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The Committee Secretariat
Joint Standing Committee on Electoral Matters
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Submission to the JSCEM Inquiry into the Conduct of the 2001 Election

The thrust of this submission is directed mainly at the issue of voting rights for Australian citizens living overseas.

Personal Background

I was born in Sydney in 1934 into a family which traces its Australian heritage back to British convict arrivals in 1818 and 1820. I am a graduate of the University of New South Wales and a Fellow of CPA Australia. I have a lengthy record of voluntary service with the ACT Division of CPA Australia.

I joined the Australian Public Service in Sydney in 1952 and, after two years in the Northern Territory Administration in 1962-3, moved to Canberra at the end of 1963. Here I worked for the Departments of Treasury and Finance and the Public Service Board. In the early seventies I served for 3 years in the then Australian Treasury Accounting Office in Geneva, Switzerland. Subsequent to my resignation from the public service in 1988 I was a consultant to a number of government agencies in Canberra. As a result of my public service experience I would be considered well qualified as a government accountant, systems developer and management consultant.

I have been retired from the active work force since 1995 and from that time I have been overseas on four trips to the Northern Hemisphere for periods in excess of six months each time. On three of those trips I lived with my daughter in Brussels, Belgium. Last year, when she lived in Washington, I spent eight months in the United States. In 2001 I qualified for a part Australian age pension.

I have voted in every Federal, State and Territory election for which I was eligible to vote with the exception of the 2001 ACT election.

Since the formation of the Southern Cross Group¹ in January 2000, I have undertaken considerable voluntary work with the Group. My principal role is as a monitor of developments in Australia on issues which have the potential to impact on the lives of Australians living overseas. In that role I use the Internet on a daily basis to monitor activities in Parliament, government agencies, and the Australian media. My work with the Group sits well with a long-term interest in public administration, the processes of legislatures and the policies of political parties in Australia, the United States, and the European Union.

The Right to Vote

I believe that in the Australian democratic model the right to vote is an inalienable right attached to the responsibilities of Australian citizenship. It cannot be removed on the basis of a citizen's place of residence or period of absence from Australia.

Some would argue that overseas Australians should not have the right to vote as they do not pay taxes in Australia. That argument is based on the catchcry "No taxation without the right to vote". Historically in many countries that catchcry has served to win the right to vote for many disenfranchised people. It does not follow however that the reverse – "No vote unless you pay taxes"- is true. In Australia where we compel all of our resident citizens over the age of eighteen to both enrol and to vote, there are many people, such as non-working spouses, a large proportion of the student body over the age of eighteen, and pensioners and other low income earners, who do not pay taxes. Of course, many overseas Australians do have an ongoing economic interest here, and pay taxes in Australia.

That is not to say that Australia citizenship is the only basis on which the right to vote in Australian elections should exist. Those permanent residents who are not Australian citizens but have established roots and paid taxes (on a family basis) here for many years would seem to have a moral right to cast their vote in Australian elections. From our research in connection with our campaign on the repeal of section 17 of the *Australian Citizenship Act 1948*, we know that there are many reasons why people are unable or unwilling to take up the citizenship of their country of long-term residence. Few of those reasons have anything to do with a lack of allegiance to, or love for, their country of residence. The extension of the right to vote for such people is an issue that the Committee might wish to pursue as part of its current inquiry.

It follows that I propose to the Committee that it recommend that all existing legislative provisions that act in any way to deny the vote to overseas Australian citizens should be repealed.

¹ For more information on the Southern Cross Group see its website at www.southern-cross-group.org.

The flow of Electoral Information to Overseas Australians

From my own experience while overseas and from contacts with many long term overseas Australians, I believe that the arrangements to keep overseas Australians properly informed of electoral requirements and forthcoming elections is abysmal – one could almost say non-existent.

There is also much anecdotal evidence that the depth of knowledge on electoral matters is shallow in many of our overseas missions. A common response to inquiries seems to be “Voting is not compulsory for you so why bother”.

The problems are many:

- inadequate briefing for citizens on their departure from Australia in respect of their rights to be registered as overseas electors and in the sources of information available to them and their families once overseas in respect of new enrolments and the windows of opportunity attached thereto.
- the lack of acknowledgement of various applications received from overseas by the Australian Electoral Commission (AEC) leaving overseas Australians in the dark as to their status in electoral matters.
- the absence of any formal notification to overseas Australians of upcoming elections and the need to lodge postal vote applications or to attend at an overseas polling place to cast an absentee vote. In this regard I have noted recent advertisements in the Australian press notifying German and Dutch citizens of the need to register to vote in their national elections several months hence. Overseas US citizens are also notified in a similar way of the need to register. We hear also of many Australians travelling overseas who are fined for failing to vote because they had unknowingly failed to register as an overseas elector, or were unaware that an election was to be held, or were unable to meet the timeframe involved in casting a postal vote.
- the short lead time between the calling of Australian elections and the closing date for the return of postal votes which has the consequence that for many overseas Australians the three way international postal cycle for requesting, delivery and return of postal votes is too lengthy and results in many ineffective votes.
- the lack of readily available information about individual candidates, their policies and the policies of the parties they represent.

