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Fuelling large group dominance and
repeating past mistakes:
A critique of the Northern Territory
local government electoral system

Will Sanders

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Contributing author information

Will Sanders: Senior Fellow, Centre for Aboriginal Economic Policy Research, Australian National University and Contributing Researcher, Core Project 4 Sustainable Desert Settlements, Desert Knowledge Cooperative Research Centre

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For additional information please contact

Desert Knowledge CRC

Publications Officer

PO Box 3971

Alice Springs NT 0871

Australia

Telephone +61 8 8959 6000

Fax +61 8 8959 6048

www.desertknowledgecrc.com.au

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List of shortened forms

ACGC	Anmatjere Community Government Council
E	Enrolment
FV	Formal Votes
NT	Northern Territory
NTEC	Northern Territory Electoral Commission
STVPR	Single Transferable Vote Proportional Representation
TV	Total Votes

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Executive summary

This paper critiques the Northern Territory local government electoral system in two different contexts. The first context is the new, large remote-area shires, which had their inaugural elections in October 2008. The second context is the urban, municipal local governments that have used this electoral system since 1984. I use two wards in Central Desert Shire as an example of the former context and Alice Springs Town Council as an example of the latter context.

The paper compares the Northern Territory's 'exhaustive preferential' local government electoral system to more common Australian electoral systems. It argues that the Northern Territory local government system inappropriately transfers the fifty-per-cent-plus-one vote-counting rule for single member elections to multi-member elections. The effect of this inappropriate transfer is a form of 'winner-takes-all' majoritarianism in multi-member elections, in which large voting groups repeatedly win multiple seats and small voting groups repeatedly miss out. The paper notes how multi-member elections more usually adopt minority quota vote-counting rules and how this leads to representational spread between large and small voting groups. It also shows how minority quota vote-counting in multi-member electorates reflects the same mathematical logic as the fifty-per-cent-plus-one vote-counting rule in single member elections (see Table 4).

The paper thus argues for minority quotas under Single Transferable Vote Proportional Representation (STVPR) as the best and most appropriate vote-counting rule for multi-member elections. However, in recognition of the mathematical complexity of this system, the paper also examines two simpler reform alternatives. The first of these is first-past-the-post vote counting, which does not rely on preferential voting. The second, given Australia's unusual enthusiasm for preferential vote marking, is a simple preferential version of first-past-the-post vote counting in which preferences are distributed until the number of candidates remaining is equal to the number to be elected. Both these systems are shown, in the elections examined, to lead to greater representational spread among those elected than under the Northern Territory's current 'exhaustive preferential' system. The paper thus argues that either of these simpler reform alternatives would be better than the current electoral system, if STVPR is seen as too mathematically complex.

The paper notes in passing that multi-member electoral systems with preferential vote-marking and majoritarian vote-counting have been tried in a number of instances in Australian history, starting with the Senate in 1919. In each instance the system has led to winner-takes-all results and has later been abandoned as a mistake of electoral system design – except in the instance of Northern Territory local government. The paper concludes that Northern Territory local government, with its diverse social interests, is also not well served by this 'exhaustive preferential' system and that a change of electoral system would lead to better, more inclusive forms of local democracy.

Introduction

In October 2008 the Northern Territory held inaugural elections for eight new, large remote-area shires that had been created over the previous eighteen months by the amalgamation and replacement of over fifty much smaller ‘community government’ or ‘association’ local government councils (See Figures 1 and 2). As a researcher who had taken some general interest in relations between local governments in the Northern Territory and Aboriginal people and communities (Sanders 2006) and who had worked closely with one of the former community government councils with a predominantly Aboriginal constituency and membership (Sanders 2008), I observed these elections with some interest. I wondered, for example, whether they would be more contested than past community government council elections I had observed, which I will explain further shortly. However, in the event, it was the operation of the electoral system for the new shires which unexpectedly became the focus of my attention.

Some rather intriguing election results emerged in which candidates with quite low primary votes went on to be elected as second, third and fourth members in multi-member shire wards, while candidates with much higher primary votes repeatedly missed out. There also seemed to be a tendency in some wards for these later elected candidates to come from similar localities to those elected first and for those from other localities to be among those who were repeatedly missing out. This was explained to me by other observers, including some government officials, as reflecting the Northern Territory’s ‘exhaustive preferential’ voting system. This did not so much satisfy my intrigue as heighten it. What was this electoral system, and why did it seem to lead to this pattern of results?

In this paper I delve into the detail of this electoral system, but also engage with it at a more general conceptual level. In the next section I recount how I first looked at the election results in three wards in two shires, which led me gradually to realise that the Northern Territory’s local government electoral system was somewhat unusual. I then discuss more common Australian electoral systems before returning to the Northern Territory shires electoral system. By taking a second more detailed look at the results in two wards, I attempt to show how the shires electoral system is fueling large group dominance in multi-member wards; some small groups, or settlements, in large multi-settlement wards have virtually no chance of winning a seat on the new, large remote-area shires, while the larger, more populous settlements win not just the first seat but the second and subsequent seats as well. This leads me to suggest that in order to achieve a greater geographic spread of representatives on the shires either much more use should be made of smaller, single-member wards or that the vote counting system should be changed to minority quota, single transferable vote proportional representation (STVPR).

In the fourth section of the paper I suggest that this fueling of large group dominance by the electoral system is also a problem in the Northern Territory’s municipal local governments, giving Alice Springs as an example. In the fifth section of the paper, I return to a more general conceptual and historical analysis to explain the second half of my title, ‘repeating past mistakes’. I identify two other instances in Australian history in which this exhaustive preferential electoral system has been used only to be later abandoned as inadequate, for producing highly majoritarian, winner-takes-all results. In the sixth section I repeat my call for a change to a minority quota, STVPR electoral system. However, I also suggest two simpler reform alternatives, if politicians and others are genuinely perplexed and uncomfortable with the mathematical sophistication of this preferred alternative. In my concluding remarks I cite the work of political scientists working elsewhere around the world who also argue for electoral systems and forms of democracy that go beyond majoritarianism in circumstances of social diversity, as in Northern Territory local government.



Figure 1: Northern Territory Local Governments early 2000s

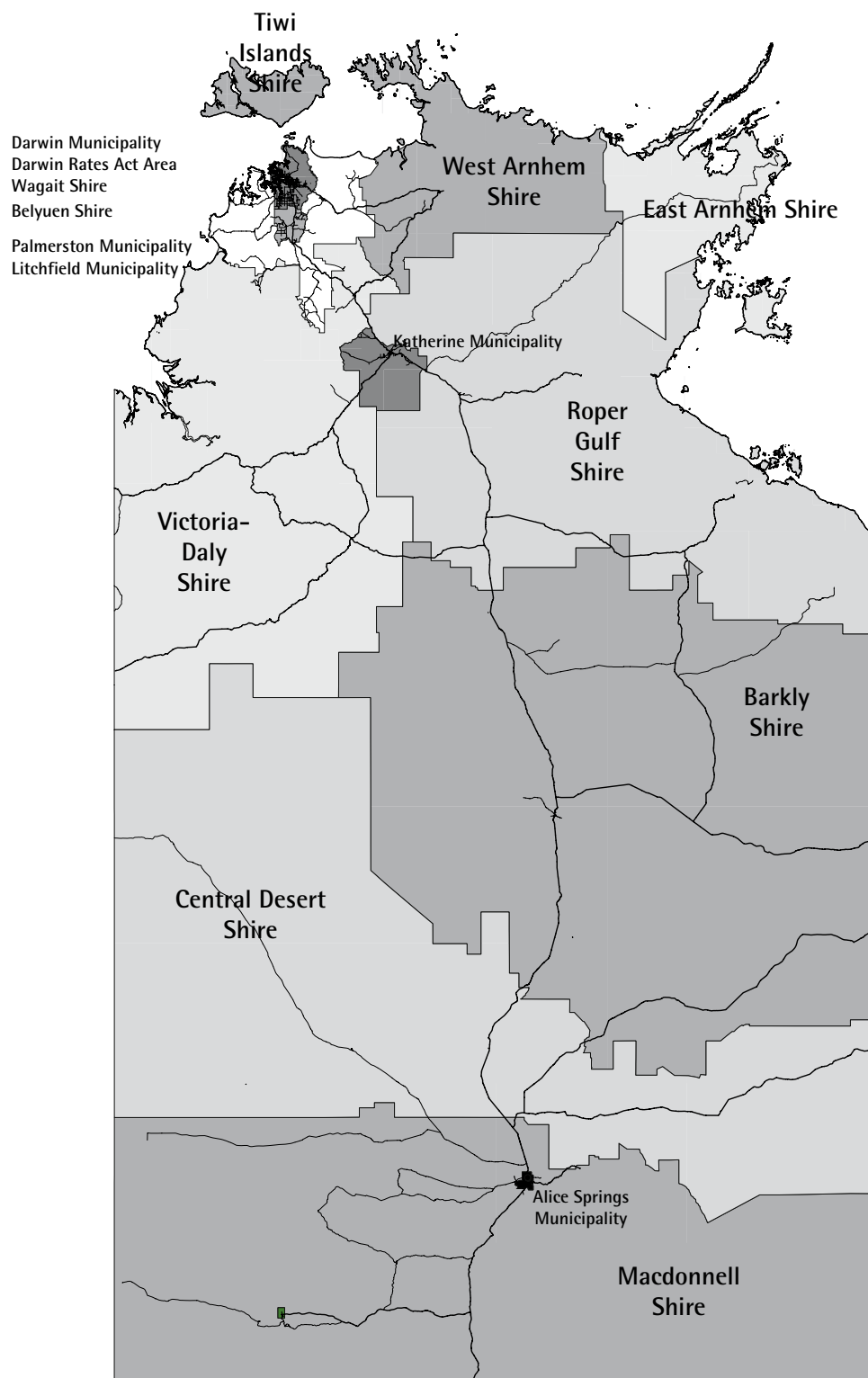


Figure 2: Northern Territory local governments showing new, large remote-area shires, July 2008

Shire results in three wards: a first look

The results I first turned to in the October 2008 elections were in the Anmatjere region. This is the area where I had worked in the past with the Anmatjere Community Government Council (ACGC), and I knew something of the local social geography and personalities (Sanders 2008). ACGC had itself had a ten-ward structure, with each ward effectively covering just a single residential settlement and being allowed two members on Council (see Figure 3).¹ Since 2004, I had observed two sets of ACGC elections and all of them had been uncontested, meaning that the number of candidates nominating for election in each ward was equal to or less than the number of vacancies. Community processes in these small single settlement wards seemed to be throwing up agreed, or at least unchallenged candidates. This was perhaps unsurprising in the nine discrete Aboriginal settlement wards, but interestingly it also seemed to occur in ACGC's more mixed-population, open-town ward of Ti Tree.

