



two ways :: one outcome

# **AGENDA**

## **SPECIAL COUNCIL MEETING**

### **FRIDAY, 24 JUNE 2011**

The Special Meeting of the Central Desert Shire Council will be held in the Alice Springs Council Chambers on Friday, 24 June 2011 at 9am.



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*Nil*

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*Nil*

**18 QUESTIONS FROM MEMBERS**

*Nil*

**19 QUESTIONS FROM THE PUBLIC**

*Nil*

**20 PETITIONS AND DEPUTATIONS**

*Nil*

**21 CLOSED SESSION**

21.1 Ongoing Use of the Workshop at Yuendumu by Mt Theo

*The report will be dealt with under Section 65(2) of the  
Local Government Act 2008 and Regulation 8 of  
the Local Government (Administration) Regulations  
2008.*

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**CHIEF EXECUTIVE REPORTS**

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**ITEM NUMBER** 10.1  
**TITLE** 2011/2012 Shire Plan Adoption  
**REFERENCE** \10 - CORPORATE  
SERVICES\GOVERNANCE AND  
ADMINISTRATION\5.5.2.1 COUNCIL  
MEETINGS\2011\2011 - 3.1 SPECIAL COUNCIL  
MEETING 24 JUNE 2011 ALICE SPRINGS - 121298  
**AUTHOR** Roydon Robertson, Chief Executive Officer

**RECOMMENDATION:**

- (a) That Council formally adopt the 2011/2012 Shire Plan,
- (b) That the plan, including the budget and 4 year financial plan, be published on the Council's website within 7 days, and
- (c) That the Shire Plan be available for public inspection at each Shire Office.

**SUMMARY:** Each year Council is required to adopt a Shire Plan. The Council considered the draft Shire Plan for 2011/12 at a special council meeting in May. The draft plan has been available to the public to make comment for 21 days and the Council is being asked to approve its adoption.

**BACKGROUND**

Under the Local Government Act the Shire Council must have a Shire Plan and review it at least once a year and adopt it before the end of July.

The Council considered the Draft 2011/2012 Shire Plan, including the annual budget and the 4 year financial plan at the Special Meeting held on 27<sup>th</sup> May 2011.

As required under the Local Government Act, the draft Shire Plan was made available to the public for comment for 21 days. The draft plan was available for download from the Shire's website and also in hard copy at the Shire Offices. At the end of the submission period no submissions were received.

Some minor changes that were identified at the Special Council meeting were made to the draft plan prior to the plan's display on Council's website.

**ISSUES, CONSEQUENCES AND OPTIONS**

Nil

**ATTACHMENTS:**

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**CORPORATE SERVICES REPORTS**

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**ITEM NUMBER** 11.1  
**TITLE** Rates Declaration 2011/2012  
**REFERENCE** \10 - CORPORATE  
SERVICES\GOVERNANCE AND  
ADMINISTRATION\5.5.2.1 COUNCIL  
MEETINGS\2011\2011 - 3.1 SPECIAL COUNCIL  
MEETING 24 JUNE 2011 ALICE SPRINGS - 121314  
**AUTHOR** Cathryn Hutton, Director Corporate Services

**RECOMMENDATION:****That Council:**

- a) Approve the 2011/12 Central Desert Rates Declaration**
- b) Publish the Rates Declaration on the Central Desert Shire Council website within 7 days.**
- c) Make the Rates Declaration available to the public at each shire office.**

**SUMMARY:**

The Declaration of Rates to apply for 2011/2012 is presented at this meeting under Part 11.5 of the Local Government Act 2008. Declaration of Rates is required under the Local Government Act 2008 to validate those charges.

**BACKGROUND**

Under section 155 of the *Local Government Act 2008* the Council must by the 31 July declare rates for the next year. The Council may also declare special rates under section 156 and/or charges on land under section 157 of the Local Government Act 2008.

On the 9<sup>th</sup> February 2011, it was resolved (013/2011):

*That Council:*

- 1) note the attached Rating Review Discussion Paper and endorse its use as the basis for consultation with impacted land owners for the 2012/13 rating review; and*
- 2) endorse a rating proposal for 2011/12 based on the continuation of the rating regime with both rateable and conditionally rateable properties being indexed by Darwin's CPI for December 2010.*

Based on this resolution the Minister was advised of the Shire's proposed rating regime. The Minister approved the attached Declaration of Rates on 30<sup>th</sup> May 2011 and it is attached in its approved form.

**ISSUES, CONSEQUENCES AND OPTIONS**

Nil

**ATTACHMENTS:**

1 Attachment - Rates Declaration 2012



Draft 17 June 2011

**Central Desert Shire Council**

**Rates Declaration for 2011/2012**

**Declaration made** *[insert date of declaration]*

**Rates**

Central Desert Shire Council ("the Council") makes the following declaration of rates pursuant to sections 155-157 of the Local Government Act 2008 ("the Act").

1. Pursuant to Section 149 of the Act, the Council adopts the unimproved capital value as the basis of the assessed value of allotments within the shire area.
2. The Council intends to raise, for general purposes by way of rates, the amount of \$399,162 which will be raised by the application of:
  - (a) Differential valuation based charges ("differential rates") with differential minimum charges ("minimum amounts") being payable in application of each of those differential rates; or
  - (b) A fixed charge ("flat rate")
3. The Council hereby declares the following rates:
  - (a) With respect to all rateable commercial or business land within the shire area, a differential rate of 0.311% of assessed value of such land with minimum amount being payable in the application of that differential rate, being \$777.00 multiplied by
    - (i) the number of separate parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment; or
    - (ii) the number 1whichever is greater.
  - (b) With respect to all rateable land within the shire area for dwelling purpose, a flat rate of \$656.25 multiplied by
    - (i) the number of separate parts or units that are adapted for separate occupation or use (pursuant to section 148(4) of the Act) on each allotment; or
    - (ii) the number 1whichever is greater.
  - (c) With respect to all rateable commercial agricultural land within the shire area, a differential rate of 0.0656% of the assessed value of such land with minimum amount being payable in the application of that differential rate being \$328.00.

1.

Draft 17 June 2011

- (d) With respect to every allotment of conditionally rateable land within the shire area not otherwise described above:
- (i) A differential rate of 0.0656% of the assessed value of all land held under a pastoral lease, with the minimum amount being payable in the application of that differential rate, being \$328.00;
  - (ii) A differential rate of 0.311% of the assessed value of all land occupied under a mining tenement, being an active mining, extractive or petroleum lease, with the minimum amount being payable in the application of that differential rate, being \$777.00;
  - (iii) A differential rate of 0.311% of the assessed value of all other land that is classified under the regulations as conditionally rateable, with the minimum amount being payable in the application of that differential rate, being \$777.00.

