

**What is the best voting system
for
Local Government in the NT?**

**Discussion Paper
Published by the Department of Housing, Local Government and
Regional Services**

**Response by the NT Electoral Commission
October 2010**



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1. INTRODUCTION

The Northern Territory Electoral Commission (NTEC) conducted the 2008 Remote and Rural Shire General Elections (RRSGE) in October 2008. This was the first election conducted under the provisions of the *Local Government Act 2008* and the Local Government (Electoral) Regulations 2008.

NTEC involvement was limited with regard to the formulation of the current electoral systems and procedures contained in the local government legislation. In fact, by and large, it was restricted to providing feedback on legislation that had been already drafted by the Department of Housing, Local Government and Regional Services (DHLGRS) relatively close to its introduction into Parliament and the election itself which followed hard on its heels.

The NTEC was not part of the Local Government Advisory Board that guided the establishment of the new Shires and the systems that supported them. It also played no role in establishing the original council and ward boundaries, other than arranging for the supply of enrolment statistics directly to the DHLGRS by the Australian Electoral Commission (AEC).

This submission seeks to respond briefly and directly to the questions specifically asked in the Discussion Paper; however, many of the issues touched upon are complex and are deserving of a more detailed response. This paper also concentrates primarily on the exhaustive preferential (EP) and proportional representation (PR) voting systems as these appear to be drawing the most attention in the current debate.

The NTEC has a natural and vested interest in the detail of election processes established in local government electoral legislation as it is usually charged with the responsibility of conducting these elections. Also, although not the reality, the public perception is that, as an independent electoral body, the NTEC has carriage of the legislation and is expected therefore to provide justification for its content or at least provide advocacy for change where it is appropriate.

The NTEC has considerable expertise in election management in the NT and would therefore welcome increased involvement in any future development initiatives related to local government electoral legislation, policy and practices.

2. ISSUES RAISED IN THE DISCUSSION PAPER

2.1. Do you think it is important that people understand the vote counting system? If so, why?

The NTEC would not suggest that it is unimportant for the elector to understand the vote counting system; however, realistically, a well informed general public on this subject is unachievable in normal circumstances.

Considerable and ongoing efforts are already being made in educating the public about the workings of the exhaustive preferential system by both the AEC and the NTEC but the system is still not thoroughly understood by the general public. It should also be noted that, the more complicated the adopted count system, the more challenging and ineffective a public education program is likely to become.

Although it may be ideal for electors to understand the adopted counting system for a full appreciation of how a vote is treated, it is arguably more important that the electors simply have a general appreciation of the fundamental working principles of the system, with a clear understanding of how to mark the ballot paper to record a formal vote that fully expresses their preferences. The other important message, in this particular jurisdiction at least, is that an elector can ask for assistance from a polling official or someone s/he nominates, if s/he has difficulty marking a ballot paper due to some physical impairment or a lack of literacy/numeracy skills.

2.2. Given that it is not feasible for every small group to be represented in a local government area, is it important that the vote counting system enables representation of minorities?

'Community of interests' is a universally accepted criteria used in the setting of electoral boundaries at all levels of government in this country. Although the concept of 'community of interests' is not easily defined, its widespread acceptance as a consideration clearly reflects a fundamental principle that electoral boundaries should be drawn, as much as is practicable, in a way that results in some commensurate representation for major stakeholders and regional interests that exist within the jurisdiction.

Of course, the line on community of interests must be drawn somewhere and will not ever be able to give representation to every minority group. It seems a reasonable ideal, however, that significant minority interests that are present in large, multi-member electorates do not go unrepresented as a result of the operation of the voting system being used.

In fact, it can perhaps also be even more strongly argued that, of all the levels of government, local government should be particularly reflective of all the major groups within the community because of the very nature of the services it provides. If this contention is accepted, it therefore follows that there needs to be particular emphasis on representation from significant minorities in the local government community, especially where disparate community interests are known to exist.

Generally speaking, the lower houses of bi-cameral parliaments in Australia have single member electorates characterised by strong, more localised community interests and relatively small numbers of electors. Upper houses, on the other hand, are much larger electorates where the community of interest is necessarily broadened significantly, to the point of representing either a very large regional area or even an entire State. At the State and Federal level, a preferential voting system of some kind has invariably been adopted for their smaller, single member electorates and various forms of proportional representation has been adopted for the larger, multi-member electorates.

In this context, it is interesting to observe that there is currently a rather unconventional set-up with current council arrangements in the NT. Specifically, the major, urbanised and long-established NT councils currently have more Legislative Assembly electorates established within the confines of the municipal boundaries than actual municipal electorates themselves. Moreover, the approach taken by the major, urbanised councils to the adoption or rejection of wards has been quite inconsistent (see the following table):

COUNCIL	No. Voters Last General Election	No. Aldermen or Councillors	No. Council Electorates	No. Legislative Assembly Electorates in Council Area
Alice Springs	14 654	8	1	3
Darwin	42 166	12	4	9
Katherine	4 825	6	1	1
Litchfield	10 778	4	4	2
Palmerston	14 069	6	1	3

In stark contrast, the new rural and remote shire councils have produced quite different results under those same categorisations; however, there it is also notable that there is still a fair amount of inconsistency amongst the group in relation to the structure established for the conduct of their inaugural elections in 2008 (see below).

