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Ms Kate Thwaites MP
Chair
Joint Standing Committee on Electorate Matters
Parliament House
CANBERRA ACT 2600

Via email: em@aph.gov.au

Dear Ms Thwaites

The Federal Parliament's Joint Standing Committee on Electoral Matters invited submissions from interested parties on a range of matters related to the 2022 Federal Election. This submission has received significant input from the Hon Chansey Paech MLA, Attorney General and Minister for Justice and the Hon Selena Uiibo MLA, Minister for Aboriginal Affairs, both representing remote, bush electorates. I am pleased to provide feedback, particularly with regards to terms of reference item d).

d) encouraging increased electoral participation and lifting enfranchisement of First Nations People

The Northern Territory has, by a significant margin, the highest proportion of Indigenous residents among its population of any jurisdiction, with 26.3% (approximately 61,000) of its population identifying as Aboriginal and Torres Strait Islander in the most recent census¹ (ABS Census 2022). There are two federal electorates in the Northern Territory, the Darwin region urban seat of Solomon, and Lingiari, covering the remainder of the Northern Territory and the Territories of Cocos (Keeling) Islands and Christmas Island.

Lingiari is a rural seat covering the vast majority of the Northern Territory (approximately 1.3 million square kilometres), which includes the regional centres of Alice Springs, Katherine, Tennant Creek, and Nhulunbuy, as well as hundreds of remote communities and homelands. Lingiari has the highest representation of Aboriginal and Torres Strait Islander people of all Federal electorates, with 40.3% of voters identifying as Indigenous.

¹ Northern Territory: Aboriginal and Torres Strait Islander Population Summary:
<https://www.abs.gov.au/articles/northern-territory-aboriginal-and-torres-strait-islander-population-summary#>

Reports have indicated that voting participation in Aboriginal communities is in decline, and has in fact been lower than the national average since Aboriginal and Torres Strait Islander people were granted the right to vote in 1962. Reports have also asserted that at the 2018 election around half of the Northern Territory's Aboriginal population was not enrolled to vote.

The electorate of Lingiari faces a number of particular challenges, not individually unique to that Electorate but creating in combination a unique environment in which voter turnout is lower than the national average. Those factors include including endemic, historic low voter turnout, higher informal voting rates, and the need for a large number of mobile polling booths, often meaning effective voter access to vote for only a few hours in the whole campaign for many across the electorate.

In 2022, Lingiari had the lowest turnout of all Federal electorates, with a voter turnout rate of 66.83%. This is down from a turnout rate of 72.85% at the 2019 election. Additionally, the Australian Electoral Commission (AEC), estimates that there are over 15,000 people are not on the seat's electoral roll, while the Northern Land Council (NLC) has stated that they believe that number is much higher, estimating that the number of adults not on the electoral role sits at approximately 40,000.²

Lingiari also has a higher rate of informal voting than the national average, with 7.37% of votes cast considered informal, compared to the national average of 6.75%. Many Aboriginal voters in Lingiari speak English as a secondary language, with almost 60% of Aboriginal and Torres Strait Island people using an Aboriginal or Torres Strait Islander language at home. It is likely that a lack of interpreters and reduced AEC community engagement has contributed to this higher informal vote in the seat. These issues were widely reported during the 2022 Federal election. For example, on 21 May 2022, the ABC reported that no interpreter was provided by the AEC at Ngukurr, and a volunteer from the community was recruited to provide assistance to the remote voting team at the community of around 1000 residents³. A lack of a credited translator was also reported at Kalkarindji, another large remote community located south-west of Katherine. Additionally, staff cuts to the AEC's Northern Territory office have tangibly impacted their ability to engage with communities ahead of the election⁴.

As referenced above, voting in remote communities is also conducted differently to voting in major centres, with Remote Area Mobile Polling teams visiting 193 locations for sometimes as little as a few hours on a single day in the Northern Territory in 2022. In reporting at the time of the election, Northern Land Council Chair Sam Bush-Blanas noted that short time frames for voting were sometimes incompatible with daily life in remote communities:

*"This short window for voting does not take into account daily life in remote communities where people have other commitments, including work, childcare, travel as rangers and so on, as well as important cultural obligations."*⁵

² <https://www.nit.com.au/nt-land-council-reveals-startling-number-of-nt-adults-not-enrolled-to-vote/>

