

The Southern Cross Group

Promoting Mobility in the Global Community

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Primary Submission to the **Joint Standing Committee on Electoral Matters**

Inquiry into Civics and Electoral Education

Brussels and Canberra
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Executive Summary

In the 21st century, ever increasing numbers of Australia's eligible voters spend time travelling or living abroad. In 2005, 158,440 Australian residents left Australia "permanently" or with the intention to remain abroad for at least a year. Another 4.754 million left Australia for periods of less than one year. A very high proportion of those going abroad are young people. It stands to reason that at the time of any Australian federal election, several hundred thousand eligible electors will be out of the country.

It is Parliament's intention that eligible voters leaving Australia should be able to vote from abroad. Australia's present electoral arrangements provide two mechanisms for the eligible voter to continue voting once away: the status of Eligible Overseas Elector (EOE), and the status of "temporarily absent". Both these groups are Primary AEC Customers because they are eligible voters.

Voting is voluntary for Australian citizens abroad at the time of an election, and the SCG believes that it would be impossible on practical grounds alone to ever impose compulsory voting on the diaspora. But whereas civics and electoral education programs directed at the resident population do not have to focus on getting voters to turn out because voting is compulsory, and can therefore have more ambitious aims, for the eligible voter group overseas the main goal of any electoral education initiative must be that of achieving higher levels of electoral participation.

Based on the limited data available, electoral participation rates by eligible voters outside the country are presently disturbingly low. Taking into account that there are at least an estimated 800,000 adult Australians resident abroad at any one time, based on the number of votes issued overseas in the October 2004 federal election, it would appear that electoral participation rates by adult Australians resident abroad are below 10%. This figure sinks into single digits once it is understood that approximately 80% of votes issued abroad are issued to Australians who are out of the country as tourists or on business or for relatively short periods rather than longer-term overseas Australian citizens.

Among several identifiable reasons for this low participation, two hurdles stand out that can be addressed by government:

- Many Australians resident abroad (perhaps in excess of 500,000) are no longer enrolled and the three-year limitation in Section 94A of the *Electoral Act* prevents them from re-enrolling while they remain living abroad;
- Many departing Australians and Australians already abroad are ignorant of the rights and responsibilities in Australia's electoral system applicable to them, which change once they are

offshore. Although resident eligible voters departing the country still have the right to vote, many have simply not been alerted to the different enrolment and administrative technicalities which, if ignored for too long, can result in inadvertent but permanent disenfranchisement (under the first bullet point above) while the person remains resident abroad.

Legislative change is required to address the first hurdle, and the Senate's Constitutional and Legal References Committee recommended such a change in March 2005. The Government has yet to respond to that recommendation. The JSCEM, although mandated to consider electoral matters, has declined to consider or endorse the Senate Committee's recommendation.

For the purposes of this Inquiry, the SCG's focus is on suggesting practical electoral education measures, achievable without legislative amendment, which would greatly raise electoral participation among overseas eligible voters and in particular young overseas eligible voters even within the current limitations of the law. The AEC has a duty not only to provide passive information on its website, but to engage in active efforts for the overseas eligible voter group, which is a subset of its Primary AEC Customer group.

The SCG's key suggestion is that the AEC should actively provide all adult Australian citizens and eligible British subjects with basic guidance on "what to do" before they leave Australia, most logically at international departure terminals, although other avenues are also available. This information should be couched in terms which encourage continued electoral participation from abroad, despite the fact that voting is voluntary.

The JSCEM's concern with "the current status of young people's knowledge of, and responsibilities under, the Australian electoral system" has a direct connection with the Australian diaspora, since a large proportion of the present and future diaspora is young, and the age demographic of the diaspora is much younger than the age demographic of the resident Australian population. AEC estimates indicate that at the 2004 electoral roll close, only approximately 82% of young Australians (17-25 years of age) were enrolled, compared to 95% of other Australians. A large percentage of those leaving Australia to live abroad are in their 20s and 30s.

If young Australians are not on the electoral roll when they go abroad, they are even less likely to enrol from abroad. Further, the non-voting habit may be perpetuated in later life, even on their return to Australia. Research in the context of voluntary voting among young British electors suggests that many young non-voters remain non-voters as they grow older. This could have negative implications for electoral participation in Australia even despite compulsory voting, and will most likely also negatively impact other aspects of civic engagement.

None of these outcomes would be desirable in a nation in which the vast majority of citizens support compulsory voting, which itself has given rise to a culture, or norm, of universal participation.

Suggested civics and electoral information tailored to the needs of those individuals abroad who will become Australian citizens again or for the first time under the provisions of the *Australian Citizenship Bill 2005* most likely in 2007 or beyond, presently before Parliament, is also discussed. It is submitted that this group of new citizens must be distinguished, and will have different needs, to naturalising migrants in Australia, for whom nevertheless suggestions for civics and electoral education are also put forward.

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Introduction

The Southern Cross Group (SCG) welcomes this opportunity to place its views before the Joint Standing Committee on Electoral Matters (JSCEM or Committee) in the context of the present inquiry into civics and electoral matters.

The bulk of this submission (**Part 1**) addresses civics and electoral education for the eligible voter abroad and departing Australians.

The SCG believes that it falls very much within the terms of reference of this Inquiry to properly consider how Australian government agencies can improve the way in which the rights and obligations in the *Commonwealth Electoral Act 1918 (Electoral Act)* as it currently stands pertaining to overseas Australians should be brought to the attention of those who find themselves subject to those provisions. This is, after all, what is meant in the purest sense by “electoral education”.

A key consideration is that the diaspora demographic is a much younger demographic than the Australian resident population. Efforts to educate young Australians and departing and overseas Australians will in many instances be able to kill two birds with the one stone. Increased levels of participation by the diaspora should over time necessarily give rise to increased levels of youth enrolment and participation.

There are many practical steps which can be undertaken without huge expense by Australian government agencies to increase levels of electoral participation among overseas Australians. Although the *Electoral Act* contains provisions which prevent the participation by all adult overseas Australians in Australian elections, it is very clear that many who do have a right under the law to participate in elections when they initially leave Australia are in large part ignorant of the law and the administrative requirements which they must fulfil to maintain their franchise while abroad. The need for appropriate and increased electoral education for intending expats and new expats becomes all the more acute because the law presently contains a “drop dead date” of three years from the date of departure beyond which enrolment or re-enrolment becomes legally impossible. A fundamental message in any electoral literature must be to communicate these limitations so that those who do not take the appropriate steps within that initial three year period can do so in full knowledge of the consequences that their lack of action will have for their franchise as overseas citizens going forward.

The challenge for the Australian Electoral Commission (AEC) and other government agencies in delivering any form of civics or electoral education to eligible voters overseas is necessarily different for two main reasons:

- The target group is not physically present in Australia (although a large proportion of those about to join the target group can be reached before they leave Australia); and
- The target group is not subject to compulsory voting.

The first reason is not an insurmountable hurdle, although it requires some thinking “outside the box”, and the second reason provides no excuse for not trying to engage the overseas eligible voter group. But the second reason does mean that higher levels of electoral participation will need to be the basic and primary goal of such campaigns, whereas for the resident Australian population, high levels of electoral participation are a given because voting is compulsory so more ambitious goals might be pursued.

If anything, the norm of universal participation established in the Australian consciousness as a result of compulsory voting, and the desirability of high levels of electoral turnout which most Australians appear to support, makes it incumbent upon the AEC and other agencies to strive harder for higher electoral participation levels of Australian eligible voters who are not in Australia, even despite the fact that voting is voluntary for this group. The AEC has a duty to do so. Its Online Action Plan of 13 February 2004 states:

The AEC Strategic Plan 2001-2004 has identified the Eligible Voter as the Primary AEC Customer. Other important customers include Parliament, Ministers, Political Parties and Australian and Overseas communities. The AEC seeks to ensure that the eligible voter is not negatively affected by the provision of services to other customers and stakeholders.

Intending expats, those expats on the electoral roll and those who are not on the roll but who left Australia within the last three years are all eligible voters. It is Parliament’s intention that they should be able to vote while out of the country. As such, they are Primary AEC Customers, and appropriate resources need to be spent on them. Their needs should be adequately addressed and properly financially resourced before the AEC turns to its other international assistance and humanitarian activities.

Ideally, intending expats need to be “caught” and educated about their legal rights to remain enrolled and to vote from overseas at a point before they leave the country. But even once they are abroad, there are ways in which at least some of them can be actively reached.

Very limited outreach efforts by the SCG to date (which have not included active efforts to reach intending expats before departure although the SCG’s website is accessible from within Australia) indicate that it is possible to increase political participation in the diaspora just with overseas information campaigns and that many overseas Australians simply require timely and appropriate

information in order to make their electoral participation possible. This work is outlined for the Committee below, along with a number of specific proposals for improving electoral education for intending expats and current expats.

Part 2 of this submission deals with Civics and Electoral Education for New Australians Living Overseas.

Finally, **Part 3** addresses Civics and Electoral Education for Migrants and Would-be Migrants.

