



12 November 2020

Submission to the Joint Standing Committee on Electoral Matters:

Regarding: Inquiry on the future conduct of elections operating during times of emergency situations.

Dear Committee Chair,

Please consider the following submission from the Northern Territory Electoral Commission to the Joint Standing Committee on Electoral Matters' inquiry on the future conduct of elections operating during times of emergency situations.

In accordance with the requirements outlined by the committee, this submission will address three of the inquiry's terms of reference, with a particular focus on delivering electoral services to remote electors.

The three terms of reference addressed are:

1. Restrictions arising from a health pandemic
2. Access to remote voters/areas
3. Alternative voting methods including early, remote and postal voting

Introduction

In August the Northern Territory held a Legislative Assembly general election (2020 Territory Election) in the midst of the COVID-19 pandemic.

The situation presented a number of challenges for the Commission, including potential access restrictions to remote areas and a lack of options for delivering alternative voting methods and services to these electors.

When the Northern Territory Government determined that the election would not be delayed, an overarching COVID-19 strategy was developed that included protocols for both electors and Commission staff. The underlying principle of the strategy was to implement procedures to mitigate against the spread of the virus. This was especially the case with the delivery of remote voter services as Aboriginal people were identified as extremely vulnerable, with high mortality rates predicted if the virus reached remote communities.

The NT Electoral Commission's COVID-19 Management Plan and associated guidelines outlined protection measures that would be undertaken for voters during the running of the 2020 Territory Election. Those measures included:

- single-use pencils
- encouraging postal and early voting
- social distancing with guides on the floor at voting centres
- ensuring voting screens are a minimum 1.5m apart
- additional cleaning of voting surfaces by voting centre staff (with extra staff provided)
- providing hand sanitiser for voters and hygiene protocols for all staff

- additional early voting centres with extended operating hours
- procedures when traveling to remote communities that minimised contact with residents
- assessing all indoor mobile voting locations to determine their ability to comply with social distancing requirements and sourcing more outdoor mobile voting sites where suitable
- the NT Department of Health's compliance teams audited voting centres to ensure campaign workers, electors and staff were complying with social distancing and hygiene requirements
- procedures for suspected or confirmed cases of COVID-19 of Commission staff.

The management plan also detailed protection measures for staff, which included:

- regularly sanitising the tablets used for electronic mark off of electors
- having physical distancing guides to distance voters and scrutineers from staff
- additional cleaning at voting centres
- procedures for NTEC staff travelling to remote locations to minimise contact with community members

The COVID-19 Election Management Plan and associated guidelines are attached to this submission.

1. Restrictions arising from a health pandemic and; 2. Access to remote voters/areas

The declaration of restricted access biosecurity zones across the Northern Territory as part of the COVID-19 pandemic response from the Federal Government presented a unique challenge in the run-up to the 2020 Territory Election in August.

The immediate impact was that the biosecurity zones delayed the planned roll out of the remote enrolment field program. This program was scheduled to start in April 2020 but did not commence until late June when the biosecurity restrictions were lifted.

The campaign was considered critical to increasing the accuracy of the electoral roll in remote communities due to the fact the Australian Electoral Commission (AEC) no longer operates an ongoing remote enrolment program in the Northern Territory. In addition, the AEC's Federal Direct Enrolment Update (FDEU) program does not operate in remote areas. This has led to a growing gap regarding roll accuracy and completeness between urban and remote electors in the NT.

The declared biosecurity zones primarily included the seven remote Territory electoral divisions, which are largely comprised of vast remote areas of the NT and mostly populated by Aboriginal Territorians.

Approximately 28 per cent of Territorians on the electoral roll of 141,225 live in one of those seven remote electorates.

If staff were not able to gain access to those remote areas due to the declaration of the biosecurity zones, voting services would not have been able to be provided to about 40,000 remote Territorians.

Even after the Federal Government lifted the biosecurity zone restrictions, a number of remote communities were still limiting access due to their concerns about the virus being introduced

through visitors. Had this situation continued through the election period, large groups of primarily Aboriginal voters would also not have been able to access voting services due to the fact that mobile voting is the only viable option to service remote communities.

