

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

Joint Standing Committee on Electoral Matters	
Submission No.	78
Date Received	3/7/02
Secretary	<i>John</i>

June 26, 2002

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.

Current Affairs in Australia

Despite my long-term departure from Australia, I follow political, business and legal developments in the country with a similar intensity to when I lived there. On a daily basis I receive news updates by email and read Australian newspapers online. On a weekly basis I speak to my parents and friends on the phone. I also have a stream of visitors from Australia stay with me in Washington. Through all these avenues I remain well-informed of developments across the country.

The Laws Pertaining to Overseas Voting

While there are many aspects of the electoral laws relating to overseas voting which need to be reconsidered, this submission focuses on two issues: the two-year time limit on enrolling and registering as an overseas voter and the six year limit on overseas Australian voting.

(i) The Two-Year Time Limit on Enrolling and Registering as an Overseas Voter

The two-year time limit on these procedures is problematic for two reasons. First, it seems contradictory to the philosophical underpinnings of the Australian electoral system. Australia is one of the few countries in the world that has a system of compulsory voting. Despite this strong commitment to individual expression and inclusiveness in the democratic process, Australia has highly technical and restrictive provisions relating to overseas voting. Given that Australia deems it so important for individuals to have a stake in their system, to the extent that it is prepared to compel people to vote, it seems contrary to this philosophy to deny its citizens the right to vote when they move overseas. It may be inappropriate for overseas Australians to be compelled to vote in an election - but they should be given the *opportunity* to vote, particularly in an era where technology enables overseas Australians to remain in touch with current affairs.

Secondly, there is a remarkable dearth of information publicly available about the provisions to vote overseas. Had I not spoken with Anne MacGregor I would not have known about the procedures to enrol as a overseas voter. Furthermore, if an election had not fallen within 2 years of my departure from Australia I would have missed the opportunity to register from overseas. Consequently, I would have been disenfranchised until I returned to live in Australia.

(ii) The Six Year Limit on Overseas Voting

The six year limit on overseas Australian voting in elections effectively means that they are able to vote in only two, or at maximum three, elections before they have to re-register on a yearly basis to remain enrolled. The lack of public information relating to these requirements, as well as their burdensome nature, is likely to cause many overseas Australians to lose their vote. Moreover, as discussed above, these requirements are contrary to the philosophical foundation of our system of compulsory voting and antiquated in an era where technology has made it possible for overseas Australians to stay well-informed of current affairs. Eligible overseas elector status should be an indefinite status.

Conclusion

The *Commonwealth Electoral Act* 1918 should be amended so that Australians overseas:

- (i) can enrol to vote and apply for eligible overseas elector status at any time;
- (ii) have the opportunity to vote in any election regardless of how long they have been overseas.

The right to vote of all Australian citizens, irrespective of whether they actually live in the country, is severely compromised under the current electoral laws.

Regards,



Matthew Bye