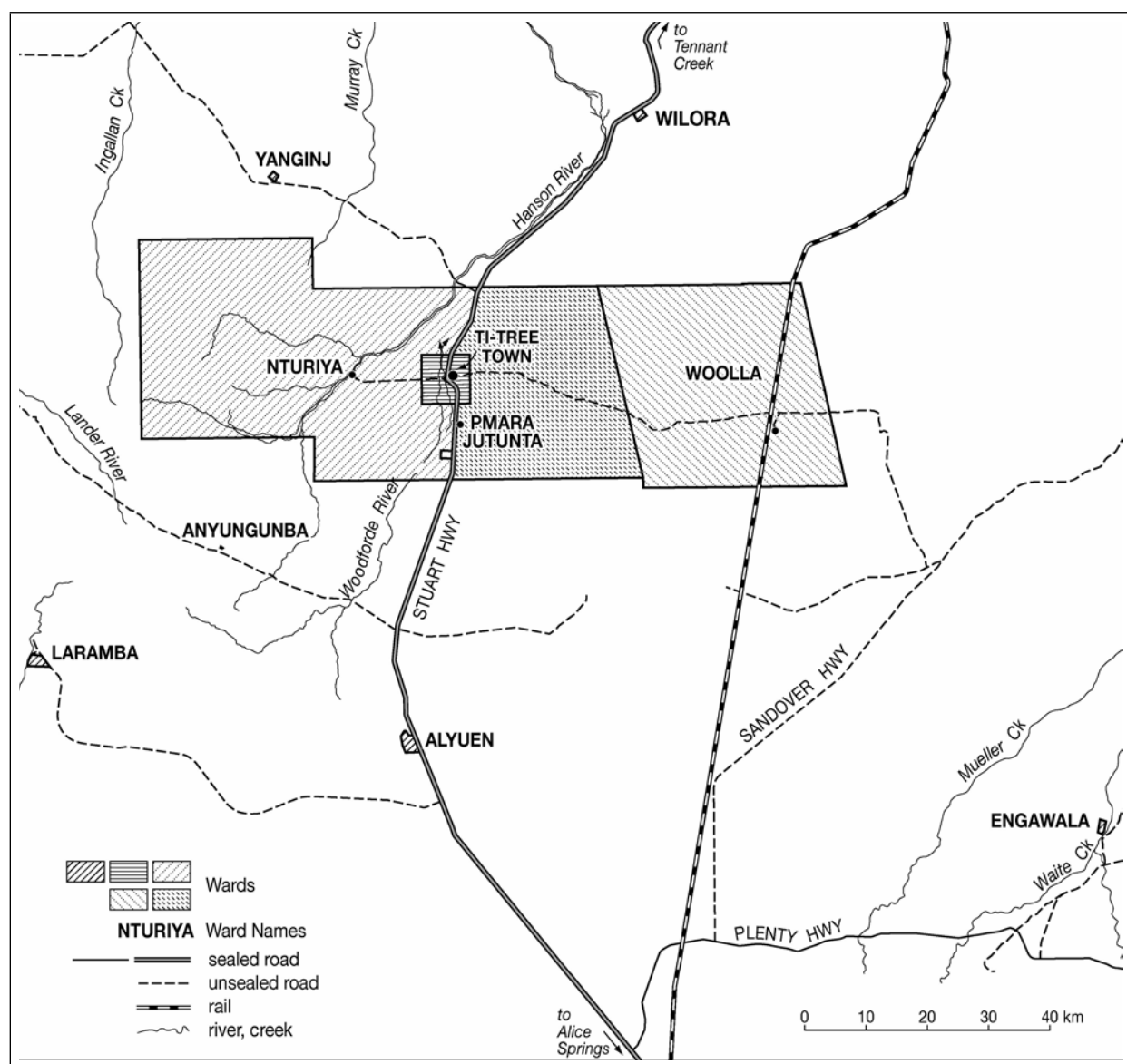


Figure 3: Anmatjere Community Government Council Wards

¹ Figure 3 also shows how vast areas of land were left outside the old ACGC local government incorporation. Basically, ACGC was a confederation of the discrete Aboriginal settlements in the region, plus Ti Tree town, while the land areas controlled by settler interests – such as pastoralists, roadhouse operators and horticulturists – were left outside the incorporation.

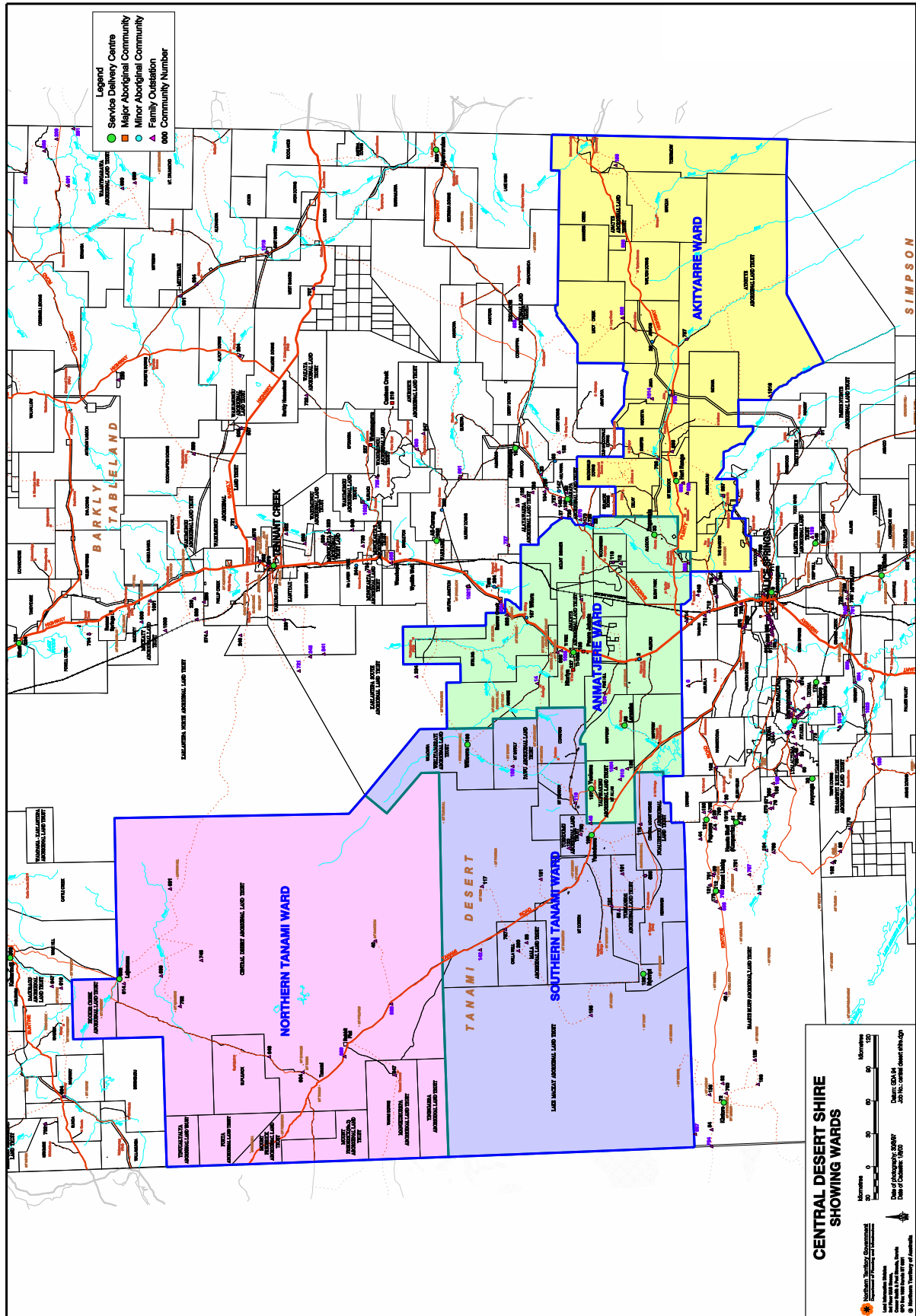


Figure 4: Central Desert Shire Wards

In the new Central Desert Shire, the whole of the old ACGC area, plus two other discrete Aboriginal settlements, Mulga Bore/Angula to the east and Yuelamu to the west, and large land areas in between, were all being included in an Anmatjere Ward, which would have just four elected members (see Figure 4). With this major reduction in numbers of elected positions in what I thought of in 2008 as nine active, widely dispersed, residential settlements, I thought it highly unlikely that community processes would just throw up four agreed candidates.² I thought it far more likely that one or more candidates from most of the settlements would put themselves forward and that they would then have to compete for the four available ward positions on the basis of a fairly strong following in their own settlement, plus the need to also win some votes elsewhere.

My prediction of a contested election turned out to be correct. Nine candidates stood for election to the four available positions in the Anmatjere Ward of Central Desert Shire. Using some candidate information that was briefly on the Northern Territory Electoral Commission (NTEC) website and my own knowledge acquired from working in the area, I was able roughly to assign these nine candidates to seven different residential settlements, or places of association as I have referred to them in Table 1. Hence, in the Anmatjere Ward in October 2008, nine candidates from seven widely dispersed settlements were competing for four places on the new Central Desert Shire Council.

Following the idea that many people, quite logically, 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. This proved to be the case. Two quite large discrete Aboriginal settlements, in what I will for convenience call the Ti Tree triangle, Nturiya and Pmara Jutunta, had candidates in the top three by primary vote and so too did Laramba to the south-west (see Table 1 and Figure 4). What was also encouraging was that the next three candidates in terms of primary votes were from three of the other smaller settlements, or groups of settlements: Mulga Bore/Angula and Engawala to the south-east, and Yuelamu to the west of Laramba.

I say this was encouraging as it seemed to me that for the new Central Desert Shire to be seen as both legitimate and effective, it needed to have a good spread of elected members around its constituent settlements rather than having particular settlements dominating and others missing out. So it was to be hoped that the electoral system being used would encourage such a geographic spread of representatives, even if with only four members to be elected from seven active residential settlements with candidates it was clearly going to be impossible for all settlements in this ward to have a representative.

While the distribution of primary votes seemed to augur quite well for a spread of representatives around the settlements, when the full counting of votes was complete 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 Yuelamu to the south-west ended up with one each. However, the south-eastern settlements of Engawala and Mulga Bore/Angula all missed out (see Table 1).

