

**JOINT STANDING COMMITTEE ON ELECTORAL MATTERS**

Report tabling – Territory Representation

NT should have second House of Representatives seat at next election: Committee recommendation

The Northern Territory will have two House of Representatives seats, not one, at the next federal election, if the recommendation of a Parliamentary Committee inquiry is accepted by the Government and the Parliament.

In a unanimous report released today, Parliament's Electoral Matters Committee recommends the setting aside of a determination made earlier this year by the Australian Electoral Commissioner to reduce the NT's representation from two seats to one.

Setting aside the determination will require the passage of legislation through the federal Parliament.

In February this year, the Northern Territory was deemed to be short of the population needed to retain its second House of Representative seat by 295 people. Many people expressed concerns over the process used to determine this result.

Background on how representation determinations are made appears over.

The Committee's report, which follows a five-month inquiry, makes three unanimous recommendations:

1. The *Commonwealth Electoral Act 1918* be amended to require the Australian Statistician to publish in *Australian Demographic Statistics* all of the population estimates of the States, Territories, and the external Territories of Australia required for the Australian Electoral Commissioner's determination. The Electoral Commissioner should use only these published population estimates to make the determination, and publish the details of the calculations involved within the 13th month after the first sitting of a new House of Representatives;
2. The statistical margin of error for the population estimates of the Australian Capital Territory and the Northern Territory be incorporated into the determination of seats for the Territories when a Territory falls short of a quota. If the shortfall is within the margin of error acknowledged by the Australian Bureau of Statistics, the Electoral Commissioner is to use the population figure at the top of the margin of error to determine the Territory's entitlement; and
3. The 2003 determination be set aside by government legislation to the extent that it applies to the Northern Territory.

Various social and economic arguments were made during the inquiry for increasing the minimum number of guaranteed House of Representatives seats for the Territories. The Committee did not regard these arguments as decisive.

The Committee does not consider that the existing formula for determining the Territories' entitlements to House of Representatives should be departed from; that is, subject to the guaranteed minimum of one seat each, the Australian Capital Territory and the Northern Territory should be entitled to representation in the House of Representatives based on their population as a proportion of the population of Australia.

Electoral Matters Committee Chair Mr Petro Georgiou MP (Member for Kooyong, Vic) said: "The Committee's recommendations seek to remove the degree of unintended discretion afforded to the Australian Statistician and the Australian Electoral Commissioner in deciding which quarterly population estimates are to be used as the 'latest statistics of the Commonwealth' for determining State and Territory entitlements to House of Representatives seats.

"The recommendations also acknowledge that there is greater uncertainty in the population estimates of the Territories compared to the population estimates of the States.

"For the 2003 determination, a 'special release' of the September 2002 quarterly population figures was requested by the Australian Electoral Commissioner to make his determination even though the preceding quarterly figures, June 2002, were yet to be published.

“Some witnesses to the inquiry questioned whether the June 2002 quarterly population figures should have been used instead. If the June 2002 figures were used, the Northern Territory would have retained its second seat”, Mr Georgiou said.

The report notes that while Committee Members unanimously agreed to set aside the February 2003 determination, Members had different reasons for this recommendation.

Some Members of the Committee believe that the 2003 determination should be set aside because the margin of error for the Northern Territory’s population estimate creates significant doubt as to the outcome of the determination for the Northern Territory.

Other Committee Members believe that it was the intention of the Parliament that the “latest statistics of the Commonwealth” be the latest published statistics at the time of the determination – not a special version or early release of the population figures. These Committee Members believe that for the 2003 determination, the published statistics that should have been used were the June 2002 population figures which would have meant that the Northern Territory retained its second seat.

Background:

Section 122 of the Constitution provides that the Commonwealth Parliament may allow for the representation of the Territories in either House of Parliament “to the extent and on the terms which it thinks fit”.

Legislative provisions governing the representation of the Territories are contained in the *Commonwealth Electoral Act 1918*. This Act provides that the Territories’ entitlements to seats in the House of Representatives be determined in the same manner as the entitlements of the States; that is, based on their population. Notwithstanding this, the Electoral Act also provides that the Australian Capital Territory and the Northern Territory be guaranteed at least one House of Representatives seat each at each general election.

The determination of entitlements to House of Representatives seats takes place in the 13th month after the first sitting of the House of Representatives following an election.

In February this year, the Northern Territory was deemed to be short of the population needed to retain its second House of Representative seat by 295 people. Many people, including the Parliament’s Northern Territory Members expressed concern about this result, particularly as the Northern Territory only gained its second House of Representatives seat at the last federal election.

For media comment, please contact:

Electoral Matters Committee Chair, Petro Georgiou MP, on (02) 6277 4419

For further information, including copies of the report, public hearing transcripts and

submissions: Frances Gant, Inquiry Secretary, on (02) 6277 4209, or visit the Committee website at www.aph.gov.au/house/committee/em/

The members of the Electoral Matters Committee are:

Mr Petro Georgiou MP (*Chair*) (Liberal Party of Australia, Kooyong, Vic)
Mr Michael Danby MP (*Deputy Chair*) (Australian Labor Party, Melbourne Ports, Vic)
Senator Andrew Bartlett (Australian Democrats, QLD)
Senator George Brandis (Liberal Party of Australia, QLD)
Senator Brett Mason (Liberal Party of Australia, QLD)
Senator Andrew Murray (Australian Democrats, WA)
Senator Robert Ray (Australian Labor Party, VIC)
Mr John Forrest MP (National Party of Australia, Mallee, Vic)
Mr Daryl Melham MP (Australian Labor Party, Banks, NSW)
Ms Sophie Panopoulos MP (Liberal Party of Australia, Indi, Vic)