



**PROPORTIONAL REPRESENTATION SOCIETY OF AUSTRALIA
(AUSTRALIAN CAPITAL TERRITORY BRANCH)**

**INERTIA NOT PART OF THE AUSTRALIAN CAPITAL TERRITORY'S
ELECTORAL ETHOS**

Supplementary submission by the Proportional Representation Society of Australia
(Australian Capital Territory Branch) to the Select Committee on Amendments to the
Electoral Act 1992

June 2014

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It is ironic that the ACT Electoral Commission devotes three pages to a gracious discussion http://www.parliament.act.gov.au/_data/assets/pdf_file/0005/607154/AnswersToQONElectoralCommittee_5June2014.pdf and agreement that there is a better way than it originally suggested of comprehensively seeking to resolve multiple ties before resorting to the drawing of lots, and straight afterwards seeks to deploy several standard bureaucratic tricks to try to discourage further discussion of possible improvements to other aspects of the scrutiny that arise constantly and may from time to time have an effect on the final outcome.

The ACT Branch of the Proportional Representation Society of Australia suggests that the Select Committee always be wary when the words “complex” or “technical” are deployed in commentary on electoral systems, or when demonstrably inaccurate claims are made in attempts to brush aside a debate on the full substance of proposals.

While only some features of our Hare-Clark system were set out in detail in the official description preceding the 1992 plebiscite on the electoral system, when the Electoral Bill was being debated after a short-lived attempt to white-ant the operation of Robson Rotation, a conscious decision was made to follow Tasmanian scrutiny provisions as much as possible to highlight the faithfulness with which the Assembly majority were seeking to implement the striking two-thirds plebiscite outcome.

The Assembly went two better in:

- unanimously accepting as formal as many ballot-papers as possible while adhering to the foreshadowed ballot-paper instruction that at least as many preferences be marked as there are vacancies in an electorate; and
- keeping exhausted votes to a minimum, even though the latter involved breaking some new electoral ground.

The specific provisions drawn up were not based on consensus in other jurisdictions but on sound principles articulated on the floor of the Assembly that have served the ACT particularly well: only four MLAs have subsequently been elected without achieving a quota, compared with for instance seven out of twenty-five MHAs in Tasmania at the March 2014 election, both because at least some votes for excluded candidates here are always immediately transferred to others without a quota, and because the current transfer value of non-transferable papers is kept within the quota of just-elected candidates to the degree possible.

There has been a subsequent superb refinement of Robson Rotation that can be demonstrated to limit down-the-column advantage to the extent actually possible, as well as an unfortunate overturning of the explicit pre-plebiscite guarantee of columns for grouped non-party candidates which makes the ACT unique among Australian jurisdictions when quota-preferential elections are conducted to fill multiple vacancies.

It should therefore not be beyond the Assembly to aspire to leading the nation on other matters connected with allowing electors to make the most of their single transferable vote, or to adopt the fruits of detailed investigations in particular jurisdictions or advances in scanning technology and computing potential after there has been appropriate discussion centred on the small number of key principles involved in quota-preferential scrutinies.

Proportional representation using the single transferable vote: it isn't complex

First, as in most preferential elections, when the single transferable vote is in use it is important to realize that **each person has just one vote**. The marking of preferences on a ballot-paper indicates **the order** in which the voter wishes (what remains unused of) that vote to **assist individual** (continuing) **candidates**.

The fundamental aim when applying the single transferable vote is to have as many people as possible voting effectively, by directly helping to elect one or more candidates to fill available vacancies. In other words, wasted or ineffective votes are deliberately kept to a minimum.

No wastage of votes on candidates who don't need them

The **quota** is the **lowest** number of votes at which candidates are **mathematically certain of being elected**: except possibly when there are very few formal votes (and essentially working to several decimal places makes greater sense), it is calculated by dividing the total formal votes by one more than the number of vacancies to be filled, and increasing the answer to the next highest whole number.

Once someone reaches the quota, there is no need for more votes to be piled up. In fact, to minimise wastage of votes, any **surplus** beyond the quota is **distributed to the continuing candidates** (those neither already elected nor excluded) in accordance with the wishes of those electors whose whole vote hasn't been used up in the process. Any transfer from the elected candidate will usually be at a fractional value.

