

Northern Territory

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Occupying a sixth of Australia's landmass, stretching down in a huge rectangle from Darwin at the continent's northern tip across mainly desert terrain past Alice Springs and Uluru, the Northern Territory (NT) is nonetheless a politically small jurisdiction. With only around 1 per cent of the national population (about 244,000 people) it also includes the highest proportion of Aboriginal citizens (approximately 65,000) who make up 28 per cent of the NT's population. Two-thirds of these (in the 'bush' communities) live outside the major urban centres, in small remote settlements, often in poor conditions. With a large urban population in Darwin and surrounds, and often subject to emergencies like floods and drought, the public service delivery demands in the NT are complex and unique. The NT has a substantial public sector – currently around 24,000 full-time equivalent (FTE) employees, about a quarter of the total workforce.

Historically ruled first by a Commonwealth-appointed administrator, then later by an Executive Council, in 1978 the NT obtained self-government with its own directly elected Legislative Assembly (LA) and responsible government (Heatley, 1979) and has developed its own style of politics (Carmen, 2007). By 1982 it assumed the last of its service delivery responsibilities from the Commonwealth (Smith, 2021). The NT budget is buoyed by federal transfers, but the territory has a small and narrowly based economy – essentially resource extraction, government and tourism, with some cattle and fisheries. Government assistance to industry has tended to favour tourism and resource extraction. 'Boom and bust' cycles can occur, as recently happened while the gigantic Ichthys LNG (liquid natural gas) project was constructed. The COVID-19 pandemic also substantially affected the economy through adverse impacts on the important tourism industry.

What does democracy require of the Northern Territory's political system?

- ◆ An effective constitution that provides an anatomy of legitimate public power to: define the limits of territory governmental powers; make government accountable to the people by providing for checks and balances; and promote long-term structures.

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- ◆ Aboriginal and Torres Strait Islander peoples should be afforded full individual civil and human rights. The histories, languages, cultures, rights, and needs of Aboriginal and Torres Strait Islander communities and peoples should be addressed.
- ◆ The electoral system for the single house, the LA, should accurately translate parties' votes into seats in ways that are recognised as legitimate by most citizens. Ideally, the voting system should foster the overall social representativeness of the legislature. Elections and the regulation of political parties should be impartially conducted, with integrity.
- ◆ The political parties should sustain vigorous and effective electoral competition and citizen participation. They should enable the recruitment, selection and development of political leaders for territory government; formulate viable policy agendas and frame political choices for NT functions; and form governments or, when not in power, hold governments accountable. Political parties should uphold the highest standards of conduct in public life.
- ◆ The LA should normally maintain full public control of government services and territory operations, ensuring public and parliamentary accountability through conditionally supporting the government, and articulating reasoned opposition, via its proceedings. It should be a critically important focus of NT's political debate, operating to include a plurality of viewpoints and subject a government to effective checks on its power.
- ◆ The NT government should govern responsively, prioritising the public interest and reflecting territory public opinion. Its core executive (the chief minister, ministers and key central departments) should provide clear unification of public policies across government, so that the territory government operates as an effective whole. Both strategic decision-making within the core executive, and more routine policy-making, should foster careful deliberation to establish an inclusive view of the 'public interest'.
- ◆ The core executive and government should operate fully within the law, and the chief minister and other ministers should be effectively scrutinised by and politically accountable to parliament. Ministers and departments/agencies must also be legally accountable to independent courts for their conduct and policy decisions. In the wider NT public service officials should act with integrity, in accordance with well-enforced codes of conduct, and within the rule of law.
- ◆ The administration of public services should be controlled by democratically elected officials so far as possible. The rights of all citizens should be carefully protected in policy-making, and 'due process' rules followed, with fair and equal public consultation on public service changes. By uniting what are normally state and local government functions, NT governance should be holistic. Public services, contracting, regulation and planning/zoning decisions should be completely free from corruption.
- ◆ At the Commonwealth level the NT government should effectively and transparently represent its citizens' interests to federal government.

The chapter begins by covering some recent developments in the NT's electoral and party politics and looking at its COVID-19 experience. A SWOT analysis (covering strengths, weaknesses, opportunities and threats) then considers the main aspects of governance that bear on the quality of democracy within the NT. After the SWOT, three enduring aspects of NT governance are considered in greater depth – strong government, relations with the federal

government, and lastly some chronic defects in NT's democratic operations.