1 Civics and Electoral Education for the Eligible Voter Abroad and Departing Australians

1.1 SCG Advocacy Work on Diaspora Electoral Matters to Date

As the Committee is aware, the SCG was an active participant in the Inquiry into the 2001 Federal Election and matters relating thereto which was conducted during 2002 and 2003.¹ During that Inquiry, the SCG raised the issue of the availability of electoral information to intending expatriates and those Australian citizens already abroad in the context of a wider examination of the appropriateness of various restrictions in the *Electoral Act* on enrolment for overseas electors. Amendments to the *Electoral Act*, limited in scope, but nonetheless helpful for a small number of expatriate Australians, came into force in mid 2004 as a result of the Government's acceptance of Recommendations 4 and 5 in the JSCEM's June 2003 Report.²

The JSCEM is cognisant of the fact that in October 2003, following a number of representations to Government by the SCG, the Senate's Constitutional and Legal References Committee initiated an Inquiry into Australian Expatriates. The SCG and many in the Australian overseas community used that Inquiry as an opportunity to put additional extensive material concerning expatriate enrolment and voting before Australia's elected representatives, in the period 2003 – 2005.³

The SCG and many expatriate citizens were heartened by the various recommendations resulting from that Inquiry which were tabled in the Senate on 8 March 2005.⁴ Recommendation 13 concerned the matter of expatriate enfranchisement:

- Australian citizens moving or living overseas should be entitled to register as an "Eligible Overseas Elector" if they left Australia in the previous three years, or have returned to Australia (for any length of time) in the past three years; and they intend to resume residence in Australia within six years of their departure; and
- Australian citizens who have been living overseas for six years should be entitled to renew their enrolment as an eligible overseas elector if they have returned to Australia (for any length of time) within the last three years.

1 SCG Submissions of 12 July 2002, 9 December 2002, 18 February 2003, 2 March 2003 and 5 May 2003, all available in the Overseas Voting folder in the archives section of the SCG website at www.southern-cross-group.org.

2 *Electoral and Referendum Amendment (Access to Electoral Roll and Other Measures) Act 2004*, in force from 21 July 2004; see also Government Response to the Report of the JSCEM: The 2001 Federal Election, October 2003, pages 3 and 4.

3 The 677 submissions received by that Inquiry are available at: http://www.aph.gov.au/senate/committee/legcon_ctte/expats03/submissions/sublist.htm.

4 *They still call Australia home: Inquiry into Australian Expatriates*, Report by the Senate Legal and Constitutional References Committee, 8 March 2005.

This recommendation was supported by Government senators on the Senate Committee. The Senate Committee also recommended that voting for overseas Australians should continue to be non-compulsory.

More than a year after the tabling of the Senate Committee's findings at the conclusion of the Inquiry into Australian Expatriates, the Government has not tabled its response. On 5 May 2006 the SCG wrote to Attorney-General the Hon Philip Ruddock MP asking when a Government response might be expected **Annex 1**. No response had been received from Mr Ruddock to the SCG's letter as at the date of this submission. With regard to Recommendation 13, the SCG wrote to the Chair of the JSCEM on 18 May 2006 specifically requesting the JSCEM to consider that recommendation by the Senate Committee and asking whether the JSCEM endorsed it (**Annex 2**). The JSCEM was unwilling to engage in any consideration of Recommendation 13 and notified the SCG on 22 May 2006 that it had referred the SCG's letter to the original Senate Committee that had formulated the recommendation (**Annex 3**).

1.2 The Challenge of Engaging the Diaspora in this Inquiry and in Australian Democracy Generally

On 12 May 2006 the JSCEM's Inquiry Secretary Dr Sonia Palmieri contacted the Southern Cross Group concerning the present Inquiry. Dr Palmieri suggested that the SCG "may be particularly interested in the term of reference relating to the adequacy of civics and electoral education for migrant citizens" and requested that the SCG include information about the Inquiry on its website.

The SCG consequently put up information about the present Inquiry on its website. Further, on 17 May 2006, the SCG issued a media release concerning the Inquiry (**Annex 4**) which was posted on the SCG website and distributed via e-mail to its global list of approximately 6,000 addresses. A number of Australian expatriate and other organisations then passed on the SCG's media release to their networks, either via e-mail or in their hard-copy newsletters. In addition, TNT Magazine in London published a short article encouraging its young Australian readership to participate in the Inquiry on 22 May 2006, after various contacts by the SCG (**Annex 5**). The SCG felt that it was particularly important to try to reach the many thousands of younger Australians in the UK regarding this Inquiry, many of whom are TNT readers.

The SCG decided not to provide an e-mail submission template on its website for the current Inquiry, unlike the approach taken during the recent Senate Inquiry into the provisions of the *Australian Citizenship Bill 2005*, the Inquiry into Australian Expatriates, and the JSCEM's Inquiry into the 2001 Election. The primary reason for not providing an e-mail submission template on the SCG website for this Inquiry was the short time frame involved, and the considerable amount of technical work required by the SCG's volunteers to set up such a facility.

A secondary but nevertheless important reason was that e-mail submissions sent through the SCG's website during the recent Senate Inquiry into the *Australian Citizenship Bill 2005* were not given full credence by the Senate Committee conducting that Inquiry. While those e-mail submissions all included a combination of standard paragraphs which participants could simply click on to include in their submissions, there was also provision for people to write their own personalised text or comments at the end. Although some people wrote individualised comments at the end of their submissions, the Senate Committee treated all submissions generated through the SCG's website *en masse*, and despite representations from the SCG during the Inquiry, refused to individually publish on its website those where individuals had taken the time to make (in some cases relatively lengthy) personal statements.

The fact that this time the SCG has asked people to draft their own submissions from scratch has no doubt meant that the level of participation from the diaspora in the current Inquiry is much less than it would have been if the SCG had provided an e-mail template form and prompting on its website. On sending its media release of 17 May 2006 out by e-mail, the SCG received several responses asking "where's the usual template submission?" and "is there a link on your website I can use?" On clarifying with these people that this time there was no template on the SCG's website or ideas for inclusion spelt out there, one individual wrote back that her "time was just too valuable to spend writing a submission from scratch when no one in Canberra ever takes any notice of what we put in to these inquiries anyway". Two further individuals told the SCG that they would not be making submissions to the current Inquiry in light of the fact that the Senate Committee in the Inquiry into the *Australian Citizenship Bill* had not bothered to publish their submissions in which they had taken the time to tell their own expat citizenship stories. Four other respondents told the SCG that they would not be participating in the current JSCEM inquiry, because they had put a great deal of time into preparing submissions for the Inquiry into Australian Expatriates in early 2004, but believed that that process had been a waste of time in light of the Government's failure to date to respond or act on any of the recommendations resulting from that Inquiry.

The SCG includes this background information in its present submission precisely because one of the purposes of the current Inquiry is to explore how Australians, particularly young Australians, can be inspired and engaged to participate in Australian democratic life. As an advocacy organisation serving the Australian diaspora, the SCG constantly faces not only the hurdle of finding and reaching expats in all corners of the globe, but then, on having found them, the perhaps greater challenge of motivating them to participate in the various government inquiries which take place on issues relevant to the diaspora so that they can "have their say". Although the act of voting is one of the most tangible ways of staying connected with one's country of origin, in view of the fact that most overseas Australians cannot vote in Australia, and therefore do not have MPs or Senators directly representing their

interests, participation in government inquiries is one of the few mechanisms open to them. Although a record number of 677 submissions was eventually generated for the Inquiry into Australian Expatriates in 2004, this was only achieved following unprecedented and extensive outreach efforts by the SCG and over a time frame of a number of months, and in conjunction with a template submission on the SCG's website. As an organisation the SCG has learnt that to achieve maximum engagement, participation has to be made as easy as possible.

But it is also very clear that those few who do participate follow resulting developments and outcomes closely. If it is seen that the original participation did not lead to any results in the form of government responses and/or the implementation of any changes that may have been recommended, this will discourage future participation by those who were once keen to be engaged.

1.3 Civics Education in Australia – the Recent Past

The JSCEM notes on its website page stipulating the terms of reference for this Inquiry that “a healthy democracy needs citizens who are informed, appreciate and participate in the various elements of our representative democracy. Civics education, including electoral education, is a key part of this goal and helps to ensure that citizens are adequately informed and able to participate effectively”.

Although interest in civic education in Australia dates back to federation in 1901,⁵ the present Inquiry comes at a time when Australia can look back over a recent period of particularly vigorous debate on the subject.⁶ In 1989 and 1991 the Senate Standing Committee on Employment, Education and Training delivered two reports of note. The first of these reports, entitled *Education for Active Citizenship*, recognised that there is a strong relationship between a person's degree of political participation and his or her political knowledge, and recommended making significant changes to school curricula. In 1991, the same Committee investigated developments in schools since its 1989 report. Whilst the two reports were useful in drawing attention to the need for civics education, they were unable to generate sufficient interest and political will to form a civics curriculum in schools.⁷

In 1994 the Keating Government instigated the formation of the Civics Expert Group (CEG). The CEG was charged with “providing the Government with a strategic plan for a non-partisan program of public education and information on the Australian system of government the Australian Constitution, Australian citizenship and other civics issues.”

5 Ian McAllister, “Civic Education and Political Knowledge in Australia”, *Australian Journal of Political Science*, 1998, Vol 33, No. 1, page 7 at page 9. An excellent account of citizenship education for migrant Australians in the immediate postwar period is contained in P A B Jenkins, “Australian Political Elites and Citizenship Education for “New Australians” 1945-1960, PhD Thesis, University of Sydney, May 2001.

6 For an overview of recent developments up to 1999, see Kate Krinks, “Creating the Active Citizen? Recent Developments in Civics Education”, Politics and Public Administration Group, Research Paper 15, Parliament House, Canberra, 23 March 1999.

7 M. Print, Introduction: context and change in civics education in M. Print (ed), *Civics and Citizenship Education: Issues from Practice and Research*, Australian Curriculum Studies Association, Canberra, 1995, page 7.

The CEG report *Whereas the People... Civics and Citizenship Education* delivered in 1994⁸ has been the springboard for renewed momentum for improved and increased civic education in Australia's schools over the last decade. The CEG identified a serious "civic deficit" in Australia, arguing that most Australians had little knowledge and understanding of the Australian Constitution and were unfamiliar with the principles of responsible government, the division of powers, and the relationship between the legislature, executive and judiciary. The CEG suggested that this "deficit" may in time have negative consequences for Australia as a democracy:

Our system of government relies for its efficacy and legitimacy on an informed citizenry; without active, knowledgeable citizens the forms of democratic representation remain empty; without vigilant, informed citizens there is no check on potential tyranny.⁹

The CEG identified a clear link between knowledge of our civic institutions, active citizenship and the maintenance of democracy. The CEG drew on the findings of a survey carried out during August and September 1994 by ANOP Research Services, commissioned by the Department of Prime Minister and Cabinet. The ANOP report found a high level of ignorance of civics issues across all age groups, and that the least knowledgeable group of Australians were young people aged 15 to 19.

