

Democratic Audit of Australia: Submission to JSCEM January 2012

Introduction

The Democratic Audit of Australia supports the prompt passage of the *Electoral and Referendum Amendment (Maintaining Address) Bill 2011* and the implementation of the direct enrolment systems it allows for. It will directly address structural weaknesses in the existing electoral enrolment process, thereby combating a growing trend of under-enrolment. The bill does, however, suffer in its practical limitations, and further reform is required to adequately address the problem of initial enrolment.

1. The Necessity of Reform

1.1 The most recent estimates suggest around 1.6 million eligible Australians are not enrolling to vote. On this evidence alone, it is difficult to argue other than that the current system is simply not working as well as it could. There are two reasons for this. First, many eligible Australians aren't enrolling in the first place. Analysis by the ANAO suggests that among 18 year olds the enrolment rate is only 52 percent (Australian National Audit Office 2010, 81-82, Figure 3.3). While the enrolment rate swiftly improves, it is not until the mid 30s that enrolment passes 90 percent, and not until the late 40s that it reaches the AEC's target rate of 95 percent.

1.2 Second, the AEC's Continuous Roll Update(CRU) system is simply proving more effective at getting voters off the roll than keeping them on it (Brent & Hoffman 2011, 24-25), and is progressively becoming more expensive and less effective (Australian National Audit Office 2010, 74-102). While ideally financial outlay should not be a key factor in determining an electoral system, there are inevitably practical limits (Australian Government 2009, 22). While this decline in efficiency has been attributed to a trend towards access-resistant urban development and declining trust in politicians (Brent & Jackman 2007; Goot 2002), increasing social mobility seems a more likely culprit, given that it is only by changing address that otherwise eligible electors may find themselves removed from the roll.

1.3 In combination, these two factors have led to markedly low enrolment rates among younger age groups. Indeed, those between the ages of 18 and 39 are estimated to make up 64 percent of the 'missing voters' of New South Wales (Electoral Commission NSW, Introducing SmartRoll), despite comprising less than 40 percent of those eligible to enrol (2006 ABS Census). Direct enrolment offers a relatively simple mechanism to aid in both initial enrolment of these missing voters, and in retaining them on the roll.

2. Addressing Criticisms

2.1 A number of objections to direct enrolment have been raised, and are well summarised in the Dissenting Report to the 2010 JSCEM inquiry into the implications of the NSW SmartRoll system (JSCEM 2010, 25-32). Most prominently, it has been repeatedly argued that by automating aspects of the enrolment process, we are abrogating the responsibility of the individual to comply with the law. While it is true that enrolling to vote may not appear an onerous requirement, the sheer numbers of unenrolled Australians make it evident that the current system is evidently not working. Nor would such automation of responsibility be anything new. We have been employing automation to aid Australians to meet their legal responsibilities for seventy years, in the form of the Pay As You Go taxation system. It has been a fixture of the Australian taxation system since its introduction as Pay As You Earn in 1942, and in that time no major political party has argued against its existence. Likewise with compulsory superannuation contributions, which despite being paid by employers, are freely admitted by both government and opposition to ultimately have an impact on take home pay (Cormann 2011).

2.2 It has been argued that this is a 'radical and untested' initiative. This perhaps had some merit at the time, despite automation of enrolment procedures being well established in other countries (Brent & Hoffman 2011, 29; Electoral Commission of Queensland, 2). However, we are now in a position where New South Wales and Victoria have established direct enrolment programs. Early figures from New South Wales suggest a successful enrolment rate of 98 to 99 percent, with an error rate of just 0.15 percent, or 88 of 45,407 attempted enrolments. These encouraging results should also serve to assuage concerns about the quality of the utilised data sources.

2.3 This was however to be expected, as these are predominantly the same trusted sources that the AEC has for years used to identify inaccurate enrolments and initiate mail-outs under the existing Continuous Roll Update and Targeted Enrolment Stimulation programs. The dissenting report also raises the concern that the designation of trusted sources may become politically contentious, and as such placing in the hands of the AEC might damage its standing. However, the designation of sources has always been the responsibility of the commission, and as the Electoral Commissioner himself has noted, the AEC is, by its very nature is, a “non-political agency operating at the very heart of a partisan contest” (Killesteyn 2011). Although the mechanism may be different under a system of direct enrolment, the aims, sources and end result are fundamentally similar.

2.4 A legitimate argument is raised regarding the disjuncture between state and federal electoral rolls. While the potential for policy experimentation afforded by our federal system is undoubtedly a positive, a negative of the current enrolment systems of New South Wales and Victoria is that while they enrol new voters for state elections, the same voters must independently enrol for federal elections, no doubt leading to some confusion. While avoiding state-federal disjuncture may not be a convincing argument for reform in itself, it is certainly no reason not to proceed.

3. The Limitations of this Legislation

3.1 There are however legitimate criticisms of the proposed legislation. By focusing only on enrolment updates, the legislation fails to address half of the problem of under-enrolment. The systems implemented by New South Wales and Victoria have focused specifically on enrolling high school students as they gain the eligibility and responsibility to do so. As we have seen, eligible voters of this age group are among those least likely to be enrolled. The state systems also have limitations of their own. By focusing initial direct enrolment programs solely on those completing their secondary schooling, we run the risk of missing those who for whatever reason are no longer involved in the education system, thereby running the risk of neglecting those who may be in most need of support. The Audit urges the federal government to look to these issues, and to go further in its own enrolment reform measures.

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