At this stage in my observation, I was only partly focusing on the distribution of representatives around the settlements. What intrigued me more about these results was the way in which the third and fourth candidates elected had come from so far back in the field in terms of the primary vote. While preferential voting can indeed bring candidates up through a field, the extent of this elevation of the third and fourth candidates elected in the Anmatjere Ward of Central Desert Shire was somewhat surprising.

² Three of ACGC's original single-settlement wards had become unpopulated and inactive as residential settlements over the fifteen years of its existence. So in this figure of nine I am including seven active residential settlements inherited from ACGC, plus Yuelamu and Mulga Bore/Angula. In my expectation of contested elections, there is also the added factor that the shires included vast areas of land that had not previously been included in the community government and association councils, and it was possible that some residents of these newly incorporated areas might also put themselves up for election.

Table 1: Central Desert Shire, Anmatjere Ward, 4 vacancies: 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, Benedy	41	Mulga Bore/Angula
Lechleitner, Walter Japangardi	40	Yuelamu
Bloomfield, Patrick	37	Engawala
Glenn, James Jampijimpa (3)	25	Ti Tree
Heenan, Noel (4)	24	Yuelamu
Carter, Ted	16	Ti Tree
Formal votes	415	FV/TV 74.5% ³
Informal votes	142	
Total votes	557	TV/E 55.8% ³
Enrolment	998	

When I mentioned my intrigue to another interested observer, I was directed to the results in the adjacent Southern Tanami Ward of Central Desert Shire to the west. Although I am not as familiar with the social geography and certainly not the personalities in this area, my understanding is that in this ward there are essentially just three substantial, predominantly Aboriginal residential settlements, plus some very minor other settlements such as roadhouses and pastoral homesteads. The largest predominantly Aboriginal settlement is Yuendumu, while the two smaller but still substantial settlements are Nyirrpi and Willowra (see Figure 4).

Table 2 presents the primary votes, results and, to the best of my limited knowledge, the places of association of the eleven candidates who stood for four positions in this highly contested election for the Southern Tanami Ward of Central Desert Shire. With nine candidates from Yuendumu and only one each from Willowra and Nyirrpi, it was perhaps to be expected that the Willowra and Nyirrpi candidates would do quite well in the primary vote, capturing lots of votes in their own settlements. It was also perhaps to be expected that with the exchange of preferences among Yuendumu candidates, some highly ranked Yuendumu candidates would come past the Nyirrpi and Willowra candidates and be elected to the first and possibly even the second ward positions. However, what was surprising again, as in the Anmatjere Ward, was the way in which the third and fourth members elected came right through from almost the bottom of the field in terms of the primary vote (see Table 2). Also notable in this instance was that all the winning candidates came from Yuendumu. Rather than spreading the elected members around the three settlements, the electoral system seemed in this instance to be concentrating them in the largest settlement, Yuendumu, while the candidates from the two smaller settlements of Nyirrpi and Willowra, despite having the highest primary votes, repeatedly missed out. This was a truly intriguing pattern of results, which had some resonance with the pattern in the Anmatjere Ward, but which seemed to amplify it somewhat further.

Table 2: Central Desert Shire, Southern Tanami Ward, 4 vacancies: primary votes, places of association and results

Candidate/Elected (N)	Primary votes	Place of association
Gibson, Teddy Jakamarra	53	Nyirripi
Kitson, Julie	42	Willowra
Hargraves, Ned (2)	42	Yuendumu
Juttner, Tony	37	Yuendumu
Brown, Jean (1)	36	Yuendumu
Williams, Freddy	31	Yuendumu
Spencer-Wilson, Georgina	23	Yuendumu
Poulson, Christopher	21	Yuendumu
Walit, Robbie (3)	10	Yuendumu
Wayne, Maisie (4)	7	Yuendumu
Walit, Connie	1	Yuendumu
Formal votes	303	FV/TV 83.7% ³
Informal votes	59	
Total votes	362	TV/E 38.3% ³
Enrolment	946	

Another interested observer then directed me to a second instance in which a candidate with the highest primary vote did not go on to be elected: in the Ljirapinta Ward of MacDonnell Shire to the south. Being further from my area of field-based knowledge, I have not even attempted to complete the place of association column in Table 3, although I do know that Gus Williams, the candidate with the highest primary vote, had been president of the former association council at Hermannsburg/Ntaria for many years. Table 3 revealed to me, with absolute clarity, that this Northern Territory local government electoral system was somewhat unusual as, under the usual multi-member, proportional representation electoral systems used elsewhere in Australia, Gus Williams would have been immediately elected on primary votes alone, without any need for preferences.

I clearly needed to come to grips with the inner workings of this exhaustive preferential electoral system, and soon I will explain how it works. But first I need to explain a few aspects of more usual or common electoral systems in Australia. For only then can we understand how unusual is this Northern Territory local government system.³

³ When I gave an earlier version of this paper in Darwin, Alice Springs and Canberra, audience members noted the low voter turnout levels against enrolment, and also to a lesser extent the significant levels of informal voting. I have thus included calculations of both formal voting and voter turnout rates in the bottoms of tables. Turnout rates, in particular, are somewhat low, which some may interpret as reflecting disillusionment with the imposition of the shires. However, it should also be noted that turnout rates in NT Legislative Assembly elections in these remote areas are not particularly high either. In the Legislative Assembly electorate of Stuart, which covers an area somewhat similar to Central Desert Shire, the turnout rate in August 2008 was 52.8% and in June 2005 it was 59.3%. One obvious implication of the low turnout rates in Tables 1–3 is that encouraging supporters to vote could be as important for a candidate's success as electoral system issues.

Table 3: MacDonnell Shire, Ljirapinta Ward, 3 vacancies: primary votes, places of association and results

Candidate/Elected (N)	Primary votes	Place of association
Williams, Gus	93	Hermannsburg/Ntaria
Inkamala, Mildred (1)	60	
Abbott, Barry	36	
Inkamala, Carl (2)	28	
Kenny, Roxanne (3)	25	
Abbott, Bernard	22	
Braybon, Sonya	18	
Williams, Baydon	11	
Formal votes	293	FV/TV 92.7% ³
Informal votes	23	
Total votes	316	TV/E 46.7% ³
Enrolment	677	

Common Australian electoral systems

The most common electoral system used in Australia combines single member electorates with majoritarian vote counting. This is the system used in the Northern Territory Legislative Assembly and in the Australian House of Representatives. The single winner in an electorate is the candidate who, through the distribution of preferences from the repeated elimination of the candidate with the lowest vote, ends up with more than fifty per cent of formal votes.

This most common system has great strengths. It requires elected candidates, through preference distributions, to attract the support of a majority of voters in their electorate. Also, for any given number of representatives to be elected to an assembly, it provides as localised representation as possible. As a result of this localism, this system can even lead to minority or small group representation, if the group in question is concentrated in certain localities and votes for group members. A good example of this is the way in which Aboriginal people gain representation in the Northern Territory Legislative Assembly through the outback or remote area seats where they are a majority of voters, or something close to it, even though they are a minority of around 30 per cent across the whole of the Northern Territory (Loveday et al. 2002: 63–4, also Sanders 2001, 2005).

As well as these strengths, however, single member electoral systems with majoritarian vote counting also have a couple of weaknesses. One is that they require a lot of work, and argument, to divide the total area over which people are to be elected into smaller areas, each of which is to have just one member. Questions arise about where there are communities of interest, where boundaries should be drawn and what tolerance there should be for different voting populations in these single-member areas. A second weakness is that significant minority interests in voting populations (of up to 50 per cent minus one) can repeatedly miss out on electing representatives, particularly if they are geographically spread. A good example of this is that there have never been any Greens or Democrats members of the Northern Territory Legislative Assembly or of the Australian House of Representatives.

To counter these weaknesses in single-member electoral systems with majoritarian vote counting, a move is often made to multi-member proportional representation electoral systems with a single transferable vote and minority quota vote counting. Such an STVPR system has been used in the Australian Senate since 1949 and has contributed to enhancing its role as a house of review where small groups have a representative presence (Sharman 1999, Sawyer & Miskin 1999). This type of electoral system has also long been used in the Tasmanian lower house and in the Australian Capital Territory's

single house Legislative Assembly since 1989. It is also increasingly the norm in reformed state upper houses (Stone 2002, Economou 2008). Perhaps more importantly here, this type of electoral system is also increasingly used in Australian local government outside the Northern Territory.

This type of electoral system lessens the administrative burden of having to divide up the jurisdiction into a large number of small areas. Larger areas are delineated that have multiple members, ranging from two upwards. There is also, through the single transferable vote and minority quota vote counting, some potential for small-group interests spread across these larger areas to gain some representation. Indeed, the potential for small-group representation under STVPR generally increases with the number of members to be elected from each multi-member electorate.

The reason for this last tendency is that the mathematicians who developed these systems generally argued that the minority quota that should be set for election in these systems should be roughly inverse to the number of members being elected. I say ‘roughly’ here because there has in fact been some difference of opinion among the mathematicians over the years. Some have argued for a minority quota that is the direct inverse of the number of members to be elected ($1/M$). Others have argued for a slightly smaller quota in which the denominator of this inverse fraction is increased by one above the number of members to be elected ($1/(M+1)$), but with one more vote added. This latter is the approach generally used in Australia.

This may all sound like mathematical hocus pocus, but there is in fact a quite simple, elegant logic to these minority quotas, which is presented in Table 4, following the approach generally used in Australia. If there are eight people to be elected from a multi-member area, the minority quota is set at one-ninth of the formal votes plus one. If there are five to be elected, the quota is one-sixth of the formal votes plus one. The logic of these quotas is that they are the lowest number of votes that the required number of candidates can obtain, but another candidate cannot. Hence, in an election for four members for an area, four candidates can obtain one-fifth, or 20 per cent, of the votes plus one, but any fifth candidate will inevitably then be left with only one-fifth of the votes minus four, falling five votes short of a quota.⁴ So, as can be seen from the left-hand columns of Table 4, in these multi-member STVPR electoral systems, using larger electorates with larger numbers of members from each electorate can increase the likelihood of small group representation by decreasing the minority quota required for election.

Table 4: Number of members to be elected and quotas in proportional representation electoral systems

No. members to be elected	8	7	6	5	4	3	2	1
Quota of votes required	1/9th +1	1/8th +1	1/7th +1	1/6th +1	1/5th +1	1/4th +1	1/3rd +1	1/2nd +1

These sorts of electoral systems are so common in Australia that when I first looked at the election results in the large, new remote area shires in the Northern Territory, I had just assumed that I was dealing with a multi-member STVPR electoral system with minority quota vote counting.⁵ However, if that was the case, the minority quota for Gus Williams to be elected in the Ljirapinta Ward of MacDonnell Shire would have been 74 votes, which Gus had clearly exceeded with his 93 primary votes alone.⁶ So what was the Northern Territory’s exhaustive preferential local government electoral system if it was not a multi-member STVPR system with minority quota vote counting?