#### Charges

4. Pursuant to Section 157 of the Act, the Council declares the following charges in respect of the garbage collection services it provides for the benefit of all residential land within the following designated communities and townships within the shire area (except such land as the Council from time to time determines to be exempt or excluded from the provision of such services or for which the Council has determined it is impractical to provide such services).
5. The designated communities and townships within the shire area are Engwala, Harts Range, Lajamanu, Laramaba, Nyirripi, Ti-Tree, Willowra, Yuelamu and Yuendumu.
6. Council intends to raise \$89,380 by these charges.
7. For the purposes of paragraphs 9 & 10:
  - “residential dwelling” means a dwelling house, flat or other substantially self contained residential unit or building on residential land and includes a unit within the meaning of the *Unit Titles Act*.
  - “residential land” means land used or capable of being used for residential purposes (but does not include land on which there is no residential dwelling).
  - the “garbage collection service” comprises a collection service of one garbage collection visit per week with a maximum of one 240 litre mobile bin per garbage collection visit. For Lajamanu community, the service comprises collection of two 240 litre mobile bins per week.
8. The following charges are declared:
  - (a) A charge of \$164.05 per annum per residential dwelling in respect of the garbage collection service provided to, or which Council is

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willing and able to provide to, each residential dwelling within all designated communities.

other than a residential dwelling to which paragraph 10 applies.

- (b) A charge of \$164.05 per annum for each allotment used for commercial or industrial purposes in respect of the garbage collection service provided to, or which Council is willing and able to provide to, each such allotment within all the designated communities.
9. Where the person liable to pay the charge satisfies Council that a comparable alternative garbage service is being provided to the residential dwelling in respect of which the charge applies, a charge of \$50.00 shall apply.

#### **Relevant Interest Rate**

10. That pursuant to section 162 of the Act, Council determines that the relevant interest rate which accrues on overdue rates will be 19.00% per annum and is to be calculated on daily basis.

#### **Payment**

11. The Council determines that the rates and charges declared under this declaration may be paid by two (2) approximately equal instalments on the following dates, namely:-

- First Instalment, Friday, 30 September 2011
- Second Instalment, Tuesday, 1 March 2012

Instalments falling due on a weekend or public holiday may be paid by the following business day, without incurring any penalty.

- (a) Details of due dates and specified amounts will be listed on the relevant rates notice under section 159 of the Act ("the Rates Notice").
- (b) Variations to those options for payment will be administered according to the conditions outlined on the front and reverse of the Rates Notice.
- (c) A ratepayer who fails to abide by such conditions may be sued for recovery of the principal amount of the rates and charges, late payment penalties, and costs reasonably incurred by Council in recovering or attempting to recover the rates and charges.

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**CORPORATE SERVICES REPORTS**

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**ITEM NUMBER** 11.2  
**TITLE** Local Government Vote Counting System  
**REFERENCE** \10 - CORPORATE  
SERVICES\GOVERNANCE AND  
ADMINISTRATION\5.5.2.1 COUNCIL  
MEETINGS\2011\2011 - 3.1 SPECIAL COUNCIL  
MEETING 24 JUNE 2011 ALICE SPRINGS - 121300  
**AUTHOR** Cathryn Hutton, Director Corporate Services

**RECOMMENDATION:**

**That the Council write to the Minister for Local Government and advise her that the Council supports the recommendation made by the Reilly Report that a Single Transferable Vote counting system be introduced as the Northern Territory's Local Government Electoral System**

**SUMMARY:**

The Minister for Local Government has released a report called the Reilly Report on the electoral reform options for the Northern Territory Local Government elections. The Council is being asked to consider this report and provide comments to the Minister.

**BACKGROUND**

In late 2009 Council discussed a presentation from Dr Will Sanders from the Australian National University. He explained that, under the current "exhaustive preferential" system, candidates from larger communities very often win out over candidates from smaller communities when there are both large and small communities in the one ward (such as in Southern Tanami Ward).

The Council wrote to the Minister for Local Government and asked that she review the NT's local government voting system. The Council wanted it to be easier for smaller communities to be represented on Council.

In August 2010 the Council resolved (188/2010):

*That Council recommend to the Minister that proportional representation vote counting be used in local government elections in the Northern Territory.*

In 2011, the Minister asked for an independent review to be undertaken of the electoral system options in the Northern Territory. This review has been undertaken by Professor Benjamin Reilly of the Australian National University and the report is attached.

The Minister is asking for comments from the Council on the report and the report's recommendations.

The reform options considered in the report are:

- a. A change in the counting rules to distribute preferences from excluded candidates only
- b. A change to optional rather than compulsory preference marking
- c. The introduction of limited preferential voting
- d. The introduction of single transferable vote counting rules
- e. A change in the electoral system to the Single Non-Transferable Vote, Borda Count or some variation of the same

Professor Reilly's report concludes that the existing Northern Territory electoral system (for local government) should be changed. His advice is that the optimal reform from an electoral system standpoint would be the introduction of a Single Transferable Vote counting system.

Professor Reilly advises that *"such a system would require no change to existing procedures in single-member electorates, would be congruent with other Australian jurisdictions, and would produce fair results overall"*.

This recommendation is consistent with the Council's stated opinion and therefore this report recommends the support of the Reilly Report.

## **ISSUES, CONSEQUENCES AND OPTIONS**

Nil

## **ATTACHMENTS:**

- 1 Attachment - Reilly Report

**Final Consultancy Report**

**ELECTORAL SYSTEM REFORM OPTIONS FOR NORTHERN TERRITORY LOCAL  
GOVERNMENT ELECTIONS**

Professor Benjamin Reilly

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Australian National University

Canberra ACT 0200

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25 January 2010

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## **1. Introduction**

This report presents a series of reform options for local government elections in the Northern Territory.

The report has been prepared as part of an expert consultancy commissioned by the Northern Territory Department of Housing, Local Government and Regional Services, which is conducting a review of the Territory's local government voting system.

In 2010, following considerable discussion of the 2008 local government elections and their outcomes, the Minister for Local Government initiated a formal review of the voting system used for local government elections in the Northern Territory.

The aim of the review is to assess whether the current voting system for local government in the Northern Territory is the most appropriate or whether there is valid reason and justification for it to be changed.

As part of the review process it was identified that expert opinion on the applicability of different voting systems to the Northern Territory local government sector would be sought.

This report constitutes this expert advice to the Department.

## **2. Background**

The Northern Territory has undergone significant local government reform in recent years. A new structure of local government representation was implemented in the Northern Territory on 1 July 2008. The new local government structure consists of municipal and shire councils, many of which are further divided into wards, some of which are single member and some of which are multi-member in structure.