In May 1997 the Howard Government announced the Discovering Democracy initiative, a national program of civics education. It reflected many of the CEG recommendations and was allocated \$17.5 million in funding, most of which was allocated to curriculum development. Discovering Democracy encompasses not only schools, but higher education, vocational education and training and adult and community education, although the main focus is on schools. Details of the Discovering Democracy program can be found on a number of Government websites.¹⁰ In late 2003 the program was independently evaluated.¹¹

1.4 "Participation" as a Key Goal of Civics and Electoral Education

It is probably fair to say that despite all the debate in Australia in the last decade or so on civics education, there is still no clear agreement as to what the precise goals of such education should be. At one level, providing a sense of Australia's history has been a goal. Further, as McAllister points out,¹² the goal of simply increasing knowledge about the processes and structure of government has been seen as important; and this in the main was the view of the CEG. A largely untested, but

8 Civics Expert Group (CEG) *Whereas the People...Civics and Citizenship Education* – report of the Civics Expert Group, Australian Government Publishing Service, Canberra, 1994.

9 CEG Report, pages 15-16.

10 For example: <http://www.civicsandcitizenship.edu.au>, <http://www.curriculum.edu.au/ddunits/about/about.htm>, <http://www.discoveringdemocracywa.net>.

11 Erebus Consulting Partners, *Evaluation of the Discovering Democracy Programme 2000 – 2003*, a Report to the Australian Government Department of Education, Science and Training, Canberra, November 2003.

12 McAllister, *Op cit*, pages 10-11.

nevertheless central proposition to civics education is the idea that more politically informed citizens are more competent and sophisticated citizens. Connected with this is the belief that once simple factual knowledge takes root, other questions about the workings of the system will inevitably arise.¹³

A further goal has been to promote greater political participation (under the rubric of “active citizenship”). Prime Minister Paul Keating stated in 1995 that a successful civics education program should “help young Australians to realise their civic potential, and enable them to participate fully in the political life of the nation.”¹⁴ The emphasis on participation in the Discovering Democracy program is also evident from the statement made at the time of its launch in May 1997 by the Minister for Schools: “We can, indeed must, prepare students to act as responsible citizens in this nation and encourage effective participation.”¹⁵ It has been noted that the Discovering Democracy program does not just teach students about the institutions of government, but also “about the ways in which citizens have participated in political processes in the past and how they might do so in the present and in the future. This participation included forms of action that involved conflict between groups, including the government such as the campaigns for an eight-hour working day, debates over welfare systems and the struggles for equal pay and equal opportunities for women”.¹⁶

Participation is clearly a key concern for the JSCEM and a perception as to a dearth of participation or engagement appears to be a central motivation for the present inquiry. As noted above, in its terms of reference, the JSCEM states that “a healthy democracy needs citizens who are informed, appreciate and participate in the various elements of our representative democracy. Civics education, including electoral education...helps to ensure that citizens ...are able to participate effectively.” (emphasis added).

1.5 “Participation” Goals of Electoral Education Programs for Resident Citizens must be Different to those for Australian Citizens Abroad

Does “participation” as a goal of civics and electoral education mean the same thing for Australians living in Australia as for those abroad? The SCG would argue that it does not.

The most fundamental form of participation in any democracy is the basic political act of exercising the right and/or duty to vote. Unsurprisingly, in most countries, where voting is voluntary, the first and major goal of any civics education program is to ensure that citizens participate in this basic political

13 H. Colebatch, “Political Science and Civic Knowledge”, paper presented at the Annual Conference of the Australasian Political Studies Association, Melbourne, September 1995.
14 Paul Keating, “The Prime Minister on Civics” Independent Education 35, 1995, pages 3-4.
15 The Hon. Dr David Kemp MP, Ministerial Statement, “Discovering Democracy”, May 1997.
16 Krinks, *Op cit*, age 12.

act.¹⁷ When certain groups in society participate at the ballot box to a lesser extent than others, one group's vote becomes worth less than another's, and people within that society are not equal. Nor are the groups who do not fully participate likely to enjoy true political liberty, because their political inequality is likely to lead to restrictions on their ability to shape their destinies.¹⁸

In Australia, ensuring that adult citizens resident in Australia turn out to vote on polling day is not the challenge that it is in other countries, because Australia has a system of compulsory enrolment and voting which is administered in a congenial setting and guarantees high and socio-demographically equal rates of voting participation.¹⁹

Australia has the oldest and probably the most efficient system of compulsory voting among the established democracies. The main reason for its introduction in the 1920s was to increase turnout, a goal it has achieved without difficulty.²⁰

It is submitted then that "political participation" in any civics or electoral education programs delivered to Australians in Australia must necessarily involve more ambitious goals than simply ensuring electoral participation by its resident citizens. High levels of electoral participation are a given because of the compulsory voting regime. But those wider goals may include, for example, involvement with political parties and groups and other levels of engagement beyond the mere act of voting. Notably, McAllister found in 1998 that "the more ambitious goal of promoting active citizenship through civic education finds little empirical support from the results presented here; such a goal may have more relevance in systems that have voluntary voting, but Australia's system of compulsory voting renders it irrelevant."²¹

Although much is made of the compulsory enrolment and voting regime in Australia and the various advantages and disadvantages of it are often debated, it is not widely understood or acknowledged that for those abroad, voting is not compulsory.²² But this fact is central to any discourse as to how and what electoral education programs might and should be delivered to this group.

17 A Westholm, A Lindquist and R G Niemi, "Education and the Making of the Informed Citizen: Political Literacy and the Outside World", in *Political Socialization: Citizenship, Education and Democracy*, ed. O. Ichilov, New York 1989, Teachers College Press.

18 Graeme Orr, "Australian Electoral Systems – How Well Do They Serve Political Equality?", Report No. 2 for the Democratic Audit of Australia, 2004, page 1.

19 Jonathon Louth and Lisa Hill, "Compulsory Voting in Australia: Turnout with and without it", *Australian Review of Public Affairs*, Vol 6, No. 1, November 2005, pages 25-37.

20 McAllister, *Op cit*, 1999, page 217.

21 McAllister, *Op cit*, 1998, page 21.

22 Antarctic electors, eligible overseas electors, and itinerant electors are exempt from compulsory voting under Section 245(17) of the Electoral Act. Those who are not eligible overseas electors, but nevertheless overseas on polling day and do not vote, are generally not fined. The Divisional Returning Officer (DRO) is not required to send a penalty notice to electors who failed to vote if he or she is satisfied that the elector was absent from Australia on polling day or had a valid and sufficient reason for failing to vote. If a penalty notice is sent because the AEC has no information as to why the elector did not vote, the elector then has the opportunity to advise the DRO within a specified time period of a valid and sufficient reason why they did not vote, which includes being outside Australia on polling day.

It is beyond the scope of this inquiry to engage in a discussion as to the pros and cons of compulsory voting for Australia's resident citizens,²³ or the pros and cons of voluntary voting for expatriate Australians.²⁴ The SCG is not seeking to endorse or discredit any ideological stance in this submission. It has noted elsewhere that for purely practical reasons, it would probably be extremely difficult if not impossible to ever introduce a system of compulsory enrolment and voting for overseas Australians. Australian government agencies would face an enormous challenge in tracking down all Australian citizens of voting age overseas. Further, some overseas Australians do not feel that they are in touch enough with Australia to be able to form an opinion and therefore do not want to vote. For these reasons, the SCG has advocated in the past that voting should remain non-compulsory for overseas Australians.²⁵ The SCG is not aware of any country which currently imposes compulsory enrolment and/or voting on its expatriate citizens, although a number of countries in recent years have sought to encourage greater participation by their diasporas, most notably Italy. In its March 2005 report at the conclusion of the Inquiry into Australian Expatriates, the Senate's Legal and Constitutional References Committee recommended that voting should remain non-compulsory for Australian citizens overseas.

Without engaging in a debate as to whether voting should be compulsory or voluntary for Australian citizens at home and/or Australian citizens abroad, it is nonetheless important for the JSCEM in the context of its current Inquiry to consider existing Australian and international research into electoral education in both voluntary and compulsory regimes. Within the subset of overseas Australians currently enfranchised under the *Electoral Act*, it is important to understand which particular sub-groups are most likely not to participate in the current voluntary system and the ways in which those groups might be most effectively encouraged to participate using appropriate electoral education.

1.6 Electoral Participation – the Nexus between Youth and Expatriates

The first term of reference for this inquiry is “the current status of young people's knowledge of, and responsibilities under, the Australian electoral system”. This term of reference has a direct connection with the Australian diaspora, because a large proportion of the present and future diaspora is young.

The JSCEM's media release of 29 March 2006 states that “Australian Electoral Commission reports indicate that young and indigenous Australians are more likely to be under-enrolled” and that

23 The JSCEM's 1997 report into the conduct of the 1996 election recommended that compulsory voting should be repealed, based on thinking that a fundamental right should not also be a legal duty. The ALP and Democrat members of the committee did not support the recommendation, and the government rejected the recommendation, saying that voluntary voting should not be considered at this time. The JSCEM's report into the conduct of the 2004 election tabled on 10 October 2005 recommended that a full and separate inquiry be held into voluntary and compulsory voting. However, in a speech to the Sydney Institute on 4 October 2005, the then Special Minister of State, Senator the Hon Eric Abetz stated “voluntary voting is not on the government's agenda.”

24 See generally Lisa Hill, “On the reasonableness of Compelling Citizens to Vote: the Australian Case”, *Political Studies*, Vol 50, Issue 1, page 80.