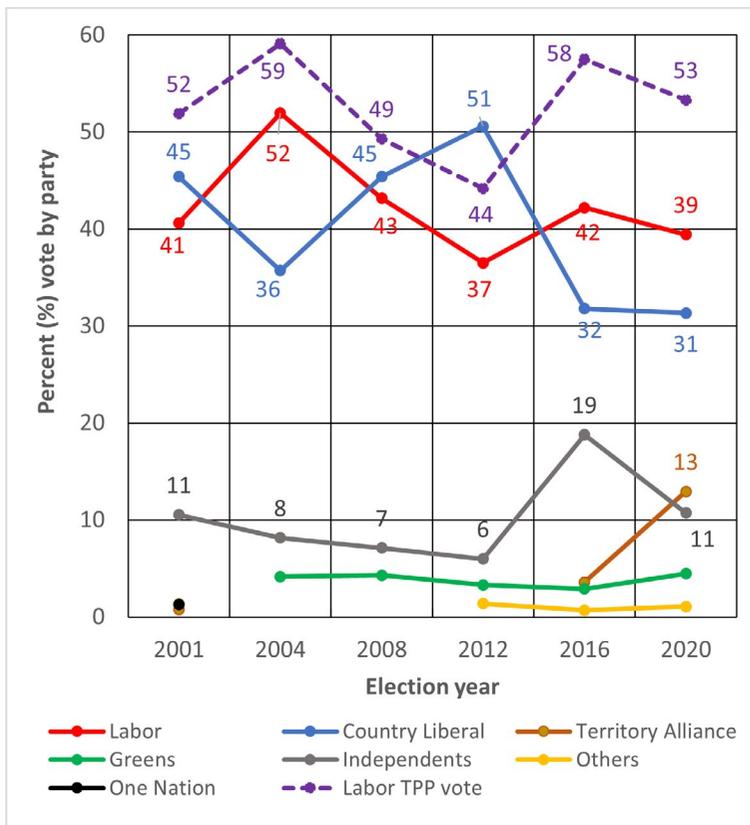
Recent developments

Subnational governance in Australia is shaped mainly by political and government practices in states. But in territories there is also vigorous party competition at elections (covered first here) and substantial policy responsibilities for governments, as the COVID-19 episode demonstrated.

Elections and party politics

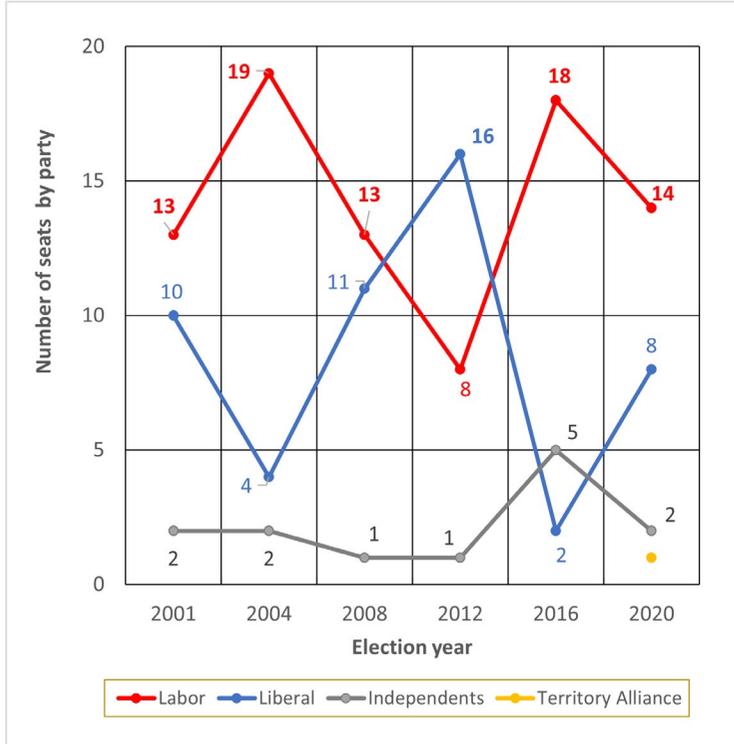
The LA is a unicameral (one chamber) legislature elected every four years in single seat districts allocated in a population-proportional way (with around 5,000 voters in each area). Voting uses the Alternative Vote (AV) system with full preference numbering across all candidates. If no one wins outright majority support, the votes for the least popular candidates are redistributed in accordance with second or third preferences, with a two-party preferred vote (TPP) at the final counting stage. As elsewhere, this system favours the top two parties, Labor and the Country

Figure 23.1: Primary votes shares (%) won by parties in the Northern Territory Legislative Assembly, and the Labor TPP vote, 2001–2020



Source: Compiled from data in Northern Territory Electoral Commission (2023) 'Past Legislative Assembly elections', (NTEC, 2023).

Note: TPP = two-party preferred vote, at the final stage of the AV system's vote-counting.

Figure 23.2: Seats won by parties in the Northern Territory Legislative Assembly, 2001–2020

Source: Compiled from data in Northern Territory Electoral Commission, (2023) 'Past Legislative Assembly elections', (NTEC, 2023).

Note: The Legislative Assembly has 25 members, so a party with 13 or more seats has a majority.

Liberal Party (CLP) (as they are termed in the NT – see Smith (2011 and 2021)). Electoral contests are relatively stable, featuring vigorous contests for votes dominated by these two parties through this century (Figure 23.1) After each election, one of the two formed a government in their own right, with no coalitions (Figure 23.2).

How democratically have elections operated? Normally, the AV election has allocated most seats to the same party that wins the TPP vote, but in 2008 Labor won a narrow majority of one seat despite being slightly below the CLP in the TPP at the last stage of the AV counting process (see Chapter 5). Far more serious, however, is the capacity of the system to exaggerate the largest party's seats total (and under-represent the opposition) where one party wins the TPP contest decisively. For instance, after the 2016 election, the CLP was reduced to just two members in the LA, despite having won over one-third of the primary (first-preference) votes. Independents have been a feature in the LA since strong local reputations can attract enough voters to win. The current LA has two independents, one an Aboriginal Member of the Legislative Assembly (MLA) for Mulka in north-eastern Arnhem Land. The persistence of independents is long-term. Most parliaments since self-government have had at least one independent (most often a CLP defector).

