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Joint Standing Committee on Electoral Matters  
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Committee Secretary

I attach my submission to the Inquiry into the 2022 federal election called on 5 August 2022 by the Special Minister of State, senator the Hon Don Farrell, to inquire into and report on all aspects of the conduct of the 2022 federal election.

This submission relates primarily to the clauses “d” and “g” of the Terms of Reference:

(d) encouraging increased electoral participation and lifting enfranchisement of First Nations People;

(g) proportional representation of the states and territories in the Parliament, in the context of the democratic principle of 'one vote, one value'.

This submission is made by myself as an academic of Charles Sturt University and the remarks made in the submission are my own views and should not be taken as a position of Charles Sturt University.

I would welcome the opportunity to further discuss the submission at a hearing of the Committee.

Sincerely



Dr Brendan Long  
Senior Research Fellow  
Charles Sturt University  
7 October 2020

## Introduction

The electoral rights of residents of the Northern Territory and the Australian Capital Territory are being debated in the Parliament through a private members bill now before the Senate. This submission makes no comment on this bill except to note that many members of the House of Representatives and now some senators have indicated that Territorian voters should have the same rights of political representation as other Australians.

This submission argues that the greatest incapacity of Territorian electors relative to electors in states is that they have reduced representation in the Senate. Electors in the States elect 12 senators, 6 in each federal election for a term of 6 years excepting the case of a double dissolution election. Electors in the territories elect just 2 senators for a three-year term. Relative to electors in the states electors in the territories have a significantly reduced electoral voice. A priori, this is an anomaly which is open to the Committee to consider under item 'g' of the Inquiry's Terms of Reference requesting it consider:

(g) proportional representation of the states and territories in the Parliament, in the context of the democratic principle of 'one vote, one value'.

In addition, in the case of the Northern Territory (Northern Territory) a significant proportion of eligible electors are identified as indigenous. Indigenous voters in the Northern Territory have a reduced electoral voice relative to indigenous voters in the states. This is inconsistent with moves to increase the 'voice' of indigenous persons to the Parliament. Consideration of this issue is open to the Committee under its terms of reference:

(d) encouraging increased electoral participation and lifting enfranchisement of First Nations People.

## Statistical analysis

The Australian Electoral Commission presents data in relation to the number of electors in each jurisdiction and their stated indigenous status. Of course not all eligible electors enrol to vote with the enrolment rate varying between jurisdictions as shown in Table 1.

Table 1: Size of the electoral roll and enrolment rate for the 2022 federal election

State/Territory	Electors on Certified List	Estimated Eligible Population	Enrolment rate	Estimated not enrolled
NSW	5,472,469	5,626,297	97.3%	153,828
VIC	4,344,208	4,503,130	96.5%	158,922
QLD	3,503,609	3,637,573	96.3%	133,964
WA	1,773,969	1,830,811	96.9%	56,842
SA	1,272,047	1,295,707	98.2%	23,660
TAS	402,331	409,170	98.3%	6,839
ACT	314,329	320,060	98.2%	5,731
Northern Territory	145,938	170,392	85.6%	24,454
<b>National</b>	<b>17,228,900</b>	<b>17,793,140</b>	<b>96.8%</b>	<b>564,240</b>

Source: Size of the electoral roll and enrolment rate 2022 - Australian Electoral Commission  
([aec.gov.au](http://aec.gov.au))

The Northern Territory has as a markedly low enrolment rate. Enrolment rates for indigenous persons is also available from the AEC. The data is presented in Table 2 but from June 2022 as the actual indigenous enrolment rate for the 2022 Federal Election is not yet available.

