

SUBMISSION 24

**SUBMISSION TO THE JOINT STANDING COMMITTEE ON ELECTORAL
MATTERS – INQUIRY INTO CIVICS AND ELECTORAL EDUCATION**

from

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BACKGROUND

The Mining and Pastoral Region of Western Australia roughly corresponds to the federal Division of Kalgoorlie. With an area of 2 223 051 square kilometres, and an electoral enrolment (at the last state election in February 2005) of 68 240 - as against the present enrolment in the federal Division of Kalgoorlie of 79 284. It has 60 remote polling places with about 2 700 persons or about four percent of Mining and Pastoral Region electors (almost all of Aboriginal descent) on the electoral roll at those remote locations.

The Western Australian Legislative Assembly districts in the Mining and Pastoral Region with these remote polling places (Kimberley, Central Kimberley-Pilbara and Murchison-Eyre) have the lowest overall elector turnout rates in the State, and the turnout rates in the remote communities visited by mobile polling teams are 50% or less. The state Legislative Assembly District of Kalgoorlie has the greatest turnout rate of the five Legislative Assembly districts in the Mining and Pastoral Region, and even this figure is lower than any other district in the State.

Interestingly, however, the rate of valid voting does not appear to be significantly different from any other part of the State.

There is a wealth of anecdotal evidence as well as hard data to indicate that turnout rates are affected by a number of administrative and systemic factors, none of which appear to be well understood in the remote communities of the State.

According to the Western Australian Electoral Commission, about five to seven percent across Australia of citizens eligible to be enrolled are probably not on the roll. There are no such figures available for remote Aboriginal communities, although informal inquiries tend to indicate that as many as 15-20% of Aboriginal citizens in the remote communities are not enrolled.

There are therefore significant educational challenges to be met to ensure that some of the most disadvantaged members of our community do, indeed, 'have their say' both by voting and by being enrolled to do so in the first place.

This submission outlines those challenges and suggests matters that the Joint Standing Committee on Electoral Matters should take into account, with particular reference to the terms of reference dealing with the adequacy of electoral education in indigenous communities and the responsibilities of state and federal electoral commissions and governments in promoting electoral education.

DISCUSSION

In essence there are two educational challenges concerning electoral education for indigenous groups – that addressing voting issues, and that addressing enrolment issues.

VOTING ISSUES:

The following table illustrates the voting patterns in the five Western Australian Legislative Assembly districts in the Mining and Pastoral Region in the last state election in February 2005:

LA DISTRICT	VALID VOTES CAST %		TURNOUT %	
	LA	LC	LA	LC
Kimberley#	95.51	97.71	70.57	70.53
Central Kimberley-Pilbara#	95.01	97.03	68.57	67.91
Murchison-Eyre#	95.38	96.84	73.05	74.06
North West Coastal	94.24	96.85	80.07	80.27
Kalgoorlie	95.91	97.07	85.28	85.39
AGGREGATE M & P	95.42	97.08	75.49	75.63
TOTAL COUNTRY	94.60	96.91	87.56	87.94
TOTAL METROPOLITAN	95.23	94.60	90.63	90.73
TOTAL STATE	94.76	96.82	89.84	90.01

**TABLE 1 - WA MINING AND PASTORAL REGION
VALID VOTES CAST AND TURNOUT RATES**

Notes:

- Districts with remote polling places

“*Turnout*” is the total number of votes as a percentage of the number of electors, not including figures for absent, postal and provisional votes rejected for not complying with the requirements of the Western Australian *Electoral Act 1907*.

“*Valid Votes Cast*” is the total number of valid votes expressed as a percentage of the number of votes cast.

All figures were taken direct from, or calculated from figures taken direct from, “*2005 State General Election: Results and Statistics*” published by the WAEC.

It can be seen quite clearly that those districts with remote polling places (Kimberley, Central Kimberley-Pilbara and Murchison-Eyre) had significantly lower turnout rates than the other two Mining and Pastoral districts. Those rates are also lower than the aggregate rates both for the country area and for the whole State.

As an aside, it is interesting to note that the rate of valid votes cast in the election is actually higher than the total country and total state results. This would seem to indicate that, when people in the remote areas of the State do get to the polls, they know what to do - albeit sometimes with appropriate assistance from polling officers.