In October 2008 the Northern Territory conducted inaugural elections under the new municipal and shire council system. The elections were held across large remote-area shires which had been created by the amalgamation and replacement of much smaller 'community government' or 'association' local government councils.

Following these inaugural elections, a review of the elections was conducted by the Department of Housing, Local Government and Regional Services. This review received considerable comment about the appropriateness of the voting system, known in the Territory as an "exhaustive preferential voting system", in part because the Territory system, unlike that used in other Australian jurisdictions, combines the same method of counting votes across both single-member and multi-member electoral districts.

As I will discuss, it is this unusual combination of a common vote counting method applied to very different district magnitudes that lies at the heart of the workings, or lack thereof, of the current local government electoral system. Moreover, the scope of works for this consultancy makes it clear that the advice being sought specifically refers to voting systems that are able to be used in *both* single and multi member wards, as local government in the Northern Territory has a mixture of both formats. The scope of the consultancy does not include an assessment of changes to the current ward structure.

As a result, it is important to recognise from the outset that many potential electoral reform options are in reality constrained by the Territory's relatively unusual combination of single-member and multi-member wards, and that any practical reform must be applicable across both district structures.

### **3. Structure**

As per the scope of services, the objective of this report is to provide a recommendation on what is the most appropriate vote counting system for local government in the Northern Territory. This involves an assessment of the suitability of the existing preferential voting system and the applicability of alternative voting systems to the local

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government structure in the Northern Territory. As stated above, the scope of services explicitly envisages that a common voting system is to be used for all councils in the Northern Territory in both single and multi-member wards.

The key issues covered by this report are:

- Basic principles of electoral system design
- The advantages and disadvantages of the current voting system;
- The advantages and disadvantages of alternative voting systems
- The applicability of these voting systems to the Northern Territory local government context;
- Suggestions on the most appropriate voting system for Northern Territory local government elections, evidenced by the above research;
- An assessment of the advantages and disadvantages of these options; and
- A conclusion recommendation for reform.

#### **4. Basic principles of electoral system design**

Electoral systems are the rules and procedures via which votes cast in an election are translated into seats won in a parliament or some other assembly or office. Any electoral system is intended to do three main jobs. First, it will translate the votes cast by the electorate into seats won. Second, because of this, electoral systems act as the conduit through which the people can hold their elected representatives accountable. Third, different electoral systems give incentives for those competing for power to couch their appeals to the electorate in distinct ways. In regionally distinct societies, for example, particular electoral systems can be designed to ensure that each region has its own local member, or can be designed so that members are elected on an 'at large' basis with no local representation, or can fall somewhere between these two extremes.

Some of the most common criteria for electoral system design include the following objectives:

- Simplicity;
- Providing fair representation;
- Making elections accessible and meaningful;
- Holding individual representatives accountable; and
- Fostering the legitimacy of the democratic process and the wider system of representation.

It needs to be understood at the outset that not all of these criteria are mutually reinforcing, and that in practice trade-offs inevitably have to be made. For instance, a system may be relatively simple to operate, but this simplicity may create problems of representation which undermine the fairness or legitimacy of election outcomes. This is, in fact, one of several problems of the current Northern Territory local government electoral system.

## **5. Types of Electoral Systems**

A standard approach to the description and categorization of electoral systems is to group them according to how proportional they are: that is, how closely the ratio of votes to seats is observed in electoral outcomes. Such a classification gives three broad families: plurality-majority systems; semi-proportional systems; proportional representation (PR) systems; and mixed systems. These constitute virtually all the electoral systems used for elections in the world today.

### Plurality-majority systems

The five types of plurality-majority systems comprise two plurality systems (first past the post and the block vote), and three majority systems (the two-round runoff, the

alternative vote and the supplementary vote). While plurality systems are won by those who win a plurality of the vote (ie more than any other contestant), a feature of majority systems is that they are structured so as to ensure that the winning candidate gains an absolute majority (ie more than 50 percent) of eligible votes. The Northern Territory Local Government electoral system falls into the latter of these categories.

Under *first past the post* systems, the winner is the candidate who gains the most votes, but not necessarily an absolute majority of the votes, in single-member districts. Such elections are typically presented as a contest between candidates, rather than parties. Voters choose their favoured candidate with a tick or a cross on the ballot paper, and the winner is simply the candidate who gains more votes than any other. This is the world's most commonly-used electoral system.

The *block vote* is the application of plurality rules in multi-member rather than single-member electoral districts. Voters have as many votes as there are seats to be filled, and the highest-polling candidates fill positions sequentially regardless of the percentage of the vote they actually achieve.

The most common form of majority system, the *two-round system*, takes place in two rounds of voting, often a week or a fortnight apart. The first round is conducted in the same way as a normal plurality election. If a candidate receives an absolute majority of the vote, then he or she is elected outright, with no need for a second ballot. If, however, no candidate has an absolute majority, then a second round of voting is conducted, usually as a runoff between the two highest polling candidates from the first round, and the winner of this round is declared elected.

The dominant electoral system model used in Australia, *preferential voting*, is another type of majority system. Electors rank candidates in the order of their choice, by marking a '1' for their favoured candidate, '2' for their second choice, '3' for their third choice, and so on. If no candidate has an absolute majority, a process of sequential transfer of votes is used until a majority winner emerges. This system is currently used for parliamentary elections in most jurisdictions in Australia, including for Northern

Territory Local Government elections. The main areas of variation in these systems across other Australian jurisdictions are where preference marking is “optional” (as in NSW and Queensland state elections) or “compulsory”, and if so whether all preferences must be marked (as in Federal and Northern Territory Legislative Assembly elections) or whether some lesser number is required (as is the case for Tasmanian State elections).

In virtually all cases, however, this system is applied *only* in single-member electoral districts. When multi-member districts are used, a form of proportional representation, the Single Transferable Vote, described below, is almost always applied. In the Northern Territory, however, the same system of preferential vote counting is currently being applied in both single-member and multi-member contexts.

**Expert Comment: the current Northern Territory Local Government voting system combines a preferential voting system designed for use in single-member districts with a multi-member ward structure. This inappropriate combination of a single-member counting system with a multi-member district structure is a key to the various problems evident in the workings of the current system, discussed below.**

#### Proportional representation (PR) systems

The rationale underpinning all proportional representation (PR) systems is the fair translation of each party’s or candidate’s share of the votes at an election into a corresponding proportion of seats in an elected body. For instance, a party that wins 20 percent of the votes should gain about 20 percent of the seats under a PR system, whereas the same vote share under most majoritarian systems would result in no seats at all.