While other states would have similar access issues to remote areas under biosecurity zone declarations, the Northern Territory is unique in that the percentage of its population living in remote areas is far greater than other jurisdictions.

If those areas were restricted in their access under future emergency situations, the validity of any general election in the NT would be questionable.

As previously stated, about one-third of the Northern Territory's voting population lives in remote areas, therefore the whole election would need to be delayed if they were not able to be provided with remote voting services.

The NT's current *Electoral Act 2004* only provides for a 28-day extension of time. Amendments to the Act may need to be considered to accommodate future emergency situations.

3. Alternative voting methods including early, remote and postal voting

During the 2020 Territory Election the NTEC heavily promoted early and postal voting in urban electoral division across the Territory.

Eligibility criteria was removed for early and postal voting in legislative amendments in 2015, and both of these convenience voting options are well used by Territory electors. Most early voting centres are located in shopping centres, and this has also contributed to the significant increase in electors choosing to early vote.

In urban areas, the NTEC increased the number of early voting centres and the expanded the number of days they were in operation. In all, 60 per cent of Territorians who voted in the 2020 Territory election cast their vote early. The ability for remote Territorians to vote early is severely restricted by the often vast distances required to be travelled to attend an early voting centre.

Postal voting is also not a viable option for many areas within the Territory remote electoral divisions as there is limited postal services (for example a community mail bag, often delivered through a service provider like the Royal Flying Doctor Service) or no postal services provided to these areas.

The timely delivery of postal services was also severely impacted by the COVID-19 pandemic due to the fact that Australia Post reduced remote postal services, which made it extremely difficult to return some completed ballots in time.

The lack of reliable digital services in many remote parts of the NT also means that online or internet voting options would also be limited should a suitable system be developed in the future.

Also, there are low levels of access to IT equipment such as computers, tablets and mobile phones in remote communities. Computer literacy levels in remote areas is also an issue and English is often a second, third or even fourth language for many Aboriginal Territorians who predominately reside in the remote parts of the NT. Internet voting should not be considered an alternative to remote voting services as many remote electors lack the capacity and infrastructure to utilise such a service.

While the turnout for the 2020 Territory Election was 74.9 per cent, which was a marginal improvement on the 2016 Territory Election turnout of 74 per cent, five of the remote electoral divisions only achieved turnouts in the low 50 per cent range.

Voter turnout would have been even lower were it not for the introduction of on-the-day enrolment provisions which enabled eligible electors not on the electoral roll to enrol at voting centres and have their votes counted. This enabled over 1,700 additional votes to be admitted, the vast majority coming from remote divisions.

Due to the recent experience gained from conducting the 2020 Territory Election, a number of key issues emerged and would need consideration to deliver electoral services to remote communities in times of emergency situations.

Those issues include, but are not limited to:

1. a lack of genuine alternative voting options for remote Territorians
2. clear authorisation protocols for NTEC voting staff or its agents to enter remote or restricted areas
3. a lack of reliable postal services to remote parts of the Northern Territory
4. the validity of the NTEC's 'social licence' to enable electoral staff to access communities against residents' wishes. An election means other electoral players such as candidates and campaign workers also access these communities and electoral commissions have no control over their actions
5. a need for clear strategies and protocols to inform about, to conduct, or delay elections in emergency situations.

In short, the only viable option for delivering voting services to remote areas of the NT is remote mobile voting. Any emergency situation that impacted or restricted the ability of the NTEC to conduct remote mobile voting would mean that over a quarter of the electorate would be denied an opportunity to vote.

Sincerely,



Iain Loganathan

Northern Territory
Electoral Commissioner

Please find attached:

- NTEC COVID-19 Management Plan
- COVID-19 Response Plan - NTEC Staff – Internal
- COVID-19 Guideline - Travel to remote areas NTEC staff
- COVID-19 Individual risk assessment - Travel to remote areas pre-departure form NTEC staff
- COVID-19 Incident Protocol - Suspected or confirmed case of COVID-19 for NTEC staff
- COVID-19 Procedure - Operating a voting centre NTEC staff