

A Fair Deal for Territory Voters?

Background

In the 2001 Commonwealth election Northern Territory voters for the first time were divided into two House of Representatives seats: Lingiari and Solomon. The addition of an extra seat had come about because of an increase in the population of the Territory.¹

However, on 20 February 2003 the Australian Electoral Commissioner determined that due to a population shift the Northern Territory would lose the extra seat, returning to just a single member representing the entire Territory. It was news that produced a united stance from the two Northern Territory MPs, with both calling for a guaranteed two Northern Territory seats.²

These events were a reminder that the Australian Capital Territory's representation had jumped to three for the 1996 election, only to be stripped back to two seats for the following election (Table 1).³

What representation difficulties do Territory voters have?

How Many Members?

Section 48 (2B) of the *Commonwealth Electoral Act 1918* (CEA) guarantees that the NT and the ACT shall have at least one member of the House.

The numbers representing each at any particular time are ascertained by use of a formula detailed in the CEA. During the thirteenth month after the first meeting of the newly elected House of Representatives:

- The Electoral Commissioner ascertains the population of the Commonwealth (excluding the territories).
- The Commissioner then calculates an *entitlement quota*, by dividing this population figure by twice the number of state senators ($72 \times 2 = 144$).
- The number of electorates for each state or territory is then established by dividing the population of each state by the quota. If this exercise leaves a remainder greater than one-half of the quota, one more Member shall be allocated to a state or territory.

For example, in the 2003 calculation, the entitlement figure for Queensland (currently 27 MPs) was found to be 27.9609.

Queensland will therefore have 28 MPs at the next election.

Table 1 gives the entitlements for the territories in the last five determinations. In 1997 (ACT) and 2003 (NT), the fall below one-half was marginal, yet each lost the seat

gained at the previous determination. In the Northern Territory's case, Warren Snowdon MP has claimed that fewer than 300 people have meant the difference between retaining or losing one of the two House seats.⁴

The Population Problem

Some press reports have blamed a decline in territory populations for the loss of these seats. This is only partially correct, for their populations have generally continued to grow. The crucial point, however, has been that the growth of territory populations relative to the rest of Australia has slowed, and this has caused their entitlement quotas to fall. Such a development also explains why South Australian representation has fallen from 13 to 11 seats over the last 20 years.

For all areas, this can only be corrected by an improvement in their population growth relative to the rest of Australia.

Inequality in Seat Size

Australians probably imagine that House seats are equal in population size. In fact, although the relevant constitutional and legislative arrangements manage to achieve an admirable equality *within each state and territory*, the figures *across the nation* are far from equal. In the five largest states, the average enrolments at January 2003 ranged from 80 691 in Western Australia to 88 009 in Victoria. Tasmania's constitutional guarantee of five seats, due to its status as an Original

Table 1

Date of entitlement calculation	ACT		NT	
	Entitlement quota	Number of MPs	Entitlement quota	Number of MPs
1991	2.465	2	1.377	1
1994	2.504	3	1.428	1
1997	2.4947	2	1.4540	1
1999	2.4254	2	1.5239	2
2003	2.4209	2	1.4978	1

State, meant that Tasmanian seats averaged just 66 315 voters.

The greatest discrepancy occurred in the territories. Each had two members, but the average electorate size was 109 322 in the ACT and just 54 592 in the Northern Territory. With the loss of the Northern Territory seat, by the time of the next election the three territory seats will have an average in excess of 110 000 voters.

Essentially the problem—if it be a problem—is caused by the fact that electorates may not be made from parts of different states, combined with the guaranteed minimum provision for Tasmania. Without these requirements, electorates could be equal in size.

The Population Game

The latest available population projections⁵ suggest that while the NT should qualify for a second seat in the future the chance of the ACT qualifying for a third seat is slim. Table 2 shows the representational entitlements of the NT and the ACT (based on the middle population projection series) at the time of expected future entitlement determinations.

Table 2

	NT	ACT
2005	1.5509	2.3849
2008	1.5788	2.3692
2011	1.6078	2.3527
2014	1.6375	2.3374

From the above it would appear that there would have to be a substantial departure from existing population growth patterns for the ACT to qualify for a third seat in the near future.

Any case for the ACT having a guaranteed minimum of three seats is not helped by the fact that the granting of the third seat at the March 1994 determination was as a result of a statistical blip. Using the entitlement formula, the ACT has only qualified for three seats during

the fifteen month period from March 1993 to June 1994.

Fortuitously for the ACT the 1994 determination occurred during this period. Had it taken place four weeks later, the extra seat would not have been gained.

While the granting of a third seat to the ACT at the 1994 determination can be seen to be fortuitous, the loss of the second NT seat at the 2003 determination can only be seen as bad luck. The 2003 determination was based on September quarter 2002 population estimates. This was the first quarter since 1997 that the NT failed to qualify for a second seat.

What Might be Done?

The easiest way to solve the problem for the territories might be to amend the CEA so as to increase the guaranteed minimum number of MPs for each Territory. This has been suggested by Snowdon:

... it would seem fair to ensure that the ACT has a minimum of three seats and the NT has two.⁶

On the latest enrolment figures (January 2003) such an arrangement would have meant that three seats in ACT would have averaged 72 881 voters. This would have not been greatly below the average figure for Western Australia. Similarly, the Northern Territory's average of 55 592 for its two seats was not very much out of kilter with the average figure for the Tasmanian seats.

One basis for the drawing-up of electorates is 'community of interests', and this has also been seen as justifying the guaranteeing of a minimum of two seats for the Territory. As the *Northern Territory News* noted:

The vast, sparsely populated Lingiari, with its large population of traditional Aborigines, has different needs than Darwin-centred Solomon.⁷

Given the constitutional barriers that exist to achieving perfect equality of House of Representatives electorates, perhaps an increase in the guaranteed seats for the territories would be a reasonable compromise⁸

1. For background, see M. Healy, 'Territory Representation in the Commonwealth Parliament', *Research Note no. 8*, Department of the Parliamentary Library, 2000–01.
2. P. Dyer, 'MPs unite over seat cut threat', *Northern Territory News*, 20 February 2003.
3. P. Cole-Adams, 'Missed it by that much: how the ACT lost third seat', *Canberra Times*, 4 March 1997.
4. S. Mitchell, 'Territory's lost seat "a kick in the guts"', *The Australian*, 21 February 2003.
5. Australian Bureau of Statistics, *Population Projections, Australia: 1999–2101*, ABS (Catalogue No 3222.0).
6. R. Peake, 'NT likely to lose second seat in the House of Reps', *Canberra Times*, 19 February 2003.
7. 'Premature decision', *Northern Territory News*, 24 February 2003.
8. John Warhurst, 'A rough deal for small territories', *Canberra Times*, 28 February 2003.

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