



## About Voting in Australia While You Live Overseas

Australia's next federal election will probably be held in the period early August to December 2007. But it's not too early to think about making sure that you preserve your democratic right to vote in that election and any federal referenda that might occur while you are living outside Australia. In the October 2004 federal election only 68,544 votes were issued to Australians overseas, although there are approximately 645,000 Australian citizens overseas who are of voting age. Are you fully aware of the rules about voting from overseas? Do you know whether you still have the right to vote in Australia? Here is some important information.

- You cannot vote unless you are on the Electoral Roll
- If you have been deleted from the Electoral Roll at any time since you left Australia, you can only re-enrol from overseas within three years of the date you left Australia to live abroad
- If you are on the Electoral Roll when you leave Australia, you only have three years in which to tell the Australian Electoral Commission (AEC) you want to be registered as an Eligible Overseas Elector (EOE)
- If you are overseas, not on the Electoral Roll anymore, and you left Australia more than three years ago, you are permanently disenfranchised while ever you remain away. Re-enrolment would only be possible if you go back to Australia and are resident at an address in Australia for one month or more.

**Check whether you are still on the Electoral Roll now.** The AEC has an online enrolment verification facility at <https://oevf.aec.gov.au>. Type in your details and it will tell you if you are on the electoral roll. Or send an e-mail to [info@aec.gov.au](mailto:info@aec.gov.au) stating your full name, date of birth, and address or addresses for which you have been enrolled previously. AEC staff can then confirm or deny your enrolment. You can also phone the AEC on +61 2 6271 4411. Visit the AEC website, at [www.aec.gov.au](http://www.aec.gov.au) for further information.

**If you are still on the Roll**, and not yet registered with the AEC as an Eligible Overseas Elector, you should send the AEC a completed "Application for Registration as an Overseas Elector" available from [www.aec.gov.au](http://www.aec.gov.au) if you have not already done so, and if it is under three years since you ceased to reside in Australia.

**If you are no longer on the Roll**, then you can enrol afresh from overseas, but only if it is under three years since you left Australia to live abroad. Use the Application for "Enrolment From Outside Australia" form available from [www.aec.gov.au](http://www.aec.gov.au).

**Voting is not compulsory** for Australian citizens outside Australia on polling day. But if you are on the Roll, and you don't vote in a federal election or referendum held while you are away, either in person or by post, even if you are registered with the AEC as an Eligible Overseas Elector, the AEC has the right to take your name off the Roll. If this happens, the time limitation on re-enrolment from overseas may mean you become disenfranchised for the rest of the time you live abroad. In other words, "use it, or lose it".

**Act now. Don't wait until the election is called – it may be too late.** Once writs are issued for an election, i.e. once the date of the election is announced, the law presently stipulates that the Roll closes seven days later. However, a Bill is currently before Parliament that would reduce this to the detriment of many overseas Australians. Assuming this Bill becomes law before the next election without amendment, the Roll will close at 8pm on the third working day after the issue of writs for people currently enrolled but who need to update their details. If you are enrolling afresh from outside Australia, however, the Roll will close at 8pm on the day on which the writs are issued. So the present seven-day window for getting your enrolment in order once an election is called will very likely shortly disappear or be significantly reduced. **Get your enrolment organised now so that you don't miss out once the election is called.**

**Postal Vote** applications are available from the AEC web site once an election has been announced. The application must be printed off from the AEC web site, completed and then either faxed or posted to your nearest overseas polling place, if you can't get to an Australian mission overseas in person to vote. Your ballot papers will then be sent to you.

**If you are disenfranchised**, the Southern Cross Group is campaigning to help you. We argued our position extensively before the Joint Standing Committee on Electoral Matters (JSCEM) in Canberra in 2002/2003 as part of the JSCEM's Inquiry into the Conduct of the 2001 Federal Election. Over one hundred disenfranchised overseas Australians also made individual submissions to that inquiry.

The SCG argued, and continues to advocate, that the time limitation should be removed from the law, and that enrolment from overseas and registration as an EOE should be possible at any time, regardless of how long ago a citizen departed Australia.

As a result of that Inquiry, the JSCEM recommended some minor changes to Parliament that have in the meantime partially improved the situation for some overseas Australians:

- that expatriate Australians applying for EOE status should not be required to state the reason why they left Australia;
- that the two-year window of opportunity for enrolment from overseas and registration as an EOE following departure from Australia should be changed to three years;
- that the AEC provide comprehensive information on overseas voting entitlements and enrolment procedures to all electors who contact the AEC about moving overseas.

Legislation to bring about the first two points above entered into force on 21 July 2004. Note however that it does not re-enfranchise the vast majority of expatriate Australians who are no longer on the Electoral Roll, i.e. those who left Australia to live abroad more than three years ago. The SCG estimates that there are currently approximately 500,000 Australian citizens of voting age overseas who have lost the right to vote. If you are one of them, write to [info@southern-cross-group.org](mailto:info@southern-cross-group.org).

The SCG is not advocating that voting should be made compulsory for overseas Australians. But it is arguing that as a matter of principle, all overseas Australians should have the **right to vote**, so that they can exercise that right if they choose to. The SCG reiterated its arguments to the Senate's Legal and Constitutional References Committee in its primary submission to the Senate's Inquiry into Australian Expatriates in February 2004. In its resulting March 2005 Inquiry Report, the Senate Committee recommended further legislative changes, which, if they are acted upon by the Government and eventually become law, would re-enfranchise many, but not all, overseas Australians. As of March 2006, though, the Government had failed to respond to the Expats Inquiry Report, and no legislation to effect the recommended electoral changes had been tabled.

**One final word, on Australian taxation.** Many expats report to the SCG that their accountant or tax advisor in Australia told them to take themselves off the Electoral Roll before going overseas, in order to make sure that the Australian Tax Office (ATO) treats them as non-resident for taxation purposes. In almost all cases, the tax professional concerned did not inform the intending expat of the longer-term implications of this step, i.e. that it would result in their disenfranchisement for the entire period of residence abroad due to the limitations on enrolment from overseas under the law. The SCG raised this issue with the JSCEM in 2002/2003. The ATO told the JSCEM in its March 2003 submission to that Inquiry that other independent factors are used to determine residency status for taxation purposes, and that a person's inclusion on the Electoral Roll or otherwise is almost never a determining factor. In other words, there is no need to disenfranchise yourself for Australian taxation reasons.

More information about overseas voting and the SCG's other activities is available on the SCG website, and make sure you visit [www.aec.gov.au](http://www.aec.gov.au) for all government information on enrolment and voting.

The **Contact Us** pages of the SCG's website provide the details of your nearest SCG volunteer, or contact:

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