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To the Committee Secretary,

**Submission to the Joint Standing Committee on Electoral Matters Inquiry Into the Commonwealth Electoral Amendment (Ensuring Fair Representation of the Northern Territory) Bill 2020**

I write on behalf of the Central Land Council to express our strong support for the Commonwealth Electoral Amendment (Ensuring Fair Representation of the Northern Territory) Bill 2020. The intent of the Bill is to ensure a minimum of two Federal House of Representative seats for the Northern Territory (NT) to ensure adequate representation for our relatively small but diverse and widely spread population. The Central Land Council (CLC) welcomes this opportunity to provide this submission to the Joint Standing Committee Inquiry.

**Background**

CLC is a Commonwealth corporate entity established under the Aboriginal Land Rights (Northern Territory) Act 1976 ('ALRA'). Amongst other functions, it has statutory responsibilities for Aboriginal land acquisition and land management in the southern half of the NT. The CLC is also a Native Title Representative Body established under the Native Title Act 1993 ('NTA'). Pursuant to the ALRA, more than 50% of the NT and more than 85% of the NT coastline is now held by Aboriginal Land Trusts on behalf of traditional owners. A further 253,886 square kilometres of land and water is also held under native title. The CLC region covers approximately 780,000 km<sup>2</sup> of land, and 417,318 km<sup>2</sup> is Aboriginal land under the ALRA.

In addition to these functions, the CLC administers a range of programs for the benefit of our constituents in relation to environmental management, community development, governance, cultural heritage and customary practices. Through our elected representative Council of 90 community delegates the CLC represents the aspirations and interests of approximately 24,000 traditional landowners and other Aboriginal people resident in its region, on a wide range of land-based and socio-political issues.

Our argument for supporting the **Commonwealth Electoral Amendment (Ensuring Fair Representation of the Northern Territory) Bill** rests on a number of key points:

1. Electoral representation of Northern Territory residents' interests is complex and challenging. The Northern Territory is home to a diverse mix of people with different languages and cultures including the highest proportion of Aboriginal residents (30%)<sup>1</sup> of any other Australian state or territory. NT residents live in varied physical environments from the coastal country in the north to the desert environment in the south. Within those extremes, the NT population is spread

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<sup>1</sup> ABS, 2016

across urban, regional, remote and very remote settings. In the NT, there are also more than 100 different Aboriginal languages and dialects spoken<sup>2</sup>. Ensuring equitable and meaningful representation in this context is a considerable challenge, improved to a degree with the establishment of the two seats of Lingiari and Solomon in 2001. To halve this representation due to a small decline in the NT's population and a consequent AEC redistribution would be unconscionable.

2. The physical area of the NT is vast, ranging from remote Aboriginal communities of Mutitjulu and Imanpa in the south to the Tiwi Islands in the north and Christmas Island and the Cocos Keeling Islands in the far north-west (approximately 3,700 km from Darwin)<sup>3</sup>. It is not feasible to think that a single representative could provide equitable representation to residents across this area whilst attending to urban electoral duties and parliamentary obligations in Canberra is ambitious at best. A return to a single NT electorate would be a backwards step and further reduce representation of Aboriginal and Cocos and Christmas Island residents who make up the majority of those living in the most remote and seasonally inaccessible locations.
3. The NT already has the lowest overall enrolment rate for Indigenous people of all jurisdictions at just 68.2%<sup>4</sup>. The situation is worse for young Territorians (18-25) who, at 67.8% have the lowest enrolment rate of any demographic in the country<sup>5</sup>. The electorate of Solomon, which covers the greater urban area of Palmerston and Darwin, has an overall enrolment rate between 90 and 95% whereas the electorate of Lingiari which is the second largest electorate in Australia, covering the rest of the NT as well as Christmas and Cocos Islands, has the highest proportion of Aboriginal residents and an enrolment rate between just 75 and 80%<sup>6</sup>. Halving representation will do nothing to improve remote Aboriginal people's engagement in electoral processes.
4. The AEC proposal to halve the federal seats in the NT is statistical exercise that does not take into account the very real challenges facing Aboriginal people living remotely with respect to accessing federal representation. Under the proposed change the sole federal member's electoral office could be hundreds of kilometers away, direct visits would be rare and many Aboriginal people would struggle to overcome their minimal experience, confidence, English language skills or technical capacity to raise important matters by phone, letter or email. It is not difficult to foresee that their belief in the relevance of the electoral system and interest in engaging in it would be severely challenged. This is supported in a 2010 article on Aboriginal voter attitudes and behavior in the remote APY lands of South Australia. The authors posit that 'it is known that abstainers tend to perceive government as unresponsive and, believing that their vote will be ignored, they abstain' (Alport and Hill, 2010)<sup>7</sup>. It is ironic that despite being the most vulnerable and marginalised sector of the NT population, with a raft of issues requiring federal resourcing and attention, remote Aboriginal people would inevitably have the least access to a sole Northern Territory MHR.
5. The CLC endorses the Aboriginal Medical Services Alliance (AMSANT) view, outlined in their submission to this inquiry, that Tasmania is far better protected with respect to federal representation than the NT. Despite having a population of 537,012 they are entitled under the

