



COMMONWEALTH OF AUSTRALIA

Official Committee Hansard

JOINT COMMITTEE ON ELECTORAL MATTERS

Reference: Conduct of the 1998 federal election

MONDAY, 16 AUGUST 1999

ALICE SPRINGS

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JOINT COMMITTEE ON ELECTORAL MATTERS

Monday, 16 August 1999

Members: Mr Nairn (*Chair*), Mr Danby, Mr Laurie Ferguson, Mr Forrest and Mr Somlyay and Senators Bartlett, Boswell, Faulkner, Mason and Murray

Senators and members in attendance: Mr Ferguson, Mr Forrest, Mr Nairn and Mr Somlyay and Senators Bartlett and Mason

Terms of reference for the inquiry:

To inquire into and report on all aspects of the conduct of the 1998 federal election and matters related thereto.

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Committee met at 10.28 a.m.**BEATH, Mr Brian Joseph, Divisional Returning Officer, Division of Brisbane, Australian Electoral Commission**

CHAIR—I declare open this hearing of the Joint Standing Committee on Electoral Matters inquiry into the 1998 federal election and matters related thereto. The committee is holding this hearing in Alice Springs to talk to participants about two of the most intractable issues of this inquiry: the conduct of polling on remote mobile polling teams and at a static booth in Alice Springs. The committee today will hear from the assistant divisional returning officer for Alice Springs during the 1998 federal election, the Tangentyere Council and local members of the public who were involved in the conduct of the election. By talking directly to those involved in the election, the committee can determine whether changes to electoral practices are required for the next election.

Welcome, Mr Beath. The evidence that you give at the public hearing today is considered to be part of the proceedings of parliament. Accordingly, I advise that parliamentary privilege applies but also that any attempt to mislead the committee is a very serious matter and could amount to a contempt of the parliament. Do you have anything to say about the capacity in which you appear?

Mr Beath—At the 1998 election, I was the assistant divisional returning officer for the Northern Territory.

CHAIR—The committee has received submissions from the Australian Electoral Commission numbered 88, 159, 176 and 210. They have been authorised for publication. Do you wish to make an opening statement before I invite members to proceed with questions?

Mr Beath—I will not make an opening statement. I will make a statement at the end, if that is fine.

CHAIR—I will open the batting, so to speak. Thank you for coming to Alice Springs from Brisbane and for being in attendance with us this morning at an inspection at Tangentyere. The purpose of that inspection was so that the committee could better understand the circumstances of last year's election in Alice Springs. As I mentioned at the inspection, we may go over some of the things that we talked about there so that they are on the public record as part of the transcripts of this hearing. In that respect, can I ask you to comment now on the appropriateness of the location. I do not want to talk at this stage about the location at Tangentyere. Can we just talk about the physical setup—where the polling took place. Given the various things that have come out subsequently about that, you might like to make any comments about the appropriateness of it.

Mr Beath—In hindsight, I think the polling place was a bit on the small side. When I inspected it last year in the lead-up to the election, I was advised that the room would be empty—that there would be no furniture left in it. Instead, however, they pushed some of the furniture back and put a couple of whiteboards in front of it, so restricting our space somewhat. I think the electors were bussed into Fogarty Street. They were bussed into an area that was familiar to them. The bank was quite close. So they were familiar with the

location. We had awnings so that the party scrutineers could stand in the shade to hand out their how-to-vote cards. The electors made their way to the front of the building, formed a queue—or, after while, we got them to form a queue—and then entered the polling place.

In the polling place, we had two ordinary issuing points and one declaration issuing point for provisional voters. We had 10 to 12 voting screens and, as I stated earlier, in a more restricted area than we had planned on, we had an OIC area for returns and other material. Electors entered in one door and exited from another. In hindsight, the place was a bit on the small side. What compounded the situation was that the electors—the Aboriginals voters—were being bussed in from town camps around Alice Springs and sometimes two of those buses would arrive at one time. The buses carried around 20 to 25 electors at any given time and, when we got two buses filled to capacity, we would have close to 50 electors trying to get into polling place to vote; it did cause bottlenecks. To alleviate that problem next time, possibly the buses could be scheduled to arrive at given times so that they would not cause a bottleneck.

CHAIR—In reading some of the submissions, it seems that the mood in the polling booth was at times very tense and a bit electric. Would you say that the smallness of the booth and the numbers of people trying to get in there would have added to that tension?

Mr Beath—I think so. I visited that particular polling place eight times during the whole day. Early on, when a lot of electors were trying to get in and cast their votes, there was tension outside in the queue. They were trying to push their way to the front of the queue. Inside the polling place were two issuing offices and three ballot papers. That added to it. We had a House of Representatives ballot paper, we had a Senate ballot paper and we had a statehood referendum ballot paper. A lot of assisted voting was going on because English is not the first language of a lot of these people. Some of them do not understand the complexities of voting. There was tension early on in this particular polling place. We had scrutineers in the polling place, too, who were observing the conduct of the polling. We had assisted voting. We had interpreters in there. It proved to be a warmish day. The airconditioning was not working with two doors open. The place was little bit on the hot side. I could imagine that the tension inside that polling place on occasions would have been a bit thick.

CHAIR—Was there ever any thought by the Electoral Commission to closing the booth during the day?

Mr Beath—Not to my knowledge, no. I was in contact with the Australian Electoral Officer for the Northern Territory, Kerry Heisner, on a number of occasions, and that was not an option. I was directed to go to Tangentyere Council on a number of occasions and, every time I got there, things seemed to be working smoothly. The first time—when we had a big queue out the front—was the worst time, but that was in hand. The officer in charge of the polling place was directing things to the best of her ability, and we were getting through it. The closing of the polling place was never a real option.

CHAIR—You never recommended that to Kerry Heisner?

Mr Beath—Definitely not.

CHAIR—When you inspected Tangentyere prior to the polling day as a possible location for a booth, did you have concerns about the appropriateness of the location from the point of view of being neutral territory, so to speak?

Mr Beath—When we look at polling places anywhere, we do not look for neutral territory; we look for a facility that best serves the elector. Having the polling place at Tangentyere Council best served the needs of the people who use Tangentyere Council. We know they are Aboriginal people, but those Aboriginal people felt very comfortable coming there to cast their votes. It was familiar territory for them.

CHAIR—The claim by the Country Liberal Party is that, almost right up to the day before polling day, Tangentyere Council displayed quite a lot of anti-CLP and anti-Northern Territory government type posters and other material. Was that evident to you prior to the poll?

Mr Beath—I did not see any anti-CLP material displayed. I did see a couple of ‘no to statehood’ posters on a couple of the windows. One was on the bank, I believe, and one was on the window of another building there. I advised Michael Bowden from Tangentyere Council to remove those—that was on the Wednesday leading up to the election. I was directed by Kerry Heisner to go back out on the Thursday to do another inspection to see whether they had any posters up, and they did not. When I arrived at the polling place on the Saturday, there were definitely no anti-statehood posters up.

Mr LAURIE FERGUSON—I think it is fair to say that, during the inquiry, we have witnessed a degree of tension between the AEC and the Country Liberal Party in the Northern Territory. Just to go through your history, have you had any prior connection with the Northern Territory’s electoral system?

Mr Beath—No, I have not.

Mr LAURIE FERGUSON—You just came across for the election.

Mr Beath—I was selected by Mr Heisner to come and do the election as the assistant divisional returning officer, and my role was to conduct the election for the southern part of the Northern Territory from here.

Mr LAURIE FERGUSON—How did that selection happen?

Mr Beath—It was a situation where the position was advertised Australia wide in the Australian Electoral Commission. I applied for it, and I was selected.

Mr LAURIE FERGUSON—How many scrutineers were in the small room we witnessed this morning? From your knowledge, how did the levels of scrutiny vary there during the day?

Mr Beath—To my knowledge, there could have been up to six scrutineers in there. We had two ordinary issuing points so realistically we could have had two from the ALP, two from the CLP and I believe there were no to statehood scrutineers in there as well. I am

unsure if there were any for any other parties, like the Democrats or Greens. There would have been up to six scrutineers.

Mr LAURIE FERGUSON—You said you were there eight times during the day, so you had a fair opportunity to see the polling booth?

Mr Beath—Yes.

Mr LAURIE FERGUSON—How long have you been with the AEC?

Mr Beath—I have been with the AEC for 16 years.

Mr LAURIE FERGUSON—In your experience over 16 years was it very common for that degree of scrutiny to occur, for that many scrutineers to be at the polling booth virtually all day?

Mr Beath—The situation I have come from is that I have had all my experience in the AEC in Bundaberg in the division of Hinkler until this last week, when I was promoted to be the divisional returning officer for Brisbane. Prior to that, we did not have as many Aboriginal electors or non-English speaking electors and we did not have that amount of assisted voting—if any assisted voting at all—in the division of Hinkler. So having that many scrutineers inside the polling place—witnessing the assisted voting and the process of the election—was new to me. The use of interpreters on that scale was also new to me.

Mr LAURIE FERGUSON—Let us forget about the interpreters and the assistance; I am talking about scrutineers alone. Was it of some surprise to you to see that degree of scrutiny all day long?

Mr Beath—Inside the polling place—yes, it was a surprise.

Mr LAURIE FERGUSON—Were you involved in the issue of mobiles before election day? By that, I mean the whole debate about whether mobiles should have occurred.

Mr Beath—It was not my decision to do an itinerary for any mobiles. No, I was not involved in the decision to have mobiles go to the town camps. That was out of my hands. That decision was made in Darwin.

Mr LAURIE FERGUSON—When was the first time you arrived there on the day?

Mr Beath—I believe it would have been around the 8.40 mark and maybe 8.45. I was in my office, which is just down the road from these rooms, and it was just after 8 o'clock—about quarter past 8, I believe—when I thought I would get organised and go and visit a few of the polling places to see how things were going. Tangentyere was going to be the first one on my list. I had to field a few phone calls. I had a phone call from Kerry Heisner and I went straight out there. I believe I would have got there about 8.40. There was a big queue at the polling place at that particular point in time but electors were moving through the polling place at that given time.

Mr LAURIE FERGUSON—Let us concede that it appeared to me and probably to most people that the area this morning was too confined. On the balance of people complaining about this being a partisan organisation, not neutral and all those kinds of problems, do you think that not having that style of facility at that kind of site would lead to a significant downturn in the turnout by the camp people?

Mr Beath—I think it would have led to more non-voting by the Aboriginal community in and around Alice Springs. That polling place served a tremendous purpose. Firstly, the people who were voting there were mainly Aboriginal. We did have non-Aboriginal people go through there and vote as well. The Aboriginal people who actually did vote there felt very comfortable about going to those premises.

I think there are another six polling places in and around Alice Springs and every one of those polling places had a trouble-free day. Because of the assisted voting, the language difficulties and some of the Aboriginal people coming to a polling place drunk, you can have difficulties. Not one of those other polling places reported any difficulties of that nature. They were trouble free throughout the whole day.

Mr FORREST—How many of those other booths did you visit eight times like you did with this one?

Mr Beath—I did not visit any other booths eight times. I only went back to Tangentyere that many times because I was going past it or I was going from one side of town to another and I could easily call in there. My visits after lunch were for two or three minutes only. I would just poke my head in the door and if everything was going fine I would then hop in my car and go to other polling places.

Mr FORREST—From your 16 years of experience, is it normal to visit a booth that many times?

Mr Beath—No, not that many times. I think I was directed or asked to go there three times for different situations that had arisen through the CLP contacting Mr Heisner, and I went at his request. No, but I would have gone to every other polling place at least three times and some of them four times.

Mr FORREST—One of the things I am struggling with is that there is an enormous amount of evidence there about behavioural problems and all sorts of things and yet, in your evidence, you consistently say that in your view things were proceeding normally and that it was orderly. I am a little bit lost there. It seems that there were incidents but obviously you have not seen any.

Mr Beath—I did not witness anything of that nature. Every time I got there, things were going quite smoothly. I would imagine that, when I was not there, there could have been some problems but I did not witness any of those problems.

Mr FORREST—What if I were to suggest to you that you visited the booth eight times because you had some real reservations about whether it was an appropriate place to have it?

Mr Beath—The first time I visited that particular polling place I was confronted by Jenny Sinclair, a scrutineer for the CLP. Jenny had an incident occur to her, of a nature that I had not heard anything of before, where a drunken elector actually spat at her and assaulted her.

Probably one of the reasons I came back to that particular polling place more than others was just to see how it was going. There was tension in the polling place, I would imagine, at different times but, as I said, I did not witness any of those times. There was a report by Ms Sinclair too of blood and fighting and all sorts of things inside there. There was no evidence of blood or of anything of that nature in the polling place when I was there.

Mr FORREST—If you had the opportunity again and were asked whether or not that particular site and the building that was used were appropriate, what would you recommend to your senior officer in the AEC?

Mr Beath—My recommendation now would be to not use that particular building. If there were another suitable building at that location, yes, you would definitely use that location because it serves its purpose with the Aboriginal electors.

Mr FORREST—There are plenty of other buildings that would be suitable on that site.

Mr Beath—Yes, we inspected the conference room there and another large shed. We could have had as much space as possible in that shed. Probably there was a concern with heat, but it is a very large shed. Okay, it has a tin roof but the booth that we used last October was quite hot. The airconditioning was not working because we had two doors open. I think the shed would be a much better option or else the conference room, which has fans in it so the air would be circulating.

Senator BARTLETT—I wish to follow on from a couple of points that have been raised about the number of scrutineers from parties and those concerned with the referendum in that booth—up to six. To your knowledge, would the other booths around town on that day have had that level of scrutineers?

Mr Beath—They would have had, yes. I visited every polling place and I remember at Gillen in particular that there were four scrutineers standing in the middle of the polling place—but it is a very large polling place—talking with each other. Everything was flowing fine. They had no real job to do inside the polling place other than to observe the electoral process. There was no real assisted voting going on at that particular polling place when I was there on the number of times that I went there.

Senator BARTLETT—Does the AEC have any way of determining the number of assisted votes that occur in any particular booth?

Mr Beath—An assisted vote is when the elector does not fully understand, is illiterate or does not know the process. So if that elector needs assistance, that is given by the polling officials or the interpreters, in this case. It could be that every particular elector going to a polling place might require assistance, and it could be that at another polling place down the

road they do not give any assistance at all to any electors. So there is no given number. Whoever turns up and needs that assistance will be given that assistance.

Senator BARTLETT—At the end of the day, you do not have any real way of saying, ‘We had 15 per cent assisted votes in that booth,’ so that you know the next time, or for whatever reason?

Mr Beath—No, we do not take a statistic like that at all.

Senator BARTLETT—My understanding of assisted voting is that there can be the sort where you would have a polling official or an interpreter officially there on behalf of the commission who can offer assistance, and those ones can be observed by scrutineers; but the voter can also have a friend or a relative or somebody with them instead, and those cannot be witnessed by scrutineers.

Mr Beath—That is correct.

Senator BARTLETT—Would you have any idea of how many of those sorts of assisted votes—if that is the right term—occur compared with the number of people using the official interpreters?

Mr Beath—No, I would not have a clue how many of those occur.

Senator BARTLETT—I understand that you are saying that you were not involved in the decision not to conduct mobile polling around the town camps. You had responsibility for the southern part of the Territory. Did that occur in any other areas?

Mr Beath—The AEC had planned to do that at Tennant Creek and that idea was withdrawn as well. So the same decision applied in Tennant Creek as in Alice Springs.

Senator BARTLETT—Once this decision was made?

Mr Beath—Yes.

Senator BARTLETT—I understand that decision was made based on advice about possible interpretations of the act. Assuming the act could be changed, would you see that as a better way to go—to have mobile polling around the town camps beforehand rather than bussing in, as occurred?

Mr Beath—Take Tangentyere for example. We tried to get 400 electors through the one polling place in the one day; whereas if we visited some of those camps and brought some of the people from the closer camps to one, we could be set up for half a day and could make sure that everybody gets through with no real problems. I think the problem that developed was that we had a lot of people trying to get through the one place at the one time. But if we selectively did a particular area or a particular town camp like a remote itinerary, I think that would work fine as well.

