

OFFICE OF THE MAYOR

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Dear Sir/Madam

2022 Local Government Representation Review – City of Palmerston

The City of Palmerston has considered the 2022 Local Government Representation Review (LGRR) Preliminary Report in context of the Palmerston Municipality and makes the following submission.

The City of Palmerston strongly objects to the introduction of wards within Palmerston. It considers wards will reduce diversity, representation, voter choice, and is not a solution to the problem of informal voting. The proposed wards do not fairly distribute councillor representation of the community but do introduce inequitable distribution of the functions of councillors.

Adjacent municipalities with wards are not experiencing improved outcomes and the committee assumptions that wards improve representation, good governance and leadership are fundamentally flawed. There has been no strong community drive for change to a ward system.

It is our understanding that LGRR is to consider how to provide the best community representation at the Local Government level in the Northern Territory. We further understand from the LGRR documents that the aim of the representation reviews is to ensure that all voters in the Local Council area are fairly represented. The preliminary report does not indicate that Palmerston voters are being unfairly represented currently, and this has not

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been indicated from community submissions to date. A change from the current no ward structure suggests that the committee believes Palmerston electors are unfairly represented, which has no basis in fact, only the opinion of committee members.

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Council notes that the committee have failed to provide a response or the evidence that we requested in our first submission. We attach our first submission for completion and with the expectation that a response will be provided to both submissions before a decision is made.

The *Local Government Act (2019)* Section 24 states:

24 Objectives of council

A council has the following objectives:

- (a) to provide open, responsive and accountable government at the local level;*
- (b) to be responsive to the needs, interests and aspirations of individuals and groups within its area;*
- (c) to cooperate with Territory and national governments in the delivery of services for the benefit of its area;*
- (d) to seek to ensure a proper emphasis on environmentally sustainable development within its area and a proper balance between economic, social, environmental and cultural considerations;*
- (e) to place a high value on the importance of service to the council's constituency;*
- (f) to seek to ensure that council resources are used fairly, effectively and efficiently;*
- (g) to seek to provide services, facilities and programs that are appropriate to the needs of its area and to ensure equitable access to its services, facilities and programs;*

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(h) generally to act at all times in the best interests of the community as a whole.

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Wards

Council strongly supports that Palmerston remains undivided (no wards) for the following reasons.

- **Wards promote division amongst the chamber.** Wards inevitably lead to councillors focusing only on their ward because this is where their votes come from at election time. Instead of focusing on the municipality as a whole, ward councillors will inevitably focus only on their ward. It is also likely that councillors will form blocks or make deals in order to secure votes for ward-related decisions, rather than focus on the community as a whole. This is contrary to the objects of the act
- **Wards do not promote the objects of s 24 of the *Local Government Act 2019*.**
 - Groups or communities of interest within Palmerston are not based within wards but are distributed throughout the community based on other factors such as cultural and hereditary identity, sporting, social and recreational association.
 - Wards detract from a proper balance between economic, social, environmental and cultural considerations, with ward councillors arguing for resources to be spent in their own ward area rather than where they are required for the community as a whole.
- **One single electorate is appropriate for the Palmerston community.** The Council considers the existing structure of not having wards for the municipality of Palmerston is appropriate for our community and ensures delivery on the above principles for the Community of Palmerston as a whole, instead of members being focused on their own ward. The current system of no wards means that every elected member is answerable to everyone in the

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community for the delivery of council services and we all work collectively in this task, not as individuals or based on dividing lines or alliances.