Table 2: Indigenous enrolment estimates as at 30 June 2022

State	Estimated Indigenous voting age population	Estimated Indigenous enrolled	Estimated Indigenous unenrolled	Enrolment Rate
<b>NSW</b>	181,144	161,693	19,451	89.3%
<b>VIC</b>	41,587	34,327	7,260	82.5%
<b>QLD</b>	152,497	121,691	30,806	79.8%
<b>WA</b>	70,629	49,802	20,827	70.5%
<b>SA</b>	29,027	22,610	6,417	77.9%
<b>TAS</b>	19,575	17,570	2,005	89.8%
<b>ACT</b>	5,817	4,970	847	85.4%
<b>Northern Territory</b>	53,563	39,703	13,860	74.1%
<b>National</b>	<b>553,839</b>	<b>452,366</b>	<b>101,473</b>	<b>81.7%</b>

Source: [Indigenous enrolment rate - Australian Electoral Commission \(aec.gov.au\)](https://aec.gov.au/indigenous-enrolment-rate)

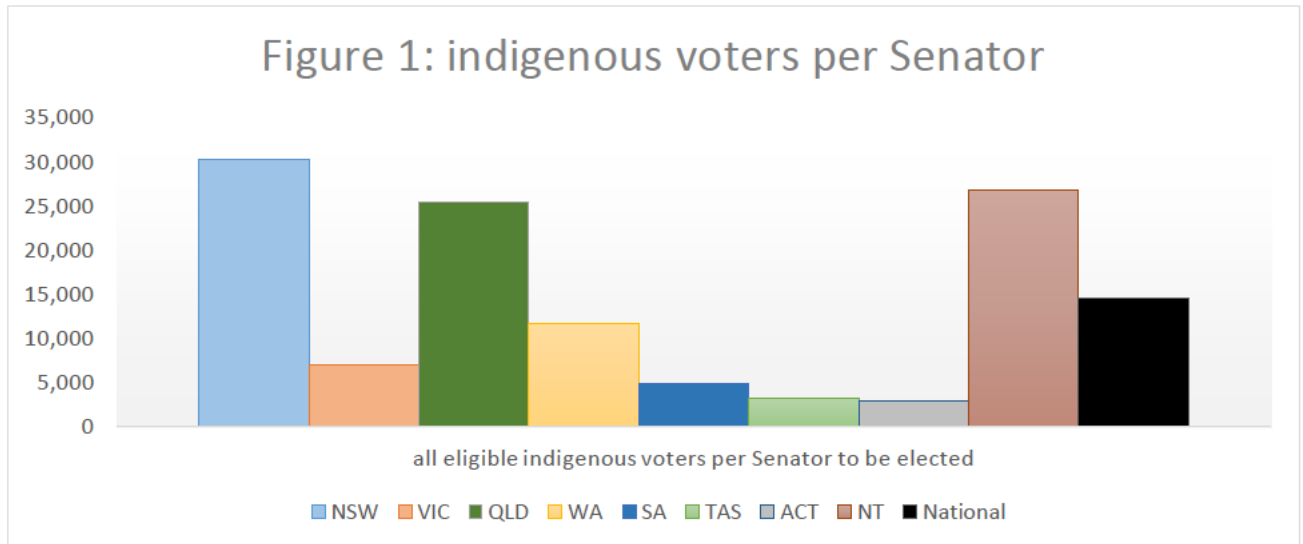
From the data in Table 2 it appears that the low enrolment rate for the Northern Territory is driven by the low indigenous enrolment rate of 74.1% compared with national average of 81.7%. Northern Territory indigenous voters are 15 percentage points less likely to enrol to vote compared to all Australians, and 9 percentage points less likely to vote than other indigenous voters on average. This is an issue of significant policy concern as we seek to encourage a greater voice to indigenous persons in Australia to the Commonwealth Parliament.

Analysis of AEC data also supports this conclusion. AEC data shows the number of voters per senator elected in the recent Federal Election as is presented in Table 3. A measure of the electoral impact of voters in a Senate election is the ratio of voters to senators. The higher the ratio the less the impact of an individual voter's vote on the election of any senator. The quota for election of a State Senator in Queensland is 3,637,573/7 or 519,613 – you need 520,000 votes to be elected. As this threshold rises each vote has less impact. This reducing impact of votes as the quota rises is captured well by the measure of the ratio of eligible voters to senators to be elected.