Senator BARTLETT—Do you think there would be any problem that might apply to mobile polling for town camps—where people are close to town, by definition, as opposed to other mobile polling—where it might increase the risk of multiple voting, especially if people are not really familiar with how the electoral system works. They may vote on a Monday when the booths pass through the camp and then, when they are in town on the Saturday, they see polling booths around and think they can go in and vote again. Do you think there would be much risk of that?

Mr Beath—There would always be that risk, I suppose.

Senator BARTLETT—But particularly given that, as I understand it, with some proportion of the indigenous voters, there are a number of different names they can go by?

Mr Beath—I see what you are saying—there could be a number of different names, but I think these people are on the electoral roll only once. In the mobile that would be going around, there would be only the one certified list. So if they came along to vote a second time and their name was marked off, there would be a problem and we would detect that problem of trying to multiple vote. Historically, even around Alice Springs, the Tangentyere Council would actually go to the camps and collect the electors and take them to any of the polling places, like Yirara or Alice Springs Town Council here, where we are now, and get them to vote. I cannot see too many of them taking the opportunity themselves to walk in off the street and vote on the Saturday if they have already been in and voted during the week through a remote.

Senator MASON—Mr Beath, to pick up a point raised by the chairman before, what are the criteria for the establishment of a booth?

Mr Beath—Obviously, to serve the electors in that area. In another situation in any division, we look at our figures from the previous election and if a booth has grown and there is a suitable location nearby that will service those people, we will recommend that we open a polling place. On the other hand, we would recommend closing a polling place if it were too small and there were another one close by that would service those people.

Senator MASON—In this case there was another polling booth about a kilometre away from the council booth?

Mr Beath—Yes, I think it would be a little bit more than a kilometre, probably close to two kilometres. It is on the other side of town, as such, where the railway line divides the town. There are traffic lights and all sorts of things. A lot of these electors do not have their own transport, so they rely on the council to transport them to the polling place.

Senator MASON—Do you think it is important that polling booths be on neutral ground? The perception is that it is neutral ground.

Mr Beath—The perception is that every place that we conduct a poll is neutral ground, because we are doing that to service the people in that area. Okay, we do have political parties that sometimes have conflicts because of a location of a polling place, but I would

have no qualms about putting a polling place back in that area to do the particular job it did.

Senator MASON—But why?

Mr Beath—I do not perceive it as not being neutral ground.

CHAIR—Just to pick up on a couple of other points, you said that Tangentyere basically went around the town camps and brought those people to Tangentyere. That was the purpose of that booth after the mobile poll was rejected. If you look at all the booths around Alice Springs, given that people were needing to be picked up from their town camp anyway, why couldn't they have been spread evenly around all the other booths? Some of the other booths are very large and, as you said, they all operated without any problem at all. Four hundred people spread around the other six booths would not cause an enormous additional impact on any one of those other booths.

Mr Beath—The numbers probably would not have caused any impact, but Aboriginal people on occasions feel threatened if they go to a location they are not familiar with, or it might be an authoritative type building. If the polling place were in a court house, they would not feel comfortable going there. We also have the situation where Aboriginal people do not like to mix on occasions. They do not want to go to one area they are not familiar with or which they perceive as having another tribe or another group of Aboriginal people living in. They do not mix like that.

CHAIR—But isn't that what you have done with Tangentyere, in bringing every town camp all into the one place?

Mr Beath—All into the one place, because they all felt comfortable coming to that particular place.

CHAIR—But there is plenty of conflict between some of the people in some of the town camps as well.

Mr Beath—Yes, there would be.

CHAIR—You run the risk of two buses arriving at the same time from two very different camps, so that sort of situation really could have occurred anyway.

Mr Beath—It could have occurred, yes. But I think the people that are running the bus service know what they are doing. They have been doing that for some time, and the Tangentyere Council have that situation where they have their banking facilities for them, they have their housing facilities for them, they have the Centrelink facilities for about 800 or so people from those town camps. So those people were comfortable going to that one location.

CHAIR—Has the AEC looked at the percentages of people who voted in the 1998 election compared with the previous Territory election and the previous federal election to

see whether people had previously been disenfranchised because there was not a site like Tangentyere available for polling?

Mr Beath—I am unsure of any figures for that. In the normal process of planning for elections, we do go back and look at previous figures from the polling places, remote teams, et cetera.

CHAIR—Part of the argument that was put forward was that we wanted to maximise people's opportunity to vote—and I wholeheartedly support that. I am interested to know whether it was shown to further maximise the figures compared with those from the 1996 federal election where people were presumably picked up from the town camps and taken to the various Alice Springs booths that were available.

Mr Beath—We would not have actual figures on it, but I would say that there was a bigger turnout in and around Alice Springs in 1998 than there was in 1996.

CHAIR—It would be interesting to see.

Mr SOMLYAY—It should then follow that the number of people who did not vote in 1996 would have been higher than the number of people who did not vote on this occasion. Are the people in the camps who do not vote recorded? They are on the roll. What happens to the people who did not vote in the past? Can you compare that with the figure in 1998?

Mr Beath—At the end of the election, all the certified lists are taken away and scanned, and we get a list of non-voters for that particular division. We get a list of people who did vote and where they voted, and we also get a list of people whose names were marked off more than once. I do not know the figures for non-voters in 1996 compared with 1998. I would not know that because I was not at the follow-up and the conclusion of non-voters in that particular division.

Mr SOMLYAY—We do not know whether there is a problem. For the people who were not voting previously, did this new booth give them an opportunity to vote this time that they did not have before? Also, you mentioned the figures on people who attend to vote twice. How often does that happen in remote booths and in just this new booth? Has that been examined by the AEC?

Mr Beath—After every electoral event, we always examine what we did well, what we can do better and where there were problems. I believe we follow up the situation with non-voters as best we possibly can.

Mr SOMLYAY—The reason for having that booth at the council was that the AEC felt that you would get a bigger voter turnout.

Mr Beath—Yes.

Mr SOMLYAY—Therefore, something must have made you believe you were not getting a big voter turnout last time. How many people from the camps did not vote at the 1996 election who then subsequently had an opportunity to vote at the 1998 election?

Mr Beath—I would not know the numbers. I think we have had to be out there more since the 1996 election, giving the Aboriginal people more opportunities to vote or giving them places to go to vote and having the assistance there to help them vote. We had in place an ATSEIES program, which is now defunct, where we had people going out into the Aboriginal communities and educating them on the electoral process. That is not there, and that would have been one of the reasons for having the extra polling place to cater for the Aboriginal people to give them more assistance to go to a place they are familiar with to help them cast their vote.

Mr SOMLYAY—How does the AEC measure the success of the booth in attracting those people to vote?

Mr Beath—A bigger turnout of voters is one thing.

Mr SOMLYAY—We all know that, but we do not have the figures to back it up—that is what I am saying.

Mr Beath—I do not have the figures at my disposal.

Mr SOMLYAY—But the AEC locally, in Darwin, should have those figures.

Mr Beath—They would have statistics from 1996 compared to 1998 most definitely.

CHAIR—I want to clarify the issue of the number of scrutineers in the polling booth, because there was varying evidence before. Each candidate could have a scrutineer inside. Is that correct?

Mr Beath—Correct.

CHAIR—Plus a candidate for the Senate. Let's just deal with the major parties, with apologies to Senator Bartlett. Presumably the CLP candidate for the House of Representatives could have a scrutineer. There would be two scrutineers for the Senate because there would be two CLP candidates. There would be two scrutineers for the two ALP Senate candidates and a scrutineer for the House of Representatives. So legally that could be their maximum number. Is that correct?

Mr Beath—No. It is not determined on that basis; it is determined on the party and the number of issuing points that we have in the polling place.

CHAIR—Right. So there was only one issuing point.

Mr Beath—There were two issuing points at Tangentyere. So each party was allowed two scrutineers.

Mr SOMLYAY—Each party or each candidate?

Mr Beath—Each party.

CHAIR—So you could have two CLP scrutineers and two ALP scrutineers. Then there was the referendum. What were the rules with the referendum? Were they exactly the same?

Mr Beath—Yes, I believe so. We had two issuing tables so we could have scrutineers in there for the yes campaign and the no campaign.

CHAIR—Once again, two for a yes vote and two for a no vote because there were two issuing points.

Mr Beath—Yes.

CHAIR—It was not linked to members of the Legislative Assembly because it was a Northern Territory parliament sponsored referendum. Couldn't each member of the Legislative Assembly nominate a scrutineer?

Mr Beath—I am unsure of the rules for determining scrutineers for that particular referendum.

CHAIR—I understood that there was some evidence that there were substantially more scrutineers than what we are saying were there because members of the Northern Territory parliament supporting the no case had authorised scrutineers. Each one of them could authorise a scrutineer if they wanted to.

Mr Beath—Yes. In Tangentyere you could have two for the ALP and two for the CLP, looking out for the House of Representatives, which they normally did. Then you could also have your scrutineers for the yes and no vote appointed by the appropriate people and, yes, they were entitled to be in there to witness that.

CHAIR—I think legally there could have been a lot more than just one on either side.

Mr Beath—Yes, there could have been.

CHAIR—I think that is what added to the number of people.

Mr Beath—Yes. There was an incident, I believe, where people might have thought that they were referendum scrutineers and they were actually party scrutineers, so some had to go out and change badges, that type of thing—a different form—then they could come back in and witness for the referendum.

Mr SOMLYAY—But they could have been both if they had the forms.

Mr Beath—If they had the appropriate forms, yes, and they did not have their maximum numbers in there. Yes, they could have been both.

CHAIR—In addition to those, you had interpreters and people assisting voters. What were the guidelines given for allowing other people into the polling booth to assist voters? Surely that occurs when a voter says, 'I want a particular person to help me vote.' I would

have thought that there should be people in there permanently under this title as a person to assist voters.

Mr Beath—If a person required assistance in voting, they would contact the polling official. That polling official would ask how they needed assistance: ‘Who do you want to assist you? Do you have family or a friend to help you? Do you want the polling official to do it? You nominate a person and we will observe the process and make sure that the assistance is carried out the correct way.’ That is the normal procedure.

CHAIR—So when that occurred and somebody assisted a voter and completed it, the person assisting that voter then should have left the booth, shouldn’t they?

Mr Beath—One would expect if it was family or a friend, yes, but if it was a polling official then they are required to stay in there and perform their duties.

CHAIR—Are you happy that that occurred? I get the feeling that there were constantly people hanging around there to so-called ‘assist’ voters.

Mr Beath—Yes. I would imagine that the interpreters—we employ the interpreters because they are familiar with language and familiar with the people in a lot of cases—

CHAIR—How many of those were there?

Mr Beath—I believe two. I could be wrong but I think there might have been two. Those interpreters would have been asked on a number of occasions to assist. That happens when we have remote mobile polling as well. We employ people from the community who are familiar with the people and they feel comfortable with them. We employ them as election casuals. They are there to interpret and they are also there to assist if needed.

CHAIR—I will read from the transcript in Darwin—this is after the day had finished. Ms Sinclair said:

We were given the wrong information when the mobiles were being counted. So we went and we asked the lady if we could have the previous figures that had already come out. This gentleman, Joe, came in. She asked him, ‘Could we have those figures?’ He said, ‘You give these girls what they want. They have been to hell and back today.’

She goes on to say:

Now I see that they dispute that and say, ‘We have all had a hell of a day.’ I tell you he did not, Mr Chairman, because I felt vindicated when he said, ‘Give them what they want. They have been to hell and back today.’

Would you like to comment on that evidence from Ms Sinclair?

Mr Beath—I do not completely remember every word, but I don’t think I would have said, ‘They have been to hell and back,’ because I was in a situation where I was trying to get my remote teams counted. I had had a pretty heavy day. I wanted to count remotes in here and I also wanted to count them in the foyer of the Alice Springs council where the main Alice Springs booth was happening. An incident in there made me shift all the counting of the remotes back over to here. I remembered Ms Sinclair coming in and asking

for those figures and I said, 'Give them the figures. There is no problem with that. We have all had a hell of a day.' That is what I thought I had said. I was not being nasty to the people. I was trying to be of help, be of benefit. I knew they wanted the figures and I knew they had to find out what was going on. I also had to get figures to Darwin so we could get them into the system. I just do not particularly remember the exact words. I could have said that, but I think I probably would have said, 'We have all had a hell of a day,' because we were all under a lot of stress.

Mr LAURIE FERGUSON—We have covered the possibility that there might have been different groups of Aboriginals who happened to get to Tangentyere at the same time and there could have been problems either there or at the alternative polling booths. Have you had any complaints whatsoever—I should not personalise this because I do not know how long you were here after the polling booth—so has the AEC had any complaints from any town Aboriginals about the conduct of the poll there?

Mr Beath—I believe not.

Mr LAURIE FERGUSON—None at all?

Mr Beath—None whatsoever to my knowledge.

Mr LAURIE FERGUSON—So the only complaint is from the CLP?

Mr Beath—I believe that is the case, yes.

Mr LAURIE FERGUSON—We will probably ask this other witness, but do you know how transient this town population is and whether people live there for generations, 50 years or five minutes?

Mr Beath—I am unsure. I came out five weeks prior to election day, did the election, hopped on a plane the very next day and took the material back to Darwin. Historically, Aboriginals are transient people. They could be at one community one day and at another community the next day.

Mr LAURIE FERGUSON—Regardless of whether the simultaneous referendum on the future of the Northern Territory increases the possibility of scrutineers on the day itself—I will ask you again what I was getting at before—in your experience of 16 years, do you normally have half a dozen scrutineers hanging around the place all day long in a polling booth?

Mr Beath—Not inside the polling place. Outside they will stay there all day, yes.

Mr LAURIE FERGUSON—It is legal, it is allowed, et cetera, but you have not come across that very often?

Mr Beath—No, never. That is my first and only experience of it.

Senator BARTLETT—I am just going to ask briefly about the specific complaints about Remote Mobile Polling Team 16. They were people under your oversight, I presume?

Mr Beath—Yes, they were.

Senator BARTLETT—Have you got any specific views on how that team conducted its work as opposed to any of the others?

Mr Beath—I was responsible for nine teams, and I had particular problems with each of those teams for different reasons. I believed the people selected were capable and experienced. I had no knowledge of them not being experienced and not being able to do the job. Problems did occur. When I found out about a situation where they were opened at Hermannsburg the next day when they should have been at a couple of other places, I asked the OIC to close that particular booth down and go as per the itinerary. They had a problem with one of the communities where males were drunk. I advised them not to go there. As far as I was concerned, team 16 was just one of the nine teams that I was responsible for. That was it, really.

Senator BARTLETT—Hinkler is fairly different from the Northern Territory, although I know it does have a little bit of a city-country split to it. I am just thinking of myself being in that situation, I suppose. It would seem to me to be something that would require a fairly steep learning curve. Would that be a reasonable description in terms of mobile booths?

Mr Beath—Yes, that is a good description. I have had experience with remote mobile polling before in an ATSI election in the Northern Territory but not on that scale. It was new to me on that scale to have nine teams going out for a full week. Some of the areas are very inaccessible and harsh. The country is hostile. It was a learning experience, that was for sure.

Senator BARTLETT—You do not quite have to worry about it in Brisbane?

Mr Beath—No.

Mr SOMLYAY—Something is nagging me at the back of my mind. We talked about appropriateness of polling places. We have the council bus bussing people in from the camps to the council site. We have heard evidence that how-to-vote cards were being handed out on the bus and that the people were bussed to the booth for political reasons. I have no objection to that, except that it is a council booth. It was being conducted on council property.

If those people were being bussed to booths all around Alice Springs, it does not matter, but I do find a conflict when politics is being played on the bus. I do not know if people felt intimidated when they walked into the polling booth, having been taken to the booth in a council bus to a council depot where the polling was being conducted—and there were how-to-vote cards being handed out on the bus. Am I worrying unnecessarily? Is there a conflict?