COUNCIL	No. Voters Last General Election	No. Councillors	No. Council Electorates	No. Legislative Assembly Electorates in Council Area
Barkly	4 176	11	3	1
Central Desert	2 679	12	4	1
Coomalie	568	9	6	1
East Arnhem	5 266	12	4	2
MacDonnell	3 317	12	4	1
Roper Gulf	3 667	12	5	1
Tiwi Islands	1 533	12	4	1
Victoria Daly	3 373	12	8	1
Wagait	219	7	1	1
West Arnhem	3 427	12	4	1

Based on the tables above, speaking strictly from a community of interest representation point of view, there would seem to be a strong argument that large townships, identified by either population or the number of councillors should either be obliged to adopt an appropriate ward system (particularly if an EP system is operating) or conduct their polls under PR or at least another system that is likely to produce representation for significant minority groups.

2.3. The 2008 elections introduced many voters and councils to a new, perhaps unfamiliar voting system. Do you think the current voting system should be given the chance to settle and be tested again at the 2012 elections before any changes are made?

The EP vote marking system is not new to electors. Electors have been voting in this way for all levels of government in the Territory for many, many years.

However, electors may not have been fully acquainted with or appreciative of its potential to affect outcomes in multi-member constituencies. This is despite the fact that the system has been in use for a long time in alderman/councillor elections in the Territory's major, urbanised council areas (i.e. approximately 70% of the voting population) and for a number of the Community Government Schemes that elected multiple representatives from within their own local community before the establishment of the new and larger rural and remote shires.

The main criticism of the current voting system at the RRSGE was that the outcome in some wards and councils did not provide the broader representation of community interests that was originally envisaged. Essentially these perceived failures were clearly a direct result of, or at least exacerbated by, the lack of appreciation that elected member outcomes are always a product of the system as a whole, which includes decisions on the adoption of single or multi member electorates, the counting system employed and the actual electoral boundaries that have been established.

The EP system can easily provide a 'winner takes all' outcome in multi-member electorates, where groups of individuals with a strong, common connection have the numbers against other distinct groups or individuals within the same electorate. The measures usually applied to offset this potential to dominate are either the establishment of ward boundaries based on strong community of interests or the adoption of a proportional or another counting system that can be expected to deliver greater representation for those unable to achieve absolute majority support.

In conclusion, rather than treat current criticism as simply a settling-in problem for EP, authorities should instead first revisit on a case by case basis, the chemistry that was created by the mix of current ward boundaries, the application and extent of multi-member electorates and the workings of the EP counting system. Such a review may demonstrate that better representation outcomes could have been achieved by modifications to boundaries, rather than changes to the voting system.

2.4. What do you think are the most important factors to consider when choosing an electoral system for local government in the Territory?

2.5 Does one of these systems seem like a better option for local government in the Territory? If so, can you explain why?

These two lines of questioning are probably best addressed simultaneously.

Selecting one voting system for universal application for all local government authorities across the entire Territory that best meets the needs of all councils is extremely difficult. A summary of how the councils are currently structured is shown in **Appendix A** and this provides an insight into the level of diversity that presently exists.

The profile of the constituents and the range and significance of community of interests varies so much between the different councils, especially between the large municipalities and the remote shires, that reconsidering the need for a universally applied system may even be worthy of serious consideration. For instance, in both Queensland and New South Wales, the voting system varies depending on the numbers of positions to be filled.

All voting systems have their strong and weak points. PR certainly allows minority groups to be elected, as candidates may get elected on a quota which is only a small proportion of the total vote. Those that argue against PR usually concede that it leads to more diversity in representation but this comes at the risk of domination by fringe groups which will lead to increased governance instability and inertia. They also contend that individual constituents do not have a clear representative reference point for any issues they wish to raise and that the increased size of electorates usually associated with PR makes campaigning difficult for anyone not associated with a large support group, like a party machine. As a consequence, it is

often asserted that PR therefore encourages the operation of tickets and the introduction of party politics. The PR system itself is also less understood by the voting public than any of the popular alternatives.

The First-Past-the-Post (FPTP) system is simple, easily understood and usually eliminates some unintentional informality and donkey voting. However, it may also deliver a successful candidate who does not have majority support, especially where two or more popular candidates split the vote. Vote marking and counting would also be inconsistent with House of Representatives and LA elections in the NT, if ticks and crosses were allowed (as is usually the case) and this would certainly give rise to increased informality at those particular polls. The FPTP is usually only adopted when either simplicity is an essential prerequisite or where the acceptance of domination of key political forces is the preferred outcome through party preferences or preference swapping. FPTP is currently used for local government elections in both WA and Queensland.

EP works well in single member electorates but can produce a 'winner takes all' result in multi-member constituencies, especially if boundaries create large electorates that work against smaller minority groups that reside within their confines or where political party machines have the capacity to exercise more overall control. It should be noted that EP and PR work identically where single member constituencies are involved because the PR formula also requires majority support in such circumstances.

There is any number of factors that can be considered when trying to determine the most appropriate voting system. However, for the purposes of simplicity, potential systems might be best assessed in respect to four key areas, namely:

- Fundamental System Principles;
- Impact on Representation;
- Impact on Elector Participation;
- Impact on Administration.

Fundamental System Principles

At the local government level in Australia, jurisdictions have adopted a variety of voting and counting methods customised to meet their perceived needs or even perhaps in response to local political agenda. See **Appendix B**.

In respect to fundamental principles, a decision needs to be made as to whether a majority system is desirable or not. A stance needs also to be taken as to whether electorates should be single member electorates or multi-member electorates (and, if multi-member electorates are to be adopted, how many members will be allocated to each electorate). These assessments need to be made in concert as outcomes will depend on the mix of both.