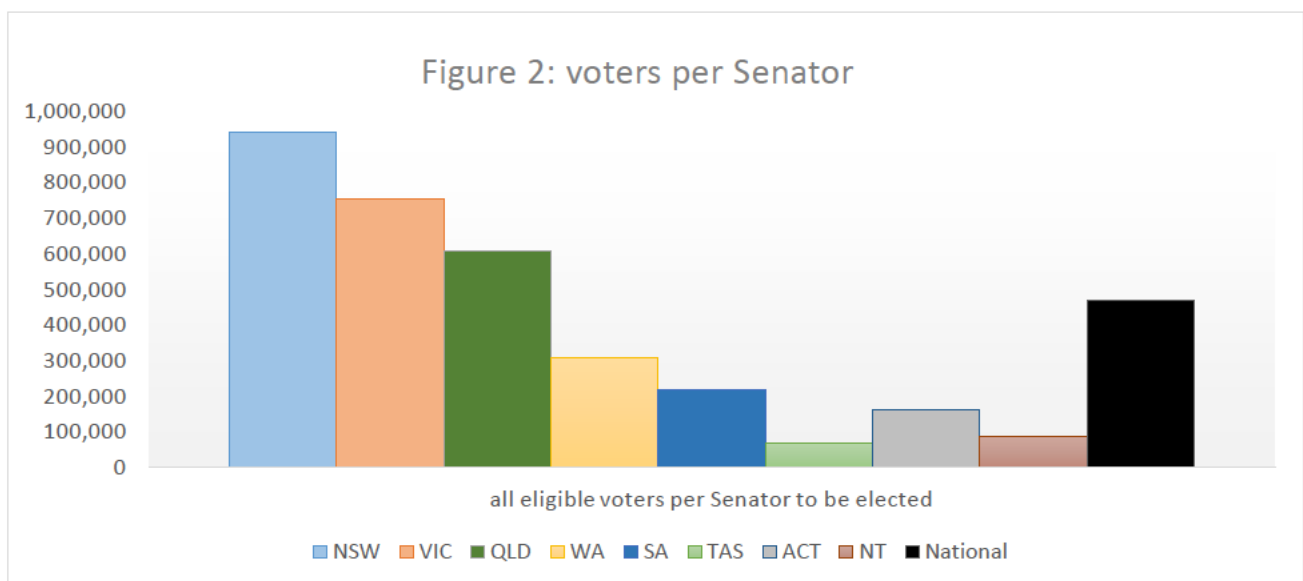
Table 3: Eligible voters per elected senator at the 2022 Federal Election

State/Territory	Electors	Identified indigenous electors	Eligible voters per senator elected	Eligible indigenous voters per senator elected
<b>NSW</b>	5,626,297	181,144	937,716	30,191
<b>VIC</b>	4,503,130	41,587	750,522	6,931
<b>QLD</b>	3,637,573	152,497	606,262	25,416
<b>WA</b>	1,830,811	70,629	305,135	11,772
<b>SA</b>	1,295,707	29,027	215,951	4,838
<b>TAS</b>	409,170	19,575	68,195	3,263
<b>ACT</b>	320,060	5,817	160,030	2,909
<b>Northern Territory</b>	170,392	53,563	85,196	26,782
<b>National</b>	17,793,140	553,839	468,241	14,575

The measure can be applied to the indigenous voting population. What is evident is that Northern Territory indigenous voters have the highest ratio of indigenous voters per senator at 26,782. This means that indigenous voters in this Territory have about half the voting power of other indigenous persons in Australia, on average, in terms of the Senate vote. This disparity is seen in Figure 1.



The ratio of potentially eligible voters to senators for the States/Territories overall is presented in Figure 2 below representing data from Table 3 above.