⁴ To make these minority quotas reachable by M candidates, but beyond the reach of $M+1$ candidates, it is in fact only necessary to add some portion of that one extra vote. Hence, if quotas work out not to be whole numbers, they can in fact be rounded down to the number below. This is common practice around Australia and will be followed later in the paper when I calculate such quotas, hypothetically, for various NT Local Government elections.

⁵ I am also conscious here that Aboriginal and Torres Strait Islander Commission elections used these sorts of electoral systems from 1990 to 2002, so Aboriginal and Torres Strait Islander people all over Australia have also been exposed to them in this way. See Sanders et al. 2000 and Sanders 2004a.

⁶ $(293/4) + 1 = 74.25$, which can be rounded down to 74. See Footnote 4.

Before answering that question, I want to note just one more thing from Table 4. Single member electoral systems that adopt majoritarian vote counting are in fact adopting the same mathematical logic as multi-member electoral systems with minority quota vote counting. Reading Table 4 from left to right it can be seen that the minority quota required for election increases as the numbers of members to be elected from an area decreases. In instances where there are three members to be elected, the minority quota required is one-quarter of the votes plus one, and in instances where there only two to be elected, as in Territory Senate elections, the quota is one-third of the votes plus one. If this mathematical logic is then extended to the limiting instance of electing just one member in an electorate it produces exactly the vote counting rule that we adopt of requiring half, or 50 per cent, of the votes plus one. So single member electoral systems with majoritarian vote counting are not categorically different from multi-member electoral systems with minority quota election rules; rather, they are just a limiting case of the same basic system. One implication of this is that multi-member and single-member electoral systems can in fact work together as part of a single system – and this is partly what the Northern Territory Government allowed to happen in setting up the electoral system for their new, large remote-area shires.

The shires electoral system: a second look at structure and results

The electoral system used by the Northern Territory Government for the new, large remote-area shires drew on a system already in place for municipalities in the Northern Territory, which while standardised in many ways also allowed for some degree of variation. Although the Northern Territory Government suggested that shires should have no more than twelve members and that representation should roughly reflect population, they did not tightly prescribe whether shires divided themselves into a small number of wards with multiple members or a larger number of wards with less members. Most shire transition committees opted to divide themselves into four wards, sometimes with varying numbers of members in the attempt to reflect population. Hence Central Desert Shire went for four wards with 4, 4, 2 and 2 members, while MacDonnell Shire Transition Committee went for four wards with 4, 3, 3 and 2 members. Victoria-Daly Shire to the north, on other hand, opted for eight wards, six of which would have just one member and the other two of which would have two and four members, reflecting their larger populations. Victoria-Daly was clearly being far more prescriptive about wanting members from particular small settlements or localities on council by giving those places a single-member ward. Others however, like Central Desert and MacDonnell Shires, seemed to be hoping and expecting that the electoral system would share around the available Council positions in a way that achieved some degree of geographic spread among the widely dispersed and different sized settlements, or localities that were being drawn together in the new, large multi-member, multi-settlement wards of these vast new shires.

That spreading elected representatives around settlements was indeed a hope or expectation was reinforced at the first meeting of the elected Central Desert Shire in November 2008 when, as a member of the public, I asked whether it concerned the members from the Southern Tanami Ward that they all came from Yuendumu and that this may be due to the electoral system. I was informed that discussion during the previous day's induction program had indeed raised concerns about how members from Yuendumu were also expected to represent people from other places, such as Nyirrpi and Willowra, where candidates with good primary votes had not gone on to be elected.

If the hope of shire transition committees was that the electoral system would help spread members in large multi-settlement, multi-member wards across settlements or localities, then they were badly let down by the electoral system adopted. This is because in moving from single-member wards to two-, three- and four-member wards, the Northern Territory local government electoral system does not move to minority quotas for being elected as set out in Table 4, but rather retains the majoritarian 50 per cent

plus one requirement appropriate to single member electorates. The result is a form of winner-takes-all large group dominance, which can be seen most starkly in the Southern Tanami Ward of Central Desert Shire, but which is also evident in the results of other wards and shires as well.

Table 5 provides a fuller representation of the election results in the Southern Tanami Ward of Central Desert Shire, which I will try to explain.

Table 5: Central Desert Shire, Southern Tanami Ward, 4 vacancies: initial votes, places of association and results

Candidate/Elected (N)	Initial votes in 4 elections				Place of association
Gibson, Teddy Jakamarra	53	53	57	59	Nyirripi
Kitson, Julie	42	45	49	51	Willowra
Hargraves, Ned (2)	42	44	E	E	Yuendumu
Juttner, Tony	37	37	40	41	Yuendumu
Brown, Jean (1)	36	E	E	E	Yuendumu
Williams, Freddy	31	32	39	43	Yuendumu
Spencer-Wilson, Georgina	23	31	33	34	Yuendumu
Poulson, Christopher	21	22	27	30	Yuendumu
Walit, Robbie (3)	10	14	27	E	Yuendumu
Wayne, Maisie (4)	7	23	28	33	Yuendumu
Walit, Connie	1	2	3	12	Yuendumu
Formal votes in count	303	303	303	303	
Majoritarian quota	152	152	152	152	

In the first column, we have the distribution of primary votes before anyone is elected. The distribution of preferences, which is not shown, starts from the bottom and quickly eliminates Connie Walit, Maisie Wayne and Robbie Walit before getting a little more complex after that. Under the majoritarian vote counting rule adopted by the Northern Territory local government electoral system this distribution of preferences continues up column one until there are only two candidates left, one with more and one with less than 50 per cent of the vote. At this point Jean Brown is declared elected.

Once Jean is elected, a completely new election begins for the second place in the Southern Tanami Ward. The 36 people who voted number one for Jean are now allowed to give their vote, at full value, to their number two choice. How we should describe this process in technical electoral systems terminology is not entirely clear. It is not the distribution of preferences, which occurs from the bottom up by eliminating those with the lowest number of votes. Nor is it the allocation of a surplus, which does occur in STVPR systems when candidates have more votes than a quota. Rather it is simply the beginning of a new election, in which all 303 votes are allocated again to all the candidates except Jean Brown (who is now elected and hence excluded from the new election).

Column two presents the initial distribution of these 303 votes in this second election, without Jean. In this election, after the distribution of preferences by again serially eliminating candidates with the lowest number of votes, another Yuendumu candidate, Ned Hargraves – who also happened to have had a fairly high primary vote back in the first election – is elected. In the third election in the third column, by contrast, the successful candidate is Robbie Walit, who originally had just 10 primary votes. However, with the reallocation of Jean's and Ned's votes at full value after they have been elected, Robbie Walit starts election three with 27 votes, which with the subsequent flow of preferences is just enough to see him win this third majoritarian election. In election four, Maisie Wayne achieves a similar result. First she moves up the ranking of candidates by inheriting re-allocated votes from the three Yuendumu candidates already elected in the previous three elections and then she also relies on the flow of preferences from lower-ranking Yuendumu candidates remaining with her in this fourth election. As in election one, in election four the Nyirripi and Willowra candidates have the highest number of primary votes, but are still overtaken by the flow of preferences among the Yuendumu candidates.

What this electoral system does is run repeated, independent single-member elections in which the voters who have just been responsible for the election of a particular candidate with a majority of the votes are allowed, effectively, to vote again and have just as much say in the election of another candidate. These voters are, in a sense, allowed a second, third and fourth vote and the effect, particularly in third and fourth elections, seems to be to bring their 'second choice' candidates through from the bottom of the field of remaining candidates. A similar majority of voters who elected candidates one and two re-emerge to elect candidates three and four, while the minority of voters who did not contribute to the election of the early candidates find themselves again in the minority and not contributing to the election of later candidates either. The result is thus repeated, winner-takes-all, large group dominance.

If this election were being conducted under an STVPR electoral system, the minority quota for being elected would be 61 votes, and the table of results to be further filled in would look like Table 6, rather than Table 5.⁷ The difference between these tables is not just in the quota required for election, which is far less in the STVPR system, but also in the number of formal votes being counted in second and subsequent elections. In the STVPR system, the distribution of preferences in the first election would proceed until some candidate had more than 61 votes, at which point they would be declared elected. A second election would then begin, but with a quota of votes for the elected candidate now taken out of the total voting pool. In the third and fourth elections another quota of votes for the successful candidate is again taken out of the total voting pool.

This repeated extraction of quotas from second and subsequent elections involves some mathematical computation, since if the elected candidate has more than a quota of votes, the surplus over and above the quota needs to be brought back in and allocated. Also, rather than just bringing back in some of the elected candidate's votes for this purpose, all of them are brought back in, but at a reduced 'transfer value' which reflects the amount of surplus above the quota.⁸ However, conceptually, what is important here is that the representational base among the subsequently elected candidates systematically spreads to include more and more of the voters, as each member elected effectively draws on a different portion of votes cast. In a two-member election, the representational spread grows to two-thirds of voters, while in a three-member election it increases again to three-quarters of voters and in a four-member election to four-fifths of voters. This representational spread is achieved by only giving each voter a single transferable vote which, once it has contributed its full value to the election of candidates, is then withdrawn from subsequent elections in order to allow other votes that have not yet contributed to the election of a candidate to do so. The repeated elections under STVPR are, thus, dependent events which systematically share around and build the representational base of those elected among more and more voters.

⁷ $(303/5) + 1 = 61.6$, rounded down to 61. See Footnote 4.

⁸ It is probably this allocation of surpluses which the less mathematically inclined find hardest to follow in the operation of STVPR systems. An example may help to suggest the basic conceptual simplicity of a slightly complex mathematical manoeuvre. Suppose the minority quota for election is 60, but one of the candidates receives 70 primary votes. How do you pass on 10 surplus votes without favouring some votes over others? The answer is that rather than passing on any particular votes you pass on all 70 votes at $10/70^{\text{th}}$ value, thereby equating in total to 10 full votes being passed on as surplus. The formula for determining the transfer value of surplus votes is thus S/T , where S is the surplus votes above the quota that a candidate has at a particular point in the count and T is their total number of votes.

