

QUOTA NOTES

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NT Government Changes after 11 Years

As anticipated in the PRSA's March 2012 letter to the then Northern Territory Local Government Minister, Malarndirri McCarthy, although the local government elections using the quota-preferential method improved representation greatly, there were cases of informal voting levels above 10% and one of a transfer value increasing in a scrutiny. A reply in May noted the issues on avoiding by-elections, reducing informal voting and improving transfer value definitions raised before polling, and said any law changes needed would be reviewed separately by the Northern Territory Electoral Commission and her department.

Legislative Assembly elections on 25 August 2012 followed the Henderson Government's introducing fixed four-year terms. It had minority status after 2009 turmoil.

In the 25 electorates, 86 candidates nominated, 32 of them women (in 20 electorates), with two candidates four times, three eleven times, four on seven occasions, five twice and seven once. Territory Labor and the Country Liberal Party both made one nomination in each seat, there were 10 NT Greens, eight from the new First Nation Peoples Party (FNPP) and five from the Australian Sex Party.

With a 76.9% turnout and 3.2% informality rate, there was a two-party-preferred swing of 5.1% to 55.8% (2 ALP seats were uncontested in 2008) for the CLP. It took government, with 16 seats, on 50.6% of first preferences. Four remote and pastoral seats changed hands on 10-18% swings: one was previously-uncontested Arnhem. Alison Anderson, who had stood alone in Macdonnell, won its successor Namatjira for the CLP after becoming an independent and switching parties mid-term. Indigenous communities, unhappy about forced council amalgamations and other matters, particularly supported indigenous CLP candidates. Labor won eight seats, mainly in Darwin suburbs, and Independent Gerry Wood retained Nelson. Support for the NT Greens fell to 3.3% and that for FNPP was 2.2%.

Urban incumbents generally strengthened their position. Labor won five of the six previously-decisive northern Darwin seats with some 55% of the two-party-preferred vote, but took just two of seven pastoral and remote seats despite its 49% overall support there. Had the Territory been divided into five-member electorates with quota-preferential methods used, the likely result would have been 13 or 14 CLP, 10 Labor and one or two independents, with fair representation in all regions.

The former Chief Minister, Paul Henderson, quickly resigned as ALP leader. His deputy Delia Lawrie replaced him, unopposed. The previous CLP deputy leader, Kezia Purick, was ousted by the Centralian, Robyn Lambley, but was then elected unopposed as Speaker.

NSW Inquiries on Electoral Matters in Progress

The Joint Standing Committee on Electoral Matters of the current Parliament of New South Wales has been conducting [three inquiries](#) that have yet to report.

One of those is its [Review](#) of the *Parliamentary Electorates and Elections Act 1912* as well as election funding, expenditure and disclosure legislation. At the [third public hearing](#) of that Review, Dr Anne Twomey, Professor of Constitutional Law at the University of Sydney, made many interesting contributions relating to the Electoral Commission's [submission](#) request that it not be so hamstrung by fine detail of legislation. She opposed transferring any significant control of electoral principles or substance from the Act to the NSW Electoral Commission for reasons of clarity, consistency and certainty, and separation of legislative, executive and judicial power.

She also stressed the importance of the final oversight by the Executive Council in ensuring that regulations made under delegated authority were widely and meticulously checked before receiving Royal Assent, but agreed that some of the entrenched fine detail surrounding Legislative Council elections (such as the number of preferences to be marked and how the counting is to proceed) regularly created practical problems.

Regarding entrenching provisions so that they cannot be altered without a referendum, her view is that the [Australia Acts](#) limit these to matters regarding the constitution or the powers and procedures of parliament. The Queensland Parliament removed an entrenched provision about appointments to the public service without a referendum, and without subsequent legal challenge.

A second inquiry is into the conduct of the 2011 NSW elections. Antony Green, the electoral analyst, [suggested](#) that, for the Upper House polls, which use a single State-wide electoral district, paper and costs could be saved by giving voters a choice of a small ballot-paper, if they wanted to vote *above-the-line*, or a larger ballot-paper, if they wanted to vote *below-the-line*. The third inquiry relates to administrative funding for minor parties.

Separately, a 2011 Coalition polls promise led to a [Panel](#) of three experts being set up to judge the merits of providing for recall of MPs in NSW. The [Panel's Report](#) rejected recalls relating to individual parliamentarians, but two members supported provision being made for recall elections for the entire Legislative Assembly and half the Legislative Council in the period between 19 and 42 months after polling day.

Professor Twomey made very penetrating comprehensive [written](#), and [spoken](#), comment on the recall concept on

which she had an open mind, warning of the considerable pitfalls in implementing it. She pointed to the undoubted clash between the proportional representation system used to elect MLCs and the way an MLC's recall would have to occur, followed by the filling of the vacancy produced.