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- **The Palmerston Community has not indicated a preference for wards.** Council is unaware of a desire by the Palmerston Community to transition to a ward structure and is not aware of any dissatisfaction with the current system. Council's 2021 Community Satisfaction Survey indicated the highest community satisfaction since 2012, and introduction of wards was not identified by the community at this time. This supports the reasoning that the current structure of no wards is providing the community with best representation.
- **The Good Governance of a Council.** It is disingenuous of the committee to assert that good governance is a result of a ward structure. This is plainly incorrect. The distinction between poor and good performance of Council can only be attributed to the quality of representation, good governance and leadership of its members and senior executives. It cannot be attributed to whether the Council has wards or not. Palmerston has always been undivided, but has experienced a wide range of both poor and quality leadership, based on the people elected, not based on the mere fact that wards exist or don't exist. The current council represents a diverse range of the community, and all members have significant professional backgrounds and experience in community and professional boards. Their election to council is a result of being known by their community of interests from across Palmerston, not because they are well-known within one neighbourhood.
- Both the 9th and 10th City of Palmerston Councils have had very good governance over council's affairs. This can be attributed to greater interest of the community in local government issues and passionate individuals nominating for election, not whether there are or are not wards.

Council believes that improvements on representative diversity can be achieved through greater education and communication to encourage people

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to nominate who reflect the diversity of our community, and also through better recognition of the role of councils and their work and value to the community.

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Fair Representation and communities of interest

In relation to the community being fairly represented, a ward system does not allow the community to select a council that truly represents them but limits the options that the community has for selecting representation from within their community of interest.

- **Wards do not promote diversity.** Council does not support the view that wards will result in greater diversity of backgrounds, skills, experience and opinions among elected members. A good example of this, is Palmerston seniors, who live throughout the municipality, not in a single suburb or proposed ward area, and who would not be able to select a senior if there are no representative candidates in their ward. Additionally, wards also limit representative candidates from gaining sufficient votes, as their votes are restricted to one ward instead of from across the municipality. Effectively, wards dilute the voter base for communities of interest that are spread throughout the municipality, rather than all residing within one ward, and would result in a less diverse chamber.
- It is a contradiction to state that wards are to be delineated based on communities of interest, social, regional, or other homogenising factors but candidates do not need to reside within the ward.
- Wards may lead to forum shopping based on greater chance of success rather than a genuine community interest.
- Forcing electors into selecting only 2 candidates at election and simultaneously forcing another 5 candidates onto them, for whom they have no say in whether

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they are representative of the elector, is not a fair representation of the community's interests.

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- The current system without wards, allows for Palmerston communities of interest to select their representative from wherever they live in Palmerston rather than diluting their chances of success.
- Restricted selection of representation from wards does not represent the interests of the community as a whole where, as required by the *Local Government Act 2019*.
- **Council does not support the view that Elected Members of wards are more likely to be known by their ward constituents.** While this point of view may be valid in regional local government areas, where there are distinct towns, communities, language groups and limited interaction because of travel times and distances, this point of view is not warranted within a relatively compact and homogenous community such as Palmerston.
- As stated above, Palmerston's communities of interest are dispersed throughout the municipality, not located exclusively within a handful of suburbs.
- It is the responsibility of all candidates to make themselves known to their constituents. Door knocking and letterbox dropping are no longer the only methods of campaigning, as acknowledged by the AEC in 2013, that Social Media campaigns demonstrate new opportunities and increased access to voters with lower cost compared to traditional media.¹ Council is not aware of any evidence that there is a differential of being 'known' between a ward, or no ward, structure.

¹ [Electoral Engagement using Social Media - Australian Electoral Commission \(aec.gov.au\)](http://aec.gov.au)

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Unintentional Informal Votes

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The committee assert that a reduction in candidates in each ward will reduce unintentionally informal votes.

- **Elector's inability to sequentially number ballots.** The committee asserts that elector's inability to sequentially number ballot boxes is a valid reason for introducing wards. The Council finds this comment offensive as it suggests that Palmerston electors are illiterate.
- The view that having wards is less confusing or less burdensome for voters is not supported as Council considers the Palmerston community able to make their own informed decisions. Again, there is not any known evidence supporting this view.
- **Reduction of unintentionally informal votes.** The committee asserts that wards will reduce the number of unintentionally informal votes. The Council believes that the committee has conflated non-sequential numbering with all unintentionally invalid ballots, such as ballots with only a number '1' or ballots with partial sequential numbering.
- Unintentional informal voting due to the number of candidates should only be attributed to some non-sequential ballots.
- The placing of a 1 or incomplete numbering is a result of inadequate voter education or confusion between optional preferential voting at some elections and full preferential voting required at local government elections.
- Not all non-sequential numbering can be attributed to the elector losing track of sequential numbering. Some non-sequential numbering is also attributed to voters being unable to discern a difference in their lower ranked options and may number several candidates with the same number indicating no preference of one over the other. In this instance, these ballots are intentionally non-sequential.
- A 2016 House of Representatives Report indicated that just 15% of all informal voting was due to non-sequential numbering. The remaining 85% were

