



**Inquiry into the conduct of the 2007
elections and matters related thereto
ALP ABROAD Submission**

Prepared For:
Joint Standing Committee on electoral matters (JSCEM)

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1 Background

ALP Abroad has endorsed the recommendations in this submission at our meeting on February 19th based on our observations of the conduct of the Australian Election in 2007.

2 Executive Summary

This submission makes recommendations based on our observation of elections overseas, our interaction with DFAT, the AEC, and the experiences and very real frustrations experienced by thousands of overseas Australians who wish to vote.

The fundamental principle that guides this submission is that the over 1 million Australian citizens overseas should have exactly the same rights to participate in the democratic governance of their country as Australians who are resident. Currently overseas Australians are treated as second class citizens by the Commonwealth Electoral Act and in the operation of enrolment and voting administration limits the ability for overseas Australians. Therefore this submission makes a number of recommendations to change the governance and conduct of future elections so that overseas Australians have the same democratic rights as Australians at home.

It makes 13 recommendations covering these five areas:

- Specific changes to Commonwealth Electoral Act relating to overseas voting to ensure that all overseas Australians can vote and that enrolling to vote is made is facilitated to be as easy as possible,
- The AEC be given a specific remit and sufficient funds to promote the enrolment of Australians as overseas voters,
- The AEC be responsible for all aspects of the conduct of the all overseas polling stations and they direct the Department of Foreign Affairs and Trade staff as to all aspects of operation of polling stations,
- That the number and times of operation of overseas polling station be expanded,
- That internet voting be introduced for registered overseas voters as an option for voters who cannot vote in person or do not have time to obtain a postal vote.

3 Changes to the Commonwealth Electoral Act

Over 1 million Australians live overseas, but as of May 2006 only 16,047 were enrolled as overseas voters.¹ The lack of enrolment by overseas Australians is directly the result of the provisions of the Section 94A of the electoral act that make it difficult to enrol and to keep your vote if you are enrolled to vote as overseas Australian.

Current Australian electoral law prohibits thousands of expatriates from exercising their democratic right to enrol vote as Australian citizens. That's because section 94A of the *Commonwealth Electoral Act 1918* stipulates that those who are not on the electoral roll may only enrol from abroad if it is less than three years since they left Australia to live abroad.

¹ Source AEC figures from website

Most Australians raised in a culture of universal compulsory voting assume that they will always be able to vote when overseas and are unaware that:

- They can enrol as overseas voters and need to if they are going to be overseas for more than three years if they want retain their vote.
- There is a three year limit on enrolling to vote as an overseas voter from overseas when leaving Australia.
- Once they are off the roll they cannot get their vote back unless they return to Australia for at least 1 month.

Australian citizens have a right to enrol to vote in elections in their country and the law needs to be changed to enshrine that fundamental right.

The law also treats Australians who are enrolled to vote as overseas voters differently in a way that seems designed to discourage them from exercising their right to vote in that:

- It is not compulsory to vote as an overseas voter, unlike other voters
- Overseas voters must reenrol to vote **every year** after being enrolled to vote as an overseas voter for six years to keep their vote. The AEC does not provide even a reminder to overseas voters on the need to re-enrol.

Recommendations on changing the Commonwealth Electoral Act

That the Commonwealth Electoral Act be amended so that:

- 1) The AEC has a specific remit to promote enrolment and voting as overseas voters to every Australian leaving the country and those who the AEC is aware have left.
- 2) Any Australian citizen can enrol to vote as overseas voter at any time,
- 3) Once enrolled, overseas enrolment remains valid ,subject to the same provisions of other enrolled voters,
- 4) That the provisions of the act that make voting compulsory for all other voter applies to overseas voters.

4 Promoting the enrolment and voting of overseas Australians

Australia's Diaspora of over a million overseas Australians need to be the focus of a specific program of engagement by the government that has at its heart the retention of active citizenship by overseas Australians, as Australia cannot afford to 'lose' the national resource of overseas Australians, who are disproportionately young, tertiary educated and globally connected through lack of effort to keep them engaged in the country of their citizenship.

During the lead up and conduct of the 2007 Federal election, the only organisation that actively promoted the enrolment of overseas Australians to vote, and the times and location of overseas voting by advertisements and public promotion activities was ALP Abroad.

The AEC provided only passive information via its website. We are recommending that as part of its remit to promote overseas voting that the AEC:

- Promote awareness of overseas voting in Australia,

- Specifically develop an enrolment form and brochure to be distributed at all points of departure,
- Make greater efforts to promote voting to overseas voters,
- Advertise using electronic and overseas expatriate media, voting times, procedures and locations for overseas voters.

Our recommendations cover these four areas of activity in detail.

