 2016 double-dissolution election. Party logos were added but the divided ballot paper was retained. Group voting tickets were abolished, ending the ability of parties to control interparty preferences. Voters were given a new option to express preferences for parties by numbering at least six boxes above the line, and parties reverted to the pre-1984 situation of influencing preferences by handing out how-to-vote recommendations. Full preferential voting below the line was ended, with voters only needing to express preferences for at least 12 candidates. Generous savings provisions were included to prevent a rise in informal votes.

By passing control of interparty preferences to voters and giving voters more options to exhaust their preferences, the new system increased the importance of first-preference votes and diminished the ability of parties to engineer victories after trailing on first preferences. How the system would work in practice was masked by the calling of a double-dissolution election in 2016, which aided the election of minor parties by lowering the quota from 14.3 to 7.7 per cent.

Before examining how the new Senate electoral system worked in 2019, it is important to first look at the impact of the allocation of new Senate terms after the 2016 election, as well as the votes recorded by States and Territories at the 2019 election.

The consequences of the 2016 double dissolution

The 2016 double-dissolution election spilled all 76 Senate seats: 12 per State plus the four Territory senators. At the first sitting following the election, the rotation of terms was re-established by all State senators being allocated to either six-year terms ending in 2022 or three-year terms facing re-election in 2019. Terms were allocated on the order of election—a decision that resulted in the majority of minor party senators being allocated short terms, facing re-election in 2019.

Between 2016 and 2019, more than one-quarter of Senate representation changed through retirement or disqualification. Of the 76 senators elected in 2016, only 56 served a full three years. There were 20 departures from the chamber, including 10 senators disqualified under Section 44 of the Constitution—eight for citizenship issues and one each for a criminal offence and pecuniary interests (see Chapter 3, this volume). Retirements and other casual vacancies were filled by State parliaments appointing replacements from the same party. Disqualified candidates were replaced through a recount, with more senators disqualified in one term than had been disqualified in the previous 115 years.

The recounts caused a number of senators' terms to be reallocated in February 2018. There were also several changes in party affiliation during the term. Table 10.2 summarises the party composition of the Senate at the 2019 election, breaking the numbers into continuing members and three-year and Territory senators facing re-election in 2019.

Table 10.2 Composition of the Senate at the 2019 election

Senate as it finished	Coalition	Labor	Greens	Others
Six-year senators	16	13	3	4
Three-year senators	13	11	6	6
Territory senators	2	2	0	0
Total	31	26	9	10

Source: Calculated by author based on party representation ahead of the 2019 election.

Twelve crossbench senators faced re-election, including one Greens senator in every State. Three crossbenchers faced election in New South Wales, two in the other four mainland States and one in Tasmania. It has been unusual for half-Senate elections to return more than one crossbencher

per State, with only seven of 54 contests between 1990 and 2013 electing more than one crossbencher, four of those due to the complex GVT preference deals at the 2013 election. The allocation of seats combined with the new Senate electoral system decreased the chances of multiple minor party senators being elected in any State.

The 2019 result

Table 10.3 summarises the overall change in votes and seat numbers produced by the 2019 Senate election. The government had a net gain of four seats at the expense of the crossbench, with overall numbers for Labor and the Greens unchanged.

Table 10.3 2019 election results

Senate as elected	Votes (%)	Change	Seats won	Change	New Senate
Coalition	38.0	+2.8	19	+4	35
ALP	28.8	−1.0	13	0	26
Greens	10.2	+1.6	6	0	9
PHON	5.4	+1.1	1	−1	2
UAP	2.4	+2.4	0	0	0
CA	0.2	−3.1	0	0	2
Others	15.1	−3.8	1	−3	2

Source: AEC.

The Coalition won three of the six vacancies in the five mainland States, two in Tasmania and one each in the two Territories. Compared with the outgoing Senate, in the new Senate, the Coalition gained seats from the crossbench in New South Wales, Victoria and Western Australia. The Liberal Party gained a seat from Labor in Queensland and Tasmania, though this second gain was cancelled out by the National Party losing its seat to Jacqui Lambie (of the Jacqui Lambie Network, or JLN).

Labor's Senate vote share was a further decline from the already low votes recorded in 2013 and 2016. Labor gained two seats, one each from the crossbench in New South Wales and South Australia, but lost seats to the Coalition in Queensland and Tasmania. Labor's vote was below 30 per cent in New South Wales, Queensland and Western Australia, falling short of two quotas in the last two States. Labor's vote was so low in Queensland that the party elected only one senator—its surplus beyond one quota, trailing the Greens.