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informal because of incomplete numbering (25%), completely blank (25%), scribbles, slogans, or protest votes (20%), crosses and ticks (8%) and illegible numbering (7%)².

- The high proportion of informal votes due to incomplete numbering indicate confusion with optional preferential voting, while other informal votes indicate dis-satisfaction in having to vote at all.
- If the committee considers that unintentionally informal votes require addressing, the committee should consider education in the first instance to ensure that voters understand the importance of full preferential voting, instead of focusing on a small proportion of unintentional informal votes.
- A far significant issue for the electoral commission to address is the underwhelming voter turnout of 60-70% at local government elections, which represents a much more substantial issue in democratic process, instead of focusing on a very small proportion of unintentionally informal votes as the basis for moving to a ward system.
- Improvements to voter turnout has not been demonstrated at the recent City of Darwin, Waters ward by-election with voter turnout being less than 50%. This figure is a strong indicator that wards do not promote better democratic process but does indicate that wards may encourage poor voter participation.

Less candidates per ward

The committee asserts that that there will be less candidates in a ward system is not considered valid.

- While it may be true that there will be less candidates per ward, there is risk that there could be large differences in candidate numbers across different wards, resulting in some desirable wards being very competitive, and others potentially not having sufficient numbers to contest the ballot or fill vacancies, resulting in supplementary elections.

² Analysis of Informal Voting, 2016 House of Representatives Elections - AEC

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- Wards with uncontested seats are likely to have a poorer outcome for the community while wards that are hotly contested are likely to see highly suitable candidates not elected, remembering that the ultimate goal is for representation of the entire local government area, not just the ward.
- The Committee Report also refers specifically to the number of candidates in the 2021 Local Government Election stating that the number was 14 therefore leading to voter confusion and potential informal votes. The Committee should not simply rely on one election prior to this election as their choice of cherry-picking data. The 2012 City of Palmerston elections had just one more candidate than the number of vacancies.
- Such a scenario would inevitably lead to uncontested election in some wards with other wards having insufficient candidates to fill vacancies.
- Although this may be easier for the electoral commission in not holding an election, it does little for democratic process in allowing the community to select the best candidates as a whole from their community of interest.

Costs of By-Elections

Council does acknowledge that with wards, a by-election would be less expensive.

- However, the higher chance of uncontested elections, due to wards with insufficient candidates to fill the available vacancies, would also result by-election or supplementary election costs to fill vacancies, and potentially see unsuitable candidates elected.
- Council considers the right for all voters within the community to elect its representatives, outweighs the potential costs of a by-election or supplementary election.
- Council is responsible for ensuring it manages its budget and is responsible to its community for its decisions.

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- Again, Council would like to see evidence of the number of supplementary and by-elections as a result of insufficient nominations and resignations, compared between Councils with wards and councils without wards.

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Council concedes that for some local government areas, representation in wards is appropriate to support regional distinctions, such as distinct towns, communities, language and cultural groups, travel time, distances, scale and size, and communications. These factors do not apply in Palmerston where the community is not geographically separated, travels times are less than 15 minutes from boundary to boundary, and the population is relatively homogenous.

Council is of the view that lack of engagement of voters requires improvement in education, communication and understanding of the importance that Local Government plays to the community, and therefore the importance to vote or nominate. A change to the way voting occurs may in fact lead to greater confusion of representation when the community is used to the current structure.