Federal Nomination Hurdles to be Raised

There has not been a formal follow-up of Senator John Faulkner's 2009 [Green Paper](#) on electoral reform, but *ad hoc* [electoral legislation](#) to enact Joint Standing Committee on Electoral Matters recommendations on matters such as automatic enrolment changes continues to be introduced.

The [Electoral and Referendum Amendment \(Improving Electoral Procedure\) Bill 2012](#) proposed *inter alia* to automate the dispatch of postal votes (rather than checking elector status at application stage), double Senate and Lower House nomination deposits to \$2,000 and \$1,000 respectively and the number of supporting signatures for candidates not from registered political parties to 100, allow individual signatures to be counted once only where a request for a group column is made, and alter provisions by which those no longer able to understand the significance of voting may have their names removed from the electoral roll. It was referred in June for a [committee report](#).

The [PRSA submission](#) focused attention on the underlying problem driving such nomination changes, unreasonable requirements to lodge a formal vote (except where Senate group voting tickets are endorsed, often blindly), when later preferences are often not looked for once transfers of ballot papers have begun. Making nominations harder for smaller parties and independents is not good democratic practice, and can be thwarted by those wealthy and determined enough to make a mockery of the electoral process and interest media in extra formality hurdles confronting voters.

The PRSA asked the JSCEM to articulate why avoidable complexity is good for Australian democracy if it were not prepared to advocate its removal, indicating that only a disaster "is likely to push those seeking to maximize tight control over potential outcomes into a long overdue principled consideration of the fundamentals of voting".

The Committee recommended that the proposed legislation be passed, except for provisions extending beyond medical practitioners the group on whose assessment those declared to be of "unsound mind" may be removed from the roll.

The legislation was still before the House in October 2012. The planned change requiring 100 unique signatures per candidate to make a non-party grouping request can largely be circumvented, and the ballot paper extended, if participants split all their activity into groups of two.

House of Lords Reform Shelved in the UK

On 6 August 2012, an annoyed Deputy Prime Minister, Nick Clegg, [announced](#) that the United Kingdom coalition government would [not proceed](#) with its legislation to progressively elect ([QN 2011C](#)) most of the House of Lords to non-renewable 15-year terms using a list form of PR.

The Prime Minister, David Cameron, could not persuade Conservative backbenchers, 91 of whom [voted against](#) the second reading of the *House of Lords Reform Bill 2012* and more who forced a "programme motion" to be withdrawn, to accept time limits on debate. As Labour would give assurances only on individual closure motions, it was likely that copious parliamentary time would be eaten up when the community expected a focus on economic issues.

Mr Clegg said this setback, despite reform having featured in all election manifestos, would affect proposals to reduce the number of MPs in the House of Commons from 650 to 600 as the Liberal Democrats would not vote for any new proposed boundaries. He had offered a compromise of a referendum on the House of Lords proposals in 2015 followed by initial elections in 2020 if approved.

Polls in Papua New Guinea and East Timor

[Elections](#) for the 65-member East Timor Constituent Assembly held in July 2012, involved 21 parties with [national lists](#) of 65 candidates and at least 25 replacements. Every fourth member at least must be a woman. Seat distribution is by the basic d'Hondt highest average process among groups with at least 3% of the national vote.

Three parties obtained between 2% and 3% support and a fourth 3.1%, highlighting the arbitrariness of the threshold that led to some 20% of the votes being wasted. The National Reconstruction Congress (CNRT), led by Xanana Gusmao, obtained 30 seats (46.2%) for its 36.7% support, the Revolutionary Front (Fretilin) 25 seats (38.5%) after its 29.9% vote, the Democratic Party 8 seats (12.3%) on its 10.3% support, and the Front for National Reconstruction 2 seats that matched its 3.1% vote. CNRT and the two smaller parties formed a governing coalition.

After extensive Supreme Court and [parliamentary action](#) over the way in which an ailing Sir Robert Somare had been [replaced](#) as Prime Minister, Papua New Guinea voters had [opportunities](#) over several weeks in June and July 2012 to cast their vote to fill one of the 111 vacancies in the expanded Legislative Assembly. Of the 3,443 [candidates](#), ranging from 8 to 72 in single-member electorates, 134 were women and 2,198 independents.

This time, voters had to mark [three preferences](#) by writing individuals' code references or names. Election funds were [not enough](#) to buy electronic aids, so counting was slow. Seats were won by 16 independents, and 95 candidates (three women) from 21 of the 42 registered parties involved. Over 60% of those elected were not incumbents.

The People's National Congress Party won 27 seats, and its leader, Peter O'Neill, remained Prime Minister. Other parties won respectively 12 seats, 8, 7 (twice), 6 (twice), 3, 2 (six times), down to a single seat (seven times).

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