The AV system has prevented third or fourth parties with more evenly spread support winning any seats. The Greens have recently achieved a consistent but non-growing third-party status, while a series of micro-parties have risen and fallen, often within one electoral cycle. In the 1980s, there was a National Party attempt (led by former CLP Chief Minister, Tuxworth) to penetrate the Labor-CLP duopoly – but it failed to make an impact. However, Sanders (2020, p.596) argues that the relative success of independents in winning seats:

has reflected a continuing strong two-party system, not a weakening one. Six

of ten successful independents in NTLA elections have been ‘splitters’ from the Country Liberal Party in times of intra-party turmoil. Their subsequent electoral success as independents in divisions previously very safe for the CLP leads to the hypothesis ... that independents succeed in electoral divisions where one major party attracted twice the votes of the other or more.

Other political scientists agree on such effects under first past the post (FPTP) voting (as in the USA, UK and India) if one party has more than 68 per cent support – here, even when the top group A splits evenly in two, the top faction A1 would still defeat the opposition group B (Dickson and Sheve, 2007). In Australia’s AV system this kind of split is feasible at much lower levels of support (for example, 58 or 60 per cent), since the largest faction of the dominant grouping A1 can expect to pick up most second preferences from the smaller faction A2 after any split. Partly because of such ‘safety valves’ for two-party dominance, the current system seems to have had the support of the voting public. Only isolated voices have called for creating multi-member electorates or for introducing proportional voting.

The NT selection system ensures that the biggest population centre, the greater Darwin-Palmerston area, provides 15 of the 25 members of the LA. Trends in public opinion there have usually decided the election. In only one election since 1978 has the party with the most Darwin area seats failed to form/retain government. That was in 2012, when the ‘bush’ (Aboriginal) seats temporarily swung to the CLP. This urban preponderance (when we include the two seats in Alice Springs and the seat in Katherine) has some potentially undemocratic implications (explored shortly).

Concerns have also been raised that the small scale of single member seats contributes to the ‘capture’ of MLAs by civil society interests in their area. In the 1980s, the CLP government began subsidising sports and ethnic groups. This led to a plethora of ethnic community halls that has remained a feature of Darwin. At that stage, there was little difference between policies in the NT and the other states (except, perhaps, for the funding of community halls). In addition, some social welfare advocacy groups received establishment grants, basically so they could more effectively compete for Commonwealth program grants.

In the 21st century, this system expanded to include a wide range of pressure groups. It began with the Martin Labor Government providing an administrative grant to the Amateur Fishermen’s Association. Administration grants to civil society groups are now common. Consequently, subsequent NT governments have spent over A\$80 million on constructing boat ramps for amateur weekend fishermen in the last decade, as well as instituting the closure of several river estuaries to professional fishermen – two examples of ‘Darwin-centric’ policies.

Most NT citizens seem to have decided that this kind of ‘civic capture’ has not been a serious rein on NT democracy. Like the Vicar of Bray, the leaders/managers of all the beneficiary associations cheerfully refrain from criticising whatever government is in power, and so the chief consequence of the phenomenon may be widespread cynicism and some impoverishment of public debate. However, some adverse democratic implications of this system were exposed in 2020, when a vice president of the Chamber of Commerce was obliged to resign because of his hostile attitude to the Gunner Labor government. It was revealed that the Chamber also received an administration grant from the government.

Policies in the COVID-19 pandemic

The NTs relative isolation makes it difficult to reach except by air or sea, and this proved to be an advantage during the COVID-19 pandemic. Tourism was badly hit in 2020–2022 by visitor

restrictions but other industries were not. Cases reached nearly 106,000 by April 2023, but with only 91 deaths ([NT Health Department, 2023](#)). The Labor government was re-elected in 2020 partly on its early record of handling the pandemic onset. Subsequently, vaccination campaigns proved successful, reaching 95 per cent for the first two doses, and 76 per cent for three. Rates in remote communities were significantly lower but still reached above 80 per cent. The NT was relatively quick to reopen to tourists and visitors in 2022.

Strengths, weaknesses, opportunities and threats (SWOT) analysis

Current strengths	Current weaknesses
<p>The LA is elected by the AV system in single member seats, with voters having to number all candidates in preference order. At most elections, the largest number of seats went to whichever of the top two parties won the TPP vote.</p>	<p>The AV system has tended to accentuate (rather than mitigate) the seats advantage of the largest party – on occasion making an effective opposition difficult and sometimes almost impossible (for example, in 2016–2020).</p>
<p>In any liberal democracy, effective government requires the aggregation of and choice between interests and policies. Therefore, strong governing party cohesion in the Labor Party and the CLP has generally been accepted by NT public opinion as a necessary democratic price to pay for effective government.</p>	<p>As in other Australian jurisdictions, the operations of the LA have been limited by the robust use of their majorities by governments to secure their policy and political agendas. Outright majority control is the norm in NT politics, with only a few independents supplementing the top two parties' MLAs (see Figure 23.2). Therefore, modern, disciplined party systems have sometimes circumscribed parliamentary debate.</p>
<p>NT politicians are closely responsive to constituents' needs, thanks to the small size of electorates (around 5,000 voters each). Close contacts between MLAs and their constituents have accentuated MLA's incentives to deliver on seat-specific gains in their area.</p>	<p>The attractions of 'local pork' benefits have created many grants or infrastructure given to sporting clubs.</p> <p>Conventional party politics exhibits an 'urban bias', partly because of the major electoral predominance of Darwin and a few other towns in deciding election outcomes, given the broadly population-proportional distribution of MLA seats. Higher turnouts by urban citizens and party organisations and media coverage focused in the same areas accentuate this effect.</p>