### The policy problem

The Senate of course was not designed to provide for a one vote one value model of representation but to give states a review mechanism over the legislative power of the House of Government and implicitly also the Executive. So it was never meant to be 'fair' in the sense of giving every voter an equal voice in electing senators. Still, this does mean that we cannot or should not look at how the notional capacity of an elector to elect a senator, based on the ratio of voters to senators, varies between jurisdictions.

The situation of the Northern Territory is remarkable in that it has the highest proportion of indigenous voters compared to all States and the ACT (10% of all voters) but has much less influence on a Senate election than indigenous voters in other jurisdictions. The Constitution is a living document and we do not need to see the Senate as solely a 'States' Rights' assembly. The Commonwealth has shown this by legislating two senators per Territory. Now we have a situation when the nation is looking at giving a greater voice to indigenous citizens to the Parliament.

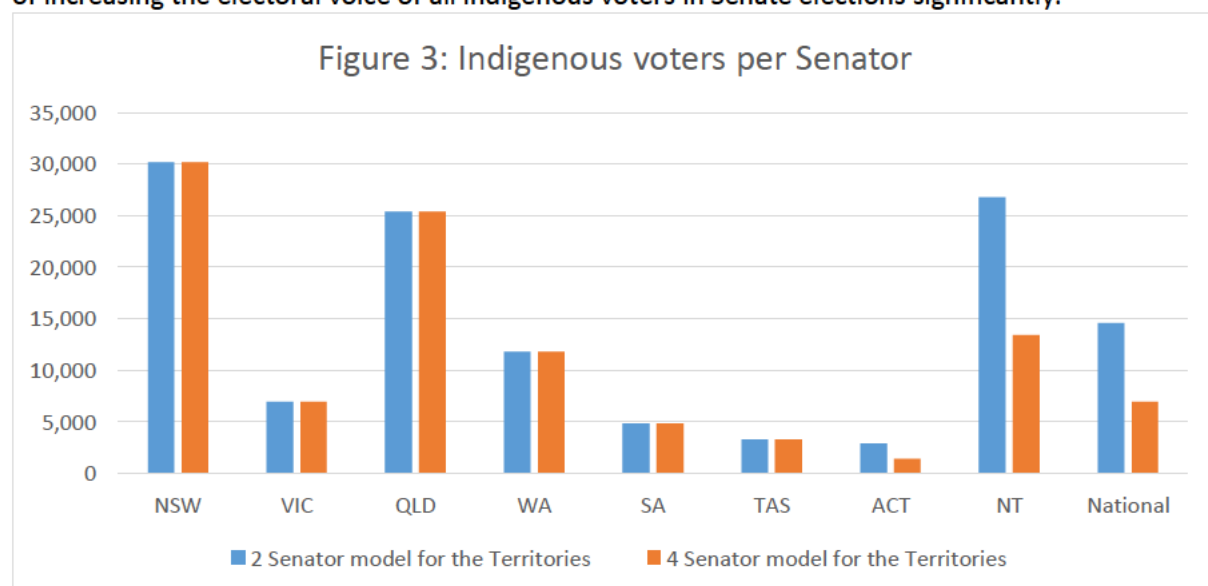
The question posed here is this. Would increasing the number of senators in the Northern Territory by 2 senators increase the capacity of Northern Territory indigenous voters to have a voice in the Commonwealth Parliament? If this is affirmed what are the implications for the Senate as a whole?

### The proposal

This submission proposes that the Commonwealth Government act to increase indigenous representation in the Australian Senate by seeking bipartisan support to amend the Commonwealth Electoral Act 1918 to create two new Senate positions in the Northern Territory. While Northern Territory indigenous representation is now very strong with 2 indigenous senators elected for the new Senate, this has not been the historical outcome. Increasing the Senate representation to 4 senators in the Northern Territory, elected for six years, is likely to secure increased indigenous representation or at least ensure that a minimum of 2 Northern Territory senators are indigenous in the longer term. Labor and the CLP are likely to field at least one indigenous senator on any Northern Territory Senate election ticket.

