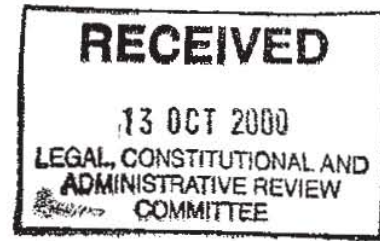




Minister for Aboriginal and Torres Strait Islander Policy
and Minister for Women's Policy
and Minister for Fair Trading

The Hon. Judy Spence MLA
Member for Mount Gravatt



Submission No 27
Spec 332

Our ref: AT00/0506

12 OCT 2000

Mr Gary Fenlon MLA
Chair
Legal, Constitutional and Administrative Review Committee
Legislative Assembly of Queensland
Parliament House
George Street
BRISBANE QLD 4000

Dear Gary,

Thank you for your letter dated 13 September 2000 inviting a submission to the Inquiry into the Prevention of Electoral Fraud.

Please find enclosed a submission from the Department of Aboriginal and Torres Strait Islander Policy and Development which focusses on Aboriginal and Island Council elections. This Department has responsibility for the *Community Services (Aborigines) Act 1984* and the *Community Services (Torres Strait) Act 1984* under which Aboriginal and Island Councils are constituted.

If further information is required please contact Mr Steve Polain, Community Governance Branch on 3224 7691. Thank you the opportunity to contribute to this Inquiry.

Yours sincerely,

Judy Spence MLA
Minister for Aboriginal and Torres
Strait Islander Policy

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Department of Aboriginal and Torres Strait Islander Policy and Development Submission to the Inquiry into Electoral Fraud

Background: The Department of Aboriginal and Torres Strait Islander Policy and Development (DATSIPD) has responsibility for the *Community Services (Aborigines) Act 1984* and the *Community Services (Torres Strait) Act 1984*. Under this legislation Aboriginal and Torres Strait Island Councils are constituted. DATSIPD provides support to these Councils to conduct the election of councillors.

In the context of providing this support, the responsible Departmental officer has been made aware of the significant numbers of declaration votes cast, particularly in Torres Strait Islander Council elections. For instance in respect to the last Boigu Island Council election, 63 declaration votes were cast out of the electoral roll of 180 voters. Although figures are not immediately available, this situation is not uncommon for other Torres Strait Islander Councils.

It appears that significant numbers of Torres Strait Islander people who have moved to the mainland permanently are either maintaining their electoral address at their island of origin address or changing their electoral enrolment to influence the outcome of Council elections.

These actions would not only impact on the local council rolls but also State and Commonwealth rolls.

The following responses address the Issues Paper and relate to the Aboriginal and Torres Strait Island Council elections.

Response to Issue 5: People seeking to enrol for the first time and/or to change their enrolment details should be subject to more stringent witnessing requirements on enrolment forms which include providing proof of residency to the witness. The current electoral enrolment form requires the witness to be only "a person who is eligible to be on the Commonwealth of Australia and/or Queensland electoral roll and can sign their name in writing". The witness may not have any knowledge of the voter's actual address and the voter does not have to establish proof of residency for the electorate in question. Restricting witnesses to certain classes of people as in a passport application should also be considered.

Response to Issue 6: The continuous roll updating (CRU) of the Australian Electoral Commission which should include data matching techniques and data mining of federal databases is supported.

Response to Issue 7: Legislation to open Queensland agency databases to assist with continuous roll updating is supported.

Response to Issue 8: It is not considered necessary for Queensland to revisit its joint roll arrangement with the Commonwealth or establish a separate roll if the integrity of the Commonwealth roll is improved.

Response to Issue 9: Electoral rolls should be closed as soon as an election is announced to prevent "roll stacking".

Response to Issue 10: Unable to comment.

Response to Issue 11: A complete re-enrolment is not seen as necessary if the appropriate CRU processes are in place.

Response to Issue 12: For people voting in person in Aboriginal and Torres Strait Island Council elections multiple voting, impersonation and "cemetery voting" are not perceived as issues as the identity of voters is well known and also there is usually only one polling booth. Sometimes a mobile polling booth is used as well.

Response to Issue 13: There is a concern with the current postal voting due to the inadequacy of the witnessing arrangements which require only a signature of the witness. The Returning Officer has no way of knowing that the applicant for a postal vote is in fact the enrolled voter. More stringent witnessing requirements as described in the response to Issue 5 would be of benefit.

Response to Issue 14: Not applicable.

Response to Issue 15: Proof of identity with a suitable form prescribed may prove difficult for more remote Aboriginal and Torres Strait Islander communities as people may not have the usual forms of identification such as a drivers license or a birth certificates. If such a requirement is to be introduced, consideration should be given to exempting remote Indigenous communities.

Response to Issue 16: Not applicable.

Response to Issue 17: Not applicable (refer to response to Issue 12).

Response to Issue 18: Electronic voting may not have application in remote communities.

Response to Issue 19: Refer to response to Issue 13.

Response to Issue 20: Existing arrangements are seen as adequate.

Response to Issue 21: Refer to response to Issue 13.

Response to Issue 22: The use of pencils does not enjoy the full support of voters and candidates in Aboriginal and Torres Strait Islander council elections.

Response to Issue 23: The examples mentioned under Section 7 are seen to have merit.

Response to Issue 24-28: Unable to comment.