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Double, double toil and trouble: the 2016 federal election

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Executive summary

- The Coalition, led by Malcolm Turnbull, was returned at the election with 76 seats and a slim majority of one in the House of Representatives and faced an enlarged crossbench in the Senate. The 2016 election saw the return of Pauline Hanson's One Nation, which gained four seats in the Senate.
- The election followed a double dissolution of the two Houses of Parliament, only the seventh since Federation, and the first since 1987. The triggering legislation were the Bills to re-establish the Australian Building and Construction Commission, which were passed by the Senate after the election without the need for a joint sitting.
- The 2016 election was the first to be conducted under the new Senate voting system, which allowed voters to use optional preferential voting above or below the line. The changes survived a High Court challenge just prior to the election. In general, the new Senate system worked as intended, with voters taking the opportunity to allocate their own preferences.
- The election followed redistributions in the Australian Capital Territory (ACT), Western Australia (WA) and New South Wales (NSW). The WA redistribution added a new electorate to the state, and the NSW redistribution removed one, both of which involved the movement of many voters between divisions.
- Despite the double dissolution triggers being industrial relations Bills, there was an absence of a fiery campaign on industrial relations. The eight-week long election campaign brought forth a wide variety of issues, from milk prices to refugee policy. However, few people would have guessed at the start of the campaign the importance that Medicare and health policy would have by election day.
- The campaign featured three leaders' debates, one of which was hosted on the social media site Facebook. While campaigns in all 150 seats and all states doubtless had their own highlights, a number of contests were notable because of attempted political revivals, escapes from apparently certain defeat, or the rancour of the battles.
- Despite failures of polling in several recent international elections, national polls for the federal election closely estimated the results. Polls for individual divisions were notably less accurate.
- Around one million new voters were added to the electoral roll for the 2016 federal election, leading to the highest enrolment rate in recent times—however, the turnout for the election was the lowest since the start of compulsory voting. Early voting continued to rise, with 4.5 million voters casting their vote before election day.
- The 45th Parliament first sat on 30 August 2016—113 days, three months and 21 days after it was dissolved for the election.

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Introduction

The 2016 federal election, held on 2 July 2016, saw Malcolm Turnbull returned as Prime Minister of a Coalition Government with a slim minority in the House of Representatives.

The election was notable for a number of reasons:

- it was a double dissolution election, only the seventh since Federation
- the election followed the proroguing of Parliament aimed to focus the attention of the Senate on the double dissolution triggering legislation
- at roughly eight weeks (55 days), it was the longest election campaign since the 1969 election campaign, and a little under twice the average campaign length since then
- the election was conducted following the redistribution of two states—New South Wales (NSW), which lost a seat, and Western Australia (WA), which gained one—and a redistribution in the Australian Capital Territory (ACT)
- the Senate election was conducted under the first significant change to the Senate electoral system since 1984, and allowed voters to cast as few as six preferences above the line, and 12 below the line, rather than one above the line or full preferencing below the line
- a major party candidate won a Senate seat in Tasmania on the basis of below the line votes from the bottom position of the party's ticket
- while the new Senate system was designed, in part, to reduce the number of micro-parties elected to the Senate, it resulted in the election of 20 crossbench senators, including nine Australian Greens—four from Pauline Hanson's One Nation, three from the Nick Xenophon Team, and four others.

The election was unremarkable in the continued increase in early voting (now constituting 31.3 per cent of all votes, up from 26.4 per cent in 2013), the continued increase in the non-major party vote in the Senate (with 26.4 per cent of Senate first preference votes going to someone other than the Coalition, the Australian Labor Party (ALP) or Greens), and the general high level of accuracy of Australian political opinion polling.

While the election delivered only a bare majority for the Coalition in the lower house, and failed to secure a majority in the Senate, it was, on the whole, relatively trouble free.

The double dissolution of the Parliament

When the *Australian Constitution* was written, the authors realised that there needed to be a way to resolve fundamental disagreements between the House of Representatives and the Senate over legislation. The solution was provided in section 57 of the *Constitution*, which applies when legislation is passed by the House of Representatives but: the Senate rejects the legislation; or the Senate fails to pass the legislation; or the Senate passes the legislation with amendments that are unacceptable to the House of Representatives. If, after three months or more, the same situation with the proposed legislation again arises, the legislation becomes a trigger for a double dissolution of the entire Parliament (the House of Representatives and the entire Senate).¹ These Bills are commonly referred to as 'double dissolution triggers'.

When the requirements of section 57 are fulfilled, the Governor-General may dissolve both Houses of Parliament (hence a 'double dissolution'), leading to a double dissolution election. In a double dissolution election all 76 Senate seats are declared vacant, along with the usual 150 seats in the House of Representatives. In practice, the Governor-General exercises the power to dissolve the Parliament on the advice of the Prime Minister.

Prior to 2016 there had been six double dissolution elections—1914, 1951, 1974, 1975, 1983 and 1987. The outcomes of these elections have been neatly divided between governments being returned to office (1951, 1974 and 1987) and being defeated (1914, 1975 and 1983). The 1951 double dissolution election was the only such election where the Government was returned with a majority in the Senate.²

From the point at which Malcolm Turnbull became Prime Minister on 15 August 2015, after having defeated Tony Abbott for leadership of the Liberal Party in a party room ballot, the prospect of a double dissolution was

1. [Australian Constitution](#), section 57.

2. H Evans and R Laing, [Odgers' Australian Senate practice](#), 14th edn, Department of the Senate, Canberra, 2016.

the subject of commentary. Turnbull's newly-appointed Special Minister of State, Mal Brough, expressed an intention to legislate reforms to the Senate voting system.³ Commentators noted that the reforms, which appeared likely to reduce the prospects of micro-party candidates being elected to the Senate, would damage the Government's relationship with the crossbench senators elected at the 2013 election.⁴ A double dissolution was seen as an opportunity to implement the reforms and 'clear out' the Senate crossbench while giving Turnbull an electoral mandate of his own and a chance to capitalise on his boost in the polls.⁵

The justification for the double dissolution emerged in connection with the regulation of trade unions following the report of the Royal Commission into Trade Union Governance and Corruption (Trade Union Royal Commission or TURC), which was delivered in December 2015.⁶ In October 2015 Turnbull had flagged the possibility of industrial relations laws to reintroduce the Australian Building and Construction Commission (ABCC)—that had stalled in the Senate—becoming a double dissolution trigger if they were not passed by Parliament.⁷

In mid-December 2015 media reports stated that several cabinet ministers were urging Turnbull to call an election early in 2016; these reports also highlighted issues around the timing of the budget, planned for 10 May 2016. Further, according to one journalist, Turnbull was 'worried the required double dissolution would leave him hostage to an even more unmanageable Senate crossbench than the gaggle likened to the Mos Eisley cantina from *Star Wars*.'⁸

The Government scheduled the reintroduction of the ABCC Bills⁹ for the beginning of the parliamentary year, signalling the potential for a double dissolution if the legislation was not passed.¹⁰

The prorogation

In defiance of the Government's agenda, the Senate declined to immediately consider the ABCC Bills when it reconvened for the 2016 parliamentary year. Upon receiving the ABCC Bills from the House on 4 February 2016, the Senate voted to refer the Bills to the Education and Employment Legislation Committee for reporting on 15 March 2016,¹¹ two days before Parliament rose for seven weeks.¹² This effectively meant that the Senate was unlikely to consider the Bills before it adjourned for the seven week break, complicating the timeframe for calling a double dissolution election.¹³

As the Senate is able to choose its own sitting calendar, and the Government was without a majority in the Senate, the Prime Minister took the unusual step of advising the Governor-General to prorogue the Parliament on 15 April and summon it to meet again on 18 April 2016, which duly took place.¹⁴ Proroguing a parliament ends its current session but without necessarily leading to an election. After prorogation a parliament can be recalled by the Governor-General to sit again on a specified date.

This was the first prorogation and commencement of a new session prior to an election in almost 40 years.¹⁵ However, as the Attorney-General's advice to the Governor-General noted, it was not unprecedented, with the

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3. M Grattan, '[Will Senate voting reform end up in the too hard basket?](#)', *The Conversation*, 22 September 2015.
 4. H Aston, '[Brough's attack riles vote-wary crossbenchers](#)', *The Sydney Morning Herald*, 23 September 2015, p. 5.
 5. L Taylor, '[Turnbull government faces battle to change voting rules for Senate](#)', *The Guardian*, 22 September 2015; M Gordon, '[The Turnbull dilemma – early election decision?](#)', *The Canberra Times*, 10 October 2015, p. 4.
 6. Royal Commission into Trade Union Governance and Corruption, [Final report](#), Commonwealth of Australia, December 2016.
 7. D Shanahan and P Kelly, '[Turnbull sets IR test for Shorten](#)', *The Weekend Australian*, 24 October 2015, p. 1.
 8. P Hudson, '[Election timing remains the most challenging calculation in politics](#)', *The Australian*, 14 December 2015, p. 10.
 9. Parliament of Australia, '[Building and Construction Industry \(Consequential and Transitional Provisions\) Bill 2013 homepage](#)', Australian Parliament website; Parliament of Australia, '[Building and Construction Industry \(Improving Productivity\) Bill 2013 homepage](#)', Australian Parliament website.
 10. D Atkins, '[PM gets set to fire the starting gun](#)', *The Courier Mail*, 30 January 2016, p. 37; S Benson, '[PM threatens to call a double dissolution](#)', *The Daily Telegraph*, 2 February 2016, p. 1. There was speculation in the media that the threat of a double dissolution might be hollow: D Shanahan, '[Threat of early poll useless if it's not credible](#)', *The Australian*, 3 February 2016, p. 1.
 11. Australia, Senate, [Building and Construction Industry \(Improving Productivity\) Bill 2013 \[No. 2\] Building and Construction Industry \(Consequential and Transitional Provisions\) Bill 2013 \[No. 2\]](#), *Journals*, 137, 2013–16, 4 February 2016, p. 3723.
 12. J Marszalek, '[Senate accused of protecting unions by delaying vote](#)', *The Courier Mail*, 5 February 2016, p. 5.
 13. Under section 57 of the *Constitution* a double dissolution trigger can arise in the event that the Senate 'fails to pass' legislation. However, this is less straightforward than rejection of legislation by the Senate.
 14. M Turnbull, '[Letters re: prorogue of Parliament 21 March 2016](#)'; P Cosgrove, '[Proclamation – prorogue of the Parliament from 5.00pm 15 April 2016 until 9.30am 18 April 2016 and session of the Parliament 18 April 2016](#)', *Government Notice Gazette*, 21 March 2016.
 15. D Muller, '[So you've been prorogued – common questions answered](#)', FlagPost, Parliamentary Library blog, 23 March 2016.

Parliament having been prorogued in 1914 with the express purpose of bringing back the Senate to consider Bills that were double dissolution triggers.¹⁶

The Senate elected to consider the Prime Minister's nominated Bills upon the day of its return, negating both the ABCC Bills at 6.23pm (as the Registered Organisations Bill was already a trigger it was not again considered by the Senate).¹⁷ The next day, on 19 April 2016, the Prime Minister announced that he would be seeking a dissolution of both Houses from the Governor-General, and nominated his preferred election date of 2 July 2016.¹⁸

Double dissolution triggers

The three Bills that were listed in the proclamation¹⁹ dissolving both Houses of Parliament were the:

- Building and Construction Industry (Consequential and Transitional Provisions) Bill 2013 [No. 2]²⁰
- Building and Construction Industry (Improving Productivity) Bill 2013 [No. 2]²¹ and
- Fair Work (Registered Organisations) Amendment Bill 2014 [No. 2].²²

A matter of timing

The timing of any election is dependent on the requirements of both the *Constitution* and the *Commonwealth Electoral Act 1918 (CEA)*.²³ In the case of the 2016 double dissolution election, timing was particularly important for reasons of both law and political practicality.

Section 57 of the *Constitution*, the section under which the Governor-General dissolved both Houses of Parliament, states that the simultaneous dissolution 'shall not take place within six months before the expiry of the House of Representatives by effluxion of time'.²⁴ Section 28 of the *Constitution* requires that 'the House of Representatives shall continue for three years from the first meeting of the House, and no longer'.²⁵

The 44th Parliament commenced on 12 November 2013, meaning that it would have expired on 11 November 2016 if the House of Representatives had run its full term. As such, under section 57, the last possible day that a simultaneous dissolution could be held was 11 May 2016.

In the Senate, the terms of senators are staggered. In a normal half-Senate election, half of the senators for the states will be up for election—they will then serve fixed six-year terms. In the normal course of elections half of the 12 senators for each state are elected every three years, with their terms commencing on the following 1 July. In a double dissolution election, however, *all* Senate places are up for election and, following such an election, the terms of the senators elected are back-dated to commence on the 1 July *prior* to the election.²⁶ Following a double dissolution election the staggering of Senate terms is preserved by the Senate dividing the elected senators from the states into two groups, with one group being awarded full six-year terms and one group being awarded three-year terms. More detail on the rotation of senators is set out at Appendix H.

If the double dissolution election had been held prior to 1 July 2016, the terms of the senators elected would have been back-dated to 1 July 2015. This would have meant that those senators with the shorter three-year terms would have concluded their terms on 30 June 2018, necessitating a half-Senate election well before then.

16. G Brandis (Attorney-General), [The practice and precedents of recall of parliament following prorogation](#) (correspondence to the Governor-General), 21 March 2016.

17. Australia, Senate, [Building and Construction Industry \(Improving Productivity\) Bill 2013 \[No. 2\]](#), [Building and Construction Industry \(Consequential and Transitional Provisions\) Bill 2013 \[No. 2\]](#), *Journals*, 149, 2013–16, 18 April 2016, p. 4115.

18. M Turnbull (Prime Minister), [Doorstop interview](#), transcript, 19 April 2016.

19. P Cosgrove (Governor-General), [Proclamation – dissolve the Senate and the House of Representatives at 9:00 am on Monday, 9 May 2016](#), *Commonwealth Government Notices Gazette*, C2016G00628, 9 May 2016. Note: while the double dissolution trigger Bills are formally named '[No. 2]', indicating that they have been re-introduced into the Parliament in an identical form after having being negated by the Senate, the Proclamation does not include the '[No. 2]' when listing the names of the Bills.

20. Parliament of Australia, [Building and Construction Industry \(Consequential and Transitional Provisions\) Bill 2013 \[No. 2\] homepage](#), Australian Parliament website.

21. Parliament of Australia, [Building and Construction Industry \(Improving Productivity\) Bill 2013 \[No. 2\] homepage](#), Australian Parliament website.

22. Parliament of Australia, [Fair Work \(Registered Organisations\) Amendment Bill 2014 \[No. 2\] homepage](#), Australian Parliament website.

23. [Commonwealth Electoral Act 1918](#).

24. [Australian Constitution](#), section 57.

25. [Australian Constitution](#), section 28.

26. [Australian Constitution](#), section 13.

This would have necessitated the Government either holding a normal general election around two years into its term, or holding a separate half-Senate election *and then* a House of Representatives election a year or so later.

The *Constitution* requires that writs for election to the Senate and the House of Representatives must be issued within 10 days of the dissolution of Parliament (sections 12 and 32 respectively).²⁷ However, the remainder of the details of the conduct of elections are contained within the *CEA*. The combination of flexibility in the timing of the issue of the writs (*within* 10 days) and the election timetable in the *CEA* allows a maximum of 68 days between the dissolution of Parliament and election day. A dissolution of Parliament on 11 May 2016 would, therefore, have allowed an election up to Saturday 16 July. This potentially meant that a post-1 July 2016 double dissolution election was possible in order to maximise the terms of the senators elected by having their terms commence on the 1 July prior to the election (that is, 1 July 2016) rather than 1 July 2015.

Complicating matters, 10 May 2016 was the day scheduled for the release of the 2016 Budget. While it was technically possible for the Government to deliver its budget and then to advise the Governor-General to dissolve both Houses of Parliament immediately afterwards, this would have been logistically and politically difficult. The Prime Minister resolved the issue by moving the Budget forward by one week to 3 May, and then announced on Sunday 8 May that the 2016 federal election would be held on 2 July 2016.²⁸

While the writs for an election are typically issued on the day that the election is announced (or shortly thereafter) as noted above, section 32 of the *Constitution* specifies that the writs for an election must be issued within 10 days of the proclamation of the dissolution of Parliament.²⁹ Due to the unusually long election period, the Government chose to have the writs issued on 16 May 2016, one week after both Houses were dissolved.³⁰

Counted from the dissolution of both Houses, the total election period was 54 days (seven weeks and five days). A detailed timeline is set out in Appendix E.

Redistributions in the ACT, WA and NSW

The 2016 federal election was held on new boundaries due to redistributions of NSW, WA and the ACT during the 44th Parliament. While the ACT had only a relatively minor change in boundary (and the renaming of one of its two divisions), Western Australia gained one electorate and NSW lost one electorate.

Both the ACT and the Northern Territory (NT) were due for redistributions in the 44th Parliament due to the expiration of seven years since their last redistribution. The NT redistribution commenced on 15 October 2015, but was not completed before the election so the election was held under the existing boundaries.³¹

A year after the Parliament first sits, an entitlement determination is made calculating how many seats each state and territory is entitled to in the House of Representatives. A formula is applied to the Australian population and the population of each state and territory to determine the entitlement to seats in each state and territory. During the 44th Parliament the entitlement determination made on 13 November 2014 determined that NSW was entitled to 47 seats (one fewer than in 2013) and WA was entitled to 16 seats (one more than in 2013).³²

Complicating matters somewhat was the talk of an early election following Malcolm Turnbull taking the leadership of the Liberal Party in September 2015. Section 76 of the *CEA* requires that, if an election is called when a redistribution is underway, and the entitlement of a state has changed, the Electoral Commissioner must undertake a 'mini-redistribution'.

Under a mini-redistribution, if a state is to lose a division, the two adjacent divisions with the smallest combined population are combined into one new division. If a state is to gain a division, the two adjacent divisions with the highest combined populations are split into three new divisions with the same number of electors. This must happen between the issue of the writs and the close of nominations (between 10 and 37 days after the election

27. [Australian Constitution](#), sections 12, 32.

28. M Grattan, '[The 2016 election race formally starts as Malcolm Turnbull goes to the Governor-General](#)', *The Conversation*, 8 May 2016.

29. [Australian Constitution](#), section 32.

30. M Cormann, '[Issue of writs for election of members of the House of Representatives and of senators to Represent the Australian Capital Territory and the Northern Territory](#)', *Government Notices Gazette*, C2016G00660, 16 May 2016.

