

**Participation and representation
in ATSIC elections:
a ten-year perspective**

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Summary

This paper examines participation and representation in Aboriginal and Torres Strait Islander Commission (ATSIC) elections over the ten-year period since its inception in 1990. It attempts to identify patterns of participation that seem to be emerging and what these might suggest about ATSIC's operation.

By examining numbers of nominees compared to positions available, the paper suggests that ATSIC elected office has fairly keenly and consistently sought and competed for by Indigenous people, though there may have been some slight initial reticence in the 1990 elections.

By examining voter numbers and voter turnout, the paper suggests that voter participation nation-wide rose slightly from 1990 to 1996 and then largely stabilised in 1999. It also suggests that there have been significant variations from this national pattern at State and Territory levels and it explores some reasons for this, such as change in postal voting procedures. The paper also examines voter numbers and voter turnout at the ATSIC regional level since 1993 and finds that there has been a much higher voter turnout in the sparsely settled regions of northern Australia and much lower voter turnout in the southern and urban areas. This is explained in terms of ATSIC program and expenditure priorities and in terms of polling place access.

The final two sections of the paper examine the representation of women and Torres Strait Islanders among ATSIC elected representatives. Both are seen as significant issues, which should be of some ongoing concern within ATSIC, alongside the issue of the southern/northern difference in voter participation.

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Introduction

The Aboriginal and Torres Strait Islander Commission (ATSIC) is a unique Commonwealth statutory authority which combines elected Indigenous representatives with an administration of public servants. The Commission is now ten years old and during that time there have been four rounds of ATSIC elections. Direct elections open to Indigenous people are held for ATSIC regional councils. Elected regional councillors then elect regional council chairs and, grouped into zones, national ATSIC commissioners. The national Board of Commissioners is ATSIC's major policy making body, in conjunction with the Commonwealth Minister for Aboriginal and Torres Strait Islander Affairs. Regional councils play a role in advocating regional Indigenous interests, developing regional plans, monitoring the regional coordination of government services and allocating ATSIC funding to Indigenous organisations within their region.

This paper examines participation and representation in ATSIC elections over the ten-year period from 1990. It attempts to identify patterns of participation that seem to be emerging and what these might suggest about ATSIC's operation. After some further background, the paper begins with a section on nominations. It then moves on to an examination of voter numbers and voter turnout at the national and State/Territory levels. This suggests that voter participation nation-wide rose slightly from 1990 to 1996 and then largely stabilised in 1999. There are, however, variations from this national pattern at the State/Territory level, which are further explored. Some evaluative comments comparing voter turnout in ATSIC elections with other sorts of elections are made, as too are some on the relevance of voter eligibility criteria and administrative processes to voter turnout. The paper then moves on to voter numbers and voter turnout analysed at the ATSIC regional level. This reveals greater variation than the State/Territory level analysis, with a clear geographic pattern emerging of greater voter participation in the sparsely settled areas of northern and central Australia and less in the more densely settled southern areas. This geographic pattern is seen as understandable both in terms of ATSIC's program and expenditure priorities and in terms of polling place access. However, it is also seen as raising issues about the relative strength of ATSIC's nation-wide representation of Indigenous interests. Issues of the representation of women and Torres Strait Islanders within the ATSIC electoral process are also discussed as significant concerns in later sections of the paper.

Background

When created in 1990, ATSIC had 60 regional council areas grouped into 17 zones. One of these regions/zones, Torres Strait, was given unique electoral arrangements linked to Queensland local government elections—the results of these elections are not analysed here.¹ In the other 59 regions, direct elections were held for 788 regional council positions in November 1990, followed by elections among the representatives for regional council chairs and 16 zone commissioners. These elected commissioners served on a part-time basis,

alongside three government-appointed commissioners including a full-time chairperson. By the next ATSIC elections in December 1993 the positions of both regional council chairs and commissioners had been made full-time and salaried. However, the number of regional councils, excluding Torres Strait, had been reduced to 35, and the number of elected regional councillor positions to 573. The numbers of zones and commissioners remained as before.² When nominations were called for the October 1996 ATSIC elections, the number of elected positions on offer in the 35 regions was 590. Due to legislative changes passed after the call for nominations, however, the eventual number of regional councillors to be elected in 1996 was only 375. In the October 1999 elections, the number of regional councillors to be elected was 387, who then elected 35 regional council chairs and 17 commissioners, excluding the Torres Strait commissioner. This increase by one in the number of commissioners occurred because after the 1999 elections there are no longer any government-appointed commissioners on the ATSIC board. The ATSIC chairperson is no longer appointed, but rather is elected from among the elected commissioners. The zone from which the elected chairperson comes is then given the opportunity to elect a replacement zone commissioner.

ATSIC elections throughout the 1990s have been run by the Australian Electoral Commission (AEC). Entitlement to nominate and vote has been restricted to Aboriginal and Torres Strait Islander people over the age of 18 years who are on the Commonwealth Electoral Roll. In earlier national Indigenous-specific elections for the National Aboriginal Consultative Committee in 1973 and the National Aboriginal Conference in 1977 and 1981, being on the Commonwealth Electoral Roll had not been used as an eligibility criteria for voting or nomination as at that time enrolment to vote in general Commonwealth elections was not compulsory for Indigenous Australians. In 1983 however, enrolment for general Commonwealth elections was made compulsory for Indigenous Australians, as for others. This opened up the possibility of linking eligibility to nominate and vote in ATSIC elections to the Commonwealth Electoral Roll, even though voting in ATSIC elections would be voluntary. This was the approach adopted in the ATSIC legislation in 1989. There was, however, no distinction between Indigenous and non-Indigenous people on the Commonwealth Electoral Roll. Thus voting and nomination would need to be accompanied by declarations of Indigeneity. The approach adopted in the rules for ATSIC elections was that voter declarations would be scrutinised by Indigenous liaison officers at polling booths, while nominee declarations could be challenged in the courts following elections.³

These eligibility criteria and administrative arrangements for ATSIC elections have proved to be somewhat controversial among Indigenous people. It has even been suggested that they have affected voter turnout. This will be returned to later, when examining voter numbers and voter turnout at the national and State/Territory levels. At this stage, however, it is sufficient to understand that the Commonwealth Electoral Roll is used for ATSIC elections as a large 'under-specified' electoral register, containing an unknown number of

potential Indigenous voters and nominees, and that all voting and nominations are accompanied by declarations of Indigeneity.

The electoral system used in ATSIC elections is proportional representation with a single transferable vote, similar to that used in the Commonwealth Senate. In the 1990 elections, the 59 regions were all single electorates for ten to 20 members. However, since the reduction to 35 regions in 1993, there has been increasing use made of wards within regions. There were 84 wards in the 35 regions in 1993, 92 wards in 1996 and 124 in 1999. Wards are generally still multi-member electorates, but the numbers of members to be elected from each ward tends to be smaller, making quotas within the wards larger in percentage terms, though not necessarily much different in terms of actual numbers of votes required.⁴

Nominations

Table 1 gives both the numbers of nominations and the numbers of regional councillor positions for ATSIC elections from 1990 to 1999 disaggregated by State and Territory.⁵ For 1996, the final post-amendment figure for regional council positions of 375 is used, not the pre-amendment 590. It is evident from Table 1 that in all States and Territories in all ATSIC elections nominations have outnumbered the regional councillor positions available by a significant ratio. However, there are some changes in the nominations/positions ratios that are worthy of further discussion.