Whether the voting system should be varied between councils might also need to be determined. In considering that possibility, it should be noted that voter instructions and obligations with respect to marking the ballot paper requirements can be the same, regardless of whether the adopted system is EP, FPTP or PR (providing no ticket voting is available).

Until the roll-out of the remote shires, criticism of the EP at local government elections (then essentially municipal elections) was very limited. In fact, the current EP system was only

occasionally criticised with any degree of fervour, not with respect to multi-member constituencies, but rather in relation to elections for a principal member (e.g. mayor) on the basis that the successful candidate did not receive the highest primary vote and that the candidate who did receive the highest primary vote lost. That type of criticism is effectively supporting the adoption of the FPTP system to replace the current EP and is a fundamental move towards a non-majority system.

Recent Darwin City Council (DCC) elections provide useful illustration of the features and operations of the current system and the outcomes it is likely to produce in a single member electorate in the Northern Territory, particularly in an urban setting.

When evaluating our current local situation, it may also be useful to remember that to date municipal and shire elections have so far not attracted significant preference swapping amongst candidates or political party involvement. In addition, the experience has been that the remote shire electors have tended to heavily support their local candidates in preference to others whilst preferences in municipal elections have not followed much of a pattern at all.

In the DCC mayoral polls shown below, the most popular candidates on primary votes all failed to poll an absolute majority on those votes alone but, in most cases, eventually prevailed once preferences were distributed to the point where a majority was achieved:

Year	No. Candidates	Leader on Primary Votes #	% Primary Vote for the last Two Candidates in the Count		Elected Candidate	% Full Distribution of Preferences	
2008	11	SAWYER	Sawyer Lesley	37.3 15.2	SAWYER	Sawyer Lesley	56.8 43.2
2004	7	ADAMSON	Adamson Lawrie	39.8 29.8	ADAMSON	Adamson Lawrie	55.8 44.2
2002*	16	LAWRIE	Lawrie Adamson	26.1 18.1	ADAMSON	Adamson Lawrie	52.4 47.6
2000	5	BROWN	Brown Lawrie	38.9 31.1	BROWN	Brown Lawrie	52.4 47.6
1996	4	BROWN	Brown Antella	49.2 21.0	BROWN	Brown Antella	56.6 43.4
1992	7	BROWN	Brown Antella	41.0 21.0	BROWN	Brown Antella	59.0 41.0
1990*	7	ANTELLA	Antella Markham	31.3 28.8	MARKHAM	Markham Antella	50.7 49.3

* By-Election

Effectively the winner under FPTP

The above results also show the potential for a candidate to have the most support in the electorate in terms of 1st preference votes but not necessarily the support of a majority when the voting choices are narrowed to just the two most popular candidates. Moreover, the results also show the sort of percentages that can be expected to give a candidate victory under FPTP and the effect large numbers of candidates can have in lowering the primary vote percentages received by candidates.

Specifically, the table shows that candidate Antella contested the mayoral poll at three separate elections but was beaten each time, despite the fact that he was one of the last two candidates in the count on each occasion. It is also noteworthy that he was beaten by two different

candidates at those particular polls, twice by candidate Brown and once by candidate Markham, after actually leading Markham on the primary vote count on that particular occasion.

Similarly, candidate Lawrie lost three elections in a row after polling strongly in the primary vote count. She also was one of the last two candidates in the count on every occasion but was beaten each time. On two occasions this was by candidate Adamson (including once where she led that candidate at the primary vote count) and once by candidate Brown.

As stated earlier, as a result of the formula used, the PR system will return exactly the same candidates as exhaustive preferential in single member electorates or in by-elections for only one vacancy. In terms of multi-member constituencies, however, the percentage of the vote required under PR to get elected will be dependent on the number of vacancies. Generally speaking, about one ninth of the formal vote will be required if there are eight vacancies, about one seventh of the formal vote will be required if there are six vacancies, about one quarter of the formal vote will be required if there are three vacancies, etc.

Impact on Representation

Since the October 2008 RRSGE, attention has focussed on the effectiveness of the current voting system in providing representative outcomes at that particular poll. Debate has tended to centre on the perceived merits of a PR voting system over the EP voting system. It has also centred on the outcomes generated in the Central Desert Shire and has not involved detailed analysis across the Northern Territory, nor paid a great deal of attention to outcomes that resulted in the municipality general elections held in March 2008.

It is notable that the Local Government (Electoral) Regulations 2008 do not provide for the 'one vote/one value' principle to overshadow other criteria to be considered in the setting of electoral boundaries. A number of considerations are prescribed in the legislation and balancing elector numbers is one of them; however, it is not an overriding consideration as provided for in the legislation of other jurisdictions, including the NT's *Electoral Act 2004* for Legislative Assembly redistributions.

Of course, the absence of any overriding criteria based on the equalisation of elector numbers is perhaps not so very surprising if the legislation is seeking to facilitate universal application across the Territory. The disparity in the profiles of the various council areas, from Darwin City Council to Central Desert Shire Council to Coomalie Shire Council, for instance, are so pronounced that the desirability of equalisation of ward elector numbers may be reduced significantly, particularly in remote areas, as a trade-off to ensure due recognition is given to the other competing considerations within those communities and an overall intention to provide for representative outcomes.

Historically, outcomes at urban municipal ward level in Darwin and Litchfield have been less contentious than the recent experience in the more remote areas. This seems to reflect greater homogeneity within the urban wards, less voter recognition of their candidates, the absence of political party association of candidates, significant margins being recorded and the low numbers of unsuccessful candidates in many of the wards.