There are three major types of PR system—open list, closed list, and single transferable vote systems. All of these systems require the use of electoral districts with more than

one member: it is not possible to divide a single seat elected on a single occasion proportionally. As a result, multi-member electorates are essential to any PR model.

*Closed list PR*, the most common type of proportional representation system, requires each party to present a list of candidates to the electorate. Electors vote for a party or list rather than for individual candidates; and parties receive seats in proportion to their overall share of the national vote. Winning candidates are taken from the lists in order of their respective positions on it, meaning that the order of candidates elected from that list is fixed by the party itself, and voters are unable to express a preference for a particular candidate. *Open list PR*, by contrast, allows voters to choose not just a party but also a particular candidate from a party list or, in some cases, more than one list. Many countries use examples of one or the other of these systems.

However, the applicability of such systems for Northern Territory Local Government elections is questionable, as they require voters to choose between political parties or party lists rather than individual candidates. They are therefore not appropriate for systems where voters have to choose between individuals rather than parties, as is the case in most local government elections.

The only form of proportional representation that does involve voting for individual candidates is the *single transferable vote* (STV) form of proportional representation. This system is used to elect the Australian Senate, and also for elections to the Tasmanian House of Assembly, the ACT Legislative Assembly and various upper house and local government elections. It is also used in Ireland and Malta internationally.

Under STV, voters rank candidates in order of preference on the ballot paper, in the same manner as other preferential voting systems. After the total number of first-preference votes for each candidate is tallied, the count then begins by establishing the quota of votes required for the election of any candidate. The quota is usually calculated by the formula:

$$\text{Quota} = \frac{\text{votes}}{\text{Seats to be elected} + 1} + 1$$

For instance, in a 4-member ward with 200 votes cast, the quota of votes required for election would be  $200/5 + 1$ , that is 41 votes. Any candidate who gains at least this many votes, either outright or through the distribution of preferences, is declared elected.

The overall result is determined through a series of repeated counts. At the first count, the total number of first-preference votes for each candidate is ascertained. Any candidate who has more first preferences than the quota is immediately elected. In second and subsequent counts, two processes of exclusion and redistribution of preferences takes place. First, the surplus votes of elected candidates (i.e. those votes above the quota) are redistributed according to the second preferences on the ballot papers. For fairness, all these ballot papers are redistributed at a fractional percentage of one vote, so that the total redistributed vote equals the candidate's surplus. The formula used to determine the transfer value is calculated by dividing the surplus by the candidate's total number of votes, and then multiplying all votes transferred by this formula. For instance, in the example above, if an elected candidate had 50 first-preference votes, his or her second preferences would be transferred at the fractional value of  $9/50$  or 0.18 of a full vote.

At the same time, after any count, if no candidate has a surplus of votes over the quota, the candidate with the lowest total of votes is eliminated. His or her votes are then redistributed, at full value, to the candidates left in the race according to the second and then lower preferences marked on the ballot. This process of successive counts, after each of which surplus votes are redistributed or a candidate is eliminated, continues until either all the seats for the electoral district are filled by candidates who have received the quota, or the number of candidates left in the count equals the number of seats to be filled.

**Expert Comment: With the exception of the Single Transferable Vote (STV), other forms of proportional representation require electors to vote for parties rather than candidates, making them inappropriate for Northern Territory elections. STV does not suffer from this problem: it requires candidate rather than party-centred voting, is designed for multi-member districts, and produces proportional and**

logical results. However, while STV is a very fair system, it can also (as the extended description above indicates) be quite complex to administer, especially in terms of the conduct of the count. This may be relevant for Northern Territory local government elections, where simplicity may be an important requirement.

#### Mixed Systems

Mixed electoral systems attempt to combine the positive attributes of both plurality/majority and proportional electoral systems. In a mixed system there are two electoral systems using different formulae running alongside each other. Votes are cast by the same voters and contribute to the election of representatives under both systems: typically, a district-based system, often utilising single-member districts, and a proportional list, often elected on a district-wide basis.

Mixed systems have been a particularly popular choice in new democracies in recent years -- perhaps because, on the face of it, they appear to combine the benefits of proportional representation with those of local district representation. Mixed systems can be divided into two broad categories, *mixed member proportional* (MMP) and *mixed-member majoritarian* (MMM) systems.

*Mixed member proportional* systems are designed so that part of the elected assembly is elected from single-member districts, while the remainder is elected from PR lists. Voters can be given a separate vote for each or only one vote. MMP systems then use the PR list seats to compensate for any disproportionality produced by the district seat results. Such systems deliver truly proportional election results and are thus often categorised as a form of PR.

*Mixed member majoritarian* systems, by contrast, use both PR party lists (see below) and local districts running side-by-side, but with no compensatory provisions. Part of the assembly is elected by proportional representation, part by some type of plurality or majority method. MMM systems are thus often referred to as 'parallel' systems.



Other forms of mixed-member system can be constructed by combining two separate electoral system models. One approach, which may be suitable for the Northern Territory, is to combine the use of preferential voting in single-member districts (that is, the current system) with STV in multi-member districts (as described in the preceding section). This appears to be the recommendation made by Alastair Heatley in his 1997 report. While this makes eminent sense in terms of a combination of two suitable (and related) electoral system models, it may suffer from the same problems of complexity identified for STV elections more generally.

**Expert comment: Mixed systems have the advantage of combining both single-member and multi-member district structures, as is the case in the ward structure used for Northern Territory local government elections. However, in most variations, they require voters to choose not just between candidates but also between political parties. This makes such systems inappropriate for use at local government elections in the Northern Territory.**

**The exception to this comment would be a mixed preferential voting (in single-member districts) and single transferable vote (in multi-member districts) model. Such systems are well placed to be combined as one is actually a variant of the other, and both follow a common logic. However, such a combination could also face the same problems of counting complexity for STV systems identified in the previous section.**

#### Other Systems

In addition to the plurality/majority, proportional representation and mixed systems there are a number of other systems that do not fall neatly into any particular category. Amongst these are the Single Non-Transferable Vote, the Limited Vote and the Borda Count. These systems tend to translate votes cast into seats in a way that falls somewhere between the proportionality of PR systems and the results of

plurality/majority systems. Each offers some potential reform options for the Northern Territory.

Under the Single Non-Transferable Vote (SNTV), elections are held in multi-member districts. Each voter casts one vote for a candidate only, with no preference permitted. The candidates with the highest vote totals win the seats.

This has several advantages. In particular, an important difference between SNTV and the plurality/majority systems described earlier is that SNTV will usually better facilitate the representation of minority groups and candidates. The larger the district magnitude (ie the more seats elected in the constituency), the more proportional the system can become. However, there are also disadvantages. As with any system where multiple candidates of the same party are competing for one vote, internal party fragmentation and discord may be accentuated. In addition, as SNTV gives voters only one vote, with no preferences, the system can give rise to many wasted votes, and/or enable the election of candidates with only limited support.