<p>Aboriginal people have won some representation in the LA under the single member contests with AV. The NT government has made some steps to better integrate its many Aboriginal citizens within policy-making.</p>	<p>Aboriginal involvement in conventional politics has historically been low, with much diminished turnout at elections and little presence in party organisations, as candidates or as elected MLAs. Conditions in some bush communities are poor and chronic problems with high unemployment, alcohol abuse, male violence and high incarceration rates for Aboriginal men have not ameliorated, despite extensive federal government involvement.</p>
<p>Most party campaigning has been ‘responsible’ in its handling of ethnic tensions between Aboriginal people and others, with the major parties competing to offer viable alternative visions of NT governance priorities.</p>	<p>Some electioneering around youth and crime issues and about how Aboriginal communities have been run has exacerbated ethnic tensions at times.</p>
<p>The NT public service is competently run and has not faced significant corruption problems.</p>	<p>Attracting talent to the NT public service has been difficult, and its operations are mostly located in major urban areas. Some administrative processes may cause unspent funding intended for bush areas to be ‘clawed back’ and spent in more populated places.</p>
	<p>The centralisation of functions within NT public services has eroded the capability of local governments (especially ‘bush’ local governments) to carry out significant functions.</p>
<p>Future opportunities</p>	<p>Future threats</p>
<p>Had the 2023 Voice referendum not failed, the renewed national impetus towards recognition of an enhanced voice for Aboriginal peoples under the Albanese Labor government at federal level might have helped renew the impetus for change in NT, which has far and away the largest proportion of Aboriginal citizens.</p>	<p>Partisan divisions on ways to progress Aboriginal people’s involvement nationally may acquire adverse extra salience in the NT context, increasing social tensions.</p>
<p>Even an upper house in the NT would be unlikely to change the fact of strong governing party control of the legislature or to foster more genuine processes of legislative review – unless its electoral system was likely to produce minor parties or independents holding the balance of power in the upper house.</p>	

The chapter now examines executive-legislature relations in the NT in more detail, then its relations with the federal government, and lastly four main defects in the democratic quality of the NT’s governance arrangements.

The executive, Legislative Assembly and policy-making

A key requirement of an effective democracy is a responsive and responsible executive arm with an effective bureaucracy, and machinery for converting political inputs from voters and interest groups into effective policy. As elsewhere in Australia, policy is made by ministers deciding in cabinet and affirmed or legislated for in the LA. Parliamentary debate has been vigorous and well-reported in the still reasonably strong NT media. Therefore – if they wish to be – citizens can be well-informed about both state and local issues.

The NT's legislature is as effective as any other in Australia, although it is dominated by the executive, which maintains formal control over government services and operations. The LA began its life with the expectation that its practices and procedures would be 'Westminster system' in tone, in effect operating in the same way as the older Australian subnational legislatures. The CLP easily won the first self-government election in 1978, and its MLAs appointed the chief minister and supported their government so that a majoritarian parliamentary orderliness became the norm. The new legislature also copied other states' practices by establishing a standard array of legislative committees – for example, a Standing Orders Committee and a Legal and Constitutional Committee. Opposition MLAs complained of what they saw as scandals – such as the misuse by government members and senior civil servants of official credit cards, and ministers' executive actions being overturned in the courts. But these complaints were defended as unexceptional by the government majority in the LA. Over time, some additions were made to the oversight by the legislature, including a procedure requiring MLAs to register interests, again following other states' initiatives. The NT has not had any register of lobbyists, making it the only Australian jurisdiction without one. In 1992, the Perron Government was grappling with a growing budget deficit and introduced an Estimates Committee, though this eventually languished.

Oppositions in the LA have usually decried the government's lack of transparency and accountability and sometimes when they come to occupy the Treasury benches the new ministers may introduce corrective measures. Two periods of consequential institutional reform of this kind occurred in recent years. The Martin-led Australian Labor Party (ALP) government was elected in 2001 (after they spent 23 years in opposition). The new majority quickly introduced an Expenditure Review Committee and passed both a *Freedom of Information Act* and a *Fiscal Integrity and Transparency Act* – which required the publication of the up-to-date financial state of the NT government 10 days before any LA election. The Martin Government also pioneered the idea of 'Community Cabinets', where cabinet meetings were held in remote communities in an attempt to engage local (mostly Aboriginal) communities. Subsequently, this mechanism atrophied.