The available Legislative Council and Legislative Assembly figures from the last state election do not give the turnout for individual remote polling places. However, the aggregate of votes cast in "*Special Institutions and Remote*" in each district is contained in the two party preferred results. Present enrolment figures at the locations of the remote polling places are also available to us for comparison purposes. So, whilst the figures are, strictly speaking, not directly comparable, the approximate turnout figures for the last WA election would have been as indicated in Table 2. We do not believe that, in 2 684 votes cast, the special institutions component is likely to have been significant but, to the extent that it may have been, it would have made the percentage turnout for the remote areas even lower than that indicated in Table 2.

DISTRICT	ENROLMENT#	VOTES CAST+	% TURNOUT
Kimberley	1966	1054	53.6
Central Kimberley-Pilbara	2141	944	44.1
Murchison-Eyre	1622	686	42.3
TOTAL	5729	2684	46.8

TABLE 2 – APPROXIMATE TURNOUT FIGURES FOR REMOTE POLLING PLACES, WA ELECTION, FEBRUARY 2005

Notes:

This is a comparison of 2005 state election figures (including "*Special Institutions*") against enrolments at the locations of the remote polling places as at 16 May 2006.

- Figures taken for remote polling places taken from the electoral roll as at 16 May 2006.

+ - Figures from the two party preferred results published in "*2005 State General Election: Results and Statistics*" by the WAEC.

In summary, it is reasonable to infer that only about half the electors in the places served by remote polling actually cast a vote at the last state election. This is in accord with a sample available from the last federal election which indicated that in three remote polling places in the Broome area (Bidyadanga, Beagle Bay and One Arm Point) the turnout rates were about 61%, 52% and 44% respectively.

Anecdotal evidence suggests that the low turnout at remote polling places relates partly to the importance placed on various traditional cultural activities by Aboriginal people, as well in many areas as the practical exigencies of keeping food on the table. Thus, absences from polling places may be caused by anything from family funerals in other locations, to being in sorry camp, to hunting and fishing. These absences are also certainly not helped by elections being conducted in the wet season, nor – as was the case at the last state election – when a major Aboriginal sporting event was being held at Fitzroy Crossing.

As far as the voting process itself is concerned, scrutineers have observed Aboriginal electors failing to understand the questions put to them by electoral officials when attempting to vote. The question *“Have you already voted here or elsewhere at this election?”* is sometimes misinterpreted as relating to previous elections – provoking a ‘yes’ response. *“Do you live in the electoral district of Xxxxx?”* simply causes confusion to itinerant people and may provoke a ‘no’ response if the elector is temporarily away from home – always assuming that the elector understands what a ‘district’ is in the first place. The sensitivity of poll officials or the intervention of alert scrutineers to have the questions reworded is all that prevents the elector from being disenfranchised in such circumstances. Even *“What is your name?”* can have cultural overtones if an elector has had to abandon his or her name and is called ‘Kunmarnarna’ as a result of a death in the community. This causes obvious problems in checking names on the electoral roll.

It may not be possible to address some of these issues given the cultural importance of some activities to Aboriginal people. It is unlikely, for example, that voting would be given precedence over sorry business. Nevertheless, many activities would still permit absent or postal voting if Aboriginal people were aware of and understood such options. At present they clearly do not.

We are aware of quite extensive continuing programs conducted by the Australian Electoral Commission. However, these activities appear to be directed mostly towards enrolment and, commendable though that may be, there appears to have been little by way of systematic education about more general electoral matters. Both the AEC and the WAEC do run special programs – including visits to the remote communities - immediately prior to elections. These place their main emphasis on the importance of voting and seek to inform electors of the importance of, and the arrangements for, elections.

That said, the turnout figures for the remote Aboriginal communities are so poor that the efficacy of these various activities has to be questioned. The importance of ‘having a say’ is obviously poorly understood and we submit that what is required is a continuing education and training program rather than occasional visits and a flurry of activity prior to elections. Such a program needs to be directed towards ensuring that indigenous electors – particularly those in the remote communities – are made aware of and understand electoral processes generally, and of the options (such as absent, provisional and postal voting) available for other than attendance at a polling place within the electorate in which the elector is registered.

ENROLMENT ISSUES

There are no hard figures indicating the proportion of the eligible population not on the roll, but we are advised by the WAEC that the anecdotal evidence points to that figure being about 5% to 7% of eligible citizens across Australia. Some of these choose not to be placed on the roll, and some simply let their enrolment lapse when they move. Figures for Aboriginal groups are even more difficult to ascertain, but the intuitive feeling of WAEC officers is that about 15% of eligible citizens in remote areas are not on the roll. Our own informal observation is that this figure could be as high as 20%. Unfortunately the census data for the identifiable remote Kimberley communities is now five years old and has been of little help in attempting to verify this assertion.

