

# SUBMISSION 32

Submission to Joint Standing Committee on Electoral Matters from Michael Doyle

## Inquiry into civics and electoral education

### Introduction

This submission addresses the following issues :-

- the current status of young people's knowledge of, and responsibilities under, the Australian electoral system;
- the role of the Australian Electoral Commission and State and Territory Electoral Commissions in promoting electoral education;
- the role of Federal, State and Local Governments in promoting electoral education;
- opportunities for introducing creative approaches to electoral education taking into account approaches used internationally and, in particular, in the United States, Canada, Germany, United Kingdom and New Zealand.

The submission refers to information contained in a four year investigation of youth voting behaviour, by researchers from the University of Sydney and the Australian National University in conjunction with the Australian Electoral Commission<sup>1</sup>. It would appear from the study that young people have a very cynical attitude to politicians and, by implication, to the electoral system. This submission addresses that cynicism and suggests ways to deal with it.

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<sup>1</sup> [http://www.aec.gov.au/content/What/publications/youth\\_study\\_1/page03.htm#attitudes](http://www.aec.gov.au/content/What/publications/youth_study_1/page03.htm#attitudes)

## **Ethics and Politicians – Mutually Exclusive?**

'An essential attribute of successful democracies is the trust of citizens in their elected representatives.'

A four year investigation of youth voting behaviour, by researchers from the University of Sydney and the Australian National University in conjunction with the Australian Electoral Commission<sup>2</sup>, found that politicians were regarded as being promise-breakers, liars and people who say one thing and do another.

I suggest that for any person, young or old, these could be reasonable conclusions to infer. One has only to consider the history of our electoral system to understand why a person, who cares about democracy and ethics and honesty, would have a cynical view of politicians. Even if it is not always justified.

### **Are Politicians “Promise-breakers” ? No.**

I suggest that rather than being promise-breakers, a greater danger is when politicians become promise-fakers. This is where they claim the right to enact legislation about which they made no mention during the election - but suddenly seems essential and about which there need be no public discussion (let alone dissent). The faking occurs with the politicians' insistence that the laws are for the community's own good and the reliance on an apathetic public accepting the fait accompli.

When compulsory voting was debated in the House of Representatives, late at night in 1924, only 3 MPs chose to speak. There had been no warning to the community, no mandate, no public discussion - nothing. Compulsory voting came into effect in Australia with as much ethics and honesty as a burglar creeping through a pensioner's home. For more than 80 years the 'burglar' has sought to convince the 'householder' that she was lucky to have her window broken and her goods stolen.

How ironic that those defending our current electoral process insist that any change to a voluntary system must be preceded by 'lengthy discussions and consultation'. And only 'with the explicit approval of the Australian electorate.'<sup>3</sup> How true! (And how convenient ! ... convenient for cynical politicians, whose predecessors chose to ignore those clearly democratic ideals, and who are now desperate to retain compulsory voting!)

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<sup>2</sup> [http://www.aec.gov.au/content/What/publications/youth\\_study\\_1/page03.htm#attitudes](http://www.aec.gov.au/content/What/publications/youth_study_1/page03.htm#attitudes)

<sup>3</sup> Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto: Submission No. 144, (Public Interest Advocacy Centre), p.6 and Submission No 157, (Mr D Willis), p.2

### **Are Politicians “Liars” ? No.**

‘Liars’ is not an accurate word for our politicians. Deceptive, maybe. Disingenuous and devious, even. But, yes, it is probably the politicians’ own fault if young people regard as them as liars. Why? Two reasons suffice:-

How many times have we heard, in support of compulsory voting, “The system has served us well” ? This is the cliché catch-cry of politician after politician. Of course, nobody can prove that our electoral system would or would not have been better if it were voluntary – but that doesn’t stop those with a vested interest claiming, like Gulliver’s little people, that Our System is the Best. We have had some good governments, some appalling ones, and many that simply muddled through – just like many other nations of the world. “The system has served us well” ? Now, this is not telling a lie – but it is being deceptive. Mao Tse Tung survived for decades by convincing the Chinese people to repeat the mantra that “The system has served us well”.

Then we have the old argument, from politicians in all the political Parties, that we do not ‘really’ have compulsory voting. No wonder that there are many ordinary Australians who insist this is the case. Members of this very committee (the Joint Standing Committee on Electoral Matters) have stated again and again that whilst the law refers to Compulsory Voting – we do not really have to vote<sup>4</sup>. The Australian Electoral Commission insists that voting is compulsory ... but that does not stop reports emanating from this very Committee stating the contrary. Is this a ‘lie’? Or is it deliberate deception? Or is it self-delusion? Either way, who can blame young people for being cynical about politics?