³ <https://www.abc.net.au/news/2022-05-21/aec-no-interpreters-small-time-window-aboriginal-vote-election/101083240>

⁴ <https://www.abc.net.au/news/2018-12-17/voter-participation-enrolled-lingiari-snowdon-jacinta-price/10620932>

⁵ <https://www.abc.net.au/news/2022-05-21/aec-no-interpreters-small-time-window-aboriginal-vote-election/101083240>

In sum, some of the key issues faced by voters in the 2022 election in regional and remote communities in Lingiari included:

- Lack of meaningful engagement ahead of voting day in remote communities, with remote community residents unaware of, or unavailable for, the short window of remote voting in that community;
- Cuts to staffing at the Darwin office of the Australian Electoral Commission office in 2017, reducing staff from 16 to three⁶. Additionally, the Indigenous Electoral Participation Program was cut, and was only reinstated last year.
- A lack of certified interpreters present at polling booths, with adequate interpretation being essential for the fair conduct of elections in the Northern Territory (we understand discussions to resolve this issue are underway between the AEC and the Aboriginal Interpreter Service);
- A failure by AEC to plan adequately for remote visits, resulting in some communities' remote polling booths being cancelled (for example, several homelands on the outskirts of Gapuwiyak, as reported by the ABC on 21 May, 2022 in *Lack of interpreters and 'unprecedented' challenges leave some remote NT voters in the lurch this election*⁷), in effect, disenfranchising voters.

Recommendations

Seeking to address the above issues would likely result in improved enfranchisement of Aboriginal and Torres Strait Islander voters in rural and non-rural electorates such as Lingiari.

Changes to the FDEU

In addition to increased resources for the AEC to improve general voter engagement, specific efforts must be made to increase the number of Aboriginal and Torres Strait Islander people on the electoral roll as soon as possible. One such measure to improve electoral participation would be changes to the Federal Direct Enrolment and Update (FDEU). FDEU was not applied in some remote and regional areas, such as the remote communities in Lingiari where voter enrolment is at its lowest, due to many remote communities being considered "mail exclusion areas". For a range of historic reasons, some NT remote communities have no allocation of street names and numbers; this does not preclude mail reaching those people, nor does it mean that they should face any greater barrier to voting than any other voter.

While, as mentioned, the majority of remote communities in Lingiari have over the counter mail collection at a central point with no post boxes (thus creating the "mail exclusion area"), many large remote communities have also moved to numbering houses/lots in the Northern Territory's land registration system. Accurate house/lot numbering would theoretically simplify the application of the FDEU in remote communities and we would strongly encourage the AEC to continue to investigate how the FDEU can be more broadly applied across remote communities.

⁶ <https://www.abc.net.au/news/2018-12-17/voter-participation-enrolled-lingiari-snowdon-jacinta-price/10620932>

⁷ <https://www.abc.net.au/news/2022-05-21/aec-no-interpreters-small-time-window-aboriginal-vote-election/101083240>

We understand that the AEC is conducting an FDEU trial in remote and diverse pilot communities across several states and territories, including the Northern Territory. The Territory Government supports these trials and other efforts to further improve the enrollment of Aboriginal and Torres Strait Islander Australians. Should this trial be successful, we would urge the AEC to immediately implement the system in other remote communities, to end the existing discriminatory policies that exclude these communities from FDEU.

Improving AEC engagement, communications, and planning

The AEC should seek to invest (or re-invest) in programs to engage regional and remote Aboriginal and Torres Strait Islander eligible voters to enrol and vote, ensure interpreter services are freely available to voters (both at the time of the election, and prior to the election), improve communication materials through better in-language and plain English materials, and investigate improvements to the mobile polling booth system including better planning and preparation.

Additionally, thoroughly addressing these systemic issues – such as through increased targeted engagement with particular communities, and improved communications materials and engagement activities – would likely improve enfranchisement of other groups such as people with disabilities, recent migrants who are (or will soon be) eligible to vote, and non-Aboriginal and Torres Strait Islander English as a second language voters.

I understand that a public hearing may be held as part of this Inquiry. Minister Paech and Minister Uibo would be pleased to represent the Northern Territory Government at any one of those hearings, should the committee wish to discuss the issues raised in this submission further. They can be reached on minister.paech@nt.gov.au and minister.uibo@nt.gov.au to arrange a suitable time.

Kind regards



NATASHA FYLES

21 OCT 2022