If Northern Territory senators gain 6 year terms, with 2 elected every parliamentary term, the two new seats will usually be shared between Labor and the CLP so this would not change the balance of major parties in the Senate materially.

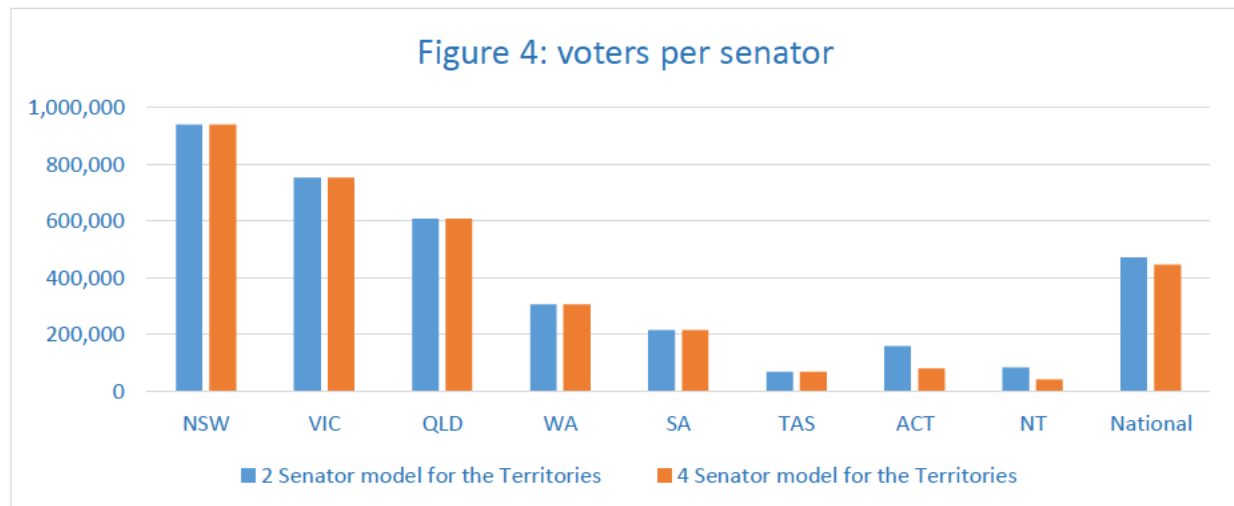
There would be an increased voice given to indigenous voters in the Northern Territory. This is seen in Figure 3 where the vote per senator in the Northern Territory falls from 27,000 to 13,500. It is therefore a very effective mechanism for increasing the voice to one of the largest indigenous communities in the nation. In addition to giving indigenous voters in the Northern Territory a greater electoral voice relative to other indigenous voters, the measure would also have the effect of increasing the electoral voice of all indigenous voters in Senate elections significantly.



### Implications for the ACT

It would seem difficult, however, to allow 2 extra senators in a jurisdiction of 170,000 voters without increasing senatorial representation in the ACT – a jurisdiction of over 320,000 electors. It is likely that residents of the ACT would also welcome equal representation with the Northern Territory. With only 2 senators which need to be elected every election, ACT residents (like the author) are aware that they have different electoral rights.

So it is recommended that an extra two senators be granted to the ACT on the same terms as the Northern Territory. This produces an aggregate result for all electors as shown in Figure 4. There is little change on the national measure of voters per senator.



### Conclusion

There is a strong policy case for increasing Senate representation from 2 to 4 in the Northern Territory from the perspective of ameliorating the reduced electoral voice of Northern Territory indigenous persons relative to other indigenous persons, and by implication all persons, in the Commonwealth. These senators should be elected for six year terms on the same basis as senators are electors in the states (but with 2 senators elected each term rather than 6). This would also increase the electoral voice of indigenous persons as a cohort across the nation. However, it seems impossible to achieve without also providing for an additional two senators for the ACT on the same electoral basis.

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