Table 6: Central Desert Shire, Southern Tanami Ward, 4 vacancies: table for results under STVPR

Candidate/Elected (N)	Initial votes				Place of association
Gibson, Teddy Jakamarra	53				Nyirripi
Kitson, Julie	42				Willowra
Hargraves, Ned	42				Yuendumu
Juttner, Tony	37				Yuendumu
Brown, Jean	36				Yuendumu
Williams, Freddy	31				Yuendumu
Spencer-Wilson, Georgina	23				Yuendumu
Poulson, Christopher	21				Yuendumu
Walit, Robbie	10				Yuendumu
Wayne, Maisie	7				Yuendumu
Walit, Connie	1				Yuendumu
Formal votes in count	303	242	181	120	
STVPR quota	61	61	61	61	

In the Northern Territory's exhaustive preferential system, by contrast, each of the repeated single member elections is an independent event and there is no systematic building of the representational base of those elected through the multiple election process. There is, effectively, simply a series of repeated single-member elections in which it is quite likely that the winning majority in each independent election is rather similar. This system tends to produce a repeated winner-takes-all majoritarian result for large voting groups and a repeated process of missing out for smaller voting groups. What a proportional representation system does, by contrast, is effectively say to the people who have just elected a candidate as their representative: 'Now that you've elected your preferred candidate, you can now step back and we'll just let the other people who didn't have a say in the election of that candidate contribute to the election of the next candidate'. In this way smaller voting groups can gradually also have their votes counted towards a winning candidate.

Another simple way to think about what was happening in the Southern Tanami Ward in October 2008 is to suggest that the roughly 300 formal votes are basically divided into three reasonably coherent locational pools: 200 can be thought of as essentially Yuendumu votes, which mostly preference other Yuendumu candidates; 50 can be thought of as Nyirripi votes; and 50 as Willowra votes. Figure 5 gives a pictorial representation of this, with each dot representing ten votes. The left column simply presents the numbers of votes from, and for, each locality. The central column shows the current election procedures, with four repeated elections of 300 votes in which a candidate must win over 150 votes to be elected. It is pretty clear that, under this system, Yuendumu candidates will be elected every time, even if there is quite a bit of preference leakage out of the Yuendumu vote pool to the Willowra and Nyirripi candidates, who still have very little prospect of reaching 150 votes. If on the other hand, as represented in the right column, the vote counting rule is that candidates can be elected with 60 votes, and then the equivalent of 60 votes for a winning candidate drop out in subsequent elections, then suddenly the Willowra and Nyirripi candidates have a real prospect of being elected and it is not so clear that Yuendumu will just keep repeatedly winning all the seats available.

I realise that these are complex mathematical concepts, which can be hard to grasp in the abstract and even in concrete cases. But hopefully through these various takes on the results in the Southern Tanami Ward of Central Desert Shire I have been able to demonstrate that there is a problem of the Northern Territory local government electoral system fueling large group dominance and systematically disadvantaging small groups or settlements. In the context of the new, large remote area shires that bring together widely dispersed settlements of different sizes, this can be a very substantial problem if these settlements are grouped together in large multi-member wards. The more populous settlements,

or groups of settlements, generating more local votes repeatedly win, and the smaller settlements, or groups of settlements, generating fewer votes repeatedly miss out. The problem is a general one, which the Southern Tanami Ward of Central Desert Shire just happened to show us in a very stark way because of the relative sizes of its three major constituent settlements.

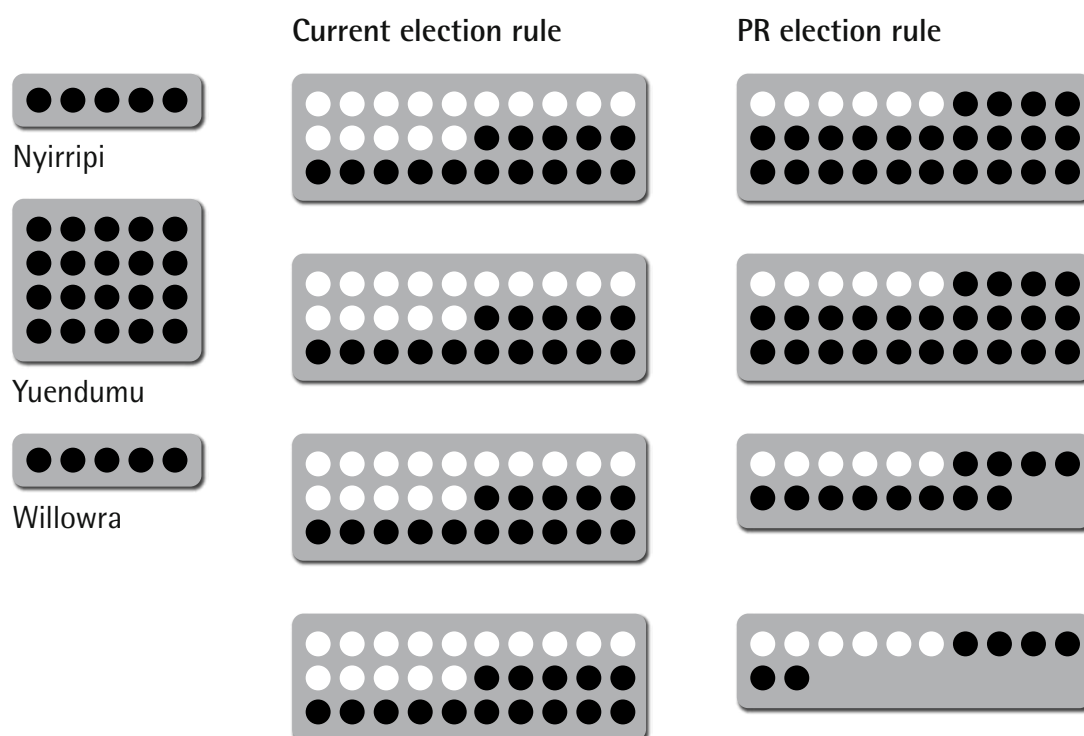


Figure 5: Vote pools representation of Southern Tanami Ward election, October 2008, both actual and hypothetical under STVPR

Back in the Anmatjere Ward of Central Desert Shire, where my interest started, a milder version of the same phenomenon also occurred, as can be discerned by examining Table 7, which expands on Table 2. In the language of locational vote pools, in the October 2008 elections Anmatjere Ward could be thought of as roughly demonstrating three settlement groupings. The largest grouping, which began with about 190 votes in their pool, was the Ti Tree triangle in the north, including Nturiya and Pmara Jutunta.⁹ A second, south-western grouping of Laramba and Yuelamu had about 150 votes in their pool.¹⁰ With a majoritarian vote counting rule that required 208 of the 415 formal votes for candidates to be elected, each of these two settlement groupings won two of the four independent, single-member elections. The small group of settlements that repeatedly missed out was Engawala and Mulga Bore/Angula to the east, which began with 78 votes in their combined pool.¹¹ They, like Willowra and Nyirripi over in the Southern Tanami Ward, never really had a chance of winning under this majoritarian vote counting rule. Even by the fourth election, with leakage from the two big pools of votes, the eastern group still only had 132 initial votes in their pool, which was not going to make them competitive with the larger settlement groupings under a vote counting rule that required 208 votes to be elected. Had, however, an STVPR vote counting method been used the quota for election would have been 84 votes¹², and the south-eastern communities might have stood a chance of winning one of the four seats.

⁹ This figure adds the primary votes in the first election of Haines, Frances, Glenn and Carter.

¹⁰ This figure adds the primary votes in the first election of Dixon, Lechleitner and Heenan.

¹¹ This figure adds the primary votes of Bird and Bloomfield.

¹² $(415/5) + 1 = 84$.

Table 7: Central Desert Shire, Anmatjere Ward, 4 vacancies: initial votes, places of association and results

Candidate/Elected (N)	Initial votes in 4 elections				Place of association
Haines, Jasper (1)	103	E	E	E	Nturiya/Ti Tree
Dixon, Adrian (2)	84	99	E	E	Laramba
Frances, Ant	45	64	69	100	Pmara Jutunta/Ti Tree
Bird, Benedy	41	44	55	72	Mulga Bore/Angula
Lechleitner, Walter Japangardi	40	41	49	70	Yuelamu
Bloomfield, Patrick	37	44	53	60	Engawala
Glenn, James Jampajimpa (3)	25	80	119	E	Ti Tree
Heenan, Noel (4)	24	27	53	86	Yuelamu
Carter, Ted	16	16	17	27	Ti Tree
Formal votes in count	415	415	415	415	
Majoritarian quota	208	208	208	208	

My advice to Central Desert Shire, which has only been vaguely solicited, is that if they want small settlements, or groupings of settlements, such as Willowra and Nyirrpri or Engawala and Mulga Bore/Angula to have representation on their Council, then do not rely, under the present electoral system, on large multi-member, multi-settlement wards to achieve this, or even to go any way towards it. The current electoral system simply will not do this. It will in fact systematically favour the settlements, or groups of settlements with larger populations and numbers of votes. These larger settlements, or groups of settlements, will elect not only the first ward member, but the second and subsequent members as well. Rather, if you feel that a small settlement or group of small settlements needs to be represented on your Council, then follow the Victoria-Daly model, and give them a single member ward of their own. With the Northern Territory Government stipulating a maximum of twelve members on a Shire and wanting some reflection of population in representative structures, designing enough single member wards for all such small settlements or groups of settlements to be represented may be a challenge. But under the current majoritarian vote counting rule, this is the only way to ensure the representation of less populous settlements on the new shire councils.