Claims that the adoption of PR over EP would result in large scale changes in outcomes have not been particularly supported by research on past NT election results.

As stated earlier, in single member constituencies or by-elections for only one vacancy, PR will elect the same person as under EP because its formula equates to a quota that is the equivalent of a majority vote in such circumstances. Consequently, all of the mayoral/president and single member ward contests of the past will return the same successful candidates under PR as they did under EP.

With respect to multi-member electorates, computer records of recent EP counts have allowed a fresh count to be conducted for research purposes based on alternative voting systems.

Generally speaking, the results of the computerised recount did not indicate a great deal of change in the actual candidates being elected using either PR or EP, in respect to the municipalities (see **Appendix C**).

One might expect this to be a different story in remote shires where distinct communities exist in geographical isolation and there may be quite different cultural and political sensitivities at play. The survey on the RRSGE ballots, however, showed inconsistent outcomes in those shires, with the inconsistency being most likely due in some significant part to the relative success each shire managed to achieve in using ward boundaries to adequately reflect 'community of interest' within the shire. Details of the research on rural and remote shire elections are shown in **Appendix D**.

Of course, not all the variation shown in **Appendices C and D** should be automatically attributed to the effects of the introduction of a new and fundamentally different system, such as PR. A number of the candidates elected under EP, especially in the case of the last candidate elected in some of the polls, often only achieved a narrow victory in counts sometimes containing very small numbers of ballot papers. Consequently outcome changes might have been caused by even the slightest of modification to the counting system.

It is also understood that, in the current round of representation reviews, some shires intend to make changes to their existing ward boundaries in an effort to achieve greater representation outcome at polls. The shires which appear to be taking this step are the ones which display the most variation in the table.

One last point worth mentioning when analysing the merits of systems is that primary vote numbers for individual candidates can be expected to be reduced the more candidates that contest the election. Therefore, a FPTP system operating in circumstances where there are lots of candidates may produce a winner with a very low primary vote count and not much broad support in the community. It should be noted in that particular context that mayoral elections in the NT generally attract large numbers of candidates.

Impact on Elector Participation

The marking instructions are imparted to electors on the ballot paper itself and verbally by the issuing officer; however, electors still regularly make unintentional mistakes.

In this jurisdiction, the high level of unintentional informality usually reflects elector shortcomings caused by either a lack of numeracy and/or literacy skills. It can also be a result of a lack of understanding of marking requirements.

There is also a strong co-relation between the number of candidates on a ballot paper and the level of informality. Where there are only two candidates contesting, there is usually a surprising amount of unintentional informality because many electors are drawn to marking the ballot paper with a tick or cross or other means rather than numbers. Conversely, a high number of candidates particularly tests those with limited numeracy skills and provides a greater risk of duplication of numbers or breaks in sequencing. Large numbers of candidates also sometimes cause the elector to lose the numbering sequence as, especially in the absence of party affiliations and a how to vote card to follow, they take time to consider all the candidates for the purposes of expressing a personal preference for each and every one of them.

The incidence of intentional donkey voting (or at least partial completion of a ballot using a donkey voting approach) is also known to rise where large numbers of candidates are involved. At local government elections, where no party affiliations are present and how-to-vote material is sometimes scarce, electors are confronted with having to show a preference for all candidates in order to make their vote count. As a result, they may put a meaningful preference against candidates that they know and then mark sequentially (top to bottom or bottom to top) the other candidates whom they don't know. Alternatively, they may choose to deliberately vote informally because it is all too hard. Currently, the most extreme example of this kind of voter behaviour is demonstrated at a full aldermanic election in Alice Springs, where more than 20 candidates, many unknown to the electors, can be expected to contest eight positions at a general election.

The adoption of PR for council elections can be expected to attract bigger fields of candidates and increased activity by groups and political parties. Those potential developments mean that consideration needs also be given as to whether ticket voting is also supported as part of any new system.

Apart from reducing the number of candidates (and thereby improving elector recognition of those standing) by forcing the implementation of wards, safety net provisions could be legislated to enable certain ballot papers to be included in the count that are currently being ruled out as informal. For instance, although instructions to electors would remain the same, under safety net provisions, ticks and crosses may be accepted and a vote might be considered valid up to where an error in sequencing takes place. ATSIC had a similar system in place at its elections in the past.

Of course, relaxing the formality provisions would result in some votes being exhausted and this would potentially allow a candidate to get elected without an absolute majority of formal votes. However, this is unlikely in cases other than where the closest of margins exists and, even in those circumstances, could be justified as giving more legitimacy to the outcome as it has allowed more electors to have had their say.

A more radical step to improve the formality rate and provide greater voter freedom of expression would be to implement an optional preferential system. Such a system is in place in Queensland and New South Wales council and parliamentary elections; however, NT electors, for their part, currently have the same requirements in marking a ballot at Commonwealth, Territory and local government elections and this is generally viewed as being a positive arrangement.

A move to optional preferential voting at the more frequent local government elections alone would undoubtedly have a detrimental impact on the formality rate at Legislative Assembly and Commonwealth elections in the NT. This has continually been demonstrated in Queensland and New South Wales where optional preferential voting is used at State and local government elections but not at Commonwealth elections. In both of those States, the informality rate at Commonwealth elections caused by the numbering of only one box on the ballot paper is considerably higher than that which has been recorded elsewhere in the nation.

However, if the optional preferential system was ever adopted for Legislative Assembly elections because of perceived benefits it might deliver in this particular jurisdiction, then there would be a reasonable case to adopt it also at local government level, despite the resultant inconsistency that it would create with the Commonwealth.

