



Mr Jeff Collins MLA
Chair
Select Committee on Opening Parliament to the People
Legislative Assembly of the Northern Territory
GPO Box 3721
DARWIN NT 0801
REF: COMM2016/00023.6

Dear Mr Collins

Re: Submissions to the Inquiry into Opening Parliament to the People

Please find attached a submission from the Northern Territory Electoral Commission in respect to the above inquiry.

As an independent commission, all submissions to inquiries are placed on the NTEC's website.

If you require further information, please do not hesitate to call me on 8999 7614 or email iain.loganathan@nt.gov.au

Yours sincerely

Iain Loganathan
Electoral Commissioner

11 November 2016

The Northern Territory Electoral Commission (NTEC) submits the following for consideration by the Inquiry into Opening Parliament to the People.

Background

Parliaments at Federal, State and Territory level across Australia, whether unicameral or bicameral, utilise a committee system to ensure government administration is accountable to the parliament and to the people. These committees generally fall into the following categories:

- standing – appointed for the life of the Parliament and report on specific subject areas
- select – created for a specific inquiry and cease to exist once reporting is complete
- sessional – appointed for the duration of the Parliament after which they cease to exist, with no specific timeframe for reporting.

The Northern Territory Parliament has traditionally utilised these three committee categories to facilitate a range of parliamentary functions as well as specific inquiries. However, there has never been a committee established to scrutinise electoral issues. This means both legislative and procedural electoral reform has not been considered by a committee charged with the task of examining these issues.

Queensland, also with a unicameral parliament, addresses electoral issues through the Legal Affairs and Community Safety Committee and at the federal level, electoral issues are examined by the Joint Standing Committee on Electoral Matters. These bipartisan committees seek public submissions, conduct hearings and publish reports on electoral matters.

The challenge for electoral reform is to remove political considerations from legislative or procedural change. The experience in other jurisdictions is that a committee process assists in making electoral reform open and transparent. This process allows relevant stakeholders, including political parties, the opportunity to put forward views on electoral reform for consideration by the parliament.

Current process for electoral reform in the NT

Since the establishment of an independent electoral commission in 2004, and in accordance with section 313(2) of the *Electoral Act* (NT), a report is tabled in parliament following the conduct of a general election. The report from the August 2012 election was tabled in May 2014. The report for the 2016 Territory election is currently being drafted and the intention is to table the report in the first half of 2017. The election report details issues arising from the election and makes both legislative and procedural recommendations to improve electoral practices/services.

Following tabling of this report, the current practice in the Northern Territory is for the Department of the Chief Minister (DCM) to be assigned the responsibility of preparing a cabinet submission proposing amendments to the *Electoral Act* with the NTEC providing technical electoral advice. This process sometimes involves public consultation through submissions (that have historically not been made public), and there have never been hearings to further scrutinise recommendations and issues raised in the election report or public submissions.

Historically, Electoral Bills have proposed amendments that address some of the recommendations in the NTEC's election report and often consider other reforms not contemplated. For example, the

2015 Electoral Bill proposed a change to an optional preferential voting system, which was not contemplated in the 2012 election report. In this instance, the Commission issued an information paper outlining its position and issues for parliament to consider on proposed amendments to the *Electoral Act*, which were not contemplated in the 2012 report but proposed in the Bill.

Select Committee on Opening Parliament to the People – Electoral Reform

The proposal to establish a select committee with a primary function of scrutinising Bills before the Parliament, is an opportunity to make more transparent the manner in which electoral reform is conducted.

The role of the independent electoral commission is to make recommendations to improve the electoral system; these views may be contrary to the government, members of parliament or other political stakeholders. It is the role of parliament to consider recommendations in the election report and ultimately determine amendments to the *Electoral Act*. The Electoral Commission independently administers electoral laws determined by parliament.

Scrutiny of Bills through a committee, enables substantive policy debate and consideration of the impact of proposed legislative change. This process would provide the opportunity for committee members to inquire further, to consult the wider community and facilitate input, and seek specialist advice.

To improve transparency and encourage public consultation, it is proposed the election report is considered by the select committee. The role of the committee could include seeking public input on report recommendations as well as other issues not contemplated in the report. The committee could also conduct public hearings where the electoral commission and others (including political parties) are able to provide their views on electoral reform.

A functioning democracy is something that impacts all Territorians and any change to the electoral system should be conducted in a transparent manner. As proposed in the green paper, the committee has the capacity to review the Electoral Bill before it is reviewed by parliament. However, given the nature of the issue, it would be preferable for the committee to consider the election report after it is tabled, before any Electoral Bill is drafted.

Specifics of committee timeframes, functioning and consultation processes, are a matter for the Select Committee on Opening Parliament to the People; however the NTEC supports using the committee to make electoral reform process more transparent.

Estimates and annual reports

It is noted that it is proposed to conduct Estimates in a similar manner and introduce a hearing on annual reports. The NTEC has no particular view on these proposals as they do not relate to the independent function of the agency and apply to the whole NTPS. As an independent statutory body, the NTEC supports any external review of its performance and activities.