Mr Beath—There could well be. I was unaware that there were how-to-vote cards being handed out on the bus. I believe we have it only from the CLP that that was happening but I

believe from Mr Bowden this morning that historically they do transport the Aboriginal people to polling places where they are happy to go—and probably one of those places would be Yirara and on the way to the airport. I do not know if they transported them to every polling place in Alice Springs or transported them to a particular polling place.

CHAIR—Yirara was always used substantially for the same sorts of reasons that you were mentioning—they feel comfortable in a location and Yirara has always been a predominantly Aboriginal booth.

Mr Beath—The area that is used at Yirara College is a very small and confined area as well, so that might have been one of the reasons behind having the town camps and remote and, after that, Tangentyere.

CHAIR—There were questions asked about the evidence about handing out cards on a bus. The evidence was in Darwin. Ms Sinclair said:

Other things I observed that distressed me on the day were that the buses belonging to the Tangentyere council that brought in the Aboriginal voters had people on them with the Labor Party, and ‘Vote no to statehood’ cards were being handed to the voters on the bus. So when those voters got off the bus they just bypassed the CLP and did not take our cards.

Mr Beath—I was unaware—

Mr SOMLYAY—The reason I raised it is that in my electorate I try to help people to get to polling booths too—and I give them election material, but I think that is a bit different from a council bus bussing people in to a council site where the polling booth is. I just feel there is a conflict of interest there.

Mr Beath—I believe it to be a legal process. I do not think they have actually broken the law or contravened the Electoral Act in any way. I do not think there are any breaches there.

Mr SOMLYAY—When it comes to the choice of site for the polling booth in future, I think that has to be taken into consideration.

Senator MASON—Alex, your question more broadly is: you mention that comfort with the interpreters and comfort with the location maximises voter turnout—and I think we can probably all accept that—but it is whether that comfort accurately reflects the individual voter’s desires then and there so that there is not pressure put on them by other members of their community, by the people so-called assisting at the polling booth and so forth. That is the concern, I think. It is the tension between so-called comfort and also individual voters’ desires to vote a certain way without pressure from anyone else from the community.

Mr Beath—I guess that could be a perception that is easily come to.

CHAIR—In that regard, Mr Beath, can you explain to us what training was provided to staff on the day. You mentioned that the two people checking names were Tangentyere Council employees, people who worked in the bank, and they were chosen because they

knew people. What actual training was given to those people in the processes they are required to follow to mark people off the roll when they come in to vote?

Mr Beath—The ordinary issuing officers do not get a face-to-face training session as such; they get a manual which they are asked to read. They go back to the OIC with that, knowing that they do know their duties. The OIC in charge of a polling place—and the second in charge if we have one in place—the declaration officers and those people doing provisional votes and absent votes are all formally trained face to face. Remote mobile team leaders and members are formally trained face to face.

Within that training they are shown how to fill in their returns, take declaration votes, and such things as marking the name off the certified list in the correct way. The IOC training is for three hours. The declaration or provisional vote—absent vote—people are trained for an hour. Remote and mobile teams were trained for five hours.

CHAIR—The rules are that people come in and provide their name. They are looked for on the roll and marked off. During our inspection this morning, one of the members of the Tangentyere Council commented that it was useful to use the two people from the bank because they knew everybody. People came in and they knew them straightaway. They knew who they were and which names they might be using—which names might be on the roll. Therefore, they could immediately find them on the roll. That seems to be backed up by the evidence of Ms Sinclair who said:

When I did get inside for a few minutes I observed, and I objected to the fact, that voters were coming in and the officers behind the desk were not asking the name of the voter. They were saying, 'Hello Billy, you're here. I'll tick you off.'

And so on. This aspect is something that has been raised a number of times. People are not being given the opportunity to declare who they are so that their name can be found. That is why I asked the question about training. Surely the law is that the voter should offer their name; not the other way around.

Mr Beath—That is the case in every training session that we conduct. It is not only my training, but when we are training polling officials in any election they are asked to ask those questions. When an elector comes to them they have to ask them their name, their address and whether they have voted before. If it is a federal election those three questions must be asked. When I was out there I asked the issuing officers whether they were having any problems, and everything seemed to be going fine. I did not witness anybody coming up and the issuing officer saying, 'Hello, Billy.' That did not occur when I was there. The person issuing the votes and ballot papers did recognise them, but they were asking the questions. I cannot say whether they were asking them the questions at the very beginning of voting when Ms Sinclair could have been in there. When I saw things happening, everything was being done, as far as I could see, correctly.

That is only one polling place. I would imagine that, in any polling place throughout Australia, those questions may not always be asked. If people are familiar with each other in a small country town, the issuing officer would probably know 90 per cent of the people going in to vote. Whether they ask those same questions every time, I would not know.

CHAIR—But that is the law, isn't it?

Mr Beath—Yes, that is the law. It is a requirement that those issuing officers ask those questions. As I said, I would imagine that those three questions are not asked in every polling place to every voter by every issuing officer, either.

Senator BARTLETT—I suppose if you had a long line of people clamouring to get in the door, you may tend to go straight to the point.

Mr Beath—It could be. It might be because there is a backlog because it is too crowded, so they decide to miss those questions to get the people through more quickly.

Mr FORREST—We have gone to all this trouble to open this booth and collect all this evidence. Can you tell me whether the participation of Aboriginals in voting did actually increase for the camp people? Do we have sufficient evidence to say that it was worth all this effort?

Mr Beath—We would have to get that evidence from Darwin and compare figures from 1996 with those from 1998, but I do not think we would know how many Aboriginals voted in remotes or in that particular polling place because there is no way we differentiate between Aboriginal and non-Aboriginal voters. We could look at figures for turnout in 1996 and turnout in 1998 and the increased enrolments over that period of time. I do not have those figures available to me now.

Mr FORREST—The Tangentyere Council have said in one of their written submissions that they get a huge amount of mail to their Aboriginal camp people advising that they have not voted. They are speaking of the past. From memory, they suggested that the AEC would have some idea of the number of those letters that get sent out after every election. Do you have a comment on that, as well?

Mr Beath—We would have an idea. Going on what Mr Bowden said this morning, they have records out there for over 800 people, and I believe that this particular polling place took about 400 votes. There is a possibility that 400 non-voter notices went to that address.

CHAIR—What was Tangentyere actually called? It was called a mobile but it was not a mobile.

Mr Beath—It was called Railway Side.

CHAIR—Which number, do you know?

Mr Beath—I believe it was 22. Is there something there for 22?

Mr FORREST—It is included in 'all other mobile' figures; it is not a booth in its own right.

Mr Beath—Because our election management system had not been set up to include Railway Side as a static polling place, the only way we could enter figures into the system

was by calling that a remote team. That enabled us to enter the figures into the system so we could get our statistics out.

CHAIR—So it is listed as Remote Mobile Team 22, and 356 people voted. There were six other booths. These are the 1998 figures; we do not have the 1996 figures. But I am sure that a comparison can be done.

Mr LAURIE FERGUSON—Just one point: a few of the committee members have given their philosophy on these alleged how-to-vote distribution buses. I had not picked it up in the previous evidence, but Ms Sinclair made a number of complaints during the day. Did she raise this with you, at all?

Mr Beath—She did not raise with me the fact that they were getting off with how-to-vote cards in their hands. When I first spoke with Ms Sinclair she was very distressed and upset because of the spitting incident, but I did see her at Gillen and I spoke to her there. When I went back to Tangentyere a couple of times she was there and I spoke to her again, but she never once raised that point with me.

Mr LAURIE FERGUSON—To return to one aspect of this: did you say that you were called three times over complaints at that polling booth?

Mr Beath—I believe so, yes.

Mr LAURIE FERGUSON—Can you recall the nature of each of those complaints?

Mr Beath—The first one was the spitting incident and the drunken elector inside the polling place.

Mr LAURIE FERGUSON—Is that one or two incidents?

Mr Beath—That was one incident.

Mr LAURIE FERGUSON—Right. Go on.

Mr Beath—The second time I believe there was a complaint from the CLP that the OIC had actually sworn at one of the scrutineers—the word ‘bloody’ was used. Another time I was called because the CLP complained that two of their scrutineers had been asked to leave the polling place, which they did, and they came back as ‘yes to statehood’ scrutineers. It was something like that.

Mr LAURIE FERGUSON—You do not recall any complaint about people giving out how-to-votes on the bus, and it was not the cause of any of your visits?

Mr Beath—No, definitely not.

Mr LAURIE FERGUSON—I know that you are not local, but what is the second highest predominance of Aboriginal voters in the other six polling booths? Where would you get the highest proportion of Aboriginal voters in the other six polling booths?

Mr Beath—I would imagine it would be Yirara, but it could also be Alice Springs.

Mr SOMLYAY—I want to make this point to Mr Ferguson and to Mr Beath: I have absolutely no objection to how-to-vote cards being handed out. There is nothing to stop the CLP having their own bus and going out to the camps and bussing people to the different polling booths and handing out how-to-vote cards. But the perception that it was a council bus and that the booth was on council property concerns me.

Mr LAURIE FERGUSON—As we are all clarifying our views, I have no objections to that. My only objection would be if this organisation is largely government funded and its buses are therefore funded by the taxpayer. I would object if they gave out how-to-votes. But if they have their own buses or cars, or if they finance it themselves, I would not care less.

Mr SOMLYAY—That is true.

CHAIR—They are predominantly government funded. I am not sure what the breakup of the funding is, but there is certainly significant government funding. There are no other questions. Mr Beath, do you wish to add anything else?

Mr Beath—I think I have answered things truthfully and to the point. In the overall context, if we do not have a program like ATSEIES we might get more and more incidents of assisted voting. The percentages might grow there. If that program were reintroduced we may alleviate all of the problems we encountered this particular time.

CHAIR—Thank you for your evidence today and for coming across from Brisbane for the hearing.

[11.42 a.m.]

BOWDEN, Mr Michael John, Manager Community Development, Tangentyere Council

LEWIS, Mr Terrence John, Media Liaison and Public Relations Officer, Tangentyere Council

SHAW, Mr Geoffrey, President, Tangentyere Council

TILMOUTH, Mr William Roy, Executive Director, Tangentyere Council

CHAIR—Welcome. The committee has received two submissions—Nos 208 and 209—and they have been authorised for publication. Submission 208 is from the council and submission 209 is from Mr Bowden. Are there any corrections or amendments you would like to make to your submissions?

Mr Bowden—No, none that I am aware of.

CHAIR—I now invite you to make an opening statement before members proceed with questions.

Mr Shaw—The staff of Tangentyere Council brought to my notice that they would like to present themselves to the committee in relation to a polling booth being situated at the Tangentyere Council. There has been a booth at the Tangentyere Council when the state elections were on. They saw that it might be better for Aboriginal people to go to a polling booth that they were comfortable with. I think that is why this group of people from Tangentyere Council came here to present their views. Maybe I can fill in the gaps after the staff have spoken.

I have been involved with polling booths for quite a number of years, from the inception of this organisation. I was the general manager of Tangentyere Council and I have always made sure that we assisted Aboriginal people in exercising their right to vote in this democratic nation. We have provided a service to these people, bussing them to polling booths to exercise that right. Now I think what is going to happen to go further than that is to look at exercising our right in terms of having a polling booth situated at the premises of Tangentyere Council, which will enable Aboriginal people from town camps to go and vote comfortably, to exercise their right. At a later stage, if anybody wants to ask me more questions to fill in gaps or whatever, I will be able to do that and I would like to see some of the staff of the organisation make a presentation.

CHAIR—Would anybody else like to say something to start with?

Mr Tilmouth—In relation to the issue of the polling booth, it was in the rejection of mobile polling booths on the town camps that the idea came from me, that I instructed one of my staff to ask the Electoral Commission whether we could have one at Tangentyere; the reason being it is an organisation that is owned and controlled by the permanent residents of the town camp. It is an environment which they are comfortable with, it is an environment

which they have created and it has circumstances where they can access every service they like, if they want to, via the agency of Tangentyere. It is that political right that Tangentyere is also able to access for them, and it was at my request to the Electoral Commission that it was granted. I think that is a democratic right that we will always try to ensure that our people have access to. It is in the common good.

Mr Bowden—What we presented to you in our documentation stands. Without making an introductory comment, perhaps as we proceed we might speak to some of the points made in our submission. I don't know whether Terry wants to add anything else.

Mr Lewis—After reading the paper presented to the standing committee by, I believe, the CLP, I submitted a paper which supported Mr Bowden and the fact that he was accused of being there all day. Allegations were made in that phase. In my submission I said that he was not, that he appeared very early in the morning and that that was the last he was seen all day. I was virtually left to organise the general area around Tangentyere Council while the electoral officers were looking after inside.

CHAIR—Who would like to ask questions first?

Mr FORREST—I will start off, Mr Chairman. It is a great pity that we have collected all this evidence about what has happened on the site down there. I would like to work through a few things one by one. I am not really bothered about whether or not people are part of political organisations, as long as booths are conducted in an unbiased, proper way. There are all sorts of allegations. One of them was right at the start of the day, when the site was made available for different parties to put up their paraphernalia. I noticed this morning on inspection that the gates are secure gates which need to be opened by somebody. The first complaint is that the CLP were told that the gates would not be opened until 7 a.m. They arrived there at 10 to seven to find that the Australian Labor Party was already there and established. So somebody had let them in. Could we start with that problem, the first accusation of bias for the day?

Mr Bowden—There was a discussion on the Thursday or Friday before the election between me and Jenny Sinclair about how the preparations and establishment of the polling booth for the members of the political parties would occur. I took Jenny to the spot where we stood this morning and showed her the shaded areas and where different people could stand, where the six metre line would be, et cetera. I do not recall exactly giving a commitment, as is written by Mrs Sinclair in her statement, as to what time it would happen. If I said that, I said it—but I do not recall it exactly. Nevertheless, I was conscious of appearances being important in this situation. Being a member of the Labor Party, and having been an active member of the Labor Party and a previous president of the local branch, I was concerned that I play a minimal up-front role at Tangentyere on the day. I did not want to be seen to be abusing my position as the Manager of Community Development at Tangentyere with a Labor badge on. Therefore, I determined that I would not be at the polling booth on the day of the vote.

The Labor Party in town at the time was pretty underresourced and I took on a role as being the booth manager at the Albrecht Drive Larapinta polling booth on the west side of town. I had the responsibility of setting up the booth there, putting up the bunting and the

corflutes. Because this polling booth came on very late, there was no-one allocated from the branch to set up the corflutes and bunting for the Labor Party at the Tangentyere Council site. I got up early in the morning and raced down to Tangentyere. I put some bunting up at Tangentyere, opened the gates and put some corflutes up. Very conscientiously I set it up in such a way that I left spaces. I put up an ALP one and left a space of an equal size for the other parties. I put up an ALP one, left a space and so on. As I went along I was conscious of making it fair. I looked at it and thought, 'This is absolutely fair. It is 50-50. I have left plenty of space along.' I do not think you will find in the statement by Ms Sinclair anything which suggests they did not have adequate space. I did not try to hog the space or anything like that. I simply opened the gates early and put it up early because I had to leave to go to the other place and set up there. As I have said, I did not want to be at the polling booth.

If there was a misunderstanding with Jenny at the time, I am sorry about that. It certainly was not intentional to subvert their right or opportunity. I did not think there would have been any fight or problem with it. I get on very well with Jenny Sinclair. We are quite good friends. In fact, some time after this event she rang me from Darwin, having met a couple of my boys on a football trip up there, to tell me what wonderful young blokes they were and paid tribute to them for something. I do not think there is any quibble about honesty or integrity. There was perhaps a misunderstanding. I felt as though I left the site in a situation where there was no advantage or disadvantage to either group. By all means seek an opinion of members of the CLP as to their view, whether they had equal access to the site. I am sure they did.

Mr FORREST—It would only have been a problem if there were people voting before that, but there would not have been. What time did the first voters arrive?

Mr Bowden—It would have been 8 o'clock.

CHAIR—What time were the gates reopened?

Mr Bowden—I probably got there at about half past six.

CHAIR—In her evidence Ms Sinclair went through the conversation that she said she had with you a night or so before, when you acknowledged each other's political affiliations and said things would be fair and you would open the gates at 7 o'clock. She said:

So, at six thirty, my colleague and I went there to see what was happening, maybe thinking the gates might open a bit early, and the Labor Party had already been set up in their spot. The gates were not opened until 7 o'clock . . .