Impact on Administration

Computerised counts are usually employed for PR scrutinies because of the additional complexity of the count and the large number of candidates that are usually involved. Software to handle PR counts is expensive to buy or hire and this would significantly affect costs to councils unless an electoral administration was engaged as the Returning Officer. Also, computerised counts are arguably less transparent than manual counts from a scrutineering perspective.

If wards are retained as part of the system, the conduct of representation reviews may also need to be reconsidered. The current legislation charges councils with the responsibility of conducting their own review of council ward boundaries in consultation with the NTEC. Unlike legislation governing LA redistributions, the formal process to be followed in these reviews is lacking in detail. In addition, the current local government legislation does not give any detail on what consultation with the NTEC entails.

The NTEC would like its role to be more clearly defined and formalised in the Act. It also believes a more active role for the NTEC in the process would be highly desirable.

The NTEC is an independent, impartial statutory body and is publicly perceived as such. It also possesses a great deal of redistribution expertise and experience in this jurisdiction which can be put to good use in local government representation reviews. Also, if the NTEC plays a principal role in all reviews, it would assist greatly with the application of a consistent approach across the Territory. Roles performed by independent electoral commissions in local government boundary reviews vary (see **Appendix E**).

Finally, depending on the system that is adopted, there may also be a need to conduct an education campaign to inform the general public. A government agency would need to take responsibility and receive funding for that task, which would include formulating and implementing a public awareness program in an appropriate timeframe before the next general election at which any change was effected.

2.6 Any Other Matters?

There are several other associated matters that might need to be borne in mind when assessing various voting systems. These include:

- The effect any decision would have on the future involvement of interest groups and political parties in local government elections (and desirability of any increased activity);
- The effect on the number of prospective candidates seeking election based on their perceived chances of success under a particular system and the personal cost of campaigning and servicing electorates;
- The strictness of formality rules, particularly if elections are likely to draw large numbers of candidates; and
- Methods of filling casual vacancies (under PR most notably, the adoption of either a count-back system or the holding of a by-election) would need to be determined as part of the system. Especially in large electorates, this decision will have significant cost implications for council and candidates.

SUMMARY

All voting systems have advantages and disadvantages and none will provide a perfect fit for any given situation. It is especially difficult to select a voting system for universal application when the users and their environments are very diverse.

Some key decisions need to be made in considering changes to the current system. The most important is whether a majority or a non-majority system is the most desirable and whether, in fact, the same system needs to be employed for each council.

The appropriateness of a voting system can be judged in many ways and views can be subjective. Generally speaking, however, the major considerations may be narrowed to assessing fundamental system principles and the impact a system has on representation, elector participation and administration.

PR guarantees wider and more representative outcomes at local government elections; however, the by-products it may generate, particularly in the NT's unique and diversified local government environment, demand careful consideration and may make it less attractive.

EP will produce a 'winner takes all' outcome in multi-member constituencies where electors can be expected to strongly follow group/party how to vote tickets or provide automatic support for local candidates. In these situations, other measures, particularly the setting of ward electoral boundaries and keeping the number of vacancies to a minimum, need to be carefully applied to guard against unrepresentative outcomes. Large electorates with numerous candidates, such as in Alice Springs Town Council general aldermanic polls, not only provide fertile ground for the 'winner takes all' to take hold but also lead to greater informality and donkey voting due to the need to fill in every square with a successive number where there is low elector recognition of candidates.

Unlike other jurisdictions, the 'one vote/one value' principle does not over-ride other criteria in the setting of boundaries for local government in the Northern Territory. Consequently, if they

so desire, there is a lot of scope for councils to use boundaries to ensure palatable representation outcomes. In this context, it is notable that much of the criticism of EP at the RRSGE was generated from councils which did not take full advantage of the scope available to them to ensure better representation under EP.

FPTP is usually adopted for its simplicity at the expense of other benefits provided by more complex systems. It does not offer any greater guarantee of better representation than EP and benefits such as reduced informality are likely to be outweighed by losses in other areas, which notably would include greater informality at Legislative Assembly and Commonwealth elections if sequential numbers for all candidates were not required under its voting instructions.

Research on the last NT municipal and rural and remote shire general elections does not support the contention that the adoption of PR would result in substantial changes to the make up of current councils, especially bearing in mind that some of the councils will be using the current round of representation reviews to make changes that will ensure wider representation.

Wards and Representation

(i) Rural Shire Councils

Council Type/Name	Ward	No.		
		Elected Councillors	Electors Enrolled 25.10.08	Electors per Representative
Barkly Elected PRESIDENT	Alyawarr Ward	4	1 696	424
	Patta Ward	5	1 930	386
	Yapakurlangu Ward	2	550	275
		11	4 176	379
Central Desert	Akityarre Ward	2	261	130
	Anmatjere Ward	4	998	249
	Northern Tanami Ward	2	474	237
	Southern Tanami Ward	4	946	236
	<i>Principal member from within</i>	12	2 679	223
Coomalie	Adelaide River Rural Ward	1	94	94
	Adelaide River Town Ward	2	86	43
	Batchelor Rural Ward	1	118	118
	Batchelor Town Ward	3	192	64
	Coomalie/Tortilla Ward	1	33	33
	Lake Bennett Ward	1	45	45
	<i>Principal member from within</i>	9	568	63
East Arnhem	Anindilyakwa Ward	3	908	302
	Gumurr Gatjirrk Ward	3	1 295	431
	Gumurr Marthakal Ward	3	1 196	398
	Gumurr Miwatj Ward	3	1 867	622
	<i>Principal member from within</i>	12	5 266	438
MacDonnell	Iyarrka Ward	2	687	343
	Ljirapinta Ward	3	677	225
	Luritja Pintubi Ward	3	840	280
	Rodinga Ward	4	1 113	278
	<i>Principal member from within</i>	12	3 317	276
Roper-Gulf	Never Never Ward	3	690	230
	Numbulwar Numburindi Ward	1	493	493
	Nyirranggulung Ward	3	893	297
	South West Gulf Ward	3	908	302
	Yugul Mangi Ward	2	683	341
	<i>Principal member from within</i>	12	3 667	305

