

Inquiry into the Conduct of the 2007 Federal Election And Matters Related Thereto

Submission by Michael Doyle

The Terms of Reference of this enquiry include 'All aspects of the 2007 Federal election and matters related thereto'. This submission relates to providing the electors with sufficient information about the voting process.

The purpose of this submission is to demonstrate that there is confusion over our system of voting, and that the electors of Australia should have been given adequate information, to enable them to choose whether to vote or not to vote, in the last Election.

“Does Australia Have Compulsory Voting?”

It's a simple question. The Electoral Commission's own website says "Yes." The Electoral Act says that a person who fails to vote, without good reason, shall be liable to a penalty. So, one would imagine that the answer is easy. Yes, we have a system where you must vote - it is compulsory.

In that case, why do so many Australians, including members of the previous Joint Standing Committee for Electoral Matters, have a problem in acknowledging this?

Following the 2004 Federal election, I sent a submission¹ to the Joint Standing Committee on Electoral Matters. My concerns were that democracy, and the community, in Australia suffers from the fact that the Electoral Act compels people to vote.

I made the point that the United Nations *Universal Declaration of Human Rights* states "Everyone has the right to take part in the government of his country, directly or through **freely** chosen representatives". Also, the International Covenant on Civil and Political Rights states that "Every citizen shall have the right and the opportunity, ... to take part in the conduct of public affairs, directly or through **freely** chosen representatives".

It is important to note the word '**freely**' in the above. By no stretch of the imagination can representatives elected by a system that involves compulsory voting be considered . as having been 'freely' chosen. Australia was a signatory to those United Nations articles. Is it any wonder that so many of us, especially the politicians, are ashamed to admit that we have Compulsory Voting.

¹ <http://www.aph.gov.au/house/committee/em/elect04/subs/sub013.pdf>

In 2005 I was generously invited to attend a public hearing² by the Joint Standing Committee and given the opportunity chance to expand on my submission. One of the members of the Committee, Mr Melham, stated “Senator Robert Ray, as a former member of this committee, is one who is always on the record as saying it is not compulsory voting, it is compulsory attendance, and then it is up to you as to whether you actually register your vote”. He added, “What is required under the Commonwealth Electoral Act is that you go along and get your name marked off; whether you register a vote that counts then becomes a matter for you.”

Another Committee member, Senator Forshaw, stated, “Compulsory voting means turning up at the polling place, having your name ticked off and being given a ballot paper; that is what it means.”

So these Committee members were of the view that Compulsory Voting does not mean that an elector must actually vote. According to them, it means a voter only needs to attend and can deliberately fail to vote. Perhaps Vicki Pollard (of the TV programme “Little Britain”) would understand this type of “Yeah-but, No-but, Yeah” type of reasoning. I certainly do not.

It is clear that many in the community believe, as I do and as the Electoral Commission states, that voting is compulsory. However our politicians, who are responsible for legislation, say that it is ‘compulsory attendance’ and that it is therefore the voter’s choice to vote or to fail to vote.

If this is the case, I recommend that this issue be made known through public advertisements during the election period. It should also be clearly reflected by the Electoral Commission on its website, in its information booklets, and on electoral registration forms.

RECOMMENDATION

Electors be informed, during election periods and by the Electoral Commission, that they have the right to fail to vote.

² <http://www.aph.gov.au/hansard/joint/commttee/J8523.pdf>