25 SCG Primary Submission to the JSCEM Inquiry into the 2001 Election, 12 July 2002, pages 22 and 23, available in the SCG's website archives.

“successive surveys of young people have also pointed to low levels of “civic literacy”: Australians between the ages of 15 and 35 typically have limited knowledge of Australia’s political history and political system, and have little interest in Australian political affairs”.

A large percentage of Australia’s diaspora is in the 15 to 35 age range. A significant number of Australians go abroad in their 20s on working holiday visas, and/or after they have finished their undergraduate tertiary education in their late 20s and early 30s for employment or graduate study. Many climbing the corporate ladder find themselves on international postings in their early 30s.

In what is probably the most significant piece of research into the Australian diaspora to date, Professor Graeme Hugo, Dianne Rudd and Kevin Harris have concluded in looking at characteristics of Australian emigrants that “young adults are predominant, especially among the long-term Australian departures”.²⁶ Whereas only 21% of Australia’s resident population is aged 20-34, nearly 52% of long-term Australian residents departing and almost 40% of Australian-born people departing permanently are in that age bracket.²⁷

Hugo notes that there are some variations in the age selectivity of emigration to various destinations. The UK is dominated by the 20-34 age group, reflecting the strong involvement of young Australians on extended working holidays based in the UK.²⁸ Data recently obtained from the UK Home Office by the SCG indicates that in 2004, 20,300 Australians were granted leave to enter the UK by an Immigration Officer as a working holidaymaker. All of these young Australians were aged between 17 and 30 under the rules for the UK working holidaymaker program and are able to remain in the UK as working holidaymakers for up to two years.

26 Graeme Hugo, Dianne Rudd and Kevin Harris, *Australia’s Diaspora: Its Size, Nature and Policy Implications*, CEDA Information Paper No. 80, December 2003.

27 Publicly available ABS arrivals and departures data does not include breakdowns by age. Unpublished age data is available on request but has not been analysed by the SCG. In 2001, the ABS included a section entitled “Population Growth: Leaving Australia” in its Australian Social Trends publication which exceptionally looked at emigration. There, the ABS defined “emigrants” as Australian residents (including those born overseas) who on departure from Australia state that they intend to settle permanently in another country”. In other words, Australian residents who declared themselves to be departing “temporarily” on the Outgoing Passenger Card, even for a number of years, were not considered emigrants. CEDA, *Op cit*, page 25, looks at not only permanent but also long-term departures in measuring the diaspora, and note that there is considerable category jumping between the two categories.

Nevertheless, In 1999-2000, there were 41,100 permanent departures alone, of whom people born in Australia comprised almost half (49%). Using this ratio, 31,546 people who left permanently in the 2005 calendar year would be Australian-born and therefore (almost always) Australian citizens. In the 2001 report, the ABS notes that Australian-born emigrants tended to be younger than those born overseas. While both groups had a younger age profile than the total Australian population, Australian-born emigrants were more likely than overseas-born emigrants to be adults aged 25-34 years (33% compared with 22%) or to be children younger than 10 years (18% compared with 9%). The comparatively high proportion of Australian-born emigrants who were children may partly be due to the departure of families comprising overseas-born parents and their Australian-born children. In contrast, most overseas-born emigrants (55%) were aged 35 years and over (compared with 35% of Australian-born emigrants) and a higher proportion of overseas-born than Australian-born emigrants were aged 55 years and over (13% and 5% respectively). ABS 4102.0, Australian Social Trends, 2001, June 2001, page 22.

28 CEDA, *op cit*, page 33.

While the UK is the most significant destination for Australian working holidaymakers, Australia now has reciprocal working holiday arrangements with eighteen other countries which enable Australian youth up to the age of 30 to spend time abroad with a minimum of visa/work permit fuss.²⁹ The young Australians who use these reciprocal arrangements are clearly in the age group which is recognised as one of the most difficult to engage in Australian civic life. A very obvious way to reach every single departing Australian working holidaymaker would be for the AEC to ask the consular authorities of each of the nineteen countries in Australia issuing these working holiday visas to include an appropriate AEC brochure with materials given to successful visa applicants. Such material could also be displayed in the public areas of these embassies and consulates so that young people coming in to make inquiries or collect application forms would also see the material. This simple step would reach in excess of 30,000 young Australians going overseas each year.

It is also important to understand that many young Australians go abroad for professional or personal reasons, outside working holidaymaker schemes. The UK again is the largest destination, with approximately a third of the entire Australian diaspora in the UK at any one time. Some young Australians with a British migrant background will enjoy British citizenship by descent or work rights under the “grandparent rule” and will not need a work permit. The SCG has no data as to the numbers of persons who would fall into that category. However, over and above that group, Home Office data indicates that in 2002, 7,819 UK work permits were issued to Australians and New Zealanders. While it is not clear what percentage of that figure can be attributed to New Zealanders, it is important to recognise that UK work permits are generally valid for 3 years, and are often renewed, so that the total number of Australians in the UK on work permits at any one time would be far in excess of that figure. Additional Australians are in the UK on Highly Skilled Migrant visas. Again, if the AEC were to liaise with the British High Commission in Canberra, AEC material could be placed with the British consular authorities in Australia, and could easily be given by them to all Australians who have their UK visas processed in Canberra, and even to Australians who also hold British citizenship and are applying for British passports with a view to travelling to Britain or elsewhere abroad. If effectively implemented, these efforts alone could reach up to a third of all Australians who depart for more than just a short (non-working) holiday (for which no visa is required for the UK, Ireland, the Schengen countries or the US or Canada, for example). But such efforts should also be extended to the consular authorities in Australia of the other main destinations for departing Australians, such as the United States, Canada, New Zealand, the Continental European countries and Scandinavia, Ireland, the PRC including Hong Kong, Singapore and other countries.

29 Canada, the Netherlands, Japan, Republic of Ireland, Republic of Korea, Malta, Germany, Denmark, Sweden, Norway, the Hong Kong Special Administrative Region (HKSAR) of the People's Republic of China, Finland, the Republic of Cyprus, France, and Italy, Belgium, Estonia and Taiwan. The SCG does not have data as to the number of Australians issued with working holiday visas to all these countries on an annual basis. It is known, however, that Canada provides 7,500 working holiday visas to young Australians annually at the present time.

Data presented by Adelaide University PhD student Kelly Parker to this Inquiry is also generally indicative of the “shape” of the diaspora in terms of age. Over 100,000 Australians are estimated to be living in the US at any one time. 1567 Australians in the United States participated in Ms Parker’s survey in early 2006. Of that number, only 2% of total respondents were under 25. But approx. 8% were under the age of 30, and approx. 34% of all survey respondents were under the age of 35, with 54% of being under 40 and 69% being under 45. Although definitions of “young” can vary, it is clear again from this data that Australia’s diaspora is “younger” as against the age demographic in Australia’s resident population, where only approx. 52% is under the age of 45.³⁰

1.7 Existing Data on Electoral Participation by Overseas Australians

Data on the participation by overseas Australians in recent federal elections is relatively limited. While the SCG was able to find AEC research on “electorally engaging the homeless”, and the recent Youth Electoral Survey (YES)³¹ examines the engagement of youth, the AEC does not appear to have carried out similar research on overseas eligible voters.³² It should be noted that the number of Eligible Overseas Electors (EOEs) on the electoral roll at any one time is quite a low figure when one takes into account that almost a million Australians live abroad.³³ Further, the number of total EOEs is only a small proportion of all the votes issued overseas at an election.

In August 2001, just before the 2001 federal election, there were 9,064 Eligible Overseas Electors on the electoral roll. When the roll closed before the 2004 federal election on 7 September 2004, there were 16,149 EOEs on the roll. As at 22 November 2004 there were 17,451 EOEs.³⁴ As at 31 March 2006 there were 15,957 individuals with EOE status on the roll, and as at 31 May 2006 there were 16,047. Data from the AEC showing the number of EOEs by electorate and by state and territory as at 31 May 2006 is attached as **Annex 6**, as well as data showing the number of EOEs deleted for any reason from the roll between 10 October 2004 and 26 May 2006.

The distribution of EOEs among the 150 House of Representative seats is far from even. As of 31 May 2006, nineteen electorates have EOE populations in excess of 200, the two ACT electorates leading the field with Canberra having 940 and Fraser 815 (probably largely due to DFAT and other public service staff based overseas). Melbourne has 720 followed by Melbourne Ports (588), Sydney

30 Australian Bureau of Statistics, 2001 Census of Population and Housing, Age by Sex data.
31 Youth Electoral Survey, Report 1: Enrolment and Voting, December 2004 and Report 2: Youth, Political Engagement and Voting, 2005, available on the AEC website.

32 AEC Electoral Research Report Number 6, *Electurally Engaging the Homeless*, February 2005.

33 In 2002 the SCG told the JSCEM that it estimated that there were approximately 645,000 Australian citizens of voting age abroad. This was calculated on the basis of DFAT consular estimates of overseas Australians for the calendar year 2001, which estimated that there were 860,000 Australians abroad. Assuming that 25% of these are under the age of 18 (as in the Australian resident population, although the percentage of minors among the overseas community is probably lower because many young people going abroad have no children), 75%, or 645,000 would be citizens of voting age.

34 The AEC has been asked by the SCG whether this spike post-election was due to the processing of EOE forms that did not reach the AEC in time for the close of the roll.

(571) and Higgins (522). Barker in South Australia has the least EOE's of any electorate with just 7. The fact that a person is an EOE on the electoral roll does not however mean that they will necessarily have a vote issued to them at the time of an election.

63,016 votes were issued overseas for the 2001 election and 68,544 votes were issued overseas for the October 2004 election. AEC data showing the breakdown by overseas post is attached as **Annex 7**. As well as EOE's voting overseas, these figures encompass some of those who had notified the AEC that they were "temporarily absent" and a large number of people who just happened to be overseas on holidays or for a short period who probably had not contacted the AEC to tell it they were going overseas before their departure.