Like SNTV, the *Limited Vote* is another semi-proportional system which is used in multi-member electorates. Unlike SNTV, electors have more than one vote, but fewer votes than there are candidates to be elected. Counting is identical to SNTV, with the candidates winning the highest vote totals winning the seats. Limited voting can also be applied in other contexts, including those using preferential voting (see discussion of reform options below).

The Limited Vote has similar advantages and disadvantages to SNTV. It is simple for voters and relatively easy to count. However, it tends to produce less proportional results than SNTV. Many of the arguments relating to the problems of intra-group competition and fractious politics also apply to LV in a similar way as to SNTV.

A final example of electoral system design is the *Borda Count* used in the Pacific Island state of Nauru. This can be used in both single- and multi-member districts. The Borda Count is a positional voting system in which electors rank candidates in a similar manner as is the case with preferential voting. However, in contrast to the elimination

system used for preferential elections in Australia, under the Borda Count there are no eliminations. Instead, preferences are simply tallied as 'fractional votes': in Nauru, a first preference is worth one, a second preference is worth half, a third preference is worth one-third and so on. These are summed and the candidate(s) with the highest total(s) are declared the winners.

**Expert comment: All of these systems have two important advantages: they are relatively simple for voters, and can be used in both single-member and multi-member electorates. In addition, unlike most forms of proportional representation, all are based on the principle that voting is candidate rather than party-based. For this reason, all offer some feasible options for Northern Territory Local Government elections. However, none are directly applicable *in toto* to the existing Northern Territory system, which combines preference marking with both single and multi-member districts. This system is discussed below.**

## **6. The Northern Territory Local Government Electoral System**

The system introduced for local government elections in the Northern Territory is a variation of one of the systems described above, the preferential vote. As such, it has much in common with the voting systems used in other Australian jurisdictions, but with one crucial difference: the system, which elsewhere is used to elect one representative from single-member electoral districts, is in the Northern Territory predominantly used to elect more than one representative from multi-member electoral districts.

This application of a plurality/majority system designed to be used in single-member districts in a context for which it was not designed – multi-member districts – leads to perverse, unrepresentative and socially undesirable outcomes. Such problems have tended to recur whenever this model of elections have been used, and were certainly in evidence at the 2008 Northern Territory local government elections. These election outcomes have been analysed at some length by Will Sanders in his paper "Fuelling

Large Group Dominance" (see references) and I do not intend to replicate his arguments here, other than saying that I agree with his analysis.

Rather, I wish to focus on the reasons for these perverse outcomes, which are essentially twofold. First, while a system of majority (rather than quota) preferential voting will produce predictable and logical results in single-member districts, where it correctly identifies the majority choice after the distribution of preferences, it does not do so when applied in multi-member districts. In such cases, election outcomes are neither predictable nor logical, and often work to elect those with a minority (or deny election to those with a majority) of voter support.

The reason for this is a flaw in the counting rules: the current system treats elected candidates in the same way as excluded candidates. In both cases, it distributes the preferences of elected candidates at full value, rather than the fractional value assigned to them in a quota-preferential PR-STV system. As such, voters whose first preference choice is elected are effectively given an additional vote, and potentially multiple additional votes after that, to add to the count. As a result, a bare majority of voters (and even, in some cases, a minority) can actually elect every seat. The randomness and blatant unfairness of this process is indefensible.

The combination of these two factors produces highly irregular election results which do not reflect voter preferences or the popular will. Rather, as the 2008 election showed, such a system often *amplifies* the majoritarian nature of a standard preference voting system, creating 'mega-majoritarian' or 'winner-take-everything' outcomes in which a subset of voters (those who have cast their votes to an already-elected candidate) are given the further advantage of having their votes counted at full value several more times. This distinguishes the operation of the system in multi-member compared to single-member districts, where only one member is elected in any district, and where the winning candidate's preferences are thus *never* distributed.

In the Northern Territory, by contrast, because a winning candidate's preferences can be distributed multiple times, members of an aligned group, or clan, or tribe, or party

can easily win every seat. The reasons for this are simple: in cases (like the current Northern Territory system) where voters are obliged to number every preference in order to effect a valid vote, any form of disciplined preference marking will lead to the *systematic over-representation* of some voters at the expense of others. In effect, as long as voters are prepared to express their preferences in a consistent manner (eg for one group, or clan, or tribe, or party), such a system will often result in the dominant clan, party or group winning every seat in a district; in other cases, it can lead to minority groups gaining much greater representation than they could have otherwise expected.

This is one of the key problems occurring in the Northern Territory, as detailed in Will Sanders' paper. The combination of a flawed counting system and disciplined preference marking is leading to lop-sided electoral results that would not be possible under a more rational voting system. Sanders provides the following example from the 2008 election in the Anmatjere ward of Central Desert Shire in 2008, in which four candidates from two settlements – Haines, Dixon, Glenn and Hennan – were elected. As Sanders (2009:4) notes, assuming that most voters "would vote for candidates from their own settlement, it was perhaps to be anticipated that some of the larger, more populous settlements would come out towards the top in the count of primary votes". In the end, however,

"it was in fact two candidates from well down the field in terms of primary votes who came through to win the third and fourth positions in this Anmatjere ward of Central Desert Shire. The Ti Tree triangle ended up with two representatives and Laramba and Yuelumu to the south west ended up with one each. However the south eastern settlements of Engawala and Mulga Bore/ Angula all missed out" (Sanders 2009:4).

Table 1 sets out the results of the 2008 Anmatjere ward election.

**Table 1. Anmatjere Ward, 4 vacancies, actual 2008 results (Existing System)****Candidates, Results, Primary Votes and Places of Association.**

Candidate/ Elected (N)	Primary Votes	Place of Association
Haines, Jasper (1)	103	Nturiya/ Ti Tree
Dixon, Adrian (2)	84	Laramba
Frances, Ant	45	Pmara Jutunta/ Ti Tree
Bird, Btedy	41	Mulga Bore/ Angula
Lechleitner, Walter Japangardi	40	Yuelumu
Bloomfield, Patrick	37	Engawala
Glenn, James Jampajimpa (3)	25	Ti Tree
Heenan, Noel (4)	24	Yuelumu
Carter, Ted	16	Ti Tree
Formal Votes	415	F/T 74.5%
Informal Votes	142	
Total Votes	557	T/E 55.8%
Enrollment	998	

Source: Sanders 2009.

