

Read, Shane (REPS)

From: Ross Mair [rmair@cfa.harvard.edu]
Sent: Friday, 5 July 2002 11:25 AM
To: jschem@aph.gov.au
Subject: Submission to Joint Standing Committee on Electoral Matters



jschem1.pdf

To: The Committee Secretary

Joint Standing Committee on Electoral Matters
Parliament House
Canberra ACT 2600
Australia

July 4 2002

Dear Sir,

This submission is in response to the JSCEM's invitation for public comment as part of its Inquiry into the Conduct of the 2001 Federal Election. I wish to comment on the current provisions of the Australian Electoral Act, which actively seek to exclude most Australians who reside outside of Australia from participating in the Australian electoral process in general, and the 2001 Federal Election in particular.

Part VII, Section 94 of the Commonwealth Electoral Act 1918 states that any enrolled Australian elector who leaves Australia to reside overseas must register with the Australian Electoral Commission within 2 years of leaving Australia, to be annotated as an overseas voter. If this is not done, the elector, an Australian citizen, is arbitrarily removed from the electoral roll. My understanding is that such removal from the roll will still occur, even if the elector has voted by absentee/postal ballot in every election occurring in their subdivision in that 2 year period. Even if they are successfully registered as an overseas voter, the voter can face removal from the roll, rather than the customary fine, if they fail to vote in an election.

Australia is a country with a proud and long-standing history of democracy, including being a pioneer a century ago in promoting universal suffrage. I therefore find it disturbing that there exists today such regulations which arbitrarily strip a citizen of their right to vote. I am not aware of similar regulations that disenfranchise such a segment of citizens in any other major democracy. Indeed, while I believe the general election of November 2000 in the USA was an embarrassment to the central tenets of democracy, that election did highlight the importance of ensuring all votes from all citizens inside and outside the country were obtained and counted.

I am an Australian citizen, born in Melbourne in 1967. While resident in Melbourne, I was enrolled in the federal electorate of Bruce, at the following address: 39 Leicester Avenue, Glen Waverley, VIC, 3150.

In 1988, I lived in the United Kingdom for a year under a student-exchange agreement between my university in Melbourne and a similar institution near London. I returned to Australia in 1989.

In April 1995, I left Australia to take up a post-doctoral research position in New Zealand. In October 1996 I moved from New Zealand to the US for a second post-doctoral position, and am currently employed as a staff scientist at the Harvard-Smithsonian Center for Astrophysics in Boston.

In 1988, I voted in the Victorian state election of October 1, and the constitutional referendum of September 3 - making significant effort on both occasions to obtain absentee ballots from the appropriate Australian High Commission, and comply with the rules for completing absentee ballots. In New Zealand, I voted in the Federal Election of March 2 1996.

When applying for absentee ballots overseas in the above three instances, I was not informed of any of the requirements for registering as an overseas voter. On October 21, 1996, the divisional returning officer for the electorate of Bruce wrote of his intention to remove me from the Electoral Roll, believing I was no longer resident in the electorate. This was a result of me seeking exemption from voting in local council elections for the City of Waverley for the second successive year - voting in such elections was also compulsory at the time. In a response on November 10, 1996, I informed the returning officer of my current address in the USA. Again, I was not made aware of any of the provisions for enrolling as an overseas voter. If the current regulations for registering as an overseas voter were in force at the time, as I believe they were, then I was still eligible at that time to register as an overseas voter. Instead, I was informed on November 18 1996 that my name had been removed from the Electoral Roll. I did not contest the decision at the time, as I was not aware of the overseas voter provisions, nor did I realize that such information had not been provided by the AEC when it might have been reasonable to expect it.

When the Commonwealth Electoral Act was written in 1918, such provisions removing voters from the electoral roll after extended time away from Australia may have been relevant. At the time, it took many months by ship simply to journey to Europe. Many people who made such a trip in either direction indeed never did return. One could truly question whether an Australian moving to another country, especially on the other side of the world, would be able to maintain true links to their native home. 85 years later, the world is a very different place. Today, it takes a mere 20 hours flying time for me to be reunited with family and friends in Melbourne - a trip I make nearly every 12 months. Quality, low cost telephone connections and email allow almost daily communication with those in Melbourne. The internet and satellite TV allows me to read the Australian newspapers, keep abreast of current affairs in my homeland, follow results from elections I cannot vote in as the results unfold, and even catch the best footy match each week! The links that expatriate Australians can maintain with their homeland have never been stronger.

At the same time, similar trends in technology and an increasingly global and interconnected economy mean that more and more Australians seek to further their career outside of Australia. This is not through any cultural cringe or embarrassment, but through a simple realization that other larger countries can at times offer greater opportunities in certain fields. This also need not be to the detriment of Australia, but instead should be seen as an opportunity to capitalize on the two-way flow of information, technology, talented personnel and investment opportunities which returning expatriates may bring with them.