I guess the complaint is that you used your position at Tangentyere to gain access to the area, set up for the ALP, close the gates and go away.

Mr Bowden—I do not recall locking the gates—not at all. I came in and opened the gates. I have a key to open the gates. If the gates were closed they may have been closed by somebody after I left—somebody picking up a bus or something—because I left them open. I can only repeat that along the fenced area that you saw I put up some bunting. It was by no means the whole area, and I did not preoccupy the dominant spaces. I do not think that it is pertinent to a sense of unfairness or whatever. I was being scrupulously fair, as far as I

could see. That comment that Jenny made about our being on different sides was because we are both from the football fraternity and we were both saying, 'It's westies v. souths.' It was that sort of thing. It was just a laying of the game very open. It was done in a very friendly manner. There was no antagonism or antipathy between us and there has not been.

CHAIR—That is fair enough, but can't you understand the Country Liberal Party's position when they had this difficulty about the polling place in the first place and then finding that a senior member of the council had basically taken that advantage of being a member of the council to advantage one of the other political parties prior to them giving an equal opportunity? It reinforced in their minds that there was this mood against them.

Mr Bowden—I guess a conspiracy theorist would see that, but I do not.

CHAIR—But they were disadvantaged in as much as they did not have access to the site at the same time as their opponents.

Mr Tilmouth—Then we were disadvantaged for the simple fact that we only had a very short time to organise a major event in Aboriginal history in this town. Also, the preparation for that election was on the spur of the moment. We relied and depended on people who had knowledge and who voluntarily participated in that. If you put it in context of a conspiracy, I do not think we had time to conspire.

Mr FORREST—Perhaps we have enough evidence on the opening of the gates. I go now to where I wanted to end up. We have gone to all of this trouble with this booth with the noble goal to increase Aboriginal participation in the electoral process. That is something that as a committee we are going to try to do something to help with. The problem seems to be this particular site. It may well end up being worth it if we know that we have in fact increased the participation. I notice in one of your submissions, Mr Bowden, you made reference to the number of letters that you receive at your council to redistribute to camp people who have failed to vote in the past. Do you have any record that at the last federal election that amount of mail was reduced, which means that we had a greater participation?

Mr Bowden—No, I do not. It is something that I have thought about researching too. I could recount to you a small anecdote. We are coming up to an ATSI election soon as you would be aware. At the moment there is a team from the Australian Electoral Commission going around recruiting for the electoral roll registration process, et cetera. I commented to the coordinator of the Housing Office that we should give these people every assistance, as we always do, to facilitate the process of making sure that the electoral roll is up to date and that everybody who lives in the town camps is registered. She said to me, 'But, Mike, we collect so many letters from people who don't vote. Should we help?' I said, 'Of course we should help. It's what we have to do.'

The situation I am talking about anecdotally is that there still remains a large number of notices from the Electoral Commission to enrol voters who live in the town camps that they have not fulfilled their electoral responsibilities by voting. That remains a problem. It was a problem before this polling booth, and it remains a problem after this polling booth. In fact, the mechanism for meeting that has always been the provision by Tangentyere Council of buses to go to the camps and collect people and bring them to the polls. The polling booth at

Tangentyere does little to change that. We have always had the busing system in place. There was no change this time around. The difference was that we provided a more amenable environment in which the votes could be cast.

If this standing committee is taking on board matters to do with the participation of remote traditionally oriented Aboriginal people in elections in Central Australia, compulsory voting and fines associated with not voting mean absolutely nothing as far as Aboriginal people are concerned. That letter has no effect upon their decision as to whether or not they should vote. It seems to me that if there was an increased vote at this election it had much more to do with motivation by Aboriginal people voting because of their significant concerns about statehood because a referendum was being held at the same time. The Aboriginal people came out to vote because they were drawn out to vote. There was an Aboriginal campaign being conducted throughout the Northern Territory which was saying, 'We've got to express our view on this statehood proposal.'

If there were less people who did not vote and if the statistics do show that—obviously the Electoral Commission could show how many letters they sent out for one election and how many they sent out for the next—I do not think that would be a measure, because there are other variables. I do not think it would be a measure of the effectiveness of this booth or not. The other variable is the referendum on statehood. If your standing committee is going to consider issues like compulsory voting for Aboriginal people, then that is an issue—that is, whether we have to draw Aboriginal people into the voting system by making the issues more important to them.

CHAIR—This committee in the previous parliament recommended that compulsory voting should be dropped not only for Aboriginal people but for everybody. But the government has not taken that up and now both major political parties are opposed to voluntary voting, but the chairman remains totally in favour of voluntary voting. I am against my own party on that one, I am afraid.

Mr FORREST—The other issue in my mind, having had a look at the site—and I was pleased to see that people have been open enough to say that they have made some mistakes and if they had to do it again they would do it a little differently—is this: if that was presented to you at the next federal election, and I note in your submission your insistence on keeping it as a permanent booth, what would you do differently on site so these complaints which have resulted could be minimised? I have never heard of some of this behaviour. At most of the polling booths I have participated at there is good natured rivalry, but this seems to have gone a little further.

Mr Tilmouth—With regard to your question of hindsight, I as executive director of Tangentyere Council would play a far more active role. Not being very skilled in setting up and running polling booths in the organisation as this was historically the first time and hopefully not the last, I myself would own up to my agency and the problem and ensure that everything is done above board, as I did on the day. I showed a presence all day, every hour at the polling booth to ensure that things were running a lot smoother from my perspective. Relocating it into a more expansive area with easier access without the crowding we experienced would also allow it to run smoother. Because people wanted to have agency and vote, there was a large push to move in and little shade. I would really look at that

separately. From my perspective, my role would have been a lot more, but I can only say that with hindsight.

Mr LAURIE FERGUSON—I did not quite catch the import of it, but Mr Shaw referred to a history of the last Northern Territory elections and pushing the council towards a decision to establish this booth. Is that the history of why it occurred?

Mr Bowden—I did not understand that either actually.

CHAIR—There has never been a booth at Tangentyere before.

Mr Bowden—No, not before. I thought he said that there had been one. That is why I was confused.

Mr LAURIE FERGUSON—I thought you said the same thing.

Mr Shaw—I just made reference to the previous booth that was there just recently.

Mr LAURIE FERGUSON—Right. What occurred in the last federal election? Was there a mobile at that election?

CHAIR—Mr Ferguson is referring to 1996.

Mr LAURIE FERGUSON—Sorry, 1996. What happened that election?

Mr Tilmouth—There were not mobiles, but at Tangentyere facilities were run out of schools and that sort of thing. Is that what you are referring to?

Mr Bowden—It has always been the same in Alice Springs. There have always been the six or seven static booths that Aboriginal people have accessed and which we have bussed them to.

Mr LAURIE FERGUSON—In the 1996 election there was no alternative booth like Tangentyere?

Mr Lewis—No.

Mr LAURIE FERGUSON—Mr Tilmouth, are you saying that it was an initiative by your council to try to get this polling booth?

Mr Tilmouth—Very much so, on account of the fines that these Aboriginal people were getting for not voting. As you can imagine, some of them are on the lowest income level and some do not get an income. We were driven by the need for Aboriginal people to have agency in their lives in an environment that they own and control.

Mr LAURIE FERGUSON—Mr Bowden has mentioned one of the variables, which was the Northern Territory state referendum. I have no feel for the nature of the people in the

town camps. Are they long-term residents or are they transient? What is the nature of those people?

Mr Tilmouth—The majority of the people are permanent residents. They all have signed housing tenancy agreements with the Housing Association. They access the services that the Tangentyere resource centre can offer. That is it in a nutshell.

Mr LAURIE FERGUSON—Is there a reasonable comparison between the 1996 and 1998 elections in regard to turnout, apart from these variables? Are we going to find that roughly the same families were there in 1996?

Mr Bowden—There has probably been about one-third turnover. There are some very significant core families. Mr Shaw's family has been at the one site for a whole lifetime. But around that family there might be considerable turnover in a period—about a one-third turnover.

CHAIR—Thirty per cent turnover would be pretty typical for the whole of the Territory as well.

Mr Bowden—Yes.

Mr LAURIE FERGUSON—We heard evidence in Darwin and again this morning that how-to-vote cards were given out on the buses. Legally that is probably not the end of the world. Can you understand, firstly, that there is a perception that taxpayers' money is being utilised to help one political party? Secondly, there is the perception that your council is providing the polling booth—in the same way as Aboriginals might be concerned that they find the environment of the town council hostile and you are trying to counter that—and if that is true it leads to the concern by the CLP that they are at a massive disadvantage? If people identified with the council are providing the transport and are giving out the how-to-vote cards that could be seen as a problem.

Mr Shaw—I would like to comment on the business of handing out how-to-vote cards on the buses. I ran that organisation from its inception until Mr Tilmouth took over the reins last year. I had some discussions with the Department of Aboriginal Affairs prior to ATSIC existing and we came to the ruling that people were not allowed to be given how-to-vote cards on the buses.

I am a member of the ALP. In the years that there have been state and federal elections I have always gone around to make sure that people were comfortable in getting to and from the polling booths. I made sure that when people got off the buses and went to the polling booths and were given their how-to-vote cards from the political parties they were not allowed to get on the buses with them. They were thrown in the bin prior to getting on the buses so that they could not hand them over to other people who were picked up at a later stage. I made sure that ruling was there. It has been there for the last 20-odd years. I am sure it is still in existence now. Nobody was given how-to-vote cards to take on the buses. Nobody handed them out there. I made sure that there were no stickers on the buses relating to whatever political party. The people took them there and then took them home.

Mr Lewis—I would like to substantiate that. I was at the arrival point for the buses on a number of occasions on the day and I never saw a single person come off with a how-to-vote card. However, as soon as they came off the buses they were rushed by a number of people giving out how-to-vote cards.

Mr Bowden—I would also like to point out that prior to election day we had a meeting of staff who were involved in support services on the day. I pointed out very strongly to these members of staff that they had to play a non-partisan, non-party political role. I think Terry was at that meeting that we held. We had been involved in recruiting some staff for the AEC—that is, people, as you heard this morning, from the bank who sat on the desk to put people in to poll. We had to provide other support staff.

I made it o clear by saying over and over for half an hour that staff had to be seen to be totally free of any political bias or association. As Mr Shaw said, there has always been a standing order that no how-to-vote cards or posters are on the buses. I do not know how any of them could have got on. That is an allegation as far as I am concerned. I do not see how it could be true.

Mr Tilmouth—We were quite aware of that because, prior to the actual opening of the polling booth, posters in Tangentyere and in other windows were taken down. We were quite aware that this sort of publicity prior to elections was not conducive to a fair election.

CHAIR—Was that the same for the No to statehood aspect as well?

Mr Bowden—Yes.

CHAIR—The Tangentyere Council was quite openly campaigning for a no vote, were they not?

Mr Bowden—Yes.

CHAIR—As a council you were quite openly—

Mr Tilmouth—No, the posters on the statehood issue had the Kalkaringi statement and the Tangentyere Council supported what the Kalkaringi statement said. Those posters had the two boomerangs and even those came down.

CHAIR—What I am saying is that the council was quite openly supporting a no case?

Mr Tilmouth—No, that was not our position at all. We did not have time to sit down and make a strategy about a no campaign.

Mr LAURIE FERGUSON—Which of you four gentlemen was most involved with the AEC in the period after the mobiles were blocked and they decided on Tangentyere?

Mr Bowden—I was.

Mr LAURIE FERGUSON—Besides the illegality of the mobiles, did the AEC convey to you or the CLP why they were against mobile polling booths? Besides being technically illegal, were there any other reasons provided for why they against the mobiles?

Mr Bowden—No. This was the situation as I recall. Six weeks before the poll—I do not know the exact timing—we were informed by Kerry Heisner or staff in the AEC that there was a proposal for mobile booths to be held in the week preceding the election on five, six or seven different camps around Alice Springs. We were asked whether we would provide some assistance in ensuring that these were effective. I took on the responsibility to plan and liaise with the AEC about how it might be done. I actually expressed some concerns to them about the fact that because there were only five, six or seven this would mean that people from one camp would have to go and visit another camp to vote.

I pointed out that because those camps are often quite separate—that is, there are separate family groups, separate language groups and even some rivalries on occasions—it is not always a good idea for people from one camp to go into another camp to vote. I pointed out that there were some weaknesses in that proposal. I actually expressed the view that if they were going to hold mobiles it would be best to hold 18 mobiles on the 18 tenant camps to allow each of them to be conducted separately—even if it meant doing two hours at one and moving on and doing four hours at the next or whatever. I also pointed out the population sizes of the different camps. That proceeding went on and then we saw the news that there had been an injunction against these mobiles and that the AEC had withdrawn them. We were then notified by the AEC formally that they were withdrawn.

The next thing that happened was that William was

concerned about the disenfranchisement of Aboriginal people. Having been prepared for it and seeing this as being a positive move to enfranchise them, this was a negative step. He called me in and said, 'Listen, could we approach the AEC and see whether we could have a booth here, at Tangentyere, on polling day.' I rang Kerry Heisner that morning, at about 10 o'clock as I recall, and asked, 'Kerry, would it be possible to think about the establishment of a permanent booth here at Tangentyere?' He said, 'I'll have to think about that. I'll call you back.' So I left it. An hour or so later, he rang me back and said, 'Yes, I do consider it to be feasible and reasonable. Can you set it up?' I said, 'Well, let's have a go at it.' This was four days before the poll. It was then that Joe Beath came down to Tangentyere, and it was then that we started running around, trying to find out whether we had the space and how we would do it, et cetera.

Kerry and I also discussed what name we would give the booth. It was thought that Tangentyere was not the right name because it was too identifiable, so we came up with 'Railway Side'. I first of all suggested we name it 'West Side', because it is on the west side of the railway line. I looked out the window and saw the train drive by and I said, 'The railway line is right nearby.' He said, 'We'll call it Railway Side.' It was as simple as that. I have heard suggestions that there was collusion or a conspiracy, or something like that. It was simply a normal working relationship between—

Mr LAURIE FERGUSON—Sorry, can we get back to my original question. That is all worth while as background, but in conversations with the AEC—and you talked about

associations with Jenny Sinclair through football, et cetera—did the Country-Liberal Party give you any other reason. It was technically illegal to have these. Did they convey to you any concerns as to why a series of mobile polling booths would be bad?

Mr Bowden—No. I do not know that there is any justification for it. I think those of us who live in the Northern Territory are aware that the political philosophy and ideology of the Country-Liberal Party has always been, ‘No two laws.’ They have a view—and Gary could tell us this very well, I am sure—that the laws of the Northern Territory should apply without fear or favour to every citizen and resident of the Northern Territory. There should not be a separate or special set of laws for Aboriginal people or for non-Aboriginal people. That has been a longstanding Country-Liberal Party policy platform position, or background position, throughout their history. I am only interpreting here what their view might be, but I think they probably see the establishment of separate polling booths for Aboriginal people in town as being an example of setting up something separate for blacks in town when in fact we should all be mixing together and sharing the same resources.

The argument I have put to you in the submission on behalf of Tangentyere is based on the Ombudsman’s report, which I alluded to in that submission, which points to the fact that, to enable Aboriginal people in town camps to achieve equity, they require additional, specialist services which go above and beyond the accessibility of normal, standard, everyday services that the average citizen can avail themselves of. So if that is the answer to your question, I think that is where they are coming from.

Mr LAURIE FERGUSON—That is what you think, but you have not had any official complaint?

Mr Bowden—No-one has ever said that to us.

CHAIR—Can I just add the rider in there—because Mr Bowden invited me almost to comment, I suppose—that the Northern Territory government was the first to recognise certain aspects of customary law in the legal system, that was the CLP government, well before many others. In the light of talking about the two laws aspect, I think that is a relevant point.

Mr LAURIE FERGUSON—I have one final question, which relates to what a lot of people have been asking about this morning. Do any of you know how many people are enrolled, the actual number of enrolled voters, in the town camps? Or do you have an approximation?