My advice to the Northern Territory government, which is totally unsolicited, is that they should think again about the conceptual basis of the electoral system used for the shires. In retaining a majoritarian vote counting rule while moving to multi-member electorates, the system is fueling the dominance of large groups, or settlements, in electoral processes, and systematically disadvantaging smaller groups, or settlements, which might need to be given a better chance of representation in order for the new, large remote-area shires to have much legitimacy and effectiveness.¹³

Also a municipal problem: the Alice Springs example

I noted above in passing that the electoral system used for the inaugural shire elections in October 2008 drew on a system already in place for the Northern Territory municipalities. This exhaustive preferential electoral system has in fact been in use in these urban local governments since 1984 and has been the subject of considerable criticism over the years. Again criticism has typically arisen when candidates with quite high primary votes in the initial count have not gone on to be elected, while others from much further down the initial count have. In 1997, the Northern Territory Government and the Local Government Association of the Northern Territory jointly commissioned a review of this electoral

¹³ The large groups that dominate these shire electoral processes are not always settlements. In the case of the Ljirapinta Ward in MacDonnell Shire in 2008, to which I have not returned, a candidate strongly associated with the large central community of Hermannsburg/Ntaria, Gus Williams, repeatedly missed out. The candidates who repeatedly overtook him could possibly be seen as associated with a group of outstations or as simply a large clan group which had loyalties across locations. Either way, they form the large social group which, in this instance, repeatedly wins while Williams repeatedly misses out. Instances of the dominating large social groups being clans, rather than localities, may make the effect of this electoral system harder to see. The clearest indicator is that candidates with low primary votes come up through the field of candidates quite dramatically to win subsequent positions, at the point where the higher ranked candidate from their social group has already been elected.

system used for municipalities from Alistair Heatley, a political scientist at the Northern Territory University. Heatley's report acknowledged that there were some 'disadvantages' of the exhaustive preferential system including that:

It does not ensure the election of candidates who poll well in the primary vote and, conversely, can reward candidates with a relatively low primary vote.
Heatley 1997: 7–8

Heatley also noted that 'significant minority interests' can 'often be excluded from representation' and went on to give the example of Aboriginal candidates (Heatley 1997: 8). Of the eight Aboriginal candidates who stood for election in the four municipalities in the 1996 elections, only one was elected under the exhaustive preferential system, while another four, Heatley argued, 'could have been elected under some alternative voting arrangements' (Heatley 1997: 12). Heatley recommended in his 1997 report that the exhaustive preferential system be abolished and replaced by a system that combined proportional representation in multi-member wards with majoritarian vote counting in single member wards (Heatley 1997: ii, 17). This recommendation was, I would argue, correct. However, there were ways in which the Heatley report was somewhat equivocal and unclear in its analysis and this recommendation was not, at the time, taken up by the Northern Territory Government.¹⁴

In this section, I want to revisit the effects of the exhaustive preferential vote counting system in the Northern Territory's urban municipalities, arguing strongly that there is also a problem of fueling large group dominance in this local government context as well. The small and large social groups which seem to emerge in this context are not widely dispersed settlements of different sizes, as in the remote area shires, but rather Aboriginal minorities and settler majorities of varying proportions in Northern Territory urban areas (see Sanders 2006). The example of Alice Springs Town Council can serve to illustrate the problem.

The contemporary social geography of Alice Springs is, roughly, that 20 per cent of the population are of Aboriginal descent while 80 per cent come from settler society. The Aboriginal minority are also divided roughly between about 15 per cent living in suburban housing interspersed with the settlers and 5 per cent living in town camps, which are discrete Aboriginal living areas scattered around the town (see Sanders 2004b). The local government electoral arrangements in Alice Springs have long been that both the mayor and all the aldermen are elected from a single electorate covering the whole municipality. Under the exhaustive preferential electoral system every alderman elected must, at some point in the counting process, attract a majority of votes across the whole town. So if voting even vaguely follows Aboriginal and settler patterns of social identification and living circumstance, the vote counting system makes it rather hard for Aboriginal candidates to be elected, particularly those associated with the town camps.

Table 8 gives the primary votes of the seventeen candidates for eight alderman positions in the election for the Alice Springs Town Council of March 2008, as well as identifying those elected. The total number of formal votes in the election was 9213, so under the majoritarian, exhaustive preferential vote counting system, the quota for election was 4607.

Without knowing many of the personalities involved, I do know that at least two of the candidates in the 2008 elections are Aboriginal. One, a young, suburban-dwelling man, John Rawnsley, was elected to the fifth of eight alderman positions and in early 2009 became deputy mayor. However, the case that intrigues me is that of Barbara Shaw, who was a prominent Aboriginal candidate in 2008 associated with the town camps and a forthright critic of the impact on the camps of the Australian Government's

¹⁴ One lack of clarity was that Heatley referred to the combination of proportional representation in multi-member electorates and preferential, majoritarian vote counting in single member electorates as a 'dual' system. However, as explained above in discussion of Table 4, they are in fact the same system applying the same mathematical logic to single member and various multi-member scenarios.

Northern Territory Emergency Response. Shaw polled fifth in the primary vote, but failed to be elected to any of the eight available alderman positions – giving her the distinction of being the candidate with the highest primary vote who did not go on to be elected (see Table 8).

Table 8: Alice Springs Town Council, candidates, primary votes and results of election for eight aldermen, March 2008

Candidate/Elected (N)	Primary votes
Steward, Murray (1)	1 989
Clark, Jane (3)	1 339
Heenan, Brendan (2)	1 006
Habib, Samih (4)	846
Shaw, Barbara	642
Rawnsley, John (5)	549
Brown, Stephen	481
Taylor, Sandra (7)	407
Martin, Liz (6)	367
van Haaren, Melanie (8)	360
Ociones, Miguel	279
Aronston, Lenny	240
McIvor, Angus	181
Harrison, Marie	161
Hall, Lisa	139
Luchich, Sally	115
Chewings, David	112
Formal votes	9 213 FV/TV 89.3%
Majoritarian quota	4 607
Informal votes	1 108
Total votes	10 321 TV/E 70.4%
Enrolment	14 654

Barbara Shaw's failure to be elected is, I would argue, another instance of large group dominance and systematic small group disadvantage under the exhaustive preferential electoral system. The 80 per cent of settler suburban dwellers tend to dominate most seats on the Alice Springs Town Council because they are the ones who can most easily win 50 per cent of the vote across the whole town. Occasionally an Aboriginal candidate with good links to the suburban settler population also gets elected, like John Rawnsley in 2008 or in the past Des Rodgers in 2004 and Bob Liddle in 1988. However, for someone like Barbara Shaw, who is associated with the interests of the five per cent of the Alice Springs population who are residents of town camps, it is very hard to be elected, even with significant support from sympathetic suburban dwellers of both Aboriginal and settler social origins as well as town campers. Barbara Shaw and other town-camp-based Aboriginal candidates like her may have very strong support among a significant, distinctive small portion of the Alice Springs population but they have very little prospect of ever being elected to the Alice Springs Town Council under its town-wide, multi-member, majoritarian vote counting electoral arrangements. Despite, or indeed perhaps because of their distinctive strong, small-group basis of support, Shaw and others like her have trouble attracting enough of either the re-allocated votes or the preferences of the large social group, the suburban settler majority, to be elected.

Interestingly, one of the unsuccessful Aboriginal candidates in the 1996 municipal elections discussed in the Heatley report was Geoff Shaw, Barbara's father, who was at the time also a prominent advocate of the interests of the Alice Springs town camps through his role as General Manager of the Tangentyere

Council. Geoff Shaw finished fourth in the initial vote count with 867 votes out of a total of 9265 formal votes, but failed to be elected to any of the 10 alderman positions then available, being beaten in later counts by candidates ranked as low as 18th out of 21 candidates in the initial count (Heatley 1997: 12. See Table 9)¹⁵. Again this suggests a candidate with very strong support among a significant, but small and distinctive social group who cannot get elected because of the need, at some point in the exhaustive preferential vote counting process, to attract over 50 per cent of votes from all social groups across the whole town.

Table 9: Alice Springs Town Council, candidates, primary votes and results of election for ten aldermen, 1996

Candidate/Elected (N)	Primary votes	
Miers (2)	1 475	
Erlich (1)	1 389	
Smith (5)	901	
Shaw	867	
Frost (3)	571	
Alicastro (6)	566	
Jefford (4)	487	
Koch (10)	339	
Naismith (9)	334	
Wolstencroft	271	
Wright	259	
Griffin	252	
McCumiskey	234	
Oliver	228	
Tubbenhauer	213	
Noble (8)	188	
Osborne	187	
Harris (7)	186	
Crosby	123	
Sowman	113	
Francis	82	
Formal votes	9 265	FV/TV 87.3%
Majoritarian quota	4 633	
Informal votes	1 347	
Total votes	10 612	TV/E 79.4%
Enrolment	13 565	

What happens to candidates like Barbara and Geoff Shaw who are associated with the town camps in Alice Springs Town Council elections is essentially the same as what happened to the Nyrripi and Willowra candidates in the Southern Tanami Ward elections for Central Desert Shire in October 2008. They garner the primary votes of the small, distinctive social group with which they are associated, but then as the counting proceeds under the exhaustive preferential system, they repeatedly get overtaken by candidates associated with larger social groups who are being re-allocated votes, at full value, from candidates already elected and then also receiving the preference flow among large group candidates. Candidates associated with the larger social group win not just the first and second seats in multi-member wards, but they then also come through from much further down the primary vote tally to win the subsequent seats as well. Thus again the result is a form of large group, winner-takes-all majoritarianism and small group marginalisation.

¹⁵ Results are archived on the NTEC website under Results, Municipal Elections: <http://notes.nt.gov.au/nteo/Electorl.nsf?OpenDatabase>

As in the shires case, if the Alice Springs Town Council were convinced of this problem and wanted to counteract this large group dominance, it could, to some extent, do so within the existing electoral system by making use of small, single-member wards: for example, a ward specifically covering the town camps. However, if the Northern Territory Government was convinced of the problem, a far more effective and simple way of promoting small group representation and overcoming large group dominance would be to adopt STVPR, minority quota vote counting rules in multi-member wards for local government elections, in line with the mathematics of Table 4. If this had been the counting rule in 1996, Geoff Shaw would have been elected to the Alice Springs Town Council on his primary vote alone, as the minority quota in that election for 10 aldermen would have been 843 votes.¹⁶ Barbara Shaw, in 2008 by contrast, would have had to rely on the distribution of preferences and the re-allocation of surpluses, as the minority quota in that election for 8 aldermen would have been 1024,¹⁷ considerably above her 642 primary votes.

From understandable attraction to repeated mistake

In this section of the paper I want to pull back again from the specific details of Northern Territory local government elections to a more general historical and conceptual analysis. In the earlier section when I did this, I talked about common Australian electoral systems. This time, I want to pull back even further and talk about Australia's somewhat uncommon approach to electoral systems in international comparative terms, particularly our unusual enthusiasm for preferential voting. For it is preferential voting which, at base, leads both to the understandable attraction of electoral systems such as the Northern Territory local government system, but also to these systems having been recognised in at least two past instances as a mistake.

Australia has a proud history of innovation and experimentation in electoral systems (Sawer 2001). This includes the introduction in the 1850s of the 'secret ballot': a standardised, printed ballot paper listing all candidates on which choices could be simply and anonymously marked (McKenna 2001). The secret ballot also in time allowed for the further innovation of 'preferential voting': the rank ordering of candidates using sequential numbers rather than the simple unranked marking of a choice for one or more candidates (Reilly 2001a). Numerical ranking of candidates opened up the possibility of moving beyond 'first-past-the-post' or 'plurality' vote counting, where the elected candidates were those who simply had the most unranked choice marks. Preferential voting, or the 'alternative vote' as it often referred to internationally, allowed for more sophisticated, mathematical vote counting. The most common and obvious sophistication developed was to eliminate candidates with low numbers of first preference votes and to redistribute their votes to others left in the election. The idea that such a redistribution of preferences should continue repeatedly until some candidate had more than half the votes became a common idea with understandable attraction. What could possibly be wrong with requiring candidates under preferential voting to win more than half the votes? However, when preferential voting was first tried in Australian Commonwealth parliamentary elections from 1919, some undesirable consequences of this vote counting rule gradually became recognised.

