



DAVID TOLLNER MP

FEDERAL MEMBER FOR SOLOMON



The Secretary
Joint Standing Committee on Electoral Matters
Parliament House
CANBERRA ACT 2600

14 August 2003

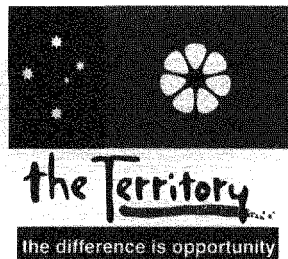
Joint Standing Committee on Electoral Matters	
Submission No.	14
Date Received	18/8/03
Secretary	

Dear Sir,

Please find attached my submission to the Joint Standing Committee on Electoral Matters inquiry into increasing the minimum representation of the Northern Territory and the Australian Capital Territory to provide for a minimum of two seats each for the Australian Capital Territory and the Northern Territory in the House of Representatives.

Yours sincerely

David Tollner, MP
MEMBER FOR SOLOMON



DARWIN
GPO Box 2163 Darwin NT 0801
32 Cavenagh Street Darwin NT 0800

Phone (08) 8981 3434
Fax (08) 8981 8731
Email: david.tollner.mp@aph.gov.au

CANBERRA
Suite R2 112
Parliament House
Canberra ACT 2600

Phone (02) 6277 2318
Fax (02) 6277 8450

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Joint Standing Committee on Electoral Matters
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Commonwealth Electoral Amendment (Representation of Territories) Bill 2003

Submission to Joint Standing Committee on Electoral Matters inquiring into and reporting on increasing the minimum representation for the Territories to provide for a minimum of two seats each for the Australian Capital Territory and the Northern Territory in the House of Representatives.

*Submitted by: Mr David Tollner MP
Member for Solomon*

Background

In 2001, due to an increased population, the Northern Territory Qualified for a second seat in the House of Representatives with the electorate of the Northern Territory divided into the seats of Lingiari and Solomon.

In February 2003 the Commonwealth Electoral Commission under s.48 of the Commonwealth Electoral Act determined (under the entitlement quota calculated in the 13th month after the first meeting of the newly elected House of Representatives) that the Northern Territory would lose its second seat due to it being just 292 voters short of the Quota necessary to qualify at the next election for two representatives. Population projections suggest that the northern Territory will again have the population for two seats under the entitlement quota in 2005.

The Northern Territory has always been a special case in Australia. The Commonwealth Parliament has made special provision for the Territory many times in the past. In fact the Territory must rely upon the Commonwealth Parliament. We have no other path. The Territory was effectively excluded, for want of numbers, at the time of Federation.

Other parts of Australia, that comparatively also lacked numerical strength, notably Tasmania and Western Australia, were able to ensure their future full participation in the Commonwealth Parliament by special provisions – the equal representation in the Senate, the guaranteed minimum number of Members in the House of Representatives.

Precedents

That is historical precedent. And, there are a number of precedents over the past 102 years since Federation that, step by step, have acknowledged the constitutional disadvantage suffered by the Territory. Parliament has recognised time and time again that it is its duty to make such provisions:

- In 1922, when parliament first enacted special legislation to allow the Territory to send a representative to attend Commonwealth parliament – albeit without the right to vote;
- In 1936, when parliament first allowed that member to vote in this chamber – although only on matters relating to ordinances of the Territory;
- In 1958, when the elected member for the Northern Territory was allowed to vote on any proposed law or matter relating solely or principally to the Northern Territory;
- In 1968, when the member for the Northern Territory was granted full voting rights;
- In 1975, when the Territory, along with the ACT, was allowed to elect two Senators to the upper house;
- In 1978, when the Northern Territory gained self-government; and
- Upon many other occasions the Commonwealth has enacted special provisions applying to the Northern Territory.

Submission

From the date of its inception in 1901 the Federation has recognised that Australia is such a large and diverse country that the principle of one person, one vote would disadvantage, even disenfranchise, the large and less populous regions of this great nation.

Thus was every state, at the time of Federation, guaranteed a minimum of five representatives and a Senate constituted of equal membership from the member states.

There is nothing in this bill that does not echo the precedents, purposes and intents of our constitutional forefathers. Indeed the bill confirms and continues the tradition of inclusive nationhood under Federation.