The Greens retained all six seats and increased their vote, polling 9.9 per cent or higher in every State except New South Wales. The Greens did not achieve a quota on first preferences in any State, but in every State the party's vote in quotas was high enough to win seats where Labor fell significantly short of electing an extra member with its surplus quota.

The PHON increased its vote, finishing third ahead of the Greens in Queensland, fourth in the other mainland States and fifth behind the JLN in Tasmania. Only Queensland returned a PHON Senator, Malcolm Roberts, who won the seat he had been disqualified from in 2017, while the party lost its seat in Western Australia. Roberts's replacement in Queensland, Fraser Anning, and Brian Burston in New South Wales both defected and contested the 2019 election for other parties.

Support for the Centre Alliance (formerly the Nick Xenophon Team, or NXT) collapsed without the high-profile presence of Nick Xenophon's name on the ballot paper. Despite a massive advertising spend (see Chapter 17, this volume), the UAP polled only 2.4 per cent; its highest vote was 3.5 per cent in Queensland, where Clive Palmer was the party's leading Senate candidate.

Results by State

New South Wales

Table 10.4 Senate results: New South Wales

Party	Vote by party (%)			Senators allocated/elected		
	2013	2016	2019	2013	2016	2019
LIB/NAT	34.2	35.9	38.6	3	2	3
ALP	31.6	31.3	29.8	2	1	2
Greens	7.8	7.4	8.7	0	1	1
Liberal Democrats	9.5	3.1	1.9	1	1	0
PUP (2013–16)/UAP (2019)	3.4	0.1	1.5	0	1	0
PHON	1.2	4.1	5.0	0	0	0
Others	12.3	18.1	14.5	0	0	0

Notes: The 2016 column shows senators allocated to short terms by a Senate motion in February 2018; Senator Burston switched from One Nation to the UAP in June 2018.

Source: Party totals accumulated by author from AEC results.

The reallocation of Senate terms resulted in three minor party senators facing re-election, two Coalition and only one Labor senator. Despite polling a record low of 29.8 per cent (2.09 quotas), Labor was able to gain a seat at the expense of the crossbench.

The Coalition's vote rose compared with the previous election, polling 2.70 quotas and electing three senators. Nationals Senator John Williams retired and sitting Liberal Jim Molan was demoted to fourth on the Coalition ticket. Molan mounted a vigorous campaign encouraging Liberal supporters to vote for him below the line and polled a record 137,325 below-the-line votes (see Chapter 4, this volume). This was 2.9 per cent of all votes and 7.6 per cent of Coalition votes, but not nearly enough to elect him ahead of the three Coalition candidates above him.

The Greens retained their single seat, but the other two crossbenchers were defeated. Burston was defeated as a UAP candidate after being elected for One Nation in 2016. The Liberal Democrats lost the seat they had held for two terms. The name confusion with the Liberal Party that had previously advantaged the Liberal Democrats diminished after the party drew column R, well to the right of the 'Liberals and Nationals'. The Liberal Democrats had polled more strongly when to the left of the Liberal Party on the ballot paper, polling 9.5 per cent from column A in 2013 and 3.1 per cent from column D in 2016.

On first preferences, the Coalition polled 2.70 quotas, Labor 2.09, the Greens 0.61, PHON 0.35 and the other parties combined, 1.26 quotas. At the end of the count with two vacancies to fill, the Coalition had 0.97 quotas, the Greens 0.96 and PHON 0.68, with 0.39 quota of votes exhausted. The Coalition and the Greens candidates would have reached a quota had PHON been excluded. Of all minor party and Labor preferences distributed, 20.5 per cent flowed to the Coalition, 25.8 per cent to the Greens, 24.6 per cent to PHON and 29.1 per cent was exhausted.

Victoria

Table 10.5 Senate results: Victoria

Party	Vote by party (%)			Senators allocated/elected		
	2013	2016	2019	2013	2016	2019
LIB/NAT	40.1	33.1	35.9	2	2	3
ALP	32.5	30.7	31.1	2	2	2
Greens	10.8	10.9	10.6	1	1	1
AMEP	0.5	0.9	0.0	1	0	0
PHON	0.0	1.8	2.9	0	0	0
Derryn Hinch's Justice Party	0.0	6.1	2.8	0	1	0
PUP (2013–16)/UAP (2019)	3.7	0.3	2.5	0	0	0
Others	12.4	16.2	14.2	0	0	0

AMEP = Australian Motoring Enthusiasts Party

Note: The 2016 column shows senators allocated to short terms by a Senate motion in February 2018.

