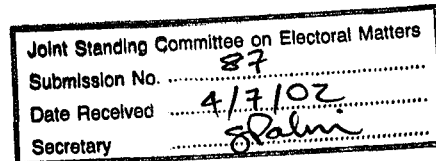


Read, Shane (REPS)

From: Lisbeth Anne Shelley [lis@nullarbor.com.au]
Sent: Thursday, 4 July 2002 5:16 AM
To: JSCEM@aph.gov.au
Cc: lis@nullarbor.com.au
Subject: Submission

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Message:

To: The Committee Secretary
Joint Standing Committee on Electoral Matters
Parliament House
Canberra ACT 2600
Australia

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.

Key Points

I ask that the committee recommend:

1. Extending the status of "General Postal Voter" to Overseas Electors.
2. Reviewing procedures for removing overseas electors from the electoral roll.
- 3: Removing time limits on eligibility periods/extensions
- 4: Extending the AEC's roll review procedures to cover overseas electors
1. Extending the status of "General Postal Voter" to Overseas Electors.

Australian electors overseas should be able to be registered as "General Postal Voter (Overseas)", to give them the same opportunities as Australian residents. Most overseas electors have the same reason for voting by post as a resident General Postal Voter - ie they generally live more than 20km from a polling place (including polling places at consulates/embassies).

The onus obviously remains on the elector to keep the AEC informed of his/her current address, but the key point of General Postal Voter registration is that registration only needs to be done **once**, and the voting papers are sent automatically once an election has been called. As overseas voters are often isolated from media announcements of an impending election,

this is of critical importance. It ensures that overseas electors will receive voting papers on time, and thus be able to exercise their right to vote.

2. Reviewing procedures for removing overseas electors from the electoral roll

Voting is compulsory for Australian residents who are on the electoral roll. If they do not vote, they may be fined or even taken to court, but their names still remain on the electoral roll.

Voting is NOT compulsory for overseas voters, yet if they do not vote, their names may be removed from the roll, and will not be reinstated until one month after they return permanently to Australia.

As voting is not compulsory for overseas voters, why are they being disadvantaged by having their vote taken away altogether? Why is the right to vote taken away from Australians living overseas, but not taken away from Australians living in Australia?

At last count there were 21 Federal agencies who are entitled to receive copies of the electoral roll, for specified purposes.

(ref: <http://www.aec.gov.au/content/what/enrolment/authorities.htm>)

If overseas electors are removed from the roll, this information would no longer be available to these agencies, even though all of the information contained in the record might still be valid.

Removal of overseas electors from the roll should be based solely on AEC roll review activity (which must be extended to cover overseas electors), not simply on the basis of non-voting.

3. Removing arbitrary time limits on eligibility periods/extensions

The key requirement for being an OVERSEAS elector (as opposed to the normal eligibility requirements for eligibility to vote, such as age, citizenship etc) is that there is an "intention to return permanently to Australia".

The time limits that are **additionally** imposed on overseas Australians to register/extend their overseas elector status seem largely arbitrary, and allow for people to automatically "drop off" the list without the AEC having to review the person's actual intentions.

Australian residents however are not required to **initiate** action to ensure their eligibility to vote is current - the AEC's roll review procedures take care of this.

The reasoning behind the time limits that currently exist may be to effect the eventual removal from the rolls of people who turn out to have left Australia permanently.

In effect, if an Australian living overseas does not vote or does not act within some arbitrary time limit, it is assumed that the person no longer intends to return permanently to Australia.

This is an assumption that the AEC should not be entitled to make, unless a proper attempt has been made to establish if this is in fact the case.

(ref: Section 94 of the Commonwealth Electoral Act 1918, sub sections 13c and 14d)

4: Extending the AEC's roll review procedures to cover overseas electors

(ref: http://www.aec.gov.au/content/what/enrolment/roll_review.htm).

The AEC should extend its roll review procedures to include overseas Australians, by writing to the last known registered address (in Australia and/or overseas) and requesting a response on the person's intention to return to Australia. It would be appropriate to set a review period in this situation, but the review period should be linked to the maximum length of a parliamentary term, not an arbitrary amount of time.

"Response" might include any of the following:

- direct contact with the AEC
- receipt of an application for status as an eligible overseas voter (or "General Postal Voter Overseas", if adopted)
- recording of a vote at a registered polling place (in Australia or overseas) or a postal vote

The review period would begin anew with the receipt of any such response.

Obviously the above does not preclude a person formally notifying the AEC at any time of their intention NOT to return to Australia permanently, which is already covered by the legislation.

Author's Experiences

I moved from Australia to Switzerland for work and family reasons in December 1997. I remain a registered overseas elector for the Division of Fraser in the ACT. Since the initial (as it was then) three year eligibility period was up, I have been obliged to write to the AEC each year to extend my eligibility to vote.

I own property in Australia, continue to have business interests there and pay taxes in Australia. My intention is to return to Australia permanently within the next two years.

My family and I visit Australia on average once a year to see our family and friends. Our daughter, though born in Switzerland, is an Australian citizen, as is my partner.

I have taken part in all of the federal elections and referenda since leaving Australia in 1997, by requesting a postal vote from the consulate in Geneva.

We have never received any information from any official bodies (eg AEC, consulate in Geneva) that an election was upcoming - we have always had to initiate a request for a postal vote.

We are not entitled to vote in any Swiss elections.

In Europe, news about Australia is rare. Australian newspapers are not available here, even in the largest city of Zurich. Television coverage of elections is restricted to (possibly) mentioning the outcome of a federal election in Australia, but does not cover the lead-up enjoyed by residents in Australia. Under these circumstances, a short time period between the calling of the election and the cutoff date for postal vote requests can be particularly trying.

For the election before last, I came close to missing out on voting because I found out very late about the upcoming election (after a chance remark during a phone call to a family member). Since then I have come to rely on regularly scanning the Australian Internet news services, or on family members to tell us in time for us to obtain a postal vote. Various Internet sites have also become our main source of information about the issues, candidates etc.

Comment on Online Voting

It has been suggested by some that online voting could resolve some of the problems confronting overseas electors. However, as votes by overseas electors fall under the category of a Declaration Vote, any online voting method would also require a significant authentication process. We only vote once every few years and it is generally more difficult to come up with an authentication process that can be remembered by a person on such an occasional basis.

Passwords get forgotten, cards get lost and so on, so there may be a large administrative overhead involved in dealing with those people who can't be authenticated at the critical time when they need to vote. This is not to say that electronic voting is a bad thing - I believe it will come and several European countries are already commencing trials of this technology (not just for overseas voters). However, I see such a system as having a greater chance of success if it becomes part of a larger scale solution (eg, one authentication method for all dealings with government).

Summary

I would welcome changes in the rules and procedures covering overseas electors to provide them at least the same opportunities as electors resident in Australia. Given the relative isolation of overseas voters from Australian media sources, improved services to overseas voters are needed to avoid disenfranchising people who wish to exercise their right to vote.

Thank you for considering this submission.

Yours faithfully,
Lisbeth Shelley