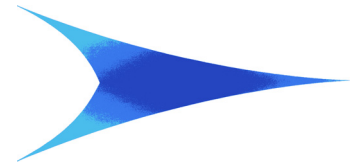


# The Southern Cross Group

Promoting Mobility in the Global Community  
[www.southern-cross-group.org](http://www.southern-cross-group.org)



## MEDIA RELEASE

### Electoral Act Changes Won't Help Most Disenfranchised Expat Australians

The Southern Cross Group (SCG) today cautiously welcomed legislation just passed by Parliament in Canberra which will enable a small number from many thousands of currently disenfranchised overseas Australians to vote, but probably not in time for the 2004 federal election.

In the order of half a million Australian citizens overseas of voting age will remain stripped of the right to vote in elections at home even after the amendments to the Electoral Act enter into force.

The *Electoral and Referendum Amendment (Access to Electoral Roll and Other Measures) Act 2004* was passed by the Senate on Thursday 17 June 2004. The relevant provisions will enter into force only 28 days after the Governor-General gives Royal Assent. Royal Assent is expected to take place within the next few weeks.

Three provisions in the new Act will amend Sections 94 and 94A of the *Commonwealth Electoral Act 1918* which deal with enrolled voters leaving Australia, and enrolment from outside Australia.

Those already on the electoral roll currently have only a two-year window of opportunity once they've left Australia to change their status with the Australian Electoral Commission (AEC) to that of Eligible Overseas Elector. Similarly, those not on the electoral roll when they leave the country or whose names are removed for whatever reason after they leave have a two-year window to enrol afresh after departure.

Both two-year windows will now be extended to three-year periods.

In addition, an Australian enrolling from overseas is presently only entitled to do so if they have ceased to reside in Australia for reasons relating to their career or employment or for reasons relating to the career or employment of their spouse. This requirement will be removed when the amendments to the Electoral Act passed on 17 June enter into force.

Anne MacGregor, co-founder of the SCG, speaking from Brussels, said, "These small changes have been enacted as a result of continued advocacy work by the SCG on behalf of thousands of voteless Australian citizens overseas. In 2002 we made detailed recommendations to the Australian Parliament's Joint Standing Committee on Electoral Matters (JSCEM) as part of its Inquiry into the Conduct of the 2001 Election. Some 100 disenfranchised expats also made individual submissions to that Inquiry. But the JSCEM's resulting June 2003 report was highly disappointing in its extremely limited recommendations for change. We've repeated our calls in the context of the ongoing Inquiry into Australian Expatriates being conducted by the Senate's Constitutional and Legal References Committee to which almost 700 submissions have been made.

"Our view remains that it is absolutely inappropriate to impose any time limitation whatsoever on the period for enrolment from outside Australia and for registration as an Eligible Overseas Elector. Any Australian citizen overseas should be able to enrol to vote at any time. The right to vote is a fundamental right attached to citizenship. Few in Australia realise that technical enrolment provisions in our law are operating to disenfranchise a half a million Australian citizens."

Once in force, the changes will benefit only expat Australians who left the country between two and three years ago. All those citizens who are no longer on the Electoral Roll for whatever reason and who left Australia more than three years ago will still be prevented from enrolling and will therefore remain disenfranchised.

The SCG urges all Australian citizens overseas who have not lost the right to vote to act now to make sure that their enrolment details are in order well in advance of the forthcoming federal election. Once the election is called, there will only be a seven-day period for people to enrol or to change their enrolment details until the rolls are closed.

Anyone not sure whether they are still on the electoral roll can send an e-mail to the AEC at [info@aec.gov.au](mailto:info@aec.gov.au) stating their full name, date of birth, and address or addresses for which they have been enrolled previously. The AEC will then confirm or deny their enrolment. The AEC can also be reached on +61 2 6271 4411, or visit the AEC website at [www.aec.gov.au](http://www.aec.gov.au).

Robyn Stephenson, the SCG's Co-ordinator for North America, said that it is not compulsory for Australians overseas to vote. However, those expats who are on the electoral roll and who do not vote in person at an Australian mission or seek a postal vote for the forthcoming election need to understand that the AEC has the legal right to remove their names from the electoral roll and that this will in most cases result in their subsequent disenfranchisement for the rest of the period they live abroad.

"Many expats tell the SCG that they care about the future of Australia, and would like to have their say from overseas," she said. "It's a matter of great bitterness for many that they are being denied the right to electoral participation in the country they still call home and intend to return to live in sooner or later."

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### **Further Information:**

[www.southern-cross-group.org](http://www.southern-cross-group.org)

<http://www.aph.gov.au/house/committee/em/elect01/>

[http://www.aph.gov.au/senate/committee/legcon\\_ctte/expats03/index.htm](http://www.aph.gov.au/senate/committee/legcon_ctte/expats03/index.htm)

[www.aec.gov.au](http://www.aec.gov.au)

For the full text of the Commonwealth Electoral Act 1918, see:  
<http://scaleplus.law.gov.au/html/pasteact/0/57/top.htm>

**18 June 2004**