

Submission to the

JSCEM relating to the

Commonwealth Electoral

Amendment (Ensuring Fair

Representation of the

Northern Territory) Bill 2020

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Disclaimer: Whilst every effort has been made to ensure the accuracy of the data provided in this submission, there may be instances of calculation or raw data errors. I as the author, in no way intend to mislead the reader in the event that any data or calculation errors are contained herein, as I have performed all calculations in good faith.

Contents

My background in political statistics	4
Current Status	4
“Fair.” What is “fair”?	5
The statistical case against the amendment.	6
Turnout by Division 2019 (NT total 108,611)	8
Turnout by Division 2016 (NT total 105,190)	9
Turnout by Division 2013 (NT total 106,128)	9
Turnout by Division 2010 (NT total 100,081)	9
Comments on matters raised in the Explanatory Memorandum	10
An alternative solution	12
Facts & Figures on previous expansions	13
Conclusion	15
Recommendations	15
In closing	15

To the members of the JSCEM.

I find myself compelled to lodge a submission relating to this proposed amendment to the Commonwealth Electoral Act (1918) to enshrine a minimum of 2 Seats in the House of Representatives for the Northern Territory.

Exactly why the Parliament wants to go down this path to guarantee 2 Divisions for the NT has me perplexed, especially when there are other existing alternatives to achieve exactly the same result without further amending legislation.

Let me state at the outset that I have no objection to the Northern Territory continuing to be entitled to 2 Divisions, as long as it's done the right way, a way that is measurably equal for all States & Territories and therefore neither advantages nor disadvantages any State or Territory

My background in political statistics

I have been analysing election results and contributing to electoral redistributions at both Commonwealth and State/Territory levels since 2013.

In the 7 years of doing this it has become a passion more than a hobby and I have built up a wealth of knowledge and information in the election and redistribution fields.

I have also had to become familiar with legislation relating to elections and redistributions in the various States, Territories and the Commonwealth.

I stood as One Nation candidate for the House of Representatives in the Division of Monash at the 2019 Federal Election.

However, this submission is of a personal nature and is in no way connected to the One Nation party. I have been involved with political statistics far longer than I have been a member of One Nation.

Current Status

The tables provided on the next page show the current Divisional entitlement situation for each of the States & Territories based on the population data as published by the ABS on 18th June 2020.

This is taken from my own repository of electoral & redistribution data and is a table that I update every quarter when the latest population statistics are released by the ABS.

I have been performing this update every quarter since March 2017, so have already established over 3 years of trend data in this field.

(What is presented below are only the relevant portions of the table)

The Entitlement Quota in the second table is derived by dividing the population of the 6 states by double the number of Senators from the States as shown in Table 1.

Population of 6 States:	24,845,330
2 x State Senators:	144
Quota:	172537.0139

Table 1 – Calculating the number of people required for each Division

	Population	Entitlement Quota	# Seats (Population/Entitlement Quota)	Entitled Seats
NSW	8,128,984	172537.0139	47.1144	47
Vic	6,651,074	172537.0139	38.5487	39
Qld	5,129,996	172537.0139	29.7327	30
SA	1,759,184	172537.0139	10.1960	10
WA	2,639,080	172537.0139	15.2957	15
Tas	537,012	172537.0139	3.1124	5
NT, Cocos and Christmas Islands	247,280	172537.0139	1.4332	1
ACT, Jervis Bay, Norfolk Island	429,559	172537.0139	2.4897	2
	25,522,169			149
Marginal Entitlements	18/06/2020	19/03/2020		
ACT	2.4897	2.4993		
NT	1.4332	1.4413	AEC Enrolment 31/5/20	16,580,943
Vic	38.5487	38.5180	Divided by Entitled Divisions	149
			Avg Electors per new Division	111,281.497

Table 2 – Calculating the Divisional entitlement of each of the States & Territories

Based on raw numbers alone, and excluding any existing provisions in the Commonwealth Electoral Act (1918) – IE Sections 47 (1)(b), 47 (2), 48 (2E) & 48 (2F) - the number of Divisions to which Victoria, Western Australia the Northern Territory and the ACT has changed from the number of Divisions they were entitled to at the 2019 Federal Election.