### **Are Politicians “People who say one thing and do another” ? – Yes, sometimes.**

Again, two reasons prove the point:-  
Our Parliamentarians have arranged for Australia to be a signatory to the United Nations treaty on Political Freedom. This states that elections shall be ‘free’. This implies (in fact it ‘means’ - to me, anyway) that elections shall be without constraint in which all adults should be able to participate – if they want to. It is hardly stretching a point to say that if an election is ‘free’ then the word ‘compulsory’ is not really appropriate. In fact it is a contradiction in terms. How can a political process which involves compelling people to vote be considered ‘free’? This seems to be a distinct case of our MPs saying one thing whilst doing another. There is no shortage of Australian politicians expressing opinions on the governments of other nations and using United Nations treaties when it suits them. And yet they also, in direct contravention of a fundamental United Nations treaty on Political Freedom, defend compulsory voting here.

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<sup>4</sup> Inquiry into the Conduct of the 2004 Federal Election and Matters Related Thereto, Public Hearing Melbourne 25 July 2005.

<http://www.aph.gov.au/hansard/joint/commttee/J8523.pdf>

Politicians create laws. Laws, for example, which prohibit unlawful killing, treason, and rape. Some legislation is less dramatic, such as that concerning Taxation, Media controls, and Trade. But, regardless of the type of law, if the community is to have respect for the laws then each one must be viewed as equally valid and enforced. The alternative is to have a system where legislation exists in a twilight-world where people pick and choose which laws to observe and enforce.

Sadly, this is the situation in Australia. We are in a pretend-world as far as electoral laws are concerned. Those laws state that voting is compulsory. The Australian Electoral Commission says the same. So why is it that politicians, including those on the Joint Committee on Electoral Matters, claim that it is not **really** compulsory? They insist that electors can have their name crossed off the electoral roll during an election – and place a blank (or invalid) ballot into the ballot box. The logic is that, because voting is secret, nobody will know that the voter has failed to vote – so everything is OK. This is what was conveyed to me by senators and MPs of the Joint Standing Committee on Electoral Matters in Melbourne on 25 July 2005<sup>5</sup>. The clear message to me was - it is permissible to break the law, provided nobody else knows that you have done so. Now, if that is an example of their ideas of ethical politics and good governance - I fear for Australia.

### **What Needs to be Done?**

It would be more honest, and would remove the hypocrisy, if the legislation clearly stated that it is legal to **not** vote when the elector has deliberately cast an invalid vote. Currently, the Australian Electoral Commission is sending one message (“Voting is Compulsory”) whilst parliamentarians send another (“You don’t have to vote, if you don’t want to!”).

Young people (and indeed the whole community) need to be told the truth about the history of how, and why, we came to have ‘Compulsory’ Voting. They need to be aware of the advantages **and** the disadvantages of all types of electoral systems. Most importantly, they need to know why (apart from the nonsensical ‘the system has served us well’) is it that our political parties prefer one system over another.

### **Possible essay topics for students would be :-**

Discuss the advantages **and** the disadvantages of compulsory voting.

Discuss the reasons why the Australian Electoral Commission asserts that voting is compulsory, and why politicians feel the need to insist that it is not.

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<sup>5</sup> Mr. Melham (EM 67 and EM 68), Mr. Anthony Smith (EM 68), Mr Senator Forshaw (EM 69)  
<http://www.aph.gov.au/hansard/joint/commttee/J8523.pdf>

Is it ethical to break the law, provided you harm nobody else and no-one else knows? Is it ethical to deliberately cast an invalid vote? Is it legal? Is there such a thing as 'only technically illegal' ?

"It is an elector's duty to vote" .... "Everyone should have the right **not** to vote.". Discuss.

"People are compelled to pay taxes and forced to be on juries. Why shouldn't they be forced to vote?" Discuss.

"If we had voluntary voting, it would be like in the U.S. where hardly anybody votes." Discuss.

"Britain, New Zealand, and Canada have voluntary voting". Discuss.

Australia has Compulsory Voting: the United Nations Treaty on Political Freedom states that elections shall be free. Discuss.

### **Conclusion**

Asserting that Australia is a democratic nation does not make it so. One of the most totalitarian nations of the last century was East Germany – it called itself the German Democratic Republic. Democracies do not thrive in an atmosphere of compulsion ... where politicians whisper that it is permissible to break the law by deliberately failing to vote, provided nobody else knows about it. If it is permissible to cast an invalid vote, then the law should say so.

If young people are to know about our electoral system and their responsibilities (and to have respect for politicians) then it is important that the issue of Compulsory Voting is honestly explained. Warts and all. Without distorting the truth and without pretending that it is the best thing since sliced bread.