Apparently the AEC removed 1 638 electors from the roll in the Division of Kalgoorlie in the eight weeks before the 2004 federal election. There is also anecdotal evidence of the roll being purged by politicians writing individually addressed letters to persons on the electoral roll and then referring to the AEC the names of persons enrolled at any addresses from which mail has been returned.

However, the AEC has advised us that it is a matter of policy that no elector is removed from the electoral roll unless substantiated proof is available to the Returning Officer that the elector concerned has permanently left the enrolled address. Also, the AEC processes any returned mail received from any members of Parliament according to the same principle. These and other issues relating to the maintenance of the roll in the District of Kalgoorlie were apparently the subject of an external review after the 2004 federal election and we appreciate that the AEC is reluctant to remove people – particularly those from the remote Aboriginal communities – from the electoral roll. Nevertheless the itinerant nature of the life of many people in remote areas, combined with a lack of understanding of the processes involved, means that incorrect removal from the roll remains a possibility that needs to be addressed as part of an educational program on electoral matters.

What is more to the point is that electors in remote communities would be unaware if indeed they were removed from the roll. It is therefore unlikely that they would re-enrol in time for an election and, for the same reasons as apply to initial enrolment, would be unlikely to be respond to mail-outs or AEC flyers in newspapers. Further, whilst acknowledging the visits to remote communities by AEC staff, neither the AEC nor the WAEC sends officers out to the remote communities on any sort of regular basis to check on enrolment details 'on the ground'.

We note that there are significant as yet unproclaimed amendments to the *Commonwealth Electoral Act 1918* and the *Electoral and Referendum Regulations 1940*. We appreciate that the proposed amendments to section 98 of the Act are intended to provide a wide range of electors able to witness enrolment applications but, if proclaimed, they would have the effect of making the process of enrolling or re-enrolling much more complex. The enrolment form itself (or an explanatory document) would, by the simple fact of adding 47 classes of persons able to attest, be much more complicated than at present. There are in fact several categories of persons cited in the amended regulations who would be able to attest in the Aboriginal communities and, to that extent, the unproclaimed legislation would not of itself create additional difficulties. However, if the legislation were proclaimed, there would need to be a proper process of introduction and education in the communities.

It would be fair to acknowledge the efforts of the AEC and the WAEC in providing programs that seek to stimulate enrolment and explain the electoral process. We are advised by the AEC that, in the current financial year, AEC officers have visited 60 remote communities in the federal Division of Kalgoorlie, and have undertaken field visits to Aboriginal events such as Crocfest and NAIDOC week. In addition they have undertaken a significant range of activities designed to foster enrolment that are not specifically directed towards people in remote communities.

The AEC, in conjunction with the WAEC, is presently conducting an enrolment drive by including 100 000 enrolment forms and instructions in seven newspapers in the federal District of Kalgoorlie. These flyers are not couched in language easily understood by Aboriginal people in the remote communities – always assuming they receive (much less read) newspapers in the first place. Other mail-out exercises are of limited effect for the same reason. We believe that, for enrolment programs to have any effect in remote communities, the purpose of such forms needs to be explained and assistance provided to fill them in.

In similar vein, the media campaigns prior to elections generally fail to have regard for the specific need to ensure that Aboriginal people in remote communities receive the information and, if they do, to ensure that they understand it and know how to act upon it.

It has been reported to us by one of the local mining companies that they have difficulty in obtaining appropriate identification from prospective Aboriginal employees. This same difficulty must also constantly arise in enrolment drives. It is, of course, possible for Aboriginal people to obtain the necessary identification documents for enrolment purposes, but this avenue is unlikely to be pursued if there is a cost involved. In any event, in pre-election enrolment drives it is unlikely that there would be time to obtain the documentation necessary for enrolment.

We are advised that the WAEC is developing an electoral education strategy targeting remote communities, and this is to be lauded. However, for this strategy to become a reality, there will need to be a significant injection of funds. We are also advised that the WAEC presently delivers a joint civics and electoral education presentation to remote schools, but this is limited to the larger schools in the more remote areas because of the scarcity of resources. The WAEC has developed a 'story board' jointly with the AEC as an educational and motivational tool to be taken to remote communities and used to encourage enrolment and voting.

All these efforts are significant and important but, given that the WAEC admits that it is unable to extend its present efforts to the more remote areas, there is unlikely to be sufficient electoral education provided to the remote Aboriginal communities in the future without additional funding.