It is very difficult to say with any precision what percentage of all eligible voters abroad (whether on a short-term basis or as expats resident abroad) voted in the 2004 election. As has been seen, the 68,544 votes issued overseas would in many cases have been issued to travelling or holidaying Australians.

On census night in 2001, 330,900 Australian residents were reported to be "temporarily" overseas.³⁵ Although the date of the 2001 election did not coincide with the date of census, if the total number of votes issued abroad in the 2001 election (63,036) is expressed as a percentage of the number of residents reported to be temporarily overseas on census night, an approximate participation rate of 19% is obtained. This is most certainly inflated, however, because not every eligible voter out of the country would have been declared "temporarily" overseas on census night. Only those who normally live at the census household and are closely connected with members of that household are likely to have been reported as temporarily absent. Further, not every Australian resident declared temporarily overseas on census night would be an eligible voter – some would not be Australian citizens or eligible British subjects and others would be minors. We can probably say that less than 15% of Australians who presently qualify to vote under the *Electoral Act* and who are out of the country at the time of an election actually do vote while away.³⁶

As has been noted in a footnote above, it is also impossible to say exactly how many Australian citizens of voting age (as opposed to those who are legally eligible to vote) reside abroad. A conservative figure used by the SCG in its JSCEM submission in 2002 was 645,000, based on DFAT consular estimates to 31 December 2001. However, departures data indicates that the diaspora has most definitely grown in the last few years, and it is also unclear what percentage of all Australians resident overseas are minors. If for the purposes of argument, one assumed that there could now be

35 ABS 3101.0, Australian Demographic Statistics, 2001 Census Edition - Preliminary, June 2002, Page 51. This figure is significantly higher than the 264,955 citizens that DFAT estimates were "visiting" overseas rather than living overseas as at 31 December 2001.

36 A small number who leave just before election day may of course cast pre-poll votes in Australia before they leave.

as many as one million Australians abroad, and that 20% of these are minors, a higher figure of 800,000 citizens of voting age is reached. So even if all 68,544 votes issued in the 2004 election were to resident overseas Australians (which they were not), only 8-10% of all resident overseas Australians of voting age participated. In reality, since many of the votes issued overseas were to people not living abroad but only travelling or holidaying, the participation rate of Australian citizens resident abroad is much lower. Many Australians resident overseas of voting age are not currently eligible voters due to the three-year drop-dead limitation in Section 94A of the *Electoral Act*.

It is not known how many of the 68,544 votes issued overseas in the 2004 election were issued to EOE³⁷. Even assuming every EOE on the roll had a vote issued to them overseas (which is not the case since some did not vote or would have been visiting Australia and would have voted while there), EOE voting would account for only approximately 24% of all overseas voting. Taking into account that not all EOE³⁸s voted, and that some voted in Australia, the most accurate conclusion is probably that only 20% or less of the votes issued overseas were issued to EOE³⁸s.

Neither is it known what percentage of all EOE³⁸s at roll closing on 7 September 2004 actually had votes issued to them in the October election (either in Australia or abroad).³⁸ The difficulty with missing an election as an EOE is that there is a strong chance the AEC will then remove the EOE from the electoral roll under Section 94(13) of the *Electoral Act*, which provides that a person ceases to be entitled to be treated as an EOE if while they are an EOE, a general election is held at which they neither vote nor apply for a postal vote. Once this removal has occurred, the overseas Australian cannot re-enrol from abroad unless it is less than three years since they ceased to reside abroad.

Kelly Parker's 2006 data provided to the JSCEM for this Inquiry also provides some insights into recent electoral participation by Australians, but just for the United States. Only 24.5% of Ms Parker's survey respondents (384 out of 1,567) had voted in the last Australian federal election. 3.1% of those who had voted were under 25. 22.6% were under 30, and 53.1% were under 35, while 73.7% of those who had voted were under the age of 40. Electoral participation declined rapidly for age groups of 40 and above. This is no doubt a direct consequence of the length of time spent away from Australia (65.1% of those who voted in the 2004 election had left Australia to live abroad 5 years ago or less), and the fact that older expats who have been away for longer generally tend to have been removed from the electoral roll and have no legal right to re-enrol under the current provisions of the *Electoral Act*, until they return to live at an address in Australia for one month or more.

A simple analysis of the limited UK data that is available reinforces the conclusion that electoral participation by young Australians abroad is very low. Approximately 40,000 young Australians are in

37 The SCG has requested this data from the AEC and will pass it on to the JSCEM if it becomes available.

38 The SCG has requested this data from the AEC and will pass it on to the JSCEM if it becomes available.

the UK at any one time on two-year working holiday visas and are therefore by definition aged 30 or younger. But only 20,716 votes were issued to Australians of all ages in the UK for the October 2004 election. Even if all those who had votes issued to them were working holidaymakers (which they were not), this would mean that only 50% of that group voted. In reality a much lower percentage of Australian working holidaymakers in the UK took part because of the other groups of Australians who in fact voted.³⁹ It is important to note that virtually all the young Australians in the working holidaymaker group were legally entitled to enrol and hence vote – they would almost all have left Australia within the last three years, as UK working holiday visas are for two years (unless they had lived outside Australia before going to the UK). Even if they had been removed from the electoral roll after their departure from Australia, or had not been on the roll while they were living in Australia, most would have been legally entitled to (re-)enrol from the UK under Section 94A of the *Electoral Act* because it would still have been less than three years since they had ceased to reside in Australia on the date of the closing of the rolls.

Taking into account the total number of Australians in the UK, which is estimated to be in the order of 200,000 to 300,000, estimating that 25% of that population are probably minors, only an estimated 9 to 14% of all Australians in that country of voting age voted at Australia's last federal election. This is slightly higher than the estimates for the diaspora as a whole given above (8 to 10%), and probably reflects the fact that Australians in the UK tend to be geographically centred in and around London, making voting at Australia House in the Strand relatively convenient, when compared to for example, Australians living in areas more remote from a polling station. The UK postal service is fairly reliable as well, meaning that postal voting can usually be achieved on time as compared to the postal systems in some other less-developed countries. The slightly higher participation rate in the UK could well also reflect the fact that Australian expatriate clubs, organisations and networks are more developed in the UK than anywhere else, meaning that what little information was disseminated reached a wider audience more effectively.

Many of those who did not vote in the UK would no longer be on the electoral roll and are currently prevented from enrolling due to the three-year drop dead provision in the *Electoral Act*. The SCG has in the past estimated that approximately 500,000 Australian citizens overseas of voting age are not currently on the electoral roll and have no entitlement to enrol because they left Australia to live abroad more than three years ago. If a third of this figure is in the UK because roughly a third of the diaspora is in the UK, then probably at least 165,000 Australians of voting age fall into this category in that country.

39 They would have included Australians of all age groups, in the UK as dual citizens, on work permits, with right of abode, and with other types of immigration status.

However, the disenfranchisement issue aside, it is very clear from the working holidaymaker example above that among the group that left Australia most recently, primarily young Australians, which still has a legal right to be enrolled and to vote from overseas, only a fraction is actually voting.

Finally, the Victorian Expatriate Network (VEN) has just conducted an online survey of Australian expatriates in which it listed a number of government services that an expatriate network might offer its members. The survey closed on 9 June 2006. Participants were asked to rate the importance of each service to them. Electoral education, information and assistance was one of the nine listed services. 353 people out of the total of 537 that ranked that service on the list of all nine services rated it as “important” or “very important” to them. The fact that 66% of respondents viewed electoral education, information and assistance as key to what they would like to see governments delivering to expats is a clear indication that despite the extensive disenfranchisement in the expatriate community, many still maintain a keen interest in Australian elections, would like to receive information, and are likely to participate given better information.

All this data demonstrates a very clear trend. Those departing Australia are overwhelmingly young, and Parliament has made clear that departing Australians have a right to be enrolled and to vote from overseas. But expat Australians of all ages are not participating in Australian democracy from abroad in the numbers that might be expected or hoped. Younger expat Australians are probably participating at lower levels than the expatriate population as whole. Even putting to one side the fact that the law presently disenfranchises in the order of half a million overseas Australian citizens of voting age because of the three-year drop dead rule in the *Electoral Act*, departing Australians who do have the right to be enrolled and vote, usually young, could be better educated, encouraged and assisted to participate from abroad in far greater numbers. The June 2006 VEN survey demonstrates that many expats consider electoral education and information to be “important” or “very important” services that governments should be delivering to overseas Australians.

1.8 The Problem of Youth Participation in Australia

The civic engagement (or lack thereof) of youth both in Australia and in other countries is a theme which has been much studied over the years:

As many international studies have demonstrated, the least well informed tend to be the young, those who have low levels of educational attainments, who were born outside the country, or who are women involved in home duties – in other words the same factors reduce the acquisition of political knowledge as are associated with the lack of political interest (Lambert et al 1988) and of

partisanship (Smith 1989). These conclusions emerged in the CEG survey of political knowledge (CEG 1994, 135).⁴⁰

By way of example, a 1994 study of 15 to 19 year olds in Australia reported that:

- 90% did not know what the Constitution covered
- 83% did not know what the Cabinet was
- 79% did not feel they knew what the rights and responsibilities of citizens were.