A second initially reforming Labor government under Michael Gunner was elected in a landslide (with an artificially boosted majority) in 2016, following the spectacularly colourful period of the Giles CLP government (Smeed and Walsh, 2016). Strong Labor party discipline was maintained during parliament and Labor expelled three of its MLAs from the party caucus for criticising government policy. However, following other jurisdictions, ministers did create an Independent Commission Against Corruption (ICAC). In practice, this body proved to be under-resourced, and it was criticised after revelations about illegal recording of conversations. In recent years, the government's enthusiasm for the ICAC waned as the body made damaging findings against Labor ministers. The ICAC process is currently in disarray, as whistle-blowers are reluctant to come forward.

At the 2020 election, Labor was returned to office after a successful plebiscitary style campaign, based on Chief Minister Gunner's competent management of the NT's borders during the early stages of the COVID-19 pandemic. Subsequently, the government became more majoritarian in its dealings with the LA. In its first term, it allowed an independent speaker, but she was replaced by a Labor MLA after the election. In 2021, the government majority abolished the Legislative Scrutiny Committee, which gave the opposition MLAs access to impending legislation. The sitting time for the Expenditure Review Committee was also reduced. The government also used its numbers in the LA to protect one of its MLAs (the member for Blain) from facing possible adverse findings by the Privileges Committee.

Policy-making in the NT has often been criticised for alleged favouritism in the way that it awards beneficial goods like public service appointments or contracts, and some people equate favouritism with 'corruption'. However, there have not in fact been any scandals akin to (say) Queensland in the 1980s, or to a jurisdiction like NSW, where former ministers have been jailed. In the first two decades of self-government, the courts occasionally came into conflict with the government as some ministers overstepped their legislative powers (Heatley, 1990; Smith, 2011). Particularly in the 1980s, some ministers were 'colourful' characters and were forced to introduce supplementary legislation when the courts overturned their regulations. But this phenomenon has decreased.

Given the NT's small scale, some perceptions of favouritism may be almost inevitable, since a minister or public servant allocating a contract possibly knows all the local applicants from their electoral district of just 5,000 voters. Another insight into the inevitable limits of scale is suggested by the fact that recently two government departments had CEOs who are siblings. And when the CLP opposition accused the chief minister of using parliamentary entitlements to fund some travel during the 2020 election campaign, in breach of conventions covering the 'caretaker' pre-election period, the officer who signed off the chief minister's travel turned out to be his brother-in-law.

In terms of its legal system and courts the NT has a similar but smaller system of courts as the other states, including a Supreme Court and lesser courts equivalent to the magistrates' courts in the states. Appointments to these courts are formally made by the NT's administrator (the title for its Crown representative) upon the recommendation of the first law officer, the Attorney-General. In the late 1990s, some (most?) jurists were unhappy about the 'mandatory sentencing' policy of the NT's CLP government, which limited judicial discretion in sentencing. This policy was abolished by the incoming Labor government in 2001. More recently, there has been no observable tension between the courts and the ministry. Legislators sometimes complain about lenient sentencing by the courts in criminal matters, but no more so than in Australia's other jurisdictions. Arguably, the judicial system is the most efficient of the three elements of the NT state structure.

Local government

Given its huge area and the wide dispersion of the population in smaller communities the NT has a system of local governments that depend on NT legislation for how they are set up. For over 20 years after self-government some of these 'bush' local governments were incorporated under Commonwealth legislation, although they were treated administratively and financially as part of NT's local government system. A complete NT takeover of legislative responsibility was formalised in 2007 after the NT government unilaterally amalgamated 65 bush local

governments into seven large regional bodies, initially Shires and now called Regional Councils. Unlike other states, the NT government retains control of local planning and purpose zoning powers for areas, but in other respects NT's local government system is broadly similar to local governments in other states. The Minister or the Department of Local Government sometimes imposes duties and restrictions on these local democracies, which some critics claim are arbitrary or deny local democracy.

Interactions with the Commonwealth

In constitutional terms the NT's self-government is a creature of the *Commonwealth Act 1977* that established it. Some implications of this dependence on the Commonwealth have adversely affected the democratic workings of the NT polity. NT ministers have operated a system circumscribed by Commonwealth authority, formal and informal or implied, which limits how far NT voters can control their representatives.

Because of various political controversies, NT's policy sovereignty was circumscribed in some respects in that legislation. The Commonwealth retained its pre-self-government control over national parks, uranium mining and Aboriginal land rights. Canberra ministers' control over the Kakadu and Uluru national parks irked subsequent NT governments, who saw this as an infringement of the NT government's authority. The Fraser federal government also controlled uranium mining in the NT up to 1983, presumably because it was politically contentious.

The Commonwealth also refused to repatriate its *Aboriginal Land Rights Act (1976)* to the NT Assembly's control. Under that legislation, 50 per cent of the NT's land area and 70 per cent of its coastal waters still implicitly come under this national Act. This has been an important diminution of the powers over land (and development) of the NT government. In the first two decades of self-government, CLP governments frequently challenged or opposed Aboriginal land claims made under that Act (Smith, 2011). Opposition to the Act also pervaded the successful electoral strategies of the CLP for this period.