Source: Party totals accumulated by author from AEC results.

Justice Party Senator Derryn Hinch was defeated, with his seat won by the Liberal Party. Hinch had benefited from appearing in column A in 2016, but his vote more than halved after drawing Column I in 2019. Labor and the Greens retained their representation with around the same vote share as at the previous two elections.

The Coalition polled 2.51 quotas, Labor 2.18, the Greens 0.74, PHON and Derryn Hinch 0.20 each and all other parties together polled 1.17 quotas. After electing the first four senators, by count 355, only five parties remained: the Greens on 0.98 quotas, the Coalition on 0.76, Labor in fifth place on 0.33, having been passed by Hinch on 0.37, and PHON on 0.38. The exclusion of Labor's surplus elected the Greens' Janet Rice to the fifth vacancy and pushed Hinch ahead of PHON. At the end of the count, the third Liberal candidate had reached 0.93 quotas, Hinch held 0.58 quotas, with 0.49 quotas of votes exhausted.

The Victorian result demonstrated how the new Senate electoral system changed the dynamics of preferences. In 2013, the third Liberal candidate, Helen Kroger on 0.81 quotas, had been caught and passed by Ricky Muir of the Australian Motoring Enthusiasts Party (AMEP), who polled only 0.05 quotas (Green 2014). The ability of minor parties to use GVTs to

direct preferences to Muir allowed him to pass Kroger. Without GVTs in 2019, more than 20 per cent of minor party voters directed preferences to the Liberal Party and more than 40 per cent of minor party preferences were exhausted before choosing between Hinch and the Coalition. Despite polling 4.2 per cent lower than in 2013, the Liberal Party in 2019 was not passed on preferences.

Queensland

Table 10.6 Senate results: Queensland

Party	Vote by party (%)			Senators allocated/elected		
	2013	2016	2019	2013	2016	2019
LNP	41.4	35.3	38.9	3	2	3
ALP	28.5	26.3	22.6	2	2	1
Greens	6.0	6.9	9.9	0	1	1
PUP (2013–16)/UAP (2019)	9.9	0.2	3.5	1	0	0
PHON	0.6	9.2	10.3	0	0	1
Others	13.6	22.1	14.8	0	1	0

Notes: The 2016 column shows senators allocated to short terms by a Senate motion in February 2018; the 2016 PHON seat filled by Fraser Anning on recount is shown as 'Others' held.

Source: Party totals accumulated by author from AEC results.

In Queensland, the Liberal National Party (LNP) gained a seat as Labor's vote collapsed to 22.6 per cent, with the party losing a seat and returning only one senator. The LNP polled 2.72 quotas, PHON 0.72, the Greens 0.70, Labor 1.58 and all other parties together 1.28 quotas. To the point where only the main four parties remained, 31.9 per cent of minor party preferences flowed to PHON, 20.8 per cent to the LNP, 18.9 per cent to the Greens and 12.7 per cent to Labor, with 15.7 per cent exhausting.

UAP preferences elected PHON's Malcolm Roberts, who won the seat he had lost in 2017 by disqualification. His surplus elected the third LNP candidate, after which the Greens were declared elected without the second Labor candidate being excluded.

Anning, who had replaced Roberts in the Senate but never sat with PHON, was defeated with 1.3 per cent of the vote for his new Fraser Anning's Conservative National Party.

Western Australia

Table 10.7 Senate results: Western Australia

Party	Vote by party (%)			Senators allocated/elected		
	2013	2016	2019	2013	2016	2019
LIB	39.2	38.5	40.9	3	2	3
NAT	5.1	2.5	1.4	0	0	0
ALP	26.6	28.3	27.6	1	2	2
Greens	9.5	10.5	11.8	1	1	1
PUP (2013–16)/UAP (2019)	5.0	0.4	1.7	0	0	0
SPRT	0.2	0.0	0.0	1	0	0
PHON	0.0	4.0	5.9	0	1	0
Others	14.4	15.8	10.7	0	0	0

SPRT = Australian Sports Party

Notes: The 2016 column shows senators allocated to short terms by a Senate motion in February 2018; the 2013 result is based on original Senate election, not the 2014 re-election.