31. Australian Electoral Commission (AEC), '[Essential information about the Northern Territory redistribution](#)', AEC website, 2 February 2016.

32. AEC, '[State/territory entitlement to electoral divisions](#)', AEC website, 25 August 2016. Note that, while in this case the number of seats Australia-wide remained at 150, this is not fixed, and a redistribution may result in the national total being more or less than 150 seats.

is announced). A mini-redistribution would likely have thrown the party pre-selections and nominations into chaos—and the mechanism has never actually been used since it was introduced into the CEA in 1983.³³

ACT

The 2014 entitlement determination found that the ACT was still entitled to the two seats in the House of Representatives, but that the current boundaries did not meet the current and projected enrolment quotas.³⁴

The redistribution expanded the size of the ACT's southern division (Canberra) by moving its boundary to the north. This boundary change resulted in 10,226 electors, or 3.79 per cent of enrolled electors, moving division.³⁵ Both divisions remained notionally Labor seats. Maps of the new boundaries are at Appendix A.

The redistribution also changed the name of the northern ACT seat, held by Labor's Dr Andrew Leigh, from the division of Fraser to the division of Fenner. The division was originally named after John Fraser, a member of the House of Representatives for the ACT from 1951 to 1970. It was decided to retire the name of Fraser to provide the option of naming a Victorian division Fraser in the future in honour of former Prime Minister Malcolm Fraser, who died in 2015.³⁶

WA

The 2014 entitlement determination found that the population of Western Australia had increased sufficiently for WA to increase its entitlement from 15 to 16 seats.³⁷ The resulting WA redistribution commenced on 1 December 2014 and the proposed new boundaries were announced on 21 August 2015. The proposed boundaries were accepted with only minor changes on 5 November 2015. Maps of the new boundaries are in Appendix B.

A new division was created south of Perth, mainly out of the existing divisions of Canning and Hasluck, with parts of Swan and Tangney. The redistribution involved the movement of 264,401 electors, or six per cent of the WA electorate, including 93,763 moving into the new division.³⁸

The new division was named Burt, honouring multiple generations of the Burt family 'for their significant contributions to the justice system and for their wider contributions to public service'.³⁹ The new division of Burt was notionally marginally Liberal based on 2013 federal election results. The notional two party preferred vote for the remaining 15 seats did not change, nor did the names of the divisions.⁴⁰

Although it occurred after the proposed boundaries were released, the Canning by-election, held on 19 September 2015 following the death of sitting Liberal member Don Randall, was held on the original boundaries.⁴¹

NSW

The NSW redistribution was the most contentious of the three, with the requirement that one division be removed and, as a result, one sitting member potentially losing their seat. The redistribution took NSW from 48 to a new total of 47 seats.

The Redistribution Committee abolished the seat of Hunter on the NSW North Coast, however, the neighbouring seat of Charlton was expanded to take in most of the area and above fifty per cent of the voters who had previously been in Hunter. Charlton was then renamed to Hunter, with the net effect being that Charlton was essentially abolished. While the Redistribution Committee explained that Hunter was a Federation seat,⁴² and

33. A Burrell, 'Early poll would send AEC into new waters', *The Australian*, 18 September 2015, p. 7.

34. The CEA requires that divisions be within 10 per cent of the enrolment quota, which is the number of people enrolled in the state or territory divided by the number of divisions, and within three percent of the projected enrolment quota in three years and six months' time (sections 63A and 73).

35. The Redistribution Committee for the Australian Capital Territory, *Proposed redistribution of the Australian Capital Territory into electoral divisions*, September 2015.

36. Ibid.

37. AEC, *Determination of membership entitlement to the House of Representatives*, media release, 13 November 2014.

38. Redistribution Committee for Western Australia, *Proposed redistribution of Western Australia into electoral divisions*, report, August 2015, p. 4.

39. Ibid., p. 17.

40. A Green, '2015 Western Australian federal redistribution', ABC website.

41. AEC, *Enrol now to vote for the 2015 Canning by-election*, media release, 17 August 2015.

42. A Federation seat dates from the original distribution of states into divisions at the creation of the Federation in 1901.

the naming guidelines for electoral divisions encourage the retention of Federation names, it is not clear why the Committee choose to go about the redistribution in such a confusing and circuitous manner.⁴³ Both Hunter and Charlton were held by Labor members Joel Fitzgibbon and Pat Conroy, respectively.

Following the death of former Prime Minister Gough Whitlam in 2014 it was decided that the division of Throsby (NSW) be renamed to Whitlam. The Committee conceded that Throsby had no direct connection to the former Prime Minister, but of the five divisions in contention to potentially be renamed Whitlam, two were already named after Prime Ministers (Hughes and McMahon (both NSW)), one was a Federation division (Werriwa (NSW)) and one was only one of four NSW divisions named after a woman (Fowler (NSW)). Only Throsby remained, and so it was renamed to Whitlam.⁴⁴

The proposed redistribution released in October 2015 was a substantial change to the status quo, with almost 20 per cent of NSW voters, or just under a million electors, moving division. The proposal drew 791 objections and resulted in two inquiries into the objections, which were held in December 2015.

Some of the most debated proposed boundary movements were in inner Sydney, mostly in seats held by Labor where there was a growing Australian Greens vote. The proposed changes to the inner-Sydney seats of Barton and Grayndler were mostly abandoned when the final boundaries were released. The ALP member for Grayndler, Anthony Albanese, considered nominating for the safer neighbouring seat of Barton. Albanese is quoted as saying that the risk of losing the seat to the Greens was a primary reason for him remaining to contest it again.⁴⁵

The final boundaries were released in February 2016 and resulted in 18.91 per cent, or 919,914 electors, moving divisions (excluding those in the division of Throsby, which was renamed to Whitlam).⁴⁶ Maps of the boundaries are at Appendix C (regional) and Appendix D (Sydney area).

Of the 47 post-redistribution divisions, the new division of Hunter was notionally Labor, along with 19 other divisions, up from 18 Labor divisions pre-redistribution. Post-redistribution, 20 seats were notionally Liberal, down from 23, and an unchanged seven were notionally National. Overall, Labor notionally increased its seat tally by two seats, and the Liberal Party notionally decreased its tally by three seats.⁴⁷

Polling

Australian federal politics' fascination with polling continued through the 44th Parliament. When Malcolm Turnbull announced that he was challenging Tony Abbott for leadership of the Liberal Party, he stressed that the Liberal Party's polling presaged defeat in the next election:

Now if we continue with Mr Abbott as Prime Minister, it is clear enough what will happen. He will cease to be Prime Minister and he will be succeeded by Mr Shorten ... The one thing that is clear about our current situation is the trajectory. We have lost 30 Newspolls in a row. It is clear that the people have made up their mind about Mr Abbott's leadership.⁴⁸

Commentator Michelle Grattan noted that polls were central to the removal of Kevin Rudd, Julia Gillard and Tony Abbott. She observed that parties are 'increasingly unwilling to tolerate leaders who, even if only in the short term, look like losers'.⁴⁹

If a change in the 30 Newspoll run was one of the objectives of the leadership change, it was successful, with the pre-change 7 September 2015 Newspoll showing the Coalition on a two party preferred (TPP) vote of 46 and the first post-leadership change Newspoll on 21 September giving the Coalition a TPP of 51. While the Coalition managed to get its TPP to 53 per cent for late 2015 and early 2016, it fluctuated between 51 and 49 in the lead up to the election. The Newspoll boost in primary vote for the Coalition surpassed Labor by 9 points following the leadership change, and did not fall below Labor's primary for the remainder of the term (Figure 1).

43. AEC, '[Guidelines for naming federal electoral divisions](#)', AEC website; AEC, '[Proposed federal electoral boundaries for NSW released](#)', media release, 16 October 2015.

44. Redistribution Committee for New South Wales, '[Proposed redistribution of New South Wales into electoral divisions](#)', October 2015.

45. D Snow, '[Labor heavyweight Albanese in unlikely fight for his political future](#)', *The Age*, 6 June 2016, p. 6.

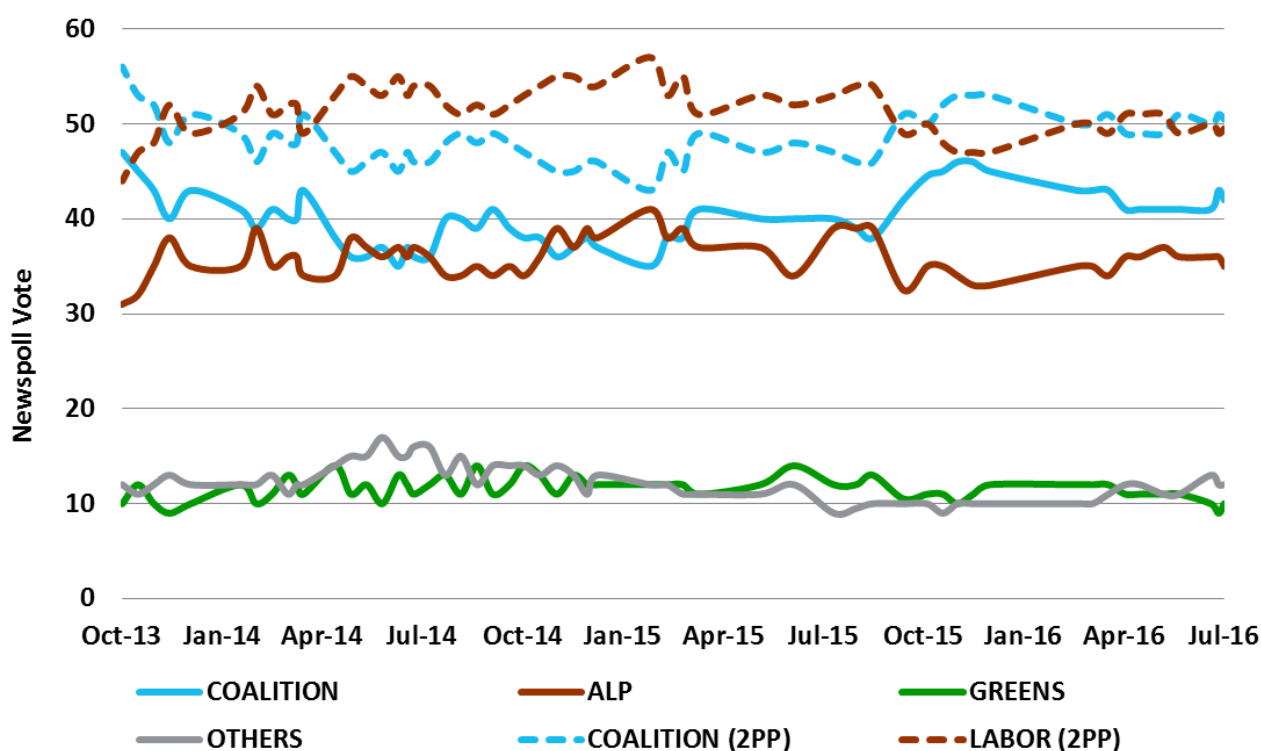
46. Augmented Electoral Commission for New South Wales, '[Redistribution of New South Wales into electoral divisions](#)', February 2016.

47. A Green, '[2015–16 New South Wales federal redistribution](#)', ABC website.

48. M Turnbull (Minister for Communications), '[Press conference: Liberal Party leadership, Parliament House, Canberra](#)', transcript, 14 September 2015.

49. M Grattan, '[Grattan on Friday: polls would present a risk for a narrowly re-elected Malcolm Turnbull](#)', *The Conversation*, 26 May 2016.

Figure 1: Newspoll results during the 44th Parliament



Source: Compiled by Parliamentary Library from Newspoll data.

Four weeks out from the election, Ipsos (the new polling company used by the Fairfax newspapers) was reporting that Labor was leading 51 to 49 per cent in TPP terms. This reversed a Coalition TPP lead by one point two weeks prior. Reporting the poll, journalist Phillip Coorey concluded that the election was at that point ‘too close to call’.⁵⁰ If the close polling numbers carried over to a win by the Coalition with a narrow majority, this was expected to only heighten the poll-sensitivity of the Coalition party-room and increase the precariousness of the leadership position in the new term.⁵¹

As the election drew near, Newspoll was showing the Coalition and Labor both with a TPP of 50 per cent two weeks from polling day, with Turnbull’s net satisfaction rating of minus 15 points just slightly ahead of Shorten’s rating of minus 16 points. Only in the preferred prime minister rating did Turnbull maintain a reasonable lead, with 46 per cent over 31 per cent for Shorten.⁵² The Prime Minister’s dip in popularity carried through to his own electorate, with a poll commissioned by the ALP candidate for the seat of Wentworth (NSW) showing a 10 per cent swing against Turnbull (the seat would have been comfortably retained by the Prime Minister nonetheless).⁵³

Despite the closeness of the polls it was widely expected that the Coalition would win—the close polls only indicating that it would not win by much. *Crikey* polling analyst William Bowe explained that while Labor might win half of the votes (in TPP terms), that was unlikely to win it the majority of the seats as the increases in support that Labor was recording were located in the wrong areas to gain it enough seats. Of particular note was Queensland, where the Coalition held ten seats on margins of 7 per cent or less, but where polls were recording swings against the ALP.⁵⁴

The final polls prior to the election are in Table 1.

50. P Coorey, ‘Labor edges into lead in election cliffhanger’, *AFR Weekend*, 4 June 2016, p. 1.

51. Grattan, ‘Grattan on Friday: polls would present a risk for a narrowly re-elected Malcolm Turnbull’, op. cit.

52. P Hudson, ‘It’s neck and neck as home straight looms’, *The Australian*, 20 June 2016, p. 1.

53. A Gartrell, ‘PM’s popularity plummets in own seat’, *The Sunday Canberra Times*, 5 June 2016, p. 8.

54. W Bowe, ‘Poll bludger: why Labor is ahead in the polls but everyone thinks the Coalition will win’, *Crikey*, 30 May 2016.

Table 1: Final polls before the 2016 federal election

Poll	Date	n	Coalition	ALP	Greens	Others	Coalition TPP	Labor TPP
Essential	1/07/2016	1212	42	34.5	11.5	10.5	50.5	49.5
Galaxy	5/06/2016	1867	40	35	10	15	50	50
IPSOS	16/06/2016	1437	39	33	14	14	51	49
Newspoll	2/07/2016	4135	42	35	10	12	50.5	49.5
ReachTel	30/06/2016	2084	-	34.6	10.7	10.5	51	49

Source: Compiled by Parliamentary Library from various sources.

The accuracy of the predictions

The accuracy of the pollsters has been analysed by a number of sources, including by polling company ReachTel, who were pleased to report that it was ‘accurate to less than a single percentage point’ for its TPP results.⁵⁵ In fact, all of the final polls from the major polling companies came to within one percentage point of the final TPP result, with Essential and Newspoll coming within 0.1 percentage point of the final result.⁵⁶ Newspoll had each of the major party primary votes to within 0.3 percentage points of their actual result.⁵⁷

The 2016 federal election also featured the results of a large amount of polling of individual electorates being released into the public sphere. An analysis by William Bowe of *Crikey* suggests that electorate polls performed relatively poorly, although in a relatively consistent way. Bowe reports that, while the seat polls conducted by ReachTel and Galaxy had samples of around 600 respondents (which would have resulted in a margin of error of around 4 per cent), they behaved as if their margin of error was 7 per cent, and skewed 1.3 per cent in favour of the Coalition. One effect of this was that they did a poor job of predicting swings to Labor, such as the swings in Macarthur in Sydney and the state-wide swings in Tasmania.⁵⁸

Bowe also points out that at least 19 polls were released prior to the election that had been commissioned from ReachTel by private clients, most of which were left-of-centre unions or lobby groups. These polls tended to show a TPP bias towards the ALP—however, Bowe speculates that this might be due to selection bias (commissioned polls only being released if they fit the narrative of the organisation that commissions them).⁵⁹

Given the significant failures of polling in recent elections in other, similar, western democracies (such as the United Kingdom (UK) in 2015 and the United States in 2016), there is a question as to why the national polling in Australia continues to be so accurate. The increasing number of households without landlines was thought to undermine the representativeness of political polling, however, the one Australian polling company that still uses live phone calls, Ipsos, was substantially less accurate than those who use robopolling (automated phone calls) and online panels, such as ReachTel and Newspoll.⁶⁰

It may be that Australia’s compulsory voting is one of the reasons that polling still works for Australian elections. A review of the failure of the polls at the 2015 UK general election found that three groups were underrepresented in the polling: older voters, who predominately voted Tory; young non-voters, who were polled less frequently than young people who did intend to vote; and busy voters, who were more likely to vote Tory.⁶¹

Compulsory voting means that Australian polling has much firmer grounds for extrapolating from demographic sub-samples. As long as some older people respond to an online poll, and those people are reasonably representative of the views of older people, it is not difficult to extrapolate to the wider voting population with a degree of accuracy. Sophisticated turnout models to determine which demographics will vote are not necessary.

55. ReachTel, ‘[2016 federal election – polling accuracy](#)’, ReachTel blog, 14 July 2016.

56. A Beaumont, ‘[Final House results and a polling critique](#)’, *The Conversation*, 17 August 2016.

57. Ibid.

58. W Bowe, ‘[Poll bludger: how did the pollsters do?](#)’, *Crikey*, 25 July 2016; W Bowe, ‘[Pollster performance review](#)’, *Crikey*, 25 July 2016.

59. Bowe, ‘Pollster performance review’, op. cit.

60. Beaumont, ‘Final House results and a polling critique’, op. cit.

61. T Clark and F Perraudin, ‘[General election opinion poll failure down to not reaching Tory voters](#)’, *The Guardian*, (online edition), 19 January 2016.

Polling experts also note that the Telemarketing and Research Industry Standard, which allows polling companies to contact numbers on the Do Not Call Register if the polling is for research purposes, also adds to the accuracy of Australian polling.⁶²

If turnout continues to fall (as discussed on page 30), the accuracy of polling in Australia may also be affected. However, in the immediate future, it appears that Australian polling companies have adapted well to the changing polling environment.