“Fair.” What is “fair”?

It is with some amusement that I read the word “fair” within the parentheses of this proposed amendment.

To me, “fair” is one of the most subjective words in the English language. What is “fair” to you may not be “fair” to me. What may appear “fair” to one Party, may not be “fair” to another.

Instead of the word “fair”, I prefer the objective term, “measurable equality”.

An example of measurable inequality is the 2019 Federal Election result for House of Representative seats in NSW. The information provided below is freely available on the AEC website.

The Liberal/National Coalition received 51.78% of the 2 Party Preferred vote yet won only 22 of 47 Divisions or 46.81% of Divisions in the State.

The ALP received 48.22% of the 2 Party Preferred vote and won 24 of 47 Divisions or 51.06% of Divisions in the State.

Now the ALP will happily accept that result as “fair” whilst the Coalition may claim an “unfair” result.

Objectively, there is measurable inequality between the 2PP vote each of the major parties received and the number of Divisions they won. Therefore, this result constitutes an objective definition of **unfair**.

The statistical case against the amendment.

Either the Commonwealth Parliament supports the principle of “One Vote, One Value” or it doesn’t.

By amending the Commonwealth Electoral Act (1918), to enshrine in legislation a second Division in the Northern Territory, when the calculation method used in the Determination suggests it is only entitled to one Division DOES NOT support the principle of “One Vote, One Value”

It could also be seen to reward poor turnout at Federal Elections.

Below is the analysis of Turnout by State – as taken from the AEC website - for every Federal Election held in the previous decade. IE 2010, 2013, 2016, 2019.

In **every instance**, the turnout for the 2 Divisions to which the Northern Territory has been entitled, has been at least 9.37% LESS than any other State or Territory. In 2019 the turnout in the NT was 12.11% LESS than the next lowest State.

Turnout by state 2019				
State	Enrolment	Turnout	%	Swing %
New South Wales	5,294,468	4,879,387	92.16	0.67
Victoria	4,184,076	3,875,458	92.62	1.48
Queensland	3,262,898	2,976,308	91.22	0.05
Western Australia	1,646,262	1,482,449	90.05	1.67
South Australia	1,210,817	1,126,850	93.07	1.26
Tasmania	385,816	363,962	94.34	0.75
Australian Capital Territory	295,847	275,591	93.15	0.99
Northern Territory	139,359	108,611	77.94	-1.07
Total	16,419,543	15,088,616	91.89	0.88

Table 3 – Turnout by State 2019

Turnout by state 2016				
State	Enrolment	Turnout	%	Swing %
New South Wales	5,084,274	4,651,399	91.49	-1.82
Victoria	3,963,992	3,612,823	91.14	-2.26
Queensland	3,074,422	2,802,951	91.17	-2.38
Western Australia	1,577,215	1,394,006	88.38	-2.01
South Australia	1,183,004	1,086,171	91.81	-1.65
Tasmania	373,470	349,549	93.59	-1.14
Australian Capital Territory	282,045	259,927	92.16	-2.51
Northern Territory	133,129	105,190	79.01	-3.21
Total	15,671,551	14,262,016	91.01	-2.05

Table 4 – Turnout by State 2016

TURNOUT BY STATE 2013

TURNOUT BY STATE				
State	Enrolment	Turnout	%	Swing %
New South Wales	4,817,504	4,494,835	93.3	-0.03
Victoria	3,720,640	3,474,926	93.4	-0.09
Queensland	2,843,100	2,659,655	93.55	0.82
Western Australia	1,453,813	1,338,536	92.07	-0.77
South Australia	1,130,572	1,056,684	93.46	-0.36
Tasmania	363,331	344,186	94.73	-0.34
Australian Capital Territory	265,346	251,120	94.64	0.01
Northern Territory	129,079	106,128	82.22	-0.45
TOTAL	14,723,385	13,726,070	93.23	0.01

