

**SUBMISSION ON THE INQUIRY INTO
THE COMMONWEALTH ELECTORAL AMENDMENT
(ENSURING FAIR REPRESENTATION OF THE NORTHERN
TERRITORY)
BILL 2020**

By

The Honourable Jane Aagaard AM

Introduction

I write this submission in strong support of the legislation to ensure the Northern Territory retains two seats in the House of Representatives.

I do so as a former Speaker of the Legislative Assembly of the Northern Territory (2005 to October 2012), Member of the Legislative Assembly for the seat of Nightcliff (ALP, 2001-2012), former Chair of the Statehood Steering Committee (October 2008-November 2010) and former Chair of the Northern Territory Constitutional Convention Committee (2010-December 2012).

I have lived, worked and raised a family in the Northern Territory since late 1985 and have a strong interest in Territorians having an equal say at the table in our Federation.

I have also travelled widely across the Northern Territory both in my capacity as a former business owner and as a Member of Parliament and I am aware of the many challenges faced by Territorians particularly in the more remote parts of the Territory. These challenges are also reflected in the work of our members of the House of Representatives and our two Senators.

To reduce the representation to one seat would be virtually impossible to service. It would be the only electorate to have one sixth of the landmass of Australia, a capital city and various towns, military bases, people living in deserts and islands, which can only be reached at certain times of the year by boat or plane as well as the challenges of multiple indigenous languages and migrants from fifty – two countries, on top of which is added the External Territories the

Cocos and Keeling Islands and Christmas Island which are located in the Indian Ocean around 2751km from Darwin and can only be accessed by significant air travel via Perth or Jakarta.

I consider the move to reduce our representation in the Federal Parliament as retrograde and would result in us being the most underrepresented citizens in Australia. It almost takes us back to the 1960's where our Member for the Northern Territory at the time, the late great Australian and decorated war hero Sam Calder (CLP) was referred to as "Silent Sam" as he wasn't allowed to vote or speak on bills until 1968 when he was granted speaking and voting rights in the House of Representatives. At the same time, we had no Senate representation until 1975, and this only after major constitutional disputation from the states and two high court challenges.

Background

I understand that the Northern Territory is set to lose one of its seats in the House of Representatives, as its population of 247,280 has not achieved the quota of 1.5. Instead our quota is 1.433. This is roughly 4086 too few people living in the Northern Territory to retain two seats.

The population figures are based on those of the Australian Bureau of Statistics, which includes a margin of error. Having said that, estimates of population in the Northern Territory have always been difficult to determine because of the nature of the terrain and the high mobility of some people in remote areas as well as the transient nature of others living in urban areas of the Northern Territory.

An undercount is particularly likely for Aboriginal people living in very remote areas for whom access can be very difficult due to weather events – such as the wet season in the north, particularly Arnhem Land and the surrounding islands; sorry or other cultural business or health issues with people usually resident in a community being in a major centre to attend hospital appointments.

This issue is also reflected in the significant underestimation of citizens on the Australian Electoral roll where the Northern Territory Electoral Commissioner has estimated under enrolment of 25,000 people. The NTEC also indicates enrolment participation in the

Territory is 84 per cent, while nationally it is 96 per cent. It also estimates that one third of Aboriginal people are not enrolled to vote.

My point being, is the data correct? The Northern Territory Department of Treasury and Finance projected population statistics predict the Territory's population will reach 251,727 by 2021, taking it over the threshold for two seats, well before the expected next Federal election.

In deciding how many representatives the Northern Territory should have, I note that Australia has never had a strict system of "One vote, one value". This is not mentioned in the Australian Constitution otherwise Tasmania with five Members of the House of Representatives and twelve Senators (as part of the agreement at the time of Federation in 1901) would definitely have fewer representatives.

Instead our system is based on the idea of States and Territories interests being adequately represented in our Federal Parliament while adhering to a version of "One vote, one value." Having two seats moves towards adequate representation.

Aspirations for Statehood

Since the granting of Self Government to the Northern Territory on 1 July 1978, the Territory has aspired to be a state and to take our seat as the seventh state in the Commonwealth of Australia. This aspiration has been affirmed by every Chief Minister of the Northern Territory since that time and remains part of the platform of both the major parties in the Northern Territory – the Country Liberal Party and the Australian Labor Party. Bipartisan work on the Territory becoming a state has also been advanced for decades regrettably at this stage without a positive outcome.

At the Federal level, governments and their Prime Ministers from Malcolm Fraser, Bob Hawke, John Howard, Kevin Rudd, Julia Gillard, Tony Abbott and their Ministers have all supported this aspiration with the proviso that the Northern Territory is able to demonstrate that its citizens support statehood and also that the terms and conditions of statehood can be agreed to. I assume that the Australian Government is still in agreement that the Northern Territory will eventually become a state thereby increasing its Federal representation not decreasing it.

At this stage, there is no active campaign to achieve statehood and I imagine it is not on the minds of Territorians during a global pandemic and a financial crisis.

Nevertheless, the aspiration is there and that aspiration does not include a diminution of its representation in the Australian parliament.

Maintain our representation

Territorians are already constitutionally, second- class citizens. Our Northern Territory laws can and have been overturned by the Federal Parliament on a number of occasions in the past decades, much to the outrage of people living here.

As you are aware, this is something that is extremely unlikely for states owing to the large number of Senators and Members representing those states who are unlikely to vote against their own state or their electors.

This potential act of reducing our Federal seats also seems extraordinary to me given the people most likely to be negatively impacted are those living in the bush, particularly Indigenous Territorians, already some of the most disadvantaged people in Australia and most especially during a time when there is increased awareness of racial inequality and discrimination.

What does “Closing the Gap” and the proposed referendum on Recognition of Indigenous people in the Constitution, including a “voice” to parliament mean if before we even get to that point there is the possibility of the diminution of Indigenous and other Territorians rights by the removal of a Federal seat.

Fifty- three years since the change in our Constitution to recognise Aboriginal people in the census, thereby allowing Indigenous people to vote and be represented should trigger us to be mindful to provide this opportunity in an adequate way.

All Australians wherever they reside like to have a say on matters of concern to them in their own community. In our case, they want to be able to discuss “Developing the North”, our Gateway to Asia, the build up of Defence Forces in our region, including US Marines, infrastructure and roads, migration, health services, education and housing.

Territorians like all other Australians won't have the same view, but at least if they have adequate representation they can each three years decide whether or not that person or their party represents their views on important issues. They have done this for the past 19 years with fine Members representing us from both the major parties during that time.

People who live here ought to have the right to be represented adequately and have their views put to the Australian Parliament on matters of direct relevance to them. And if you are going to overturn our laws and thrust other things upon us without notice, give us an adequate voice to debate this in our Australian Parliament.

Conclusion

It is my hope that sometime in my lifetime, my rights as an Australian citizen will be restored. I was born in Melbourne as a sixth generation Australian, grew up in Brisbane and chose to cross the border into the Northern Territory 35 years ago. Choosing to live in one part of Australia shouldn't diminish your rights.

The restoration of our second seat would be a small victory for Territory rights but a very long way to full citizenship.

I encourage you to support this bill and would be happy to appear at an inquiry hearing.

The Honourable Jane Aagaard AM