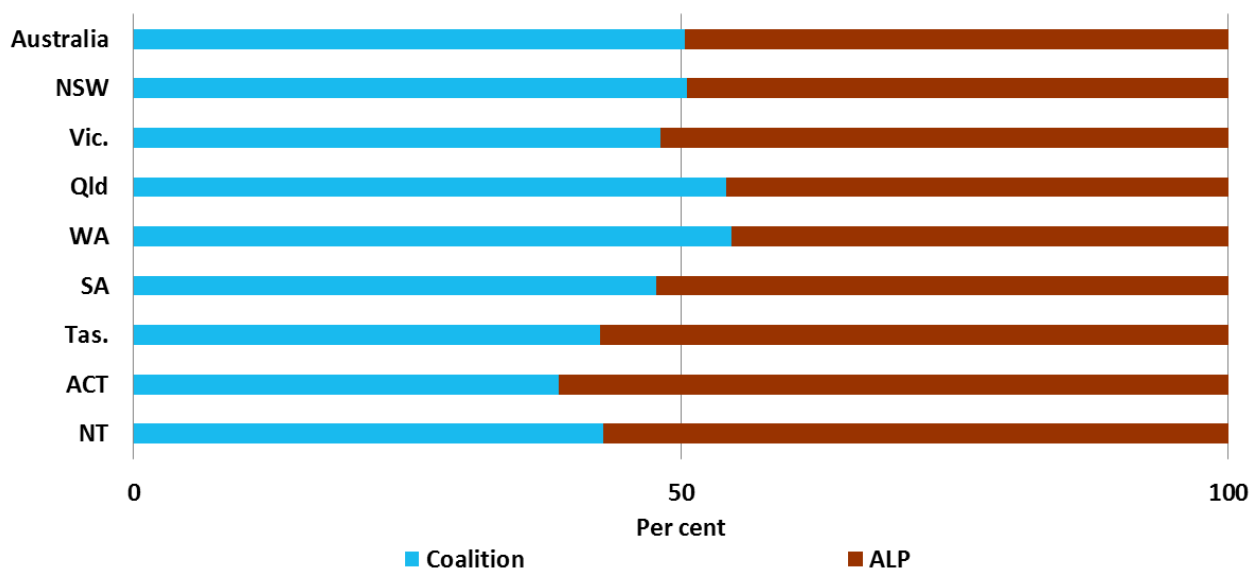
The results

The Coalition, led by Malcolm Turnbull, was returned to Government at the election with a slim majority of 76 seats in the House of Representatives and faced an enlarged crossbench in the Senate. The 45th Parliament first sat on 30 August 2016, 117 days, 3 months and 25 days after the 44th Parliament was dissolved for the election.

House of Representatives

The Coalition was returned to Government with 76 seats in the 150 seat Parliament, and 50.4 per cent of the TPP vote (Figure 2). The ALP won 69 seats, and Katter’s Australian Party and the Greens each retained their one seat, as did two independents (Cathy McGowan and Andrew Wilkie). The Nick Xenophon Team won one seat from the Coalition.

Figure 2: Two party preferred (TPP) result nationally and in each state



Source: Compiled by the Parliamentary Library from AEC election results data.

The 2016 election resulted in a net loss of 14 seats by the Coalition, and a notional TPP swing of 3.13 percentage points against the Coalition (Table 2).⁶³ In national first preference terms, the highest swing was against the Liberal party (-3.35 percentage points), with a small swing towards the Nationals (0.32 percentage points). Labor (1.35 percentage points), the Greens (1.58 percentage points) and the Nick Xenophon Team (1.85 percentage points) recorded small swings towards them in the House of Representatives elections.

62. P Marsh, ‘Donald Trump and Brexit were missed by the polls, why didn’t they muss Malcolm Turnbull?’, *ABC News*, 23 November 2016.

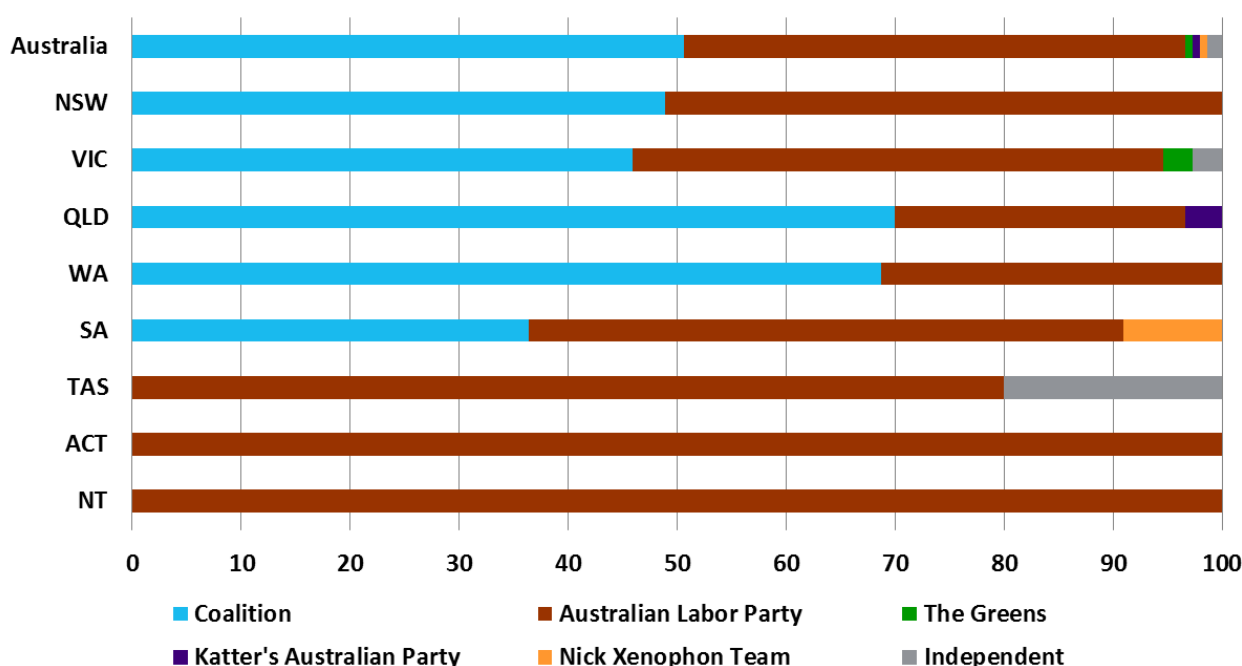
63. Notional swings take into account the results of the moved boundaries from the redistributions that occurred between the elections.

Table 2: 2013 and 2016 House of Representatives seats

Party	2013	2016	Change
Coalition	90	76	-14
Australian Labor Party	55	69	+14
Independent	2	2	0
Katter's Australian Party	1	1	0
The Greens	1	1	0
Palmer United Party	1	–	-1
Nick Xenophon Team	–	1	+1

Source: Compiled by the Parliamentary Library from AEC election results data.

Figure 3: Percentage of seats won by each party nationally and in each state



Source: Compiled by the Parliamentary Library from AEC election results data.

Compared at a state-by-state level, Labor was more successful than the Coalition in terms of both TPP vote and seats won in Victoria, South Australia, Tasmania and the two territories. Although the Coalition won more than half of the TPP in NSW (50.53 per cent), it won less than half of the seats (23 of 47). See Figure 3 for details.

Of the 19 seats that changed hands following the election (see Appendix J), 15 were won by Labor from the Coalition, and two were won by the Coalition—one from Labor (Chisholm in Victoria) and one from the Palmer United Party (Fairfax in Queensland). One seat, Murray (Vic.), was won by the Nationals from the Liberals where the sitting Liberal member did not recontest the seat. The Nick Xenophon Team won their first lower house seat (Mayo, SA) from the Liberals.

A total of 17 of the 150 seats were what the Australian Electoral Commission (AEC) refers to as ‘non-classic’ divisions, where the final contest is not between a Labor and a Coalition candidate. This was up from 11 ‘non-classic’ divisions in 2013.

A notable feature of the 2016 election was the number of seats where a Greens candidate finished in second place. Six ‘non-classic’ contests were between the Greens and either Labor (Batman, Wills (both Vic.) and Grayndler (NSW)) or the Liberals (Higgins, Melbourne (both Vic.) and Warringah (NSW)), with a Greens victory only in their existing House of Representatives seat of Melbourne. While these tended to be the Greens’ best-performing seats (with the exception of Warringah, which was the Greens 35th best seat, in terms of percentage

of primary vote), in none of the contests that the Greens lost was the two candidate preferred margin particularly close.

Interestingly, in the Greens fifth best seat in terms of first preference votes (Melbourne Ports (Vic.)), the Greens were not one of the final two parties in the count. Melbourne Ports is also notable for having the lowest primary vote of a winning candidate in the election (27.0 per cent).

With the exception of Herbert (Qld), where the post-recount two candidate preferred margin was 37 votes, none of the seats were particularly close by the final count, with the remaining 149 seats having a two candidate preferred margin of 1,000 votes or more.

The recount in Herbert

The initial count in the division of Herbert was closely watched as the margin teetered from the ALP to the Liberal National Party (LNP) and back again by a handful of votes. So closely scrutinised was the count that the Attorney-General, Senator Brandis, was lending his support as a scrutineer.⁶⁴

As the recount progressed, the LNP was beginning to lay plans to challenge the result in the Court of Disputed Returns amongst allegations that some voters were not able to vote in the division due to AEC errors.⁶⁵ Soldiers from Townsville had reported that they were unable to cast absent ballots in South Australia due to the polling places they attended not having ballot papers for Herbert, and staff at a Townsville hospital reported that 39 patients on one ward were not provided ballot papers.⁶⁶

In mid-September the LNP announced that it had failed to gather sufficient evidence to take the Herbert count to the Court of Disputed Returns to appeal the result. Thirty people at the hospital were prepared to sign declarations that they had not been able to vote, eight fewer than would have been needed to challenge the result.⁶⁷ The seat remained an ALP gain by a margin of 37 votes.

Senate

Prior to the election the Senate voting system was changed to allow voters to either vote above the line by numbering six or more preferences for groups of candidates, or vote below the line by numbering 12 or more preferences for individual candidates. This removed the use of group voting tickets which had been in place since 1984. The history and effects of this change will be discussed in detail in a forthcoming Parliamentary Library publication.

Following the election of all senators, the returned Senate comprised 30 Coalition senators out of the total 76; 26 ALP senators; nine Greens; four Pauline Hanson's One Nation senators; three Nick Xenophon Team (NXT) senators and four others (see Table 3).

64. R Viellaris, '[Labor calls for Brandis to get out of Herbert](#)', *Courier Mail*, 25 July 2016, p. 4.

65. M McKenna, '[Lawyers called in for Herbert recount](#)', *The Australian*, 25 July 2016, p. 4.

66. Ibid.

67. M Grattan, '[LNP abandons hope of challenging Herbert result](#)', *The Conversation*, 31 September 2016.

Table 3: Senate results by state and party

Party	NSW	Vic.	Qld	WA	SA	Tas.	ACT	NT	Total
Australian Labor Party	4	4	4	4	3	5	1	1	26
Liberals	3	4		5	4	4	1	1	22
LNP Queensland			5						5
The Nationals	2	1							3
Coalition Total	5	5	5	5	4	4	1	1	30
The Greens	1	2	1	2	1	2			9
Pauline Hanson's One Nation	1		2	1					4
Derryn Hinch's Justice Party		1							1
Family First					1				1
Jacqui Lambie Network						1			1
Liberal Democrats	1								1
Nick Xenophon Team					3				3
Total	12	12	12	12	12	12	2	2	76

Source: AEC, '[Senate party representation](#)', 2016 Federal Election, AEC Tally Room website, 9 August 2016.

Following the election the Senate had three fewer Coalition senators, one more Labor senator and one fewer Greens senator than previously. If one objective of the election was to diminish the Senate crossbench it was unsuccessful at doing so, with four crossbench senators returned (Nick Xenophon of NXT, David Leyonhjelm of the Liberal Democrats, Jacqui Lambie of the Jacqui Lambie Network and Bob Day from Family First) and an additional seven non-Greens crossbench senators elected (four from Pauline Hanson's One Nation, two from NXT and one from Derryn Hinch's Justice Party).

With 20 crossbench Senators (9 Greens and 11 others), the post-election Senate crossbench in the 45th Parliament was the largest since Federation (it has since grown to 21 senators). The previous largest Senate crossbench was 18 in the previous Parliament (10 Greens and eight others), and prior to that 13 senators from 2002 to 2005.⁶⁸

68. '[Senate composition](#)', Australian Parliament House website.

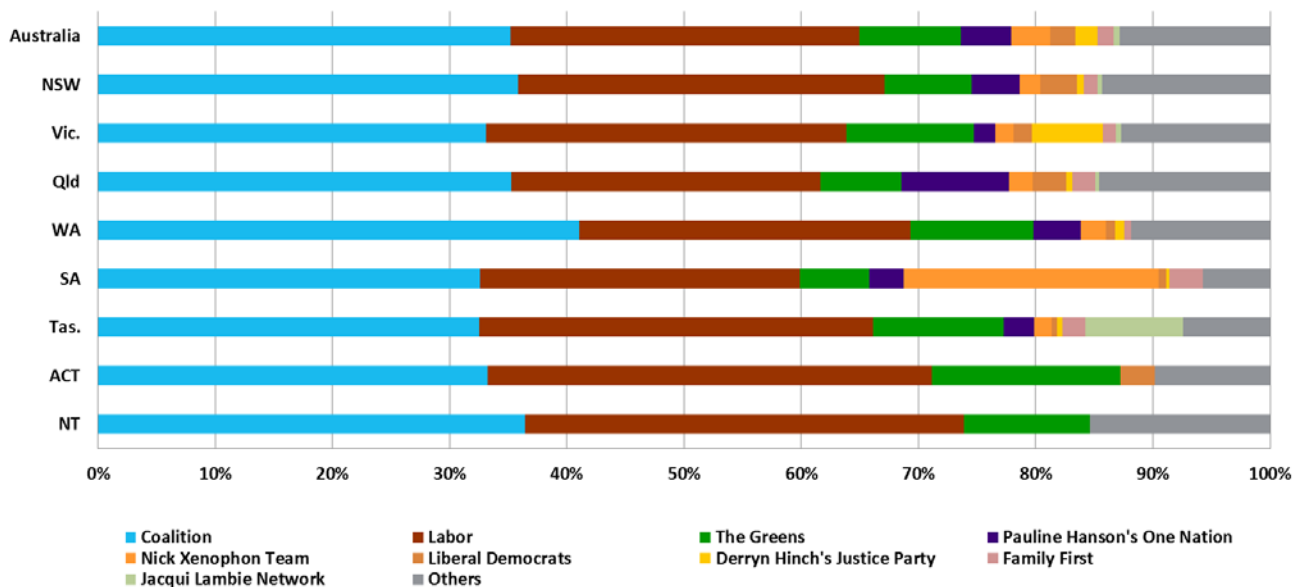
Table 4: Party composition of the Senate before and after the election

Party	44th Parliament	45th Parliament (post-election)
Coalition	33	30
Australian Labor Party	25	26
Australian Greens	10	9
One Nation	-	4
Nick Xenophon Team	1	3
Liberal Democrats	1	1
Family First	1	1
Jacqui Lambie Network	1	1
Derryn Hinch's Justice Party	-	1
Independents	2	-
Palmer United Party	1	-
Australian Motoring Enthusiast Party	1	-

Source: Australian Senate website⁶⁹

Following the election, for the Government to pass legislation through the Senate opposed by Labor and the Greens (with 35 seats between them), it required at least nine votes from other 11 crossbench senators to gain a majority of 39 votes (see Table 4).⁷⁰

Figure 4: Percentage of first preference Senate vote by group



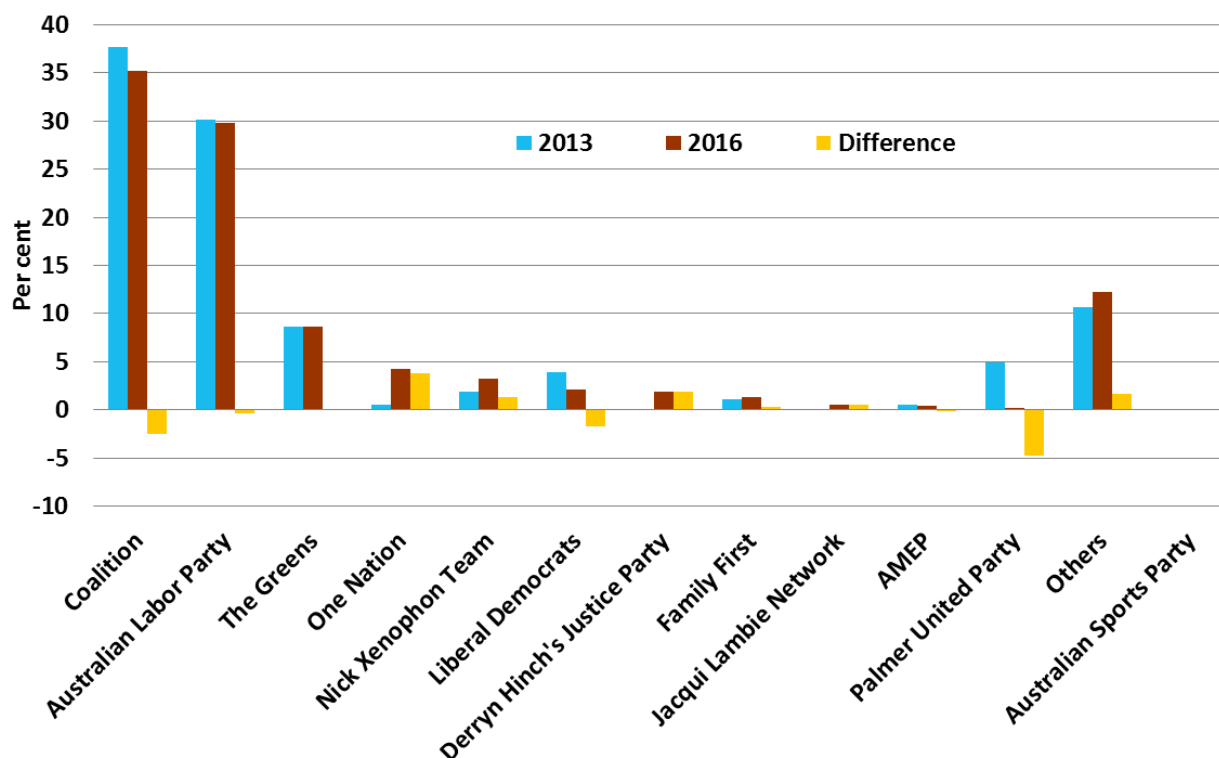
Source: Compiled by the Parliamentary Library from AEC election results data.