There is a need to deal with the informal voting and poor turnout problem within Northern Territory Local Government elections, but the problem can't be fixed through ward structure changes as has been evidenced by the fact that this occurs at the same and in some cases higher rates within urban NT Councils containing wards.

The Committees assumptions are not supported by evidence in actual practice within the NT. The Committee and NT Electoral Commission should review voting methodology and consider changes that may reduce informal votes, such as optional preferential voting which would enable the ballots with incomplete numbering to be valid ballots and counted.

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Quality of candidacy

While the Committee seeks to reduce unintentionally informal votes, it has overlooked the issue of quality of candidates and principals of democracy. Introducing a ward system and limiting the choice of all electors to only a select few who choose their ward does not necessarily mean that the best or preferred candidates from across the municipality will be selected. Electors' choice of those to represent their community is limited to only their ward, not the entire municipality reducing their democratic say. Candidates of much higher quality will miss out and those with less skill or nefarious intentions are likely to be elected in wards with fewer candidates.

Number of elected representatives

Council currently has eight Elected Members, and the Council considers that at this point in time that this number is adequate. However, as the city grows a future review of total numbers of Elected Members would be considered appropriate.

Proposed scenarios

Council considers that both proposed scenarios are not appropriate for Palmerston and would result in negative consequences for the representation of Palmerston.

- **The proposed wards are inequitably distributed.** The proposal to include all of Palmerston's industrial estate, including the newly acquired areas into a ward with 1 or 2 representatives is not workable. Although businesses have no voting rights, they are entitled to representation and support from council. The

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council considers the proper development of its industrial estate as being of strategic importance and should be a priority for all council members, not divided on ward lines.

- **The proposed wards are distributed discriminatorily.** A single ward focused on the older suburbs of Palmerston is discriminatory and isolates this part of the community. Such a ward undermines the work that the council has done to promote an inclusive society where everyone belongs. Council acknowledges that there are areas of significant social issues in some suburbs, however, a change to wards means that the burden of load in working with the community will be unfairly left to a few ward councillors. Currently, all City of Palmerston elected members works collectively towards addressing social issues within the community.

Other issues

Council wishes to raise with the Committee and in particular the chair its concerns about the genuine nature of seeking feedback from stakeholders and taking an impartial view of submissions made.

The Committee has stated it *"is seeking your feedback to help understanding local issues and inform the final outcome of the review."* (Email dated 4 October 2022).

Following a presentation by Committee members to Council on the 4 October 2022, Council is concerned that there exists a potential for apprehension of bias being that find a fair-minded and reasonably informed observer might consider that a decision-maker has not approach their task with a sufficient level of impartiality or has a closed mind or prejudice to the task and issue at hand.

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Several comments were made indicating strongly that committee members have a closed mind to the issue of whether wards are appropriate for Palmerston, with a stated bias for wards but failure to consider that having no wards is a perfectly valid alternative. The committee stated as fact that dividing Palmerston into wards was exceedingly difficult but could not provide a response to the council when challenged that the imposition of wards is not a practical consideration for this community. Council suggests that this difficulty in defining wards lends itself to the fact that no wards are appropriate for Palmerston.

The result of numerous comments made at the meeting indicated to Council that genuine engagement and an impartial view and approach has not been taken in the committees approach and engagement with the Council and the Palmerston Community.

Council is democratically elected to represent their community on local issues and in this case, we have expressed views on behalf of our local community to you which appear to have been disregarded. It is evident from the lack of community responses seeking a change to wards that it is not driven from the community. The Committee should not take the lack of community submissions as consent for your proposal. The Council argues that you should give more value to the submissions received. Change for the sake of change is not a good basis for decision making nor does the Report provide compelling evidence to justify the change.

As such, the City of Palmerston Council **strongly objects** to the introduction of wards within the Palmerston municipality and recommends that the Committee withdraw its recommendations regarding wards in Palmerston.

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Yours sincerely



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Mayor

Encl:

2022 Local Government Representation Review – City of Palmerston Submission – 8
June 2022