In 1990, the nominations/positions ratios (2.0 nationally) were not as great as in subsequent years. Indeed, in seven of the 59 ATSIC regions then in place (four in New South Wales, two in Western Australia and one in the Northern Territory), no election was required as nominations did not exceed positions available. This may have reflected some initial reticence on the part of Indigenous people to become involved in the new organisation. It may more simply, however, have just reflected the large numbers of positions on regional councils then available and that all these positions were part-time and unsalaried.⁶

By 1993, numbers of nominations had increased significantly from 1990 and competition for the decreased number of available regional council positions was intense—with a national nominations/positions ratio of 3.5. Only three wards in two regions, from a total of 84 wards in 35 regions, did not require an election due to nominations not exceeding positions. And, of course, 51 of those nominating would, for the first time, hold full-time salaried positions as elected regional council chairs or zone commissioners.

Competition remained strong in 1996, with a national nominations/positions ratio of 3.4 and only one ward in one region, from a total of 92 wards in the 35 regions, not requiring an election.⁷ This was despite the introduction of a \$50 non-refundable deposit for nomination in the 1996 elections and the abolition of 'group' nominations of candidates, both of which might have been expected to contribute to some reduction in the number of nominations.⁸

In 1999, the nominations/positions ratio in most States and Territories fell back slightly from the 1993 and 1996 levels, and to 2.7 nationally. The numbers of uncontested elections due to nominations not exceeding positions available also increased to six wards in five regions, from a total of 124 wards in the 35 regions.⁹ There was, however, still a very considerable level of interest in, and competition for, ATSIC elected office in 1999, though this was not quite as great as in 1993 and 1996.

Table 1. Nominations and regional councillor positions by State/Territory, 1990–99

State/ Territory	1990 Nominations/ positions	Ratio	1993 Nominations/ positions	Ratio	1996 Nominations/ positions	Ratio	1999 Nominations/ positions	Ratio
NSW & ACT	267/180	1.5	397/110	3.6	232/69	3.4	184/71	2.6
QLD	419/152	2.8	519/126	4.1	369/78	4.7	280/81	3.5
Vic.	85/42	2.0	134/37	3.6	74/23	3.2	58/24	2.4
Tas.	22/17	1.3	56/19	2.9	34/12	2.8	25/12	2.1
SA	135/74	1.8	151/45	3.4	87/31	2.8	93/32	2.9
WA	341/172	2.0	416/127	3.3	269/89	3.0	241/91	2.6
NT	336/151	2.2	328/109	3.0	204/73	2.8	180/76	2.3
Total	1,605/788	2.0	2,001/573	3.5	1,269/375	3.4	1,061/387	2.7

Source: AEC *Electoral Newsfile* Nos. 11, 39 and 60.

Table 2. 1996 ATSIC councillors re-nominated in 1999 by State and Territory

State/Territory	Number of 1996 councillors re- nominated in 1999 (1)	Number of existing councillors from 1996 (2)	Ratio (1/2)
NSW & ACT	57	69	0.83
QLD	58	78	0.74
Vic.	19	23	0.83
Tas.	8	12	0.67
SA	23	31	0.74
WA	65	89	0.73
NT	50	71 ^a	0.70
Total	280	373	0.75

Note: a. This is two less than the number of positions available in 1996 due to two unfilled casual vacancies in the Northern Territory at the time when the 1999 elections were called.

One further measure of interest in, and competition for, elected ATSIC office among Indigenous people is the number of past regional councillors who nominate for re-election. Analysis of nominations received in 1999 suggested that 75 per cent of serving regional councillors had sought re-election and that this proportion varied little between States and Territories (see Table 2). Those seeking

re-election in 1999 included 31 of the 35 regional council chairs from 1996–99 and 15 of the 16 elected national commissioners.¹⁰

It may also be of interest to note that the two government-appointed commissioners whose terms were to come to an end with the convening of a fully-elected commission after the 1999 elections both stood for election in 1999 and were successful. A number of former commissioners from before 1996 also successfully sought re-election as regional councillors and commissioners in 1999, which again indicates some considerable ongoing interest in ATSIC elected office among Indigenous people.¹¹

Voter numbers and voter turnout at national and State/Territory levels

Table 3 gives voter numbers in ATSIC elections from 1990 to 1999 at the national and State/Territory levels and also inter-election change ratios.¹² Voter numbers at the national level grew by 17 per cent between 1990 and 1993, by 8 per cent between 1993 and 1996 and declined by 1 per cent from 1996 to 1999. Some of this variation in voter numbers may, however, be due to the different proportions of uncontested elections over the ten-year period. Table 4, therefore, attempts to adjust voter numbers for uncontested elections, by adding in likely numbers of votes for uncontested wards/regions.¹³ This adjustment reduces the growth in voter numbers nationally from 1990 to 1993 to 11 per cent and reverses the change in voter numbers from 1996 to 1999 to a 2 per cent growth. Hence, what appeared, in unadjusted terms, to be fairly variable change in voter numbers is, when adjusted, more consistent. Growth in voter numbers was substantial, though declining, after the first two elections and minimal between the last two elections. Figure 1 presents the State/Territory elements of Table 4 in graphic terms.

Table 3. Voter numbers and change ratios at national and State/Territory levels, 1990–99

State/Territory	1990	1993	Ratio 93/90	1996	Ratio 96/93	1999	Ratio 99/96
NSW & ACT	6,105	8,271	1.35	9,857	1.19	9,892	1.00
Vic.	1,320	1,769	1.34	1,939	1.10	1,768	0.91
QLD	11,990	12,867	1.07	13,681	1.06	13,959	1.02
SA	2,190	2,335	1.07	2412	1.03	2,719	1.13
WA	7,725	9,046	1.17	9115	1.01	9,131	1.00
Tas.	340	805	2.37	1094	1.36	824	0.75
NT	9,575	10,727	1.12	11,452	1.07	10,959	0.96
Total	39,245	45,820	1.17	49,550	1.08	49,252	0.99