No wastage of votes on candidates who can't get elected

If there isn't a surplus to distribute, the candidate with the **fewest** votes is **excluded**. All ballot-papers credited to that candidate are **transferred to the next available continuing candidates**, as individually indicated on each of them. Because these ballot-papers have not helped the excluded candidate, they move on at the same value as that at which they were received.

Finally, the exclusion of a candidate may mean that there are exactly as many continuing candidates as there are vacancies still to be filled. In that case, all these continuing candidates are declared elected without necessarily the need for further transfers (as occurs in Tasmania but not in the Australian Capital Territory).

Finding the next available (continuing) candidate on any particular ballot-paper

When ballot-papers are being transferred, the number next to the name of the elected or excluded candidate involved must be smaller than that alongside the name of any other candidate not yet excluded or elected. Provided that there are no duplications or omissions of numbers in between, the ballot-paper will next be credited to whoever of the remainder has the lowest number alongside (this is the same as having the next highest preference).

It is clear that a single first preference could be enough for a formal vote, as is the practice in the Australian Capital Territory, and that voters should always be encouraged to mark at least as many real preferences as they have thereafter. By marking later preferences, they cannot diminish the prospects of election of those whom they most strongly support.

While the Hare-Clark system has served us extremely well since 1995, there is nothing amiss with asking whether we can do even better for voters and candidates than currently. Just as there have already been worthwhile changes and remarkable technological developments over the past twenty years, we should not fall into the electoral-official trap of constructing knee-jerk appeals to inertia or only acting after an event in which an anomaly or injustice has become apparent. The Electoral Commission claims that:

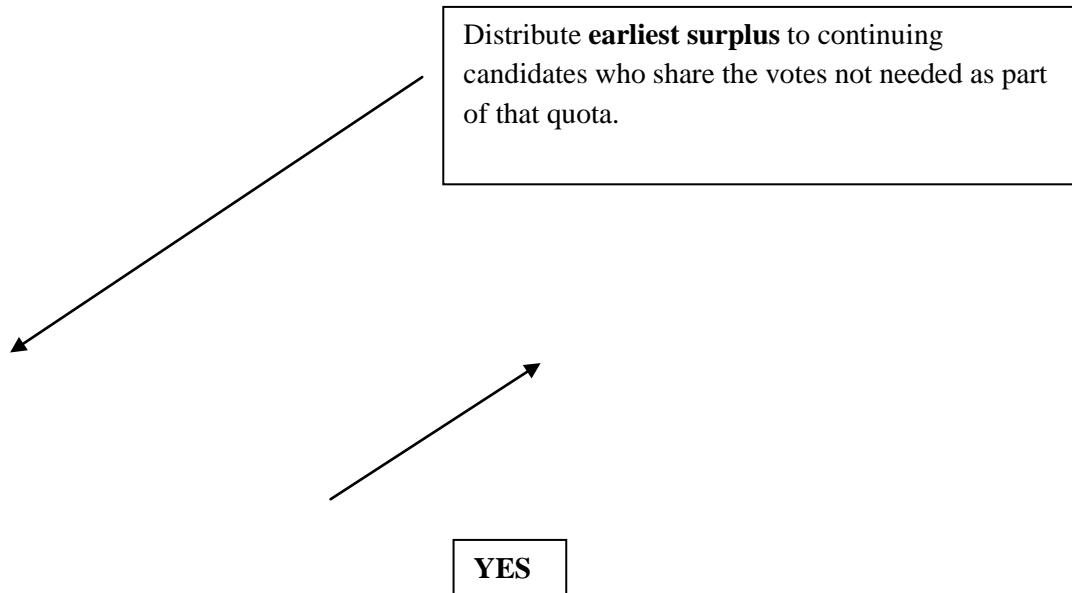
Adding complexity to the counting system would also make it more difficult to explain the counting system to students and voters.

