17. The Australian Capital Territory

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Labor always seems to perform well in the Australian Capital Territory and the 2010 election was no exception. Easily winning both seats in the House of Representatives and getting the first senator elected proved to be the usual doddle for the party. Yet there were three interesting aspects of these elections and they will be considered in turn.

The first relates to the under-representation of the Australian Capital Territory in the House of Representatives to which I referred in my past two contributions in this series on this subject. Having discussed this subject, I noticed that there would, from time to time, be redistributions of seats in the Australian Capital Territory, purely to equalise the numbers, but *not* to give the Territory the third seat to which I have long thought it to be entitled. At the conclusion of one recent chapter, I wrote: 'All of this reassures us that the ACT seats will be the biggest two at the next election in 2007. The only thing we do not know is whether it will be Canberra or whether it will be Fraser in which the poorest vote value lies' (Mackerras 2005, 239).

A redistribution took place during 2005. All it did was shift 9176 electors from Fraser to Canberra. That meant the enrolment for Canberra (on the new boundaries) at 30 November 2005 was 119 422 while that for Fraser was 109 838. By the time the 2007 election actually took place, two years later, Canberra had 122 401 electors and Fraser 116 341. So Canberra had the biggest enrolment in the country and Fraser the second biggest. In 2010 the enrolments were 124 294 in Canberra and 123 647 in Fraser. It was very clearly 'one vote, one value' between Canberra and Fraser but not between each electorate and the rest of Australia.

If we compare the Australian Capital Territory with the Northern Territory, it can be noticed that, in terms of area, the larger division is Canberra and Lingiari, respectively. The smaller is Fraser and Solomon, respectively. So, how do their numbers compare? In Canberra in 2010 the enrolment was 124 294; in Lingiari, 61 168. In Fraser, it was 123 647; in Solomon, 59 891. Bearing in mind that the area of Solomon is approximately the same as that of Fraser, such a numerical discrepancy is very difficult to justify. In the comparison between Canberra and Lingiari, the justification is better. In area, Lingiari is huge while Canberra is quite small. It is worth noting that the boundaries of Lingiari and Solomon were the same for the 2001, 2004, 2007 and 2010 elections. The same map will apply again in 2013.

One would have to say that the 2005 ACT exercise, apart from meeting statutory requirements, was a quite unnecessary redistribution. Yet something else could be said in its defence. The 2007 and 2010 ACT map is more logical than that which applied in 2001 and 2004. The boundary between Fraser in the north and Canberra in the south runs from east to west along the Molonglo River, then Lake Burley Griffin and then the Molonglo again until it reaches the ACT boundary with New South Wales. Lake Burley Griffin itself lies wholly within the Division of Canberra, as do all the buildings one associates with the seat of government: Parliament House, The Lodge, Government House and the High Court. That is appropriate.

In my opinion, however, the case for restoring the third seat in the Australian Capital Territory is as compelling as ever but is not going to be recognised by the current legislation. I mentioned previously how, during the 40th Parliament (2002–04) there was enacted the *Commonwealth Electoral Amendment Act 2004* to implement the *Report of the Joint Standing Committee on Electoral Matters*. This was a contrivance to ensure that the Australian Capital Territory and Northern Territory would each have two seats, notwithstanding that the Australian Capital Territory’s enrolment is more than twice that of the Northern Territory (see Table 17.1).

Table 17.1 Elector Numbers, Populations and Seat Numbers for the Australian Capital Territory and the Northern Territory

Territory	Electors enrolled 2010	Population 2003	Seats 2001, 2004, 2007, 2010	Seats by population 2003	Seats by electors 2010	Mackerras suggested entitlements
ACT	247 941	322 871	2	2	3	3
NT	121 059	199 760	2	1	1	2
Ratio	2.05:1	1.62:1				

Note: See also Tables 17.3, 17.4 and 17.5.

Source: Most of the above data come from Parliament of Australia (2003). Population and seat numbers can be found on page 18.

I wrote then:

The contrivance enacted by the Parliament has produced a grotesque violation of the principle of ‘one vote, one value’. If the formula now based on population were applied to elector numbers, there would be three seats for the ACT and one for the NT. The population formula actually produced two and one, respectively. The Parliament’s contrivance restores the numbers as two each. However, it would be quite easy to

devise a formula, consistent with the Constitution, which would make the numbers three and two. I have devised such a formula but lack of space prevents me from giving its details here. (Mackerras 2005, 237)

It should be mentioned that Canberra and Fraser were not the only divisions with high enrolments at the 2010 election. In Victoria, the Prime Minister's seat of Lalor had 116 976 electors while McEwen had 115 811 and Gorton 113 675. There is, however, a difference between Lalor, McEwen and Gorton, on the one hand, and Canberra and Fraser on the other. During 2010 there was a redistribution of Victoria's federal divisions. It was not completed in time to apply for the August election. It is worth noting, however, that this Victorian redistribution gives 86 830 electors to Gorton, 85 898 to Lalor and 90 003 to McEwen. In other words, in the States, regular redistributions stop electorates from becoming too bloated. In the Australian Capital Territory, that is not so.

The second interesting aspect of the ACT elections relates to the fact that both the Labor members retired. Bob McMullan was Senator for the Australian Capital Territory from 1988 to 1996. Then he was Member for Canberra from 1996 to 1998. Consequent upon the 1997 redistribution (which reduced the Territory from three to two members), he was elected to Fraser at the 1998, 2001, 2004 and 2007 elections, retiring in 2010. Annette Ellis was a Member of the ACT Legislative Assembly from 1992 to 1995 and was elected in 1996 for Namadgi, a division that existed only at that election (see Table 17.2). At the 1998, 2001, 2004 and 2007 elections, she was elected for Canberra, retiring in 2010.