There are similar problems arising in the case of referenda.

In Australia the flow of information to electors is not a problem. There are extensive and effective advertising campaigns by the AEC on all aspects from the need to enrol, the names and party affiliations of candidates, arrangements for postal and absentee voting, and how and where to cast votes on election day. For referenda each household receives a copy of the “Yes” and “No” cases. Add to that the constant barrage of media coverage and political party campaigns. Few, if any, resident electors would fail to know that an election was to be held, what the main issues are and that they have to cast their vote.

None of that reaches the overseas Australian on the same "automatic push" basis. The lack of coverage of Australian affairs in the overseas media is well known, I am unaware of any overseas advertising campaigns by the AEC, and Australian missions generally have a paucity of contact information for Australian citizens in their area of responsibility – let alone a desire or mechanism to reach out to those people with advice on forthcoming elections.

Many overseas Australians are, of course, unaware that they have been removed from the electoral roll because of their ignorance of the requirement to register as an overseas elector. Or that their legislated time as an overseas elector has elapsed.

My own experience may serve by way of example. In each of my overseas trips I have kept in touch with Australian affairs via the Internet and/or by knowledge of upcoming events acquired prior to my departure. Because of this I was able to present myself to the Embassy in Brussels to first register and then cast my vote in the Republic Referendum. Although I had a number of contacts and friends at the Embassy I do not recall that I received any referendum information directly from the Embassy notwithstanding that I had registered my address in Brussels with them some time earlier.

Shortly after my arrival in Washington in April 2001 I attended the Embassy, which was within walking distance of my place of temporary residence, seeking to register my contact details. I was told by the receptionist, a locally engaged Australian, that such details were no longer recorded by our missions in the United States. (This situation has changed post September 11 with a centralised registration service available on the DFAT website since April this year).

As by that time I had also become aware from SCG research that I needed to apply to the AEC for registration as an overseas elector, I downloaded the appropriate form from the AEC website and returned it to them by fax. The application applied to both my Federal and ACT enrolment. I received no acknowledgement from the AEC that my application had been effective.

Because of travel arrangements which took me away from Washington, I overlooked the need to seek a postal vote for the 2001 ACT election and thus did not vote in that election. To my knowledge there is no support by overseas missions in respect of State and Territory elections even where the respective legislation allows for overseas electors.

In the case of the October 2001 Federal election, my daily Internet monitoring ensured that I was well aware of the calling of the election and the issues involved. In those matters which fall outside the responsibility of the AEC, I was able to locate websites of the several political parties and consider their policy platforms, and found the ABC website very informative in respect of candidate profiles and the balance of parties, etc.

However, I submit that few overseas Australians would have the time or diligence to delve as deeply as I was able. Here, I submit, we need better channels of communication based on a "push" rather than a "pull" philosophy.

As I was living so close to the Embassy I opted to attend the polling place there to record my vote in person rather than risk the process of seeking a postal vote. Although I went to the Embassy on the first day that voting should have been possible, I found that the delivery of ballot papers from

the AEC in Australia had been delayed by several days. Eventually, the papers were received and I was able to cast my vote which I am confident reached the Returning Officer in time to be included in the final results.

Not so, I think, for many Australians who had sought a postal vote from the Embassy and for whom there was a stack of addressed envelopes in the Embassy's polling room awaiting the receipt of ballot papers before posting out to the electors. Given that the US Postal system was in the grip of the anthrax scare and mail handling in the Washington and other areas of the United States was crippled for some time, the postal voting process must have proved ineffective. Some would say that there were special extenuating circumstances here but in my view it is but one illustration of unexpected delays that can occur in the postal services on a country-by-country basis.

Clearly, better processes to ensure the timely flow of information are required. The submission to be lodged by the Southern Cross group contains a number of suggestions in this regard and I will not expand further in this submission.

Direct Representation for Overseas Australians

I have noted over time the arrangements that some other countries have to provide their Diasporas with a direct input to parliamentary and legislative matters. Some countries have parliamentary representatives directly elected by their expatriate citizens, while others have direct representation to official advisory councils.

The previous Government in South Australia had initiated an Internet discussion group on the possibility of expatriate South Australians having their own representatives directly elected to the two houses in South Australia. I am unaware of how far that idea had progressed within government prior to the last election there.

I firmly believe that the need for direct representation of overseas Australians in our Federal, State and Territory governance is a desirable objective in recognising the importance of the Australian Diaspora, which by DFAT estimates is in the order of 860,000 people.

It is a complex issue with many possible models which could be examined and/or developed. Probably it is beyond the scope of your present Inquiry and is certainly not a matter which should be considered as a side issue at this time. I therefore suggest that the Committee might like to recommend to the Parliament a separate Inquiry be established to consider the matter.

I thank you for the opportunity to put my views to the Committee.

John MacGregor.