Compared to 2013, the primary vote in the Senate of the major parties decreased, and most of the successful minor parties saw an increase in their vote share. The notable exceptions were the Liberal Democrats, who might have seen a vote reduction due to not gaining the first column on the NSW ballot paper as they did in 2013, and the Palmer United Party, which did not run a large advertising campaign as it did in 2013. The Greens received an almost identical proportion of the total vote across the two elections.

69. Ibid.

70. Senator Cory Bernardi, elected as a Liberal in the Senate in SA, has since resigned from the party to sit on the crossbench, bringing the total to 12 crossbench senators. In addition the South Australian Family First senator has been replaced by an Independent.

Figure 5: Proportion of total Senate vote by party in 2016 and 2013



Source: Compiled by the Parliamentary Library from AEC election results data.

The election campaign

The eight week election campaign covered a large number of issues, the most salient of which are discussed below. It also featured three leaders' debates, one of which was hosted on the Facebook social media site. And, while campaigns in all 150 seats and all states doubtless had their own highlights, a number of contests were notable because of attempted political revivals, escapes from apparently certain defeat, or simply due to the rancour of the battles.

The big issues

Industrial relations was flagged as a likely key election issue well before the campaign;⁷¹ however, despite the Prime Minister's statement that the ABCC and Registered Organisations Bills 'represent important elements of the Government's economic plan for jobs and growth, and of its reform agenda',⁷² the industrial relations debate played only a minor role in the election campaign. Media commentators speculated that, in the absence of actual industrial chaos in recent times, industrial relations as an election topic was not of particular interest to voters, and not a focus for the Prime Minister.⁷³

Despite the absence of a fiery campaign on industrial relations, the long election campaign brought forth a wide variety of issues, from milk prices to refugee policy. However, few people would have guessed at the start of the campaign that health policy would assume the importance it did by election day.

Milk prices and dairy farmers

One of the early issues to arise in the campaign was the price of milk, albeit not in the form of the perennial 'gotcha' question of knowing the price of a litre. Two large dairy processors, Murray Goulburn and Fonterra, announced in early May 2016 that they were reducing the amount paid to farmers for milk due to over-estimating returns from exports.⁷⁴

71. A Tillet, '[IR shapes up as a key poll battleground](#)', *The West Australian*, 1 February 2016, p. 6.

72. M Turnbull, '[Prime Minister's advice regarding a double dissolution election](#)', letter to Sir Peter Cosgrove, Governor-General, 8 May 2016.

73. J Hewett, '[The forgotten war on IR reform](#)', *The Australian Financial Review*, 3 June 2016, p. 2.

74. J Lynch, '[Fonterra cuts farm-gate price for suppliers](#)', *The Australian Financial Review*, 6 May 2016, p. 23.

Farmers proposed a \$0.50 levy on fresh milk sales to support the industry, and the Greens suggested that a floor price for milk be considered.⁷⁵ The Coalition and Labor both rejected the idea of a levy, with the Agriculture Minister, Barnaby Joyce, announcing an assistance package for Murray Goulburn and Fonterra suppliers worth \$555 million.⁷⁶

While the Government claimed that the assistance package, which was announced in the pre-election 'caretaker' period, followed consultation with the Opposition, Opposition agriculture spokesperson, Joel Fitzgibbon, stated that the Opposition had received only a 'vague letter'. Labor announced that it supported the assistance package but believed it to be inadequate.⁷⁷

As much as it achieved prominence at the beginning of the campaign, by the end of May the topic of milk prices had effectively disappeared from the mainstream campaign coverage.

Weekend penalty rates

The Fair Work Commission (FWC) was expected to rule on penalty rates in seven awards in the retail and hospitality sector by July 2017.⁷⁸ While the union movement campaigned to have penalty rates retained, noting how important they were for working people to survive financially, employer groups wanted Sunday and public holiday penalty rates reduced.

Both the Government and Labor said that they would leave decisions on penalty rates to the Commission; however, Labor stated that, if it won the election, it would make a submission to the FWC in support of retaining existing penalty rates.⁷⁹ The Greens stated that they would legislate a floor rate for penalty rates so that the FWC could not reduce them beyond a certain level.⁸⁰ The approach of the Greens was supported by unions, such as the Australian Manufacturing Workers Union and the Electrical Trades Union, which implicitly criticised Labor for failing to do enough to protect penalty rates.⁸¹

Labor settled on a position of arguing that it did not believe that the FWC would cut penalty rates, and stated it would consider inserting a 'no reduction' principle into the *Fair Work Act*.⁸² During the third leaders' debate, the Prime Minister committed to abide by the decision of the FCW regarding penalty rates, and would not change them.⁸³

The FWC finally handed down its decision to reduce Sunday penalty rates for retail and hospitality employees on 23 February 2017.⁸⁴

Parakeelia, entitlements and donations

Parakeelia Pty Ltd is a software company owned by the Liberal Party that maintains a software platform called Feedback. The ALP has a similar software platform called Campaign Central, developed by Magenta Linas Software.⁸⁵ A media report explains the functions of these software packages and their utility to their respective parties:

The software works by uploading electoral [roll] data from the Australian Electoral Commission, and allows MPs and their campaign teams to log in and add in relevant information about their dealings with individuals in their electorate. This is then mined for intelligence and used to determine which issues are relevant in different seats, and mobilise support in marginals.⁸⁶

75. ['Fresh milk: levy plan splits political parties'](#), *The Sydney Morning Herald*, 16 May 2016, p. 10; G Chan, ['Barnaby Joyce links live export ban to increase in asylum seeker boats'](#), *The Guardian Australia*, (online edition), 25 May 2016.

76. M Grattan, ['Dairy farmers get \\$555 million in concessional loans'](#), *The Conversation*, 25 May 2016.

77. Ibid.

78. J Kelly and E Colman, ['Penalty rates a poll bombshell'](#), *The Australian*, 21 April 2016, p. 1.

79. E Hannan, ['Unions press Shorten over penalty rates'](#), *The Australian Financial Review*, 16 May 2016, p. 1; ['Spotlight on penalty rates for election'](#), *Northern Territory News*, 2 May 2016, p. 9.

80. M Koziol, ['Greens aim to protect penalties'](#), *The Age*, 16 May 2016, p. 6.

81. J Massola, ['Unions back Greens as Shorten feels the heat in penalty rates debate'](#), *The Canberra Times*, 17 May 2016, p. 1.

82. E Hannan, ['Push to lock in penalty rates'](#), *The Australian Financial Review*, 2 June 2016, p. 8.

83. G Chan, ['Malcolm Turnbull rules out changes to penalty rates in Facebook debate'](#), *The Guardian*, (online edition), 17 June 2016.

84. N Toscano and A Patty, ['Sunday take-home pay gets slashed'](#), *The Age*, 24 February 2017, p. 1.

85. A Probyn, ['Bill to fall short in last quarter'](#), *The West Australian*, 17 June 2016, p. 73.

86. P Smith, ['Smart software gave GetUp electoral impact'](#), *Australian Financial Review*, 18 July 2016, p. 6.

Contributions from Parakeelia to the Liberal Party were raised in advance of the election. These included in-kind contributions, such as renting the premises for the Liberal national headquarters at the 2013 federal election (apparently using money the Liberal Party paid to Parakeelia for that purpose)⁸⁷ and cash contributions of more than \$1.3 million over several years.⁸⁸

The payment of money from Liberal Party MP office entitlements to Parakeelia was perceived by some as a way of funnelling money from the entitlements (which are not supposed to be used for campaigning) back into the party coffers where it could be used for political campaigning.⁸⁹ It was reported that Parakeelia was the 'second biggest source of income' for the Liberal Party.⁹⁰

It was never conclusively established that the arrangement between Parakeelia and the Liberals was in breach of the entitlements rules or the CEA, and the issue, ultimately, only led to some discussion about unspecified donations reforms to be examined post-election.⁹¹ A post-election review by the Australian National Audit Office (ANAO) found that the arrangement did not contravene entitlements policy and that Parakeelia had not donated profits from the sale of Feedback to the Liberals.⁹²

Same-sex marriage

The debate around legislating for same-sex marriage, or marriage equality, was not necessarily a major theme in the campaign, however, it was a major point of differentiation between the main players. The Coalition took to the election a promise to hold a plebiscite—a non-binding national poll—on same-sex marriage, a policy Turnbull inherited when he took over the leadership of the Liberal Party from Tony Abbott.⁹³ In the event of a Coalition win, Turnbull claimed that the Government would have a mandate to run the plebiscite, and stated that the plebiscite would be held shortly after Parliament resumed, possibly as early as August.⁹⁴

Labor firmed its position throughout the campaign to a policy of a vote on same-sex marriage within 100 days of assuming office, stating it would be the first piece of legislation a Labor Government would introduce into the 45th Parliament.⁹⁵ Labor, noting its opposition to a plebiscite, maintained that the Prime Minister would be forced to allow a conscience vote in the Parliament as Labor would block a plebiscite.⁹⁶ Turnbull, however, did not agree that a vote in Parliament would follow if a plebiscite was prevented from being held.⁹⁷ Shorten argued that a plebiscite campaign would result in public homophobia, and stated:

And instead of sitting in judgment, instead of providing a taxpayer-funded platform for homophobia, we will gift every Australian an equal right in respect of love. Nothing less.⁹⁸

The Treasurer, Scott Morrison, claimed that opponents of same-sex marriage were victims of hatred and bigotry for their views:

I know it from personal experience, having been exposed to that sort of hatred and bigotry for the views I've taken from others who have a different view to me, but I think the best way is for us all to have a say on this, deal with it and move on.⁹⁹

The Prime Minister's view was that the Australian people should be trusted to have a civilised debate on the issue. He revealed that Coalition MPs would not be bound to vote in line with the outcome of the plebiscite, but

87. J Robertson, '[Parakeelia rented Liberals' 2013 city campaign HQ](#)', *The Age*, 21 June 2016, p. 4.

88. M Seccombe, '[Parakeelia: The inner workings of the Libs' fund rort](#)', *The Saturday Paper*, 18 June 2016, p. 1.

89. M Bradley, '[Explained: The Liberal Party's Parakeelia rort](#)', *The Drum*, 23 June 2016; Seccombe, '[Parakeelia: The inner workings of the Libs' fund rort](#)', op. cit.

90. Probyn, '[Bill to fall short in last quarter](#)', op. cit.

91. K Murphy, '[Liberal Party apologises to Lucy Turnbull over fundraiser invitations](#)', *The Guardian*, (online edition), 22 June 2016.

92. F Hunter and J Robertson, '["No rules broken" by Libs' Parakeelia](#)', *The Age*, 13 September 2016, p. 5; Australian National Audit Office (ANAO), '[Parakeelia Pty Ltd](#)', 9 September 2016.

93. J Maley, '[Plebiscite on gay marriage only delaying the inevitable](#)', *Canberra Times*, 25 June 2016, p. 2.

94. D Crowe and S Maher, '[Plebiscite branded a "homophobia platform"](#)', *The Australian*, 20 June 2016, p. 1. D Crowe and R Lewis, '[Plebiscite a mandate if Coalition wins: PM](#)', *The Australian*, 21 June 2016, p. 6.

95. J Massola, '[Marriage Bill "will be first up"](#)', *The Age*, 29 June 2016, p. 6.

96. Crowe and Maher, '[Plebiscite branded a "homophobia platform"](#)', op. cit.; Crowe and Lewis, '[Plebiscite a mandate if Coalition wins: PM](#)', op. cit.

97. S Maiden, '[Turnbull refuses to guarantee same sex marriage vote](#)', *Sunday Telegraph*, 26 June 2016, p. 5.

98. Crowe and Lewis, '[Plebiscite a mandate if Coalition wins: PM](#)', op. cit.

99. F Anderson, '[Vote on gay marriage could be delayed](#)', *Australian Financial Review*, 23 June 2016, p. 6.

was confident that if the plebiscite were passed a majority of MPs and senators would vote to allow same-sex marriage. Some MPs suggested that they should be free to vote against same-sex marriage if their individual electorate voted against it in the plebiscite.¹⁰⁰

The possibility that Coalition MPs would vote against same-sex marriage regardless of the outcome of the plebiscite led the Opposition to claim that the plebiscite was a \$160 million ‘opinion poll’ that ‘the government [would] ignore’.¹⁰¹

Negative gearing and housing affordability

The first suggestion that negative gearing—using losses on rental properties as a deduction on income taxes—would become an election issue was a media report in mid-2015 which stated that Labor was considering a policy to limit negative gearing to purchases of newly-built properties.¹⁰²

Labor took its policy on negative gearing to the election as one of the major differences between it and the Coalition, which was interpreted as a sign that Labor was abandoning the ‘small-target’, policy-lite approach of the 2013 federal election. The Government claimed that Labor’s policy would drive away investors, drive down housing prices and leave Australians poor.¹⁰³ A senior Cabinet minister claimed that, under Labor’s policy, ‘the economy will come to a shuddering halt and I think the stockmarket will crash’.¹⁰⁴

In April 2016 the Prime Minister ruled out any changes to negative gearing in the Budget, a change that was reported as being required to calm backbench MPs who feared the electoral consequences of touching negative gearing. This also allowed the Coalition to highlight its policy differences with Labor and to campaign on Labor’s plan which it claimed would increase rents and decrease home values.¹⁰⁵

The Treasurer pointed to research which indicated that Labor’s policy would not affect the wealthiest Australians, but would hit ‘mum and dad investors’ disproportionately. However, it was soon reported that the author of the report was linked to a friend of the Treasurer, and contained factual errors.¹⁰⁶

One report released by the Government pointed to property prices falling by between 4 and 15 per cent and rents rising by 6 per cent; however, the Prime Minister rejected the suggestion that the Coalition was running a scare campaign on negative gearing.¹⁰⁷ Other analysts rejected the idea that house prices could fall and rents could rise at the same time.¹⁰⁸ Regardless of one’s political orientation it seemed that experts were ready with analysis to support almost any view on this issue. One pre-election poll found slightly more people did not believe the Coalition’s claims about Labor’s policy (40 per cent) than did believe it (30 per cent), with the remaining 30 per cent undecided.¹⁰⁹

Asylum seekers and the return of the boats

The issue of asylum seekers who arrive in Australia by boat has been a persistent feature of recent Australian politics, and the 2016 federal election was no exception. The decision by the Supreme Court of Papua New Guinea (PNG) that the detention centre on Manus Island was unlawful mere days before the election was called thrust the refugee and border control policy back into the spotlight.¹¹⁰

The interception of a boat of asylum seekers was used to support the Government’s argument that Labor was weak on ‘boats’. The *Daily Telegraph* newspaper reported ‘People-smuggling gangs are using the prospect of Labor winning the election as a marketing tool to entice desperate refugees back on to deadly boats bound for Australia,’ and that ‘Labor’s record of allowing about 800 boats carrying more than 50,000 people to Australia

100. Crowe and Maher, ‘[Plebiscite branded a ‘homophobia platform’](#)’, op. cit.; M Grattan, ‘[Post-plebiscite conscious vote on same-sex marriage is not the risk](#)’, *The Conversation*, 24 June 2016; M Kenny, ‘[Secret move to hobble same-sex marriage vote](#)’, *Canberra Times*, 25 June 2016, p. 4.

101. Grattan, ‘[Post-plebiscite conscious vote on same-sex marriage is not the risk](#)’, op. cit.

102. J Massola, ‘[ALP looks at changes to negative gearing](#)’, *Sydney Morning Herald*, 11 June 2015, p. 5.

103. P Coorey, ‘[Negative gearing and negative votes highlight poll risk](#)’, *AFR Weekend*, 27 February 2016, p. 55.

104. A Probyn, ‘[Labor’s tax plan raises “crash” fears](#)’, *West Australian*, 10 March 2016, p. 13.

105. S Maiden, ‘[Election fought over your home: safe as houses](#)’, *Sunday Telegraph*, 24 April 2016, p. 1.

106. R Harris, ‘[Labor’s negative gearing policy won’t hurt rich: Morrison](#)’, *Herald Sun*, 23 May 2016, p. 6; J Massola and P Martin, ‘[Negative gearing report linked to Treasurer’s ally](#)’, *Sydney Morning Herald*, 24 May 2016, p. 4.

107. J Massola and J Duke, ‘[Jury out on ALP’s negative gearing](#)’, *The Age*, 22 June 2016, p. 6.

108. J Irvine, ‘[Gear up for scare campaign](#)’, *Canberra Times*, 24 June 2016, p. 1.

109. S Maiden, ‘[Voters cynical over Medi-scare and negative gearing claims](#)’, *Sunday Times*, 26 June 2016, p. 5.

110. P Coorey, ‘[Election, carbon, boats: it’s déjà vu](#)’, *Australian Financial Review*, 29 April 2016, p. 8.

during their six years in government is being used to reignite the shameful business of people smuggling ahead of a tight election campaign.¹¹¹

Labor's message on its asylum seeker policy was challenged by some of its candidates who were disinclined to follow the party line on the issue. Deputy Labor leader Tanya Plibersek asserted that all of Labor's candidates supported Labor's policy and opposed the Coalition's policy of indefinite detention, yet Labor instructed all of its MPs and senators to delete any social media posts relating to refugee policy.¹¹² Later in the campaign, media reporting suggested that more than 50 Labor candidates opposed their party's boat turn back policies.¹¹³ The Government used the apparent lack of Labor discipline to claim that Shorten's claim of a tough Labor immigration policy was not credible, and that it would not survive internal Labor Party pressure.¹¹⁴

Labor was not completely alone when it came to such apparent asylum seeker policy inconsistencies. The Liberal candidate for the division of Mackellar, Jason Falinski, had also criticised Australia's immigration policy in a newspaper article in 2001, but stated that he now supported his party's policy wholeheartedly.¹¹⁵ Several Nick Xenophon Team candidates also came out in opposition to offshore detention of asylum seekers, leading to some ambiguity as to what the party's policy position was.¹¹⁶

Turnbull defended Immigration Minister Peter Dutton when Dutton claimed on Sky News that many refugees were innumerate and illiterate in their own language and would both take Australian jobs and 'languish in unemployment queues'. Turnbull added that this was no fault of the refugees. Shorten claimed that the Dutton and Turnbull comments were reminiscent of Pauline Hanson's policies.¹¹⁷

Some journalists suggested that Dutton's comments were a deliberately inflammatory 'dead cat' manoeuvre—designed to overwhelm the debate with emotion, or a 'dog whistle'—a message designed to resonate with a certain sub-set of the community.¹¹⁸ Regardless of the intention, the Immigration Minister's intervention steered the campaign firmly towards refugee issues, which was a strategy anticipated by Labor, albeit perhaps not so early in the campaign (nine days into an eight week campaign).¹¹⁹

Links were made between other policies and people smuggling. The Deputy Prime Minister, Barnaby Joyce, linked the suspension of the live cattle trade by the previous Labor Government to the increase in people smuggling, due to creating ill-will with Indonesia.¹²⁰ In an editorial the *Daily Telegraph* suggested that the people smuggling industry was watching the Australian election:

The people smuggling industry, dormant in Australian waters since the Coalition fulfilled its 2013 election pledge to stop the boats, is hoping that Australia's next government will return to the so-called 'compassionate' policies of the Rudd/Gillard governments. You can bet that people smugglers would have rejoiced at news that Labor would abolish the Howard-era Temporary Protection Visas that form an effective barrier against illegal arrivals finding a path to permanent residency.¹²¹

In the final days of the campaign, Dutton linked asylum seekers with terrorism, stating that voters wanted stronger border controls after seeing terrorist attacks such as those that occurred in Paris and Brussels.¹²² However, a survey conducted by the left-wing think tank The Australia Institute found that 63 per cent of

111. D Meers, '[Smugglers set to push the boat out](#)', *Daily Telegraph*, 6 May 2016, p. 11.

112. P Riordan, '[PM steps up attack on Labor over asylum seekers](#)', *Australian Financial Review*, 18 May 2016, p. 4; S Benson, '[Rush to delete boat policy posts](#)', *Daily Telegraph*, 23 May 2016, p. 7.