Table 17.2 ACT Shares of Two-Party Preferred Votes

Election	Number of members	Labor (%)	Liberal (%)	Swing (%)
1966	1	55.8	44.2	0.9 to Labor
1969	1	71.6	28.4	15.8 to Labor
1972	1	68.0	32.0	3.6 to Liberal
1974	2	59.7	40.3	8.3 to Liberal
1975	2	49.3	50.7	10.4 to Liberal
1977	2	54.3	45.7	5.0 to Labor
1980	2	58.6	41.4	4.3 to Labor
1983	2	65.5	34.5	6.9 to Labor
1984	2	62.0	38.0	3.5 to Liberal
1987	2	63.2	36.8	1.2 to Labor
1990	2	58.5	41.5	4.7 to Liberal
1993	2	61.2	38.8	2.7 to Labor
1996	3	55.4	44.6	5.8 to Liberal
1998	2	62.4	37.6	7.0 to Labor
2001	2	61.1	38.9	1.3 to Liberal
2004	2	61.5	38.5	0.4 to Labor
2007	2	63.4	36.6	1.9 to Labor
2010	2	61.7	38.3	1.7 to Liberal

Both the successor Labor candidates (former economics professor Andrew Leigh in the safer Fraser and former diplomat Gai Brodtmann in the weaker Canberra) had no trouble winning their respective seats. Both divisions, however, produced two-party preferred vote swings to the Liberals. I attribute those swings to retirement slump. My reason for saying that is my noticing the swing against Senator Gary Humphries (Liberal) at the same election. Why would there be a swing to Liberal for the House of Representatives but against that party in the Senate election? Retirement slump is the obvious answer.

The third interesting aspect of the ACT elections relates to the Senate election. Over the years there has always been speculation about the possibility that the Liberal Party might fail to get a senator elected. Thus, in 1998 it was thought that the candidate for the Democrats, Rick Farley, might take the seat from the then Liberal Senator, Margaret Reid, while in 2004 and 2007 it was thought that the candidate for the Greens, Kerrie Tucker, might defeat Humphries. This never happened, though it should be noted that Reid was able to secure a quota in her own right in 1984, 1987, 1990, 1993, 1996 and 2001, but not in 1983, nor at her second-last election in 1998.

Humphries has now been elected thrice: in 2004, 2007 and 2010. In 2004 the quota was 70 436 votes. Kate Lundy polled 85 616 votes and Humphries 79 264. That meant the surplus votes were 15 180 for Lundy and 8828 for Humphries. The 2007 vote saw Lundy's surplus expand to 16 107 while that of Humphries contracted to 1447. The quota in 2007 was 75 108 votes. The main point, however, is that both in 2004 and in 2007 there was no need to count votes beyond the first preferences.

The interesting feature of the 2010 count is that there was a need for further counting. The first-preference votes are set out in Table 17.5 and I now give a description of the further counts. Lundy's surplus of 15 846 was distributed as follows: 14 954 went to the second Labor candidate, David Mathews, 554 went to Greens candidate, Lin Hatfield Dodds, and 182 to Humphries. The remaining votes scattered to the other candidates or were exhausted. Consequently, Humphries led the count with 75 758 votes to 51 154 for Hatfield Dodds and 16 322 for Mathews. Following the exclusion of two further candidates, Humphries had 76 485, Hatfield Dodds 51 206, Mathews 16 381, Churchill 4050, Glynn 2675 and Parris 2032.

Table 17.3 Election of Member for Canberra, 2010

Electors enrolled	124 294	Formal votes	112 156 (95.1%)
Electors who voted	117 911 (94.9%)	Informal votes	5755 (4.9%)

Candidates	Votes	%	Swing (%)
Jones, Giulia (Liberal)	41 732	37.2	+ 2.1
Ellerman, Sue (Greens)	20 816	18.6	+ 5.6
Brodtmann, Gai (Labor)	49 608	44.2	-6.9
			-0.8
Two-candidate preferred			
Brodtmann (Labor)	66 335	59.1	-2.7
Jones (Liberal)	45 821	40.9	+ 2.7

Table 17.4 Election of Member for Fraser, 2010

Electors enrolled	123 647	Formal votes	111 541 (95.6%)
Electors who voted	116 712 (94.4%)	Informal votes	5171 (2.1%)

Candidates	Votes	%	Swing (%)
Milligan, James (Liberal)	36 148	32.4	+ 1.2
Hedges-Phillips, Quintin (Secular Party of Australia)	2175	2.0	+ 2.0
Leigh, Andrew (Labor)	51 092	45.8	-5.3
Esguerra, Indra (Greens)	22 126	19.8	+ 6.5
			-4.4
Two-candidate preferred			
Leigh (Labor)	71 613	64.2	-0.9
Milligan (Liberal)	39 928	35.8	+ 0.9

Table 17.5 Election of Senators for the Australian Capital Territory, 2010

Electors enrolled	247 941	Formal votes	229 272
Electors who voted	235 271	Informal votes	5999
Senators to be elected	2	Quota for election	76 425

	Candidates	First-preference votes	Surplus votes
Group A	Lundy, Kate (Labor)	92 271	15 846
	Mathews, David (Labor)	1368	
Group B	Churchill, Darren (Dems)	3758	
	David, Anthony (Dems)	299	
Group C	Hatfield Dodds, Lin (Greens)	50 600	
	Parris, Hannah, (Greens)	1946	
Group D	Humphries, Gary (Liberal)	75 576	
	Watts, Matthew (Liberal)	887	
Ungrouped	Glynn, John (Independent)	2567	

References

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