Some other retentions of powers have been altered or made less impactful. The federal government initially retained industrial relations in NT as its responsibility, in order to allow former Commonwealth public servants to maintain their superannuation (CSS) rights after they joined the NT Public Service. In 1988, the Commonwealth unilaterally handed these financial obligations over to the NT, as part of Hawke government decisions to 'normalise' its fiscal relations with the NT. In addition, in 1978 the Commonwealth left intact its tax regime for the Jabiru uranium mine and the Gove alumina operation under their pre-existing arrangements. This latter measure had little practical effect since the Commonwealth simply transferred these revenues to the NT government.

The situation remains, however, that the *Northern Territory (Self Government) Act (1978)* is a Commonwealth instrument, which the federal parliament can amend when it chooses. In 1996, the Commonwealth amended the Act to override voluntary euthanasia legislation that the Northern Territory Assembly had enacted. The Commonwealth shows no inclination to reverse that decision even now, despite the fact that the majority of states have enacted similar legislation. In 2007, during the NT Emergency Response (the 'Intervention' as it is known), the Howard government overrode or suspended NT legislation passed by Labor that blocked its purpose. The NT government was not even told of the 'Intervention' before it occurred. For four

years, 2008–2012, in response to allegations of the widespread sexual abuse of Aboriginal children and violence inflicted against Aboriginal women, special measures were applied by the federal Parliament to Aboriginal communities in NT. These included bans or constraints on access to alcohol or pornography, alterations in how education and health services were operated and changes in how welfare payments were made ([Wikipedia, 2023](#)). The measures were eased by later federal legislation, but not completely removed.

Financially also, Northern Territory governments are beholden to the Commonwealth. The large majority (four-fifths) of NT governmental revenues derives from Canberra. This has included a general-purpose grant derived from the disbursement of the Commonwealth's Goods and Services tax (GST) revenue, covering around 60 per cent of NT revenues. A further 20–25 per cent of NT revenues have come as specific-purpose grants from the Commonwealth. In addition, the NT government has faced some large budget deficits, which ultimately seem likely to involve or require Commonwealth solutions. Thus, the Northern Territory's fiscal dependence on federal government is comprehensive. The relationship between the NT and Commonwealth governments resembles that of mendicant and master. Yet, because the NT has normally been so insignificant in Canberra politics, it has mostly evaded close Commonwealth attention.

Four key defects of NT governance and democracy

Territory governments of both persuasions govern responsively, as well as attempting to prioritise the public interest and reflect public opinion. However, there are four serious defects in the democratic arrangements for the NT. First, responsiveness and the incorporation of public opinion and interests is largely focused upon Darwin and to a lesser extent the other urban centres. State policies have thus been configured chiefly to the advantage of urban NT residents. Second, some monies intended for bush communities have instead landed back in urban areas. Third, some Aboriginal communities remain under different legal and rights regimes than those applying to other NT citizens, and progress towards 'normalisation' has been slow. Fourth, the electoral system and party competition have not successfully involved or incorporated Aboriginal interests at the same level as other citizens. Any definition of democratic government should include governments taking an inclusive view of the 'public interest', providing equitable access to rights and public services, and taking measures to involve those citizens most reticent about democratic engagement. Critics argue that, manifestly, the NT polity has performed poorly on these counts ([Gerritsen, 2010a](#)).

The urban 'bias' of public policies

NT elections are almost always decided in Darwin and its surrounds, so it is perhaps to be expected that the incorporation of public opinion and interests by ministers and MLAs is also focused upon Darwin and to a lesser extent the other urban centres, while remote Aboriginal communities are neglected. Because of the area's scale and character, urban bias has become the central organising principle of the NT.

Budgets and fiscal management strategies are adapted to ensure that the lion's share of expenditure goes to Darwin. Critics argue that there has been over-expenditure on services demanded by urban citizens – like wave pools and NT-subsidised sporting events (such as the V8 Super Cars and AFL matches) to say nothing of the ubiquitous boat ramps for weekend amateur fishers. These components have been embedded in NT government outlays and strategic spending priorities reflect an implicit assumption that 'economic development' primarily occurs in Darwin. For example, the NT spends only around 2 per cent of its budget on roads, as against 5 per cent in South Australia, a jurisdiction of about the same area and with a similar geography. Urban bias is also indicated by other areas of public services, such as culture and recreation services, on which the NT spends much more than the Commonwealth Grants Commission's needs assessment indicates.

Critics also argue that in this century the NT public service (NTPS) has burgeoned from 14,000 FTE staff to 24,000 FTE staff, most of whom are based in Darwin or other towns. The NT public service is larger than that in the Australian Capital Territory (ACT), a jurisdiction with almost twice the population. According to the Grants Commission's estimates, the NTPS is 50 per cent bigger than required for the NT's unique circumstances. Critics allege that it has become overloaded with managers and administrators, while service delivery officer numbers have stagnated. As the numerical significance of government employees has grown in the influential greater Darwin electorates, it seems probable that these voters are unlikely to support cutbacks (potentially perhaps their own loss of a job).

As a consequence, the NT's net debt has been projected to reach at least A\$30 billion by 2030, or about six times the level of NT government's own current annual revenues. Controlling the growth of NT debt, is difficult for several reasons. Many incomer residents within NT later retire 'down south' to other parts of Australia. Since they will not be around when the debt crisis peaks, there has been no political constituency willing to make serious sacrifices to reduce the NT's long-term indebtedness. Any party that proposed cutbacks as necessary to reduce the fiscal imbalance could risk losing the subsequent election.