Another study of 17 and 18 year olds, conducted around the same time, found that:

- Nearly 50% had “not much” or “no” interest in politics
- Only 8% had a “great deal” of interest in politics.⁴¹

For many years we have known that young people are less likely to enrol to vote than older groups. For example, monthly surveys conducted for the AEC in the late 1990s found that just 78% of the eligible population aged 18 to 24 in Australia are enrolled, compared to 93% for the eligible resident population as a whole.⁴²

The most recent and comprehensive Australian study in this respect is the Youth Electoral Survey (YES), which has reported in two stages in 2004 and 2005.⁴³ The principal purpose of the project was to determine why many young people do not register on the electoral roll despite compulsory enrolment and voting provisions in legislation. AEC estimates indicate that at the 2004 electoral roll close, only approximately 82% of young Australians (17-25 years of age) were enrolled (compared with 95% of other Australians). Not all young Australians (only just over four out of five) nearing the age of 18 years believe they will vote when they become eligible, and less would do so if voting were non-compulsory.⁴⁴

While no similar surveys have been done of young Australians overseas, it is indisputable that a large percentage of those leaving Australia to live abroad are in their 20s and 30s. We know that 18% of Australian citizens aged 18 to 25 who live in Australia are not on the electoral roll. If Australian young people are not on the electoral roll when they leave to go abroad, then it is submitted that they are even less likely to enrol from abroad later than if they had remained in Australia, because of the lack of information available to them once out of the country, the fact that voting is not compulsory for those

40 McAllister, *Op cit*, 1998, page 13.

41 Krinks, *Op cit*, page 2. See also pages 4-9 for a discussion of other surveys concerning young people.

42 McAllister, *Op cit*, 1999, page 219.

43 Youth Electoral Survey, Report 1: Enrolment and Voting, December 2004 and Report 2: Youth, Political Engagement and Voting, 2005, available on the AEC website.

44 AEC Media Release, “New findings about youth and electoral participation”, 20 December 2004.

abroad, and the fact that they are that one step further removed from everyday Australian life. They may also not enrol on their return.

1.9 Voting Habits and the “Footprint Theory”: Implications of Low Diaspora Electoral Participation among Youth for Australian Democratic Engagement in the Longer Term

Another important consideration is the fact that if Australian young people overseas are not on the electoral roll and do not vote while they live abroad, the non-voting habit may be perpetuated in later life, whether they remain living abroad or eventually return to Australia. If an Australian young person going abroad today does not tell the AEC that they are abroad, does not register as an EOE, and does not vote in the first election after they leave, it is highly likely that they will be removed from the electoral roll. Re-enrolment from abroad after the first three years subsequent to their move overseas will be legally impossible, and hence they will be prevented from voting while they remain away. That fact in itself is likely to exacerbate the already weaker connections that young people in general feel towards mainstream politics in Australia today and will contribute to higher levels of disengagement.

An obvious point is that most Australians presently overseas, even those who recently moved abroad while still in their 20s, due to their age, will not have had the benefit of the Discovering Democracy program during their schooling in Australia before they became expats. Susan Pascoe notes that:

While our parents were exposed to a solid civics program that lauded God, King and Country, many of the “flower power” generation missed out. It is a recent phenomenon that Civics and Citizenship education is a priority in State and Territory education systems in Australia. The research undertaken by Julian Thomas for the Civics Expert Group in 1994 illustrated that for roughly a 30-year period from the mid-60’s to the mid-90’s there was little systematic, coordinated Civics and Citizenship education in Australian schools.⁴⁵

If expatriates return to live in Australia at some point, as many do, will they be motivated to fulfil their legal obligations to enrol and vote once resident in Australia again? It is possible to “fly below the radar” for one’s entire life, despite the fact that Australia has compulsory enrolment and voting for its resident adult citizens. An Australian who spent five or ten or fifteen years of their youth abroad and was disenfranchised from Australian politics for that important period of their life may well have no inclination to get involved at all when they return to Australia in their late 30s or 40s.

On the one hand, we know that higher percentages of older Australians resident in Australia are enrolled, and there is evidence that age has a cumulative impact on political knowledge:

45 Susan Pascoe, “Education for Active Citizenship”, paper for Melbourne University workshop for the 50th Anniversary of Australian Citizenship Conference, July 1999.

Age is usually identified as being a major factor influencing levels of political knowledge. Citizens accumulate political information as they gain more experience with the political system and as they are exposed to more political socialisation; as a consequence, other political indicators such as the proportions who participate in elections and identify with a political party increase steadily with age.⁴⁶

On the other hand, there is disturbing research in the British context, where voting is voluntary, which should serve as a warning in particular concerning that group of the Australian youth electorate which is overseas and for whom enrolment and voting is not compulsory. That research suggests that many young non-voters remain non-voters as they grow older. In other words, if the voting habit is established at the first few elections after the person turns 18, they are much more likely to vote in future elections.⁴⁷ Lisa Hill explains that

Voting seems to be a kind of habit. According to results generated by polling in Britain, for example, “civic duty” and “habit” are the primary reasons why three in five adults vote in a general election evening the worst of cases. Consistent voters apparently regard voting as a civic duty whereas abstainers are less likely to think of voting in this way.⁴⁸

A 2001 British survey found that only 29% of 18 -24 year olds had voted in the most recent general election and voting turnout among young people in Britain continues to be considerably lower than that among older members of the electorate.⁴⁹ In the British Social Attitudes Survey of 1998, a third of 18-24 year olds held the view that voting was an obligation for everyone, whereas four-fifths of the 65+ age group held the same view.

The political disengagement of British youth is attributed in part to the higher mobility of youth which results in weaker than usual links with their constituency. As Hill and Louth note, residential instability has been known for some time to be a correlate of non-voting. A frequent change of address not only diminishes the likelihood of being accurately registered but it can also contribute to social isolation and a lack of community networks, both of which are correlated with abstention. Young Australians who go abroad epitomise this higher youth mobility: they have not merely moved, but have moved out of the country, and while they live abroad, are likely to change their address relatively frequently, even while remaining within one city. The AEC must necessarily work harder to reach these eligible voters, harder even than it does to reach young Australians within Australia.

46 McAllister, *Op cit*, 1998, page 14-15.

47 Lisa Hill and Jonathon Louth, “Mobilising the Youth Vote: The Future of British Democracy”, *Australasian Political Studies Association Annual Conference Proceedings*, Newcastle, 2006, forthcoming.

48 Lisa Hill, “Compulsory voting in Australia: A basis for a “best practice” regime”, 32 *Federal Law Review* 2004, page 479, at 482.

49 MORI poll, 2001, cited in Hill and Louth, *Op cit*. Another MORI poll conducted in collaboration with the Electoral Commission found that 24% of 18-24 year olds in Britain reported never having voted compared with a 6% average (Worcester, 2002).

Hill and Louth write that the general dispositions of British youth

would not bode ill for the future of British democracy if it could be ascertained that they were merely life-cycle phenomena, as has been assumed (correctly) in the past. Though some have detected only a hint of “possible generational change” here (National Stats, 2002) others are less tentative, referring to evidence of a “historical political disconnection” amongst young Britons (Wilkinson 1996, 242). Jowell and Park (1998, 14) agree: their cohort analysis indicates that the civic disengagement of the young signals a pattern of disengagement that is likely to endure.

The cohort who abstained in 1983, then as primarily first-time voters, now aged 32 to 38 are still more prone than average to abstain (and more prone to do so than 32 to 38 years olds were in the past). They were 7 percentage points less likely than the average elector to have voted in 1997 (Howell and Park, 1998).

Similar figures were detected for the 2001 election where turnout among 24 - 34 year olds was only 46%. As Jonathan Freedland (2001) remarked in the aftermath of the election: “[W]hat used to be an under 25 problem a decade ago is now an under 35 problem and fast becoming an under 45 problem; once turned off, these people are staying turned off, perhaps for life.”

Cohort change is worrying because secular turnout changes are largely driven by the behaviour of newly recently enfranchised cohorts (see: Miller and Shanks 1996; Lyons and Alexander 2000; Blais 2001; Fotos and Franklin 110, 27). The fact that young people now seem less disposed to adopt the habit of voting could signal a long term shift in British voting habits. As Fotos and Franklin argue:

[Those] who first vote in a low turnout election will retain a profile of lower turnout in subsequent elections, even elections in which yet new cohorts vote at a higher rate; so the past leaves a “footprint” in subsequent elections reflecting the low turnout of an earlier era. The same sort of footprint is left by abnormally high turnout eras (Fotos and Franklin 2002, 10.)⁵⁰

The SCG submits that the age demographic of the diaspora, coupled with the traditionally lower levels of enrolment among Australian young people, combined with the current three-year drop dead date for enrolment from overseas in the *Electoral Act*, amount in sum to a mix of circumstances which must surely lead to less than optimal levels of electoral participation among those Australian citizens who have the legal option to participate in elections from abroad after they leave.

More worryingly, very low levels of electoral participation among the youth diaspora could have longer term implications for levels of democratic participation in Australia in the years to come. One in twenty Australians is presently overseas. But a higher proportion of Australia’s youth is abroad because the diaspora as a whole is younger than the resident Australian population. Most of these people are not currently voting but many will return to Australia at some stage to live. There is good evidence to

suggest that youth who do not get into the habit of voting young may never vote. While the impact of this phenomenon of habitual abstention from electoral participation will logically be less in a compulsory regime such as Australia than in a voluntary regime such as Britain, it should not be forgotten that some Australians in Australia today already choose not to fulfil their legal obligations and never enrol and vote throughout their lifetime. Disengaged youth in the diaspora today seems highly likely to exacerbate this problem as this group becomes the repatriated citizens of Australia tomorrow, and quite apart from electoral participation, this will also negatively impact other aspects of civic engagement in the medium to long term. The recent Youth Electoral Study (YES) concluded that other forms of civic engagement are positively related to intention to vote.⁵¹

1.10 It is Parliament's Intention that Eligible Electors Overseas May Vote – The Two Mechanisms for Overseas Participation

The JSCCEM's concerns as to "participation" are well-founded and worthy of investigation and debate. The SCG does not believe that the JSCCEM could wish to limit its deliberations on "participation" in Australia's democracy to only those Australian citizens resident in Australia. Fundamentally, although with some limitations, Australian law provides for enrolment and voting by Australian citizens outside the country and envisages their participation at the ballot box. There are two mechanisms by which this can occur – as an eligible overseas elector (EOE) and as someone who is "temporarily absent" but not an EOE.

a) Eligible Overseas Elector (EOE) Status

The *Electoral Act* expresses the Parliament's clear intention that Australian citizens leaving Australia to live abroad may continue to participate in elections by becoming eligible overseas electors. Those who are on the electoral roll when they leave may apply to be treated as an eligible overseas elector.⁵² Applicants must intend to resume residing in Australia no later than 6 years after ceasing to reside in Australia.⁵³ The application for EOE status may be made in the 3 months before departure, but must be made no later than 3 years after the day on which the elector ceased to reside in Australia. EOE status can be extended beyond the initial 6 years enrolment by virtue of annual extensions, which must be applied for within three months before the period expires.