This is simply untrue because the fundamental principles surrounding the calculation of the quota (even if it is allowed to reduce), exclusions and the distribution of surpluses remain intact, and the detail arises as answers to particular questions. Similarly, the straightforward material set out above and in the flow-chart below illustrates the alarmist nature of another set of Electoral Commission claims culminating in a scraping of the bottom of the barrel for a mention of the modified d'Hondt scheme that didn't follow any coherent path:

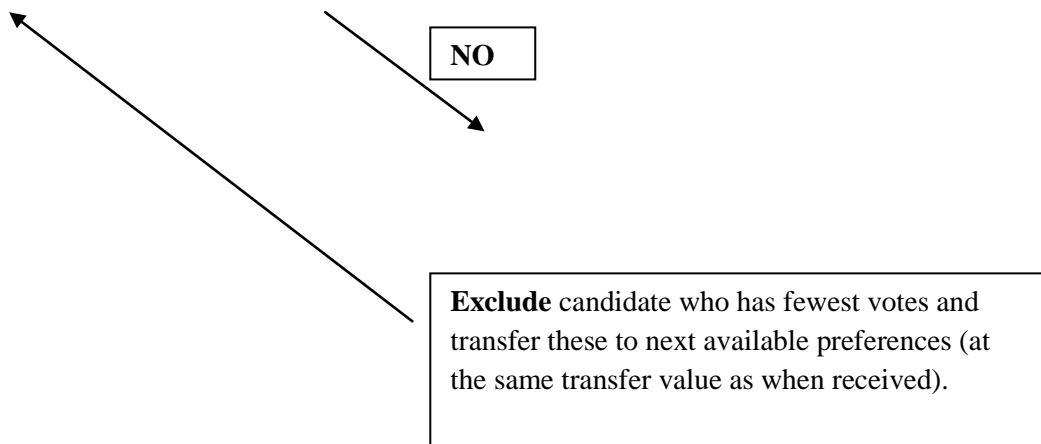
The Commission is also concerned that adopting very complex systems, such as the Meek system or a reducing quota system, would make it very difficult to explain how the system works to students and voters. The Commission considers it important that an electoral system should be easy to understand in order for election results to be accepted by the general public. The ACT's notorious modified d'Hondt system is a good example of a complex electoral system contributing to significant dissatisfaction with election outcomes.

Flow-chart for a quota-preferential election

1. Calculate the quota as your first step. Then keep asking the one key question below - is anyone ready for election?



2. Does any candidate have a quota?



3. If the number of continuing candidates falls to the number of unfilled vacancies, declare them all elected (in the Australian Capital Territory, if elected candidates haven't all reached the quota, as part of preparation for possible countback during the term of the next Assembly, exclusions are carried out straight away along with distributions of subsequent surpluses).

Closeness of outcomes and why changes in dealing with fractions are important

Unfortunately the Electoral Commission is also completely wrong in its attempted characterisation of close outcomes only in terms of the last two continuing candidates:

Where an election result is not “close”, in the sense that candidates can be identified that are clearly preferred as they have more preferences in their favour compared to their rivals, with a clear margin between the last candidate elected and their nearest rival, then the changes suggested by the PR Society would be highly unlikely to make a difference to the final result.

Where an election result is “close”, in the sense that the final margin between the last candidate elected and their nearest rival is a very small number of votes, then the changes suggested by the PR Society may presumably in some cases make a difference. If the changes were to make no difference at all, then it would appear that there would be no point to making any changes.

The voided 2013 Western Australian Senate election where the key to the apparent outcome (both originally and in the bungled recount) was which candidate was to be excluded when just ten continuing candidates were contending for the final three places made it dramatically clear that all narrow gaps in progress totals towards the end of a scrutiny are potentially important or relevant to the final outcome.

The Electoral Commission is also clearly wrong in its assertion that there is no inherent concept of fairness associated with potential changes, just differences in how particular matters may be treated:

Where the changes suggested would make very small adjustments, such as altering the treatment of fractional reminders, the likelihood of such changes making a difference in a real life count would only occur where two candidates were very close together in the scrutiny at the point where one candidate or another had to be excluded. It is arguable that, in such cases, making small mathematical adjustments would not lead to a fairer outcome, simply a different outcome in a very small number of cases.

It is precisely in the circumstances of a tight outcome that electors don't want to discover that one candidate's progress total was a single vote ahead at a critical count just because she received parcels of 40 and 10 ballot-papers each of transfer value 0.1 whereas a party colleague received parcels of 38 and 12 ballot-papers each with value 0.1: we should not wait for such an occurrence before looking at the obvious point that there are in each case in total 50 papers all of the same value and that no plausible definition of fairness can be invoked to justify treating the two candidates differently in such circumstances. Similarly, a candidate might unreasonably be excluded by lot and miss out on being elected just because one or more votes were unnecessarily declared to be lost by fractions and, to add insult, perhaps then even at least partially gained by fractions as the unjustifiable exclusion was carried out.