Mr Bowden—Before this last election that we are talking about, I got a young member of staff to go through the electoral roll and mark with a highlighter all the people who were on the roll and who were living in a town camp. We then compiled that into a list, didn’t we, Terry? That list was then broken up into segments so that bus drivers could actually go to the camps and collect these people.

Mr Lewis—That is right.

Mr Bowden—I never actually counted the number then. That would be available.

Mr Lewis—I thought the number of people who had actually enrolled and who we could identify was around the 700 mark.

Mr LAURIE FERGUSON—Thank you very much.

CHAIR—That would fit reasonably well with your statement in your submission that the population serviced in the town camps is about 1,500. So if you are talking about a population of 1,500 you would expect, probably, something like 50 per cent to be on a roll?

Mr Bowden—Yes.

Mr SOMLYAY—When you rang Mr Heisner about setting up a booth at the council, did you have your council hat on or your ALP hat on?

Mr Bowden—My Tangentyere Council hat. I had received a direction from the executive director to see if there could be a polling booth at Tangentyere. I just did that; it was my job.

Mr Lewis—I think it should be said that the feeling of excitement that went through the council when the executive director asked, ‘Why can’t we have a booth here?’ was paramount to seeing the whole of the staff become enlightened. They were saying to each other, ‘Isn’t this a wonderful experience. It’s going to be the first time’—as William said before, a historical event—‘that Aboriginal people are being given a chance to vote on their own territory, in their own place where they feel comfortable, where the council provides services beyond a lot of people’s wildest imagination. Here we are now, providing them with a chance to vote.’ The excitement was a real staff generated excitement, because of this chance. I have known Michael very well for a very long time, and he is a man who is able to differentiate between politics and what he feels and sees as his duty to the Aboriginal people of Central Australia.

Mr SOMLYAY—That is fair enough, but the reason I asked that question is obvious, isn’t it? The perception by members of the CLP is that you are a president of the Labor Party negotiating with the AEC for the establishment of a booth, and they are not involved in the negotiations. That is all I am saying.

Mr Bowden—I can understand that, but the perception is not supported by the facts. As I said in my personal letter, every citizen is entitled to their right to be a member of an association and it should not preclude your ability to do your job. It would be wrong for William even to say, ‘Look, an election is coming up; we’ll leave Mike out of the loop on this one because he is a member of the Labor Party.’ That would be discriminatory and wrong. It must be understood that a person can act with integrity and do their job fairly. If you make a mistake in that, that is where you come unstuck. If you make a mistake like forgetting a discussion, as I may have done, where you have said, ‘I will meet you at 7 o’clock,’ that starts to impugn your impartiality, and that is where I would bear criticism. But I will not accept the criticism of being biased or not being impartial or of acting without integrity in this case. I certainly was not, and I had no intention of doing so.

Perhaps it is worth while just to recount this matter from a previous election which was alluded to in the CLP's allegations. It had to do with a previous Territory by-election where allegations were made about my behaviour on that occasion. I apologised to Geoff, who was the general manager at the time, for what happened there. I will explain what happened. This was a by-election, again for the seat of Stuart in the Northern Territory. I was at that time a member of the Labor Party, again in Alice Springs. Tangentyere agreed, as we always do, to get buses to go to the town camps and bring people to the polling booths. I had arranged that as part of my job. Halfway through the morning when the buses were going out to pick up people, one of our bus drivers scarpered. He said, 'See ya later. That's it; I've had enough. I'm finished; I'm not doing it anymore.' I was there working for the ALP and the buses were not going out to pick up people. So I said 'Okay, I'll do the job'. I jumped in the bus and drove the bus around to pick up people and bring them to the polling booth, as a member of the Tangentyere Council staff, in fulfilment of our charter. The problem was that I had an ALP tee shirt on at the time. I did not allude to the fact that I had the tee shirt on. I did not think about it. I drove people to the polling booths and back again. Afterwards an allegation was made that I had done something wrong.

It was a lack of awareness on my part. I should have alerted myself to it. I should have been smart enough to realise that I had done something that was silly in the circumstances. But I was actually trying to do my job as a Tangentyere employee, to make sure that everybody got to the polling booth. But, because of that incident, because of my recognition of the possibility of appearances not being right, I stayed away from that polling booth for the whole Saturday. I was determined not to be seen there to be giving any sort of mixed messages. I made the utmost effort to remove myself from the situation.

Somebody made a comment before—I think you did, John—about what goes on at polling booths and the nature of the contest there. It is, in fact, quite an affable experience. Over at the Larapinta polling booth I sat with Loraine Braham and Jenny Sinclair, who came there later, and we had a very pleasant time, chatting and talking and saying how we were going, who was going to win, what the latest opinion poll was showing, et cetera. It was really quite nice. We go around and pick up each other's how-to-vote cards, sort them and give them back to each other. It is really a friendly affair; no level of tension. It is friendly rivalry. I was very happily involved in that all day Saturday over at the other booth.

However, there was a level of tension at the Tangentyere booth, which was I think established because of the background to this event. The background was the court injunction. The background was perhaps the view that there should not be special Aboriginal polling booths. The background probably was my involvement in the whole show. I think this hearing will probably be really good to clear the decks of that and to establish some principles that say that these things are okay, that they are worth while, that they do support the interests of Aboriginal voters, and that we can see them being done with Aboriginal involvement—which is not necessarily partisan, although it is political. Aboriginal organisations are political, but they should not be excluded from the process because they do have political views.

CHAIR—That is why the committee is here, I think, to ensure that all of those views are aired totally.

Mr FORREST—Just following on from that, though, what about the use of other council staff as officials on the booth? You can understand how the accusation is subsequently made that other employees of the council were there in a paid capacity as AEC workers. What do you do to protect yourself against allegations of, again, bias and so forth? You just open yourself up to it.

Mr Tilmouth—The AEC people who were there were language speakers. They were identified people. They knew people. They worked with those people every day. So it made commonsense. The identification processes and the understanding processes were all in place. The other staff who were there on the day were there purely in a voluntary capacity. It was a Saturday, I believe, and so no-one was working that day officially in any capacity, except the ones from the AEC.

Mr Lewis—If I may add to that, two of those staff were in fact people who had taken holidays so that they could work with the AEC on remote communities prior to coming to Tangentyere: one was the booth captain and the other was the vice captain. They both worked out through the western districts, and then they came in here. They were identified by the AEC as being the booth controllers at Tangentyere Council. They arrived there. They did their business. But, as Mr Tilmouth said, others were in fact employed because of their knowledge of language and knowledge of the people. All of the rest were voluntary staff.

Mr Bowden—There were two categories of people there, as Terrence just said, but I would just like to expand on it a bit. People like Elna Williams self-nominated to the AEC. Tangentyere had no control over their self-nomination. They actually took leave without pay from Tangentyere and self-nominated to work as officers in charge of mobile polling booths in the week before the election. We have no control over that, and we cannot control what an employee of Tangentyere council does when they are on leave.

The second group of people were those who we suggested to the AEC might be useful staff for them on the day, should they wish to employ them for that period, because they had asked us who they could get to sit on the desk and get the names off the electoral roll and who could be interpreters. We pointed out members of our staff who have these special skills because of their particular roles at Tangentyere and invited the AEC to contact them if they wanted to. In fact, I did a bit of liaison there between the AEC and those staff, and told them that they could fill in a form and take it down to the AEC. It was up to them, again, to do so if they wanted to, and they did.

So we just acted as liaison there to facilitate the AEC. The AEC had to get a new polling booth up in a couple of days. They had to recruit staff in a couple of days to actually have an operational polling booth. We assisted them by introducing them to staff who we felt could do the job and who were likely to know the group of voters as they came through the door, and thus facilitate the process. If they had utilised other people the amount of time that people were left standing in that queue outside would have been probably two or three times as long.

To answer your question about how you obviate the difficulties, I do not think you need to. I think you need to accept that this is a service. This is the sort of service that an Aboriginal organisation can offer to its clients. It is not as if you are interfering with the way

people vote. What you are doing is helping people to vote. The way they vote is up to them. The choices that they make are clearly their own.

Senator MASON—Can I just interrupt there, because this is perhaps the crux of the entire discussion. I have listened to what you have had to say, and all of us, I think—Mr Forrest mentioned this earlier—accept the idea that it is terrific to get as many Aboriginal people to vote as possible. But I have just noted what you have said in the last 10 to 20 minutes. At the polling booth you have council staff. They have taken a position on statehood. You have Mrs Williams, who is the OIC, I think.

Mr Tilmouth—We did not take a position on statehood.

Senator MASON—But didn't we discuss before that the council adopted a position?

Mr Tilmouth—No, we did not have time to do that.

Senator MASON—Okay. We have Mrs Williams, who was the OIC at the booth on the day. We have interpreters who also were with the council. Is it not all just a bit too cosy? Let me try to make an analogy here. Let us just say it was a group of union officials working with the AEC and all coming to a particular booth. Most people I think would find that—

Mr Tilmouth—But if it was some other language group—say, the Vietnamese—and you had Vietnamese interpreters, would you say that was cosy?

Senator MASON—It depends on the situation.

Mr Tilmouth—They take it as a given right. We take it as a given right.

Senator MASON—I accept that you have to allow as many people to vote as possible; that is not the argument. The argument is whether those people who vote there can vote without fear or favour, without any undue pressure from anyone in the council—and we would all agree with these principles. That is the issue. It cannot be so cosy that there is an arrangement where there is some sort of pressure—either a perception of pressure or real pressure. That is the issue, is it not?

Mr Tilmouth—But how much fear do you feel in your own home, as opposed to somewhere that is totally alien to you? I said earlier that Tangentyere is owned, controlled and has been created by town campers for that specific purpose, to access services.

Senator MASON—You might argue that if I was voting in my family home I would be under pressure to vote the way my parents do, and that is the problem.

Mr Shaw—I do not agree with that. I think it makes people feel more comfortable, and certainly they know that there is going to be some kind of assistance given to them. If they do not know how to fill out a how-to-vote card, at least someone who knows the particular language can speak in that language and redirect that person to where they can get favourable assistance. A lot of my time has been spent in past years going out bush with a

tin of bully beef, an onion and a slice of bread in a busted car, following people with GXLS and so on, with stools and seating and so on. They tend to make people feel more comfortable, because they have either oranges or apples in the back of their car, and I have nothing. That is another way of people trying to win votes, I suppose. But in this case they have nothing to offer but that they share a common language.

Mr FORREST—I am still pursuing my ideas to get council to understand that it has opened itself up to a perception. Once you have a perception of bias, a conspiracy starts. It is the opening of the gate. One little thing leads to another in the incidents that occur and so on. If the council has learnt anything, it might take action in the future. If it insists on having this site as a booth, in the future it might make sure that it is beyond any accusation of bias, intimidation or whatever. Has anything been learnt along those lines about what you might do in the future?

Mr Tilmouth—I will just go back in defence of Michael here, who has obviously come under scrutiny because of his political position with the ALP. The day before the election, I said to Michael, ‘Are you going to be there tomorrow?’ He said, ‘No.’ Prior to that, when I asked him, ‘Can you ring Kerry Heisner to see if we can have it here?’ Michael came back and said, ‘Yes, we can do it, but I’m going to have to basically declare a conflict of interest here.’ I accepted that. I knew that Michael’s participation from that point on would diminish and diminish dramatically. I was a bit disappointed because he is probably one of our most experienced political officers, but I had to deal with the makeshift staff who we had at the time and the volunteers who, on the day, put in and made it a success. With hindsight, there are a lot of things we can change and shore up so that things do not happen again. It is the first time that we have tried it and the first time that we have done it. There are a lot of teething problems.

Mr Lewis—With all due respect, I was disappointed in the CLP’s paper that they did not mention the hot sausages and cold drinks they got.

Mr FORREST—I noticed you did.

Mr Shaw—I would just like to take you back to the gate. Mike apparently opened the gate and had to leave. In that time, someone else came in and the gate was shut. Maybe we should be looking at that. It could have been one of those bus drivers who either came to collect a bus or left and saw the gate was open. Most of the time, Tangentyere staff have to practise some kind of security when there is nobody in the grounds. I think there was some kind of confusion about Mike coming, doing his thing and getting out and someone else coming, picking up a vehicle and, seeing the gate open, deciding to shut it. The other thing that could also be put into practice prior to the setting up of the polling booth and the time when it is officially opened is to have security officers there to let all those people in at the same time instead of Mike Bowden or someone else leaving and someone else coming and shutting the gate. It is one of the things that could be put into practice to make everybody feel happy.

Mr Bowden—I would absolutely agree with that. I accept that it has been a failure of the process. We would definitely do that better. I believe that we should continue to pursue mechanisms whereby Aboriginal people are able to express their right to vote and that they

should do that in a specially supported fashion. The issues which have emerged here should be major lessons to us. We should take on what you are suggesting, John, which is an analysis of the things that came unstuck and how each of them can be addressed and eliminated. We should recognise that in the future we will have a lot longer to plan for this. Perhaps one of the things that your standing committee will be able to do is establish the framework for how this might be planned in the future so that we do not, as I explained before, have such a rushed and concertinaed arrangement. If it is clear that these sorts of things are available, perhaps an organisation like Tangentyere, which seeks to set up a polling booth, would have to put in place a plan to the Australian Electoral Commission which outlines the procedures that they will adopt for the running of the booth and sets out—

Mr Tilmouth—We follow the procedures of the Electoral Commission, as it is.

Mr Bowden—Absolutely.

Mr SOMLYAY—Is this situation unique to Alice Springs—the experiment you had here with the council booth? Can that in principle be applied in other places in the Territory or other places in Australia?

Mr Tilmouth—Exactly. In fact, the whole model of Tangentyere can be transported, if you want to put it that way.

Mr Shaw—Yes. It could be transported, without a doubt, to rural and remote communities—because, in some cases, you will find the polling booth either at the school or at the police station. I am sure you are aware of the relationship that the Aboriginal people have with the police and their attitude to having a polling booth in a police station.

Mr Tilmouth—But we never do.

Mr Shaw—Maybe it can be transported, to the extent of having a polling booth out in the community.

Mr SOMLYAY—You would get a very low turnout, do you think?

Mr Shaw—One example comes to mind of a place called Murray Downs where, instead of having the booth at the school we are having it back in the community itself.

CHAIR—What is wrong with the school in those sort of circumstances, though?

Mr Shaw—I am just saying that some schools are not very close to the community. I can recall a polling booth that always occurs at a place called Neutral Junction, and the polling booth is at least a mile and a half away, across the gully from the community; and the majority of people who live in that area live with the community.

Senator BARTLETT—I will not go on about the booth matter too much; I think we have covered that pretty strongly. Just briefly on the concept of neutral ground, that has fed to some of the concerns from the CLP the side of things, coming from the other perspective,

how would particularly the town camp residents perceive a location such as this? I think there is a booth here: is that right? Would this be seen as neutral ground to them, or would this be culturally uncomfortable or even possibly partisan or hostile?

Mr Tilmouth—It is not a well-serviced polling booth for town campers. Tangentyere is an organisation such that, if you took all the staff away, you would still have Aboriginal people walking through the place every day. If all the offices were locked, you would still have Aboriginal people coming there to attend to their banking, housing or whatever they need in their lives; it is that sort of organisation. The council does not supply that service. They are not familiar with the council or with schools and things like that. Tangentyere is something that they own and control.

Mr Bowden—To put that into its full perspective, for every election up until now—and there is an election probably every two years basically, isn't there, with state and territory and Federal elections?—Aboriginal people from the town camp have been attending polling booths, Tangentyere aside. I have been involved for over six years in assisting them to attend those different polling booths. We have tried to get a bus from the camp here to take people to the nearest polling booth, and so people in the south camps have attended Yirara while people in the north camps have attended Braitling, and so on. That is just a geographic, normal, sensible way of moving people around. Of course, the people who attend become reasonably comfortable, I suppose, with going to those particular locations—I mean 'comfortable' in the sense of 'used to'.

