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FEDERAL MEMBER FOR NEW ENGLAND

16 September 2019

Committee Secretary
Joint Standing Committee on Electoral Matters
PO Box 6021
Parliament House
CANBERRA ACT 2600

Dear Committee Secretary

**Submission to the Joint Standing Committee on Electoral Matters
Inquiry into and report on all aspects of the conduct of the 2019 Federal Election
and matters related thereto**

Key Points:

- The current location of Senators is vastly overweighted to State capitals.
- The demographic concentration of voters is represented in the number of seats allocated in the House of Representatives and should not be duplicated by the Senate.
- There is no likelihood of the Senate resolving this itself, nor is there currently in place a mechanism to compel a fairer geographical spread of representation.
- Allocation of a region within a State from which a Senator is voted from can be done by legislation without need for a referendum.
- There should be six regions per State with two Senators per region.
- No region should be larger than 30% of the State and no capital city urban basin should be more than one region.
- If New York has two Senators, why does Adelaide have eleven?

Australia's concentration of Senators in the capital cities is now more than the percentage of Members from the House of Representatives in the capital cities. In Western Australia eleven of the twelve Senators currently come from Perth. In South Australia eleven from twelve are in Adelaide. In Victoria eleven of twelve are in Melbourne, until we confirm where Senator Sarah Henderson opens her new office, and in New South Wales eleven of twelve are from Sydney and one of whom has an office in Wollongong.

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It is a farce and to be frank many Australians would be pressed to name more than a couple of the Senators in their State. They are not in an office where they can be readily seen and identifiable to the needs of constituents. They are also voted for by recognition of their party rather than themselves so are not personally held responsible for their efforts or otherwise at a Federal election. A small geographical area, which is a capital city, is graced with both the House of Representatives Members and nearly all the Senators to lobby on its behalf. Unremarkably, this is very successful in getting further investment into the capital city which then attracts further people who wish to live near that public infrastructure. Perversely, this then leads to a population that entitles the capital city to more seats in the House of Representatives and who pays the political cost for this? Regional seats that have to get bigger and bigger because their population is proportionately less.

The paradox of these ever larger regional seats means they grow to a size beyond the capacity that one politician can effectively cover. There is now 71.3% of land area of our nation represented by merely 5 seats out of 151. Durack 1,629,858 sq km, Lingiari 1,348,158 sq km, Grey 908,595 sq km, O'Connor 868,576 sq km and Maranoa 729,897 sq km cover a total of 5,485,084 sq km of the nation's 7.692 million sq km or 71.3%. 3.3% of lower house members represent more than 70% of the land mass.

In the past we have had the Australian Motoring Enthusiast Party Senator elected on as low as 0.51% of the vote in their State. We have appointed Senators such as the former Senator Anning with merely 19 votes to their name at the Federal Election. The argument that regional Senators would not represent a reasonable number of people is clearly debunked by the fact we have had Senators sitting in our Federal Senate chamber who had attracted merely 19 votes in a Federal Election. In fact other Senators have been appointed who never even stood as a Senator at the pertinent Federal Election. This is not a proper reflection of a political chamber working as the architects would have designed, though it complies with what has evolved.

The Australian parliamentary system has been termed the West-Washington System. It is based on England's Westminster System in the House of Representative and the Washington System in the Senate. This means that the demographic intensity determines the Government and tries to best represent the universal suffrage of one person one vote. The geographic spread was dealt with by the Senate where each of the founding States of Federation was allocated the same number of Senators, six at Federation, twelve now, despite NSW and Victoria having substantially higher populations.

In the Australian Constitution, Chapter 1 Part II Clause 7 states:

The Senate shall be composed of senators for each State, directly chosen by the people of the State, voting until the Parliament otherwise provides, as one electorate.

In terms of the element of State electors voting as one electorate "until the Parliament otherwise provides", it would be open to the Parliament to legislate to institute electorates for the Senate (howsoever delineated) on a regional/provincial basis. However, other elements of section 7 (for example the "directly chosen by the people of the State" requirement, and the requirements concerning the minimum number of six Senators for each "Original State" and equal representation of the "Original States" in the Senate) would also need to be taken into account, as would the rotation of Senators requirement in section 13 of the Constitution.

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In terms of the words “until the Parliament otherwise provides”, the objectives could be achieved by a separate Act, rather than actually altering the Constitution by a referendum. An example of such an Act is the Representation Act 1983, which requires that there currently be 12 Senators for each State. Another relevant provision is section 39 of the Commonwealth Electoral Act 1918 which deals with how Senators for Queensland are to be chosen.

The current situation is that instead of across the State, the Senators are overwhelmingly based in the capital cities, exacerbating rather than tempering the mandate of the House of Representatives, can be resolved without the need for a referendum. So the purpose of this submission is to inform the Inquiry that what is required is the will of the Parliament by a vote of its Members and Senators to remedy the anomaly I have spelt out above.