Fiscal laxness may have other potential democratic implications if a future Commonwealth government eventually comes to believe that it must take action to curb the growth of NT's debt. One option might be for federal ministers to take back administration of the NT finances for some period, or for Canberra to assume the direct responsibility for providing services to the Aboriginal communities. Both options would significantly reduce the power of NT citizens to control their own affairs – although neither is foreseeable at the time of writing under the Albanese Labor government.

The diversion of resources from Aboriginal communities

This brings us to the NT's unique position with regard to its Aboriginal citizens. Over and above the strong urban priorities outlined above, critics argue that part of the urban benefits distributed by NT governments have apparently been financed by the *de facto* appropriation of money 'earned' by Aboriginal communities' disadvantage. This can be shown in how the NT government deals with its general-purpose revenue grant from the Commonwealth GST collections. The Commonwealth Grants Commission allocates the GST revenue between the states and territories on the basis of relative disadvantage (although this element has declined with the recent Commonwealth changes to the GST distribution formula). Because the NT's non-urban Aborigines are among the most disadvantaged communities in Australia, the NT's share

of the disbursement is inflated to meet these challenges to service delivery. The NT normally gets about four times more per capita than does the average state. Yet, about one-third of this additional money has been spent on purposes other than remediating Aboriginal disadvantage ([Gerritsen, 2010b](#)). Effectively, the NT's underprivileged Aboriginal population has cross-subsidised services to the relatively privileged people of Darwin (and to a lesser extent the other larger urban centres).

In addition, fiscal management strategies have systematically distributed budgeted regional expenditure back to the centre. Budgeted expenditure for Aboriginal services has instead been 'clawed back' to pay for an excessively large bureaucracy in Darwin. A good example concerns the Indigenous housing budget. From 2019 both the NT government and the Commonwealth each committed A\$110 million annually to Aboriginal housing in the territory ([DLGHCD, 2019](#)). However, by 2023, NT ministers and officials had not spent more than A\$68 million of its A\$110 million budget allocation, so that in effect unspent funding of over A\$30 million was returned to consolidated revenue. Meanwhile the Aboriginal housing crisis has continued, and COVID-19 rates in Aboriginal communities were exacerbated because of overcrowding. Administrative charges by the administrative centre on specific purpose programs, both those that NT-funded and NT-delivered on behalf of the Commonwealth, are also routinely between 30 and 40 per cent of the budgeted outlays, much of which is not spent in the communities affected and so 'leaks' elsewhere. This fiscal-cum-political nexus has ensured that the Aboriginal people living in non-urban areas have not achieved their fair or intended share of overall fiscal resources.

The disadvantage of Aboriginal communities

For the NT to be a full democracy, its Aboriginal peoples should be afforded full individual civil and human rights. This is formally the case. However, as elsewhere in the world, research has shown that Indigenous peoples suffered serious social and cultural dislocations during the 'colonisation' period ([Grant, 2022](#)). These deep-lasting harms have contributed to many different contemporary disadvantages of Aboriginal communities that may at seem only distantly connected – including differentially high rates of male criminal offending, high incarceration rates especially for young men, and community distancing from law and order and court institutions (where adverse stereotypes by police, courts and juries long contributed to differential treatment). Blighted chances of gaining employment and lack of job opportunities in bush communities have in turn contributed to long-running problems with alcohol and drugs abuse, and unusually high patterns of violence against women and children. Routing funding through aboriginal community networks ran into problems by the 2000s with opaque financial flows and allegations of elders diverting public monies to unintended uses.

The 2008–2012 'Intervention' strategies of implementing intense restrictions on bush communities' access to alcohol, drugs, pornography and other products, restrictions that have never been applied elsewhere in Australia, were justified in the name of protecting the rights of women, young people and children from male abuse. Some substantial long-term improvements in protecting the most vulnerable groups have been achieved. But increasingly federalised efforts (managed from within the Department of Prime Ministers and Cabinet (DP & C) in Canberra) have also encountered substantial difficulties in achieving progress within bush communities towards more normal forms of social control and social life, better housing conditions, or access to meaningful employment. The 'urban bias' of the NT's political economy and the apparent diversion of some resources to meeting the demands of more politically influential NT citizens are both especially serious in this context.

The electoral deficit in representing Indigenous people's interests

The electoral disengagement of Aboriginal people has also made the four problems addressed worse. Without necessarily meaning to do so, the electoral system has tended to disaffiliate and disengage Aboriginal interests. That was not initially the case at self-government, but it has become an increasing problem with the passage of time. The Northern Territory Electoral Commission (NTEC) (2023) was established in 2004 to provide a fair, impartial and professional electoral service. It conducts elections for the LA, local government and other organisations upon request. In practice, the NTEC has always been dependent upon Commonwealth support, especially for voter enrolment, which has always been carried out by the Australian Electoral Commission (AEC). This has meant that the NTEC is susceptible to both NT government funding shortfalls and an ongoing decline in Commonwealth electoral effort in the NT. The NTEC is too poorly resourced and staffed to effectively carry out its functions of electorally including the non-metropolitan Aboriginal population.