To the SCG's knowledge, the AEC does not send out reminder letters to EOE's whose initial six-year period is coming up for expiry, so it is up to the EOE to be organised enough to know that they have to apply for the extension three months before the end of the six-year period. The SCG has been contacted by former EOE's who have discovered some time after the expiry of the initial six-year

51 Youth Electoral Survey, Report 2: Youth, Political Engagement and Voting, 2005, available on the AEC website.
52 Electoral Act, Section 94.
53 Electoral Act, Section 94(1)(c).

period (usually when they tried to vote in an election) that they have been removed from the electoral roll, because no AEC reminder letter was received. These people cannot then re-enrol from abroad due to the three-year drop dead date in Section 94A(2)(d) of the *Electoral Act*.

For those who are not on the electoral roll when they leave, or those who are deleted from the electoral roll after they leave, enrolment as an EOE is possible under Section 94A of the *Electoral Act*. Again, the intention to resume residing in Australia within 6 years applies, and the application must be made within 3 years of the day on which the person making the application ceased to reside in Australia.

Incongruously, although EOE's do not have to vote, Section 94(13)(c) of the *Electoral Act* provides that the AEC can delete their names from the electoral roll if a general election is held and they do not vote (the "use it or lose it" provision). If this happens, the person may not be able to re-enrol from abroad due to the three-year limitation in Section 94A(2)(d), and would therefore be unable to vote for the remainder of the time they reside abroad. AEC data setting out the number of EOE's deleted from the roll for any reason in the period 10 October 2004 to 26 May 2006 by electorate and state is contained at **Annex 6**. By 26 May 2006, 7,340 EOE's, or 45% of the number of EOE's on the roll for the October 2004 election, had been deleted.⁵⁴

EOE status is not compulsory for someone going overseas. The AEC has told the SCG:

EOE status was intended to provide a means for electors who were going overseas but who did not intend to return to the place of residence they were leaving to remain enrolled. This would include people who before departure were enrolled for an address at which they were renting, or which they sold, and therefore would not return to live at. As these people could not have that address as a real place of living to which they intended to return, the AEC on receiving such advice, would be obliged to commence action to remove them from the roll.⁵⁵ (emphasis added)

b) Voting From Abroad Without EOE Status – “Temporarily Absent”

Many eligible electors overseas are only “temporarily absent” from Australia and therefore EOE status will not be appropriate for them. If a person is on the electoral roll and happens to be overseas at the time of an election, it is not compulsory to vote, but voting is possible, even without EOE status. The vast majority of votes issued overseas at an election are on this “temporarily absent” basis. At the time of the 2004 election, the number of enrolled EOE's comprised only 23% of the total number of votes issued overseas and not all EOE's would have had votes issued to them overseas, meaning that

54 Note however that almost as many new EOE's had been registered in the same period so that the total number of EOE's on 7 September 2004 and 31 May 2006 was virtually the same.

55 E-mail from Andrew Moyes, Assistant Commissioner, Roll Management, AEC, 9 June 2006.

probably somewhere in the order of only 20% of all votes issued overseas at any election are issued to EOE's. The remaining 80% are issued to people who fall into the "temporarily absent" category in AEC terms. On census night in 2001, 330,900 Australian residents were reported to be "temporarily" overseas.⁵⁶

Australians overseas can remain enrolled and continue voting for some time after their departure without becoming eligible overseas electors. These situations appear to most often arise when young people go overseas and were enrolled, before their departure, at their parent's address in Australia, particularly where the parent or parents remain at the same address for many years. If the person does not inform the AEC that they have gone overseas, and continues to vote in every federal election, it could well be the case that the AEC never has any reason to question that person's enrolment, and enrolment could continue for a number of years.

If the AEC wrote to the person's enrolled address to check their enrolment details, the letter might be forwarded on by the parent to the person overseas so that they could respond, or the parent might respond. If the AEC visited the house and asked whether the person still lived there, the parent may respond that the person is simply "not home", or just "temporarily" overseas. If the parent advised that the son or daughter retained the address as his real place of living but was temporarily absent, then that record would be made by the AEC, and no further action would be taken. If the parent stated that the son or daughter was overseas for an indefinite period, then the AEC would take action to commence the removal process. That would involve writing to the person at the enrolled address unless the AEC had information as to a new address. If the person, or someone on their behalf then responded to the letter to say that the address remained their real place of living, but they were temporarily absent, the process to remove the name from the roll would stop. If the response confirmed the original information that the person was indefinitely away, or there was no response, then the process of removal would continue with a follow-up letter confirming removal. Again, at this stage, if a response is received saying that the address is the person's real place of living, the removal can be reversed.

The AEC admits that "temporary absence" is something of a grey area.

The definition of "real place of living" in Section 4(1) of the *Electoral Act* gives some guidance – "real place of living includes the place of living to which a person, when temporarily living elsewhere, has a fixed intention to returning for the purpose of continuing to live at that place". However, there is no definition of "temporarily". The advice of temporary absence can be very important, especially if the absent residents rent out the property while they are away. Without that record of temporary absence

it would be probable that information about new residents would be received by the AEC and action taken to remove the temporarily absent electors.⁵⁷

The AEC has explained:

The difference between a person who is temporarily absent (with a fixed intention to return to reside at their real place of living) and the person who has no fixed intention to return to that address, is that the former may remain enrolled for their real place of living while they have that intention to return, and need not apply to be registered as an EOE, whereas the latter person only has the EOE provision available to retain the right to vote (but comes with the proviso that they do in fact vote), recognising of course that they can apply after they depart.⁵⁸

Individuals who wish to remain enrolled while they are abroad without EOE status must of course be on the electoral roll before they depart, whereas a person who is overseas and not on the electoral roll can apply for enrolment (but only coupled with EOE status) from abroad under Section 94A of the *Electoral Act*. If an enrolled overseas Australian without EOE status subsequently finds themselves removed from the electoral roll for any reason and wants to re-enrol from abroad, they would be able to do so but only as an EOE, and only subject to the three-year drop dead date in Section 94A.

The whole basis for distinguishing between EOE status and “temporarily absent” status appears to primarily hinge upon nothing more than the technicality of whether or not an elector intends to return to the original address that they were enrolled at on their departure. If they intend to return to Australia, but do not expect to live at that address, EOE status is the only status open to them. In cases of short absences overseas, such as holidays or short secondments of a fixed and known duration, it is clear that “temporarily absent” status is the appropriate one, as the elector can be sure that they will return to that address and that it will be their real place of living on their return.

**c) How Many Eligible Electors are “Temporarily Absent” at any one time in AEC Terms?
Resident Departure Data – Reconciliation with “Temporarily Absent” Voters**

Although data as to the exact number of EOE's on the electoral roll can be extracted, no specific data exists as to the total numbers of Australian citizens or eligible British subjects of voting age, i.e. “eligible voters”, enrolled or otherwise, who are overseas in the AEC's “temporarily absent” terms at any one time. Some people going abroad complete the AEC's Overseas Notification Form (discussed elsewhere in this submission) but many do not.⁵⁹

57 E-mail from Andrew Moyes, Assistant Commissioner, Roll Management, AEC, 9 June 2006.

58 E-mail from Andrew Moyes, Assistant Commissioner, Roll Management, AEC, 9 June 2006.

59 The SCG has asked the AEC whether it can provide data as to the number of completed Overseas Notification Forms it has received, and will pass this on to the Committee Secretariat if it becomes available.

Published departure data can give us a broad picture, although the classifications of people into “residents” and “visitors” used to measure departures is not the same as those used to determine elector eligibility. Further, departure data talks of “short-term” (less than one year), “long-term” (more than one year but not permanent) and “permanent” departures. It is impossible to reconcile these published data in any precise way with the “temporarily absent” concept in electoral law, which itself is somewhat undefined, as seen above, and the “intention to resume residing in Australia not later than six years after ceasing to reside in Australia” criterion which applies to EOE’s.

Outgoing Passenger Cards⁶⁰ which form the basis of departure data ask departing Australian residents to state whether they are departing “temporarily” or “permanently”. If the “temporary” box is chosen, the person is asked to stipulate their intended length of stay overseas, and there is space given for years, months and days to be filled in. So a resident who considers themselves to be departing “temporarily” might still state that they intend to be away for 5 or 10 or 20 or 30 years but nevertheless not consider themselves to be departing “permanently” because they have in their mind they will come back to Australia one day, perhaps even just on holiday and not even necessarily to live. In this sense the questions distinguishing “Australian residents departing temporarily” and “Australian residents departing permanently” on the Outgoing Passenger Card present some confusion and difficulty for some of those going to live abroad for the first time. There are probably psychological barriers which prevent many going abroad for longer periods considering themselves as “permanent departures”. Few Australians would want to nominate, either to themselves or any government agency, that they are leaving “forever”, and it is probably easier for non-Australian-citizen residents to cross the “departing permanently” box. Only a small fraction of all departures are “permanent” departures (e.g. less than 2% of all resident departures in April 2006).

