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Committee Secretary
Joint Standing Committee on Electoral Matters
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Parliament House
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Dear Committee Members

The City of Darwin appreciates the opportunity to provide this submission to the Joint Standing Committee into civics education, engagement and participation in Australia. City of Darwin is the largest local government in the Northern Territory, administering the capital city of the Northern Territory, including both the Central Business District and surrounding suburban areas across a 111km² area. City of Darwin has approximately 400 staff delivering an annual budget of \$139 million to service a strategically vital community of 85,000 residents and a \$1.25 billion infrastructure base.

City of Darwin strongly recommends to the Committee that public hearings be held in Darwin, to give local government and relevant stakeholder associations the opportunity to engage directly with Committee and the Committee the opportunity to experience our challenges in person.

Whilst this submission is made on behalf of City of Darwin, the issues covered here also impact surrounding local governments and communities, and references to Darwin can often be taken to include the metropolitan area that City of Darwin supports the extends outside the City of Darwin local government area boundaries.

City of Darwin wishes to raise two matters of concern, being:

- electoral participation
- appropriate use of social media in political debate.

Electoral Participation

The Northern Territory, including City of Darwin has some of the lowest voting turnout levels in Australia, despite voting being compulsory for elections at all three levels of government. At the City of Darwin's most recent general election on 28 August 2021, conducted by the Northern Territory Electoral Commission (NTEC), five elections were conducted: one to elect the Lord Mayor and four elections to elect 3 councillors in each of four Wards. At this election, 51,060 electors were enrolled.





This was a 1.9% increase in enrolment from previous local government general elections held in 2017. 33,942 ballot papers were counted for this election which was a turnout rate of 66.5%. The turnout rate was slightly lower than at the 2017 elections where the rate was 67.3%. This reduction in turnout was despite changes to reduce complexity for voters and candidates such as changes to declaration voting that allows electors who turn up at a voting centre but are not enrolled (or are enrolled for an interstate address) to still cast a vote that can be admitted to the count. The declaration envelope acts as an enrolment form which is forwarded to the Australian Electoral Commission (AEC) for processing. If the person is able to be enrolled, their vote is added to the count. Previously, declaration votes would result in updated enrolments, but their ballot papers would not be included in the count. A potential further improvement is greater awareness and promotion of postal voting to support participation of people who are travelling on polling days. As most local and State/Territory elections are on fixed dates, this can be planned and delivered.

More recently, the Lyons Ward by-election, on 2 September 2023, there was a total of 12,890 electors enrolled in the Lyons Ward. 6,554 votes were cast, a turnout rate of only 50.8%. By means of comparison, the recent local government elections held on 16 March 2024 in Brisbane, the turnout rate was 85.31%.

City of Darwin is subject to different population pressures to many other communities in Australia. Population turnover due to high defence presence, regular movement of civilian population interstate, and fluid movement of people between remote communities and Darwin may result in low enrolments and a lack of ownership over local issues and therefore the political process.

City of Darwin believes that further funding is needed to encourage people not just to register to vote, but to take an active and informed interest in civic matters. This should be led by the Australian Electoral Commission with its extensive national experience, supported by and supporting the NTEC in delivery of programs. This could include tailored education initiatives for migrant and First Nations communities to increase awareness, enrolment and education, as well as engagement with defence to ensure electoral enrolment is a consideration in inductions for relocating defence personnel. Further analysis of disparities in census data should also be undertaken to consider movement of people between Darwin and remote communities, and between remote communities. City of Darwin recommends research and engagement not just with other states and territories, but also nations that may have similar issues to determine appropriate strategies and apply them here.

City of Darwin is also of the view that compliance needs to be strengthened. The fine for failure to vote does not appear to be an incentive to vote. The fine in the Northern Territory is \$25 for local and Territory elections and \$20 for federal elections. This compares to Queensland where it is \$154.80 and \$109 in South Australia for state and local government elections. At \$25, it is also uneconomical when NTEC undertakes non-voter compliance after elections.





Appropriate Use of Social Media in Political Debate

With the rise in Facebook and political activism in Australia, City of Darwin is concerned that the balance between protection of free speech and protection of individuals is skewing towards free speech at the expense of safety and wellbeing of individuals, including Elected Members and candidates. This may include interactions between Elected Members, Elected Member's and candidates, as well as with the broader community.

City of Darwin notes the decision of the High Court in *Fairfax Media Publications Pty Ltd vs Voller (2021) 273 CLR 346* where liability for content was extended media companies as publishers for comments by members of the public on Facebook pages. This had the potential to limit dissemination of defamatory material and disincentivise placing defamatory, aggressive or inappropriate material on Facebook. Legislative reforms have responded to this decision, effectively diluting the responsibility of media companies and reducing liability where there is a complaints mechanism and the complaints mechanism was utilised. City of Darwin is concerned as this puts the onus on the defamed party to take action and allows up to 7 days for action to occur. This means that defamatory material can stay online for up to 7 days after a defamed person becomes aware of it, and potentially has their reputation damaged, suffers financial loss and physical or mental harm. These legislative reforms have had the effect of effectively shifting responsibility from large media companies with extensive resource to individuals with limited resources, including access to costly legal services. With these reforms due to become active across on 1 July 2024, time will tell whether this has an adverse impact on individuals, however City of Darwin encourages the Committee to evaluate whether this an appropriate balance between the competing considerations of free speech and protecting individuals participating in the political process.

City of Darwin is also concerned with the application of section 474.17 of the *Criminal Code Act 1995* (Cth) as feedback received is that there appears to be a reluctance to apply this in response to complaints of inappropriate online behaviour, particularly in the Northern Territory where there is not extensive experience in its use and application.

City of Darwin raises these concerns because the public policy consideration is that civic participation in the Northern Territory is not at satisfactory or sustainable levels. Without strong protections in place for people engaged in the political process, it is unreasonable to expect that a broader selection of candidates will seek elected office with the risk of suffering unreasonable and inappropriate treatment online. This is an even greater risk where elected members in local government are remunerated on a part time basis as is the case for most in the Northern Territory. This will also have the effect of further disengaging voters and potential voters who do not feel that political debate is considering the issues important to them.





Thank you for the opportunity to provide a submission. City of Darwin would appreciate the opportunity to further participate including further submissions and committee appearances as appropriate. City of Darwin reiterates its request that public hearings with the full Committee be held in Darwin and looks forward to the opportunity to participate.

Yours sincerely



Simone Saunders

Chief Executive Officer

2 May 2024

Sent via email

