

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

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10 July 2020

To the Committee Secretary,

Re: AMSANT Submission to the inquiry into the *Commonwealth Electoral Amendment (Ensuring Fair Representation of the Northern Territory) Bill 2020*

Thank you for the opportunity to provide a submission in response to the *Commonwealth Electoral Amendment (Ensuring Fair Representation of the Northern Territory) Bill 2020*.

The Aboriginal Medical Services Alliance NT (AMSANT) is the peak body for Aboriginal Community Controlled Health Services (ACCHSs) in the Northern Territory (NT). AMSANT has been established for over 25 years and has a major policy and advocacy role at the NT and national levels. Our 26 members are located right across the NT from Darwin to the most remote areas. The ACCHSs sector is the largest provider of primary health care to Aboriginal people in the Northern Territory. ACCHSs deliver comprehensive primary health care in an integrated, holistic, culturally secure framework which combines a population health approach with primary health care service delivery; in addition, ACCHSs are also involved in diverse health research activities. AMSANT provides guidance and advocacy on a wide range of research, public health issues, education, workforce, continuous quality improvement programs, social and emotional wellbeing, housing and other determinants of health that affect NT Aboriginal people. AMSANT has high level collaborations with the NT and Commonwealth Governments on these issues.

AMSANT supports the intent of the Commonwealth Electoral Amendment (Ensuring Fair Representation of the Northern Territory) Bill 2020 that seeks to provide certainty that the Northern Territory (NT) will continue to be represented in federal Parliament by at least two members of the House of Representatives.

In summary, AMSANT supports this Bill on the grounds that:

- Aboriginal Territorians have the right to fully participate in the electoral process
- A gap still exists whereby Aboriginal Territorians are not participating in the electoral process at the rate of non-Aboriginal Australians
- Barriers to participation include:
 - Remoteness
 - Under-resourcing of the Australian Electoral Commission (AEC) limiting their ability to effectively operate in the NT

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- Incompatibility of the Federal Direct Enrolment and Update system with remote area addresses, leading to significant under-enrolment of eligible voters
 - Any decrease to the NT's federal representation will further disempower Aboriginal Territorians and must be prevented.

The United Nations Declaration on the Rights of Indigenous Peoples sets out that Indigenous peoples have the right to full participation in the political, economic, social and cultural life of the state (UN General Assembly, 2007). This has not always been the case in Australia, where it is only in recent history that Aboriginal people have held the same enrolment and voting rights as other Australians with the extension of compulsory enrolment and voting requirements granted to Aboriginal people in 1984 (Commonwealth of Australia, 2009).

Less than 40 years later, a gap still exists between Aboriginal peoples' participation in Australia's democratic system and that of other Australians. AMSANT believes that any move to reduce the NT's representation in our nation's parliament will only serve to widen this gap.

The NT has particular characteristics that make it unique as a jurisdiction. Thirty percent of the NT population is Indigenous (Aboriginal and/or Torres Strait Islander) which, as a proportion, is ten times greater than the overall proportion of Indigenous people in Australia (3.3%) and around six times greater than the states with the next highest proportion of Indigenous people (Tasmania, at 5.5% and Queensland, at 4.6%) (ABS, 2018).

Furthermore, Aboriginal people in the NT are more likely to live in remote and very remote areas compared with the distribution of Aboriginal people across the rest of Australia. In the NT, more than three-quarters (78%) of Aboriginal people live in remote areas compared with 24 percent of the non-Aboriginal population (ABS, 2019).

Australia's democratic system is premised on the principle of 'one vote, one value' however this fails to recognise the barriers faced by Aboriginal Territorians to even reach the point of accessing their right to 'one vote'. The historical lag in Aboriginal people being granted their rights to participate fully in Australia's political system is further compounded by remoteness which has resulted in a significant proportion of eligible Aboriginal citizens in the vast NT electorate of Lingiari not fully utilising their right to vote (Sanders, 2019).

This admission was made by the Australian Electoral Commission (AEC)'s NT manager, who remarked that "if you live in a remote part of the Northern Territory, you are almost half as likely to vote as an elector in an urban area, and if you do vote, you are twice as likely to vote informally." (Commonwealth of Australia, 2009).

