

Submission to the Joint Standing Committee on Electoral Matters' Inquiry into the Conduct of the 2007 Federal Election.

Introduction

1. NSW Young Labor welcomes the opportunity to participate in the Inquiry by the Joint Standing Committee on Electoral Matters (JSCEM) into the conduct of the 2007 election. As Young Australians, our primary focus is that of the enfranchisement of all voters, something which was demonstrably lacking in the 2007 federal election.
2. There are essentially two limbs to our submission, both relating to the inclusion of young people in the Australian democratic process. The first is regarding the negative and exclusionary effect that the *Electoral Amendment and Referendum (Electoral Integrity and Other Measures) Act 2006* has had. The second relates to the trends in the behaviour and activities of young people and how these could be effectively harnessed to improve their level of participation in our democracy.

The negative impact of the *Electoral Amendment and Referendum (Electoral Integrity and Other Measures) Act 2006*

3. NSW Young Labor submits that the *Electoral Amendment and Referendum (Electoral Integrity and Other Measures) Act 2006* had the net effect of disenfranchising tens of thousands of otherwise eligible Australian voters, with no incidents (as we understand it) of fraud foiled by increasingly onerous identity requirements documented.
4. Unsurprisingly, a major issue of concern to our organisation is the disenfranchisement created by the closing of the rolls a day after the writs are issued. As an example, of the 67,000 voters added to the roll immediately prior to the Victorian election, 26,000 were added to the roll after enrolling to vote either too late or arriving at a polling booth, attempting to vote, finding they weren't enrolled, and enrolling on the day. Moreover, the fact that Victoria and other states have fixed-term elections meant many voters were well aware of the fact that they needed to enrol months prior, owing to a significant VEC campaign to this effect.
5. Despite Australia's population growth of around 700 people per day, the AEC has recorded sustained decreases in enrolled voters in recent times. Between April 2005 and December 2006, the number of enrolled Australians fell from 13,216,525 to 13,174,866, a fall of around 41,000. The substantial increase in enrolments prior to the Victorian state election, and to a lesser extent the Queensland state election, masks the true extent of the decline in enrolments.

6. The eligible voting population should have increased substantially during that period; Western Australia, supposedly a booming state, lost around 20,000 voters during the above period. Victoria had lost 32,000 voters between April 2005 and mid 2006, before gaining around 67,000 over the period, following enrolment ahead of the November election. In the 2006 AEC annual report, it was said in the enrolments section that:

'Long-term national enrolment analysis indicates that there is a consistent increase in activity in a federal election year and a decrease in the following nonelection years'.

It is in this vein that future efforts to ensure the 'integrity' of the electoral roll should be re-calibrated, with a view to ensuring a more inclusive, rather than exclusive approach. This would ensure greater compliance in terms of compulsory voting and greater accuracy of the roll in terms of enrollees details and the number of enrollees.

Consideration should be given to the Canadian enrolment system

7. Accordingly, the Canadian system of automatic enrolment is worthwhile considering. Additions to Canada's equivalent of our electoral roll- their National Register of Electors- are maintained by the AEC's counterpart, Elections Canada, substantially through a user-friendly system whereby a box ticked on tax forms, change of address forms through the postal system, or upon obtaining Canadian citizenship, arguably ensuring a more complete register of electors, with greater integrity, than our system following the 2006 legislative changes.
8. The reason that the Canadian, or alternatively the New Zealand system, should be looked to for the purposes of improving our own enrolment processes, is the clear focus of the above legislative changes on preventing large numbers of predominantly young Australians from enrolling in the lead-up to a general election. It is our position, as above, and indeed the position of the majority of individuals and organisations that have made submissions to this inquiry in respect of this aspect of the conduct of the 2007 election, that the AEC should be tasked with ensuring maximum participation in our electoral processes by those who are entitled to vote absent correct enrolment details.

Negative impacts on young people

9. Making it harder for young people, often students juggling considerable study and work commitments to support those studies, and often regularly changing their addresses, was the consequence of the above legislative changes. In part, it contributed to the escalating increases in the number of provisional votes, and more specifically, in the

noticeable increase in the number of provisional votes subsequently excluded by the relevant DROs. Widely available AEC figures demonstrate the growing problem of high numbers of provisional votes, and more specifically the ever-increasing number of exclusions:

National

Election	Issued	Received	Counted	Excluded	
	no	no	no	no	%
2001	165 238	165 238	81 266	83 972	50.82
2004	180 878	180 878	90 512	90 366	49.96
2007	167 682	167 682	24 212	143 470	85.56

Source: AEC website

10. The partisan nature of the so-called electoral integrity measures is of substantial concern for anyone with an interest in the fair and effective operation of our electoral system. As an example, two of the final Newspolls taken prior to the 2007 federal election demonstrate the significantly greater support for Labor among voters aged 18-34 than in other demographics. Making it harder for younger voters to enrol or making it less likely that their votes will in fact count has the arguably intended effect of excluding non-Coalition voters, and votes.

11. As an example of the actual effect of this gerrymander, the Newpoll published in *The Australian* of November 16, 2007 shows that voters aged 18-34 were supporting Labor 54-34 nationally on a two-party preferred basis, a lead on a two-party preferred basis ten percent greater than in other demographics. The final Newpoll prior to the federal election, published on November 22, 2007, showed a minor shift in the 2PP vote, remaining in Labor's favour 51-35. Either way, it appears to be entirely lacking in co-incidence that the previous Government targeted 'electoral integrity measures' at a demographic between 15% and 20% more likely to vote Labor, as well as a demographic with a higher likelihood to vote for the Australian Greens.

