

File Note

Meeting at Australian Electoral Commission (AEC)

Canberra, Friday 21 April 2006, 10 am

Present:

Brien Hallett, Assistant Commissioner – Communications (AEC)

Andrew Moyes, Assistant Commissioner – Roll Management (AEC)

Doug Orr, Assistant Commissioner – Elections (AEC)

Anne MacGregor, Co-founder, Southern Cross Group

BH and the other AEC staff present at the meeting had received a copy of the SCG's letter to Gary Nairn dated 17 March 2006 and the current version of the SCG's voting information flyer in advance of the meeting. These had been sent by AMacG to Electoral Commissioner Mr Ian Campbell on 30 March 2006 with AMacG's request for a meeting with the AEC.

AMacG said a few words about the SCG and what it had done on expatriate voting to date. She explained that while the SCG was continuing its advocacy work for legislative change to extend the franchise to a greater number of overseas Australians, it was also of the view that much more could be done to educate Australians both at home and abroad on the requirements of the current legislation, so that fewer Australians moving overseas would lose their right to vote going forward, even in the absence of legislative change. The SCG had been circulating successive versions of its voting flyer as broadly as its limited volunteer resources allowed for about three years and doing what it could to educate the diaspora on the current rules.

BH noted that the AEC's job was limited to applying the law as it presently stands.

BH noted the amendments to the *Commonwealth Electoral Act 1918* (the Electoral Act) presently going through Parliament in the form of the *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2005* (the Bill).

Background Note: Currently, the Electoral Act provides for the electoral roll to close seven days after the election writ is issued. The Bill will reduce the existing close of roll period for new enrolments and re-enrolments to 8pm on the day the writ is issued. There are exceptions to this for 17 year-olds who turn 18 between the day the writ is issued and election day, and for people who are granted citizenship between those times. The date for the close of roll for these people will be at 8pm three working days after the issue of the writ. People who are currently enrolled, but who need to update their details, also have until 8pm on the third working day after the issue of the writ.

AMacG noted that these amendments will negatively impact expatriate Australians. Like those in Australia, many people abroad only thought about doing something about their enrolment status with the AEC when they heard an election had been called. The calling of an election acts as a catalyst for the notification of changes to the roll and new enrolments, and the SCG's concern is that overseas Australians will become disenfranchised in greater numbers in the future due to this impending amendment.

BH explained that in view of the amendments, the AEC expected to launch an intensified campaign on enrolment probably in January 2007, which would run until the next federal election.

The date of the election is uncertain, but the last possible date for the election in legal terms would be Saturday 19 January 2008. As this falls during the summer period, it would seem more likely that the election would be before the Christmas/summer holiday period, i.e. perhaps in November or early December 2007.

BH said that he expected that the AEC campaign would be mainly web-based and that the AEC was happy to hear ideas as to how overseas electors could be better catered for.

Educating Intending Expats

AMacG said that within Australia, quite apart from the difficulties of reaching people once they are overseas, much more could be done before people left Australia so that fewer people moving overseas fell foul of the "three year" limitation.

AMacG noted that although the AEC has information available, in particular on its website, the message that people can become disenfranchised for the entire period that they live abroad is not being expressed in stark enough terms. The message should be: *If you don't fill in the right AEC form and send it back within three years of leaving to live abroad, you run a serious risk that you will be deleted from the electoral roll and you will miss your window of opportunity for re-enrolling while you remain abroad.*

For example, there could be posters up permanently in all the international departure areas of Australian airports. As well as the immigration card that people are required to fill out and hand in as they go through into the departure lounge areas, there could be an AEC form for all Australian citizens 18 or over. There could be AEC collection boxes in the lounges so that people could "post" the form back easily before they got on the plane. The form would have to make clear, though, that voting is not in fact compulsory while you are overseas. But it should also point out that if you are going away for any length of time, and you choose not to register as an Eligible Overseas Elector with the AEC within three years on initially leaving, once you have not voted for one election from overseas, you would be unlikely to be able to re-enrol for the election after that.

BH noted that these days, it was becoming increasingly difficult, especially among the younger sections of the population, to get people to fill in forms and post or fax them back. Many young people operate their lives online or via mobile phones. Enrolment is something which still requires a form to be filled out.

AMacG also made the suggestion that AEC forms on enrolment and voting from overseas should be prominently displayed in Australian post offices right next to passport application forms.

There was also discussion concerning the information on overseas enrolment and voting presently in the little information booklet that DFAT gives everyone with their newly-issued passports (both for passports issued in Australia and through overseas missions) and whether it was sufficient. AMacG made the point that there was some information in the booklet, but it failed to draw out the problem of the risk of disenfranchisement and the three year deadline strongly enough.