The system of combining preferential voting and the majority vote counting rule seemed to work well in the single member electorates of the House of Representatives from 1919. However, in the Senate where three positions were available in each State as an undivided electorate, the system led to some unanticipated and undesirable outcomes. What seemed to occur was that the party winning the first Senate seat in a State would then go on to win the second and third seats as well. Reilly and Maley (2000: 42) have observed that this was the result in 55 of 60 elections for the Senate in various States between 1919 and 1946 (see also Reilly 2001b: 16, 153; Lijphart 1997). The result for the Senate of

¹⁶ $(9265/11) + 1 = 843.3$, rounded down to 843. See Footnote 4.

¹⁷ $(9213/9) + 1 = 1024.7$, rounded down to 1024. See Footnote 4.

combining preferential vote marking, majoritarian vote counting and multiple members from undivided States was large majorities of Senators from the major parties, which could either coincide with or oppose the government majority in the House of Representatives and which could change dramatically at elections. This winner-takes-all large group dominance did not serve the Senate well and the electoral system was abandoned in 1948 in favour of STVPR.

Another more recent instance of combining preferential vote marking, majoritarian vote counting and multi-member electorates occurred in Victorian local government in the late 1990s. Up to the early 1990s Victoria had a system in which local council wards each had three members with staggered three-year terms, one of which fell due for election each year. This system had long been criticised for never standing existing councillors against each other for election and for having annual, low-key elections which were often uncontested. So when the number of local governments in Victoria was radically reduced in the mid-1990s from 210 to 79, the opportunity was also taken to move to three-yearly elections for all councillors simultaneously. As in the Northern Territory, the new councils were allowed to organise themselves into varying numbers of wards with varying numbers of members. The electoral system adopted was exhaustive preferential, using preferential vote marking and the majoritarian vote counting rule. However, it was soon realised that when this was combined with multi-member wards, it produced winner-takes-all results in which lowly ranked candidates in primary counts of the same party persuasion as the first winning candidate would often later proceed up through the field of candidates to win second and subsequent vacancies. Burdess and O'Toole (2004: 74) give the example of a Green candidate winning the first seat in the Yarra City Council election in 2002, and then a second Green candidate proceeding past two other candidates with much higher initial primary votes to win the second seat as well. In 2003, when the Victorian State Government moved to get rid of this exhaustive preferential system in favour of STVPR they also noted the geographic dimension of this winner-takes-all effect. The 'most common electoral distortion', the Minister argued in introducing the proposed legislation for change was:

... the disenfranchisement of rural voters in municipalities dominated electorally by one or more regional centres.

Victorian Parliamentary Debates, Legislative Assembly 15 October 2003: 1028

Victoria had thus also discovered the potential locational or geographic dimension of winner-takes-all, large group dominance which flows from combining preferential vote marking and majoritarian vote counting with multi-member electorates in local government.

Both these historical instances show that while there is an understandable attraction to combining preferential vote marking and majoritarian vote counting with multi-member electorates, this is in fact a mistake in electoral system design. This three-way combination of electoral system elements simply fuels large group dominance in election outcomes, while systematically and repeatedly marginalising smaller voting groups. The importance of the Victorian local government example is to show that this is not just a problem of particular parties dominating, but also of the domination of larger localities or other social groups.

At base this mistake in electoral system design arises because in moving from single to multi-member electoral divisions, in conjunction with preferential voting, no attention is being paid to the weakness of majoritarian vote counting. As noted earlier, this weakness is that a significant minority of voters (up to fifty per cent minus one) can still have not voted for a winning candidate and hence feel unrepresented. If electoral systems with preferential voting do not attack this weakness in moving from single-member to multi-member electorates, there is really no point in making the move. Indeed, multi-member majoritarian systems based on preferential voting forego the strength of single-member electoral systems, of providing as local representation as possible, but for no representational gain. Their only gain is the administrative convenience of not having to divide up electoral areas. All these systems do is reproduce the majoritarian vote counting weakness on a larger geographic scale in what are, in effect

repeated independent single-member elections re-using the same votes. STVPR systems, by contrast, directly attack the representational weakness of single-member majoritarianism. They move to multi-member electorates precisely with the purpose of enabling significant minority groups of voters to gain representation. By using a single transferable vote and minority quota vote counting in a series of dependent elections they systematically build the representational base of those elected beyond a bare majority, up towards far higher percentages of voters having voted for a winning candidate.

Whereas multi-member systems with preferential voting and majoritarian vote counting are a repeated mistake in Australian electoral system history, STVPR systems, with minority quota vote counting in multi-member electorates, are a common and successful, if somewhat mathematically sophisticated, approach to building representational spread.

STVPR or simpler reform alternatives?

In critiquing the existing Northern Territory local government electoral system, I have until now argued either for the use of single member wards or, if multi-member wards are to be retained, for minority quota vote counting with a single transferable vote. I am conscious, however, that the mathematical sophistication of STVPR can be somewhat intimidating and I would certainly not advocate that politicians should vote for a reform alternative that they do not, at least basically, understand. The challenge therefore, if multi-member electorates are to be retained, seems to be either to achieve some understanding of STVPR among Northern Territory politicians, and indeed among the larger Northern Territory public, or to suggest some simpler reform alternative that does not rely so much on mathematical understanding. Here I will suggest two simpler reform alternatives which, if well understood, may in fact lead back to an understanding of STVPR.

The first simpler reform alternative is first-past-the-post vote counting with a single vote in multi-member electorates. This system would not rely on preferential voting and the candidates elected would simply be those with the most votes in the initial vote distribution. In the Northern Territory local government elections we have examined, the winners using this system would simply have been the first four candidates listed above in Tables 1 and 2, the first three candidates in Table 3, the first eight candidates in Table 8 and the first ten candidates in Table 9. As can be seen by returning to those tables, this very simple electoral system would have achieved a geographic spread of elected representatives in the Anmatjere and Southern Tanami Wards of Central Desert Shire in 2008 and also a social spread which included a town camp resident in the Alice Springs Town Council elections of 2008 and 1996. However, two weaknesses of this simpler reform alternative are also evident: that candidates can be elected with quite small numbers of votes and that large numbers of votes for other candidates don't count in the election at all. In Table 1, for example, Benedy Bird from Mulga Bore/Angula would have been the fourth candidate elected in the Anmatjere Ward of Central Desert Shire in 2008 using this system with 41 votes out of total of 415 votes, and the 142 votes cast for candidates below him would not have counted in the election at all. Similarly in the 2008 Alice Springs Town Council election represented in Table 8, Sandra Taylor would have been the eighth person elected with 407 votes out of a total of 9213 votes, while almost 2000 votes cast for candidates below her would not have counted in the election.

Following from Australia's enthusiasm for preferential voting, a slightly improved version of this very basic first-past-the-post system, immediately suggests itself. This second, simple reform alternative relies on preferential voting, but is essentially still a first-past-the-post system. It would simply bring votes for losing candidates into the election by serially eliminating the candidate with the lowest number of votes and redistributing their votes in accordance with expressed preferences, until there were the same numbers of candidates remaining as vacancies available. This corresponds with the first steps in the opening preference distribution in the exhaustive preferential system, so the information required to do this distribution is on the NTEC website. Tables 10, 11, 12 and 13 do this preference distribution in

this simple preferential, first-past-the-post vote counting system for the two Central Desert Shire Wards in October 2008 and the Alice Springs Town Council elections of 2008 and 1996. All votes now count in these elections, but the vote counting rule is still simply first-past-the-post.

The results of these simple preference distributions with preferential first past-the-post vote counting in Tables 10–13 are noteworthy in two respects. The first is that the candidates elected tend to be only slightly different from those who would be elected under non-preferential first-past-the-post. The preference distribution sometimes brings candidates up a few places, while others move down a few places. But, unlike in exhaustive preferential, there is no tendency for candidates who are initially towards the bottom of the primary vote count to come right through from the bottom of the field to win subsequent seats. So in the Anmatjere and Southern Tanami Wards of Central Desert Shire in 2008, there is again a quite good geographic spread among the elected representatives and in the Alice Springs Town Council elections of both 2008 and 1996 a Shaw town camp candidate is again successful.

The second noteworthy aspect of Tables 10–13 is that candidates sometimes get elected with quite similar numbers of votes and sometimes with rather different numbers of votes. In Table 11, the four candidates that would have been elected in the Southern Tanami Ward of Central Desert Shire in 2008 under this system all received quite similar numbers of votes (between 62 and 89, a ratio of less than 1.5 between highest and lowest). However, in Table 10, giving the result for the Anmatjere Ward of Central Desert Shire in 2008 under this system, the spread of the number of votes attained by the candidates is greater (from 65 to 157, a ratio of closer to 2.5 between highest and lowest). In Tables 12 and 13, giving the results under this preferential first-past-the-post system in the Alice Springs Town Council elections of 2008 and 1996, the ratio of the number of votes won by the highest and lowest elected candidates is up over four (2368/579 in Table 12 and 1803/452 in Table 13). It is results like these latter that challenge the mathematically inclined to think hard and innovatively about electoral system design. Is it fair that four times as many voters elect one candidate as elect another? Is there some way in which the overabundance of votes for the highest candidate could be reallocated to possibly help another person of similar persuasion towards election, while the candidates with lower votes are required to still compete for some more of this overabundance of votes in order to be elected?

This is exactly what STVPR tries to do. It sets a quota for election which is roughly inverse to the number of members to be elected. It then allows any candidate who exceeds that quota to give away their surplus votes, while requiring candidates below the quota to keep competing for votes until they reach it. So observing the operation of the simpler reform alternative of preferential first-past-the-post leads us back to STVPR.