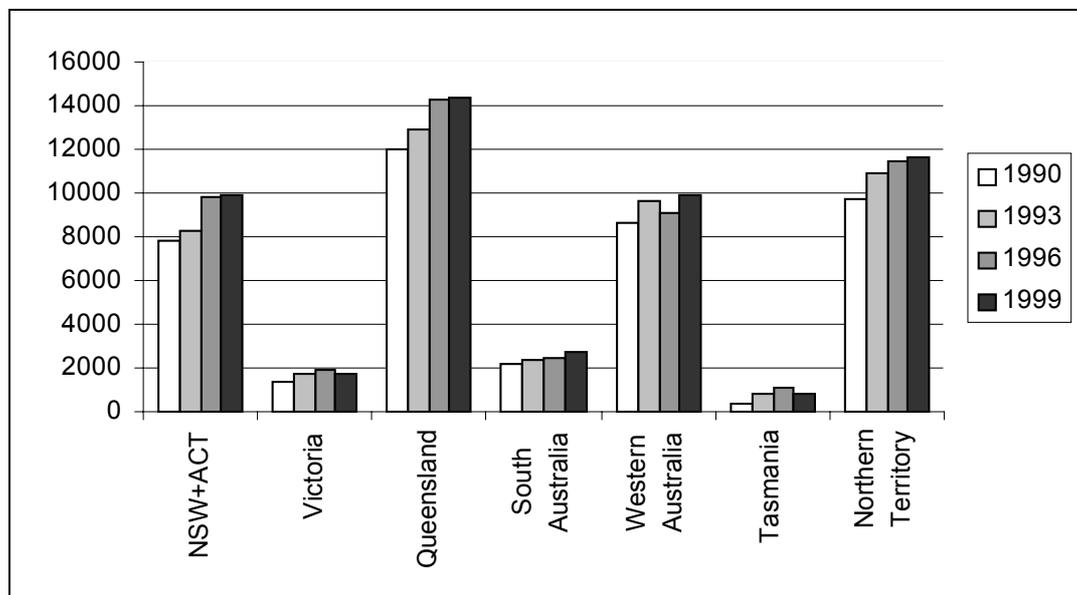
As can be seen from both Figure 1 and Table 4, greater variability in voter numbers is evident at the State/Territory level than at the national level, even after the adjustment is made for uncontested elections. Victoria and Tasmania show the greatest variation, with large growth from very small bases evident from 1990 to 1993 and then significant declines in voter numbers from 1996 to 1999. To some extent this variability may be explained mathematically, due to the greater potential for variation of smaller units in any distribution. However the decline in voter numbers in Victoria and Tasmania from 1996 to 1999 is almost certainly also related to changes in procedures for declarations of Indigeneity for postal voters, to which we will briefly turn.

Table 4. Voter numbers and change ratios at national and State/Territory levels, adjusted for uncontested elections, 1990–99

State/Territory	1990	1993	Ratio 93/90	1996	Ratio 96/93	1999	Ratio 99/96
NSW & ACT	7,815	8,271	1.06	9,857	1.19	9,892	1.00
Vic.	1,320	1,769	1.34	1,939	1.10	1,768	0.91
QLD	11,990	12,867	1.07	14,266	1.11	14,399	1.01
SA	2,190	2,335	1.07	2,412	1.03	2,719	1.13
WA	8,655	9,593	1.11	9,115	0.95	9,908	1.09
Tas.	340	805	2.37	1,094	1.36	824	0.75
NT	9,714	10,935	1.13	11,452	1.05	11,671	1.02
Total	42,024	46,575	1.11	50,135	1.08	51,181	1.02

As noted earlier, all voting in ATSIC elections is accompanied by declarations of Indigeneity which, for those voting at polling booths, are scrutinised by AEC-appointed Indigenous liaison officers. For postal voters however, scrutiny of declarations must be achieved in some other way. Up to 1996, postal voters were required to obtain the signature of an office holder of an Indigenous organisation confirming their declaration. However in 1999, this requirement was increased to a letter from such an organisation plus a statutory declaration from the voter. In 1996 there were 1,717 postal votes nationally, 647 of which were in Tasmania and 188 in Victoria: i.e., these states accounted for 38 per cent and 11 per cent of postal votes respectively compared to their total voter shares of 2.2 per cent and 3.9 per cent respectively. In Tasmania, this meant that almost 60 per cent of all votes in 1996 were postal, and in Victoria almost 10 per cent, compared to 3.5 per cent of votes nationally being postal votes. In 1999, with the greater declaration requirements, the number of postal votes dropped to 345 in Tasmania, six in Victoria and 560 nationally. Postal votes are still slightly over 40 per cent of all votes cast in Tasmania, but changes in postal vote declaration procedures did clearly have a significant impact on total vote numbers in both Victoria and Tasmania in 1999, since these states had previously relied so disproportionately on this means of voting.¹⁴

Figure 1. Voter numbers by State and Territory, adjusted for uncontested elections, 1990–99



Discussion of voter numbers is somewhat limited by the lack of any sense of the potential numbers of voters on which an election is drawing. To overcome this limitation, we need to develop measures of voter turnout. One recent study of voter participation in national government elections world-wide noted that there were two ways to measure voter turnout; against numbers of registered voters and against estimates of voting age population (International IDEA 1997). It argued for the latter as a better measure and noted that it generally resulted in a lower turnout figure. For example Australia, in Commonwealth government elections during the 1990s, was measured as having a voter turnout of around 96 per cent against registered voters, but 83 per cent against voting age population (International IDEA 1997: 55).

For ATSIC elections, there is no possibility of measuring voter turnout against numbers of registered voters, as the number of Indigenous Australians on the Commonwealth Electoral Roll is unknown. The only possible way of measuring voter turnout in ATSIC elections is against estimates of the voting age population, though here too there are difficulties.

The 1991 and 1996 Censuses provide the most obvious population figures against which to measure voter turnout in ATSIC elections. However, growth in the Indigenous population between these two Censuses was far greater than could be accounted for by natural increase (Taylor 1997; Ross 1999). Excess increase can be explained by improved enumeration or by a greater willingness on the part of Indigenous people to identify themselves in the census context. The approach adopted here is to take the 1996 Census enumeration as the best estimate yet of the Indigenous population that is willing to identify in the census

context and to project this forward to 1999 and back to 1993 and 1990 as the base on which voter turnout can be calculated. The 1990 back projection is only used at the national and State/Territory level of analysis, whereas the 1993 and 1999 projections will later be used for regional level analysis as well.¹⁵

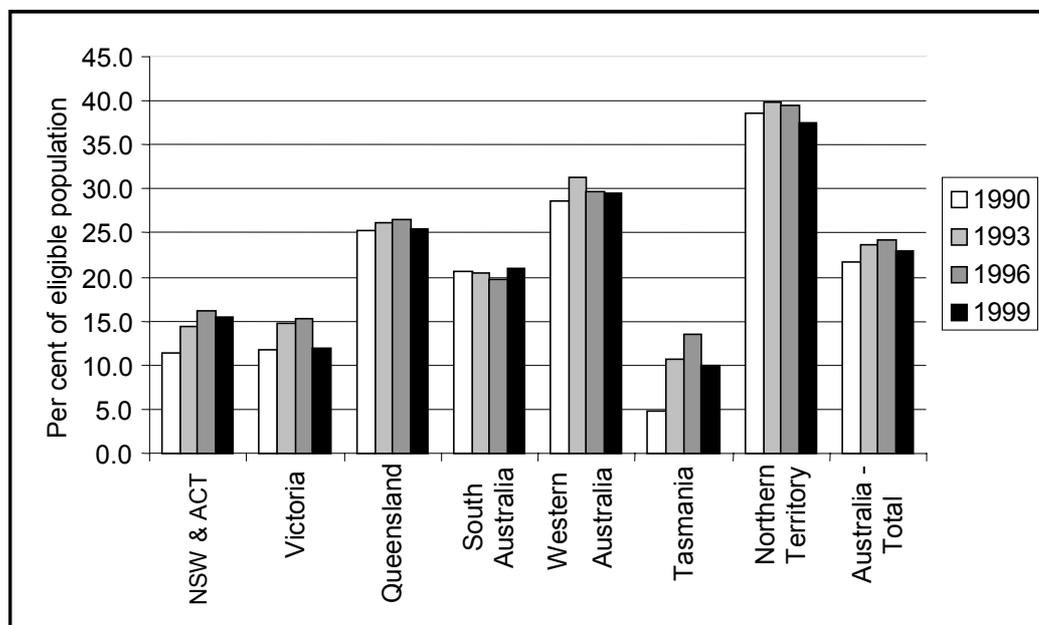
Table 5 and Figure 2 show voter turnouts nationally and by State and Territory against estimated populations of Indigenous people aged 18 years and over, expressed as a percentage. Original unadjusted voter numbers have been used in the construction of this Table and Figure, but population estimates have been adjusted down by taking out regions/wards in which elections were uncontested in particular years.