113. D Meers and S Benson, '[Labor to let in boat loads](#)', *Courier Mail*, 16 June 2016, p. 12.

114. M Kenny, '[Shorten undermined on border security](#)', *The Age*, 10 May 2016, p. 6.

115. A Gartrell, '[Lib hopeful backed allowing boats in](#)', *Sunday Canberra Times*, 15 May 2016, p. 8.

116. M Owen and R Puddy, '[Xenophon team split over asylum seekers](#)', *Weekend Australian*, 25 June 2016, p. 8.

117. P Riordan, '[Docks, tinnies on agenda as Turnbull sticks with Dutton](#)', *Australian Financial Review*, 19 May 2016, p. 4; L Taylor, '[When Peter Dutton insults refugees he insults the Australian people](#)', *Guardian*, (online edition), 18 May 2016.

118. T Shepherd, '[Were Dutton's refugee comments a dead cat thrown on the table or a freelance dog whistle?](#)', *Adelaide Advertiser*, 20 May 2016, p. 24.

119. P Coorey, '[Coalition's boat comes in as economy focus flounders](#)', *AFR Weekend*, 21 May 2016, p. 55.

120. P Toohey, J Tin and J Marszalek, '[Bullish Barnaby claims cattle export ban launched a fleet of asylum boats](#)', *Courier Mail*, 26 May 2016, p. 9.

121. '[People smugglers poised](#)', *Daily Telegraph*, 26 May 2016, p. 24.

122. '[Federal election 2016: Immigration Minister Peter Dutton links asylum seekers with terrorism](#)', *The Age*, (online edition), 1 July 2016.

respondents believed that asylum seekers who arrived by boat should be brought to Australia, and that Australia should accept an offer to resettle Manus Island and Nauru refugees in New Zealand.¹²³

The National Broadband Network and Australian Federal Police raids

While the National Broadband Network (NBN) policies of the major parties was a topic early in the campaign, with Labor promising to use more fibre and the Coalition claiming that this would lead to cost and time blowouts,¹²⁴ the real NBN story of the election campaign was a raid on the offices of a Labor frontbencher and the home of one of his staff by the Australian Federal Police (AFP) in relation to leaked NBN documents.

The NBN company (NBN Co) made a referral to the AFP to investigate the leak of documents that ALP senator Stephen Conroy had produced at a Senate committee hearing, and which had been used by journalists, prior to Christmas 2015.¹²⁵ The raids occurred on the evening of Thursday 19 May 2016, a few days after the writs for the election were issued, and resulted in documents being seized from the Melbourne offices of Senator Conroy and from the Brunswick home of one of Conroy's staff.¹²⁶

Labor stated that it accepted the AFP's assertion that it was acting independently of the Government in the timing of the raids, but also claimed that the NBN Co would have referred the leaks to the AFP at the behest of the Prime Minister, who was formerly the Communications Minister, due to the Government's embarrassment at the leaks.¹²⁷ Senator Mitch Fifield, Communications Minister at the time of the raid, admitted that he knew about the investigation (although he stated that he had no interaction with the AFP), but said that he had not told the Prime Minister about it. Labor claimed that the Communications Minister not informing the Prime Minister was implausible.¹²⁸

Labor claimed parliamentary privilege on the documents, requiring them to be held by the Clerk of the Senate until a determination on privilege could be made.¹²⁹ On 28 March 2017 the Senate Committee of Privileges recommended that the claims of privilege be upheld but refrained from recommending that NBN Co be found in contempt.¹³⁰

A week after the raid the NBN again featured in the election campaign when the chair of NBN Co, Dr Ziggy Switkowski, published an opinion piece in which he defended the decision to call the AFP in to investigate the leaks, claiming it constituted theft. Switkowski also denied NBN cost blowouts and rollout delays.¹³¹

In a subsequent investigation into Switkowski's intervention requested by Labor, the Secretary of the Department of the Prime Minister and Cabinet concluded that some elements of the opinion piece were inconsistent with the caretaker conventions.¹³² The Prime Minister (who had appointed Switkowski when he had been Communications Minister) defended the Chairman and said he was doing a 'remarkable job'.¹³³

'Mediscare' and privatising Medicare

A late—though potent—entry into the election campaign was the campaign around the privatisation of Medicare, dubbed 'Mediscare' by the media. Although the actual prospect of a privatisation of Medicare was undoubtedly overblown, the campaign appeared to tap into a fear in the electorate that Australia's national healthcare system was in danger in some way.

In August 2014 the Department of Health had sought expressions of interest for outsourcing the payments functions for Medicare, the Pharmaceuticals Benefit Scheme, and Veterans' Affairs.¹³⁴ The expression of interest

123. B Doherty, '[Majority of Australians say refugees who arrive by boat should be let in, poll finds](#)', *The Guardian*, (online edition), 29 June 2016.

124. A Hepworth, '["No NBN until 2018" under ALP](#)', *The Australian*, 13 May 2016, p. 6.

125. D Atkins, '[Conspiracy talk over actions of AFP unfounded](#)', *Courier Mail*, 21 May 2016, p. 9.

126. A Probyn, '[Labor seethes over AFP raids](#)', *West Australian*, 20 May 2016, p. 3.

127. A Probyn, '[Labor flays Turnbull for NBN police raids](#)', *Weekend West*, 21 May 2016, p. 7.

128. A Gartrell, '[Fifield says PM was not told of NBN leak investigation](#)', *Sunday Canberra Times*, 22 May 2016, p. 11.

129. M Knott and D Wroe, '[Shorten, PM trade accusations after raids on Labor offices](#)', *Canberra Times*, 21 May 2016, p. 2.

130. Senate, Committee of Privileges, [Search warrants and the Senate](#), 164th report, The Committee, Canberra, March 2017.

131. A Gartrell and M Knott, '[Labor accuses NBN boss of breaking election rules with opinion article](#)', *Sunday Canberra Times*, 29 May 2016, p. 9.

132. M Kenny, '[Switkowski "ignored advice" in breach of the conventions](#)', *The Age*, 16 June 2016, p. 5.

133. A Gartrell, '[Turnbull stands by NBN boss](#)', *Sydney Morning Herald*, 17 June 2016, p. 10.

134. A Probyn, '[Mediscare](#)', *West Australian*, 20 June 2016, p. 1.

stated that it did 'not include the face-to-face services provided by Medicare'.¹³⁵ The plan was subsequently cancelled.¹³⁶

The Opposition quickly realised that the idea of privatising any aspect of Medicare was strongly opposed by the public. Regardless of the veracity of the campaign, veteran political commentator Paul Bongiorno noted that 'the electorate is highly suspicious of the conservatives in the health space'.¹³⁷ A survey by Essential reported that 64 per cent of voters disapproved of suggestions to 'outsource the administration and payment of Medicare, pharmaceutical and aged care benefits to the private sector', including 74 per cent of Labor voters, 75 per cent of Greens voters, and 55 per cent of Coalition voters.¹³⁸

Launching the Medicare privatisation campaign gave Labor a significant poll boost, leading it to believe that if it could maintain that momentum it might win between 12 and 14 seats from the Coalition, bringing it close to a win in the election.¹³⁹ It also forced the Liberal campaign to change its focus to counter the perception that it intended to privatise Medicare.

In the days leading up to election day the campaign escalated, with unions handing out one million cardboard flyers resembling Medicare cards as part of the campaign (see Figure 6)¹⁴⁰ and Labor promoting the message to non-English speaking voters in their own language.¹⁴¹ However, it was estimated that Labor spent only \$776,900 on television advertising around the Medicare issue, compared to over \$2m on advertisements labelling Malcolm Turnbull as out of touch. Most of the Medicare campaign was, instead, a targeted online media campaign, using data gathered by large-scale door-knocking and phone campaigns.¹⁴²

Figure 6: mock Medicare card



Source: Provided by the National Library of Australia election ephemera collection.

Malcolm Turnbull made his views of the ALP campaign clear on several occasions.¹⁴³ In his election night speech Turnbull labelled the campaign 'some of the most systematic, well-funded lies ever peddled in Australia'. He further stated:

The mass ranks of the union movement and all of their millions of dollars, telling vulnerable Australians that Medicare was going to be privatised or sold, frightening people in their bed and even today, even as voters went to the polls, as you would have seen in the press, there were text messages being sent to thousands of people across Australia saying that Medicare was about to be privatised by the Liberal Party.

And the message, the message, the SMS message came from Medicare. It said it came from Medicare. An extraordinary act of dishonesty. No doubt the police will investigate. But this is, but this is the scale of the challenge we faced. And regrettably more than a few people were misled. There's no doubt about that.¹⁴⁴

135. P Dutton (Minister for Health), [EOI for Medicare-PBS payment services](#), media release, 8 August 2014.

136. P Coorey, ['Turnbull: a tough leader stuck in a weak position'](#), *AFR Weekend*, 25 June 2016, p. 55.

137. P Bongiorno, ['Faust among equals'](#), *The Saturday Paper*, 25 June 2016, p. 15.

138. Essential Media Communications, ['Outsourcing government payments'](#), *Essential Report*, 16 February 2016.

139. P Coorey, ['"Mediscare" delivers poll boost for Labor'](#), *Australian Financial Review*, 24 June 2016, p. 1.

140. R Viellaris and J Tin, ['Shorten retreats on scare tactics'](#), *Courier Mail*, 29 June 2016, p. 13; P Williams, ['Malcolm threw in millions but cash can't silence the critics'](#), *The Australian*, 18 July 2016, p. 1.

141. R Baxendale, ['Shorten rides out a day of budget-baiting and Mediscare'](#), *The Australian*, 30 June 2016, p. 8.

142. P Karp, ['Labor's Medicare campaign delivered largely online, not via traditional ads'](#), *The Guardian*, (online edition), 9 July 2016.

143. M Turnbull, ['Steady hand more crucial than ever'](#), *Australian Financial Review*, 27 June 2016, p. 4.

144. M Turnbull, ['Malcolm Turnbull, Bill Shorten election night speeches in full'](#), *Herald Sun*, (online edition), 3 July 2016.

Following the federal election, in referring the conduct of the 2016 federal election to the Joint Standing Committee on Electoral Matters, the Government included a reference to examine truth in advertising in relation to political campaigns, including from 'third party carriage services' like SMS messages.¹⁴⁵ Truth in political advertising laws have been contemplated in the past', however, such laws are likely to be problematic in both practical and constitutional terms.¹⁴⁶

A post-election survey by JWS Research found that health was the most important issue in the campaign, with 57 per cent of respondents nominating health as a key vote influencer, including 38 per cent specifying Medicare specifically. Voters who voted on election day, and those who decided who they would vote for on election day, were more likely to nominate Medicare as a vote influencer.¹⁴⁷

The leaders' debates

The campaign saw three pre-election leaders' debates. The first was held in western Sydney on 13 May 2016, after one week of the campaign, at the Windsor RSL in the division of Macquarie and was hosted by Sky News and *The Daily Telegraph*.¹⁴⁸ The audience of 100 was allowed to ask questions of the two leaders, and 42 of the 100 declared Shorten the winner, compared to 29 for Turnbull and 29 undecided.¹⁴⁹ According to a report:

Voters asked questions about childcare, education, privatisation, government debt and bank interest rates. No one asked about climate change, same-sex marriage, asylum seeker policy or the small business tax cuts.¹⁵⁰

Being broadcast on pay TV, and not shown on the ABC, it was suggested by one political journalist that the debate was only watched by 'political tragics' and those who had no choice.¹⁵¹ It was later revealed that the TV audience for the debate was 30,000 to 40,000 viewers.¹⁵²

A rural affairs debate featuring Nationals leader and Deputy Prime Minister Barnaby Joyce, Labor agriculture spokesman Joel Fitzgibbon and Greens leader Senator Richard Di Natale in Goulburn on 25 May 2016 gained coverage in the mainstream press, mainly for Joyce linking the 2011 suspension of live cattle exports to Indonesia with the rise in the number of asylum seeker boats arriving in Australia.¹⁵³ Indonesia sought clarification of Joyce's claims, and the Prime Minister dismissed any link.¹⁵⁴

The second leaders' debate on 29 May 2016, hosted by the National Press Club in Canberra, was broadcast on Sky News and the ABC and, in contrast to the initial 'people's forum', was generally thought of as the official debate. *The Australian* newspaper's political editor, Dennis Shanahan, stated of the debate that 'there was no light, no elucidation and no detail'.¹⁵⁵ With 888,000 national viewers on ABC and ABC News 24, the debate rated poorly, and was the least watched debate in the 32-year history of Australian leaders' debates.¹⁵⁶ So poor was the reaction to the debate that it led to speculation as to whether there was any future for the 'tired and obsolete format'.¹⁵⁷

Following the Press Club debate the Prime Minister proposed to hold the third leaders' debate in an 'innovative way' and 'in the media of our time' on social media platform Facebook.¹⁵⁸ The debate was streamed live on Facebook and website news.com.au on 17 June 2016, and included questions pre-submitted online and from a live studio audience of 30 undecided voters from 21 marginal seats.¹⁵⁹

145. H Aston, '[Foreign cash, election ads, target of inquiry](#)', *Sydney Morning Herald*, 15 September 2016, p. 5.

146. A Twomey, '[Truth in political advertising](#)', *Public Law Review*, 21(4), 2010, pp. 232–238.

147. JSW Research, '[Post election survey July 2016](#)'.

148. B Keane, '[Campaign week one: high-level Turnbull fights guerrilla Shorten](#)', *Crikey*, 13 May 2016.

149. G Chan, '[Bill Shorten wins audience vote at leaders' debate with Malcolm Turnbull](#)', *Guardian*, (online edition), 13 May 2016.

150. Ibid.

151. P Coorey, '[Battle lines drawn: Labor attacks, Coalition defends](#)', *AFR Weekend*, 14 May 2016, p. 55.

152. L Tingle, '[Why not answer the question?](#)', *Australian Financial Review*, 31 May 2016, p. 5.

153. M Koziol, '[Joyce links live export halt with asylum seeker boats](#)', *Canberra Times*, 26 May 2016, p. 4; S Maher, '[Fury as Joyce links cattle ban to more boats](#)', *The Australian*, 26 May 2016, p. 8.

154. '[Diplomatic blitz after boat link](#)', *Courier Mail*, 27 May 2016, p. 16.

155. D Shanahan, '[Yes, you can trust the leaders—to dish up set lines](#)', *The Australian*, 30 May 2016, p. 8.

156. P Bongiorno, '[Turnbull's can of worms](#)', *The Saturday Paper*, 4 June 2016, p. 15.

157. P Coorey, '[Debate fizzer sparks debate about debate](#)', *Australian Financial Review*, 31 May 2016, p. 5.

158. M Grattan, '[Turnbull proposes an election debate "in the media of our time"](#)', *The Conversation*, 7 June 2016.

159. P Wearne, '[Debate goes online](#)', *West Australian*, 17 June 2016, p. 19.

It was estimated that 120,000 people watched the Facebook stream live, and the 60 minute debate was considered to be tighter, with ‘a couple of moments of real spontaneity’.¹⁶⁰ The Facebook debate also pushed the Prime Minister into less comfortable territory, with questions about the NBN, the same-sex marriage plebiscite and climate change policy, although the Prime Minister was considered by some commentators to have performed well.¹⁶¹ The studio audience voted Shorten the winner, although he ‘looked angry and snapped’ at the Prime Minister and the moderator, News Corp journalist Joe Hildebrand.¹⁶²

Independents: the class of 2010 comeback tour

Two of the independent MPs that provided the support to allow Julia Gillard to form a minority government after the 2010 federal election, Rob Oakeshott and Tony Windsor (both of whom retired at the 2013 federal election), announced they would stand for election in 2016.

Oakeshott was a relatively late entry in the election, revealing his candidature for the seat of Cowper as the AEC announced the nominations it had received. Rather than recontesting his old seat of Lyne, Oakeshott stated he was running against incumbent Nationals MP Luke Hartsuyker in Cowper due to the redistribution and Hartsuyker backing the privatisation of a local TAFE.¹⁶³

Oakeshott’s bid for the seat inspired NSW premier Mike Baird to campaign for Hartsuyker, and led to Peta Credlin (Tony Abbott’s former Chief of Staff), stating that Oakeshott was ‘a cancer in the last parliament’.¹⁶⁴ Prime Minister Turnbull and former Prime Minister John Howard also expressed their support for Hartsuyker, a move interpreted by the media as a sign Hartsuyker was in electoral trouble, despite his 13 per cent margin.¹⁶⁵

Barnaby Joyce was amongst those who expressed a view that Oakeshott was only running for the public funding, stating:

He’s made his mind up at five minutes to midnight. I think we can all smell a rat here. I think it’s got something to do with \$2.62 a vote for a couple of weeks’ work.¹⁶⁶

Despite admitting to financial issues, Oakeshott denied that he was running to make money.¹⁶⁷

Windsor recontested his former seat of New England which had been won in 2013 by Nationals MP Barnaby Joyce, now Nationals leader and Deputy Prime Minister. Internal polling released to the media indicated that Windsor was polling a primary vote of 30 per cent, which would be enough for Windsor to win the seat if preferences were favourable to him.¹⁶⁸ Another poll before the election was announced found that Windsor had a 52 to 48 per cent TPP vote in New England.¹⁶⁹

The Opposition claimed that Joyce’s decision to move the Australian Pesticides and Veterinary Medicines Authority (APVMA) to Armidale in his seat of New England was an attempt to reinforce Joyce’s vote in the seat.¹⁷⁰

The contest for New England became quite rancorous and personal. An article in *The Australian* alleged that Windsor had bullied former schoolmates in the 1960s; an associate of Windsor’s claimed that Windsor had promised that he would not run again for New England to allow the associate to contest the seat; and Windsor claimed that an ad being run by the Nationals implied that he was unfaithful to his wife.¹⁷¹ Police were even

160. A Gartrell, ‘[Shorten delivers best line of the night](#)’, 18 June 2016, p. 5.

161. L Taylor, ‘[Debate forces leaders off script but small targets still rule the campaign](#)’, *Guardian*, (online edition), 17 June 2016; Gartrell, ‘[Shorten delivers best line of the night](#)’, op. cit.