But I have also been at those polling booths, both as a voter myself and when I have been working for the ALP, watching what goes on. The Braitling booth is an example. The last time I saw that one—not at this election but at the one before—there was an incredible line of people at the declaration table where people try to work out whether they can vote or whatever. There were an incredible number of people lined up there, with big queues while they tried to work out who the person is, what their real name is, where they come from, et cetera. Even though sitting on those tables will often be Aboriginal people who have got skills, the amount of time that it takes for people to get through that process is very lengthy. It is an uncomfortable and difficult environment for those people.

What you heard this morning from Joe was the fact that at Tangentyere, despite the fact that lots of people arrived quickly in reasonably large numbers in a small place, the movement through the booth was fairly efficient because there was a group of people who knew each other and who worked efficiently and effectively together. That is one of the most important things about reducing the level of anxiety associated with the voting process. People are able to come in to faces that they recognise and to an environment they are comfortable in and to get the job done with a minimum amount of fuss.

It is the same principle that operates with the Centrelink office that you saw at Tangentyere this morning. The Centrelink office has one officer who works there all the time—not a rotating officer. When Centrelink first opened that office, they had different officers coming in on different days from different parts of the organisation. Monday was for welfare, Tuesday was for child payments, et cetera. They found that those different officers never got to know the clientele. Now they have one man, John, who has been there for

months and knows everybody. That works really well; it is an efficient office. People come in, they know him, they sit down and do their work and they go off. It works.

That is an Aboriginal agency like we have got—which, as William says, is a full life service place which provides those sorts of services to people in a comfortable environment. That is what it can offer. I believe that is worth while. The voting right of people is the same as a Centrelink right: it is your right as a citizen, and you should be given the best mechanism to do it, which is to come into an environment where you can discuss your business and get it done. I think that answers your question.

Senator BARTLETT—I realise that we have got time constraints but I would like to take the opportunity, while we have you here as a council, rather than to focus on what was right or wrong with the booth just to understand and put some focus on trying to increase indigenous participation in the electoral process in general. I would like to get your views on that goal, because that would be something which we as a committee would be looking for ideas on.

Firstly, starting with the booth, you was saying that roughly 700 people registered from town camps and that you had about 350 voting at Tangentyere. Did you think that was a good number, or were you expecting more?

Mr Bowden—Everybody I spoke to was thrilled with the numbers. We thought it was a good turnout. There was a general sense of satisfaction at the end of the day, although there was concern that still a significant number of people missed the boat.

Senator BARTLETT—Would it be reasonable to assume that very few of the other, say, 350 who were registered voted anywhere else and that most of them did not vote?

Mr Bowden—They would not have voted. This is one of the problems that Saturday votes cause for Aboriginal people. If the mobile idea had been adhered to, then with voting during the week preceding the poll we would have got a larger number. Saturday is a bad day for Aboriginal people, because that is the day that people often travel and go and visit relatives, even out of town. Even though most people do not have a car, somebody in the family will have a car, and there will be some movement going on, won't there?

Mr Tilmouth—There is football and all sorts of things.

Mr Bowden—Yes; there is quite a lot of travel. So Saturday is a bad day for a polling day. To get 350 out of 700 is a good turnout, really, when you consider a whole lot of other factors to do with ill health and alcohol addiction—let us face it, some people will be intoxicated—a whole range of reasons.

Mr Tilmouth—I think that number could be enhanced if, prior to an election, Tangentyere ran one of the Electoral Commission's how-to-vote educational information sessions for Aboriginal people in a language that they could understand, so that they got a full understanding of the importance of their right to vote as Australian citizens. In hindsight, that is another thing that I would do, if I were given another chance to have that organised at Tangentyere. I would run a nonpolitical educational program on how to vote, on the history

of voting or whatever. I would really like to see that happen. It would enhance the participation and agency of Aboriginal people in their lives.

Senator BARTLETT—A number of suggestions have been put forward during this inquiry which may assist to improve indigenous peoples' involvement in, and understanding of, the electoral process, such as reintroducing the Electoral Commission's education program, photographs on ballot papers—both of which, as I understand, you would be supportive of. Are there any other ideas or suggestions you have that we should consider?

Mr Bowden—There is the one I mentioned before, which is to make it non-compulsory. I think that is a good idea.

CHAIR—It has my vote.

Mr Tilmouth—We talked about having more locations earlier. That is the stuff we would do, in conjunction with an education program. We need to go through another learning process before we can pick up ideas that we could enhance and develop. More experiences are worth while.

Mr Lewis—It must also be remembered that Aboriginal families are very much like our own. Once they become politicised in a certain way they know that their priority on a particular day for voting is to get out and do their democratic duty and to exercise their democratic right. With respect to families across the country, and those that are not politicised and do not have that feeling of unity or oneness with their own political aspirations, you will find that they will get out of bed, reluctantly kick the tin and say, 'We had better go and vote before we go and do the shopping and go to the pub.'

With Aboriginal people, if there is no priority on the family, if there is no politicisation which directs their genuineness and their right to vote, they will not vote. They will do exactly what Michael, Geoffrey and William said: they will get in their motor cars or, if they do not have a motor car, somebody will come around and say, 'We're going to go out bush and shoot a couple of kangaroos and have a party out bush.' They will say, 'Yes, I will be in that.' Nobody is thinking about voting. It is about the right to education and the right to access—the same as the rest of Australia—the ability to learn how to vote properly, and in their own language and in their own way.

Mr Bowden—A friend of mine who lived here in Alice Springs, and married a very good mate of mine—we worked together in the Aboriginal education unit at the Catholic high school—has a part-time job in Melbourne in an electoral education unit. I do not know that that is the right term for it but it is a free-standing, high-tech, super-duper classroom set up as a regional resource for Melbourne or part of Melbourne. She is a part-time teacher there. Do you know about these things?

CHAIR—No.

Mr Bowden—Well, they exist. They are owned by the AEC and they run education program for students, I think, fundamentally, on how the electoral system works. The unit has projectors, video screens and all sorts of high-tech, audiovisual stuff.

CHAIR—They have a similar set-up in Canberra and schools that come from all over the country to Canberra participate in that.

Mr Bowden—Right. And it is an ongoing political education program. All schools can avail themselves of this service so that people are being politically educated from their school age years right through and they learn how the political process works. Nothing like that exists in a regional centre like Alice Springs. We do not have that resource. When I was a schoolteacher many years ago, you could get a kit that had something like what this resource centre is doing. I guess I am saying that in the inner city areas the AEC has decided that the allocation of certain resources for a centre like this is worth while for the political education of the community. But, when you get to a remote community like Alice Springs, the decision is then made that it is not worth while, that they cannot afford to educate this community because there are not enough people here. It is not good thinking, is it? You have to be able to afford to educate everybody, because everybody has equal rights in this country. We have all got the same right to the same level of validity of our vote.

CHAIR—Many parts of regional Australia would make the same comment. There are country towns in New South Wales that are in a similar circumstance.

Mr Bowden—Exactly. There are 25,000 people but not the same resources as Sydney and Melbourne. So I guess what I am saying is that there is a need to think about how resources can be put into places like this to provide ongoing voter and citizen education so that we can all become engaged in the electoral process. It must be done more often than every two years when an election is coming up and everybody is running around madly saying, 'How do we get people on the roll?' I think that from an ALP and a CLP perspective what you are trying to do is work out how many you can get on the roll so they will vote for you. But that is really not what it should be about at all; it should be about 'How can we get people on the roll who are educated, who understand what they are doing as they go in there to cast a valid vote?' I am much in favour of taking this partisan view out of it.

Mr SOMLYAY—We spoke about this before but, just for the record, can you give us a view on photographs on ballot papers and whether or not that would assist Aboriginal communities?

Mr Bowden—My view is that it is a good idea. What do you think, Geoff?

Mr Shaw—Bloody oath!

CHAIR—And also for the record: Aboriginal people have become used to that being the case with the Territory elections, which have now had photographs for quite a number of years.

Mr Tilmouth—I think that anything that enhances the people's right to vote—whether it is photographs, locations of polling booths or whatever—is to the common good.

Mr Shaw—If we had had photographs put to each name in the Alice Springs Town Council elections, I might have become mayor.

Mr SOMLYAY—It is all right for you good-looking blokes.

Mr FORREST—I have two questions. I think I heard somebody say before, in relation to those people who get letters for not voting, that fines are actually paid. Are they somehow garnisheed out of the payments?

Mr Bowden—Very few fines are paid. It was William, I think, who was alluding to the fact that the fine is an onerous burden on the poorest people in the country. But the Electoral Office has not achieved very many payments of those fines. Mostly, letters are written on behalf of the non-voting registered voter indicating that there was some particular reason why that person was unable to attend the poll—and that is accepted by the AEC.

Mr FORREST—I could imagine that you probably get many hundreds of these letters that you then distribute to the people, but someone must formally respond, otherwise a fine would be pursued.

Mr Bowden—Yes, that is right. It is an onerous task.

Mr Tilmouth—A lot of town camp people, when they do get letters or information in regard to that, go to another service we offer, which is that of Kevin Rolfe, a financial adviser or counsellor. If Kevin can work out some arrangement about their payments that the client agrees to, then it is done. But I suspect that the majority of people do not even go to Kevin and, as a result, they end up cutting it out in warrants or whatever when they are next picked up by the police. So they end up in the big house for an extended day or so because of the issue of that warrant.

Mr Lewis—Fines are also issued through the Alice Springs Town Council. If they do not vote for local government, the same fines apply. So again it is a revolving door that Aboriginal people seem to be caught in, because nobody has really gone outside and considered the overall picture of why these things are happening.

CHAIR—A lady in Melbourne went to gaol for a day because she refused to pay the fine.

Mr FORREST—The last question is to Mr Lewis, because he seems to be the only one, from what I can make out, who was actually at the site all day.

Mr Lewis—I had a great day.

Mr FORREST—We will take note about this wonderful barbecue. There are allegations about the behaviour of CLP scrutineers and about the behaviour of the general public, but did you see anything that supports accusations that CLP scrutineers were particularly abusive, arrogant and so forth?

Mr Lewis—I enjoyed the day because of the banter that was going on between people giving out how-to-votes. One fellow who was handing out how-to-vote cards on behalf of Labor—by the way, I am not a member of the Labor Party—encroached on the six-metre boundary. He was very quickly told in no uncertain terms by Mrs Williams that he was out of order. He went away and sulked like a little kid for a while. Then he once again went back over and kept right out of everything.

But the actual banter between people handing stuff out was really good. Some sat in the shade and some were a little bit in the sun. Someone said how hot it was, and somebody said, ‘Why didn’t you bring an umbrella?’ and somebody said, ‘We did.’ It was really good and very friendly stuff. As you expressed before, John, it is good fun at most political polling booths. It is a lot of fun if you are right in the spirit of things.

I saw the incident between the fellow who was alleged to have spat, and I saw the police take him away after they were called by, I think, Eric Poole. Eric is a member of the NT Legislative Assembly. I never saw Mr Tilmouth—Tracker—do what he was supposed to have done. Again, I was not there all day. I was back and forwards making sure the barbecue and the cold drinks were being served.

Jenny Sinclair and I have known each other for a long time. Russell Naismith—another one of the CLP people who were attending—and I have known each other for a long time. Again, the general atmosphere was fairly good. I never heard a voice raised. I never heard anybody insult anybody else. As I said, I saw the fellow who was taken away. Unfortunately, he was intoxicated, but I am sure he was not the only intoxicated person at any polling booth throughout Australia. In answer to your question, I can honestly say that I did not. We really enjoyed the day.

Senator MASON—Mr Lewis, did you enter the booth at any time?

Mr Lewis—I actually voted there.

Senator MASON—At any other time than that?

Mr Lewis—No.

Mr Tilmouth—Just to add to what Terry is saying, the overall appearance was of cooperation and harmony. There was a bit of slanging to and fro and that sort of stuff. That perception was generally carried out through the day. But it became very sinister when the police moved into the polling booth at the request, I think, of John Elferink. The tension amongst the Aboriginal people had risen. There was excitement and celebration about the right to vote, but the presence of the police was something that you would see in South Africa. You would probably see it in Indonesia today. To me, that was a sinister moment, but—

CHAIR—The police came only once, though, to remove one person who was doing the wrong thing.

Mr Tilmouth—Yes; that is the point: when they left, it was a lot better.

Mr SOMLYAY—How long did they stay?

Mr Tilmouth—Just long enough to wait for the person to vote and move out of the polling booth. Then they proceeded to put him in the car.

Mr Lewis—I think it would have been about 20 minutes, Will.

Mr Tilmouth—We can paint a rosy picture and we can talk about the rights of people to vote, but that presence was at times a little bit on the scary side.

Mr Bowden—I have a comment on this particular issue from a different perspective and I do not want to appear partisan or as if I am trying to score points here. I will take on what Gary mentioned before. I think the appearance of an ALP insider ability at Tangentyere led the CLP to respond in kind. I am surmising here, but I think what actually happened was that they decided to bring in the heavy artillery. As you heard, Eric Poole, John Elferink, Richard Lim and Jenny Sinclair, who is a secretary to Daryl Manzie—or was at the time—were there. A whole range of CLP heavies were at the polling booth and they were inside acting as scrutineers. As I say, I have stood on other polling booths handing out how-to-vote cards, and normally the local member will be there for a period and then go away. But here we had four of five—those names I mentioned are all members of parliament—standing on the booth for extended periods of time. That raised the level of tension at the place.

What is my suggestion? My suggestion would be for there to be some sort of gentlemen's agreement to reduce that level of tension. Our intention is to get Aboriginal people to vote. The whole point of this is to enhance enfranchisement. Therefore, both major political parties should play the game according to some sort of gentlemen's agreement that the local member might be there but will not be registering another member of parliament as his scrutineer and that there will be a reduction in the level of tension in the polling booth and environs. I think it was that level of combativeness—that level of 'the political fight is really on here now'—that created some of the ugliness of that scene. Maybe the committee could think about how that might be worked into the scheme.

There are a lot of really positive things about having specialised support for Aboriginal voting, but if it leads to a sense of 'them against us' and therefore we have to come in with more power to even the scales up, it becomes ever-escalating and blows out of control. I think this is the time to put a lid on that and bring it back down to what we are trying to do: to engage Aboriginal people more effectively in the electoral process.

Mr Lewis—I just remembered a point that should be mentioned. As you said, John, the day was generally excellent, but there was one touch of antagonism, and that was people taking photographs of the people in the queue. I do not know whether that has been mentioned. I did ask a couple of people whether they had asked permission of the people. Aboriginal people do not like to be photographed—they do not like it at all. In fact, my executive director said to me the day before, 'Can you get the video camera and, just for historical purposes, video the booth and the whole thing?' I said, 'Listen, boss; maybe we should just move back a step on that because a lot of the people who come in first thing on a Saturday morning are going to be hungry, tired and uncomfortable. Even though they are coming into their own place, they have been bussed in on a Saturday morning when they

have other things to do.’ And this goes back to the point I made before about politicisation. I actually said, ‘Please, let’s not,’ and he said, ‘Yes, fine; I agree.’

What William was trying to do, of course, was to give some merit and body to this vibrant eagerness that we had to have the polling booth in Tangentyere. But the actual photographs that were being taken were taken in a rather antagonistic way. People were going up to people on large queues and taking photographs of them, and I asked whether they had asked the people for permission. A couple of the people were getting very agro about having their photographs taken.

CHAIR—Who was taking those photographs? We did take some evidence on this.

Mr Lewis—I do not know. I was not there on the day to say that this person did that or that person did that; I was there to have a general good time, which I had, and to make sure everybody had their right to vote.

CHAIR—Mr Ferguson questioned Mrs Sinclair extensively on this particular issue.

Mr Lewis—There was a woman with blond hair who I actually spoke to. I do not know her name. I said to her, ‘If you are going to take photographs, I would be asking permission. This is just a bit of advice,’ and I moved away.

CHAIR—Mrs Sinclair made the point that the only photographs she took were of the overall booth for the party’s records. I think both major parties would acknowledge that you usually keep a record of polling booth set-ups. I have to say that, when I was President of the CLP, that was done just for the sake of posterity more than anything. You can look at things that worked and things that didn’t work as far as presentation of a booth is concerned. But that is different from what you are saying.

