

Malcolm Mackerras AO

[REDACTED]
23 June 2020

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

Dear [REDACTED]

The Commonwealth Electoral Amendment (Ensuring Fair Representation of the Northern Territory) Bill 2020 should be rejected. Let me explain why I take such a view.

I am proud of a distinction that I have which is shared with no other person. I have the letters AO after my name. That is not unusual. The Committee will receive submissions from others who have the letters AO after his or her name. What makes me unique is that the citation for my AO refers to my "commitment to reform and improvement of the electoral system". No other analyst can make such a claim.

I believe that the main reason for my distinction is that my electoral reform proposals have always been principled and party blind. I take the view of the parties that what is sauce for the goose is also sauce for the gander. That is why people take me seriously when I claim to stand on the moral high ground.

Therefore, I invite members of the Committee to read the November 2003 report of the Joint Standing Committee on Electoral Matters titled *Territory Representation: Report of the Inquiry into Increasing the Minimum Representation for the Australian Capital Territory and the Northern Territory in the House of Representatives*. I

invite members to notice Appendix A on page 69 which lists the 28 submissions received. Mine was the first received.

That inquiry was essentially the same as this one. For that reason, I quote page 3 under the heading “The Tollner Bill”:

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”) . . . 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 Northern Territory and the Australian Capital Territory at each general election.

On pages 55 and 56 of that report my submission is quoted this way under the heading 7.2:

One submission to the inquiry strongly opposed increasing the minimum number of House of Representatives seats for the Territories. Associate Professor Malcolm Mackerras argued that such a proposal should be rejected as a matter of principle. He argues that the current formula for determining Territory representation entitlements in the House of Representatives is consistent with the process – as set out in the Constitution – for determining State entitlements to seats, and should be retained.

I appeared before the Committee on Monday 18 August 2003. My clear memory is that I made the statement that democratic principle requires the implementation of the precept: “let the chips fall where they may”. Senator George Brandis said he understood the idea but wanted to know what would be my attitude towards the adoption of a principled formula that chanced to have the effect of giving the Northern Territory two seats where the operation of the then formula gave just one seat. I said: “that would be okay by me.” That is exactly what was done, giving us the present formula. Note, however, that the Tollner Bill was rejected. Nothing has happened since 2003 to suggest that the idea

of the Tollner Bill is any more democratically respectable today than it was then.

Present Generosity Towards the Northern Territory

Before I indicate the kind of new “principled formula” I would accept I want to elaborate on my theme which is this: in the present 46th Parliament the Northern Territory is treated very generously indeed.

To understand my argument, members of the Committee are invited to examine my Appendix showing details of the redistributions implemented during the 44th Parliament and the 45th Parliament.

Let me note that the Northern Territory enrolment quota was only 64,786 electors. It just so happens that the Northern Territory was the first of six jurisdictions to have had federal redistributions during the life of the 45th Commonwealth Parliament. Its final report was published in February 2017. In November 2017 Tasmania had its report published. Queensland’s report was published in March 2018. For Tasmania’s five divisions the quota was 75,014 and for Queensland’s 30 divisions it was 103,203. Then there was a redistribution for the Australian Capital Territory completed in May 2018 and its quota was 96,115 for its three divisions. Then there was a redistribution for Victoria published in June 2018 and its quota was 106,954 for its 38 divisions. These statistics underline the extent to which the Northern Territory is favoured compared with every other jurisdiction.

At the May 2019 federal general election for the House of Representatives the average enrolments for electoral divisions was 69,680 for the Northern Territory, 77,163 for Tasmania, 98,616 for the ACT, 102,891 for Western Australia, 108,763 for Queensland, 110,107 for Victoria, 112,648 for New South Wales and 121,082 for South Australia. The lowest enrolment in the whole of Australia was in Solomon at 69,336 and the second lowest was in Lingiari at 70,023. To the immediate south of Lingiari lies the South Australian Division of Grey. Its enrolment was 119,949 and its area is 908,596 square kilometres, being 92 per cent of the South

Australia's area. Let me remind readers that the area of Solomon is 191 square kilometres.

An Alternative Principled Formula?

It is clear from the above that the treatment of the Northern Territory at present is very generous indeed. Would a reduction to one member of the House of Representatives be unfair? I think not. Would I accept a principled alternative formula that would produce two seats? Yes, and no. I would accept such a formula only if it did not weaken the entitlements of New South Wales, Victoria, Queensland and Western Australia. I say that because they are the disadvantaged states at present.

The fact is that the Northern Territory presently has four voices in the Commonwealth Parliament – two senators and two members of the House of Representatives. What are the number of voices for the other jurisdictions? There is a simple answer: 59 for New South Wales, 50 for Victoria, 42 for Queensland, 28 for Western Australia, 22 for South Australia, 17 for Tasmania and five for the Australian Capital Territory.

I do not have the latest population statistics – but there is no reason why I should not use those for the August 2017 determination. These are the numbers of people for each federal parliamentarian: 132,166 for New South Wales, 124,885 for Victoria, 116,279 for Queensland, 91,709 for Western Australia, 83,851 for the ACT, 78,044 for South Australia, 61,878 for the Northern Territory and 30,532 for Tasmania.

Those numbers show clearly that the Northern Territory is the second most privileged jurisdiction at present. But what if it had only three federal parliamentarians to speak up for it? The number would rise to 82,504. It would then be on a par with South Australia and the Australian Capital Territory. That clearly shows the extent of the disadvantage suffered by the four most populous states. That is why I say I would not accept a formula which weakened the entitlements of New South Wales, Victoria, Queensland or Western Australia.

The Northern Territory is *generously* treated at present. It would be *fairly* treated if there were only one Northern Territory member of the House of Representatives. Let the chips fall where they may.

Please reply by e-mail for which my address is as follows:

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Kind regards

Yours sincerely

Malcolm Mackerras

Appendix: Redistributions Implemented During the 44th and 45th
Commonwealth Parliaments

This table gives the number of Australian electors enrolled at each most recent redistribution. During the 45th Parliament the implementation of these redistributions ranged from early 2017 to late 2018.

State/Territory	Number of Members	Enrolment	Quota	Date Redistribution Began
Northern Territory	2	129,571	64,786	15 October 2015
Tasmania	5	375,072	75,014	1 September 2016
Western Australia	16	1,504,413	94,026	1 December 2014
Australian Capital Territory	3	288,346	96,115	4 September 2017
Queensland	30	3,096,104	103,203	6 January 2017
New South Wales	47	4,863,593	103,481	1 December 2014
Victoria	38	4,064,258	106,954	4 September 2017
South Australia	10	1,195,038	119,504	4 September 2017
Total/Average	151	15,516,388	102,758	