Appendix A cont'd

Wards and Representation

(i) **Rural Shire Councils** cont'd

Council Type/Name	Ward	No.		
		Elected Councillors	Electors Enrolled 25.10.08	Electors per Representative
Tiwi Islands	Milikapiti Ward	3	284	94
	Nguiu Ward	5	960	192
	Pirlangimpi Ward	3	251	83
	Wurankuwu Ward	1	38	38
	<i>Principal member from within</i>	12	1 533	127
Victoria-Daly	Daguragu Ward	1	434	434
	Milngin Ward	1	383	383
	Nganmariyanga Ward	1	206	206
	Pine Creek Ward	1	251	251
	Thamarrurr/Pindi Pindi Ward	4	1 265	316
	Timber Creek Ward	2	437	218
	Tyemirr Ward	1	103	103
	Wanlangeri Ward	1	294	294
	<i>Principal member from within</i>	12	3 373	281
Wagait	Members	7	219	31
	<i>Principal member from within</i>	7	219	31
West Arnhem	Barrah Ward	3	476	158
	Gunbalanya Ward	3	732	244
	Kakadu Ward	3	759	253
	Maningrida Ward	3	1 460	486
	<i>Principal member from within</i>	12	3 427	285

Appendix A cont'd

Wards and Representation

(ii) Municipal Councils – Wards and Representation

Council	Ward	Elected Councillors	Electors Enrolled 25.10.08	Electors per Representative
Alice Springs Town Council Elected MAYOR	Alderman*	8	14 676	1 834
		8	14 676	1 834
Darwin City Elected LORD MAYOR	Chan	3	10 058	3 352
	Lyons	3	13 172	4 390
	Richardson	3	10 465	3 488
	Waters	3	9 521	3 173
		12	43 216	3 601
Katherine Town Council Elected MAYOR	Alderman*	6	4 902	817
		6	4 902	817
Litchfield # Elected PRESIDENT	Central Ward	1	2 263	2 263
	East Ward	1	2 535	2 535
	North Ward	1	3 159	3 159
	South Ward	1	2 821	2 821
		4	10 778	2 694
Palmerston City Council Elected MAYOR	Alderman*	6	14 533	2 422
		6	14 533	2 422

* Terminology used at 29 March 2008 elections under legislation in force 1 January 2008

Litchfield electors only were required to vote on 25 October 2008

(iii) Special Purpose and Other Towns

Not required to vote	Ward	Elected Councillors	Electors Enrolled 25.10.08	Electors per Representative
Belyuen	N/A (under administration)	N/A	131	N/A
Alyangula	NA	N/A	457	N/A
Nhulunbuy	NA	N/A	2166	N/A
Yulara	NA	N/A	342	N/A

Voting Systems used at Local Government Elections in the States and NT

	Voting System	Instructions to voters	Election arrangements/comments
Qld	(i) Mayoral, single member ward representative and Brisbane City Council (single member wards only and covered by own legislation): Optional preferential	Mark with '1' or tick or cross – preferences may be shown commencing with '2' etc. if the voter wishes.	Voting is compulsory. Elections each 4 years with a roll close at the end of the preceding January. Attendance ballots other than for designated remote councils where a postal ballot can be undertaken. Optional preferential is same as used at Qld LA, but polling staff comment on high level of informality at federal HR elections due to electors failing to show full preferences.
	(ii) Multi- member ward or unsubdivided council: First past the post Note: Councils election arrangements are currently under review with report likely to be available late 2010.	If 2 or (ii) more candidates to be elected, mark with '1' or tick or cross against a candidate then numbers '2' and '3' etc against further candidates up to number to be elected. Number '1s', ticks and crosses and further numbers up to the total to be elected have equal value.	Informal if more or less first preference marks shown than vacancies to be filled but higher numbers in range are not informal even if not counted as preferences. Candidates are ranked by votes received and elected in order of ranking up to total vacancies. No distribution of preferences, quota or absolute majority required.
NSW	(i) Mayoral and when only one or two councillor positions are to be filled. Optional preferential In the case of elections for two councillor positions the count is by Exhaustive preferential	Place the number '1' for preferred candidate and this is enough for a valid vote. If group option shown on ballot paper then voter can vote above or below the line.	Voting is compulsory. Elections each 4 years by attendance ballot. Voters may continue numbering candidates in order of preference after '1'. There is provision for candidates to form into groups on ballot paper and have an Above The Line (ATL) voting box but with optional preferential voting still applying. Counting in the case of single vacancies is to an absolute majority after informal and exhausted ballot papers are removed. For two vacancies, counting is same as for exhaustive preferential system i.e. ballot papers for first elected councillor are returned to count with 2 nd preference counted at full value.
	(ii) Elections for 3 or more councillor positions Optional preferential with proportional counting	Place the numbers '1', '2' etc up to half the number of councillor vacancies and any additional preferences if wished. If groups shown on ballot the elector may vote ATL by placing '1' in the ATL box and additional preferences.	The number of preferences required is at least equal to half the number of vacancies as shown in the 'Directions for Voting' on the ballot paper. Candidates must obtain a quota to be elected subject to exhausted ballot papers. The quota remains unchanged for the whole count. If there are a large number of exhausted ballot papers (those with no preferences for any continuing candidates in the count), it is possible for candidates to be elected without having reached the quota. Votes in excess of the quota are transferred on to continuing candidates according to their next preference marked.

