

LARGEST REMAINDER

(Not quite Quota Notes)

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Notice of meeting

The NSW Branch's Annual General Meeting will be held on Monday 16 April 2012 at 7.30pm at 74 Thompson Street, Drummoyne.

Please come along and hear Green MLC and Woollahra Councillor David Shoebridge speak on his experience in State Parliament and his attempts to further democratise local government in New South Wales.



Editorial

The Queensland State election has come and gone and Premier Bligh's Labor Government has been defeated.

The latest figures from the Queensland Electoral commission show:

Party	Vote (%)	Seats won
LNP	49.83%	78 (87.6%)
ALP	26.74%	7 (7.9%)
Katter's Australian Party	11.5%	2 (2.2%)
Greens	7.27%	0
Others	4.55%	2* (2.2%)

*Two long term Independents: Liz Cunningham and Peter Wellington.

Whilst one may feel a personal sympathy for Ms Bligh this cannot be carried over into sympathy for the Labor Party. Labor has governed Queensland for 20 of the last 22 years. Despite this extended opportunity they failed to implement any form of proportional representation despite Tom Round's [excellent submission](#) written on behalf of the PRSA to the Electoral and Administrative Review Commission (EARC) on Legislative Assembly Electoral Review (May 1990).

Had the Goss, Beattie or Bligh Governments implemented these reforms the Labor Party would still have lost overwhelmingly and the Liberal National Party would have easily secured a very comfortable working majority, but the parties would be represented proportionally and every area of the State would be represented by both of the major parties.

In failing to implement reform it is not only the Labor Party that is disadvantaged, it is also the Queensland people who will be the poorer. Parliamentary democracy needs governments to have oppositions. When Mr Newman looks across the chamber he will see seven Labor members, one of whom will be called the Leader of the Opposition, and four cross bench members *but he will not see an Opposition.*

How long will it be before he realises that it is possible to win too well and that his opposition will come from those members he cannot see because they are sitting behind him? Consider yourself as a new LNP backbencher who has just won somewhere between Labor's eighth and twentieth safest seat. You have had to give up your job for the next three years – what for? A long term political career, or a three year window of opportunity to achieve your goals?

Mr Newman as Premier should do what his Labor predecessors failed to do and implement Tom Round's STV submission. By doing so he would secure his own position; his backbench will be busy being local members because their future election will be in their hands and not dependent on the vagaries of the electoral pendulum. Remember the pendulum is likely to swing back as the next Queensland election is after the likely defeat of the Federal Labor Government.

STV Electorates Returning an Even Number of Members – Is it all bad?

Stephen Lesslie

“Few intellectual tyrannies can be more recalcitrant than the truths that everybody knows and nearly no one can defend with any decent data (for who needs proof of anything so obvious).”

Stephen J Gould

This article will examine the “truth” that Single Transferable Vote (STV) electorates must return an odd number of members.

The rationale for this “truth” can be seen in this extract from the PRSA website.

An Odd Number of Places is Needed - Not an Even Number: *The advantage of setting an **odd number** of places to be filled at a proportional representation election is that an absolute majority of votes for a given grouping of candidates - however slight - produces an absolute majority of seats for that grouping, whereas with an **even number** of places, an absolute majority of votes for a grouping does not, unless it is high enough, produce an absolute majority of seats for that grouping.* [their emphases]

But is this just another intellectual tyranny? Has anyone ever bothered to consider the implications?

Do electorates returning an even number of members invariably give a result in which the

parties are in electoral stasis¹?

An examination of the Australian Senate demonstrates that this is not so. Every Senator in the Australian Senate is elected from electorates that return an even number of Senators . Despite this the Senate has a working Labor/Green majority. After the 2004 election the Howard Government also had a majority in the Senate. It is true that it is a rare event for one party to have an absolute majority in its own right but that is because the number to be elected is small (6) not because the number to be elected is even.