Questionable basis for the Howard Government's reforms

12. Regarding the point of the validity of the 'electoral integrity measures', making the AEC's continuous roll update process an increasingly exclusive function, we feel it is instructive to note a Parliamentary exchange (Question No. 3738) between Melbourne Ports MP Michael Danby and then Special Minister of State, The Hon. Gary Nairn. The Minister, responding to a question asked some two years before by Danby, noted that there had been no prosecutions of any individual for electoral fraud in 2004-5 financial year, the period during which the 2004 general election had been held. In another exchange (Question No. 2605) where the Minister took three years to reply, the Minister listed a mere handful of alleged cases of fraud as justification for a system which by design excluded tens of thousands of otherwise

eligible voters, who would have hitherto been able to enrol in the five business days following the issuing of the writs for the federal election.

Identity Requirements

13. Changes made to the Electoral Act 1918 (s. 235) providing for greater identity requirements are cited by some commentators as contributing to the greater proportion of excluded provisional votes at the 2007 general election. We feel that this alone does not explain the sustained trend in terms of the number of provisional votes excluded over the past three general elections at the federal level. Absent these changes made by the Coalition Government- providing greater identity hurdles for eligible voters analogous to the remainder of the suite of so-called 'electoral integrity measures'- a percentage of excluded provisional votes more in line with the 2004 percentage and preference flow of the main candidate not declared the winner could have led to different results in the seats of McEwen, Bowman, Dickson, Herbert, and Swan. Perhaps unsurprisingly, those seats are all presently in Coalition hands, with McEwen won after a prolonged legal battle and Swan won after weeks of exhaustive counting and re-counting. The overall effect of the high number of excluded provisional votes is that the Coalition's legislative changes not only prevent people from getting on the roll in the first instance, but have prevented an ever increasing number in the tens of thousands of votes from counting when cast by voters on the roll.

Improving the participation of young people in the democratic process

14. With the ever-increasing demands on people's time, voting in person is becoming both impractical and inconvenient. For a young person who is working part-time and studying full time, it is more than likely a trip to their local school on a Saturday would be a burden. This is especially the case for young people employed in retail positions (as the overwhelming majority are). It is also difficult for young people in rural and regional areas who don't necessarily have ready access to public transport.

Online Voting

15. Young people are engaging with new technologies like mobile phones and the internet in greater numbers than ever before. It is no secret that these technologies are changing the way in which we communicate and interact with society. The internet has already demonstrated its capacity to improve accessibility and include people in rural and remote areas.
16. NSW Young Labor submits that due consideration should be given to the possibility of instituting online voting to improve access and increase participation rates. It is abundantly clear that the internet is becoming a preferred medium for most young people with the takeup

of social networking sites like Facebook and MySpace. We have no doubt that an online voting system would encourage and improve the participation rates of young people in elections.

17. Instituting online voting would have other benefits like reducing the cost of polling day activities, enabling speedier and more reliable results, and reducing the need (and hence, cost) of postal and pre-poll voting.

SMS Voting

18. It has been widely demonstrated through interactive reality television shows like *Big Brother* and *Australian Idol*, that voting by text message is a popular method of voting. NSW Young Labor is aware and acknowledges that the voting system used by *Big Brother* differs substantially from that used in an Australian Federal Election but we posit that the principle is the same and that the demonstrated willingness participation, particularly by young people, in SMS voting systems is justification enough to seriously consider allowing voting via SMS in Federal Elections and Referendums.
19. Text messaging or "Short Message Service" has proved to be incredibly popular with not only young people, but with the Australian population as a whole. Research outlined by the Australian Communications and Media Authority (ACMA) in its September 2007 report "*Telecommunications today: Consumer attitudes to take-up and use*" identified that 87% of respondents used mobile phone services, 100% of respondents between 18 and 34 owned mobile phones and that, of those who had mobile phones, 75% used their mobile phones for text messaging. These figures indicate that SMS voting would provide an unparalleled opportunity to substantially bolster the rates of youth participation in elections.
20. Further, given mobile phone service is constantly improving in rural and regional areas, voting by SMS would have similar benefits to online voting in that it would reduce the cost of polling day activities, enable speedier and more accurate results, and reducing the need (and hence, cost) of postal and pre-poll voting.
21. NSW Young Labor recognises that there will be inherent problems in just about any system of voting and without doubt there will be criticisms of these proposals. We believe that these problems can be mitigated if they are subjected to proper scrutiny and safeguards are built into the system. For example, SMS voting would require individual registration of mobile numbers on the electoral roll and the mobile phone number registration system would have to be tightened to ensure that the actual user of the phone's name is recorded along with the number. Nevertheless, we firmly believe that these proposals

should be given due consideration given their potential to enfranchise and engage young voters.

Recommendations in summary

1. That the Rudd Labor Government scrap the Howard Government's electoral reforms relating to the timing of roll closures and identification requirements.
2. That any future changes to the enrolment system be framed in an inclusive manner to ensure that people across all demographics are given an opportunity to participate in the democratic process.
3. That a system of automatic enrolment, like the Canadian system, relying on information on government documents such as tax returns, Centrelink applications, and drivers license applications be considered by the Rudd Labor Government.
4. That alternative means to "in-person" voting be considered including: -
 - Online voting; and
 - SMS voting