We in the Territory are few. By chance and misfortune in February this year the Australian Bureau of Statistics (which admits to a substantial margin of error) found us lacking to qualify at the next election for two representatives by a factor of less than 0.0025 per cent. It is worth noting, although ABS figures are not taken from the electoral role, that in the Northern Territory there were approximately 30 000 eligible indigenous voters not accounted for at census. Less than one per cent of these people would qualify the Northern Territory for two seats.

This bill includes a provision that if the minimum number of members for a territory is changed, the Electoral Commissioner must make a new determination of the actual number to be chosen in that territory in accordance with paragraph 48(1)(b).

Depending on when a change is made to the minimum number of members relative to the time of a new election being called, it may not be possible for the Electoral Commissioner to carry out the steps required to make a new determination before the writs for the new election must be issued. A further amendment (attached) to be moved in debate, is intended to deal with this practical possibility by providing a fall back arrangement if the Commissioner has not had time to make a new determination as required under the bill. In this case the election is to be conducted on the same basis as the immediately preceding election. That is, any change in the number of members to be chosen, which may have been required before the minimum was changed, should not take effect, regardless of any intervening determination of the Electoral Commissioner.

The proposed amendments to the Act are intended as a bridging device to carry the Territory across the momentary statistical glitch that threatens to disadvantage the electors of 1 346 000 square kilometres of the mainland.

Territorians do not seek unusual or inappropriate consideration. There can be little doubt that the day-to-day issues that confront the electors of the Northern Territory are very different to those of the populous and well-represented Southeastern seaboard of Australia.

The electorate of Solomon encompasses the city of Darwin and Palmerston, urban areas with distinctive environmental, social and economic issues that are not common to other parts of the nation.

The Electorate of Lingiari encompasses the outback towns of Alice Springs, Tenant Creek, Katherine, Nhulunbuy, and Borroloola plus hundreds of smaller communities, pastoral, mining, agricultural and Aboriginal*. The socio-economies of these communities have little in common with either the urbanised society of the electorate of Solomon or the majority of Australian settlements.

Territorians contribute, on a per capita basis, some three times the average export earnings of the states. This vast wealth-producing and diverse territory of Australia deserves greater representation in its national parliament. The removal of one member for the Northern Territory would undoubtedly place Territorians in a position of disadvantage by comparison with other Australian populations.

Finally, the administrative benefits of the retention of two seats in the Northern Territory are substantial. It is clearly both confusing to the electorate, creates work for the Electoral Commission and expense for the taxpayer to have the Territory cut back to a single seat for the purposes of the next general election when a further redistribution, again dividing the Division into two seats, will almost certainly be necessary a little more than a year after the general election, whenever that may be.

A guaranteed minimum two seats for the Northern Territory will see the two electorates with only slightly fewer voters than electorates in Tasmania. However a return to one seat will see the Northern Territory with almost twice the number of voters as other Australian electorates.

The proposed amendment has no effect on the Australian Capital Territory as the ACT qualifies for two seats under the AEC quota.

This Bill is not a plea for special treatment over and above that accorded to our fellow Australians – rather it is a request to allow Territorians to be given the opportunity through the processes of our National Parliament, to contribute to, and participate as fully as we can, given our continuing Territorial status, in the collective and inclusive effort of building a prosperous and egalitarian Australia.

Recommendation

Accordingly the recommendation is that the Territories are accorded a minimum of two seats in the House of Representatives as from the 2001 general election.

*About 45% of the electors are Aboriginal.

2002-2003

The Parliament of the
Commonwealth of Australia

HOUSE OF REPRESENTATIVES

Commonwealth Electoral Amendment (Representation of Territories) Bill 2003

(Amendments to be moved by Mr Tollner)

- (1) Schedule 1, item 1, page 3 (line 7), omit "If", substitute "Subject to subsection (1C), if".
- (2) Schedule 1, item 1, page 3 (after line 11), after subsection (1B), insert:
 - (1C) If the number of members of the House of Representatives to be chosen for the Australian Capital Territory or the Northern Territory under subsection (2B) has been altered since the last determination and the Electoral Commissioner is not able to make a new determination in accordance with subsection (1B) before writs are issued for a general election, the election in relation to the Australian Capital Territory or the Northern Territory, as the case may be, is to be conducted in accordance with any determination in force at the time of the immediately preceding general election, regardless of any intervening determination of the Electoral Commissioner.