The current party breakdown in the Senate is: Coalition 34, Labor 31, Greens 9, Xenophon 1, DLP 1

In Tasmania at the last two Senate elections the party breakdown has been Labor 3, Liberal 2 and Green 1

South Australia in 2007 the result was Labor 2, Liberal 2, Xenophon 1, Green 1

STV Simulation for the House of Representatives

Section 24 of the Australian Constitution determines that the number of members of the House of Representatives allocated to each State shall be in proportion to their populations, provided each original State has at least five members (Tasmania). Section 29 prevents electorates crossing State borders.

The Proportional Representation Society of Australia (PRSA) in its STV simulation studiously divides all the States to avoid any electorate returning an even number of members. Recommended electorates vary in size from three member electorates in South Australia to nine member electorates in Victoria. A quota for election in a three member electorate is 25% whilst a quota in a nine member electorate is 10%.

This is unfair as all Australian voters should have the same opportunity to elect their

¹Electoral stasis occurs when an electorate can not realistically change its political composition regardless of the swing occurring in a general election. In an STV proportional representation ballot, electoral stasis is the equivalent of a safe seat. (Largest remainder Vol. 1 June 2008)

Members of Parliament and within a State every voter should be treated as equally as possible as every other voter. To keep the respective quotas as close to each other as possible the following simulation of electorates divides the States as evenly as possible. As a consequence many of the proposed electorates will return an even number of members.

New South Wales currently has forty eight members. There is no PRSA recommendation for a STV division in New South Wales as the last one available is for 2004 when New South Wales had 50 seats. That STV simulation divided the State into odd numbered electorates varying in size from five members to nine members.

With 48 members the simplest division would be six 8 member electorates. But to help ensure that none of the electorates are in electoral stasis a better division of electorates would be 3 x 10 member electorates and 2 x 9 member electorates. Should New South Wales lose another seat at the next redistribution, the Electoral Commissioners would just need to remove one member from the 10 member electorate with the fewest number of voters. Compare this with the major redistribution required every time a State with only odd numbered electorates gains or loses a seat.

If sufficient members are to be elected, an even numbered electorate can easily give a decisive win to one side of politics.

Take a real life example: The Federal seats of North Sydney, Bradfield, Warringah, Mackellar, Bennelong, Parramatta, Mitchell, Berowra, Robertson and Dobell form a contiguous grouping of seats on Sydney's North Shore. In any STV election these seats would form a natural multi-member electorate.

Taking the figures from the 2010 Federal Election and applying them to a 10 member electorate:

	Liberal	ALP	Greens	All Others	Total
Votes	459285	252240	99999	34882	846406
STV*	5.97	3.28	1.30	0.45	
Seats	6	3	1	--	10

*STV Election 10 seats, Quota 76947

A decisive win for the Liberal Party.

- or to a 9 member electorate –

	Liberal	ALP	Greens	All Others	Total
Votes	459285	252240	99999	34882	846406
STV*	5.43	2.98	1.18	0.41	
Seats	5	3	1	--	9

*STV Election 9 seats, Quota 84641

Five out of nine is a clear win but not as good as six out of ten.

A similar result could be shown in Sydney's Western suburbs where the ALP would be the beneficiaries.

Victoria currently has thirty nine members. The PRSA recommendation is 1 x 9 member electorate and 4 x 7 member electorates.

An alternative is 3 x 10 member electorates and 1 x 9 member electorate. The socio-economic divide in Victoria is sufficiently great to allow either side of politics to obtain a vote greater than 54.6% of the vote and gain 6 seats out of ten. Again, note how easy it is to adjust the electorates should Victoria gain or lose a seat at the next redistribution.

Queensland currently has thirty members. There is no PRSA recommendation for a STV division in Queensland as the last one available is for 2004 when Queensland only had 28 seats.

The simplest division is to divide the State into three electorates of ten members each. The volatile nature of politics in Queensland is such that either side of politics could gain the necessary 54.6% of the vote, after preferences, to gain six seats out of ten. In 2004 the coalition won four of the six Senate seats. (Liberal 3, National 1 and Labor 2) It would be easy to draw electoral boundaries so that each electorate was of relatively equal geographic size. Should Queensland gain another seat at the next redistribution then the electorate with the most voters simply gains another member. No redrawing of electorates would be required.