Table 5 – Turnout by State 2013

TURNOUT BY STATE 2010

TURNOUT BY STATE				
State	Enrolment	Turnout	%	Swing %
New South Wales	4,610,795	4,303,081	93.33	-1.66
Victoria	3,561,873	3,329,883	93.49	-1.68
Queensland	2,719,360	2,521,574	92.73	-1.68
Western Australia	1,362,534	1,264,968	92.84	-0.42
South Australia	1,104,698	1,036,514	93.83	-1.59
Tasmania	358,609	340,943	95.07	-0.69
Australian Capital Territory	247,941	234,623	94.63	-1.22
Northern Territory	121,059	100,081	82.67	-3.86
TOTAL	14,086,869	13,131,667	93.22	-1.54

Table 6 – Turnout by State 2010

So low turnout in the Northern Territory is hardly new. In fact, not more than 5 out of 6 enrolled voters in the Northern Territory has voted at any Federal Election in the previous decade.

It has me questioning the validity & accuracy of the electoral rolls in the NT. Do all the people that are on the electoral roll actually exist? If they do, why do more than 1 in 6 fail to vote?

Next, I want to look at the number of Divisions who elected a single member with a higher turnout than the entire Northern Territory for all the Federal Elections held in the previous decade.

As is the case with the information provided above, all of this information can be obtained from the AEC website with a bit of research.

Turnout by Division 2019 (NT total 108,611)

Turnout by division for all states and territories

Division	State	Enrolment	Turnout	%	Swing %
Mayo	SA	122,377	116,216	94.97	2.25
Boothby	SA	123,949	116,030	93.61	1.14
Sturt	SA	123,818	115,953	93.65	0.46
Paterson	NSW	122,820	114,513	93.24	-0.25
Cowper	NSW	124,340	114,426	92.03	-0.2
Hindmarsh	SA	122,645	113,879	92.85	1.55
Gilmore	NSW	122,364	113,647	92.88	0.01
Page	NSW	122,709	113,548	92.53	-0.25
Hunter	NSW	121,436	112,075	92.29	-0.04
Barker	SA	118,371	111,893	94.53	0.5
Makin	SA	119,982	111,725	93.12	1.03
Adelaide	SA	121,606	111,299	91.52	1.73
Lyne	NSW	118,726	111,276	93.73	0.29
Grey	SA	119,949	111,131	92.65	0
Whitlam	NSW	118,695	110,691	93.26	0.38
Kingston	SA	118,735	110,628	93.17	1.31
Calare	NSW	118,099	110,539	93.6	-0.04
Lindsay	NSW	118,734	109,538	92.25	0.03
Hume	NSW	116,405	109,522	94.09	0.52
Macarthur	NSW	119,094	109,167	91.66	-0.17
Newcastle	NSW	117,650	109,081	92.72	0.8

Table 7 – Turnout by State 2019: Divisions with more votes than NT

In 2019, 21 Divisions had a greater turnout to elect a single Member to the House of Representatives than turned out for the entire Northern Territory to elect 2 Members to the House of Representatives.

Turnout by Division 2016 (NT total 105,190)

Turnout by division for all states and territories

Division	State	Enrolment	Turnout	%	Swing %
Canberra	ACT	143,231	132,310	92.38	-4.08
Fenner	ACT	138,814	127,617	91.93	-0.88
McEwen	VIC	130,612	120,389	92.17	-2.62
Lalor	VIC	123,609	111,840	90.48	-2.65
Cowper	NSW	118,260	109,073	92.23	-0.78
Page	NSW	117,263	108,793	92.78	-1.21
Gilmore	NSW	115,878	107,611	92.87	-0.27
McMillan	VIC	116,200	107,036	92.11	-2.53
Calare	NSW	112,957	105,768	93.64	-1.76
Flinders	VIC	115,356	105,437	91.4	-2.34
Paterson	NSW	112,541	105,211	93.49	0.37

Table 8 – Turnout by State 2016: Divisions with more votes than NT

In 2016, 11 Divisions had a greater turnout to elect a single Member to the House of Representatives than turned out for the entire Northern Territory to elect 2 Members to the House of Representatives.