Table 5. Voter turnout at national and State/Territory levels as a percentage of voting age population, 1990–99

State/Territory	1990 Per cent	1993 Per cent	1996 Per cent	1999 Per cent
NSW & ACT	11.4	14.4	16.2	15.6
Vic.	11.7	14.7	15.3	12.0
QLD	25.2	26.1	26.5	25.4
SA	20.6	20.4	19.8	21.0
WA	28.6	31.3	29.7	29.5
Tas.	4.8	10.6	13.4	10.0
NT	38.6	39.8	39.4	37.5
Total	21.6	23.7	24.1	22.9

As can be seen from Table 5 and Figure 2, the ATSI voter turnout rate rose nationally from 1990 to 1996 and then appears to have fallen back slightly in 1999. Throughout the ten years, however, turnout has remained fairly constant at between 20 and 25 per cent of the estimated voting-age population. Greater variation from this average is evident among the States and Territories. The Northern Territory, and to a lesser extent Western Australia, are notable for their consistently higher voter turnouts, while Tasmania, Victoria and to a lesser extent New South Wales show consistently lower voter turnouts. This pattern of State/Territory variation from the national average is very clear and consistent and will be explored further at the regional level. Indeed, it is the clarity and consistency of this State/Territory turnout pattern which directs us to the need for regional level analysis. Before that, however, there is a need to make a few comparative evaluative comments about these levels of voter participation in ATSI elections when measured at the national and State/Territory levels and some comments about the relevance of eligibility criteria and administrative processes.

Figure 2. Voter turnout at national and State/Territory levels as a percentage of voting-age population, 1990–99



Some comparative evaluative comments

The recent study, referred to above, of world-wide voter participation in national government elections began by noting the difficulty of evaluating voter turnout:

Does high turnout indicate great enthusiasm for the political process or reflect compulsion, sometimes subtle, other times overt, that a regime places on its citizens to vote? Does low turnout indicate a weak political system, or merely reflect a widespread contentment among the people with the system as it is? (International IDEA 1997: 7).

ATSIC elections raise similar sorts of questions. Does a 20–25 per cent voter turnout nationally indicate support and enthusiasm, or is it to be construed as indicating a lack of interest? Is there any significance in the apparent stabilisation of voter numbers and the slight falling away of voter turnout in 1999, after the increases of earlier years? What is the significance of State/Territory variation in voter turnout? These are difficult evaluative questions. But some attempt to address them can be made, partly by drawing on comparative experience.

In a brief survey of local government elections in Australia, Chapman and Wood argue that it is 'unreasonable' to expect continuously high voter turnout in voluntary local government elections. They observe large variations between different places and times, giving a range in voter turnouts of from 5 to 40 per cent (Chapman and Wood 1984: 56–7). ATSIC elections, at the State and Territory

level of analysis, show a similar range in turnouts, which could be similarly judged as quite reasonable. This comparison could indeed be a little hard on ATSiC elections, as the measure of voter turnout for local government elections is more likely to be against registered numbers of voters which, as noted above, generally gives higher turnout figures than against voting age population.

Another comparison that could be made is with elections for the Saami parliaments that have developed in Scandinavian countries in recent years (Henriksen 1999). Voter turnouts for those elections have been measured primarily against numbers of registered voters, which makes them appear high. However, when the turnout base is changed to estimates of voting age population, as for ATSiC, the range of turnouts appears fairly similar to those in ATSiC elections across the various States and Territories (see Table 6).

Table 6. Voter numbers and turnouts in Saami Parliaments, 1989–97.

	Number of votes	Registered Saami voters	Votes/Registered voters per cent	Estimated population aged 18+	Votes/Est. population Per cent
Norway					
1989	4,134	5,497	75.2	45,600	9.0
1993	5,389	7,236	74.5	46,800	11.5
1997	6,222	8,667	71.8	48,000	13.0
Sweden					
1993	3,798	5,385	70.5	15,600	24.3
1997	3,803	5,990	63.5	16,000	23.8
Finland					
1995	2,550	4,672	54.6	5,200	49.0

Source: Henriksen (1999) adjusted by authors' calculations.

Another comparison, somewhat closer to home, is with elected Aboriginal land council structures set up by some Australian State governments in recent years. New South Wales has had an elected State Aboriginal land council structure since the mid-1980s and its most recent election for regional councillors was held only six weeks after the 1999 ATSiC elections. At that time there were 20,539 Indigenous people on the membership rolls of local Aboriginal land councils in New South Wales and 6,148 votes were cast; a turnout rate against registered voters of 29.9 per cent (New South Wales State Electoral Office 1999). The ATSiC election in New South Wales six weeks before saw 9,680 votes cast, but against an unknown number of Indigenous people on the Commonwealth Electoral Roll.¹⁶ Tasmania also has an elected Aboriginal State land council, the first elections for which were held in 1996. A total of 564 people applied for enrolment for that election and 420 were accepted, compared to 1,094 votes cast in the ATSiC election in Tasmania in 1996.¹⁷ A new roll for the second Aboriginal Land Council of Tasmania election will be drawn up during 2000 and

will in time be able to be compared with the numbers of votes in the 1999 ATSIC election in Tasmania.

The above comparisons would seem to suggest that ATSIC elections are attracting a quite reasonable level of voter participation. None of the comparisons are definitive and none escape the difficult evaluative problems of judging voter turnout in any election. However, voter participation in ATSIC elections clearly looks more similar than different to voter participation in other voluntary elections.

Eligibility criteria and administrative processes

One of the other findings of the recent worldwide study of voter participation in national government elections was that 'institutional factors' could make a difference to voter turnout (International IDEA 1997: 30–2). The discussion above of postal voting procedures and the 1999 voter turnout in Victoria and Tasmania would seem to be one such instance in ATSIC elections. But there may be others. ATSIC election review panels, convened after the 1993 and 1996 elections, have also been presented with the idea that particular institutional factors, such as eligibility criteria and administrative processes, can make a difference to voter turnout.

The most common suggestion made to ATSIC election review panels has been that Indigenous people don't like declaration voting. It is seen as compromising the secretness of the ballot; as indeed it does until the scrutiny of voter declarations is complete and declarations are separated from votes. There have at times been suggestions that this administrative process keeps voter turnouts down from what they would otherwise be under 'normal' secret voting (see Aboriginal and Torres Strait Islander Elections Review Panel 1995: 5–9 and Aboriginal and Torres Strait Islander Boundaries and Electoral System Review Panel 1997: 7–10). The solution to this problem would be the development of an Indigenous-specific electoral roll, either in conjunction with or independent of the Commonwealth Electoral Roll. This would enable the eligibility criteria of Indigeneity to be dealt with before elections, during the construction of the roll, rather than at election time.