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<sup>2</sup> Northern Territory Government, 2020

<sup>3</sup> The editors of the Encyclopaedia Britannica, 2020

<sup>4</sup> AEC, 2018 [https://www.aec.gov.au/Enrolling\\_to\\_vote/Enrolment\\_stats/performance/indigenous-enrolment-rate.htm](https://www.aec.gov.au/Enrolling_to_vote/Enrolment_stats/performance/indigenous-enrolment-rate.htm)

<sup>5</sup> NTEC, 2016

<sup>6</sup> AEC, 2020

<sup>7</sup> Alport & Hill, 2010

Constitution to a minimum of five federal MHR's. If the same formula was applied to Tasmania as is applied to the NT and the ACT then Tasmania would be entitled to just three MHR's with their current population. Under the proposed redistribution for the NT the size of the electorate will jump to 247,280 which is significantly higher than the average electorate size for Tasmania of 107,402 in a State which is 20 times smaller than the NT and far less culturally and geographically diverse.

6. The NT population figure used to determine the proposed AEC redistribution reflects a modest reduction on what is generally a relatively stable population figure. This is largely a result of a net decrease in interstate migration to the NT since 2016. By contrast, net overseas migration has grown and natural population increases have remained constant<sup>8</sup>. The concept of removing seats in one jurisdiction to provide greater representation in another in response to such a minor shift in NT population is ludicrous in the current COVID-19 context. Whilst there has been in a boost in international migration to major East Coast cities and towns in recent years that situation will be shifting dramatically in response to COVID-19 border closures. It is the CLC's view that to impose changes to electoral representation during this time of great flux and uncertainty is not sensible. Adherence to policies based on statistical benchmarks denies the reality we are living in and requires far greater consideration particularly when population shifts are likely to continue. We urge the Committee to recommend that the AEC refrain from implementing proposed electoral changes until there is greater clarity about the medium to longer term impacts of the COVID-19 pandemic.

### Summary

The Central Land Council supports the position of the **Commonwealth Electoral Amendment (Ensuring Fair Representation of the Northern Territory) Bill 2020** that the Northern Territory should be entitled to no less than 2 Federal House of Representative seats. We urge the Committee to carefully consider our arguments for this position outlined above. In this year of the COVID-19 Pandemic and great uncertainty about medium to longer term population trends nationally as well as the implications of the renewed commitments to Closing the Gap mean, it is critical that all opportunities to maintain or increase representation of NT Aboriginal residents in Canberra are made. Legislating that the Northern Territory be entitled to at least two federal seats is an important and necessary step in that direction.

Kind Regards



**Joe Martin-Jard**

CHIEF EXECUTIVE OFFICER

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<sup>8</sup> Northern Territory Government, 2019

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