Source: Party totals accumulated by author from AEC results.

Defending only two seats, the Liberal Party polled 2.86 quotas and gained a third senator at the expense of PHON's Peter Georgiou, who finished fourth with 0.41 quotas. Labor polled 1.93 quotas and elected two senators, while the Greens' Jordon Steele-John was re-elected to the short-term vacancy allocated to him after he replaced the disqualified Scott Ludlam.

At the original 2013 Senate election—subsequently voided and rerun— Labor had polled 1.86 quotas, the Greens 0.66 quotas and the Australian Sports Party 0.02 quotas. Complex preference flows delivered the final two vacancies to the Sports Party and the Greens despite Labor's significant lead on first preferences. Under the Senate's new electoral system, it was impossible for a minor party to corral preferences from other minor parties in the same way.

South Australia

Table 10.8 Senate results: South Australia

Party	Vote by party (%)			Senators allocated/elected		
	2013	2016	2019	2013	2016	2019
LIB	27.5	32.6	37.8	2	3	3
ALP	22.7	27.3	30.4	1	1	2
Greens	7.1	5.9	10.9	1	1	1
NXT/CA	24.9	21.8	2.6	1	0	0
Family First	3.8	2.8	0.0	1	0	0
PHON	0.0	3.0	4.9	0	0	0
PUP (2013–16)/UAP (2019)	2.6	0.1	3.0	0	0	0
Others	11.4	6.5	10.4	0	1	0

Notes: The 2016 column shows senators allocated to short terms by a Senate motion in February 2018, and also incorporates changes in party membership.

Source: Party totals accumulated by author from AEC results.

At the 2013 and 2016 elections, the South Australian Senate contest was heavily influenced by the success of the NXT. Xenophon's resignation in 2017 to contest the South Australian State election saw the party renamed the Centre Alliance. Without Xenophon's name on the ballot paper, the Centre Alliance's vote collapsed and the party was unable to re-elect Skye Kakoschke-Moore, who had been disqualified in 2017 and replaced with party defector Tim Storer. Storer did not contest the 2019 election.

Family First's Bob Day had won the final seat at the 2016 election, but after his disqualification in 2017, Family First folded into the Australian Conservatives, while Day's replacement, Lucy Gichuhi, eventually joined the Liberal Party. She was defeated in 2019 from the unwinnable fourth position on the Liberal ticket.

The Liberal Party polled 2.65 quotas, Labor 2.13, the Greens 0.76, PHON 0.34 and all other parties 1.12 quotas. Labor's exclusion elected the Greens, the Liberal's third candidate was elected after the exclusion of the Centre Alliance and the UAP, while PHON was left with 0.69 quotas at the end of the count.

Tasmania

Table 10.9 Senate results: Tasmania

Party	Vote by party (%)			Senators allocated/elected		
	2013	2016	2019	2013	2016	2019
LIB	37.5	32.5	31.5	2	1	2
NAT	0.0	0.0	1.1	0	1	0
ALP	32.8	33.6	30.6	2	3	2
Greens	11.7	11.2	12.6	1	1	1
PUP (2013–16)/UAP (2019)	6.6	0.7	2.6	1	0	0
PHON	0.0	2.6	3.5	0	0	0
JLN	0.0	8.3	8.9	0	0	1
Others	11.4	11.1	9.2	0	0	0

Notes: The 2016 column shows senators allocated to short terms by a Senate motion in February 2018, and also incorporates changes in party membership.

Source: Party totals accumulated by author from AEC results.

The disqualification of Jacqui Lambie on citizenship grounds rearranged Tasmania's Senate representation. Lambie had been elected to a six-year position, but the recount following her disqualification elected Steve Martin to a three-year vacancy, while a third Liberal was elevated to a six-year seat. Once elected, Martin declined to resign in Lambie's favour and later joined the National Party. Martin was defeated by Lambie at the 2019 election while the Liberal Party gained a seat from Labor, replacing the Nationals seat lost by Martin.

Long experience with the Hare-Clark electoral system at Tasmanian State elections result in a higher rate of voters venturing to vote for candidates below the line. Nationally, 7.3 per cent of ballot papers were below-the-line votes compared with 27.1 per cent in Tasmania—down slightly from 28.1 per cent in 2016. The Liberal Party polled 2.20 quotas, Labor 2.14, the Greens 0.88, the JLN 0.62, PHON 0.24 and all others 0.92.