Western Australia currently has fifteen members. The PRSA recommendation is to divide the State into three 5 member

electorates.

This looks neat and tidy but there are problems. All three electorates will be in electoral stasis. Even in Western Australia Labor can get 33.4%, after preferences, to secure two seats out of five. In addition one electorate will be the size of Queensland and one the size of Perth. A better division would be two electorates of seven and eight members each, both reasonably equal in geographical area. Both electorates are in play as the Liberals would hope for the 55.6% after preferences to gain 5 seats from the eight member electorate and even the 62.5% to gain 5 seats from the seven member electorate. Labor would have to campaign to prevent this. Consideration should also be given to having the State as one electorate of fifteen and obtaining a genuine proportional result. Is fifteen too big? Or is this another intellectual tyranny? The geographic size of Western Australia did not prevent Syd Negus winning a Senate seat in the early 1970s as an Independent.

South Australia currently has eleven members. The PRSA recommendation is to divide the State into three electorates (1 x 5 and 2 x 3)

Such a division will not give a proportional result. The Greens would struggle to be represented and the three member electorate based on country South Australia would also be in electoral stasis. South Australia should be one electorate of eleven members. The 2007 Senate election in South Australia returned six Senators – 2 Labor, 2 Liberal, 1 Green and 1 Independent (Xenophon). Clearly the size of the Senate electorate (the whole State) and the even number to be elected (6) did not deter the South Australians from making an informed decision.

Tasmania must return five members. The Australian Constitution ensures that the State will return five members and its small population means that it is unlikely to ever have more but Tasmanians with their long association with STV elections understand how to use their vote effectively.

Conclusion

The purpose of elections for the Australian

Parliament is to choose democratically the 150 Members of the House of Representatives and 76 Senators. STV is the ideal method of choosing these representatives because it allows them to be chosen in a manner that most accurately reflects the relative strengths of the groups and political parties contesting the election. The more members chosen from each individual electorate the closer the final result is to the ideal.

It is unnecessary to attempt to manufacture a result by manipulating the electorates so that they return an odd number of members. The fairest division is to treat every voter as equally as possible and divide States so that electorates do not vary in size from each other by more than one member. It is irrelevant if some electorates return equal numbers from each side of politics as long as there is the potential for an unequal division. To avoid electorates being in electoral stasis each electorate must return sufficient members to allow the quotas to be small enough to be sensitive to political swings.

The individual States should also as far as possible have electorates as similar as possible to those found in the other States. With the unavoidable exception of Tasmania the above division also has all the State electorates returning nine or ten members with South Australia at eleven and Western Australia with two electorates (7 & 8) or one electorate (15).

Should Local Government Avoid Returning an Odd Number of Councillors?

The answer to that question is yes!

In considering local government in NSW bear in mind that a key feature is that the Mayor has a casting vote; in NSW there are no tied votes in council.

In NSW there is a trend to have councils elect an odd number of members.

There is implied in the rationale for odd numbered electorates a belief that we live in a society where only two parties have the ability to elect members.

If the number to be elected is an odd number

and one group obtains a majority of votes, no matter how small, that group will dominate the decision making of the council.

That outcome in local government can vary from benign – where the majority party is consultative and respectful of the losing party’s views – to catastrophic, where the majority party is dictatorial and vengeful. In the second instance local communities can be ripped apart.

Whilst political parties or their stalking horses often dominate in local government, they do not usually obtain a majority in their own right.

What happens if there are three groups elected in a council that returns an **odd** number of members? A council of nine may return councillors in the ratio of 4:4:1

At best the “Independent” will support one of the groups and the council will proceed as though one of the groups obtained a majority.

At worst the “Independent” will demand unreasonable and excessive concessions, be totally arbitrary in their support, be influenced by every crackpot with a grievance and generally hold the council to ransom. In many cases one of the groups will yield to pressure and even make this individual the Mayor. Unfortunately, the council now has a Mayor who, despite having a casting vote, can be voted down at every council meeting where every vote becomes a vote of confidence and the councillors, and more particularly the council staff, have to second guess every recommendation that they put to council.