AMacG suggested that there should also be permanent posters up in the public areas of all overseas Australian missions and leaflets to take away, so that Australian citizens passing through would always have an opportunity to find the information.

BH said that the AEC would look into these suggestions.

AMacG also suggested that the Australian travel industry might be able to assist by providing Australian citizens who had international airline tickets issued to them with a standard AEC brochure.

In conclusion, there were a number of unexploited avenues available within Australia to reach departing Australians and to educate them before they left the country.

Statistics on Overseas Voters

AM said that as at 31 March 2006 there were 15,957 individuals on the electoral roll with Eligible Overseas Elector (EOE) status.

AMacG commented that this figure appeared to have gradually risen in the last few years. In August 2001 there had been only 9,064 people on the roll with EOE status.

Nevertheless, since 68,544 votes were issued overseas for the October 2004 election, it was still clear that many who voted overseas were either tourists or away from Australia on only a short term basis at the time of the election and had not needed to register with the AEC as EOE's. To some extent this number of issued votes probably also comprised people who had left Australia to live abroad since the last election, i.e. relatively recently, who had not requested EOE status with the AEC but were still on the electoral roll at the address where they had resided before moving overseas.

It was noted that votes could be issued overseas to a person who might not actually be on the electoral roll.

AMacG mentioned a recent case that had come to the attention of the SCG in March 2006. An Australian woman now in France who had left Australia to live in Asia in 1996 had registered as an EOE at that time. She had voted in every federal election from abroad since her departure. Her vote cast in Paris in the 2004 election had been cancelled. It emerged, after she had received information on the issue from the SCG in early 2006, and inquired with the AEC directly, that her enrolment had lapsed and she had been deleted from the electoral roll. She had been unaware that she had to renew her EOE status after six years.

Background Note: During the Senate Finance and Public Administration Legislation Committee Inquiry into the Provisions of the *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2005*, which reported on 28 March 2006, the Electoral Commissioner Ian Campbell had provided recent AEC figures on the number of changes made to the electoral roll in the seven day period before the close of the rolls prior to the 2004 federal election. 423,000 people either enrolled for the first time or changed their enrolment details. Of this figure, 78,908 people enrolled for the first time; 78,494 people re-enrolled (that is, they had been enrolled, they had been objected off the roll, but the AEC still had a record for them); and 255,000 people had changed their enrolment details. In order to counteract disenfranchisement in Australia once the Bill is law, the Senate Committee supported the AEC's proposal to conduct public awareness campaigns and to modify the format and working of the reminder letters sent to people about electoral enrolment.

AMacG noted that in the context of the Senate Committee's recent Inquiry into the new amendments, the AEC had disseminated an analysis of people (broken down by age, division and day) who enrolled in the seven days after the writ was issued for the 2004 election. She asked whether this some breakdown could be provided by EOE and/or any other overseas indicators, perhaps by electorate. AM said that he would see what the system allowed him to pull out and get back to AMacG.

AM noted that an EOE cannot change their enrolled address while they are overseas, but only their overseas postal address.

AMacG explained that she is an EOE and had moved within Brussels and had wanted to tell the AEC that her overseas address had changed. There was no form for change of overseas contact address for EOE's to use, although many overseas Australians are serial expatriates. After an e-mail to the AEC, AMacG had been advised to fill in a fresh application for registration as an eligible overseas elector, although she already was an eligible overseas elector. That form requires people to state the date they left Australia. AMacG mentioned that she had been concerned that the person processing the form at the AEC would not realise that she was already an EOE and on seeing the date she left Australia, would conclude that she was not entitled to register as an EOE, because it was now more than three years since she had left Australia. She had written in red pen on the form that she was just changing her address to avoid this potential problem.

BH said that he would raise the points discussed with the Electoral Commissioner in the following week.

AMacG was given an AEC showbag to take away with the slogan "Enrol and Vote" on it and some other materials, including the AEC's current fact sheet headed "Going Overseas?".

The meeting concluded at 11 am.

Postscript

BH e-mailed AMacG on 28 April 2006 and advised as follows:

“Following our meeting last week in Canberra, I said that I would raise the various matters we discussed with the Electoral Commissioner on his return from interstate. I have now briefed Mr Campbell and can advise that the AEC will have discussions with DFAT officials about some of the ways we may be able to provide more information to Australians about their enrolment and voting responsibilities at key points of their interaction with that agency.

I will keep you advised of developments.”