Loss by fractions arises in every scrutiny. We simply should not pretend that all is well until an avoidable controversy associated with a close outcome prompts decisive action in accordance with common sense, simultaneously minimising the prospects of multiple ties occurring that might even have to be resolved by lot under either the current scrutiny provisions or the amendments that the Electoral Commission now recommends. There is no credible rationale for making the exact nature of a break-up of ballot-papers transferred at the

same value critical to how progress totals change, even though all jurisdictions except New South Wales and the Commonwealth originally in 1948 have adopted such a blanket short cut in the days of manual counting.

Ample notice for making straightforward changes

The suggestion that with significantly more than two years' notice there could be serious risks that coding changes might not be completed and properly tested before the 2016 elections, cannot be taken at unquestioned face value from a body with the track record of professional competence that Elections ACT has:

The Commission notes that altering the ACT's scrutiny system would require changes to counting procedures, particularly the eVACS computer counting system and the HC-Auto computer counting system used for hand-counted elections. Making these changes would involve considerable cost and time, as programs would need to be changed and extensively tested. Such changes would introduce considerable risks related to the conduct of the 2016 election and future ACT elections. The Commission is not satisfied that a case has been made that the suggested changes would be worth these risks.

The high-school algebra generally involved is straightforward and checking that coding changes, which can all be simply described in layman's language, do what is required should not be overly taxing.

Similarly, the suggestion that the ACT wait for some degree of consensus among other jurisdictions sits more easily with a culture of mediocrity and inertia than the path-breaking energy with which questions of reform have generally been tackled here in a principled manner since the Assembly assumed power over electoral arrangements.

Who should be further heard when a surplus is to be distributed?

We and Tasmania are alone in using the original "last parcel" approach to the distribution of surpluses proposed late in the nineteenth century by J B Gregory of Melbourne, enthusiastically supported and widely promoted by Melbourne University Mathematics Professor E J Nanson, and adopted as part of the Hare-Clark system when it resumed in 1909 with statewide application. The Electoral Commission asserts:

Without going into all the technical details that can be found in the PR Society's submission, it is not apparent to the Commission that the suggested changes are intrinsically fairer. For example, the ACT uses the "last parcel" method of transferring surplus votes, while the Western Australian upper house uses the weighted inclusive Gregory transfer method (where every parcel received by an elected candidate is transferred at a transfer value calculated in relation to the value at which the ballot papers were received by that candidate). Neither system is intrinsically fairer than the other, they are simply different. Arguments can be raised in favour of either system.

The justification typically given for using a last-parcel approach is that the candidate wasn't yet elected before receiving that last parcel and all the voters involved are still getting a fully effective vote and shouldn't be complaining too much about that. This is however as much about greatly simplifying the manual counting task as it is about setting down a crucial or important principle.

As an examination of the summary above of key principles shows, there is a threshold question. Should all ballot-papers contributing to a candidate's election be eligible for further transfer when the quota has been reached? If so, what principles of surplus apportionment should apply? The Committee should at least be conscious of the circumstances surrounding non-transferability of ballot-papers of intending Labor voters who gave their first preference to Neville Bonner (set out in the ACT Branch's original submission) that led to the adoption of a flawed all-papers definition for the Senate and then most jurisdictions using proportional representation (under which a transfer value can actually rise mid-scrutiny), and the subsequent implementation of the weighted inclusive Gregory method in Western Australia arising from a thorough review of the available options following controversy at a particular election.

The Select Committee should be troubled by the Electoral Commission's suggestion that a degree of agreement be achieved nationally rather than the ACT acting on best-possible practice in terms of allowing electors to influence further developments in the scrutiny wherever possible because of the inertia with which the flawed Senate approach has persisted, perhaps now for not much longer.

