

Committee Secretary
Joint Standing Committee on Electoral Matters
Department of House of Representatives
PO Box 6021
Parliament House
CANBERRA ACT 2600

Wednesday 12th February 2014

For the attention of *Joint Standing Committee on Electoral Matters (JSCEM)*,

Voting as an Australian aboard

I am an Australian by birth, having lived aboard in Europe for 10 years and have since been back for the last five years. Am married to a Swiss lady, and we have three children - all dual nationals (Aussie & Swiss). Here is my story:-

When I first went to Europe in 1999, it was for a short-term contract. I believe to my best recollection that I notified AEC of my overseas status - so that my vote would then not be "compulsory" and not subject to monetary fines for not exercising my vote. However I continued to take part in every and each Australian elections by casting a vote at the Australian High Commission in London during my European years. My short-term contract ended up being extended to three years. I then worked elsewhere and was also a new parent to those three kids. In all, ten years aboard.

In those later years (2004-2008), I had to talk AEC officials into letting me cast a vote, simply because they couldn't find my name on the electoral roll. Every time I had to quote my previous Australian residential address, for them to identify my council ward, NSW division and Federal division. They then gave me a special envelope and vote paper/s to be "processed back in Oz", and every time I cast my vote - I always wonder if it will end up being discarded due to AEC regulations. It was not a good experience for Australians wanting to vote in their homeland's elections, given that many aren't eligible to vote in the countries of residence aboard.

My Swiss Spouse's Votes

Contrast this with my wife's Swiss voting experience. She simply notified the Swiss embassy of the countries (UK and Australia) she moved to. Her "change of abode" details were then processed by her home village (aka, the local council office). Thus she was sent postal vote papers every quarterly to cast her vote in federal and cantonal referendums as well as general elections. No complicated paperwork to prove that she has the right to vote. Only when she did not cast her votes for some time, they sent her a follow-up letter to advise her that if she does not vote regularly, her name would be taken off (to stop them sending postal vote papers to someone not wishing to vote regularly). My wife has since voted every quarterly without any further fuss. By the way, she has become an Australian citizen last month and will be looking forward to cast her first Australian vote, whether locally or aboard.

Solution?

Australians moving aboard, whether for a short time or longer, can notify AEC of their absence from Australia. Their vote then become non-compulsory, and be given the chance to cast their vote aboard:- whether by postal vote, or electronic-voting or in person (at nearest Australian representation). But their electoral status should NOT be disfranchised just because of outdated regulations. They just need to cast their votes regularly to stay on the electoral roll, whether within 3 years of departing Australia - or much longer, indefinitely until they depart from the living.

I call upon the JSCEM to recommend the repeal of *Section 94A(2)(c) of the Commonwealth Electoral Act 1918* so that expatriate adult Australians who left Australia to reside abroad more than three years ago can enrol to vote. I believe that following the High Court's decisions in *Roach in 2007* and *Rowe in 2010*, *Section 94A(2)(c)* may well be unconstitutional, because it excludes a significant part of the Australian people from the electorate.

As an aside, I am supportive of the Southern Cross Group's campaign for the last 12+ years (*first joined their mailing list in early 2000s*). Their website www.southern-cross-group.org helped me enormously in retaining my Australian electoral status aboard last decade (@2002) ~ shortly before being overseas for a full 3 years since my Australian departure to work in Switzerland and England.

Yours sincerely,

Andrew Niklaus