Another suggestion made more occasionally to ATSIC election review panels has been that voters in ATSIC elections should not be required to be on the Commonwealth Electoral Roll. Some Indigenous people, it is argued, object 'for reasons of conscience' to being on the general roll and voting in general elections, but still wish to participate in ATSIC elections (see Aboriginal and Torres Strait Islander Elections Review Panel 1995: 6 and Aboriginal and Torres Strait Islander Boundaries and Electoral System Review Panel 1997: 14).¹⁸ Again this is seen as potentially affecting voter numbers and the solution again would be the development of an Indigenous-specific voter register; though in this case clearly independent of the Commonwealth Electoral Roll.¹⁹

The effect of these eligibility criteria and administrative processes on voter participation would be difficult to demonstrate in anything other than an

anecdotal way. However these arguments do alert us to the possibility of institutional factors in ATSIC elections affecting voter participation and they do open up debate about other possible institutional arrangements. In this regard, it should perhaps be noted that the National Aboriginal Consultative Committee election in 1973 was accompanied by the development of an Indigenous-specific electoral roll, for which 36,338 people registered and 78 per cent of whom later voted (Weaver 1983).²⁰ The development of such a register was, however, somewhat controversial at the time and in the National Aboriginal Conference elections in 1977 and 1981 no electoral roll at all was used. This too, was a cause for some criticism (see Loveday and Jaensch 1982: 31–4). Thus a number of different institutional arrangements for voter eligibility and its administration have already been tried in national Indigenous-specific elections in Australia without any, as yet, proving entirely satisfactory. And in all cases it can be legitimately suggested that particular institutional arrangements somewhat effect voter participation.

Voter numbers and voter turnout at the regional level

Table 7 disaggregates voter numbers to the 35 regional areas used for the 1993, 1996 and 1999 elections. These voter numbers are not adjusted for uncontested wards, however an asterisk indicates the locations of such wards. Greater variation in voter numbers over the three elections is evident at the regional level than at the State/Territory or national levels. However, sometimes this variation is due to the changing locations of uncontested wards.

The dominant impression gained from Table 7 is of a general stability in voter numbers across the various regions from 1993 to 1999. Twenty-three of the 35 regions recorded an increase in voter numbers from 1993 to 1996, when the overall national increase was 8 per cent, while 20 recorded increases and 15 decreases from 1996 to 1999 when voter numbers nationally were stable.

As at the State/Territory and national levels of analysis, what can be judged from raw voter numbers at the regional level is necessarily limited. Again, some measure of voter turnout is needed. Table 8 shows regional voter turnout figures against estimates of the voting age population for the 35 regions used in the 1993, 1996 and 1999 elections. A ranking of each region in each election from one to 35 is also indicated. As with the State/Territory turnout figures, population estimates are based on projections of the 1996 Census and are adjusted down to remove wards with uncontested elections.

Table 8 shows clear geographic patterns that can be observed in regional voter turnout figures for ATSIC elections. The regions with higher voter turnout figures (at the top of the table) are all sparsely settled remote areas in northern and central Australia, where Indigenous people constitute larger proportions of the local total population and often live in discrete Indigenous communities. The top 50 per cent of regions, ranked by voter turnout, in all three elections, are essentially of this type (see map, as well as Table 8). The southern metropolitan and more densely settled rural regions, on the other hand, consistently show the lowest voter turnout—sometimes as low as single figure percentages.

Table 7. Voter numbers by ATSiC Region, 1993–99

ATSiC Region	1993	1996	1999
		Voters	
Queanbeyan	990	1,132	902
Bourke	1,554	1,489	1,579
Coffs Harbour	1,665	2,132	2,367
Sydney	1,088	1,632	1,255
Tamworth	1,503	1,702	1,817
Wagga Wagga	1,471	1,770	1,972
NSW/ ACT Total	8,271	9,857	9,892
Wangaratta	833	785	732
Ballarat	936	1,154	1,036
Victoria Total	1,769	1,939	1,768
Brisbane	1,455	2,060	1,908
Cairns	2,255	2,186	2,441
Mount Isa	1,644	1,916	*1,547
Cooktown	2,605	2,668	2,786
Rockhampton	1,278	1,551	*1,366
Roma	1,504	1,698	1,868
Townsville	2,126	*1,602	2,043
Queensland Total	12,867	13,681	13,959
Adelaide	738	845	905
Ceduna	466	530	694
Port Augusta	1,131	1,037	1,120
South Australia Total	2,335	2,412	2,719
Perth	1,328	1,393	1,683
Broome	851	818	945
Kununurra	1,383	1,245	1,061
Warburton	*491	957	950
Narrogin (d)	1,130	1,016	*1,121
South Hedland	892	777	962
Derby (d)	1,312	1,364	*523
Kalgoorlie	734	723	797
Geraldton	925	822	1,089
Western Australia Total	9,046	9,115	9,131
Hobart	805	1094	824
Alice Springs	917	938	1,042
Jabiru	2,500	2,450	**1,669
Katherine	1,945	2,275	2,185
Apatula	2,106	1,983	2,227
Nhulunbuy	1,551	1,492	1,883
Tennant Creek	1,115	1,135	1,019
Darwin	**593	1,179	934
Northern Territory Total	10,727	11,452	10,959
Australia Total	45,820	49,550	49,252

Note: * One ward, not contested.

** Two wards, not contested.

This geographic pattern of voter turnout is, in many ways, readily understandable. ATSIC figures prominently in the lives of Indigenous people in remote areas, particularly those in discrete Indigenous communities. ATSIC is often the major source of funding for basic infrastructure services and for housing and employment in these communities. By contrast, in southern more densely settled areas where Indigenous people are a much smaller proportion of the total population and live much more intermingled with non-Indigenous Australians, ATSIC is a small organisational player. In these areas, ATSIC's resources are fairly insignificant in comparison to those of large State/Territory infrastructure and housing authorities and the even larger public and private employment markets. It is not surprising, then, that many Indigenous people in these latter regions take a lesser interest in the ATSIC electoral process, while still choosing to identify as Indigenous in the census. On the other hand, those in remote areas who rely heavily on ATSIC for the funding of basic services clearly take a close interest in ATSIC affairs and turn out to vote in proportionately very large numbers—sometimes as high as 70 per cent of the estimated eligible voter population.

