



Submission to the Joint Standing Committee on
Electoral Matters
INQUIRY INTO THE 2007 FEDERAL ELECTION

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Contact

Rev. Elenie Poulos
National Director
UnitingJustice Australia
Uniting Church in Australia, National Assembly

PO Box A2266
Sydney South NSW 1235
Phone: 02 8267 4239
Email: unitingjustice@nat.uca.org.au

Introduction

UnitingJustice Australia, part of the agency Uniting Faith and Justice in the National Assembly of the Uniting Church in Australia, welcomes the opportunity to present this submission to the Joint Standing Committee on Electoral Matters Inquiry into the 2007 Federal Election.

From the earliest days of the Christian community, notions of 'common wealth', equity and the value of the participation of all people in community life have been crucial elements to Christian advocacy for justice and peace. At its inauguration in 1977, the Uniting Church pledged to involve itself in social and national affairs and articulated its commitment to human rights, including the right of all people to participate in the decision making of their country.¹ The Church has, therefore, a longstanding commitment to work to maintain and enrich the democratic health of Australia and a strong history of advocating for the protection of human rights. We believe that a flourishing democracy will accord every citizen an equal right to participate in the political system, and the right to vote in general elections is a foundational element of this participation. It is out of these beliefs and commitments that we offer this submission.

This submission focuses on the changes to electoral laws in 2006 (contained in the *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006*) which we believe adversely affected the integrity of the Australian electoral system and the ability of many Australian citizens to participate in the 2007 Federal Election.

We recommend that the Australian Government repeal these laws and restore the right and ability of all Australians to engage with the political process in Australia through the proper exercise of their right to vote.

Earlier closure of electoral rolls

Electoral law changes meant that the electoral roll closed to new enrolments at 8pm on the day the election writs were issued. This action was seen to disenfranchise many young people who may not have been aware that an election had been called, nor of the need to enrol promptly.²

The cut-off for updating existing enrolments was brought forward to three days after writs were issued. This potentially disadvantaged people in rural and remote areas and disproportionately affected Indigenous peoples. In addition, this was also seen as adversely affecting the integrity of the electoral roll, as people would be unable to vote in the correct electorate if they did not change their address in time.³

We are concerned that these changes undermined the principle that the electoral roll should include the highest number possible of correct enrolments. These changes also moved Australia in the opposite direction of the trend in other democratic countries.

¹ Uniting Church in Australia Inaugural Assembly (1977), *Statement to the Nation*, available on the UnitingJustice website http://nat.uca.org.au/unitingjustice/resourcearchive/assemblyresolutions/1_Statement1977.doc

² HREOC (2007), 'The right to vote is not enjoyed equally by all Australians', available: http://www.hreoc.gov.au/HUMAN_RIGHTS/vote/index.html, accessed: 01.05.08

³ HREOC (2007), 'The right to vote is not enjoyed equally by all Australians', available: http://www.hreoc.gov.au/HUMAN_RIGHTS/vote/index.html, accessed: 01.05.08

Voters in Canada and New Zealand, for example, can enrol to vote on the day before or the day of their elections.⁴

Proof of identity requirements

These laws require that new voters and voters updating their enrolment have a driver's licence or other identification, such as a Medicare card, sighted by an authorised person. If voters cannot meet this requirement, they must get two electors to confirm their identity.

The changes in proof of identity requirements were unnecessary. It should be noted that an Australian Electoral Committee audit of South Australian voting following the 2001 election found no evidence of fraud, in a roll of over one million people. They were overly burdensome and a discouragement for those enrolling or changing their enrolment, particularly people with disabilities, the homeless, Indigenous Australians and older Australians.⁵

Prisoner voting rights

While the High Court overturned the attempt in 2006 to remove the voting rights for all prisoners, prisoners serving more than three years are still ineligible to vote. This disproportionately affects Australian Indigenous communities, as Indigenous persons are many times more likely than non-Indigenous persons to be in prison.⁶

Given that the International Covenant on Civil and Political Rights sets out a clear imperative for each citizen to have the right to vote, this electoral law would seem to violate the ICCPR. In addition, participation in the voting process as part of the duties of citizenship is seen as very important to the process of prisoner rehabilitation and social reintegration.⁷

By way of comparison, the Supreme Court in Canada found that the disenfranchisement of all prisoners violated the Canadian Charter of Rights and Freedoms. All prisoners in Canada can now vote in elections.⁸

Recommendations

UnitingJustice Australia strongly recommends that the changes to electoral laws, contained in the *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Act 2006* be reversed. These changes directly threaten the democratic health of Australia and violate the human right to vote and participate in the political process. We also recommend that the electoral laws relating to prisoners be changed to allow all prisoners who are citizens the right to vote.

⁴ Yencken, D. and N. Henry (2008), *Democracy Under Siege*, The Australian Collaboration, p.20

⁵ Yencken, D. and N. Henry (2008), *Democracy Under Siege*, The Australian Collaboration, p.20

⁶ HREOC (2007), 'The right to vote is not enjoyed equally by all Australians', available: http://www.hreoc.gov.au/HUMAN_RIGHTS/vote/index.html, accessed: 01.05.08

⁷ Dhami, M. (2005), 'Prisoner disenfranchisement policy: A threat to democracy?', *Analyses of Social Issues and Public Policy*, Vol. 5, No. 1, pp.235-247

⁸ Yencken, D. and N. Henry (2008), *Democracy Under Siege*, The Australian Collaboration, p.20