Mr Tilmouth—The confidentiality of the individual was the reason that we did not proceed with photography.

Mr Lewis—That is right.

Mr Tilmouth—I, too, would have liked to have had enshrined for prosperity and for the future the images of that day, because it was quite moving. But that was the reason why we did not take photos.

Mr FORREST—Photographs were an issue on mobile 16 when the person concerned was told that they could have their camera placed in a very awkward position. It may well be an explanation that there is a lack of sensitivity to the Aboriginal culture.

Mr Lewis—That is exactly right.

CHAIR—As there are no further questions, we will close this part of the hearing. I thank you all for your submissions, for taking the time this morning to take the committee around Tangentyere council and for the time you have taken to come here and give evidence today. Your evidence will be very useful to our overall inquiry.

Proceedings suspended from 1.10 p.m. to 1.49 p.m.

**WILLIAMS, Ms Elna Venetta, Officer in Charge, Railway Side Polling Booth,
Tangentyere Council**

CHAIR—Welcome. The evidence that you give at the public hearing today is considered to be part of the proceedings of parliament. Accordingly, parliamentary privilege applies. I also advise you that any attempt to mislead the committee would be a very serious matter and could amount to a contempt of the parliament. Would you like to make an opening statement before I invite members to ask questions?

Ms Williams—Being the officer in charge at Tangentyere Council for the whole time we were there—from when we opened to the time it finished—I can say we had no end of trouble with the CLP. They tried to sabotage it right throughout the day. They complained all day long. They were being intimidating. They were intimidating voters. They were being pompous arses—excuse me, but they were. They were just so rude, not only to me and the electoral staff but also to the voters.

There were a few cases where one of the scrutineers actually wanted voters ejected. He also made a complaint about a couple of the voters and said he did not want their votes to count and wanted us to take them out of the ballot box. I said, ‘No, we can’t, because the box is sealed and it has to stay sealed.’ He was getting quite angry and rude with us, so in the end I actually asked him to leave. At one stage there was one scrutineer for No to statehood, two for the Labor Party and six CLP scrutineers. I actually had to ask some of them to leave. That is when they just started getting rude with us.

CHAIR—On the aspect of scrutineers, what actual number of scrutineers were you permitting to be in the booth during the day?

Ms Williams—I said we would have equal numbers from each party and one No to statehood and one Yes to statehood, so up to six, not six from the one party.

CHAIR—With respect to the referendum aspect, you said only ‘one’, so there was only one scrutineer for the no case and one scrutineer for the yes case. Wasn’t it possible for members of the Northern Territory parliament to authorise additional people to be in there on behalf of either the no or yes case?

Ms Williams—I did not think it was valid.

CHAIR—You did not think that it was or that it wasn’t?

Ms Williams—I did not think it was valid, because you had a no and a yes, and there had been an education process out in the bush and in town for at least three months leading up to that referendum.

CHAIR—Did anybody try to be a scrutineer in the booth on the basis that they were authorised by a member of parliament for the no case or the yes case?

Ms Williams—Yes; there was a CLP scrutineer whom I asked to leave the booth because there were too many CLP scrutineers. She then came back with a form signed by the member to say that she was a scrutineer for the yes case to the referendum on statehood.

CHAIR—You were not given any forms signed by Labor members of the Northern Territory parliament for the no case?

Ms Williams—No.

CHAIR—None at all?

Ms Williams—None.

CHAIR—Theoretically, at any one time we should have had a maximum of six scrutineers in the booth. In addition to that, how many people would have been in the booth at any time acting as assistants to voters?

Ms Williams—There were two at all times.

CHAIR—Are these the interpreters? Is that what you mean?

Ms Williams—Yes. But, if the people asked for someone by name and the particular person was outside, we then went out and got them, and the interpreters would actually step outside and wait.

CHAIR—Once that person had helped somebody to vote, that person would then leave?

Ms Williams—Yes.

CHAIR—So there were not people hanging around inside assisting?

Ms Williams—No—because of the way the booth was set up and where the tables were. There were tables as you came in the front door, where the electoral officers were giving out the papers. On the other side of the room there was a table set up for declaration votes. Next to the table with the declaration votes we had all the boxes that were secured for the votes to go in and then we had six polling booths up against the back wall. There was no room for more than six scrutineers and two assistants to be in there to assist voters.

CHAIR—As the OIC, were you happy with the physical circumstances of the booth?

Ms Williams—I was quite happy with it. If there had not been so much antagonism, it would have run quite smoothly, I felt.

CHAIR—You thought the size was quite adequate?

Ms Williams—I felt it was. For the movement just to come in, go and vote, put the ballots in the boxes and go out it was quite adequate.

CHAIR—One voter had to be ejected, which caused a bit of a ruckus and, I guess, added to the tensions. How many times was this voter in the booth before he was ultimately ejected and arrested by the police?

Ms Williams—He actually came in twice. The first time he came in he was given his papers and everything was explained to him. Then he was asked if he needed assistance and he pointed to one of the interpreters. She helped him—showed him where to put his votes and in what boxes—and then he left.

He came back in again, and the girls who were at the desk when he walked in said he could not vote again and that he had to go. But he walked over to one of the interpreters, and that is when John Elferink from the CLP came over and was starting to be rude. I actually asked him to leave. He would not, so the interpreter asked him in language. Once he got outside the booth he just started being abusive and he did abuse one of the CLP members outside, but that was outside the six-metre mark from the polling booth. I felt there was no need for me to intervene because it happened outside the polling booth and six metres away.

CHAIR—So he only came in twice?

Ms Williams—Yes.

CHAIR—And he voted the first time?

Ms Williams—He voted the first time and then he wanted to vote again and was told that he could not.

Mr SOMLYAY—How long after the first time did he come back—five minutes to 10 minutes?

Ms Williams—About 10 minutes. He got aggro because he could not vote again.

Senator BARTLETT—I want to check something that was in the AEC submission which detailed your report. I presume you are aware of it.

Ms Williams—Yes.

Senator BARTLETT—You mention the CLP scrutineer whom you asked to leave and who then came back as a statehood scrutineer. You say here that after she returned she was also pushing the CLP platform, not the yes to statehood platform for which she was renominated. My understanding of the role of scrutineers is that they are not supposed to be pushing anything while they are there; they are supposed to be just observing.

Ms Williams—That was my understanding too, but she was actually pushing the CLP standards.

Senator BARTLETT—I assume that, regardless of whom they are nominated for, no scrutineer should be pushing such things.

Ms Williams—That is right. She was talking to people about Nick Dondas and other candidates for the CLP. I said to her that she could not do that inside the polling booth; she had to leave. She had to be six metres away from the polling booth, where she could hand out how to vote cards.

Senator BARTLETT—Were there any other instances of scrutineers behaving in that way amongst all the others, given how many were there?

Ms Williams—No, I just found them to be rude all day—that was all.

CHAIR—What do you mean by ‘rude’?

Ms Williams—They were complaining all the time and they were rude to the people when they came in to vote and asked them questions. They were being intimidative to the AEC staff, which was not very nice. One of the scrutineers even had a go at one of the AEC staff handing out the voting papers so that they could go and vote.

CHAIR—What do you mean ‘having a go at them’? In relation to what?

Ms Williams—He had gone up and said, ‘When the person comes in you have to ask them their name.’ The girl said, ‘Well, we know them, because they come to the bank all the time.’

CHAIR—But they are required to ask them their name. But were they?

Ms Williams—I actually heard them ask the names—even though they knew them. They would say, ‘Hello, Johnny’. Then they would say, ‘What’s your name?’ and he would give it. Even if the person said, ‘You know’, they would say, ‘We need to know and we need to know how to spell your last name.’ Here, Aboriginal people could have three or four different surnames but you had to get the right surname.

CHAIR—So you are happy that the AEC people were following the rules appropriately?

Ms Williams—Yes.

CHAIR—Not just ticking them off without waiting for them to nominate who they were?

Ms Williams—Yes, they followed it right down the line. Only in one instance they did not, and I went and spoke to them. Then right throughout the day they asked them their name and how to spell their surname.

Senator BARTLETT—I have a broader question—just to move away for a minute from what happened on the day and who said what to whom and all that sort of thing. I understand you have had experience at six different elections—Territory, federal and ATSIC—in different roles for the AEC.

Ms Williams—I have worked since 1990 with the AEC.

Senator BARTLETT—And that is on the basis of just being engaged for the election? You have not actually been employed by them in an ongoing way?

Ms Williams—No.

Senator BARTLETT—I would just be interested in your comment, if you have one, on the worthwhileness—leaving aside that there were obviously some troubles on the day—of the aim of having a booth at the council where Aboriginal people from the town camps would be perhaps more comfortable having people such as interpreters they know from the bank. Was that exercise a positive one compared to your experience at other elections in terms of accessibility for Aboriginal people? Was it an experiment that was worth pursuing, exploring and expanding further?

Ms Williams—My experience was that that one—it was not called Tangentyere Council; it was called Railway Side—has been the most successful, because more Aboriginal people voted on the day there, knowing that there was a polling booth they could go to, even though they were picked up in buses and brought in, where they felt comfortable and where they go just about every day. At Railway Side more Aboriginal people voted in this election than in any other election I have been involved in. I felt it was worth while because Aboriginal people are entitled to vote, and that way they got to have their vote.

Not only Aboriginal people voted there; non-Aboriginal people came there and voted as well. Between the hours of 4.30 and a quarter past five, around 10 to 15 people came in from the industrial area—that is where they work—and voted at Tangentyere, Railway Side. They said that was the best thing for them; knowing that there was a polling booth at Tangentyere Council, they could work until they knocked off then come in there and vote—instead of driving all around town looking for a polling booth.

CHAIR—You mentioned that more people voted there, but there has not been any evidence provided—at this stage, anyway—to suggest that more voted in the 1998 election than in the 1996 election. Tangentyere Council said this morning that in the 1996 election, the same process occurred; their buses picked people up from the town camps but then took them to one of the other six booths.

Ms Williams—There is no evidence, but I felt that there were more people coming there than to other polling booths that I have been involved with.

CHAIR—Which booths did you work on in the 1996 federal election?

Ms Williams—I worked out in the Yuendumu area.

CHAIR—That was a mobile?

Ms Williams—A mobile, yes.

CHAIR—Did you work on a static booth in the 1996 federal election in Alice Springs?

Ms Williams—In Alice Springs, Traeger Park School; it is called Our Lady of the Sacred Heart now. There were not very many Aboriginal people that came there.

CHAIR—A lot of Aboriginal people have always voted at Yirara.

Ms Williams—They could have; I am not sure.

CHAIR—I am just trying to get a feel for this, because one of the major arguments that was put forward for choosing Tangentyere Council as a centre was to maximise the number of Aboriginal people voting. We will get some additional figures from the AEC and see what difference took place between 1996 and 1998. But there is nothing that has been conclusive at this stage to suggest that it made any difference. People feeling comfortable about voting there rather than somewhere else is a different issue. But maximising the vote, which is an important thing, to ensure that as many people as possible are given the easiest opportunity to vote, is relevant to the committee.

Mr LAURIE FERGUSON—You mentioned that the CLP had six scrutineers, and previous evidence was that a significant number of those were members of parliament. You have worked on six elections. Is it normal practice for the CLP to have six scrutineers in a polling booth for 350 people?

Ms Williams—No, it is not normal practice. Other polling booths I have been involved in have only had two.

Senator FERGUSON—What is your view of why they had six there for 350 people?

Ms Williams—This is only my view, but I felt that they really did not want the polling booth to be where it was at Tangentyere Council.

Senator FERGUSON—Did Jenny Sinclair complain to you at any stage during the day about people getting how-to-votes on the buses that brought people to the polling booth?

Ms Williams—No, she did not say anything.

Senator FERGUSON—Are you aware of allegations that a number of people connected with the Tangentyere Council expressed a concern that the taking of photographs of people outside the polling booth was an act of intimidation?

Ms Williams—Yes.

Senator FERGUSON—Who was taking those photographs?

Ms Williams—There was Jenny Sinclair, Lesley Godwin and I am not sure of the guy's name; it might have been Russell somebody.

Senator FERGUSON—You are not acting on hearsay, are you?

Ms Williams—No, I actually saw them a couple of times.

Senator FERGUSON—Was your impression—from what you witnessed rather than from anyone else telling you things—that they were just taking one or two photographs for posterity, or were there a number of photographs being taken?

Ms Williams—They actually took a number of photographs. It is normal practice for them to ask if they can take photos of the polling booth, and we would not deny them that—but not just take photographs for the sake of taking photographs.

Senator FERGUSON—I personally regard the low level of turnout, even if it did increase at this election, as still being a disgrace. We have heard that, of 700 people on the roll, about 350 or 400 voted. You have said that very few voted at the polling booth that you were at in 1996. Have you gained any anecdotal evidence, or do you know in this last election whether there was any other polling booth that got a reasonable number of town people voting, besides those bussed in to Railway Side? From your knowledge, did any other polling booth get a significant number of town people voting?

Ms Williams—No; I did not ask.

Senator FERGUSON—What do you think would be the impact of those people who wanted voter assistance in a future election having to vote in front of scrutineers? What would be the impact of that?

Ms Williams—A lot of them felt intimidated. I think that they should bring back what they had before where they had people going out to communities and actually educating them on the process of voting. If they are not already on the electoral roll, they could sign them up, have an ongoing education process. If the people did not need assistance, then there would not be a lot of problems with scrutineers looking over the person assisting the voter to vote—there would not be that problem of them looking over their shoulders and feeling intimidated.

Senator FERGUSON—Let us say for the sake of argument that the government does not agree to re-establish the Aboriginal educational sector in the AEC, and we are faced with the current practices and level of information: what do you think would be the effective impact of requiring people who are getting assistance to vote in front of scrutineers, to basically have the ballot papers filled out in front of party scrutineers?

Ms Williams—They are going to feel intimidated, like they always do. On the day in the booth, when there was a scrutineer actually looking over the assistant's shoulder, some of the people were turning around and looking at them. To me, they felt intimidated; they were looking around to see who else was watching them.

CHAIR—You mentioned earlier the person who caused a problem and ultimately had to be arrested when he came in the first time. I would have to question why he was allowed to vote the first time if he was drunk, because that is against the law. Anyway, he was allowed to vote. You said that he was asked if he wanted an assisted vote. This is the crux of some of the problems.

Ms Williams—No; he was not asked if he wanted—

CHAIR—That is what you said. You said that he was asked if he wanted an assisted vote.

Ms Williams—No; I asked whether he wanted assistance to vote. Did he need assistance to vote? Did he need someone to help him explain things? He said yes.

CHAIR—This is part of the contention about the assisted vote. Evidence has been provided—and a number of people have commented—that it is the wrong way around. People should be asking for assistance, not being offered it proactively. I understand that, in various circumstances, it is not as easy and as black and white as that. It is very different on the ground. But it is the crux of some of the concern that people express in the number and the level of assisted vote. I think we got evidence also that one person was assisted to vote, and then that same person shortly thereafter was in the booth assisting somebody else to vote. That was some of the evidence that was given on the record. You might like to comment about the training of the officials as to how that assistance is provided.

Ms Williams—In the case you are talking about, where the person had an assisted vote and then came back later and assisted someone else to vote, the person actually asked for that person by name. I actually had to go and find that person. I had to ask someone who so-and-so was.

CHAIR—But it is a bit strange that that person could then help somebody when they needed help themselves in the first place.

Ms Williams—He did not actually help them assist; all he did was lay out the papers and explain in that language what each party was and what was what.

CHAIR—Why did he need assistance when he voted himself if he was able to do that for somebody else?

Ms Williams—He told the assistant that he did not understand the process properly, so she explained it to him in the language.

CHAIR—He was a quick learner if he was then able to help somebody else.

Ms Williams—If you say so.

Mr FORREST—We have focused so far on Railway Side booth. I understand you are also the team leader for the whole of mobile 16. Is that right?

Ms Williams—Yes.