Such changes were recently noted by the Department of Immigration and Multicultural Affairs. The Department requested submissions relating to Section 17 of the Australian Citizenship Act 1948, which prevented Australians living overseas from taking citizenship of another country without losing their Australian citizenship. During the years I have lived in the US, I resisted the temptation to take citizenship of the USA. Despite paying taxes here, I am unable to vote where I live. I made that decision because of my strong attachment to my Australian heritage and my desire to retain Australian citizenship, despite the fact I could not longer vote in Australia either. It was particularly galling that I have been unable to vote in the country of my citizenship, in addition to the place where I currently live! At a time when Australia has recently been debating wide-reaching constitutional changes, which if enacted, could influence the country I may return to in 2, 5 or 20 years time, it is extremely frustrating, as an informed citizen, to be unable to voice my opinion.

Fortunately, earlier this year, the Government finally amended the Australian Citizenship Act to allow native born Australians to retain their citizenship if they take citizenship of another country. This forward-looking decision seeks to include Australians living outside Australia within the nation, rather than excluding them because of a decision to live, settle, or marry and raise a family somewhere else. I believe it is now time for the Commonwealth Electoral Act to be revised to similarly account for the increasingly globalized,

mobilized world community that Australians live in. Such a change would enable us to maintain close links to our country of citizenship, rather than feeling excluded from the electoral and constitutional processes in our native country.

The Southern Cross Group believes approximately 615,000 Australians like myself reside outside Australia at the current time. While approximately 63,000 votes were received from overseas in the 2001 Federal Election, there were only about 9,000 registered overseas voters. Therefore, it could be concluded that about 54,000 of the overseas votes in the 2001 Federal elections were from Australians who were out of the country for short periods for extended vacation, working holiday, university exchange, etc, or who had left in the last 6-12 months for an extended period. If none of these people are included the 650,000 Australians residing long-term outside Australia, then it can be concluded that only about 1.5% of this large body of voters (enough to fill about 7 federal electorates for the House of Representatives) are eligible to actually vote. Such numbers, I'm sure, would tarnish Australia's image as an inclusive democracy for all citizens, abiding by conventional human rights agreements, if they were made known widely on the stage of world opinion.

Particularly egregious is the way the overseas voting requirements were almost kept secret from Australian voters who left the country. Despite my efforts to stay well informed through a variety of news sources, I was never aware of these regulations until it was too late. I fear most of the 605,000 disenfranchised Australians overseas are in a similar position. As recently as 5 years ago, it was not possible for the average citizen to use the internet to search or browse government documentation and regulations as can be done today. Instead, if we really needed information, we had to be prepared to run the gauntlet of a phone call which would probably involve extensive waiting on the line, or a burdensome trip out of our way, possibly to another city, to visit a government office. As I outlined above, in all my applications for absentee ballots while outside Australia, I was never informed of the provisions for overseas voters. It would have been easy for every postal vote application processed outside Australia at a High Commission or Embassy to include a single sheet outlining the basic provisions. In addition, every Australian leaving Australia on an international ship or plane, who marked their departure card indicating an extended stay away from Australia, could have been provided with similar information. Had the relevant government departments and the AEC made a good-faith effort to inform Australians of the provisions for overseas voters by such methods, my outrage would be reduced, as disenfranchisement would then at least have been a personal decision based on complete information. The provision of such information, including the forms for registering as an overseas voter, are certainly an improvement on the situation of 5 years ago. However, this still requires a citizen to be aware that by leaving Australia they may be endangering their electoral enrollment - not to mention the problems of socio-economic status inherent the ability to access the internet.

In the current climate of increased global mobility and communication, I believe it is time that all Australian citizens be given the opportunity to enroll to vote, regardless of where they live, or for how long they have lived there. Some have canvassed the option of an "Overseas electorate" represented by a sitting MP in the House of Representatives. There is merit to this idea, as it would give overseas Australians a direct representative on our Parliament. However, in the current numbers, this MP would represent 615,000 Australians, while the average size of a federal electorate is about 85,000 people (random sampling of 3 electorates from each of the 5 mainland states at the 2001 Federal Election, as provided on the AEC web site). As such, this would result in a significant dilution of the principle of one person-one vote, and therefore I believe overseas Australians would be best represented by remaining registered in the federal electorate in which they resided before leaving Australia. This would remove confusion over who they would be represented by in the Senate, or in state Parliaments. Once allowed to rejoin the electoral roll, I believe the category of overseas voter should be removed. I support compulsory voting in federal elections, and believe that if a person chooses to be on the electoral roll, it is their responsibility to take their part in the

democratic process. Therefore, an overseas voter would not face removal from the electoral roll if they fail to vote in an election, but instead should receive a fine like any other citizen. To aid overseas voters, applications for absentee ballots should be made available via the internet, reducing the need for visits or phone calls to embassies or High Commissions.

I trust these opinions can be included in the Joint Standing Committee's submissions relating to conduct of the 2001 Federal Election, and would urge the Committee to propose amendments to the Commonwealth Electoral Act to prevent disenfranchisement of Australian citizens who reside overseas.

I have made a copy of this submission available as an attached file in pdf format with complete formatting.

Yours sincerely,

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