162. A Wood, ‘[Grumpy Bill gets the nod in social media debate](#)’, *Hobart Mercury*, 18 June 2016, p. 3.

163. T McIlroy and J Massola, ‘[Former independent MP has another crack](#)’, *Canberra Times*, 11 June 2016, p. 4.

164. M Godfrey, ‘[Baird out to stop the “cancer” of Oakeshott](#)’, *Daily Telegraph*, 30 June 2016, p. 6.

165. M Godfrey and S Townsend, ‘[Big guns brought in to shoot down Oakeshott](#)’, *Daily Telegraph*, 1 July 2016, p. 5; H Aston, ‘[Oakeshott comeback rattles Coalition](#)’, *The Age*, 29 June 2016, p. 7.

166. S Maher, ‘[Joyce warns of Oakeshott’s “money grab”](#)’, *The Australian*, 15 June 2016, p. 5.

167. S Markson, ‘[Rob runs DIY campaign from Struggle St](#)’, *The Australian*, 23 June 2016, p. 1.

168. P Coorey and P Riordan, ‘[Windsor could topple Joyce after preferences](#)’, *AFR Weekend*, 11 June 2016, p. 4.

169. S Maher, ‘[“Deputy dog” now more an underdog](#)’, *The Australian*, 15 March 2016, p. 7.

170. Coorey and Riordan, ‘[Windsor could topple Joyce after preferences](#)’, op. cit.

171. C Bettles, ‘[Fight for New England gets down and dirty](#)’, *The Land*, 30 June 2016, p. 17; J Walker, ‘[Tony told me he wasn’t running in New England: Candidate](#)’, *The Australian*, 30 June 2016, p. 7. F Hunter, ‘[Windsor takes legal advice over newspaper’s bullying claims](#)’, *Sydney Morning Herald*, 29 June 2016, p. 9.

called to investigate a vandalised Joyce campaign billboard where Joyce's face was replaced with a picture of Gina Rinehart.¹⁷²

Neither Oakeshott nor Windsor were successful at the election. Oakeshott received \$71,477 of public funding based on his primary vote (he reported campaign expenditure of \$52,230) and Windsor received \$72,956.¹⁷³

Micro-parties and preference deals

Who is doing preference deals with whom is always a topic of media (although possibly not public) fascination in the lead up to an election. In the 2016 federal election much of the reporting and speculation on this topic involved the Greens in some way.

The Prime Minister directed that the Greens would be put below Labor on Liberal how-to-vote (HTV) cards in all electorates.¹⁷⁴ Traditionally this would have been a largely symbolic move on the part of the Coalition, as most House of Representatives contests are between the ALP candidate and the Coalition candidate, and so the Coalition preferences are not distributed. However, in electorates in which the Greens' primary votes have increased enough to push the Coalition candidate into third place, and the Coalition preferences are distributed, Coalition preferences may decide the election.

Liberal preferences are of particular interest to the Greens and the ALP because Liberal voters are more likely to follow HTV cards. According to the 2016 Australian Election Study, 46 per cent of Liberal voters reported that they followed a HTV card, compared to 34 per cent of ALP voters and 22 per cent of Greens voters.¹⁷⁵

Preference deals between the Greens and Labor also tend to receive media coverage in the lead-up to elections; however, such deals make far less difference to election results. As with the Coalition, Labor preferences are very rarely distributed, although Greens preferences tend to form an important component of the Labor TPP result in many seats. An analysis reported in *The Australian* in May 2016 suggested that if the Liberals had preferenced the Greens in Batman (Vic.) in 2013, and the resulting preference flow had been equivalent to that associated with the Liberals preferencing the Greens in 2010, the Greens would have won Batman from Labor in 2013.¹⁷⁶

While the Greens do not explicitly preference against the ALP, they do run open HTV cards in some seats, where voters are asked to vote 1 for the Green candidate and allocate their remaining preferences as they wish (see Appendix F for an example). Analysis of previous elections by commentator Antony Green has found that, in 2007, the Greens' direction of preferences to the ALP gave the ALP a 6.6 percentage point advantage over running an open ticket, and a 3.3 percentage point advantage in 2010.¹⁷⁷ This suggests that the advantage to the ALP of Greens' preferences is small and growing smaller with each election.

The Tasmanian Senate race

Even in double dissolution elections Senate races are rarely the centre of attention, and the party list nature of the Senate voting system means that they are rarely the subject of intensive campaigning, particularly by the major parties.

Sitting Tasmanian ALP senator Lisa Singh, factionally unaligned though considered to be a strong parliamentary performer, was dropped to the sixth and last place on the ALP's Tasmanian Senate ticket through the party's Senate preselection process.¹⁷⁸ Tourism Minister Richard Colbeck, the most senior Tasmanian Liberal, suffered a similar fate, being relegated to fifth position on the Liberal Senate ticket.¹⁷⁹ Both positions were considered to be essentially 'unwinnable'. Both candidates pinned their hopes on their supporters voting below the line—

172. M Godfrey and N Keene, '[Windsor and Joyce trade blows as desperate battle turns ugly](#)', *Daily Telegraph*, 28 June 2016, p. 6.

173. J Owens, '[Poll payday for majors and minnows as AEC delivers price of popularity](#)', *The Australian*, 18 August 2016, p. 2.

174. P Manning, '[A good hard look at the Greens](#)', *The Monthly*, August 2016.

175. SM Cameron and I McAllister, *Trends in Australian political opinion: results from the Australian Election Study 1987–2016*, Australian Data Archive, Australian National University, Canberra, 2016.

176. R Wallace and S Maher, '[Feeney would have lost without Lib help](#)', *The Australian*, 30 May 2016, p. 7.

177. A Green, '[Greens preferences and the 2010 election](#)', Antony Green's Election Blog, 19 July 2010; A Green, '[Does it matter if the Greens do not direct preferences to Labor?](#)', Antony Green's Election Blog, 7 November 2011.

178. S Prins, '[Labor renaissance impossible without welcoming new ideas](#)', *Hobart Mercury*, 7 January 2016, p. 14.

179. J Howard and B Richards, '[Singh rolls up her sleeves for fight](#)', *Hobart Mercury*, 13 May 2016, p. 16.

something Tasmanian voters are generally more likely to do than voters in other states, although commentators rated their chances of success as unlikely.¹⁸⁰

Capitalising on Singh's already strong below the line personal vote, a group calling itself the Re-Elect Lisa Singh Group, with a membership including ALP members and ex-parliamentarians, campaigned on Singh's behalf with letter-boxing (see Appendix G for an example) and newspaper advertisements. A similar campaign got behind Colbeck.¹⁸¹ At the same time former Palmer United Party senator Jacqui Lambie, now running under the Jacqui Lambie Network, was polling strongly in Tasmania, with a ReachTEL poll suggesting 39.9 per cent of voters were more likely to vote for Lambie than they were in 2013.¹⁸²

While Colbeck was ultimately unsuccessful at the election, Singh's below the line senate vote equalled roughly a quarter of Labor's above the line votes, comfortably electing her 10th out of 12 seats, ahead of Catryna Bilyk, who was two places above her on the ticket.

Singh was the first candidate to be elected from the bottom of a party's ticket since the introduction of above the line voting in 1984; the first to have been elected on below the line votes,¹⁸³ and arguably only the second to have been so elected since Federation. In the 1953 Tasmanian Senate campaign ALP candidate William Aylett was elected from the 4th position on the ticket, and the candidate in the 3rd position was not elected: however, Aylett was not pre-selected onto the ticket and only replaced another candidate who had died.¹⁸⁴ In the 1951 Tasmanian Senate election the last candidate on the Liberal ticket was elected—but voters were not directed as to how to order the candidates.¹⁸⁵

Singh's success was credited by some commentators as a triumph of people power over factional power.¹⁸⁶ However, it is important to note that this was likely only possible in Tasmania, where use of the Hare-Clark voting system in state elections has informed voters over time about candidate-based below the line voting, resulting in a high below the line vote. Another factor was the nature of the double dissolution election, which halved the quota required for election to the Senate.

The fight for Melbourne Ports

One of the more hotly contested electorates was the inner city Melbourne electorate of Melbourne Ports. While the contest for the seat was, on its face, a traditional Labor-Liberal contest, the vote of the Greens candidate only trailed the vote of the sitting ALP candidate by a few thousand votes in 2016, and the Greens viewed the seat as a potential gain. Polling commissioned by the Greens before the election showed that the Greens were likely to take second place in the seat, pushing the ALP to third place, meaning that the seat would be decided on ALP preferences.¹⁸⁷ The poll overestimated the eventual Greens vote by around three percentage points and underestimated the ALP vote by two percentage points.

It was reported in the media that the ALP candidate defied the instructions of party headquarters and handed out how-to-vote material in the electorate that placed the Liberal candidate ahead of the Greens.¹⁸⁸ As the ALP remained in the second place in the election, and thus did not have its preferences distributed, it is not possible to know the effects of these how-to-vote cards or how many ALP voters preferred the Liberals over the Greens at the election.

On the night before the election four men were arrested, and later released without charge, for allegedly vandalising Greens and Liberal material at polling stations. The men were reported as being 'Victorian Labor identities',¹⁸⁹ and media reports stated that 'it is alleged they drove at a volunteer who tried to stop them, and that box cutters were found in their car'.¹⁹⁰

180. S Glaetzer, '[It's one hot ticket](#)', *Hobart Mercury*, 28 May 2016, p. 1.

181. A Morton, '[Sideline senators get grassroots backing](#)', *Age*, 24 May 2016, p. 6.

182. M Denholm, '[Lambie winning voters over to deliver a return](#)', *The Australian*, 27 June 2016, p. 6.

183. B Raue, '[How Lisa Singh and Richard Colbeck used personal appeal against party rankings](#)', *Guardian*, 9 July 2016.

184. '[ALP state executive censures Aylett](#)', *Advocate*, 16 June 1953, p. 1.

185. '[How to vote Liberal](#)', *Examiner*, 28 April 1951, p. 6.

186. H Aston, '[Tasmania gives ALP factions a lesson](#)', *Sydney Morning Herald*, 20 July 2016, p. 7.

187. A Morton, '[Libs may win long-held Labor seat: Greens' poll](#)', *The Age*, 28 June 2016, p. 5.

188. *Ibid.*

189. P Akerman, '[Police question Shorten mate over election-day "sabotage"](#)', *The Australian*, 20 July 2016, p. 4.

190. N Bucci, '[Labor MP declares seat](#)', *The Age*, 21 July 2016, p. 6.

The Liberal candidate for the seat called for the ALP candidate to resign unless he distanced himself from the men, and the Greens candidate stated that the party was considering legal options over the ALP campaign. The ALP candidate stated that the campaign was ‘without doubt the most ugly campaign that has ever been mounted against me in my 18 years in the job’.¹⁹¹

Opposition leader Bill Shorten, while professing no knowledge of the specific events in Melbourne Ports, stated that ‘I think anyone in an election who is conducting vandalism deserves to have the book thrown at them.’¹⁹² In December 2016 Andrew Landeryou (spouse of newly appointed ALP senator Kimberley Kitching), David Asmar (ALP member and former staffer) and George Droutsas were charged with five counts of theft and five counts of criminal damage over alleged vandalism of Greens and Liberal election posters, and Dean Sherriff was charged with assault.¹⁹³ The men were ordered to pay \$1,000 but escaped conviction. Sherriff was placed on a one-year good behaviour bond for the assault charge.¹⁹⁴

Batman returns

It is perhaps not unreasonable to conclude that almost everything went wrong with the ALP’s campaign for the inner-Melbourne seat of Batman. Demographically similar to the neighbouring division of Melbourne, which was won by the Greens in 2010, Batman was one of the seats where the Greens targeted their campaign resources, including television advertising.¹⁹⁵

Polling in the seat commissioned by the Greens found that the Greens candidate, Alex Bhathal, was polling a primary vote of 41 per cent, with incumbent ALP member, David Feeney, at 28 per cent, suggesting a win for the Greens with a two candidate preferred (TCP) vote of 55 per cent.¹⁹⁶ This compared to primary votes at the 2013 election of 26.4 per cent and 41.3 per cent respectively. Feeney criticised the poll as being a ‘push poll’, a claim the Greens denied.¹⁹⁷ Betting markets placed a Greens win in Batman a \$1.50 favourite, compared to Feeney at \$3.00.¹⁹⁸

Early in the campaign it was revealed that Feeney had failed to declare a \$2.3 million house in his register of members’ interests, which was further compounded by the revelation that the house was negatively geared at a time when Labor was campaigning on its policy of restricting negative gearing.¹⁹⁹ In response the Opposition leader stated that failing to declare an interest was ‘unacceptable’, but that Feeney would not be sanctioned because ‘the attention he is getting is not the attention a candidate would want in an election campaign’.²⁰⁰ The house in question was soon after photographed with a sign supporting Greens candidate Bhathal, erected by Feeney’s tenants.²⁰¹

Despite some other well-publicised problems during his campaign,²⁰² Feeney narrowly retained the seat for Labor by a margin of 1.03 percentage points, but suffered a 9.58 per cent swing against Labor in TCP terms, and a minus 6.02 per cent personal swing. Greens candidate Bhathal received a positive swing of 9.83 percentage points.

Early voting

In the last several federal elections most forms of early voting have continued to increase, and the 2016 federal election was no different, with total early voting showing an almost linear increase over time (see Figure 7). While the increase in pre-poll ordinary votes (that is, votes cast at a polling place in the elector’s own division) has received the majority of the attention, the number of postal votes has also continued to rise steadily, with

191. Ibid.

192. N Hasham, ‘[Shorten scathing on poll antics](#)’, *Sunday Age*, 24 July 2016, p. 9.

193. T Akerman and S Buckingham-Jones, ‘[Shorten’s mate left out in the cold](#)’, *The Australian*, 30 December 2016, p. 2.

194. J Lee, ‘[Shorten allies cop vandalism fine](#)’, *The Saturday Age*, 29 April 2017, p. 12.

195. R Willingham, ‘[The Greens poised for historic win in Batman](#)’, *The Age*, 21 June 2016, p. 5.

196. Ibid.

197. M Davey, ‘[David Feeney criticises poll showing Greens could win his Melbourne seat](#)’, *Guardian*, (online edition), 21 June 2016.

198. R Wallace and S Maher, ‘[Feeney would have lost without Lib help](#)’, *The Australian*, 30 May 2016, p. 7.

199. P Osborne, ‘[MP gaffes put leaders on spot](#)’, *Hobart Mercury*, 19 May 2016, p. 11.

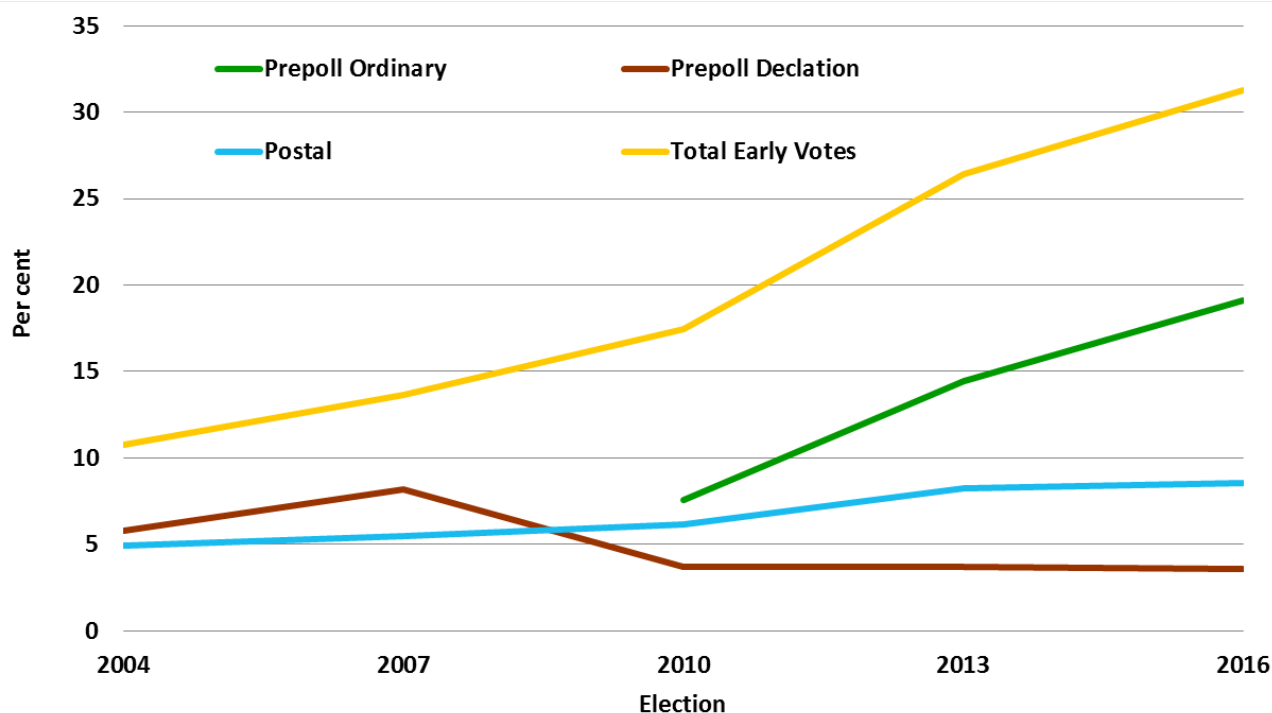
200. J Massola and R Willingham, ‘[MP rebuked over undeclared house](#)’, *The Sydney Morning Herald*, 19 May 2016, p. 6.