What happens if the Council elects an **even** number of members?

The worst result, according to the traditionalists, is that the council will be evenly split between two opposing groups and the election of the Mayor take place out of a “hat” Once that happens a Mayor, provided he or she can keep the party united, can govern and provide consistent policy direction for the community and Council staff. The outcome can again vary from benign to catastrophic but will tend towards the benign on the principle of “what goes around comes

around” – next year’s mayoral election may give the opposite result.

What happens if there are three parties able to elect members and the result is 5:4:1?

The “Independent” may support the majority party, perhaps arguing that this best reflects the decision of the voters. In this case the Mayor is elected 6:4. Since the Mayor has a casting vote the “Independent” loses any balance of power blocking veto but gains the goodwill and respect of the Mayor. The Mayor, despite having control of the council, would be sympathetic to any requirement of the “Independent”. This is a normal response to a friend or ally but also commonsense since there will be another mayoral election next year.

The “Independent” is of course entitled to vote for the minority party candidate but can not guarantee to deliver the result. If the “wrong” candidate comes out of the hat then the “Independent” loses all influence for the next year.

The key feature of local government in NSW is that a Mayor has a casting vote; there are no tied votes in local government. The election of an odd number of Councillors to avoid a “hung council” is unnecessary and the power it gives to minority interests at the expense of good government is too great.

Admittedly a group with 51% of the vote is quantitatively better off than the group on 49% - but is it qualitatively better? Is an equal share of the seats a more reasonable outcome than a winner take all approach? This is a philosophical question which the author puts to the reader.

Council with a Ward Structure

Will wards give a better result?

Is it better to elect a Council with ten Councillors from two wards of five?

Consider a Council with 2 wards each returning 5 members.

Ward A (5 Members)**50,000 voters Quota 8,334 (16.67%)**

	Vote	Members
Progress Party	24,900 (49.8%)	2
Civic Reform	25,100 (50.2%)	3

Ward B (5 Members)**50,000 voters Quota 8,334 (16.67%)**

	Vote	Members
Progress Party	33,000 (66%)	3
Civic Reform	17,000 (34%)	2

Result: Progress Party 5, Civic Reform 5

But consider the result if the two wards are combined.

Council (10 Members)**100,000 voters Quota 9,091 (9.10%)**

	Vote	Quotas	Members
Progress Party	57,900	6.36	6
Civic Reform	42,100	4.63	4

Result: Progress Party 6; Civic Reform 4

If one party has a narrow win and the other party has a large win, but not sufficient to gain an extra seat, then when the two seats are combined the party with the larger total vote will gain an extra seat. Paradoxically two wards, each returning an odd number of members, will result in an evenly divided council whilst the single ward with an even number of seats will result in a council where one party has a working majority.

Council of 12 (4 Wards of 3)

Similarly two wards with small wins for one party and two wards with large wins for the other party will result in an evenly divided council. But an undivided council will give a comfortable win to the party with the larger vote.

Worse still - one party with three small wins in three wards against one party with a large win in the fourth ward will have a 7:5

majority despite not winning an overall majority of the votes in the Council area. A single undivided council could well have reversed this result giving the party with the majority of the vote the 7:5 win. But even a 6:6 result is fairer than a 5:7 minority win.

Conclusion

On the whole it appears that for Local Government returning an even number of Councillors is fairer for the communities that they represent. The division of the Council into wards designed to manufacture a working majority may in fact be counterproductive.

Future articles will examine other recalcitrant truths that appear to be sacrosanct in the STV liturgy.

1. That nine (9) is the absolute maximum number of members that can be returned from an STV multi-member electorate.
2. That city and country voters must be kept separate.
3. That a formal vote must number at least as many candidates as there are places to be filled.

Future Meetings

As mentioned above, the Annual General Meeting will be held on April 16th 2012, at 7.30pm at 74 Thompson Street, Drummoyne.

Anyone is welcome to attend. For details, please contact Susan Gregory at president@electoralreformaustralia.org or on 9181 5185 for the relevant information.

Comments and/or contributions are welcome:

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