The actual conduct of elections in the NT is free, impartial and professional. Voting and counting are conducted ethically, relatively efficiently and in accord with the letter of the law. Yet a large proportion of the electorate has been excluded, or has excluded itself, from the electoral process. Aboriginal people have represented the majority of these people, and given their salience within the NT population numbers, it is unsurprising that electoral enrolment and voting participation rates in the NT are the lowest in the nation.

This deficit in participation is made worse by the fact that the demography of the NT has contributed to relative under-enrolment anyway, because of great population 'churn'. Each year many people, mostly young, come to the NT for seasonal employment and they have rarely enrolled. Other inhabitants view their stays in the NT as being just for a few years and also do not bother to enrol or change their previous enrolment elsewhere. Lower enrolment has also gone along with more non-voting, across all types of voters. These factors help explain why the turnout in Darwin's NT elections has usually been about 80 per cent of the enrolled voters (see [Figure 23.3](#)), fully 10 percentage points lower than the national average.

In the early years of self-government, there was a serious effort to maximise the Aboriginal vote and federal AEC enrolment teams visited bush communities to recruit voters. On election days, both federal and NT, static polling booths were established in the larger communities and mobile polling teams visited smaller communities. Yet this initial effort substantially eroded over time, initially because of CLP hostility to the fact that Aborigines overwhelmingly voted Labor. The process started during the 1983 election, when the Education Department banned bush community teachers (supposedly overwhelmingly Labor supporters) from manning static polling booths. In more recent elections, mobile polling teams have visited large communities for only a few hours on election day, and voter turnout can be inhibited by unanticipated clashes with funerals or ceremonial 'business'.

Worse effects came from the NT's dependence upon Commonwealth electoral authorities for voter enrolment. The Liberal-National federal government in power until 2022 used the postal service and cross-tabulations of changes in or establishment of residence for the enrolment of new voters. For example, if a voter changes their Medicare or driver's licence address, they will be contacted by post by the AEC about changing their place of enrolment. Yet young Aboriginal men (in particular) have tended not to have a Medicare card or a residential address, or even an inclination to register to vote. So, for this and other reasons relying upon the postal system has been an entirely inappropriate mechanism for Aboriginal voters. The ineluctable consequence

Figure 23.3: Voter turnout in Northern Territory elections by region, 2012–2020

Region	2012		2016		2020	
	Votes	Turnout %	Votes	Turnout %	Votes	Turnout %
Darwin	58,080	84	64,380	79	68,340	81
Remote	21,960	62	21,990	59	24,400	62
Alice Springs	10,970	78	9,800	83	9,050	78
Katherine	4,210	81	4,140	78	4,040	70
Total outside Darwin	37,130	68	35,920	66	37,490	66
Total NT	123,904	77	100,300	74	105,830	75

Source: Compiled from data in NTEC, 2023, 'Past Legislative Assembly elections' (NTEC, 2023).

Note: Vote numbers are rounded to the nearest 10 for easier reading.

has been that a large number – official estimates suppose about 27,000, or about one-third – of Aboriginal people are disenfranchised. In effect, the current enrolment system verges on undemocratic Aboriginal voter suppression. Its adverse effects are clearly shown by record low voter turnouts in elections for Australia (Figure 23.3), with all urban areas achieving four-fifths turnout thanks to compulsory voting, but levels in remote communities fully 20 percentage points lower, and running at two-thirds of the rate in all other Australian jurisdictions.

In the 2012 NT election, the bush Aboriginal vote surprisingly turned against Labor, delivering government to the CLP. This shift was driven by Aboriginal hostility to the 2007 'Intervention' (implemented by Canberra but with Labor in power in Darwin), as well as the earlier forcible amalgamation of Aboriginal local governments (an NT Labor policy). The subsequent CLP government was characterised by exceptional leadership infighting and turbulence, with 13 different reshuffles of the ministry, the loss of the initial leader (Mills) and challenges to his successor (Giles) (Smee and Walsh, 2016). At the 2016 federal election Aboriginal voters reversed their dalliance with CLP and returned to backing Labor. Interestingly, federal elections for the seat of Lingiari (which covers most of the NT) showed higher proportions of Aboriginal voter turnout. This was partly because of an active MP there, but also revealed Aboriginal people's support of the Commonwealth's *Land Rights Act 1976*. By contrast, remote Aboriginal communities have little attachment to the NT government.

Conclusion

In essence, the governance of the NT is institutionally an isomorphic mirror of the Westminster traditions of political jurisdictions across Australia. Its judiciary, executive arm, legislature and public service operate in a familiar manner. Having a single-house legislature elected using AV voting has contributed to major party dominance and some severely disproportional election outcomes that have crippled opposition scrutiny. Micro-politics in local districts has also contributed to a trend for both Labor and CLP ministries to 'capture' civil society in ways that

effectively mute criticism of the incumbent government. These patterns have also contributed to four other distortions or problems for NT democracy – an ‘urban bias’ towards Darwin and other city voters’ concerns, some divergence of funding from Aboriginal communities, long-standing patterns of Aboriginal communities’ disadvantage, and low levels of participation in state elections by Aboriginal voters. Beyond Darwin and the main urban centres, there is a still different and less complete kind of democracy.

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