Table 10: Central Desert Shire, Anmatjere Ward, 4 vacancies, 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	Yuelamu
Bloomfield, Patrick	37	38	39	42			Engawala
Glenn, James Jampijinpa	25	26	29				Ti Tree
Heenan, Noel	24	25					Yuelamu
Carter, Ted	16						Ti Tree
Formal Votes	415						

Table 11: Central Desert Shire, Southern Tanami Ward, 4 vacancies, results under preferential first-past-the-post

Candidate/Elected (N)	FPTP preference distribution							Place of association
Gibson, Teddy Jakamarra (4)	53	53	54	55	58	58	62	Nyirpi
Kitson, Julie (3)	42	42	42	43	52	54	65	Willowra
Hargraves, Ned (2)	42	42	42	43	53	72	87	Yuendumu
Juttner, Tony	37	37	38	38	42	43		Yuendumu
Brown, Jean (1)	36	37	39	45	64	76	89	Yuendumu
Williams, Freddy	31	31	31	31	34			Yuendumu
Spencer-Wilson, Georgina	23	23	24	24				Yuendumu
Poulson, Chrisotpher	21	21	21	24				Yuendumu
Walit, Robbie	10	10	12					Yuendumu
Wayne, Maisie	7	7						Yuendumu
Walit, Connie	1							Yuendumu
Formal Votes	303							

Table 12: Alice Springs Town Council, March 2008, results under preferential first-past-the-post

Candidate/Elected (N)	FPTP preference distribution									
Stewart, Murray (1)	1989	1997	2017	2022	2047	2075	2081	2136	2252	2368
Clark, Jane (2)	1339	1352	1368	1417	1436	1461	1507	1575	1641	1704
Heenan, Brendan (3)	1006	1011	1025	1034	1066	1080	1089	1113	1152	1249
Habib, Samih (4)	846	856	865	874	889	896	917	944	967	1002
Shaw, Barbara (5)	642	656	660	666	672	685	692	716	739	808
Rawnsley, John (7)	549	556	562	569	575	615	622	673	692	734
Brown, Stephen (6)	481	499	503	507	512	525	703	720	738	769
Taylor, Sandra	407	407	412	421	424	434	437	447	510	
Martin, Liz (8)	367	368	368	395	439	449	454	490	522	579
van Haaren, Melanie	360	362	365	369	378	384	388	399		
Ociones, Miguel	279	280	284	287	291	318	323			
Aronston, Lenny	240	251	255	267	274	291				
McIvor, Angus	181	192	199	207	210					
Harrison, Marie	161	168	170	178						
Hall, Lisa	139	143	149							
Luchich, Sally	115	115								
Chewings, David	112									
Formal Votes	9213									

Table 13: Alice Springs Town Council, candidates, 1996, result under preferential first-past-the-post

Candidate/ Elected (N)	FPTP preference distribution											
Miers (1)	1475	1483	1489	1499	1525	1606	1621	1676	1713	1740	1779	1803
Erlich (2)	1389	1413	1427	1437	1458	1481	1497	1532	1549	1569	1623	1649
Smith (3)	901	905	921	921	934	938	957	965	992	1046	1098	1175
Shaw (4)	867	868	876	887	898	908	918	928	942	960	983	1081
Frost (5)	571	579	581	583	599	607	649	682	699	720	772	814
Alicastro (6)	566	577	598	612	618	625	641	650	659	683	725	775
Jefford (7)	487	493	496	498	538	558	568	584	592	620	646	667
Koch (9)	339	342	344	345	352	361	371	383	392	407	416	428
Naismith (10)	334	335	340	342	353	358	360	369	375	388	409	421
Wolstencroft (8)	271	272	282	285	288	291	299	309	371	416	444	452
Wright	259	259	260	260	262	266	273	275	286			
Griffin	252	252	252	318	318	327	344	349	353	361	370	
McCumiskey	234	236	236	236	236	238	244					
Oliver	228	229	233	233	258	260	272	302	342	355		
Tubbenhauer	213	216	230	232	234	236	251	261				
Noble	188	189	190	191								
Osborne	187	189	193	193	200	205						
Harris	186	190	191	193	194							
Crosby	123	125	126									
Sowman	113	113										
Francis	82											
Formal votes	9265											

Although it is not possible with the information from the exhaustive preferential results on the NTEC website to construct full tables giving a result under STVPR in these four elections, it is possible in at least one instance to see the likely result emerging. This instance is the Southern Tanami Ward of Central Desert Shire in 2008, where votes happened to be fairly evenly spread between candidates. As the minority quota for the election of four candidates in this instance would be 61 votes, the count under STVPR would proceed much as in Table 11 until the fifth column is reached in which Jean Brown has 64 votes. At this point Jean would be declared elected and her three surplus votes would be re-allocated to the other five remaining candidates before the count proceeded further.¹⁸ Although we cannot formally proceed further with the count from this point, clearly this reallocation of just three votes is not going to change the subsequent distribution of preferences in which Freddy Williams will be eliminated and Ned Hargraves declared elected with more than 61 votes to the second position in the Southern Tanami Ward, as seen in column six. Of the three remaining candidates, it seems highly likely from Table 11 that Tony Juttner will then have the lowest vote and that the distribution of his preferences will give Teddy Gibson and Julie Kitson the required minority quota of 61 votes to be elected. But in any case, the battle for the last two seats will be a three-way contest between Gibson from Nyirrpi, Kitson from Willowra and Juttner.

In the Anmatjere Ward of Central Desert Shire by contrast, 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. As Dixon has exactly a quota, the next step in the count to elect the third candidate is the allocation

¹⁸ As explained in footnote 8, all 64 of Jean's votes would in fact be re-allocated at a transfer value of 3/64ths. This way the value of three surplus votes is re-allocated, but in accord with the preferences of all 64 primary votes cast for Jean.

of Haines' 19 surplus votes. As explained in footnote 8, this in fact means reallocating all 103 votes at a transfer value of 19/103 (or 0.184). Table 14 does this surplus allocation in its second column, based on the preferences of Haines' votes revealed in the exhaustive preferential vote count on the NTEC website. This allocation of the Haines surplus occurs in an election with 168 votes put aside, corresponding to two quotas for the two candidates already elected. This election for the third candidate, with 247 votes active in the count, does not produce any candidate with a quota. So at this point the count returns to a preference distribution at full vote value. First Ted Carter is eliminated and his preferences are distributed, as can be seen in column three of Table 14. Next Noel Heenan is eliminated and it is at this point that we no longer have full information about the preference distribution from the existing exhaustive preferential count on the NTEC website. It is generally clear, however, that about two-thirds of Heenan's preferences go to his Yuelamu co-resident, Walter Lechleitner, as indicated roughly in column four of Table 14. This will then leave Patrick Bloomfield to be eliminated next. Bloomfield's preferences will greatly strengthen the position of Benedy Bird, from the south-eastern group of communities, and James Glenn will be the next eliminated. Hence, 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. So again, four of the top five candidates in the primary vote count will end up winning the seats and a reasonable degree of representational spread around the settlement groupings will be achieved.

Table 14: Central Desert Shire, Anmatjere Ward, 4 vacancies, hypothetical table for results under proportional representation

Candidate/Elected (N)	Beginnings of STVPR Count			
Haines, Jasper (1)	103	E		
Dixon, Adrian (2)	84	E		
Frances, Ant	45	+22(.184)=49.05	+9=58.05	
Bird, Benedy	41	+3(.184)=41.55	+1=42.55	
Lechleitner, Walter Japangardi	40	+2(.184)=40.37	+0=40.37	+16-18
Bloomfield, Patrick	37	+9(.184)=38.66	+1=39.66	
Glenn, James Jampijinpa	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	(-168) 247	247	247
PR Quota	84 +84	84	84	84

What Tables 10–14 demonstrate is that under both the simpler reform alternative of preferential first-past-the-post and under the more mathematically sophisticated STVPR, the ultimate winners all come from near the top of the primary vote count and also achieve a spread of representation across large and small voting groups. While STVPR is probably the best system in achieving both representational spread and fairness between candidates, it can be somewhat intimidating to the less mathematically inclined. The simpler preferential first-past-the-post system is still quite good at achieving representational spread across groups and it is certainly far better than exhaustive preferential with its winner-takes-all majoritarianism. Hence if Northern Territory politicians and others feel they do not understand and are not relaxed with the mathematical sophistication of STVPR, I would recommend that they consider a single vote preferential first-past-the-post system for multi-member electorates.¹⁹

¹⁹ Perhaps a hidden underlying issue is that in moving to multi-member electorates, there is some attraction to the idea of multiple votes. However, this tends to concentrate representation, rather than spread it, as Reynolds and Reilly (1997: 36) note in their commentary on Block Vote systems which give multiple votes in non-preferential multi-member first-past-the-post systems. The current Northern Territory system does something similar in the context of preferential voting. Hence in these reform alternatives for multi-members electorates, I only consider single vote systems.

Concluding remarks: Social diversity and forms of democracy

Although much of this paper is about the mathematics of electoral systems, ultimately the argument against the Northern Territory's local government electoral system is a social one. Fundamentally the argument is that in situations of social diversity, it is important for an electoral system to broaden representation and attempt to include small groups as well as large groups, in order to encourage diverse interests to work together and accommodate each other. The alternative is a form of large group dominance of political institutions that leaves the small group as political outsiders, often to the ultimate cost of the political institution itself. This basic social argument resonates strongly with the work of other political scientists working elsewhere around the world on both electoral system design and forms of democracy more generally.

Twenty-five years ago, in a major work synthesising patterns of 'majoritarian' and 'consensus' government in twenty-one countries, Arend Lijphart argued that it is only in 'relatively homogeneous societies' that majoritarian democracy is adequate. By contrast, where 'plural societies' are:

... sharply divided along religious, ideological, linguistic, cultural, ethnic, or racial lines into virtually separate subsocieties ... majority rule is not only undemocratic but also dangerous, because minorities that are continually denied access to power will feel excluded and discriminated against and will lose their allegiance to the regime.

Lijphart 1984: 22

What these societies need, Lijphart argued, is 'consensus democracy', which brings into representative processes significant minority interests and governs by 'grand coalitions' (Lijphart 1984: 23).

More recently, Ben Reilly has argued for 'electoral engineering' which encourages 'centripetal' forms of democracy in 'divided societies'. He notes that 'increasingly inter-mixed' geographic distributions of 'ethnic groups' call for electoral systems that provide incentives for diverse, but proximate interests to accommodate each other and to manage down the potential for conflict (Reilly 2001b: 193).

While Lijphart and Reilly were writing about nation states, their words are equally pertinent to local government in the Northern Territory. Where there is social diversity and significant difference of interests between large and small social groups within local government areas – whether they be larger and smaller settlements in remote area shires, or a settler majority and an Aboriginal minority in a municipality – then there is a strong case to be made for institutional arrangements that encourage representation of the small group interest and build a consensus or centripetal style of democracy, rather than a majoritarian one. The Northern Territory's current local government electoral system, combining large multi-member wards and exhaustive preferential majoritarian vote counting, does exactly the opposite. It fuels large group dominance and a tendency towards winner-takes-all electoral outcomes in a context of considerable social diversity. I respectfully but emphatically suggest that the current local government electoral system is not serving the Northern Territory well and needs to be changed.

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