As set out in the ACT Branch's original submission:

The weighted inclusive Gregory transfer allows all ballot-papers contributing to a candidate's election to be eligible for further transfer, after calculation of a surplus factor by which all previous transfer values are multiplied. This approach, capable of straightforward adaptation to the ACT's circumstances of optional preferential voting to ensure that transfer values never increase, avoids anomalies by taking the same proportion of each ballot-paper's remaining value to have been used in the election of the candidate and allowing the remaining proportion to be available to continuing candidates

As is evident from the simple example brought before the Select Committee in our original submission, the exact nature of the Gregory transfer used does affect the nature of surplus distributions in all elections, and possibly quite markedly. If there is a realistic prospect of the last parcel being different from the bulk of views expressed by supporters of that candidate, there can be significant divergences in how the surplus is distributed, and thereby final outcomes affected by the choice made.

In the Australian Capital Territory, except for a handful of surpluses arising from first preferences, they tend to be small and occur towards the end of each scrutiny. That introduces a random element into whether particular parcels take a candidate's progress total just beyond the quota or whether it remains just short. Further preferences in the parcel helping to elect a candidate may well be quite different from the patterns displayed by the bulk of that person's supporters. Any early preferences obtained from electors wishing to primarily support another party will of course result in those ballot-papers not being transferred again.

Rather than accepting a brush-off of the type received from the Electoral Commission, the Select Committee should at least insist upon a detailed considered assessment of the excellent work carried out for the Western Australian Electoral Commission by the distinguished political scientist Dr Narelle Miragliotta, published as *Determining The Result: Transferring Surplus Votes in the Western Australian Legislative Council* in 2002 at http://www.elections.wa.gov.au/sites/default/files/content/documents/Determining_the_result.pdf. That thorough analysis has already been acknowledged in recent years not only by the subsequent Western Australian amendments but also through a degree of endorsement of the

weighted inclusive Gregory approach following broad parliamentary inquiries into the conduct of elections in NSW and Victoria.

In September 2005, the NSW Joint Standing Committee on Electoral Matters recognised that there were problems with the old last-parcel Senate sampling procedure for transfer of surpluses still used at Legislative Council elections because that detail was entrenched as part of the guarantee of future direct election and can only be changed through referendum success.

In its *Report on Inquiry into the Administration of the 2003 Election and Related Matters*, the Joint Standing Committee stated that it “considers that if a new system for the counting and transferring of votes for the Legislative Council is adopted that it would be appropriate to adopt a system that does not have anomalies, no matter how small such anomalies may be”. After mentioning the Senate approach as a minimum possibility, the Committee indicated that “consideration should be given to adopting the Weighted Inclusive Gregory method” that has gained acceptance in Western Australia.

The July 2009 report of the Victorian Standing Committee on Electoral Matters *Inquiry into voter participation and informal voting in Victoria* indicated support for a change to Weighted Inclusive Gregory methodology for dealing with surpluses at Legislative Council elections and recommended that the government consider making this change.

After extensive documentation had been obtained from the Western Australian Electoral Commission, the Victorian Electoral Commission expressed the view that the approach of multiplying each ballot-paper’s previous transfer value by the same surplus factor after a candidate’s election “may be a ‘purer’ form of proportional representation than that currently in use in Victoria” as it avoids the possibility of a ballot-paper’s transfer value rising during the course of the scrutiny.

Harmonising with the manual counting of elections

Another minor alteration, present in the scrutiny rules of NSW (arising from Irish experience that was the original basis for the Senate changes of 1948) and the Senate (introduced in 1987 after examination of the changes implemented in 1984 but not subsequently taken up in the states that had in the interim moved to group voting tickets for electing Legislative Councils) involves the possible deferment of a surplus transfer where that could not affect the next exclusion to take place.

This is an important provision when manual counting is undertaken because the next exclusion step is known and carrying out the surplus distribution first just takes up unnecessary time and potentially complicates all further exclusions slightly. If the Electoral Commission is serious about harmonising its various electoral tasks, it should closely examine this particular possibility for which coding changes would be particularly trivial, rather than put forward some last-ditch inconsistent and tenuous argument against doing anything different:

The PR Society has suggested that the fact that ACT Legislative Assembly scrutinies are now conducted using a computerised counting system means that it is practicable to use more complex counting methods. This implies that there is no need to maintain the features built into the ACT system that streamline manual counting of ballots. A good example of this is the last parcel method of distributing surpluses.