ATSIC has been aware of geographic variation in voter participation since at least 1993. Its 1993–94 Annual Report noted that the numbers of nominations for election to ATSIC office in 'urban and metropolitan areas' had increased from 320 in 1990 to 455 in 1993 and that the number of voters in these areas had increased from 5,164 to 6,975 (ATSIC 1994: 185). Though these figures were reported as indicating increased interest and participation in ATSIC among Indigenous people in the southern metropolitan areas, it was also acknowledged that it 'will be necessary to develop further strategies to increase electoral participation in the metropolitan areas' (ATSIC 1994: 185). In subsequent years, ATSIC elections have not been discussed in annual reports, so it is not so publicly evident that these concerns and efforts persist within ATSIC. However, one ATSIC media release after the 1999 elections noted that a newly elected Adelaide regional councillor had become the 'first city-based' commissioner for the South Australian zone of ATSIC, the previous three from 1990 to 1999 having been drawn from 'regional or country areas' ('South Australian Commissioner scores a first for ATSIC', Media release ATSIC 23 November 1999). This suggests that there is still some concern with and sensitivity within ATSIC to southern/urban participation and representation issues.²¹

Another way of explaining this geographic pattern of voter turnout is in terms of access to polling places, given the relatively few polling booth locations for ATSIC elections and the widely dispersed residential locations of Indigenous peoples, particularly in southern areas (Australian Bureau of Statistics 1997; Taylor 1995). Table 9 gives numbers of polling places for the 1999 ATSIC election in comparison to those for the republican constitutional alteration referenda a month earlier.²² The comparison in numbers, expressed as a percentage, is considerably lower in southern areas, suggesting that Indigenous people in these areas may face somewhat abnormal access issues and transport tasks in

attempting to vote at ATSIC election polling booths. Hence also the higher reliance of postal voting in places like Tasmania and Victoria, as discussed earlier.

Table 8. Voter turnout as a percentage of voting age population by ATSIC Region, 1993–99 (ordered by 1999 Voter Turnout)

ATSIC Region	Turnout	Rank	Turnout	Rank	Turnout	Rank
	1993	1993	1996	1996	1999	1999
Cooktown	72.6	1	70.1	1	73.7	1
Ceduna	47.1	8	50.0	7	54.0	2
Warburton	59.7	2	51.8	5	49.1	3
Jabiru	56.1	5	50.9	6	46.2	4
Katherine	49.1	7	53.0	4	44.5	5
Apatula	45.9	9	40.4	10	43.4	6
Broome	44.0	10	39.7	11	42.2	7
Kalgoorlie	41.0	12	38.0	12	41.8	8
Kununurra	55.8	6	47.2	9	37.1	9
Mount Isa	43.7	11	47.6	8	40.3	10
Alice Springs	33.8	16	32.2	16	39.9	11
Nhulunbuy	38.2	13	34.0	15	38.5	12
Derby	56.5	4	55.3	2	36.5	13
Tennant Creek	57.7	3	53.8	3	40.1	14
South Hedland	35.5	15	29.1	17	34.7	15
Narrogin	33.2	19	28.0	20	33.8	16
Roma	32.7	20	34.2	13	33.2	17
Geraldton	33.6	17	28.0	19	33.0	18
Bourke	38.0	14	34.0	14	32.3	19
Port Augusta	33.6	18	28.8	18	30.3	20
Cairns	27.0	22	24.5	22	27.0	21
Tamworth	26.0	23	27.5	21	25.9	22
Townsville	27.0	21	21.8	24	22.7	23
Rockhampton	21.4	24	24.1	23	21.9	24
Darwin	14.8	28	21.0	26	18.4	25
Wagga Wagga	15.5	26	17.4	28	20.5	26
Queanbeyan	19.9	25	21.3	25	15.9	27
Coffs Harbour	12.4	31	14.8	29	15.1	28
Perth	13.4	30	13.2	31	15.0	29
Ballarat	15.4	27	18.0	27	14.2	30
Adelaide	10.5	33	11.2	34	11.4	31
Brisbane	9.7	34	12.8	32	11.2	32
Hobart	10.6	32	13.5	30	10.0	33
Wangaratta	14.1	29	12.6	33	9.6	34
Sydney	5.6	35	7.9	35	5.8	35
Australia	23.7		24.1		22.9	

Despite these explanations, the geographic pattern in voter turnout for elections should still be an issue of some concern for ATSIC. A national Indigenous representative body needs reasonable levels of participation from Indigenous people in all parts of Australia if it is to be successful. Low and possibly even falling levels of voter participation among Indigenous people in some southern more densely settled areas of Australia may be seen to be threatening ATSIC's nation-wide representation of Indigenous interests—and changes to postal vote procedures before the 1999 election may be making participation in the southern areas even more difficult, though also providing higher levels of scrutiny of Indigeneity.

Table 9. Polling place numbers by State/Territory in the 1999 ATSIC elections and republican constitutional alteration referenda

State/Territory	1999 ATSIC Election (A) No. Polling Places	1999 Republic (B) No. Polling Places	A/B per cent
Vic.	60	1,773	3.4
Tas.	14	328	4.2
SA	27	650	4.2
NSW & ACT	181	2,738	6.6
QLD	123	1,379	8.9
WA	104	799	13.0
NT	12	45	26.7
Total	521	7,712	6.7

Participation and representation of women

Another related dimension of participation and representation, which could be raised as an issue of concern within ATSIC, is that of women. Table 10 shows that women constituted somewhat less than half of nominees for the first elections in 1990 and have constituted around one-third of nominees in subsequent elections. However, women do not seem to be successful in being elected in quite these proportions, nor in attaining higher elected ATSIC office.

Table 10. Women nominees for ATSIC elected office, 1990–99

	1990	1993	1996	1999
Women nominees	519	642	420	356
Total nominees	1,161	2,001	1,269	1,061
Per cent	44.7	32.1	33.1	33.6

Table 11. Women elected to ATSIC regional council office, 1990-99

	1990	1993	1996	1999
Women elected	219	152	87	116
Total elected	788	573	375	387
Per cent	27.8	26.5	23.2	30

Table 11 shows that over the ten-year period only around one-quarter of elected ATSIC regional councillors have been women, although this did rise to 30 per cent in 1999. Of the 35 regional councils elected in 1993, 1996 and 1999, four, seven and one, respectively, have had no women members. Interestingly, all of these councils have been in more sparsely settled rural and remote areas. By contrast, women seem to have been better represented in more southern or urban regional councils, where they have sometimes attained the office of chairperson. There were four women regional council chairpersons out of 35 after the 1993 elections (Wangaratta, Townsville, Cairns and Katherine), seven after the 1996 elections (Sydney, Wangaratta, Brisbane, Townsville, Cairns, Darwin and Kalgoorlie) and five after the 1999 elections (Sydney, Queanbeyan, Wangarratta, Broome and Alice Springs); see map for the locations of these regions. Women's representation among the elected commissioners has been slight, with three after the 1990 elections, two after the 1993 elections, two after the 1996 elections and four after the 1999 elections. These few women commissioners have, however, come from both the more sparsely settled north and centre and the more densely settled south. So in the more sparsely settled north and centre, women are sometimes not elected at all to regional councils, but if they are elected, they sometimes proceed to higher office.