It will be readily apparent that, under the current system, two candidates (Glenn and Heenan) were elected from smaller population areas, despite having only a small proportion (less than five percent) of the first-preference vote, while more popular candidates from other more populous regions missed out. This result is very much an artifact of the current electoral system, and highlights one of the recurring problems of the system – its propensity to turn minority support into electoral victory.

By contrast, the results would have been quite different if a different electoral system had been in place. If, for example, a single non-transferable vote system had been in effect (or a limited preference system, whereby voters simply express their first preference but no others), then the four leading candidates on first preferences would have been elected. This would have seen candidates Haines and Dixon still winning the first two seats, but different candidates with considerably greater support levels - Frances and Bird - elected to the third and fourth seats, rather than Glenn and Heenan – see Table 2.

**Table 2. Anmatjere Ward, 2008 results *under Single Non-Transferable Vote*****Candidates, Results, Primary Votes and Places of Association.**

Candidate/ Elected (N)	Primary Votes	Place of Association
Haines, Jasper (1)	103	Nturiya/ Ti Tree
Dixon, Adrian (2)	84	Laramba
Frances, Ant (3)	45	Pmara Jutunta/ Ti Tree
Bird, Benedy (4)	41	Mulga Bore/ Angula
Lechleitner, Walter Japangardi	40	Yuelumu
Bloomfield, Patrick	37	Engawala
Glenn, James Jampajimpa	25	Ti Tree
Heenan, Noel	24	Yuelumu
Carter, Ted	16	Ti Tree
Formal Votes	415	F/T 74.5%
Informal Votes	142	
Total Votes	557	T/E 55.8%
Enrollment	998	

Source: Sanders 2009.

As can be seen from the above table, this very simple electoral system would have also achieved a better geographic spread of elected representatives in the Anmatjere ward in 2008 than the actual election delivered.

Another scenario worth considering is the “preferential first-past-the-post” system suggested by Dr Sanders, in which the same counting process as the current system is used, with the important exception that the votes of elected candidates are not transferred. Rather, the sequential process of elimination and redistribution of preference votes from losing candidates continues until there are as many candidates left in the count as there are vacancies, at which point those candidates are declared elected. As the hypothetical preference distribution at Table 3 shows, this would also deliver fairer results than the current system.

**Table 3. Anmatjere Ward, 4 Vacancies****Hypothetical Results Under Preferential First-Past-The-Post**

Candidate/ Elected (N)	FPTP Preference Distribution						Place of Association
Haines, Jasper (1)	103	106	109	127	128	157	Nturiya/ Ti Tree
Dixon, Adrian (2)	84	84	86	88	91	105	Laramba
Frances, Ant	45	54	54	55	55		Pmara Jutunta/ Ti Tree
Bird, Benedy (3)	41	42	42	43	81	88	Mulga Bore/ Angula
Lechleitner, Walter Japangardi (4)	40	40	56	60	60	65	Yuelumu
Bloomfield, Patrick	37	38	39	42			Engawala
Glenn, James Jampajimpa	25	26	29				Ti Tree
Heenan, Noel	24	25					Yuelumu
Carter, Ted	16						Ti Tree
Formal Votes	415						

Source: Sanders 2009.

Finally, what if a Single Transferable Vote system or Borda count had been used? Unfortunately, it is not possible to fully model the outcome under these systems using the election results supplied, as the full preference flows of elected candidates are needed. However, it is possible to make an informed guess. As Sanders shows, “as a result of the more uneven spread of primary votes, the count under STVPR would diverge almost immediately from that under the simpler reform alternative of preferential first-past-the-post, as represented in Table 10. As the minority quota for the election of four candidates under STVPR would, in this instance, be 84 votes, both Jasper Haines and Adrian Dixon would immediately be declared elected at the end of the primary vote count ... although we cannot definitively determine who would win the third and fourth seats in Anmatjere ward in 2008 under STVPR, it is clear that this will be a three way struggle between Frances, Bird and Lechleitner” (see Table 4).

Most likely, under a Borda count, there would likely be a similar outcome: Haines and Dixon would probably win the top two seats on the basis of their overwhelming lead on first preferences, with candidates Frances and Glenn probably taking the third and fourth seats, based on their sold first-preference scores and large numbers of



secondary preferences. However, without knowing the full preference scores, it is impossible to be sure: it may be the case that other candidates would received a relatively small number of first preferences but many second or third preference votes could also come through the field to win these seats. As we do not have access to the ballot paper themselves, it is not possible to be sure about this.

**Table 4. Anmatjere Ward, 4 Vacancies**

**Hypothetical Results Under STV Proportional Representation**

Candidate/ Elected (N)	Beginnings of STVPR Count
Haines, Jasper (1)	103 E
Dixon, Adrian (2)	84 E
Frances, Ant (3)	45 +22(.184)=49.05 +9=58.05
Bird, Benedy (4)	41 +3(.184)=41.55 +1=42.55
Lechleitner, Walter Japangardi	40 +2(.184)=40.37 +0=40.37
Bloomfield, Patrick	37 +9(.184)=38.66 +1=39.66
Glenn, James Jampajimpa	25 +58(.184)=35.67 +4=39.67
Heenan, Noel	24 +9(.184)=25.66 +1=26.66
Carter, Ted	16 +0(.184)=16
Formal votes in Count	415
PR Quota for election	84

Source: Sanders 2009.

The key point of this modeling exercise is simple: *any* of the suggested alternatives – SNTV, preferential first-past-the-post, STV or Borda – would have produced a fairer and more geographically representative result than the actual outcome in Anmatjere Ward in 2008.

This finding is not surprising if the historical record of the current Northern Territory system in other Australian elections is examined. Earlier in the 20<sup>th</sup> century, multi-member preferential voting systems that were essentially identical to the current Northern Territory Local Government model were tried in a number of Australian

jurisdictions, including for State-level elections in South Australia between 1929 and 1935, and for elections to the federal Senate between 1919 and 1946. In each case, the system was abandoned after its deleterious effects on fair representation became obvious (see Reilly and Maley 2000).

The Senate experience, which replicates both the systemic drawbacks and also the pattern of results produced at the 2008 Northern Territory Local Government elections, is a good illustration of the dangers of using a majority electoral system in multi-member electorates over time. As in the Territory, for the 1919-1946 Senate system each seat was effectively filled by a separate election, but with the same electorate voting at each. Because of the combination of compulsory preference marking and the stability of party support in the electorate, this procedure displayed a strong tendency to produce an outcome under which the same party won every seat in a state. Of the 60 occasions on which a state-based Senate election was held under multi-member exhaustive preferential voting, 55 produced such an outcome.