Turnout by Division 2013 (NT total 106,128)

Division ID	Division Nm	StateAb	Enrolment	Turnout	Turnout%	Swing
102	Fraser	ACT	137987	130394	94.5	0.11
101	Canberra	ACT	127359	120726	94.79	-0.07
226	McEwen	VIC	112012	106171	94.79	-1.85

Table 9 – Turnout by State 2013: Divisions with more votes than NT

In 2013, 3 Divisions had a greater turnout to elect a single Member to the House of Representatives than turned out for the entire Northern Territory to elect 2 Members to the House of Representatives.

Turnout by Division 2010 (NT total 100,081)

DivisionID	DivisionNm	StateAb	Enrolment	Turnout	Turnout%	Swing
101	Canberra	ACT	124294	117911	94.86	-1.15
102	Fraser	ACT	123647	116712	94.39	-1.28
222	Lalor	VIC	116976	110052	94.08	-1.34
226	McEwen	VIC	115811	109950	94.94	-1.3
309	Gorton	VIC	113675	105033	92.4	-2.52
216	Holt	VIC	108891	101309	93.04	-2.39

Table 10 – Turnout by State 2010: Divisions with more votes than NT

In 2010, 6 Divisions had a greater turnout to elect a single Member to the House of Representatives than turned out for the entire Northern Territory to elect 2 Members to the House of Representatives.

So, in conclusion, in every one of the past 4 Federal Elections, there has been between 3 and 21 Divisions which have had more electors turn out to elect just one Member to the House of Representatives than have turned out in the entire Northern Territory to elect 2 Members to the House of Representatives.

IS THAT “FAIR”?

Yet, by proposing to retain 2 Divisions in the Northern Territory, that is exactly what this amendment is supporting.

Comments on matters raised in the Explanatory Memorandum

Part of the Explanatory Memorandum have been cut and pasted below in blue italics. My responses are in bold black text.

COMMONWEALTH ELECTORAL AMENDMENT (ENSURING FAIR REPRESENTATION OF THE NORTHERN TERRITORY) BILL 2020

OUTLINE

This Bill seeks to amend the Commonwealth Electoral Act 1918 to provide for a minimum of two divisions for the Northern Territory in the House of Representatives. This has become necessary because there is expected to be an electoral redistribution during the 46th Parliament which may result in the Northern Territory losing one of its two seats, caused by its population falling below the entitlement quota for the second seat.

There are other ways to do this, which have been done previously, rather than amend the Commonwealth Electoral Act (1918) as I will show later in this submission.

The Northern Territory first gained a second seat under the quota at the 2001 election, dividing the electorate of the Northern Territory into the seats of Solomon (the urban area of Darwin and Palmerston) and Lingiari (the rest of the Northern Territory west to the border of Western Australia, south to South Australia, and east to Queensland).

The Bill is consistent with special electoral arrangements that have been made over many years for differing parts of Australia, recognising their special circumstances.

Where, when and by whom? Examples not quoted nor referenced.

Legislating for two seats for the Northern Territory would recognise the huge geographical area of the Northern Territory, at over 1.4 million square kilometres and which includes the remote Indian Ocean Territories of Christmas Island and the Cocos Islands. It is six times the size of Victoria and almost double the size of New South Wales.

The area of the seat of Lingiari is NOT the largest in the Parliament as a little bit of research would have uncovered. The Division of Durack is the largest in the country covering 1,629,858 Sq. Km.; some 287,700 Sq. Km MORE than Lingiari. Does this proposal also seek to incorporate the same sorts of disproportionate representation in Durack?

If not, why not? Double standards?

A single seat in the House of Representatives would mean one Member of Parliament representing almost 250,000 Territorians. This would make the NT electorate by far Australia's largest by population, with approximately 30,000 more people and spread over an area more than 35,000 times larger than the electorate of Melbourne.