While this record of women's representation within ATSIC elected office leaves something to be desired, it is probably at least as good as the recent record of women's representation in Australian parliaments. In 1992, women constituted 14 per cent of Australian parliamentarians and by 1999 this had risen to 22 per cent. In the Senate, with its proportional representation system on which the ATSIC electoral system was modelled, these proportions have been somewhat higher, at 25 per cent in 1992 and 28 per cent in 1999 (See Sawer and Simms 1993: 139).²³

Participation and representation of Torres Strait Islanders

Mention was made at the outset of this paper of the separate electoral arrangements for the Torres Strait region within ATSIC. These electoral arrangements do not however cover the large number of Torres Strait Islanders living outside the Strait. Under current ATSIC arrangements, these 'mainland' Torres Strait Islanders have to stand as candidates and vote in the regions in which they reside. Mainland Torres Strait Islanders are not particularly content with this arrangement, as they see themselves being dominated by Aboriginal interests within their ATSIC regions. Suggestions have been made in the past for a separate Torres Strait Islander organisation, Australia-wide (see Sanders and

Arthur 1997). However, these have thus far been unsuccessful (see Sanders 1999). ATSIC has, however, become somewhat more conscious of the relative representation of mainland Torres Strait Islanders within ATSIC and their access to services and funding (on the latter see ATSIC 1998: 167–8). In 1999, for the first time, ATSIC attempted to monitor the numbers of mainland Torres Strait Islanders nominating for and being elected to ATSIC office. It identified 31 Torres Strait Islander candidates in five regions outside Torres Strait within Queensland and seven in other States/Territories. Fifteen of these candidates were elected, 11 in Queensland and four elsewhere. One Torres Strait Islander women was elected to become a regional council chair (in Queanbeyan region), but none were elected to become commissioners. Hence there will probably be two Torres Strait Islanders among the 53 fully salaried ATSIC representatives (35 regional council chairs and 18 commissioners) after the 1999 elections.²⁴

Whether this level of representation and participation of mainland Torres Strait Islanders is equitable or sufficient is open to debate. Torres Strait Islanders constitute about 10 per cent of the total Indigenous population Australia-wide and 15 per cent in Queensland outside Torres Strait.²⁵ They would appear from the 1999 election to be neither nominating for nor achieving ATSIC office, outside Torres Strait, in quite these proportions. However, this may reflect their relative lack of enthusiasm for a combined Aboriginal and Torres Strait Islander representative body as much as any structural impediment to their election. It needs also to be borne in mind that within ATSIC's administrative structure there has been, since its inception, an appointed Torres Strait Islander Advisory Board and an Office of Torres Strait Islander Affairs directed to mainland Torres Strait Islanders. These administrative mechanisms do not, however, seem to have greatly mollified mainland Torres Strait Islander concerns about being dominated within ATSIC by Aboriginal interests.

Like women's participation and representation, Torres Strait Islander participation and representation, outside Torres Strait, should be an issue of some ongoing concern to ATSIC. This issue may, however, only be finally resolvable by the formation of separate and complementary Torres Strait Islander and Aboriginal representative structures, which work together at some times as Indigenous peoples representatives and separately at other times.

Conclusions

A number of conclusions can be drawn from this examination of ATSIC elections over a ten-year period. First, ATSIC elected office appears to be fairly keenly sought and competed for among Indigenous people. Second, voter participation appears to have risen slightly from 1990 to 1996 and in 1999 to have largely stabilised. Third, national and State/Territory voter turnout against estimates of voting-age population compares very reasonably with other voluntary elections. Fourth, there are clear geographic patterns of voter turnout being higher in remote sparsely settled areas and lower in southern more densely settled areas. These voter turnout patterns are understandable, both in terms of ATSIC's expenditure and policy priorities and in terms of polling place access, but they

should still be of some concern to ATSIC in its quest to be an Australia-wide Indigenous representative body. Finally, issues of women's and Torres Strait Islander's participation and representation are also significant and should be of some ongoing concern.

Notes

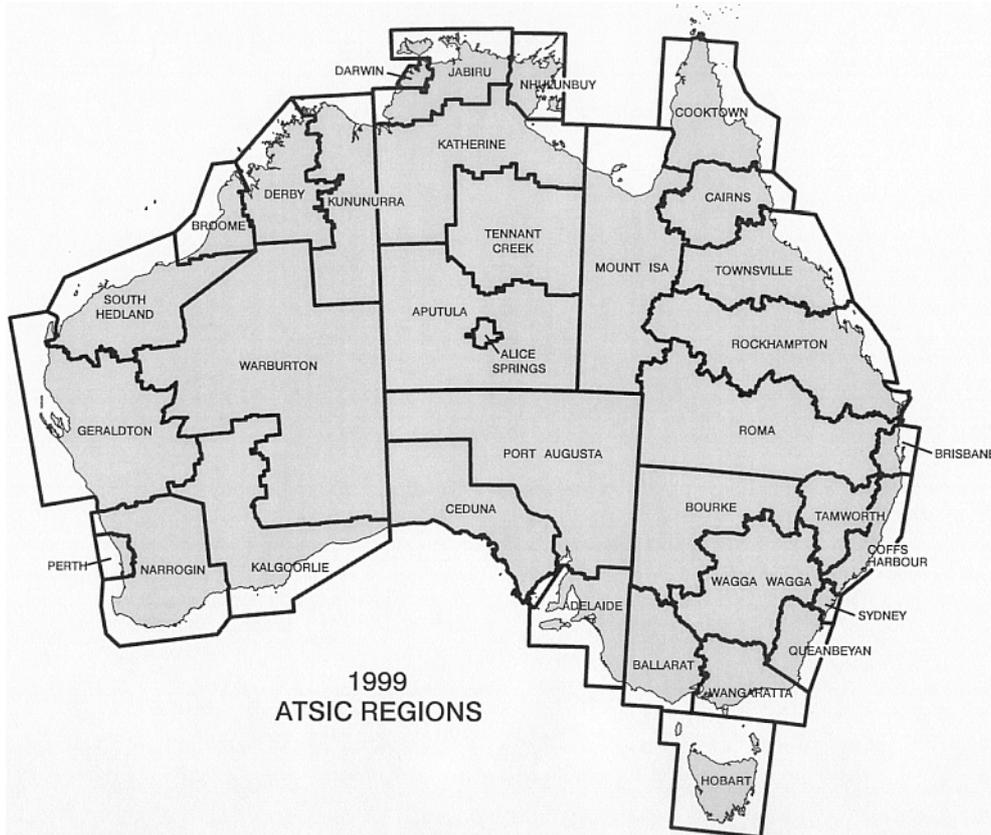
1. Torres Strait is both a zone and region within the ATSIC structure, as are a few other regions such as Sydney, Brisbane, Perth and Hobart. (These latter three regions cover larger areas than their names might imply – see map in Appendix.) For background on why and how Torres Strait was given different electoral arrangements see Sanders (1995). Torres Strait does have two directly elected positions pursuant to the ATSIC legislation, but elections for these are also not analysed here as they were only held in conjunction with ATSIC elections in 1990. Since then they have been held in conjunction with Queensland local government elections in the March of the year after ATSIC elections.
2. Regional councillors who did not go on to be elected as regional council chairs or commissioners continued to serve on a part-time, sitting fees and allowances basis.
3. Two challenges to the Indigeneity of a candidate were lodged after the 1993 elections, in the Roma and Townsville regions of Queensland. The Roma case, although not pursued to finality, did lead to the publication of some judicial reasoning on the meaning of the expression 'Aboriginal person' in the ATSIC Act. Some degree of Aboriginal descent was seen as 'essential', but not 'sufficient'. For persons of a 'small degree of Aboriginal descent, either genuine self-determination as Aboriginal alone or Aboriginal community recognition as such by itself may suffice' (See Gibbs vs Capewell *Australian Law Reports* 1995 vol. 128, pp. 577-85). After the 1996 elections, a challenge to the Aboriginality of 11 candidates in the Tasmanian Regional Council election was pursued to completion. It found that two of these candidates did not meet the requirement of having some degree of Aboriginal descent. One of these two candidates had been elected, so a recount was ordered disregarding preferences for these candidates (see Shaw and James vs Wolf and Others, Merkel J., Federal Court of Australia, 20 April 1998).
4. Under the Senate-type proportional representation voting system, if 12 representatives are to be elected from an area the quota of votes required is 1/13 of formal votes plus one (i.e. about 7.7 per cent). If six representatives are to be elected from an area, the quota of votes required is 1/7 of formal votes plus one (i.e., about 14.3 per cent). If three representatives are to be elected from an area, the quota is 1/4 of formal votes plus one (i.e. about 25 per cent). Of course, as areas get smaller, with fewer representatives to be elected, the total number of formal votes is proportionately reduced. Thus quotas are likely to remain much the same in terms of actual voter numbers, but votes will need to be won in a more restricted geographic area.
5. The Australian Capital Territory is combined with New South Wales here because it is not a separate ATSIC region. It is part of the Queanbeyan ATSIC region covering south-eastern New South Wales.
6. This availability of a large number of regional council positions was itself the product of consultations with Indigenous people during the late 1980s which had seen the proposed numbers of ATSIC regional councils expanded from an initial 28 to the final 60.