In 2016, Labor's Lisa Singh was demoted to the normally unwinnable sixth position on the Labor ticket, but she polled 6.1 per cent of the vote below the line and won re-election ahead of higher-placed Labor candidates. In 2019, Singh was demoted to the unwinnable fourth position and polled a similar 5.7 per cent, but with the higher quota at a half-Senate election, was unable to pass higher-placed Labor candidates.

Reaction to the electoral changes by parties and candidates

Between 1984 and 2013, parties learnt how to use the GVT system to their advantage. Over time, more and more minor parties nominated for election, secure in their ability to exchange preferences and aggregate their votes via GVTs. The rapid increase in ballot paper groups after 2007 was a sign of how minor parties were using the GVT system. The new Senate system ended guaranteed preference flows and added a disincentive to low-polling and like-minded parties competing against each other. The decline in groups nominating since 2013 illustrates the impact of the new system (Table 10.10).

Table 10.10 Groups contesting Senate election, by State

Year	NSW	Vic.	Qld	WA	SA	Tas.	ACT	NT	Total
2007	25	23	24	21	19	11	8	5	136
2010	32	21	23	22	18	10	4	6	136
2013	44	39	36	27	33	23	13	12	227
2016	41	38	38	28	23	21	10	7	206
2019	35	31	26	23	16	16	7	9	163

Source: AEC nominations.

Some of the decline in groups' numbers was caused by the decline in the number of parties contesting every State. Previously, minor parties might have concentrated on one State but nominated candidates in other States to increase the pool of minor party votes. With the end of GVTs, the significant decline in groups at the 2019 election was due to fewer parties contesting every State. Table 10.11 tallies how many States parties contested.

Table 10.11 Number of smaller parties contesting one or more States, 2013 and 2019

Number of smaller parties contesting		
No. of States contested	2013	2019
1	9	15
2	5	6
3	4	9
4	6	1
5	7	1
6	14	10

Note: Totals do not include Labor, the Coalition or the Greens.

Source: AEC nominations, calculations by author.

Where in 2013 there were 27 minor parties that contested four or more States, in 2016 there were only 12. This withdrawal partly explains the decline in groups contesting. Where previously small parties were encouraged to contest every State to build the pool of minor party votes for preference harvesting, the tactic was self-defeating with the abolition of GVTs.

Reaction to the electoral changes: How the maths worked

The impact of preferences on Senate results can be estimated by comparing the number of elected members under Senate PR-STV with those that would have been elected under an alternative non-preferential system. The best comparison is with List-PR using a highest remainder method of allocating final seats. Under this List-PR method, members are elected either with filled quotas or with highest remainders—that is, leading partial quotas. The difference between an estimated List-PR Senate result and the actual PR-STV result is a measure of the impact of preferences, shown by the number of senators elected from trailing partial quotas. How much a PR-STV result will deviate from a modelled List-PR outcome depends on the strength of interparty preference flows.

Writing about the changes to the Senate's electoral system, Green (2018: 200) noted:

> 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.

The hypothesis that the Senate's new electoral system weights the allocation of final seats in favour of highest remainders can be tested using the results of the 2013 and 2019 half-Senate elections. The results of both elections are compared with possible outcomes had the election been conducted using List-PR with a highest remainder method of allocating final seats.

A summary of the comparisons is provided in Table 10.12. It shows that nine senators were elected from trailing partial quotas in 2013, but no trailing parties were elected under the new system in 2019. With the new electoral system having weaker party control over preferences and a greater number of exhausted preferences, it behaves more like List-PR than the former Senate system under GVTs.

Table 10.12 Comparison of PR-STV and simulated List-PR results

	2013 Senators elected	2019 Senators elected
Filled quotas	21	22
Highest remainder	6	14
Trailing wins	9	0

Note: Excludes the four Territory senators.

Source: Calculations by author.

More detail on the 14 senators elected from leading partial quotas in 2019 is shown in Table 10.13. On the left are the partial quotas and parties for successful senators, while on the right are the highest polling unelected candidates and parties.