As I noted above, I have been keeping Provisional Determination data for more than 3 years, so for every quarter since the previous Determination in 2017, I have been tracking both the enrolment and total population of each State & Territory.

From the ABS numbers published on the 27th of June 2017 the combined population of the Northern Territory, Christmas Island and the Cocos (Keeling) Islands was 247,512. The total Australian population was 24,385,635.

Forward three years to the 18th of June 2020 and the combined population of the Northern Territory, Christmas Island and the Cocos (Keeling) Islands was 247,280. The total Australian population was 25,522,169.

So, in three years, the total Australian population has increased 1,136,564 and the population of the Northern Territory, Christmas Island and the Cocos (Keeling) Islands has DECREASED by 232 persons!

Yet this amendment suggests it's only "fair" the Northern Territory remain entitled to two Divisions.

I suggest the evidence above shows otherwise.

A single electorate for the Northern Territory would not recognise the Territory's unique demography, particularly its 27 per cent Indigenous population.

Again, I use as an example the adjoining Division of Durack to show that the Northern Territory is not as unique as is claimed in this explanatory memorandum.

Much of Lingiari's western boundary is shared with Durack. Durack's breadth (E-W) is wider than that of the NT and Durack stretches south to areas due east of Perth. Furthermore, Durack is about to increase in size again, due to the upcoming Redistribution in Western Australia to reduce that State's entitled Divisions from 16 to 15.

A single electorate for the Northern Territory would not give adequate recognition to the differing characteristics and communities of interest of the Darwin/Palmerston and outback/rural town areas of the Territory, and the strategic and economic importance of the Northern Territory to the whole of Australia.

As noted above, the area of Lingiari is 1,348,158 Sq. Km. The other Division in the Northern Territory, Solomon has an area of 191 Sq. Km. Proportionally, Lingiari contains 99.99% of the entire area of both Divisions.

If you're already representing an area of 1,348,158 Sq. Km., I'd suggest that adding an extra 191 Sq. Km. to that area is not going to be the straw that breaks the camel's back!

I find myself wondering, had both Seats in the Northern Territory been held by the Coalition instead of the ALP, whether this proposal would have even been raised.

An alternative solution

This alternative has been enacted by the Commonwealth Parliament twice before and will ensure the Northern Territory remains entitled to two Members in the House of Representatives.

But in order for it to succeed, it will require every Member and Senator to take their "Party Political" hat off, and put their "Elected Representative of the People of Australia" hat on.

I fear that this will be a stumbling block in implementing this proposal.

The solution is simple. A (long overdue) expansion of the Parliament.

The Parliament votes to increase the number of Senators from each State from 12 to 14 and this takes effect at the next Federal Election (due in 2022).

An expansion of the Parliament is hardly unprecedented. It has been done twice before. The first expansion under the Chifley Government which took effect at the 1949 Federal Election and the second expansion during the first Hawke term which took effect in 1984.

The number of Senators from the States was increased from 6 to 10 in 1949 & the number of Senators from the States was increased from 10 to 12 in 1984.

It took 48 years for the first expansion to occur, another 35 for the second expansion and it has now been 36 years since the second expansion. Further analysis on population data will follow.

I will now show the same information I presented in Tables 1 & 2, but updated to show 14 Senators from each State – 88 including the 4 Senators from the Territories, and how that effects the Divisional Entitlement of each State and Territory.

Population of 6 States:	24,845,330
2 x State Senators:	168
Quota:	147888.869

Table 11 – Calculating the number of people required for each Division @ 14 Senators per State

Applying the same process to 2022, 52 Senators would be elected; 8 from each State and 4 Senators elected from the Territories. The first 36 would be due to expiry of the Senator's term; 12 vacancies as a result of the expanded parliament (2 per State). The 8th & final Senator elected from each State would only be for a 3-year term.

House of Representatives:

The table below shows House of Representative statistics for each of the previous expansions and how a third expansion in 2022 could look.