7. It has been suggested that the numbers of nominations in 1996 might not have been so great had people known beforehand the final number of positions they would be competing for. The ratio of nominations to the original number of available positions ($1269/590 = 2.2$) would still indicate considerable competition for elected ATSIC office.
8. The original availability of group nominations derived from the adoption of a Senate-type electoral system, where group/party lists of nominations are important. However, in ATSIC elections, where parties have not been in evidence, group nominations were considered, after two elections, to be somewhat redundant and inappropriate.
9. With increasing numbers of smaller wards, some increase in uncontested elections is to be expected on mathematical grounds alone.
10. The base figure of 16 is used here because the 17th zonal commissioner is from Torres Strait and will be elected through the separate electoral processes referred to earlier, which will take place in March 2000.
11. The most notable of these was Charles Perkins, who became the Commissioner for Sydney zone in 1999, having been elected Commissioner for the Northern Territory central zone and Deputy Chairperson at the 1993 elections. Two others were Des Williams who was elected Commissioner for the New South Wales East zone and Marion Hansen for the Victoria zone.
12. ATSIC elections results are reported in various editions of the Electoral Newsfile published by the AEC. In 1990 only numbers of formal and informal votes were reported. From 1993 numbers of rejected votes were also included. Here we have included rejected votes in all figures, as supplied to us for 1990 by the AEC. The number of rejected votes in all ATSIC elections has been quite significant; 12.9 per cent in 1990 and 1993, 12.1 per cent in 1996 and 11.5 per cent in 1999. One major reason for rejecting votes is that the person is not on the Commonwealth Electoral Roll. Another is being on the Roll at an address outside the ward in which the person currently resides and is entitled to vote. In 1993, there were also significant numbers of votes rejected in some places because of non-use or misuse of the voter declaration envelope.
13. The method used has simply been to look at numbers of votes in these wards/regions in previous or subsequent elections and add these in.
14. This change in postal vote requirements was instigated by ATSIC, not the AEC. It can to some extent be seen as a parallel development to the court case, mentioned in footnote 3, challenging the Aboriginality of 11 Tasmanian candidates arising from the 1996 elections. Clearly there was some sense among the Tasmanian Aboriginal community that scrutiny of the Indigeneity of both voters and nominees was not tight enough and not entirely effective. Because of these changes, some reduction in numbers of nominees and voters was to be anticipated as likely, and possibly even desirable in the eyes of some Aboriginal Tasmanians.
15. The Minister is obliged under s. 106 of the ATSIC Act to publish estimates of the number of people who will be entitled to vote in a ward or region. These official estimates were based on 1991 Census data at the time of the 1993 and 1996 elections, and so differ from the figures used here based on back projections of the 1996 Census. In 1999 the official estimates correspond with the figures used here, as both are based on the 1996 Census.
16. The Australian Capital Territory was for the first time in 1999 a ward within the Queanbeyan ATSIC region, so it is possible for the first time in 1999 to separate numbers of Australian Capital Territory and New South Wales votes in ATSIC

elections. The Australian Capital Territory had 212 and when added to 9,680 this gives the total New South Wales/Australian Capital Territory vote given in Tables 3 and 4. There were no uncontested elections in either the New South Wales Land Council elections or the ATSIC New South Wales elections of 1999, so this source of difficulty in comparing voter numbers is not a factor.

17. This comparison would seem more appropriate here than actual votes cast, as three of the five regions of the Aboriginal Land Council of Tasmania went on in 1996 to have uncontested elections. There were 134 votes rejected in the ATSIC elections in Tasmania in 1996, but it unknown whether any of these were rejected because the person was judged as not meeting Indigeneity criteria. As discussed above, the most common reasons for votes being rejected are for not being on the Commonwealth Electoral Roll at all, or for not being on the Roll at a current address in the ward in which one claims eligibility to vote.
18. The debate over these matters before the review panels of ATSIC elections is in sharp contrast to the lack of debate that occurred in the Commonwealth Parliament in 1983 when enrolment and voting for general Commonwealth elections was made compulsory for Indigenous Australians, as for others.
19. The 1993 ATSIC election review panel suggested the development of a completely separate Indigenous-specific electoral register just for ATSIC elections, while the 1996 review panel suggested a special elector category within the Commonwealth Electoral Roll. Neither of these suggestions has, however, been taken up. So the voter eligibility and declaration voting arrangements for ATSIC elections remain essentially today as they have been throughout the last decade.
20. See also Howard 1977 for a full account of the NACC election in Perth, where a little over half those who registered later voted.
21. Other southern/urban areas such as Sydney, Tasmania, Victoria and Brisbane have not confronted the issue in quite these terms, as they have had a zone commissioner in their own right. South Australia is the one instance of an ATSIC zone covering regions which clearly fall into both the southern more densely settled and remote more sparsely settled categories.
22. These figures only cover static, election day polling booths. They do not include mobile, pre-election day polling runs which are used extensively in sparsely settled northern and central Australia, but less frequently in the south.
23. 1999 figures were provided direct to the authors by Marian Sawyer.
24. The second will be the Commissioner from the Torres Strait zone who will be elected after the Queensland local government elections in March 2000. It can be safely assumed this will be a Torres Strait Islander, not an Aboriginal, because of the dominance of Torres Strait Islander over Aboriginal identifiers at this geographic level. The chair of the Torres Strait Regional Authority is also a fully salaried position, but with the separation of the TSRA from ATSIC, this position is somewhat outside the general ATSIC system.
All these figures relating to the Torres Strait Islander identification of nominees and elected representatives are tentative. ATSIC is still working through a process of attempting such identification.
25. The 1996 census enumerated around 39,000 Torres Strait Islanders Australia-wide, 6,500 of whom were in Torres Strait and 15,000 in the rest of Queensland. The total national and Queensland Indigenous populations enumerated were of the order of 353,000 and 95,500 respectively (see Australian Bureau of Statistics 1997).

Appendix



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