However, the Commission notes that the ACT scrutiny system is used for several elections that are still counted by hand, including the Aboriginal and Torres Strait Islander Elected Body election, elections for the ANU Students Association and other fee-for-service elections. If the ACT counting rules are made more complex, this will make it more difficult if not impossible to retain the use of the ACT's rules for these other elections.

While this difficulty could be overcome by using different rules for hand-counted elections compared to computerised counts, there is much to be said for retaining common rules for both types of elections. Use of hand-counted elections serves as a valuable training ground for election officials, and hand-counts are used to test computerised counts to ensure that counting software is operating correctly. Adopting methods that can only be counted by computer introduces the risk that errors in computer counting programs may not be readily identifiable.

Discussion of potential changes on their merits

No Australian jurisdiction currently deals with the breaking of multiple ties in the comprehensive manner that the Electoral Commission now recommends, and only one deals with fractions by not unilaterally discarding them. How is change to occur after an anomalous election outcome if the following observation is turned into a standard operating principle?

Finally, the Commission notes that many of the changes suggested by the PR Society have not been widely accepted by other parliaments. For example, the Meek method is used for some local elections in New Zealand, but has not been adopted for any state or national legislatures. In the absence of any identified significant problem with the ACT electoral system, the Commission cautions against adopting any electoral changes that have not been widely accepted elsewhere.

The New Zealand parliament has provided for the sophisticated Meek system <http://www.legislation.govt.nz/regulation/public/2001/0145/latest/DLM57125.html> to be used even though that country does not have a long tradition of using the single transferable vote. The idea of a reducing quota is not radical if one's starting point is simply that no more be required of elected candidates than is mathematically justifiable.

Certainly, the possibility of re-calculating transfer or keep values in a way that is feasible only through a computer program might push electors and the Select Committee and Assembly into preferring to use instead the weighted inclusive Gregory approach as best practice when all those voters contributing to someone's election are given a say in how the surplus is dealt with. At least these matters ought to be discussed openly with the aspiration of the ACT continuing to be at the forefront of voter-oriented practice and respect, rather than being involved in knee-jerk clinging to what was happening in Tasmania twenty years ago until an election anomaly is detected in practice or someone complains.

Varying the quota would require a two-thirds Assembly majority because of the specific way in which protection against opportunistic schemes has been entrenched. It comes down to whether MLAs want to take a step to minimise the level of unnecessary votes piled up in the quotas of elected candidates. We should not fear a discussion on principles even if the Assembly ultimately decides to stay where we currently are on this particular matter.

Minimising the risks of an election being held to completely fail

At the end of its previous submission, the ACT Branch outlined difficulties arising from a failure to make the powers and remedies available to the Court of Disputed Returns commensurate with the changed criterion for election becoming in 1948 the achievement of a quota. No Australian jurisdiction currently has adequate protection against avoidable fresh polling in an election process ordered to begin from scratch, though that in the ACT is some distance ahead of the others in particular respects.

In the light of the voided 2013 WA Senate election and recount, the episode surrounding the initial incorrect taking of votes at one aged care facility during the fresh election and the mangling of postal ballot-papers in Denison at the March 2014 Tasmanian election, we believe that a thorough examination is necessary of the remedies available to Elections ACT and the Court of Disputed Returns when mishaps occur during an election or serious errors are alleged. At least the Electoral Commission hasn't just sought to brush these matters aside:

The Commission considers that, if the Committee wishes to broaden its scope to encompass these issues, it would be appropriate to invite additional submissions on these matters. The questions raised are complex and it would be appropriate to seek legal advice, particularly in relation to issues arising from recent court of disputed returns outcomes.

In relation to the suggestion that there be sufficient flexibility to rectify problems or defects, the Commission notes that section 159 of the Electoral Act currently makes provision for the executive to extend the time for holding an election or to meet any difficulty that might otherwise interfere with the due conduct of an election.

