

Joint Standing Committee on Electoral Matters	
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Secretary	<i>Dalvi</i>

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The Committee Secretary
Joint Standing Committee on Electoral Matters
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Submission

Dear Sir/Madam,

I am writing in response to the JSCEM's invitation for public comment as part of its Inquiry into the Conduct of the 2001 Federal Election.

1. My Personal Background

I am an Australian citizen, born in Shanghai in 1979. I came to Australia in 1991 and became an Australian citizen in 1993. I am currently located in Melbourne, attending Melbourne University where I am completing a combined degree in Commerce/Law. From the age of 18, I have been on the electoral roll for the sub-division of Higgins and have voted in the 1995, 1998 and 2001 Federal Election and the recent Republic Referendum.

In December 2001, I went to Hong Kong and spent about three weeks working there as a Winter Clerk in an international law firm. That was when I realized that there are so many Australian Expatriates overseas. Out of the 7 trainee solicitors working there, 5 of them came from Australia and all were Australian citizens.

The career path for Australian law graduates has become increasingly international. From discussions with other fellow law students, a large proportion of them have expressed that they would like to work overseas at some stage in their career. I myself also intend to work overseas for perhaps couple of years to gain an international edge to my career.

I would like to be able to maintain my right to vote in Australian federal elections and other important issues when I go overseas. I have heard that many overseas Australians have experienced some frustrating time trying to vote from overseas and some have even been disenfranchised. After thinking about this issue and doing my own research, I would like to set out the following comments on some of the shortcomings of the current overseas voting system.

1. Voting from Overseas

Currently the right to vote from overseas is subject to a number of limitations. These limitations are often unreasonably restrictive and result in hardship for those Australians who want to vote from overseas.

1.1 Two-Year Time Limit

Currently, if you are on the Electoral Roll when you leave Australia, you only have two years in which to tell the AEC you want to be registered as an Eligible Overseas Elector, in order to make sure you are not wiped off the Roll. If you are overseas, not on the Electoral Roll anymore, and you left Australia more than two years ago, you are permanently disenfranchised. Re-enrolment would only be possible if you go home and are resident at an address in Australia for one month or more.

What is the policy justification for imposing such a 2 year limit on the right to vote from overseas? It appears that this requirement wrongly assumes that those who leave Australia for more than two years would not care about the election anymore. This is obviously untrue as many overseas Australians still want to play a part in shaping Australia's future and they can only achieve this if they are given the right to vote on important issues facing Australia in the federal and other elections.

In addition, most people leaving Australia would have no ways find out about this unless they check the AEC website. There is a total lack of information which is made available on overseas voting and enrolment to Australians departing the country. Often if a person is wiped off the electoral roll, very often it will not be until two years after they left the country, and by the time they discover that they have been wiped off, perhaps just before the next federal election, the two-year window of opportunity will be long since past. Surely, even if they were to be disenfranchised automatically if they do not contact the AEC within 2 years leaving Australia, some mechanism at least has to be in place to ensure that these Australians overseas are aware of the 2 year limit.

It is submitted that there is no relevant or sound policy justification for limiting the period for enrolment from overseas to two years after the date of departure. Any Australian citizen should be able to enroll to vote, at any time. Enrolment at any time is possible for those Australian citizens living in Australia. Why is it not possible for Australian citizens living overseas?

1.2 Reasons for Leaving Australia

Another restriction for overseas enrolment concerns the reason for leaving Australia. Enrolment from overseas is currently only possible if a person has ceased to reside in Australia “for reasons related to the person’s career or employment or for reasons relating to the career or employment of the person’s spouse”.

Why limit the category of people who can enroll from overseas to those who leave for work reasons? What about those who leave to study overseas for an extended period of time, or those who leaves the country to look after relatives overseas for an extended period of time? The reasons why a person leaves the country should be irrelevant to their right to vote. The current law is discriminatory against those who leaves overseas not for work. It is submitted that this restriction should be removed to enable anyone who leaves the country for any reasons to vote.

2. Conclusion

In conclusion, the following amendments should be made to the *Commonwealth Electoral Act 1918*:

- The two-year limitation on enrolment from overseas should be deleted and enrolment should be possible for Australians overseas at any time;
- The two-year limitation on applying for eligible overseas elector status should be deleted and application for this status should be possible at any time from overseas, as long as the Australian citizen is still on the electoral roll;
- The requirement that a person have left Australia for employment reasons or that of his or spouse, in order to qualify for enrolment from overseas, should be deleted;
- The intention to resume residing in Australia should no longer be a requirement for either enrolment from overseas or the attainment of eligible overseas elector status;
- The six-year limitation on absence from Australia should be deleted from the provisions on overseas enrolment and eligible overseas elector status in the Act.

These amendments would restore the right to vote to all Australian citizens of voting age who are overseas for any reasons.

Yours faithfully,

Leally Chen