OTHER ISSUES

A couple of issues not strictly related to the present terms of reference are worth considering in the wider context of electoral education in Aboriginal communities:

- We understand that the Northern Territory Government provided Aboriginal interpreters at polling places. This is not done at state or federal elections in Western Australia, even at the remote polling places in the communities. Given the present lack of electoral education, this would seem to be a necessity.
- We note that section 96 of the commonwealth Electoral Act provides for a person to apply to become an 'itinerant elector'. Use of this provision would seem to go some way towards solving some of the problems associated with Aboriginal people being removed from the roll. It would, however, need to be properly planned and the associated education program properly resourced.

WHAT AND WHO?

We have not attempted to address other terms of reference of your inquiry including the more general questions of young people's knowledge of electoral matters, the nature of civics education and the adequacy of electoral education. These are important questions but, whilst we support the emphasis on youth, we are bound to point out that, in the case of the remote Aboriginal communities particularly, educational needs are not confined to young people.

Whilst the issues surrounding electoral education in Aboriginal communities are complex, in principle the solutions are simple. Aboriginal people – including those in the remote communities – have the same rights in a representative democracy as any other citizen. As a starting point, therefore, they have the same right of access to electoral education programs as the rest of the population. However, to the extent that they have greater educational needs than some other sections of the community, there is an obligation to provide special programs to cater to those needs. Failure to do so disenfranchises a group which is already the most disadvantaged in Australian society, as is amply demonstrated by the statistics we have included in the preceding tables.

With these rights in mind, there needs to be a detailed and culturally sensitive examination of the issues in conjunction with leaders of the Aboriginal communities. Then, with the issues properly identified, it should be possible without much difficulty to design and implement culturally appropriate and effective programs of electoral education. However, we have considerable concerns that even the proposals implemented as a result of this inquiry would not reach the remote Aboriginal communities, so additional effort both to implement any general recommendations and to design any additional special programs, is essential.

Turning to the question of responsibility, we submit that the educational effort, from both the funding and delivery viewpoints, is a joint federal/state responsibility. Responsibility for Aboriginal affairs generally is shared; the joint roll arrangements operated by the AEC benefit the State as much as the Commonwealth; delivery of education is a state responsibility but is partly funded by the Commonwealth; and both the WAEC and the AEC already have programs in place.

Whilst acknowledging that local government appears to have a minor interest in the promotion and delivery of electoral education, we are a little puzzled at the differentiation in your terms of reference between the roles of governments and the roles of their respective electoral commissions. We see the role of governments as being to ensure that the policy framework is in place and that the electoral commissions are adequately resourced. It is the role of the electoral commissions to give effect to those policies. The key requirement is therefore to engender a co-operative approach both to policy development and to service delivery, and to avoid turf wars between the state and federal governments over responsibilities. In practice this means a joint approach to the design of policies and programs, with the heavy lifting in the delivery of programs being shared as is the case at present.

RECOMMENDATIONS

We recommend that the JSCEM take the following matters into account in making its findings:

- The turnout rates at the remote polling places in the three state electoral districts concerned were between 42% and 54% at the last state election;
- An estimated 15%-20% of eligible citizens in the remote Aboriginal communities are not enrolled, as against an estimated national figure of 5% to 7%;
- There is confusion amongst many voters in the remote communities concerning the mandatory questions asked of electors attempting to vote;
- There is little if any awareness amongst electors in remote communities of the alternatives (such as postal and absent voting) to casting a vote at a polling place on election day;
- The 'itinerant voter' enrolment could be promoted as a solution to the needs of aboriginal electors with no fixed address;
- Whilst both the AEC and the WAEC do conduct programs that include the remote communities, neither sends staff out to the remote communities on any sort of regular basis to check on enrolment details 'on the ground'.
- There is a lack of cultural sensitivity in the way mail-out and newspaper flyer enrolment campaigns are conducted;
- There is a practical difficulty of Aboriginal people in remote communities not having the identification necessary to complete enrolment.
- There would be a need for a specifically targeted education campaign if the *Electoral and Referendum Amendment Act (No 1) 1999* and associated regulations were to be proclaimed;
- There is a need for interpreters at remote polling places;
- The commonwealth and the states have a special obligation to meet the educational needs of Aboriginal citizens in remote areas;
- Electoral education programs for Aboriginal people need to be directed to all Aboriginal people (especially those in remote areas) not just towards the young;
- Policy development, planning and delivery are joint responsibilities of the state and commonwealth governments and their electoral commissions;

and

- Above all, electoral education needs to be properly researched and funded.



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