The system's configuration meant that it generated virtually no incentive for minor parties to participate in Senate elections. At House of Representatives elections during the same period, it was from time to time possible for party dissidents to win election as independents or as representatives of new parties, particularly if they had a geographically-concentrated base of support. At Senate elections, however, minor party representation was impossible. This created periods of such sustained and nationwide dominance by one party that on a number of occasions the Senate was scarcely workable as a legislative body, let alone as a house of review: in the period from 1947 to 1950, for example, there were only three opposition Senators — a leader, a deputy leader, and a whip — facing 33 government Senators.

This level of system dysfunction and extreme disproportionality meant that the electoral system itself was primarily responsible for the erosion of public confidence in, and the legitimacy of, the federal Senate. Multi-member exhaustive preferential voting was replaced with the single transferable vote in 1948 which, having been designed for multi-member constituencies, has operated in a far more logical way. The

inappropriateness of multi-member exhaustive preferential voting evidenced by the Senate case was such that no proposal for multi-member exhaustive preferential voting has ever again been forthcoming in Australia at the federal level.

**Expert comment: The Northern Territory Local Government system suffers from a fundamental problem, mistakenly applying rules designed for single-member elections in a multi-member context. When exhaustive preferential voting is used in multi-member districts, and where elected candidates are treated the same way as 'excluded' candidates, the system fails to represent the will of the voters. In cases of disciplined group voting, the legal requirement to mark all preferences greatly exacerbates this problem. In such cases, the majoritarian features of the system become overwhelming, systematically advantaging the largest group of voters and under-representing all others.**

Where voting is based on party or organizational identification, this system will typically result in the same party or group winning all or nearly all seats with only a bare majority of the vote. Thus in cases where voting is based on clan, tribe, region or other forms of identity, this system will typically result in the domination of the largest group, with minorities being excluded from representation. There is evidence of both patterns of results from the historical (eg Senate) and contemporary (2008 Northern Territory Local Government) experience of such elections.

These effects – the over-representation of some parties or identity groups, and the under- or non-representation of others – can contribute to highly unbalanced outcomes which call the legitimacy of the election results into question. Both tendencies appear to be evident in the use of exhaustive preferential voting at the 2008 Northern Territory local government elections.

Given the extremely lop-sided and disproportional results in evidence at these elections, it is possible that repeated iterations of the system could, over time, stimulate widespread dissatisfaction with the electoral process and even

**generate social conflict as some groups are repeatedly over-represented while others are systematically excluded.**

**For all of these reasons, my expert opinion is that the system *must* be changed immediately, before any further elections are held and these potential problems become a reality. The following section therefore suggests some reform options which may help redress some of the key problems of the existing system.**

## **7. Reform Options**

As the preceding discussion makes clear, the current Northern Territory Local Government electoral system suffers from a variety of deficiencies and pathologies. While superficially similar to the use of preferential voting in other Australian jurisdictions, the application of preferential voting rules designed for single-member electorates in a context of mostly multi-member districts is responsible for many of these pathologies. As such, one obvious recommendation would be to simply revert to single-member districts for all elections. However, it has been made clear that “changes to ward structure are out of scope of the research, as we are looking at the structure of local government as it currently exists.”

Given this, we need to focus on voting reforms that are able to be applied in both single and multi member wards, as local government in the Northern Territory has a mix of both and any reforms need to be congruent with both structures. Taking this provision as a starting point, I think there are at least five possible reforms that which may help to address the pathologies in the system as it stands.

These reform options are outlined below, in descending order, from the simplest to the most complex (and from least to most consequential) possible reforms. It needs to be emphasised that the simpler reforms are likely to be easier to administer and implement, but may also be less consequential and far-reaching in their impact on the problems identified, than more complex reforms.

The five possible reforms to the existing system, from simplest and least consequential to most ambitious and most consequential, are as follows:

- a. A change in the counting rules to distribute preferences from excluded candidates only
- b. A change to optional rather than compulsory preference marking
- c. The introduction of limited preferential voting
- d. The introduction of single transferable vote counting rules
- e. A change in the electoral system to the Single Non-Transferable Vote, Borda Count or some variation of the same

Let me discuss each of these in turn:

- a. A change in the counting rules to distribute preferences from excluded candidates only.

This is the simplest means of addressing the current problem. Under the current rules, elected candidates are treated in the same manner as excluded candidates, with their preferences distributed to the next non-excluded candidate marked as part of the count. This is unfair, as those electors who voted for an elected candidate effectively get to add additional votes of equal value to the count. Depending on preference flows, this can lead to highly lop-sided and unrepresentative election outcomes.

A change in the counting rules could eliminate this problem by only distributing the preferences of excluded (not elected) candidates. Under this proposal, the sequential elimination of the lowest-polling candidates proceeds as normal, with losing candidates serially eliminated, until there are only as many candidates remaining in the count as there are vacancies to be filled. In other words, the system would be the same as the current one except that winning candidates would not be able to pass their preferences on to others once elected. Rather, the process of eliminating the candidate with the lowest number of votes and redistributing their votes in accordance with expressed preferences would continue until there were the same numbers of candidates remaining as vacancies available.

This same idea, which he called “preferential first-past-the-post”, was proposed by Dr Sanders in his 2009 report. As his analysis suggests, while such a change would be unlikely to make a major difference to many electoral outcomes, it would eliminate the problem of majority vote cumulation and enable a much greater representation of minority candidates than the existing system, and (to the extent that first preference votes were shared between candidates) would more accurately reflect voter preferences.

However, such a change in counting rules may create other problems of representation, particularly if a very popular candidate receives an overwhelming number of first preference votes. In such a situation, this proposal would lead to the favoured candidate’s election but leave only a relatively small number of voters to elect the other candidates. While this would usually be a lesser problem than the current one of minority exclusion, it is important to be aware of this potential for further unintended consequences.

b. A change to optional rather than compulsory preference marking

This would be another relatively simple reform, requiring only minor legislative and procedural changes. Under the proposed reform, the existing requirement for voters to number all preferences would be discarded, and voters would have the option of numbering only a few preferences or none at all – that is, only marking a “1”, and leaving all other squares blank. While voters could express additional preferences if they wanted to, they would not be compelled to do so in order to cast a formal vote.

Such a change would be likely to minimize but not eliminate the problem of preference cumulation that is at the heart of the current system, and would be congruent with the approach to preference marking taken in other Australian jurisdictions such as Queensland and NSW, where such “optional preferential” voting is already in use at state elections.