201. Ibid.

202. D Crowe and D Uren, ‘[Feeney adds fuel to costings firefight](#)’, *The Australian*, 26 May 2016, p. 1; F Hunter, ‘[Feeney “leaks” Labor briefing notes](#)’, *Sydney Morning Herald*, 27 May 2016, p. 6; R Wallace, ‘[Feeney “goes rogue” in ad all about him](#)’, *The Australian*, 27 May 2016, p. 7.

more than a hundred thousand further postal votes in 2016 than in 2013. The only form of early voting that has not increased is pre-poll declaration votes (early votes cast outside the elector's division).

Figure 7: Rates of forms of pre-poll voting at recent federal elections



Source: Compiled by the Parliamentary Library from AEC election results data.

Electoral participation

Electoral participation at the 2016 federal election in terms of enrolment, turnout and informality was generally positive. While the turnout rate as a percentage of enrolled population was historically low, the historically high enrolment rate meant that more people participated in the 2016 federal election than in the 2013 federal election. Informal voting, however, was slightly increased compared to 2013, although some of this might be attributed to the new Senate voting system.

Enrolment

The AEC reported that, at the close of rolls for the 2016 federal election, 95 per cent of eligible Australians were enrolled to vote, compared to 92.4 per cent for the 2013 federal election. This included 1,096,000 new enrolments, 319,000 re-enrolments and 6,345,000 updated enrolments.²⁰³ Between the 2013 and 2016 elections the eligible population only increased from 15,925,415 to 16,504,325, an increase of 578,910 people, meaning only around half of those new enrolments, at most, could be accounted for by population increase, with the remainder being people who were eligible but previous not enrolled.²⁰⁴

The enrolment rate amongst young people was particularly strong in 2016, with 86.7 per cent of young people aged 18 to 24 enrolled compared to 76.3 per cent at 30 June 2013.²⁰⁵ The AEC credited its campaigns on Twitter and Facebook, and the introduction of online enrolment, as contributing to the increase in the enrolment rates of younger Australians.²⁰⁶

203. AEC, [Submission](#) to the Joint Standing Committee on Electoral Matters *Inquiry into the conduct of the 2016 federal election and matters related thereto*, 1 November 2016.

204. AEC, [‘Size of the electoral roll and enrolment rate 2016’](#), AEC website; AEC, [‘Size of the electoral roll and estimated participation rate 2013’](#), AEC website.

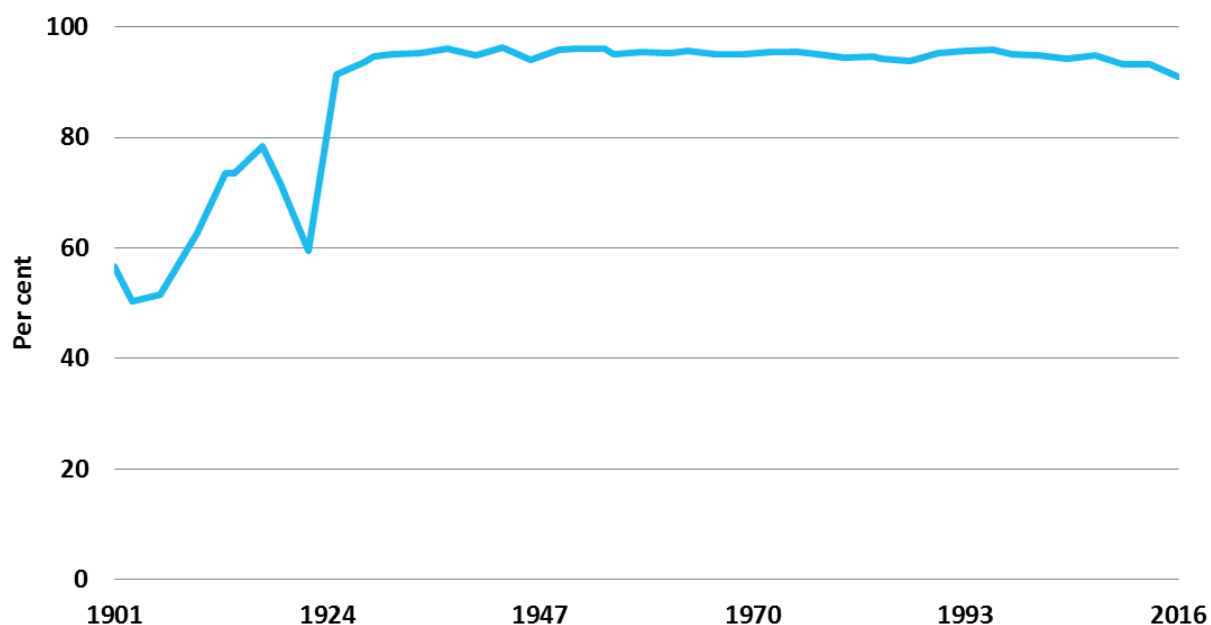
205. AEC, [Annual report 2013–14](#), Canberra, 2014.

206. F Anderson, [‘No longer listening, because they already voted’](#), *Australian Financial Review Weekend*, 18 June 2016, p. 6.

Turnout

The turnout rate for the 2016 House of Representatives election was 90.98 per cent, which is the lowest since the introduction of compulsory voting in 1923. The next lowest was 91.38 per cent at the 1925 federal election, the first to be conducted under compulsory voting. The turnout at the 2013 federal election was 92.23 per cent.

Figure 8: Turnout rate in Australian federal elections since Federation



Source: Compiled by the Parliamentary Library from AEC election results data.

The turnout rate does, however, conceal a moderately positive message. Turnout is calculated as total number of votes (formal and informal) divided by the enrolled population—the rate is, therefore, affected by the number of people who vote and by the number who are enrolled. The total number of votes cast in the 2016 federal election was 14,262,016 compared to 13,726,070 in 2013, so the absolute number of people who voted in 2016 was an increase over 2013.

When considered in terms of the proportion of those eligible to vote—the voting eligible population (VEP)—the turnout in 2016 was 86.27 per cent compared to 86.19 per cent in 2013, which constitutes a very small increase in turnout.²⁰⁷

Informality

With the introduction of the new Senate voting system the rate of informal votes (votes completed incorrectly that cannot be counted) in the Senate increased by around one percentage point compared to the 2013 election. The national House of Representatives informal voting rate decreased by 0.86 percentage points relative to the informality rate in 2013 (5.05 per cent). The House informality rate in 2016 was generally consistent with recent informality trends, and does not appear to have been negatively affected by the move to optional preferential voting in the Senate.

While the informal voting rate was not particularly high (in comparative terms) at the 2016 election, the 720,000 informal votes for the House of Representatives does represent around seven electorates' worth of votes that could not be counted.

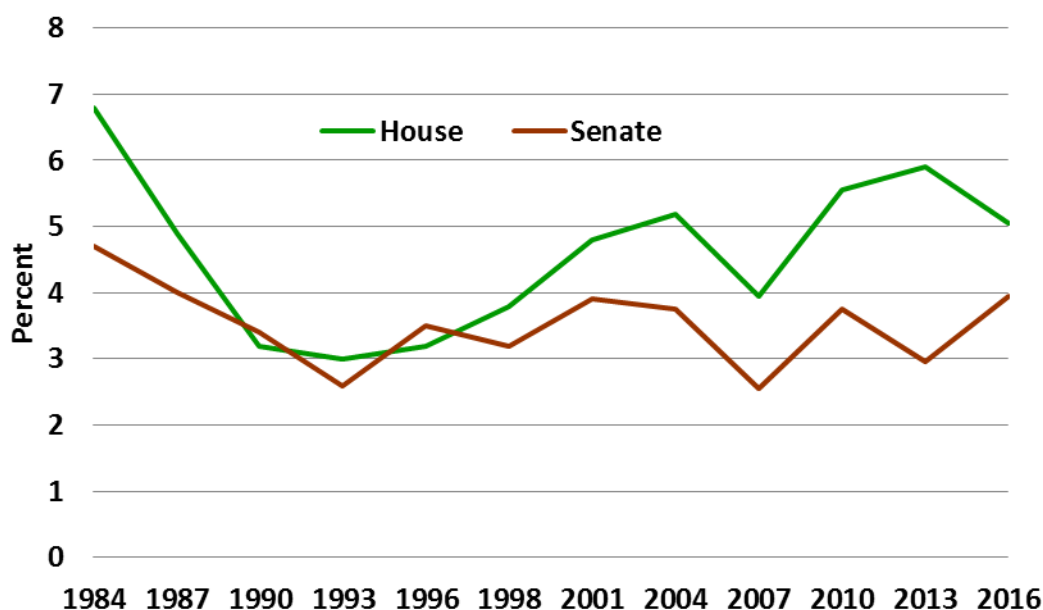
Table 5: Informal votes from the 2016 election

	Percent	Number
House	5.05	720,915
Senate	3.94	567,806

207. Calculated by dividing the number of people who voted in each election by the AEC's estimates of total eligible voters (published as part of the AEC's enrolment statistics) for that election.

Source: Compiled by the Parliamentary Library from AEC election results data.

Figure 9: Senate and House informal voting rate in recent elections



Source: Compiled by the Parliamentary Library from AEC election results data.

The cost of the election

Prior to 1995 political parties were required to declare their electoral expenditure,²⁰⁸ however, in more recent years, it is only possible to roughly estimate how much elections cost political campaigners.

Election advertising

Advertising analysts estimated that the major parties spent more than \$12 million between them on campaign advertising on metropolitan TV, radio and print. The Liberal Party spent \$6 million and the Labor Party \$4.7 million, according to the estimates.²⁰⁹ The Greens spent a much smaller amount by comparison—just under half a million dollars.²¹⁰ Media reports suggested that Turnbull donated as much as \$2 million of his own money to assist the advertising spend although, in February 2017, he revealed that the donation was \$1.75 million.²¹¹

Despite the amount of money being spent, which was comparable with previous federal elections, there were suggestions that the voting population was not engaged with the advertising campaign partly, at least, due to the length of the election campaign. TV news producers were responding to this lack of engagement by relegating election and politics stories to further down the running order in news bulletins. Even major events such as the leaders' debates and major interviews reportedly did not rate well.²¹²

AEC costs

The AEC reported that the total cost of conducting the 2016 election was around \$286 million. This was an increase on the 2013 federal election, which cost around \$198 million. The AEC stated that the main reasons for the increases in the costs were:

- a 6.8 per cent increase in enrolled voters

208. S Young and J-C Tham, *Political finance in Australia: a skewed and secret system*, prepared by Sally Young and Joo-Cheong Tham for the Democratic Audit of Australia, report, 7, Australian National University, [Canberra], 2006.

209. A Hickman, 'Election 2016: Liberal in box seat after positive ad campaign', *AdNews*, 1 July 2016.

210. A Meade, 'Major parties spend more than \$11m on TV ads before blackout kicks in', *The Guardian*, 1 July 2016.

211. P Williams, 'Malcolm threw in millions but cash can't silence the critics', *The Australian*, 18 July 2016, p. 1; T McIlroy, 'Libs too broke to pay director', *The Age*, 7 February 2017, p. 7.

212. C Mathieson, 'An election looms, but do TV viewers care?' *The Age*, 23 June 2016, p. 9.

- implementing the changes following the Keelty and ANAO reviews following the failure of the 2013 WA Senate election
- changes to the Senate voting system and
- the longer period between the issue of writs and the election day in 2016 (eight weeks compared to a more usual five weeks in previous elections).²¹³

The AEC reported that the 2016 federal election cost \$14.24 per elector, compared to \$9.48 per elector for the 2013 federal election.²¹⁴

Public funding

One election expense that is public knowledge, published shortly after the election, is the public funding that parties receive. The public funding is based on an amount per vote for parties or candidates that received over four per cent of the formal first preference vote. In 2016 the rate was 262.784 cents per vote.²¹⁵

The final amount of public funding was \$62,778,275.03 compared to \$58,076,456.01 at the 2013 federal election.²¹⁶ The top ten recipient parties are set out in Table 6 below.

Table 6: Public funding of political parties following the 2016 federal election

Political Party	Payment (\$)
Liberal Party of Australia	24,203,154.00
Australian Labor Party	23,191,686.57
Australian Greens	6,717,055.98
National Party of Australia	3,261,589.61
Pauline Hanson's One Nation Party	1,745,369.28
Nick Xenophon Team	1,245,236.15
Derryn Hinch's Justice Party	581,186.24
Christian Democratic Party (Fred Nile Group)	289,036.12
Family First	222,940.69
Country Liberals (Northern Territory)	182,805.69

Source: AEC.²¹⁷

213. AEC, [Submission](#) to the Joint Standing Committee on Electoral Matters *Inquiry into the conduct of the 2016 federal election and matters related thereto*, 1 November 2016, p. 62.

214. Ibid.

215. AEC, [Final 2016 federal election payment to political parties and candidates](#), media release, 17 August 2016.

216. Ibid.; AEC, [Final 2013 federal election payment to political parties and candidates](#), media release, 27 November 2013.

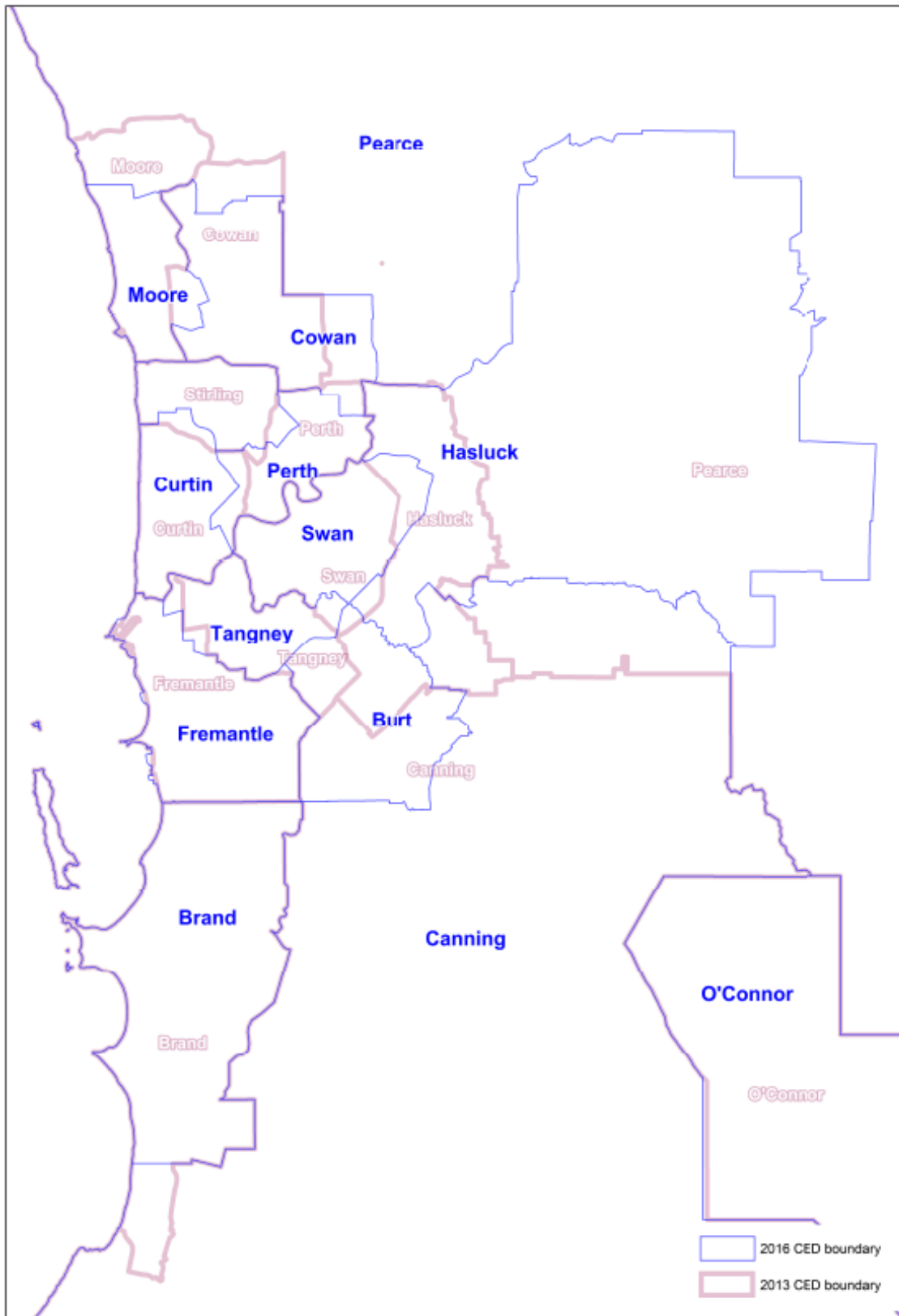
217. AEC, [Final 2016 federal election payment to political parties and candidates](#), op. cit.

Appendix A: Pre-redistribution and post-redistribution ACT boundaries



Source: Parliamentary Library.