The ACT Branch reproduces the exact wording of Sections 159 and 160 because the former does not necessarily appear to have the scope for dealing with the correction of all errors that are discovered which have denied electors a proper opportunity to vote and could affect a close outcome, and the latter provides for delays of up to 21 days in the conduct of an election when proceedings somewhere have to be suspended:

159 Extension of time for conducting elections

- (1) Despite any other provision of this Act, before or after the day when an election is required to be held, the Executive may, by written notice, make provision for—
 - (a) extending the time for holding the election; or
 - (b) meeting any difficulty that might otherwise interfere with the due conduct of the election; orand any provision so made shall be valid and sufficient for that purpose.
- (2) A notice under subsection (1) is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act 2001](#).
- (3) On notification under the [Legislation Act 2001](#) of a notice under subsection (1), the commissioner must publish a copy of the notice in a newspaper.

160 Suspension and adjournment of polling

- (1) The commissioner may suspend the polling at a polling place on polling day if for any reason it is not practicable to proceed with it.
- (2) Subsection (3) applies if—
 - (a) the polling is suspended; and
 - (b) the commissioner believes on reasonable grounds that it is not reasonably practicable for an elector affected by the suspension to cast a vote at another polling place.
- (3) The commissioner must determine a day (that is as soon as practicable, but within 21 days, after the suspension) as the day when polling is to resume.
- (4) If it is impracticable to resume the polling at the same polling place, the determination must state the polling place where polling may be resumed.
- (5) A determination under subsection (2) is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act 2001](#).
- (6) On the resumption of polling, only an elector who was entitled to vote on the day when the poll for the election was required to be held and who has not already voted is entitled to vote.

The presence of Section 160 appears to place another light on the Electoral Commission's fulminations against the possibility of the rejection of nominations being required to be settled definitively before polling rather than the whole election being at risk because there is no other suitable remedy available if it is determined that someone's name has wrongly been left off the ballot-paper:

In relation to the suggestion that rejection of nominations could be challenged by court action before polling begins, the Commission does not support this suggestion. At present, the only means by which a rejection of a nomination can be challenged is by petition to the court of disputed elections after the poll is declared. This provision is based on sound precedents in other jurisdictions. As ballot papers need to be printed and pre-poll voting has to commence within days of the declaration of nominations, any procedure that allowed nominations to be challenged before polling day could place the entire election process at risk. It would not be a trivial matter to postpone an election by one or two weeks, as suggested.

The Electoral Commission may be completely correct even though delays of up to three weeks are already possible if polling is currently suspended. It would have been more helpful if the response had stated whether any nominations have been rejected since the Hare-Clark system came into operation in 1995, or even whether there have been any episodes that involved initial or potential differences of opinion. It would have been instructive to learn when the last case arose of a rejected nomination being challenged in any Court of Disputed Returns in Australia, and when the last successful challenge occurred. Even more valuable would have been a discussion of the subsequent changes to provisions governing the compiling of the electoral roll whose accuracy is stated in current legislation in various jurisdictions to be "conclusive" to some degree.

The Electoral Commissioner would be able to provide the Select Committee with an outline of any plausible scenarios in which the eligibility of a nomination might come sufficiently into dispute for it to be rejected during the period that is available for checking matters pertaining to acceptance or rejection, and to comment on any changes to legislation that would further limit the scope for disagreement and possible challenge on these grounds. If it is in practice implausible that a challenge might be expected, let alone succeed, having a declaration of a very limited period before polling begins in which challenges might be made may be the best way to deal with the only situation for which only a completely fresh election would be an effective remedy.

The Select Committee should satisfy itself that the provisions dealing with correction of discovered errors and the remedies available through the Court of Disputed Returns have the flexibility to allow problems or defects to be rectified quickly in the easiest and most appropriate manner, and to recognise where candidates were going to achieve a quota or otherwise definitely be elected, so that their success would not be jeopardised under any corrective action ordered by the Court. As the ACT Branch summarised these matters:

By allowing the replacement of a limited number of ballot-papers, the bypassing of names of disqualified candidates and the declaration that particular candidates achieved the quota and should not have their positions put into question in subsequent fresh voting and counting, it would usually be possible to achieve electoral justice that comes as close as is possible to being contemporaneous with voting that occurred elsewhere around the Territory.

This is the goal, namely that in all but the most cataclysmic situations, the election can be concluded without all electors being at risk of having to vote again. A thorough examination of current procedures and possible adjustment of risk-identification-and-management measures is likely to go a long way towards providing the maximum reassurance possible in that respect.