In “Weatherboard & Iron – Politics the bush and me”, I wrote:

Parallels between America and Australia allow Australians to borrow from America's undoubted successes, while hopefully avoiding its mistakes. We tend to date our European epoch in Australia by the arrival of the First Fleet in 1788, and so Australia turned 230 this year. Putting aside Leif Erikson's aborted colonisation attempts, the US would be approaching 400 years since the arrival of the Mayflower and the first sustained English settlement. In 1850, America was 230 years old, the same as Australia today. The 1850 census counted America's population at 23.2 million. The ABS estimate Australia's population at nearly 25 million people today.

Australia's constitution borrowed heavily from the earlier American version, including the establishment of a states' house, in place of Westminster's House of Lords. In the US, each state has two senators regardless of population, which gives a distinct regional franchise to American elections. By 1850 in America, thirty states had joined the union for its 23.2 million people, while Australia has just six states, the same as at Federation. This would not be such an issue if our senators were spread throughout our country, but they are not. If senators have political power then we should not have twelve senators per state, as they overwhelmingly, and at times exclusively, come from the state capital. Instead we should have two senators per region, or more states. If New York has just two senators why does Perth have eleven and the Kimberley one?

No region within a State should be larger than 30% of the land mass of that State and no urban basin of a capital should be more than one region. If the argument is that there is only a small population in that area, then that in itself is a reflection of the unresolved national problem of the lack of dispersion in our nation. A problem that should be resolved somewhat by greater political representation. In any regard, no region would be electing a Senator on the ludicrously low numbers that we have had in the past.

For Indigenous Australia, in my area they call themselves Aboriginal, we could have a huge step forward in reconciliation by making these new borders of the Senate regions to be delineated by a combination of First Nation areas and taking into account the Constitutional requirements that the Senate region could not cross a State border. A number of Senate regions would likely be represented by Indigenous Australians as they would be a large proportion of the constituents of that Senate region. This would give Indigenous Australians a real and powerful voice in Australia's Parliament. Senators from the Gulf, Kimberley, Western NSW and other areas would be very likely to have Indigenous representatives and it would be essential to be conversant with Indigenous issues to be a politically viable candidate from these regions. The Senate regions could be named after Indigenous First Nation lands or as otherwise desired by the Indigenous people to balance off the fact that so much of our political nomenclature is named after British traditions prevalent in previous centuries.

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Having half of the Senate regions in the State electing their six Senators in one election and the other half of the regions electing their Senators at the next, allows the half total Senator rotation to continue. This is just as pertinent as the current process by which half of a party's nominated Senate candidates stand at one election then the other half as nominated stand at the next election. Two Senators per region would allow a good candidate of either a major party or minor or an independent to be elected. A major difference to the current situation would be that it would require a direct relevance in the advocacy by the Senator to their region. As an example, one Senator would be elected, with 40% of the primary, the second in the region with say 30% with the rest of the vote exhausted. 30% of the vote is quite attainable for a good candidate of any leaning or political type.

The political parties could manage the transition by grandfathering Senators to an allocated region. Naturally enough it would be up to the Senate regions whether they voted for them. The Senators would have to transition to a concentration on direct constituent advocacy rather than social or philosophical issues which in some instances are the total occupation of many Senator's current political purpose. If a Senator is in the first position on a major party's ticket they are never really under any political threat and can act as such.

It goes without saying that some Senators would be bitterly opposed to any changes to what a former Senate colleague of mine called "the best club in Australia". Those disconcerted should reflect that House of Representative seats are abolished, redistributed and go before the voters twice as often as the Senate. Political office is an honour, not an entitlement.

Politics by its very nature is precarious and the average tenure of a Federal politician is around eight years, many get only one term of three years. I am now the longest serving Member of The Nationals at a Federal level in my 15th year in Parliament which is merely one indicator of tenure. Any changes really only affects a small number of current politicians, and even for those only for a brief part of their working career.

I have not heard from the Senate as a body any statement that it believes there is any problem in the current scheme of arrangement and absolutely no suggested solution. It is highly improbable that they will drive change as it possibly affects their current place of residence.

It is however the Parliament as a whole that has to rearrange how it represents the whole of Australia in its Parliament. The current path Australia is on leads to a vast swath of land in comparison to the capitals being not only geographically disenfranchised but also currently, proportional to the capital cities, politically disenfranchised when we take into account where the Senators are based.

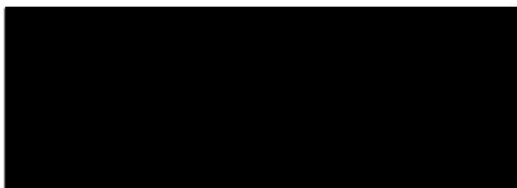
Currently, the political frustration is being reflected in a more febrile nature in the politics of the Senate and House of Representatives in regional seats. The strong vote for third parties and independent candidates is a statement that if the process of representation is not adjusted they will change the representative.

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I don't wish to be too theatrical, but it takes true political courage and vision to make this substantial political difference. This nation has to, as a whole, better develop the inherent potential of its geographic parts. The better future described by this submission is essential to deliver the representation of all corners and the Australians who live there, across our vast continent.

Yours sincerely



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Federal Member for New England