As can be seen, even if the House of Representatives is expanded to 175 Divisions, the average number of electors per Division is still just over 96,000 electors per Member, a number higher than the average at the 2010 Federal Election.

Election Year	Seats	Enrolled (est.)	Votes	Turnout	Avg. Electors per Division
1946	74	4,623,329	4,344,542	93.97%	62,477
1949	121	4,797,760	4,604,410	95.97%	39,651
1983	125	9,176,735	8,684,862	94.64%	73,414
1984	148	9,199,439	8,664,952	94.19%	62,158
2019	151	16,419,543	15,088,616	91.89%	108,739
2022	175	16,830,767	15,475,000	91.94%	96,176

Table 13 – House of Representatives numbers pre and post the previous 2 expansions and proposed 3rd expansion for 2022

Though no doubt, it is beyond the scope of this Committee to make such a recommendation; it would be my preferred option to increase the number of Senators from the States not to 14, but to 18 – 50% beyond the current numbers.

Based on the ABS numbers supplied on the 18th of June, such a change would increase the number of Members in the House of Representatives to 223 and an average enrolment per Division of 74,354. That number is similar to the average Divisional enrolment in 1983, the last election before the previous expansion.

At those numbers, the Northern Territory would still be entitled to 2 Members in the House of Representatives and the average number of electors per Division in the Northern Territory would still be the lowest in the country.

	Population	Entitlement Quota	# Seats	Entitled Seats
NSW	8,128,984	115024.6759	70.6717	71
Vic	6,651,074	115024.6759	57.8230	58
Qld	5,129,996	115024.6759	44.5991	45
SA	1,759,184	115024.6759	15.2940	15
WA	2,639,080	115024.6759	22.9436	23
Tas	537,012	115024.6759	4.6687	5
NT, Cocos and Christmas Islands	247,280	115024.6759	2.1498	2
ACT, Jervis Bay, Norfolk Island	429,559	115024.6759	3.7345	4
	25,522,169			223

Table 14 – Calculating the Divisional entitlement of each of the States & Territories @ 18 Senators per State

Conclusion

Ensuring the Northern Territory remains entitled to 2 Members of the House of Representatives does not require any amendment to the Commonwealth Electoral Act (1918).

It does require bipartisan support from the members of the Committee, the Members of the House and of the Senate to pass the necessary changes to increase the number of Senators from the States from 12 to 14 effective as of the next Federal Election, due in 2022.

It is also imperative that the Parliament acknowledges that the AEC have a part to play in this expansion and allow them time to complete the five Redistributions for the mainland States before returning to the polls.

Since the previous expansion in 1984, electoral enrolment has increased over 78% yet the number of Members and Senators representing that additional 78%+ has remained virtually unchanged.

It is time for both Houses of Parliament to begin to catch up with the population and enrolment increases that have occurred since 1984.

Recommendations

That the JSCEM unanimously supports the increase of the number of Senators from the States from 12 to 14, and that the Determination is made based on an increased number of Senators.

The following Sections of the Commonwealth Electoral Act (1918) are repealed:

- **Sections 47 (1)(a) & 47 (1)(b)**
- **Section 47 (2)**
- **Sections 48 (2E) & (2F)**
- **Section 48A**

All references to the Sections bullet pointed above in other Sections of the Commonwealth Electoral Act (1918)

In closing

I thank the JSCEM for this opportunity to lodge a submission relating to this Bill.

I trust the JSCEM will consider the weight of the evidence against acquiescing to this Bill and consider the alternative method of guaranteeing that the Northern Territory continue to have two Members elected to the House of Representative for the foreseeable future.

Should the JSCEM wish to contact me relating to anything contained within this submission – or any other matter - it is welcome to do so.

Finally, I wish the JSCEM well in its deliberations, and trust that it will come to a solution that does not unfairly advantage nor disadvantage any State or Territory by amending any legislation to cause unfair advantage or disadvantage to any State or Territory.

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