Table 10.13 2019 election: Success from partial quotas

State	Elected party and partial quota			Unelected party and partial quota	
NSW	0.70 LIB	0.61 GRN		0.35 PHON	
Vic.	0.74 GRN	0.51 LIB		0.20 PHON	0.20 DHJP
Qld	0.72 LNP	0.72 PHON	0.70 GRN	0.58 ALP	
WA	0.93 ALP	0.86 LIB	0.83 GRN	0.41 PHON	
SA	0.76 GRN	0.65 LIB		0.34 PHON	
Tas.	0.88 GRN	0.62 JLN		0.24 PHON	

Notes: DHJP refers to Derryn Hinch's Justice Party and GRN to the Australian Greens.

Source: AEC election results, calculations by author.

Of the 15 parties with a partial quota above 0.5 at the start of the count, only Labor in Queensland failed to win a seat. That was a contest in which four parties started with more than 0.5 partial quotas in a race for three seats. In the other five States, the partial quota for the next party in order—in each case, PHON—ranged from 0.20 quotas to 0.41 quotas, which were all well short of the partial quota of the sixth elected party.

It was a very different pattern in 2013 when every State except Queensland saw candidates elected from trailing partial quotas (shown in Table 10.14 by underlined text). In Victoria, the ratio of the lowest elected party to the highest defeated candidate was 0.04 to 0.81 quotas, and in Western Australia, 0.02 to 0.86 quotas.

Table 10.14 2013 election: Success from partial quotas

State	Elected party and partial quota			Highest unelected parties and quotas		
NSW	0.67 LDP	**0.39 L/NP**		0.55 GRN		
Vic.	**0.76 GRN**	**0.04 AMEP**		0.81 LIB		
Qld	0.90 LNP	0.69 PUP		0.42 GRN		
WA	**0.74 LIB**	**0.66 GRN**	**0.02 SPRT**	0.86 ALP	0.35 PUP	0.35 NAT
SA	0.92 LIB	**0.50 GRN**	**0.26 FFP**	0.74 NXT	0.59 ALP	
Tas.	0.82 GRN	**0.46 PUP**		0.63 LIB		

Notes: Bold text indicates parties successful from trailing partial quotas; WA result based on the original 2013 Senate result, not the 2014 re-election; LDP refers to the Liberal Democratic Party, L/NP to the Liberal–National Party Coalition (NSW) and FFP to the Family First Party.

Source: AEC election results, calculations by the author.

Table 10.15 categorises all successful and unsuccessful parties based on their initial partial quota.

Table 10.15 Elected and defeated senators based on partial quotas: 2013 and 2019 elections

	Number of successful and unsuccessful groups			
	2013 election		2019 election	
Partial quota value	Successful	Unsuccessful	Successful	Unsuccessful
0.9 to < 1.0 (14.3%)	2	0	1	0
0.8 to < 0.9 (12.9%)	2	2	3	0
0.7 to < 0.8 (11.4%)	2	1	4	0
0.6 to < 0.7 (10.0%)	3	1	5	0
0.5 to < 0.6 (8.6%)	0	2	1	1
0.4 to < 0.5 (7.1%)	2	1	0	1
0.3 to < 0.4 (5.7%)	1	2	0	2
0.2 to < 0.3 (4.3%)	1	8	0	4
0.1 to < 0.2 (2.9%)	0	9	0	27
< 0.1 (1.5%)	2	159	0	100

Note: Based on the original 2013 Senate election in Western Australia, not the 2014 re-election.

Source: AEC results, calculations by the author.

As noted earlier, 14 of the 15 parties that began the 2019 count with a partial quota above 0.50 were elected. The 15th, Labor in Queensland, was unsuccessful, as was every party that began the count with a partial quota under 0.50. This contrasts starkly with the 2013 result under GVTs. In 2013, there were six parties that were unsuccessful that started the count with more than 0.50 partial quotas. There were six parties successful after starting with a partial quota under 0.50 quotas. The most notorious cases were Ricky Muir in Victoria (AMEP) and Wayne Dropulich in Western Australia (SPRT), who leap-frogged to victory from less than 0.1 quotas.

Conclusion

This analysis confirms that the new Senate system weights the allocation of final seats in favour of parties with the highest remainders on first preferences. The abolition of GVTs, combined with the ending of full preferential voting, has weakened interparty preference flows. The new system does not prevent parties trailing on initial partial quotas from winning, but it does advantage parties that attract a significant first-preference vote and disadvantage those that rely primarily on attracting further preferences from other parties.

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