Voting Systems used at Local Government Elections in the States and NT

	Voting System	Instructions to voters	Election arrangements/comments
Vic	<p>(i) Elections for single councillor wards are by Full preferential voting and counting.</p> <p>(ii) Election for wards with multiple councillors and unsubdivided councils is by Full preferential voting and proportional counting.</p>	Place a '1' in the box against your preferred candidate on the ballot paper. You must number the candidates in all of the remaining boxes in the order of your preference (2, 3, 4 etc).	<p>Voting is compulsory. Elections are held every four years on the last Saturday in November (next election in 2012) and can be conducted by postal voting or attendance voting with each council choosing its preferred method. At the 2008 council elections, approximately 10% were by attendance and included urban and rural councils. There is no provision for group voting.</p> <p>Voters are provided with a candidates' profile. Most councils elect the mayor from the elected councillors. Melbourne City Council has a separate popular ballot for mayor and deputy.</p>
Tas	<p>(i) Elections for mayor and deputy mayor are for 2 year terms with Full preferential voting and counting.</p> <p>(ii) Elections for councillors (all councils are unsubdivided) are for 4 years with Partial preferential voting (with Robson rotation) and Hare-Clark PR count.</p>	Vote by showing your preferences as 1, 2, 3 4 etc for the candidates of your choice. You must show preferences for at least the number of councillors to be elected.	<p>Voting is not compulsory. Elections held in October of each odd numbered year with half of the councillor positions elected together with any by-elections for casual vacancies. The term of election for councillors is four years and for mayors and deputy mayors, two years. Mayors and deputy mayors are elected by popular election. The <i>Local Government Act 1993</i> requires council elections to be conducted by full postal ballot.</p> <p>There is no provision for ATL group voting. Voters are provided with a candidates' profile.</p>
SA	<p>(i) Elections for mayor are by separate and concurrent election (with councillors) with Full preferential voting and counting.</p> <p>(ii) Elections for councillors in multimember wards are by Partial preferential voting and quota-preferential PR count.</p>	Use consecutive numbers (1, 2, 3 etc) to vote at least for the number of candidates to be elected. Voters may vote for additional candidates by numbering the remaining squares.	<p>Voting is not compulsory. Elections are held each four years and councils may leave single vacancies unfilled (if adopted as policy) but must go to election for subsequent vacancies but with no by-elections in the last 9 months before the next general election (after gazettal of new boundaries). Elections are generally by post with provision for attendance ballot in certain circumstances.</p> <p>Voters are provided with a candidates' profile. There is no provision for ATL group voting.</p>
WA	Elections for mayor, single member wards, multi member wards and whole council - First past the post .	Indicate your choice by placing a tick in the box opposite the names of the candidates of your choice, up to the number of vacancies to be filled.	<p>Voting is not compulsory and voters are provided with candidates' profiles.</p> <p>Elections held each four years and councils may choose to have an attendance or postal election. At the 2009 elections almost all councils chose the postal ballot option.</p>
NT	Single vacancy and mayoral – Full preferential Multi-member wards and whole council - Exhaustive preferential	Number the squares 1, 2, 3 etc (up to number of candidates) in order of choice. Number every square to make your vote count.	Voting is compulsory. Elections held each four years, with elections for casual vacancies subject to council option to leave vacancies unfilled in last 12 months of term. Candidates must receive an absolute majority of formal votes to be elected. Ballot papers of elected candidates are returned to further counts at full value for 2 nd and subsequent preferences.

Comparative Outcomes Municipalities

Exhaustive Preferential (EP) v Proportional Representation (PR)

Municipality	Wards (if applicable)	No. Councillor Candidates Contesting Election	No. Alderman Candidates Elected under EP in 2008	No. of those Candidates Elected under PR
Alice Springs	N/A	18	8	7
Darwin	Chan	9	3	2
	Lyons	6	3	3
	Richardson	4	3	3
	Waters	4	3	2
Katherine	N/A	13	6	4
Palmerston	N/A	9	6	6

Comparative Outcomes Remote and Rural Shires

Exhaustive Preferential (EP) v Proportional Representation (PR)

Shire	No. Wards (No. Vacancies in Each)	No. Elected 2008 RRSGE (under EP) *	No. Elected under EP who would have also been Elected under PR	Changes by Residency under PR
Barkly	3 Wards (4, 5 and 2)	11	10	Utopia -1 Alpurruralum +1
Central Desert	4 Wards (2, 4, 2 and 4)	10	6	Ti Tree -1 Yuelamu -1 Yuendumu -2 Mulga Bore+1 Ti Tree +1 Willowra + 1 Nyirripi +1
East Arnhem	4 Wards (3, 3, 3 and 3)	9	7	Ramingining -1 Yirrkala -1 Gapuwiyak +1 Milingimbi +1
MacDonnell	4 Wards (2, 3, 3 and 4)	10	7	Aputula -1 Hermannsburg -2 Amoonguna +1 Hermannsburg +2
Roper Gulf	5 Wards (3, 1, 3, 3 and 2)	12	10	Mataranka -1 Wallaces Lagoon -1 Jilkmingan +1 Borroloola +1
Tiwi#				
Victoria Daly	8 Wards (1, 1, 1, 1, 4, 2, 1, 1)	4	4	No change
West Arnhem	4 Wards (3, 3, 3 and 3)	3	3	No change