Mr FORREST—We have had complaints about the conduct of those mobile teams—about them not sticking to the schedule, changing the schedule and returning back to some mobile sites that had already been voted in and so on. We are in possession of a statement provided to us by the Australian Electoral Commission with your explanation as to why all that occurred, but it still does not satisfy my view that, if you have a schedule and large

distances to travel, it is a courtesy just to keep everybody involved who was changing schedule. Why didn't that occur?

Ms Williams—It did occur. When we did not go to New 8 Mile like we were supposed to, the afternoon before we were supposed to go I spoke with everyone—the No to statehood, the Labor Party, the CLP and the yes mob. We were all standing under a tree outside in Ntaria council office when I spoke to them all. One of the traditional owners, who was also a CLP scrutineer, said, 'We shouldn't go there because no one is there.' Being an Aboriginal person, I took notice of that. You must take notice of the owners.

CHAIR—This is Alison Hunt, is it?

Ms Williams—No, Amy Pareloutja. We did not go there but, the afternoon before, I called everyone together and we all spoke. I said, 'We will meet back at the council office first thing in the morning.' We did. I opened the polling booth without notifying the AEC. When they rang, I then closed the polling booth. After I explained what happened, we were told not to go there. Then there was another polling booth that we were supposed to set up but we did not go to where the residents were all drunk. We were told by one of the traditional owners, Alison Hunt, that we should not go there, so we did not go there. There was no way I was going to go there when people were drunk and get the crap flogged out of me after being told not to go there. If I turned up, I would have got flogged anyway. Under Aboriginal law, that is what is supposed to happen. If you are told not to go somewhere and you go, you are in for a hiding. I valued my own life and the lives of my two officers.

Mr FORREST—The whole of that schedule has been the source of a large number of complaints by the CLP. There must be some merit in their complaint if it does not support your view that you kept them involved.

Ms Williams—I kept them involved the whole way through. At one stage we went to the one of the out-stations called Red Sandhill. When we got there—we took votes there—the CLP scrutineers were already there, and they assisted the voters with the voting. They even told them how to vote and helped to fill out their ballot papers.

Senator BARTLETT—If people are registered as approved scrutineers, are they able to assist people to vote?

Ms Williams—If they are asked by name.

Senator BARTLETT—Can they then be scrutineered by other people?

Ms Williams—Yes.

CHAIR—While we are on mobile 16, could you clear up the matter of Hermannsburg. The Hermannsburg booth was opened twice: is that right?

Ms Williams—Yes.

CHAIR—When was it originally a booth?

Ms Williams—On the Tuesday.

CHAIR—And that was a scheduled booth?

Ms Williams—Yes. It was on the Wednesday morning that it was unscheduled.

CHAIR—You reopened it on Wednesday, and that was when the AEC rang and told you to close it because it was not a scheduled time.

Ms Williams—Yes.

CHAIR—You never reopened Hermannsburg at a later time in that week?

Ms Williams—No.

CHAIR—You never went back there at all?

Ms Williams—No.

CHAIR—What about the evidence that we were given in relation to some of your staff going to Palm Valley?

Ms Williams—That happened on the Thursday afternoon.

CHAIR—Did you poll during the morning?

Ms Williams—We polled right up to 2.30 p.m. and then we closed down.

CHAIR—Did they go to Palm Valley?

Ms Williams—Yes—after all the boxes were sealed. All the boxes were sealed and put in the vehicle that I was driving, but they were not all signed off. When the staff came back from Palm Valley, I asked whether they would sign them. Joseph said that he would not, but the other person, Iain Patterson, did sign for them, because they had seen me close the box, and we had scrutineers watching us seal the boxes at all times.

CHAIR—We were given evidence that one of those staff members said, ‘I do not want to do that,’ when asked to sign, ‘because we were told there was no voting today,’ and that the electoral commissioner—presumably, you—said, ‘Oh, we did some.’ Is that not correct?

Ms Williams—No, we polled up to 2.30 on Thursday afternoon.

CHAIR—It is a bit difficult to ask you some of the questions in relation to the discrepancies in numbers of votes. A lot of this evidence that we have been given came around the fact that an additional 80 votes appeared somehow. This was giving the view that additional votes were taken later in the week when scrutineers were not there. There were supposedly votes from some communities where no votes were taken when the booths went around. Do you have something to say about that aspect of it?

Ms Williams—The numbers increased because we took some declaration votes in some of the out-stations we went to—and Hermannsburg. That was where people filled out an enrolment form and were given papers to vote that were then put in envelopes. That took the numbers up. When we get the ballot papers, they come in pads of 100 or 200. They are taken from that. You add your numbers up at the end of the day by how many ballot papers are left on the pad, and we took a fair few declaration votes.

Mr SOMLYAY—Are they scrutineered?

CHAIR—No, declaration votes go in an envelope.

Mr SOMLYAY—Don't they get assistance?

CHAIR—Mr Somlyay is asking if declaration votes are scrutineered. I thought he meant from an accounting point of view.

Mr SOMLYAY—No; at the time the vote is passed.

Ms Williams—Yes. They were scrutineered because they actually have to go into the polling box itself and fill out their ballot papers, and there was always a scrutineer there.

CHAIR—The other question was in relation to a couple of people who it was claimed by some on the Thursday had not voted but then did vote—for instance, Eli Fly.

Ms Williams—He actually voted in Hermannsburg.

CHAIR—On which day?

Ms Williams—On the Tuesday.

CHAIR—When he told somebody on the Friday that he had not voted, he obviously had.

Ms Williams—He had, and I had actually passed him on the way back into town from Gilbert Springs.

Mr FORREST—It is still a little difficult to sort out who said what. I know in the hurly-burly there can be a lot of tension, and you have got a big job to do. I am going back to my question about the program, and it has taken me a while to find it. But Russell Lynch said that in terms of the schedule you hardly stuck to it. There is not much point in saying, 'You can read. There's the schedule.' You have asserted all morning the rudeness of the CLP scrutineers and so forth, but the contrary applies. They say:

Throughout this whole polling exercise the Team Leader gave conflicting advice, behaved in a biased way towards the ALP scrutineers, failed to do what was previously agreed, attempted to lose the CLP vehicle by travelling off the main roads, assisted people to vote for the ALP and behaved in a manner which was totally unsuitable to a person in charge of something as serious as polling.

It is a bit hard for the committee to sort it out—in the interests of fairness to everybody.

Ms Williams—Yes. Everyone had a schedule. If we were not going to a certain place, we would tell them. At no stage did I try to lose the CLP, because out in the bush it is all bush roads. We had a four-wheel-drive vehicle and so did everyone else, except for the other CLP scrutineer, who had a two-wheel-drive van. Dirt roads are really soft and dusty in some places, and in no way did we try to lose him. At one stage we actually nearly hit his vehicle because we were following him. At one stage we had to slow right down so that we would not hit his vehicle.

Mr FORREST—Mr Lynch also says:

On Friday I was fortunate in waiting to follow the Team Leader's vehicle as the schedule was not followed but done in reverse order.

Is that right?

Ms Williams—Yes, we did it in reverse order because we were supposed to go to Gilbert Springs first, yet all the other outstations were before Gilbert Springs. On all the other outstations there were one or two people there, but some of them had voted in Ntaria. There were a couple of places where we pulled up and there was no-one around. We waited the time and then we went on to Gilbert Springs. A lot of them actually voted in Hermannsburg. We knew which outstation they came from because it was on the community's roll. The Electoral Commission give you a print-out of the communities and the people's names. You can actually see which community they are from.

Mr FORREST—If the mobile booth is advertised to be opened between a certain time—say, from 9 a.m. until 10.45 a.m.—if you arrive there at 9 a.m. and there is nobody there, you ought to stay until 10.45.

Ms Williams—We stayed the allotted time. At one of the outstations there was no-one there. The house was open and the CLP scrutineer actually wanted to walk in that house. I said, 'You can't do that.' On an Aboriginal outstation you do not do that. If no-one is there, you wait outside in your vehicle. You do not go looking around in their house.

Mr FORREST—Mr Lynch goes on to say about Gilbert Springs that the mobile booth was advertised from 9.30 to 10.45, but he met people on the road and had to tell them that the booth was closed before 10.45.

Ms Williams—We left there at quarter to 11. Mr Lynch was with me when I went over and spoke to Ralph Malbunka, who is the traditional owner of Gilbert Springs. I actually introduced Mr Lynch to Mr Malbunka, and then we walked around the community with him, talking, and he introduced him to another guy there who lives on the outstation. We stayed the allotted time. But, as Mr Malbunka said, they had all voted out at Ntaria. The Aboriginal people call it Ntaria; non-Aboriginal people call it Hermannsburg.

Mr FORREST—I have one more question about the taking of photographs. Is there any specific reason why the taking of a photograph would be inappropriate? Was there a reason why you insisted it not occur? I think it was at Hermannsburg.

Ms Williams—Yes, it was. It was inside the booth. Mr Lynch had already taken a photograph without asking and then he asked to take another one. I said, ‘No’, but he still went ahead and took one. You do not take photographs when people are trying to vote, especially Aboriginal people who are being assisted. They were not being assisted by an AEC assistant or interpreter. They were actually being assisted by a CLP scrutineer. I did not object to any other photos being taken, but once you have already taken a photo in the booth, you should not need to have to take more.

A couple of the people inside the polling booth said, ‘What’s he taking photographs for?’ At that stage I was actually talking to the two AEC officers. They asked the person’s name, but they did not ask, ‘What community do you come from?’ or ‘Do you require assistance?’ I went over and spoke to them about that. When I turned around to go to the booth to make sure they were all tidy and there was no material around on how to vote—because once people have finished voting, you have to take them out—that is when one of the residents asked, ‘Why is he taking photos?’ At every mobile polling booth, we actually gave Mr Lynch permission to take photos of all mobile polling booths that were set up.

Mr FORREST—You may be interested to know that one of those photographs has been provided to the committee in evidence. It shows a booth with no provision for privacy. There is no conventional booth for voting. It is wide open and it makes it very difficult for someone to vote in privacy.

Ms Williams—Yes, that was outside one of the mobile polling booths. That was actually a mobile polling booth.

Mr FORREST—So a mobile polling booth does not consist of the normal cardboard partitions?

Ms Williams—You have a cardboard partition on it and that, yes. When he took that photograph we had actually closed the booth and were having lunch, but we still had the table and sign set up. We had not packed up completely. The boxes had been sealed and put into the motor vehicle.

Senator MASON—I want to recap something you mentioned earlier. When someone walks in, do you ask them whether they want to be assisted? What is the process?

Ms Williams—When they walk in they are asked their name. If they give their surname as an Aboriginal name—say, Japurrula—they are asked to spell it and are then asked which community they are from. They are then marked off on both the remote roll and registered voters roll. They are given the papers and they are explained to them. If they look at the AEC person with a dumbfounded look then they are asked whether they want someone to assist them. If they ask for someone by name, then we will get them. I have said to them at Hermannsburg that you can assist them to vote by explaining to them what it is all about but that you cannot actually tell them who to vote for and fill out their papers unless they are blind.

Senator MASON—So sometimes you will actually offer assistance before they ask for it?

Ms Williams—Yes.

Senator MASON—Someone could ask for assistance from a friend?

Ms Williams—Yes.

Senator MASON—Or from an electoral official?

Ms Williams—Yes.

Senator MASON—On the day, were the electoral officials the two interpreters?

Ms Williams—Yes.

Senator MASON—Did you assist as well, or was it just the two interpreters?

Ms Williams—Only the two interpreters. The only time I did go over was when I was called over to look at someone voting.

Senator MASON—The only time the scrutineers are entitled to oversee that process is when the AEC interpreters are also assisting?

Ms Williams—Yes.

Senator MASON—If it is a friend assisting them, the electoral people cannot be there?

Ms Williams—No. They actually leave the booth.

Senator MASON—Can you give me a ballpark figure of how many assisted votes there were that day at the council polling booth?

Ms Williams—Roughly about 90 per cent. They were not all by the interpreters.

Senator MASON—How many of the 90 per cent of votes were supervised by AEC officials and by friends?

Ms Williams—There were about 25 per cent assisted by friends. They actually bought someone in with them.

Senator MASON—Was the friend the same person or a different person?

Ms Williams—For three out of four people it was the same person they were bringing in with them.

Mr SOMLYAY—Would that person also vote?

Ms Williams—That person had already voted earlier.

Senator MASON—It was the same person that was coming back in to assist the other people?

Ms Williams—Yes.

Senator MASON—The two interpreters who were assisting knew the people because they work at the council?

Ms Williams—They work there plus live in the town camp, and so they knew the people.

CHAIR—Having the same ones over again is a bit unusual, is it not, given that the people came from 18 town camps? You would think that they would have a friend from every camp.

Ms Williams—Yes, a lot of them who had the same person were actually from the same camp—the biggest camp, Charles Creek. They were all bringing the same person in with them.

Mr SOMLYAY—I really feel for you if you were frightened for your safety in going to some of these places. Did you report to the AEC that you were frightened for your safety?

Ms Williams—I made a quick mention of it; that was all. It was agreed that, for the safety of me and the two officers, we would not go there, because the people were drunk.

Mr LAURIE FERGUSON—With regard to Mr Tawala and the argument about what happened in the afternoon and whether people voted after the closure of the ballot box, can I clarify one point? When you closed at 2.30 p.m. on that day, was Mr Tawala still there, or had he gone away for a while, or what?

Ms Williams—He was still there. He actually helped me pack the ballot boxes into the car, and they were sealed.

Mr LAURIE FERGUSON—This next point has a bit of a Western, Anglo-Saxon bias: I appreciate Aboriginal culture, et cetera, but I am a bit worried if the AEC operates on the basis that, if a traditional owner says you cannot vote there, the AEC accepts that you cannot vote there. That worries me a bit. Can you see that there is a conflict?

Ms Williams—There is a conflict, but—

Mr LAURIE FERGUSON—Let us say that 100 people were going to vote there and the AEC takes orders from the traditional owner and those people do not get to vote.

Ms Williams—Put it this way: if I felt that she was not being genuine, I would have gone out there; but I know the people from out there, and they were all in Ntaria—or Hermannsburg—and I saw them come in and vote.

Mr LAURIE FERGUSON—I might have misunderstood you. I thought that in advance of you getting their vote somewhere else, the traditional owner said, ‘Don’t go there.’

Ms Williams—That was where the people were drunk. We did not take any votes from them.

Mr LAURIE FERGUSON—I am not worrying about the drunk ones.

Ms Williams—Yes; there was one outstation that we did not go to because the traditional owner said it was no use going there as no-one was there.

Mr LAURIE FERGUSON—I see; I thought at first that you were saying that, if the traditional owner says that you should not go to a ballot place, then the AEC takes orders from the traditional owner.

Ms Williams—No. It was just that this traditional owner said that no-one was there.

Mr LAURIE FERGUSON—All right.

Mr SOMLYAY—On that point, earlier you said that you were frightened because you had been told not to go there.

Ms Williams—No; this is another polling booth I am speaking of.

Mr SOMLYAY—A different one.

Mr LAURIE FERGUSON—One final point: I can probably get this from the material provided to the committee, but can I get some feel for these various mobile sites? How many are there, roughly, that you visited? How many of them have, say, less than 20 voters? An approximation will do: I am not holding you to the Bible.

CHAIR—And how many communities did you visit in mobile 16, for instance? There was a total of 336 votes cast through mobile 16.

Mr LAURIE FERGUSON—Let us say 300 plus. How many sites that you go to have less than, roughly, twenty?

Ms Williams—Quite a few of them.

Mr LAURIE FERGUSON—Thank you.

CHAIR—It is not unusual to get five or eight votes at some of those. As there are no other questions, I thank you, Ms Williams, for your time this afternoon and for coming across from Western Australia to be here. It was important that the committee had the opportunity to speak with you to clarify some of these issues. The committee has found the whole hearing today useful in trying to piece together the various stories that have come from different people as to what occurred with the particular mobile at Tangentyere. It will be useful for our deliberations, and so I thank you.

Resolved (on motion by **Mr Somlyay**):

That this committee authorises publication, including publication on the parliamentary database, of the proof transcript of the evidence given before it at public hearing this day.

Committee adjourned at 2.45 p.m.