The disadvantage of this approach is that it may have only limited impact on addressing the problem of unrepresentative results. To the extent that most voters would be content

to just express a single preference, the change would likely have a positive impact, opening up space for minority candidates and reducing the problem of large-group dominance. But if voters choose to keep numbering most or all preferences, and to keep cumulating these optional preferences upon members of their existing clan, tribe or locality, the same problems that are currently evident may well persist. Much depends on the extent to which voter behavior would change (or not) as a result of such a reform.

c. The introduction of limited preferential voting

This is a stricter variation of option b. above, with which it could be combined if necessary. It would effectively limit the number of preferences each voter could express to a certain number – for instance, no more than two or three preferences in total. This would restrict the ability of voters to cumulate their preferences, which is one of the sources of the current problems, by only allowing them to express a limited number (eg two or three) preferences in total. (At an extreme, preferences could in theory be restricted to a single “1” vote, which would solve the current problems of cumulation entirely, but also change the nature of the electoral system to a first-past-the-post style single non-transferable vote contest.)

Like the previous recommendations, this proposal would be simple and cost-effective, and has some experience in other jurisdictions (a limited 3-preference voting system is currently used in Papua New Guinea, for instance). However, like the previous recommendation, the effectiveness of this proposal remains open to question. It is possible that voters for successful candidates could still have their ballots counted twice or three times, depending on the limit applied, which would reduce but hardly eliminate the current problem of excessive accumulation of votes which then cascade down to elect related candidates.

d. The introduction of single transferable vote counting rules

This is the recommendation made by Will Sanders and Alastair Heatley, and is the optimum change from a pure electoral systems viewpoint. Such a change would require

no change to existing procedures in the single-member districts, as preferential voting is effectively the application of STV in a single-member election, with a 50% quota. However, the application of single-transferable vote PR in multi-member districts would accurately reflect the intention of the voters and would result in fair, legitimate and balanced election outcomes. It would also be in keeping with the approach used for other elections in the Territory and elsewhere in Australia, and in other jurisdictions which combine single-member and multi-member electorates. Voters should have no problems understanding the system, as they would vote, and mark preferences, in exactly the same manner as they do now.

However, such a move would inevitably increase the complexity of electoral administration, particularly the vote-counting process in multi-member districts. In such districts, a 'quota' for election would have to be calculated for each multi-member ward or municipality, and each elected candidate's ballot papers would need to be re-examined and their preferences transferred to remaining candidates at a fractional transfer value, as described in section 4 above, in order to effect the count.

While complex, this process is logical and straightforward, requiring basic administrative and mathematical competence of the electoral administrators but not a change in the current processes for electors. The burden of such a change would therefore fall almost entirely on those counting the votes rather than those voting. However, it is possible that the increased complexity and the time needed to conduct the count could also generate some adverse reactions, depending on how many candidates and hence preference transfers (and hence, time to complete the count) is required.

- e. A change in the electoral system to the Single Non-Transferable Vote, Borda Count or some variation of the same

This is a more ambitious option, requiring more radical changes to the current electoral law. Under this approach, a new electoral system more suited to the Northern Territory local government structure and circumstances could be designed and introduced. Two options discussed above include the single non-transferable vote (which would



eliminate the use of all preferences entirely) and the Borda Count (which would keep the current system of preference marking, but count them differently). Both of these systems have the advantage of being able to be applied in both single-member and multi-member contexts, and both would likely result in fairer outcomes that more accurately reflected the will of the electorate than the current system. SNTV (but not Borda) is also quite a simple system, effectively being a first-past-the-post count of only one preference in multi-member electorates.

The disadvantage of these (and other) systemic changes is that they would effectively introduce an entirely new electoral system for Northern Territory Local Government elections which would be distinct from the electoral procedures that apply at Territory and Federal level elections, and which has no record of use in Australia. They would also require fairly extensive re-writing of existing legislation and procedures. However, they would also be simpler to administer and count than the mixed preferential voting-STV option described above.

## **8. Conclusion and Recommendations**

The existing Northern Territory electoral system should be changed. It delivers patently unfair election results in multi-member districts, and will continue to do so as long as the current ward structure remains in place.

My recommendation would be to give close consideration to several reform options. The optimal reform from an electoral system standpoint would be the introduction of Single Transferable Vote counting system, as outlined in option d. above. Such a system would require no change to existing procedures in single-member electorates, would be congruent with other Australian jurisdictions, and would produce fair results overall. It is notable that two other investigations of the Northern Territory Local Government electoral system, by Alistair Heatley and Will Sanders, came to this same conclusion. My expert opinion, in line with these other experts, is to adopt STV for all seats (noting that this will effectively leave the current procedures for any single-member seats

unchanged, as STV in single member seats works exactly the same as the current system).

However, the cost and administrative implications of adopting STV require careful consideration. The main issue for electoral administration is the complex calculations that are required when surplus preferences are distributed from elected candidates under a fractional transfer value, as described in section 5 above. In response to these challenges, the Australian Electoral Commission (AEC) and some state and territory level bodies (such as Tasmanian and ACT Electoral Offices) have adopted computer technology to assist with the process of STV counts.

There are two primary variants of this technology. The first is the use of computer assisted counting, as used at Senate elections by the AEC, in which the preference rankings on each ballot paper are entered into a computer program, which then automatically calculates the required fractional transfers and indeed the end result, a process which has significantly shortened the time needed to conduct a Senate count. The second approach, as used in the ACT, takes this a step further and asks voters to enter their preferences directly onto a touch screen computer. Both approaches enable the final result to be calculated instantly once all preferences have been recorded, which reduces greatly the complexity issues associated with an STV count. However, the use of computer technology introduces new issues such as the need for laptops, understanding of the relevant programs, and of course availability of power supply etc which may be an issue for remote-area elections in particular.

In contrast to these options, a single non-transferable vote count is much simpler than the existing system, as there are no preferences to distribute and counting does not require any computer technology. The system is, as described above, effectively a first-past-the-post contest in multi-member electorates, but with voters having only one vote. The Borda Count option sits somewhere between the two, being less complex than STV but more complex than SNTV. It could also utilise computer technology effectively, but the fact that no other Australian jurisdictions currently use this systems means that

relevant programs would not be available "off the shelf", in contrast to the already-available STV counting programs.

Finally, if only minimalist change to existing legislation and procedures is a primary aim, then I would recommend considering some combination of only distributing preferences from excluded candidates, changing from a compulsory to an optional preference marking system, and/or limiting the number of preferences that can be marked – that is, some combination of options a., b. and c. above. However, while simpler in both legal and administrative terms, none of these options will necessarily solve the problems of the current system, or are guaranteed to deliver fair and consistent outcomes. For this reason, my overall recommendation would be for the Northern Territory to adopt the STV system, thus bringing Territory elections into line with other Australian jurisdictions in which multi-member electorates are used.

**References consulted**

Relevant legislation: the *Local Government Act* and the *Local Government (Electoral) Regulations*.

Maps of council areas, including ward boundaries

Results of the 2008 elections

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