* Not all wards went to polls

Not available

National Local Government Representation Reviews

EC	Timing of Review	Form of Review	Role of State/Territory Electoral Commission*	Comment
NT	Once every 4 years, a council is required to assess the effectiveness of its current constitutional arrangements. The review must be completed 12 months before the next general election.	The review is made under s23(2) of the Act and must consider the matters set out at Part 6 of the Regulations, including community of interest. If there are wards, then the review must also consider the equality of representation.	Regulation 63(5) prescribes that councils must consult with the Electoral Commission; the degree and nature of consultation is not specified.	The NTEC has a legislated requirement to provide roll data to councils.
NSW	A review is required if there is a 10% difference in representation between the highest and lowest ward. The NSW Electoral Commission provides councils with enrolment data on a monthly basis; reviews are commenced 18 months before the next general election.	Councils undertake the review process. A first proposal is prepared and made available for public comment. Council considers submissions to the proposal and makes amendments if needed. The final review must be certified by a full council meeting.	Councils must consult with the NSWEC in accordance with the LG Act before dividing a council into wards. The NSWEC provides extensive support to councils at each stage of the review of existing representation. This includes providing maps and statistics, aligning to census boundaries and input of changes to the electoral roll.	The NSWEC maintains a continuous check of representation and adherence to the quota. This can be especially complicated for the very small councils in western NSW with ward enrolments of 300-400 electors.
QLD	Reviews take place at the direction of the Minister or if a council applies to the EC. They take place each 8 years or if representation deviates from quota by plus or minus 10%, except for councils of less than 10,000 electors where quota is 20%. A slightly modified trigger applies to reviews for Brisbane City Council.	Reviews are categorised as Special (Brisbane City Council only), Major or Minor References (depending on complexity) and Limited external boundary reviews. Reviews are undertaken by the Commission by appropriate enquiry, publication of proposals, public comment and preparation of a final report. New boundaries apply at the next general election.	The EC has a prescribed role as a member of the LG Electoral and Boundaries Review Commission, set up following a reference to the EC by the Minister. Limited reviews may be undertaken outside the Review Commission framework following direct application by council to the EC, generally for minor changes to external boundaries to correct anomalies.	The reviews in Qld follow procedures similar to those used for the redistribution of parliamentary boundaries. A separate Commission is established on which the EC has a central role, with administrative support provided by the ECO. In the case of minor changes, the process can be undertaken directly by ECO.

*Note: Electoral Commissions in all jurisdictions provide extensive administrative and technical support to the local government representation review process whether their role is prescribed or not. This can include the provision of up to date enrolment dated sorted to Census Collection District (CCD) boundaries, mapping resources and specialised redistribution tools that allow the modelling of proposed changes to boundaries.

National Local Government Representation Reviews

EC	Timing of Review	Form of Review	Role of State/Territory Electoral Commission	Comment
SA	Once every 8 years or if representation falls outside 20% of the quota. The SA Electoral Commission checks changes in enrolment each 6 months and advises councils if a review is required.	Councils undertake the reviews with administrative support from the SAEC. An options paper setting out proposals must be made available for public comment for 6 weeks, followed by a 3 week consultative process. The final report setting out the decisions in light of public comment requires the EC's certification before gazettal.	The EC has a prescribed role in reviews and is required to certify final reports before gazettal by council. The SAEC monitors each stage of a council's review with respect to adherence to process, provision of notices and the extent of public consultation.	SAEC undertakes extensive monitoring of the review process and provides support to individual councils, if required. It recovers pro-rata costs from all councils in the form of an annual fee.
VIC	Subdivision reviews of councils are undertaken as directed by the Minister. They take place if it is considered that existing boundaries will not meet the legislated equality provisions at the next general election. The law provides that electors represented by each councillor are within 10% of quota for all councillors.	A summary of enrolment is prepared by VEC and changes to boundaries are modelled on mapping software for a 'minimal change' result, taking into account the considerations set out in the Act. The proposals are published and comment sought. Replies are considered and a public hearing may take place. Final recommendations are prepared and provided to the Minister at least 6 months before an election.	The VEC is required under legislation to undertake all subdivision reviews. The VEC can only consider the location of boundaries and not the number of councillors, names or issues of council amalgamation.	The VEC's management of council boundary reviews is a major task of the office, using considerable staff resources and supported by extensive mapping and modelling software. The Subdivision Review Reports are detailed documents that are widely circulated and made available on the VEC website.
TAS	Infrequent (last review was in 1985). Councils do not have wards. Reviews only occur if there is adjustment to external boundaries/amalgamation.	No review - the number of members can only range from 7 to 12, as determined by formula based on the total number of electors in the council area.	There is no prescribed role for the Tasmanian Electoral Commission. Reviews are undertaken by the LG Board administered through the Office of Local Government.	
WA	Councils submit requests to the LG Advisory Board for changes to ward boundaries, adjustment to external boundaries, amalgamations of councils.	Reviews are undertaken by the LG Advisory Board that reports its findings to the Minister of Local Government.	There is no prescribed role for the WA Electoral Commission in undertaking reviews.	There is a convention that reviews reflect '1 vote 1 value' but this is not legislated.
ACT	N/A as no councils			