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Mr Rob Steer
Deputy Commissioner
NT Department of Correctional Services
GPO Box 3196
Darwin NT 0801

Voting for eligible prisoners for 2016 federal election

Dear Mr Steer

Further to our meeting on Friday 29 April 2016 I write to broadly propose how the Australian Electoral Commission (AEC) and the NT Department of Correctional Services can collaboratively deliver voting services for the 2016 federal election to all eligible prisoners pursuant to section 93 (8AA) of the Commonwealth Electoral Act 1918 (CEA). I thank you and your staff for your very valuable support and assistance with this important matter.

Eligibility

As you would be aware under section 93 (8AA) of the CEA a prisoner is eligible for voting in a federal election if they are serving a sentence of imprisonment of less than 3 years. A prisoner who is serving a sentence of 3 years or longer is not entitled to vote in a federal election.

Enrolment of prisoners

Section 96A of the CEA sets out various scenarios for which electoral Division the prisoner is entitled to be enrolled. Generally the prisoner is entitled to be enrolled in the Division that they were enrolled in when he or she began serving their sentence.

There also may be a number of prisoner who are not currently enrolled. As discussed during our meeting, the AEC will compare prisoner names supplied by the NT Department of Correctional Services against the electoral roll. The AEC will then supply enrolment forms to those prisoners who do not appear on the roll.

To assist in answering any questions about eligibility (including where there might be doubt and questions about ineligibility due to unsound mind) and entitlement for enrolment in a particular electoral Division the AEC will provide a specific contact point for your relevant staff to call on behalf of the prisoner in the lead up to the election.

Provision of information to ensure roll integrity relating to prisoners

Pursuant to section 109 of the CEA the AEC currently receives a regular update of eligible prisoners directly from you to our Roll Management Branch in Canberra. I thank you for your ongoing commitment to this process as this information is important and allows us to regularly update the prisoner's enrolment status on our electoral roll. We currently receive this update about every month and I would be grateful if this monthly schedule can be maintained, particularly between now and the election.

Pursuant to section 155 of the CEA, the date for the roll close is the seventh day after the date of the writ. Section 109(2) of the CEA requires that the Controller-General of Prisons for the State must

forward to the Electoral Commissioner (or their nominee) an updated list of prisoners who are eligible to vote and all those prisoners who are no longer serving a sentence. This list to be updated from the last monthly report (referred to above) and is to be provided within 4 days of the roll close. If possible I would appreciate if we could make an arrangement to receive this updated list towards the end of our roll close period rather than within 4 days of the roll close. This information is more valuable to us and enables us to better enfranchise eligible prisoners if it is provided prior to our roll close. I will be able to give you about 6 days notices of when the roll is scheduled to close.

Voting services at the time of the election

The CEA allows for mobile voting in prisons which was undertaken for the 2010 and 2013 federal elections. As discussed during our recent meeting, the AEC proposes to again undertake mobile polling for the 2016 federal election and seek your agreement.

Collaboration

With your concurrence to these broad arrangements I would be grateful if you could supply contact details of relevant staff in your Darwin, Alice Springs and Tenant Creek facilities to commence coordinating voter services at these facilities.

I look forward to further discussing and working with you and your staff on this important matter.

Yours sincerely,

Mick Sherry
Australian Electoral Officer and Northern Territory Manager

5 May 2016

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