Appendix B: Pre-redistribution and post-redistribution boundaries for WA



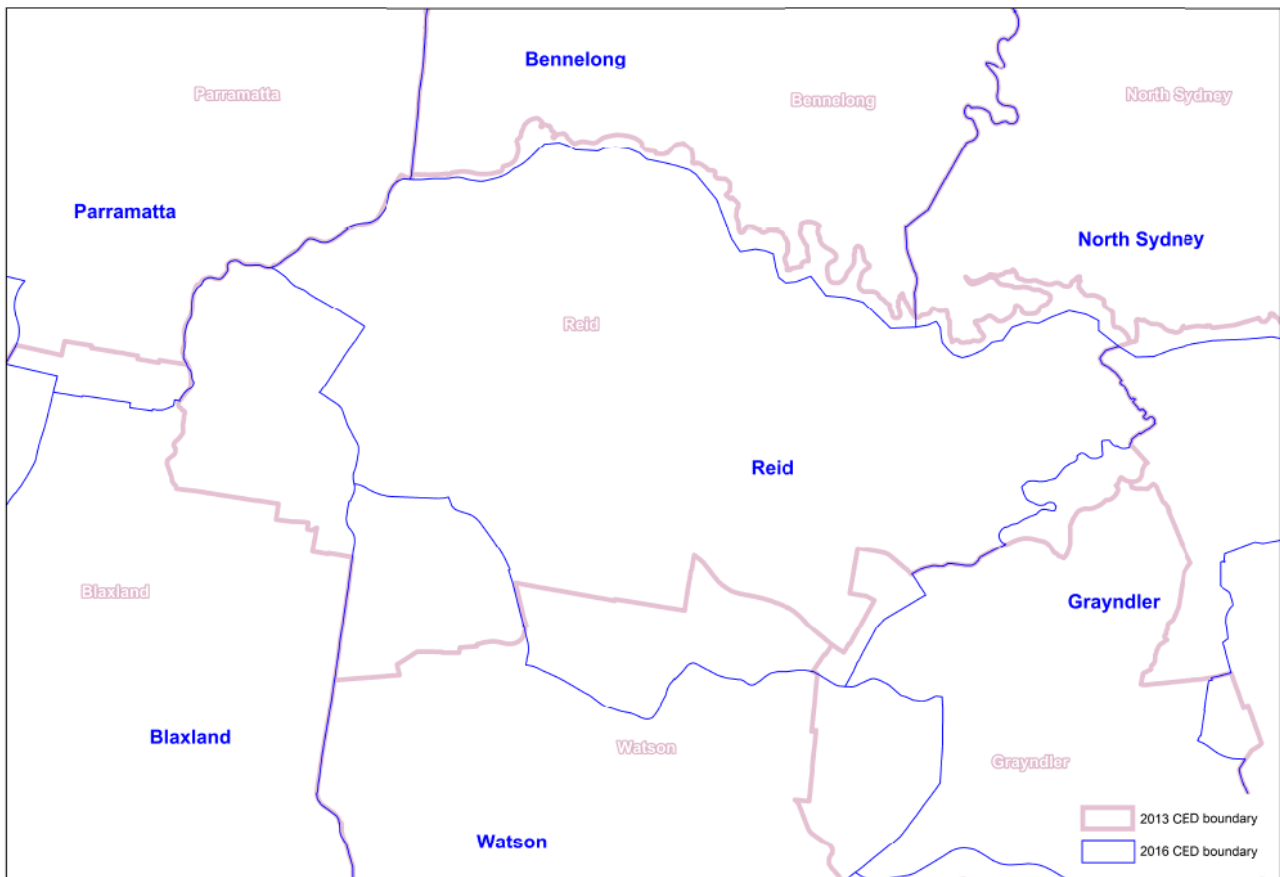
Source: Parliamentary Library.

Appendix C: Pre-redistribution and post-redistribution boundaries in regional NSW



Source: Parliamentary Library.

Appendix D: Pre- redistribution and post-redistribution boundaries in inner Sydney



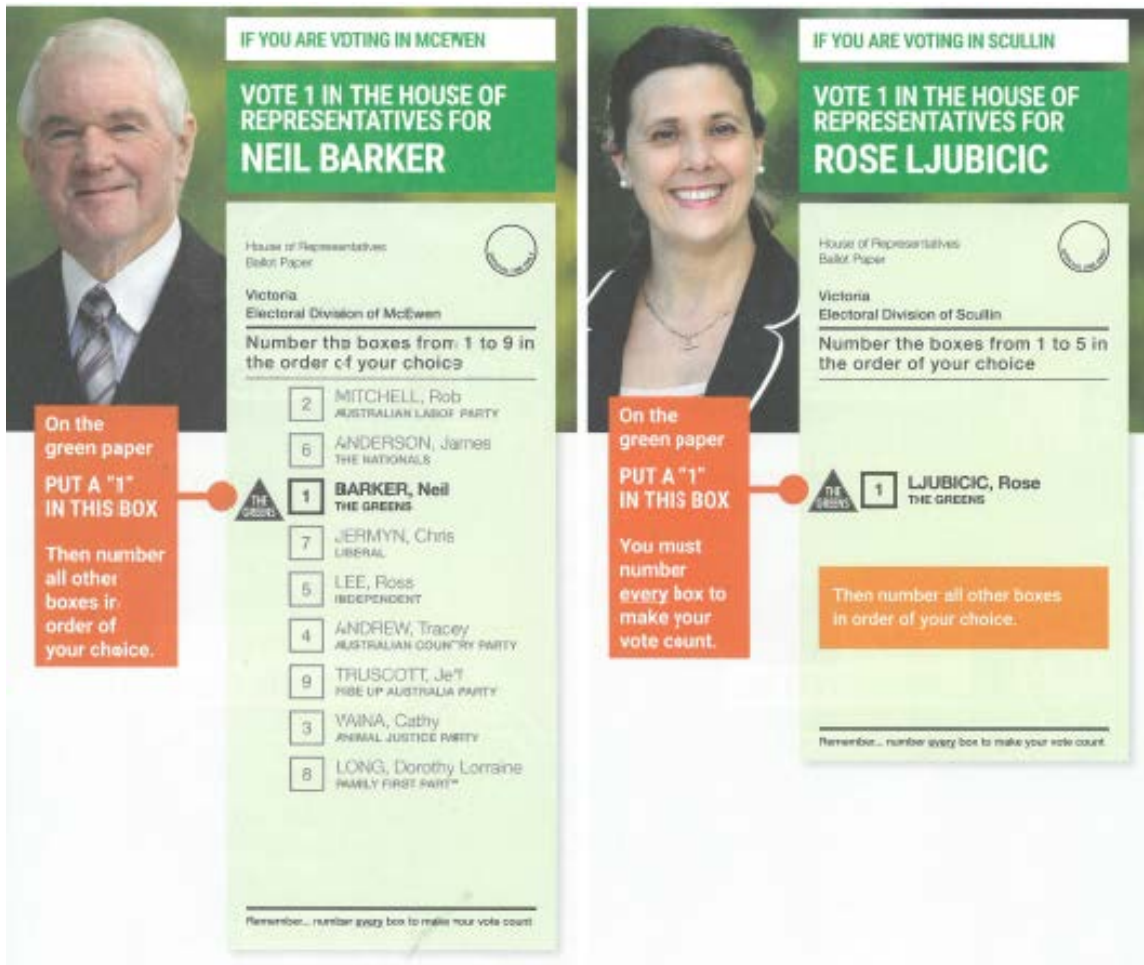
Source: Parliamentary Library.

Appendix E: Election timeline

9 May 2016	Both Houses dissolved
16 May 2016	Writs issued
23 May 2016	Close of rolls
9 June 2016	Close of nominations
14 June 2016	Early voting commenced
2 July 2016	Polling day
9 July 2016	First House of Representatives seat (Mallee) declared
15 July 2016	Last day for receipt of postal votes
19 July 2016	Recount of the seat of Herbert commenced
25 July 2016	First Senate results (NT) announced
27 July 2016	Tasmanian Senate results announced
1 August 2016	Western Australian Senate results announced
1 August 2016	ACT Senate results announced
2 August 2016	South Australian Senate results announced
3 August 2016	Victorian Senate results announced
4 August 2016	Queensland Senate results announced
4 August 2016	NSW Senate results announced
5 August 2016	Last House of Representatives seats (Port Adelaide and Grayndler) declared
8 August 2016	Writs returned; Return of writs due

Appendix F: Example of Greens how to vote cards

Greens how to vote card with preferences (left) and an open ticket (right)



Source: Collected at the election by the author.

Appendix G: Letterboxed flyer from "Re-Elect Lisa Group" for Tasmanian Senate election

HOW TO VOTE FOR LISA SINGH

VOTE BELOW THE LINE

- ▶ Lisa is one of Tasmania's most effective Senators
- ▶ She was relegated to the bottom of the Senate ticket
- ▶ You can make your voice heard by giving Lisa your **No.1 Vote**
- ▶ Help re-elect Lisa to the Senate!

On the **white Senate Ballot paper** put **1** in the box next to Lisa's name and then put 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 in the other boxes in order of your choice.

Thanks for voting 1 for Lisa

Vote below the line!

Remember! You need to number 1-12 boxes to make your vote count.

Authorised by A.R.Jacobs, 176 Brisbane St, Hobart 7000

Source: Supplied to the Parliamentary Library by Dr Kevin Bonham.

Appendix H: The rotation of Senators

Short and long term senators

Following a double dissolution election, section 13 of *the Australian Constitution* requires the 12 incoming senators for each of the states to be broken into two classes (or groups) of six.²¹⁸ One group of senators is awarded a full six-year term, and the other group is awarded a half, or three-year, term.

The *Constitution* gives the Senate the power to determine who will be awarded the long and short terms. Traditionally this has been determined by order of election, with the first six senators elected according to the Senate vote count in each state being awarded the long terms, and the remainder the short terms. A double dissolution does not affect the terms of senators elected by the territories, who have their term fixed to that of members of the House of Representatives.

In 1983 the *CEA* was amended to insert section 282, which requires that the AEC conduct an additional recount following a double dissolution election.²¹⁹ This recount only includes those candidates who were successfully elected to the Senate, and uses a half-Senate election quota to select six of the twelve successful candidates. It has been argued by one commentator that the section 282 recount provides the Senate with a fairer method for determining the long-term and short-term senators.²²⁰

Following the 1987 double dissolution election (until 2016 this was the only such election since section 282 was inserted into the *CEA*) the Senate resolved to use the order of election method to determine the rotation of senators.²²¹

The choice of the order of election method over the section 282 recount in 1987 meant:

- in NSW, a Nationals senator would have received a long term and a Democrats senator a short term
- in Victoria, a Nationals senator would have received a long term and a Democrats senator a short term
- in Queensland, an ALP senator would have received a long term and a Liberal senator a short term and
- in South Australia (SA), a Liberal senator would have received a long term and an ALP senator a short term.

In the debate that surrounded the Senate's 1987 decision, Victorian Liberal senator Jim Short, in relation to giving two long term Senate positions to the Democrats over the Nationals, stated:

It is obvious that the effect of the Government's motion is to give two additional long term Senate positions to the Democrats and two less long term positions to the National Party of Australia. Therefore, what this does is enshrine and give great advantage to a minority party in the form of the Democrats.²²²

On 29 June 1998 the Senate agreed to a motion by then Labor senator John Faulkner supporting the use of section 282 following any future double dissolutions. The motion read:

That the Senate is of the view that, in the event of a simultaneous dissolution of both Houses under section 57 of the Constitution, the division of senators into two classes for the purposes of rotation should be in accordance with the results of a recount of the Senate vote under section 282 of the *Commonwealth Electoral Act 1918* to determine the order of election of senators in each State.²²³

The motion followed a Matter of Public Interest statement the previous day. Senator Faulkner stated in that speech:

If a decision is to be made on this issue, it should be made now. Although it is doubtful that this Senate, by resolution, can bind a future Senate, a continuing order of the Senate stipulating the method of allocation would require an absolute majority of senators in any new parliament to overturn it. Further, it would have persuasive

218. [Australian Constitution](#), section 13.

219. [Commonwealth Electoral Act 1918](#), section 282.

220. A Green, '[How long and short Senate terms are allocated after a double dissolution](#)', *Antony Green's Election Blog*, 25 April 2016.

221. Australia, Senate, *Journals*, 4, 17 September 1987, p. 65.

222. J Short, '[Rotation of Senators](#)', Senate, *Debates*, 15 September 1987, p. 96.

223. J Faulkner, '[Notices of motion: Election of Senators](#)', Senate, *Debates*, 14 May 1998, p. 2792.

effect, both in this chamber and amongst the public at large, if there were a concerted attempt to alter the system after the election.²²⁴

The motion was eventually brought on 29 June 1998 and passed without requiring a division.²²⁵

On 22 June 2010 the Senate agreed to an identical motion put by the then Special Minister of State, Liberal senator Michael Ronaldson.²²⁶ The Senate is not bound by either of these motions, however, and elected to use the order of election method following the 2016 double dissolution.

The 2016 double dissolution

Following what media reports suggested was a deal between Labor and the Coalition,²²⁷ the Senate voted to retain the use of order of election for determining the rotation of senators, with the first six senators elected in each state receiving six-year terms. The NXT and Greens senators voted against using order of election, along with Senators Day and Hinch.²²⁸ Senator Cormann was quoted as saying that the order of election method ‘is the fairest way and reflects the will of the people expressed at the election’.²²⁹ Labor senator Penny Wong argued that the approach was ‘consistent with the Senate’s previous practice following double-dissolution elections and reflects the will of the voters’.²³⁰

As is required under the *CEA*, the AEC also conducted the section 282 recount, which was tabled in the Senate by the Clerk on the first sitting day.²³¹

The order of election and the section 282 recount differed only in NSW and Victoria. If the Senate had elected to use the section 282 method, Greens senator Lee Rhiannon would have received the long term instead of ALP senator Deborah O’Neill. In Victoria, Derryn Hinch’s Justice Party senator Derryn Hinch would have received a long term under section 282 rather than Liberal senator Scott Ryan.

The NSW and Victorian results under the two methods are in Table 7 and Table 8, respectively.

Table 7: NSW long-term senators under the two methods

Order of Election	Section 282 Recount
Payne, Marise	Payne, Marise
Dastyari, Sam	Dastyari, Sam
Sinodinos, Arthur	Sinodinos, Arthur
McAllister, Jenny	McAllister, Jenny
Nash, Fiona	Nash, Fiona
O’Neill, Deborah	Rhiannon, Lee

Source: Compiled by the Parliamentary Library.

224. J Faulkner, ‘[Matters of public interest: election of senators](#)’, Senate, *Debates*, 13 May 1998, p. 2649.

225. J Faulkner, ‘[Election of senators](#)’, Senate, *Debates*, 29 June 1998, p. 4326.

226. M Ronaldson, ‘[Double dissolution](#)’, Senate, *Debates*, 22 June 2010, p. 3912.

227. P Hudson, ‘[Hinch denied six-year senate spot](#)’, *Weekend Australian*, 13 August 2016, p. 2.

228. Australia, Senate, ‘[Rotation of senators—section 13 of the Constitution](#)’, *Journals*, 2, 31 August 2016.

229. Hudson, op. cit.

230. Ibid.

231. Australia, Senate, ‘[Senate—Election 2016—re-counts of senate votes pursuant to section 282 of the Commonwealth Electoral Act—documents](#)’, *Journals*, 1, 30 August 2016, p. 42.

Table 8: Victorian long-term senators under the two methods

Order of Election	Section 282 Recount
Fifield, Mitch	Fifield, Mitch
Carr, Kim	Carr, Kim
Di Natale, Richard	Di Natale, Richard
McKenzie, Bridget	McKenzie, Bridget
Conroy, Stephen Michael	Conroy, Stephen Michael
Ryan, Scott	Hinch, Derryn

Source: Compiled by the Parliamentary Library.

The number of senators from each party who received long and short terms is presented in Table 9 and Table 10, respectively.

Table 9: Long terms (senators by party and state)

State	Coalition	ALP	GRN	JLN	ON	XEN
NSW	3	3				
VIC	3	2	1			
QLD	3	2				1
WA	3	2	1			
SA	2	2				2
TAS	2	2	1	1		
Total	16	13	3	1	1	2

Source: Compiled by the Parliamentary Library

Table 10: Short terms (senators by party and state)

State	Coalition	ALP	DHJP	FFP	GRN	LDP	ON	XEN
NSW	2	1			1	1	1	
VIC	2	2	1		1			
QLD	2	2			1		1	
WA	2	2			1		1	
SA	2	1		1	1			1
TAS	2	3			1			
Total	12	11	1	1	6	1	3	1

Source: Compiled by the Parliamentary Library

Appendix I: Enrolment rates

Table 11: Enrolment by state, 2016 federal election

Jurisdiction	Enrolment Rate	Federal Enrolment	Estimated eligible Enrolment Population
NSW	96.00%	5,087,171	5,301,018
Vic.	96.00%	3,963,538	4,130,337
Qld	93.70%	3,075,709	3,281,097
WA	92.20%	1,578,462	1,711,106
SA	95.90%	1,183,049	1,234,078
Tas.	96.20%	373,584	388,404
ACT	99.70%	282,126	283,117
NT	81.10%	133,020	163,941
National	95.00%	15,676,659	16,493,096

Source: AEC²³²

Table 12: Enrolment rate by age group, 2016 federal election

Age (years)	National Enrolment Rate	Federal Enrolment	Estimated Enrolment Eligible Population
18	71.10%	192,063	270,308
19	83.70%	228,404	272,899
20–24	90.40%	1,237,618	1,369,310
18–24	86.70%	1,658,085	1,912,517
25–39	93.30%	3,881,545	4,162,036
40–59	96.10%	5,476,251	5,696,375
60+	98.70%	4,660,778	4,722,169
Total aged 18 and over	95.00%	15,676,659	16,493,096

Source: AEC²³³

232. AEC, [Submission](#) to the Joint Standing Committee on Electoral Matters *Inquiry into the conduct of the 2016 federal election and matters related thereto*, 1 November 2016, p. 13.

233. *Ibid.*

Appendix J: Seats that changed hands at the 2016 federal election

State	Division	Previous Party	Successful Candidate	Successful Party
NSW	Barton	Liberal	Linda BURNEY	Australian Labor Party
TAS	Bass	Liberal	Ross HART	Australian Labor Party
TAS	Braddon	Liberal	Justine KEAY	Australian Labor Party
VIC	Chisholm	Australian Labor Party	Julia BANKS	Liberal
WA	Cowan	Liberal	Anne ALY	Australian Labor Party
NSW	Dobell	Liberal	Emma McBRIDE	Australian Labor Party
NSW	Eden-Monaro	Liberal	Mike KELLY	Australian Labor Party
QLD	Fairfax	Palmer United Party	Ted O'BRIEN	Liberal National Party
QLD	Herbert	Liberal National Party	Cathy O'TOOLE	Australian Labor Party
SA	Hindmarsh	Liberal	Steve GEORGANAS	Australian Labor Party
NSW	Lindsay	Liberal	Emma HUSAR	Australian Labor Party
QLD	Longman	Liberal National Party	Susan LAMB	Australian Labor Party
TAS	Lyons	Liberal	Brian MITCHELL	Australian Labor Party
NSW	Macarthur	Liberal	Mike FREELANDER	Australian Labor Party
NSW	Macquarie	Liberal	Susan TEMPLEMAN	Australian Labor Party
SA	Mayo	Liberal	Rebekha SHARKIE	Nick Xenophon Team
VIC	Murray	Liberal	Damian DRUM	The Nationals
NSW	Paterson	Liberal	Meryl SWANSON	Australian Labor Party
NT	Solomon	Country Liberals (NT)	Luke GOSLING	Australian Labor Party

Source: AEC, [‘Seats that have changed hands’](#), 2016 federal election, AEC Tally Room website, 8 August 2016.

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