

Introduction

- 1.1 The number of Members of the House of Representatives to be elected in each State and Territory at a federal election is determined by the Australian Electoral Commission (AEC), based on each State and Territory's proportion of the population of the Commonwealth. This process is discussed more fully in chapter three.
- 1.2 In February 2003, the Australian Electoral Commissioner determined that at the next federal election, which is due to be held by mid-April 2005, Queensland will gain an additional House of Representatives seat, and South Australia (SA) and the Northern Territory (NT) will each lose one seat. For the NT, this means that its entitlement in the House of Representatives will be reduced from two seats to one.
- 1.3 The NT became entitled to representation in the House of Representatives at the 1922 election. For eight decades it was represented in the House of Representatives by a single Member. In the 2000 determination of State and Territory entitlements, the NT was determined to be entitled to two Members, and the AEC created the two divisions of Solomon (currently held by Mr David Tollner MP) and Lingiari (currently held by the Hon Warren Snowdon MP).
- 1.4 Following the 2003 determination, the NT is set to revert to a single electorate. The NT was determined to be short of the quota needed to retain its second seat by 295 people. The change in the NT's entitlement is not due to a decrease in the NT's population, but to the fact that the NT's population growth has slowed compared to the growth of the rest of Australia.

- 1.5 Since 1990, the *Commonwealth Electoral Act 1918* has guaranteed the NT and the Australian Capital Territory (ACT) at least one House of Representatives seat each. The February 2003 determination has resulted in Members of Parliament from the NT and others calling for the Territories to have a guaranteed minimum of two Members each, for reasons including:
- the geographic size of the NT, and the distinction between the urban population of Darwin and the regional population of the rest of the NT, which includes a high indigenous component;
 - claims that population growth will mean that the NT will again be entitled to two seats at the next determination of State and Territory representation entitlements;
 - uncertainty about the precise definition of the “latest statistics of the Commonwealth” in the formula used to determine entitlements;
 - reservations about the methodology used by the Australian Bureau of Statistics (ABS) to calculate the NT’s population, and the accuracy of the NT’s population estimate; and
 - the shortfall of 295 people in the case of the NT being within the statistical margin of error acknowledged by the ABS in calculating the NT’s population.

Scope and conduct of the inquiry

- 1.6 On 9 July 2003, the Special Minister of State, Senator the Hon Eric Abetz, wrote to the Committee asking it to inquire into and report on increasing the guaranteed minimum representation for the ACT and the NT to two seats each in the House of Representatives.
- 1.7 A media release announcing the inquiry was issued on 21 July 2003. The inquiry was advertised in the *Northern Territory News* and the *Canberra Times* on 26 July 2003 and members of the public were invited to make submissions.
- 1.8 The Committee wrote to all Members, Senators, State and Territory governments, political parties, the AEC and the ABS inviting them to make submissions to the inquiry.
- 1.9 The Committee received 28 submissions to the inquiry. These are listed at Appendix A. Three public hearings were held in Canberra

and Darwin during August and September 2003. A list of the hearings and witnesses is at Appendix B.

- 1.10 Submissions to the inquiry and transcripts of the evidence from the public hearings are available on the internet from:

<http://www.aph.gov.au/house/committee/em/territories/index.htm>

The Tollner Bill

- 1.11 On 16 June 2003, Mr David Tollner MP, Member for Solomon, introduced a private Member's Bill to the House of Representatives: the *Commonwealth Electoral Amendment (Representation of Territories) Bill 2003* (the "Tollner Bill").

- 1.12 The Bill seeks to amend the *Commonwealth Electoral Act 1918* to provide that at least two Members of the House of Representatives are chosen for the NT and the ACT at each general election.

- 1.13 In tabling his Bill, Mr Tollner told the House:

The rigid application of mathematical formula, properly required of the Commonwealth Electoral Office, confirmed the Territory's loss of a representative seat by a factor of less than 0.0025 per cent. Population projections show that this is a temporary condition – by 2005 the Territory will again have the numbers to qualify for two seats.

This amendment to the Act is no more than a bridging device that will carry the Territory across the momentary statistical glitch that threatens to again disadvantage the occupants of 1,346,000 square kilometres of the mainland.¹

- 1.14 In his submission to the inquiry, Mr Tollner outlined a further amendment to address the possibility that after a new determination, the Electoral Commissioner may not have sufficient time to undertake a redistribution of the NT's electoral boundaries before the writs for an election are issued. Mr Tollner proposed that the next federal election be conducted on the same basis, for the NT, as the immediately preceding election – retaining the divisions of Solomon and Lingiari.

¹ Mr David Tollner MP, *House of Representatives Official Hansard*, No. 9, 2003, Monday, 16 June 2003, p 16361.

- 1.15 The Member for Lingiari, the Hon Warren Snowdon MP, has also called for legislative change following the AEC's February 2003 determination of the NT's entitlement to representation in the next Parliament. Mr Snowdon supports increasing the minimum representation of the Territories, and provisions which would set aside the February 2003 determination.
- 1.16 The Committee has been asked to inquire into and report on increasing the minimum representation for the ACT and the NT to two seats each in the House of Representatives. The Committee's reference is not an examination of the Tollner Bill, although that Bill is relevant to the issues raised by the Committee's reference.

Structure of the report

- 1.17 This report comprises seven chapters:
- chapter one, which is this introduction;
 - chapter two discusses the history of Territory representation in the House of Representatives and the Senate;
 - chapter three sets out the formula used by the AEC to determine State and Territory entitlements to seats;
 - chapter four details the representation entitlements of the States and Territories in the House of Representatives since 1901;
 - chapter five discusses the concept of the "latest statistics of the Commonwealth" and the process used by the AEC to determine State and Territory entitlements to seats in the House of Representatives;
 - chapter six discusses the average divisional enrolment of electorates within the States and Territories, population projections for the NT, the geographic size of Territory divisions, and the distinctiveness of the Territories; and
 - chapter seven addresses policy proposals for increasing the minimum representation of the Territories in the House of Representatives.