Recommendations for the promotion of overseas voting

5) Promote awareness of overseas voting

Develop an AEC brochure entitled “Going Overseas? Enrol as an overseas voter” which essentially contains the basic information on the existing AEC “Going Overseas” fact sheet, but in more attractive brochure format:

The new overseas enrolment brochure should be distributed by:

- The AEC website
 - All Australian Post Offices alongside passport application forms
 - Counters where International Driving Permits are issued
 - Public libraries
 - Government shop fronts
 - Student Union areas at all Australian universities and other higher education institutions
 - Youth and other community centres and clubs
 - All Australians embassies, and consular offices
 - Travel agencies, travel fairs and international job expos
- and be promoted by internet based advertising.

6) The AEC Promote of voting awareness at point of overseas departure

A brochure for distribution solely at international departure terminals should address the fact that the person is about to leave the country, and stress that voting from abroad is an important way of contributing to Australia’s future even while away.

This brochure should be handed to departing Australians at check-in and briefly explained when they receive their boarding pass and Outgoing Passenger Card. It should include a detachable (and improved) version of the AEC’s “Overseas Notification Form” that can be filled in on the spot and deposited in appropriately placed collection boxes, e.g. in the immigration area, and at gate lounges and Customs GST refund counters. It should also be franked with an international reply paid freepost stamp so that if people do not put it in a collection box at the airport, it can be posted back without complication from overseas.

7) The AEC make greater efforts to promote voting to overseas voters between elections by,

- Reaching expatriate Australians through Australians at home by mentioning overseas voting on domestically targeted literature.

- Permanent Provision of Information in Public Areas of all Australian Missions
 - Advertisements in foreign newspapers, In-flight magazines and expatriate publications,
 - AEC presence at major Overseas Events with High Expatriate Interest
 - A specific overseas phone number that is monitored and where calls are returned,
 - Internet Advertisements on Australian websites targeting voters visitors with overseas ISP's
- 8) Extensively promote voting times, procedures and polling places for overseas voters during elections using the same methods as above.

5 Overseas polling stations need to be directed by the AEC

Overseas polling stations are conducted by Department and of Foreign Affairs and Trade who make decisions about the operation of the polling stations. Our experience is that they make decisions;

- Contrary to AEC advice that disadvantage voters,
- That displays a lack of sympathy and understanding of the democratic process.

The conduct of the London polling place in 2007, the largest in Australian Federal election, demonstrates why the DFAT should have no role in determining the operations of polling stations.

London 'closed to public' first day of voting

Monday the 12th November 2007 was advertised by the AEC on its website as the first day of voting in pre-poll centres including London. The senior staff as the London High Commission chose to 'close to the public' the polling place so that 'the High Commissioner and staff could vote'. The President of ALP Abroad was informed that this had operational advantages for DFAT as,

- DFAT staff would not have to queue,
- It would be easier to arrange publicity photographs for the High Commissioner casting the first vote without member of the public present².

The High Commission did not advertise November 12th as voting day on its website and told phone enquiries the week prior that the polling place 'was not open on the 12th'.

ALP Abroad had advertised extensively that voting started Monday in accordance with AEC advice and through the Australian Labor Party's National office made strong representations that to the AEC to ensure that DFAT opened the polling station on Monday the 12th to the public. The problem was the AEC could not 'direct' the polling place be open, it could only request.

Australia House management only relented on the morning of the 12th, when DFAT agreed that if 'members of the public turned up, they would be given a vote'. Members of the public still had to wait outside for half an hour after the 10am opening time while the High Commissioner had his photo taken casting the first vote.

² Notes of Phone conversation 8th of November with Embassy staff.

On the first day of polling in 2004, 503 pre-poll votes were cast at Australia House .In 2007, 209 pre-poll votes were cast on Day 1,only 41% of the votes cast in 2004.This significant decline in votes cast attributed to the failure of Australia to advertise the date and their discouragement of citizens to turn up to vote on that date.

Postal vote applications in London closed a day early

On the AEC website, it stipulated that postal vote application must reach a postal vote centre by close of business on Thursday November 22nd.This is the last day that the returned postal vote can reach the voter by Election Day.

Australia House made unilateral decision to make the close postal vote application on Wednesday the 21st. This was because they believed that postal votes might not reach electors if sent Thursday close of business, even though the English postal system has same day delivery for first class mail and a Saturday morning postal delivery.

We think a significant amount of postal vote would have been received Thursday as this was the cut off date advertised by the AEC and ALP Abroad. Australia House were requested to provide information on the amount of postal vote applications received after between close of business Wednesday and Thursday which we believe are valid applications but Australia House did not respond to this information request.

Threat to 'ban' campaign workers from public footpath

The lack of organisational cultural sympathy and understanding of the democratic process was exhibited by a range of petty restrictions that the DFAT officers attempted to impose on the operation of the election activities conducted on the public footpath outside of Australia House.