That there is a significant number of eligible electors missing from the NT's electoral roll was noted in late 2019 by the NT Electoral Commissioner, who pointed to approximately 25,000 people missing from the electoral roll, of which 16,000 are estimated to be Aboriginal (NTEC, 2019; AEC, 2019). This shows a significant undercount of the NT's eligible electors.

AMSANT notes the concerns raised over the past years by many people, including the current Member for Lingiari The Hon Warren Snowdon MP, that the under-resourcing of the Australian Electoral Commission has contributed to the NT's low levels of voter registration, turn-out and participation. In 2017 the AEC significantly reduced its physical footprint in the NT by relocating all but three of its officers from Darwin to QLD (Snowdon, 2017). This has no doubt contributed to the

ability of the AEC to effectively support the electoral participation of Aboriginal Territorians across remote areas of the NT.

Another barrier that has disproportionate impact on remote Aboriginal Territorians is the system by which electors are added to the electoral roll. The Federal Direct Enrolment and Update (FDEU) system is largely redundant across remote areas of the NT as it relies on the elector's address meeting certain requirements which are not compatible with the postal delivery system across remote areas of Australia – including the NT – where the majority of people collect their post from post offices rather than it being delivered. This is reflected in the unequal rates of growth in the electoral roll between eligible Indigenous and non-Indigenous Australians (Commonwealth of Australia, 2018).

Against this significant evidence of systemic factors contributing to the underrepresentation of NT Aboriginal people in their participation in the electoral process, the AEC's determination adds insult to injury through a calculation process that further disproportionately impacts the NT by rounding down the NT's calculated quota from 1.43 to 1 – effectively negating the right to equal representation for one third of the Northern Territory's population.

However, it also needs to be taken into account that there is an estimated undercount in the NT for the 2016 census of 5% or 12,346 (ABS 2018). The latest population figures¹ released this week, show the combined NT, Christmas and Cocos Islands population at 249,799. Adding the missing 12,346 brings the total to 262,145, or 1.52 of a quota. On this reckoning, a fair outcome would be to **round up** the NT's quota calculation and maintain the NT's two House of Representatives seats.

Further evidence of disproportionate impact on the NT is provided by the constitutionally enshrined arrangement for Tasmania that guarantees it five House of Representatives seats. This means that with a population of just 537,012, Tasmania has five seats – at an average of 107,402 people per seat – as opposed to the current proposal that the NT will have only one seat for 262,145 people, or 2.5 times the population per seat. This is in addition to the starkly different areas of the electorates, with the NT covering an area almost 20 times that of Tasmania – 68,401 square kilometres for Tasmania and 1,347,791 square kilometres for the NT, including some of the remotest parts of the continent, as well as the remote Indian Ocean territories of the Christmas and Cocos Islands.

Indeed, it would be impossible for a single representative to adequately represent the gargantuan, complex electorate that is contemplated in the AEC's determination. Were this determination of the AEC to prevail, then it would be difficult not to perceive as the Commonwealth thumbing its nose at the Northern Territory and its citizens as well as those of Christmas Island and the Cocos Islands.

Fortunately, precedent exists for redressing inequities, such as those that the AEC's formula introduces, in the electoral arrangements for the Commonwealth. Such precedent is consistent with the current bill that seeks to ensure there are *at least two* representatives for the NT.

AMSANT urges the Committee to consider the many factors that contribute to the underrepresentation of Aboriginal people in their participation in Australia's democratic system and the unfair and disproportionate impact that the AEC's redistribution will have on the Northern Territory. By legislating that the Northern Territory is represented by *at least two* members in the House of

¹ <https://www.legislation.gov.au/Details/C2020G00521>

Representatives a safeguard is provided for the voice of remote Aboriginal Territorians that would otherwise be muted by administrative flaws.

AMSANT therefore provides strong support of this bill and believes that any decrease to the NT's federal representation will only serve to further disempower our people. This must be prevented at all costs.

To discuss this submission further, please contact:

- Dr David Cooper, Manager Research Advocacy Policy, on 08 8944 6649 or by email david.cooper@amsant.org.au

Yours sincerely,

A handwritten signature in black ink, appearing to read 'John Paterson', with a long horizontal flourish extending to the right.

John Paterson
Chief Executive Officer

References

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