In most cases political party representatives of all parties ,after much trouble, were able to dissuade DFAT staff to abandon their sillier proposals, such as asking people queuing up to vote to go away and cast a postal vote.

The issuing of a threatened 'ban' on political parties by DFAT³ from handing how to votes on the public footpath outside Australia House ,arose from a DFAT to impose unilaterally an impractical limit of two party representatives handing out how to votes. During peak period at the London polling station, there are several hundred people waiting to vote who have a high number queries for party workers, such what electorate they are in and a range of policy questions, a minimum of four people is required to meet public demand for information.

The issue of the threat to 'ban' party helpers was arose because of underlying view of DFAT senior staff that the presence of large numbers of Australian citizens being present at their embassy to vote was somehow an 'obstruction' to orderly conduct of the embassies regular business. The threat was eventually dropped as a result of

³ Email sent to Party representatives by senior DFAT officer 22/11/07

discussion, and the fact that embassy security had no way of enforcing a ban on the public street.

These examples from the conduct of the poll at the London polling station, the largest in Australian elections, demonstrate why all aspects of the operation of overseas polling stations must be under the close direction of the AEC with strict guidelines on the specifications as to the conduct of the polling station. DFAT role should be no greater than the local school or Council that provide polling facilities in determining polling arrangements.

Recommendation on responsibility for overseas polling stations

- 9) That the AEC have sole responsibility for directing operations of overseas polling stations and that all matters relating to the conduct and operation are determined by the AEC.

6 Making it easier to vote overseas

70,059 Australians voted at 104 overseas polling stations during the course of the 2007 elections. With the changes suggested in this submission to the Commonwealth Electoral Act and greater promotion of overseas voter enrolment, we envisage that in order to service the larger number of overseas voters, a number of changes will be necessary to make it easier to vote overseas including:

- Extending the voting times,
- Making larger stations formal polling station,
- Increasing the number of polling stations,
- Introducing Internet voting.

Extending voting times

Different voting times applied at different overseas polling stations around the world but two areas of universal requirements for large polling stations that emerged was the need for polling stations to be open to 8 pm Friday night and on Saturday. People overseas are mostly working, and consequently at the London Polling station the times after work were most popular but on Friday the 23rd the station closed at 6pm.

Polling stations in Europe, Africa and the Americas were not open on the Sat 24th. They are closed because Saturday in their time zones is past closing of voting in WA. Many voters, particularly 'last minute' voters, assume voting is on Saturday like at home and are surprised to find the polling station is not open.

After hours voting on Fridays as well as voting on Saturday would enable more people to vote.

Making larger overseas polling stations formal polling stations

Overseas polling stations are not in fact polling stations, but postal vote and pre-poll centres. The largest two polling places in Australian elections, London and Hong Kong, should be polling places with same status as multi electorate polling places such as the Sydney and Melbourne Town Halls. This would enable a full service to

be provided including the issuing of provisional votes. These are not currently issued by overseas polling centres despite the large number of potential voters that present themselves to vote, but finding they are off the roll ,cannot be issued with a provisional vote if they think these should be enrolled.

Increasing the number of polling stations

The 104 polling stations operated as polling stations in 2007 is an improvement over previous years but there are still large population centres of Australians that are considerable distance from a polling centre but could be serviced through a trade mission or consulate. For example, ALP Abroad had a number of enquiries during the election about voting in Scotland, but the Edinburgh consulate is not currently a polling place. We think that the practise of operating a number of polling stations in countries like Japan, China and the USA should be extended to wherever the Australian government runs more than one representative office in a country.

We recommend that a review of all consulates and other Australian government offices abroad be conducted to see what additional places could be operated as polling stations.

Voting by Internet

For many Australians abroad, distance and time make it difficult to get to the one polling station in their country of residence. People working in outer London could have to travel for up to one and a half hours to get into the city, after work to vote whilst people in regional centres hundreds of kilometres away find it impossible to get to the polling place without taking a day off work.

People can apply for postal votes but this is complicated and needs to be initiated several days before the election. New Zealand offers its voters a third alternative to voting in person or postal voting of registering and obtaining ballot papers by internet. Providing overseas Australians this option would be administratively easier as it would avoid the paper processing postal votes but also enable application for voter's right up to the eve of the election, enabling more people to vote.

We recommend that Voting by internet for registered overseas voters be introduced.

Recommendations on making it easier to vote overseas.

- 10) Extending the voting times so that all large overseas stations are open polling eve to 8pm and polling day itself,
- 11) Making London and Hong Kong formal polling stations,
- 12) Review the consulates and government offices with a view to identifying additional polling places.
- 13) Introduce Internet voting.

7 Contact

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