Further, many expats who return to Australia on holidays or short business trips report that they are not sure which category they fall into on departure and are confused by the Outgoing Passenger Card. The logical answer is that they are not “Australian residents” at all, but should cross the first of the three options on the card, as a “visitor or temporary entrant departing”. Unfortunately, many visiting expats do not pick up the nuance between “Australian resident” and “Australian citizen”, believing that they must cross one of the two “Australian resident” categories since they are “Australian”, even though they are in fact just “visitors” to Australia and do not live there. For these reasons departure data as it is currently collected will never provide a completely accurate picture of those leaving to join the Australian diaspora for the first time as opposed to those already part of the diaspora just visiting the country, let alone eligible voters.

60 The Outgoing Passenger Card used from July 2003 is reproduced at page 26, Appendix 1 of ABS 3401.0, Overseas Arrivals and Departures, April 2006, released 1 June 2006, available at www.abs.gov.au.

Any intention to be away for more than one year (but not “permanently”) results in a “long-term” departure in ABS terms. “Long-term” published departure data is not broken down into particular periods, whereas short-term departure data is publicly available by intended period away. So from publicly available ABS data we can tell whether a “short-term” resident departure was for a week, a month, or six months, for example, but we cannot see whether a “long-term” resident departure was for two years, six years, ten years, or twenty years.⁶¹ All we know from published data is that long-term” resident departures were all for more than one year and it would be necessary to look at unpublished data to gauge the actual length of stay the “long-term” departing resident intends to remain abroad for. “Long-term” resident departures comprised only just over 2% of all resident departures in the month of April 2006.

It might be argued that eligible electors who declare themselves to be Australian residents “departing temporarily” on the Outgoing Passenger Card (i.e. both “short-term” and “long-term” departures) should all qualify as “temporarily absent” in AEC terms. This proposition could be defended if the term “temporary” was used by the AEC in the same sense as most ordinary Australians would interpret it when filling out the Card. But we have seen above that the AEC links “temporary absence” to the definition of “real place of living” in Section 4(1) of the *Electoral Act* and that a person must have a fixed intention of returning to the same address that they left from in order to be “temporarily absent” for the AEC. The concept of “departing temporarily” on the Card on the other hand has its ordinary English meaning. A person may or may not have a fixed intention to return to a particular address – all that is meant is that they are temporarily leaving Australia and intend to return to the country at a later date.

The total number of departing “temporarily absent” eligible electors in AEC terms would be a subset of all Australian residents “departing temporarily” (i.e. “short-term” and “long-term” in the data). The following three groups would need to be subtracted: minors, non-Australian citizens who are not eligible British subjects, and people who do not have a fixed intention to return to reside at their “real place of living”. While it may be possible from the unpublished data presently collected on Outgoing Passenger Cards (which includes date of birth, nationality and passport number) to relatively accurately eliminate the first two groups from the overall resident temporary departure data, it would only ever be possible to estimate in broad terms the numbers in the final group.

This being the case, the SCG has not attempted to come up with data which measures true numbers of departures by “temporarily absent” eligible electors in AEC terms. Rather, it presents some comments on resident “temporary” departure data below for the JSCEM’s perusal, on the basis that

61 The ABS notes that unpublished data for the following variables are also available: citizenship, country of birth, age, sex, category of travel, and for Australian residents intended/actual length of stay overseas, country spent/intend to spend most time abroad, state or territory of intended address/state or territory lived. ABS 3401.0, Overseas Arrivals and Departures, April 2006, released 1 June 2006, page 24.

the numbers of “temporarily absent” eligible overseas electors departing will necessarily always be less.

Australian Bureau of Statistics (ABS) overseas arrivals and departure data reveal that increasing numbers of the Australian resident population are going overseas every year for what they stipulate on their Outgoing Passenger Card to be a “temporary” period. When a federal election is held, there will always be at least several hundred thousand eligible voters outside the country on this basis. In just the month of April 2006, the most recent month for which data is available, 415,300 Australian “residents” left Australia for a period of less than one year and 8,930 left for more than one year but still on a temporary basis, a total of 424,230.⁶² For the calendar year 2005, there were a total of 4,848,060 “temporary” resident departures on either a “short-term” or “long-term” basis.⁶³

Approximately 4% of residents (17,200) who departed Australia “short-term” in April 2006 stated that they expected to be away for a period of more than six but under twelve months. 17,100 (approx. 4%) stipulated they would be away between three and six months, 17,400 (approx. 4%) two to three months, 54,400 (approx. 13%) one to two months, 119,200 (approx. 29%) between two weeks and one month, 131,200 (approx. 32%) for one to two weeks, 58,700 (approx. 14%) for under one week. So approx. 75% of Australian residents departing for a “short-term” period are back in the country within one month and approx. 88% are back within two months. Put another way, 85% of all those residents who departed in April 2006 for what they stipulated was a “temporary” period intend to be back within 2 months, and 98% intend to be back within 12 months.

d) Transitions from Non-EOE to EOE Status to reflect changing circumstances: Unclear, and in any event legally limited in time by the three-year drop dead date in the EOE rules

“Temporarily absent” status may also be being used by people who end up being absent from the country for longer periods than they originally intended. People who may have thought they were going on a one-year stint to complete a masters degree abroad for example and who may have initially told the AEC that they were going to be temporarily absent in good faith, may find themselves with a job offer afterwards, and one year quickly extends into a number of years away. These people could in many cases simply be maintaining their temporarily absent status with the AEC because it

62 ABS 3401.0 Overseas Arrivals and Departures, April 2006, released 1 June 2006, Table 2: Total Movement, Resident Departures – Category of Movement, number of short-term (less than one year) residents departing, (original) plus long-term residents departing (original). Note that December and January are always the busiest months for resident short-term departures, as this coincides with the Australian summer holiday period and the end of the school/academic year. In April 2006, 47% of residents departing for a short-term period of less than a year stated that they were going abroad for a holiday, 24% to visit friends and relatives, 15% on business, 6% for “other” or not stated, 4% to attend a conference, 2% for employment, and 1% for education. The top ten destinations for short-term resident departures in April 2006 were New Zealand, United Kingdom, Japan, USA, China, Singapore, Korea, Hong Kong, Thailand and Germany.

63 ABS 3401.0, Overseas Arrivals and Departures, April 2006, released 1 June 2006, page 9.

has not crossed their minds to do anything different, although it is arguably the case that with each passing year, the chances that they will return to their enrolled address when they do in fact return probably diminish (unless they own the property at that address). If the enrolled address is that of a parent, for example, and the parent dies and the house at the address is sold, then there would seem to be no basis for maintaining temporarily absent status. Probably a person in this situation should strictly speaking change their status with the AEC from that of temporarily absent to EOE. However, such a change would only be legally possible within the first three years of leaving to reside abroad. All this said, it is extremely doubtful that any significant numbers of overseas Australians would be across the issues discussed here enough to even consider that a change of status might be applied for, as the AEC does not canvass such a status change in the information available to overseas Australians on its website.

1.11 Educating Eligible Voters as they Depart Australia

The departure data discussed above shows that because elections are often called only a month or six weeks ahead of the election date, not just “long-term” departing eligible electors, but even many “short-term” departing eligible electors will not know when they leave for their holiday or extended business trip that an election will occur while they are abroad. They may well not have their enrolment in order before they leave, and they may well not understand the ins and outs of voting from abroad. Once an election is called, those departing during the immediate pre-election period are likely to be more informed, and indeed pre-poll voting is available at international airports for a period before polling day. But to increase the overall level of electoral participation among eligible electors overseas in the medium to long term, constant AEC efforts are needed throughout the electoral cycle. That fact that the grace period between the calling of an election and the closing of the roll will be effectively non-existent for future federal elections on the passage of the *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2005* very shortly significantly strengthens the case for ongoing, and not just immediate pre-election outreach of this nature.

Every Australian citizen aged 17 or over or adult eligible British subject who departs Australia at any time, not just in the months immediately before a federal election, should be handed an AEC brochure. This could be done at check-in by airline staff at the same time as they give people their Outgoing Passenger Card and boarding pass. The AEC brochure should impart the basic fact that voting is not compulsory once the person is abroad, but simultaneously encourage the person to nevertheless participate in elections in their absence. A short message from a non-political but respected figure, such as Australia’s Governor-General, might be included along the following lines:

Today you’re leaving Australia perhaps for a holiday, business, or to live abroad. I extend to you my very best wishes for an enjoyable and safe trip. You are a valued Australian, and you remain an important part of the Australian nation even while you are away from Australia. All Australians can

contribute to and be part of our country's future, regardless of where they are. An important way that you can do this is to make sure you vote in Australian elections, even if they occur while you are abroad. Voting is not compulsory if you are outside Australia on election day, but your vote is your voice in Australia's future.

The brochure should encourage young people who are not on the electoral roll at the time of departure to enrol once they return from their short trip or from abroad under Section 94A of the *Electoral Act* if they are going away for a longer period. A detachable (improved) version of the AEC's "Overseas Notification Form" (discussed elsewhere in this submission) could be part of this standard brochure. The brochure should allow people to determine whether they are "temporarily absent" in AEC terms (i.e. they intend to return to live at their enrolled address), or whether EOE status is the most appropriate for them. If it is not possible to give a concise explanation of the applicable rules, the form should allow them to ask the AEC to send them more information by either e-mail or airmail. Collection boxes for completed "Overseas Notification Forms" should be provided in the area just in front of the immigration desks where people already fill out their Outgoing Passenger Cards before lining up with their passports and boarding cards, as well as in the departure lounges at each gate where people generally wait for some time before they board their flight and might have time to fill in the form.

If this plan were comprehensively implemented at all international airports and ports, at least some of the 18% of young Australians aged 17 to 25 who should be on the electoral roll but currently are not would become enrolled, because they would be educated to do so as they left the country. With approx. 4.75 million residents leaving the country in 2005 for a wide variety of periods and reasons, but most returning within a relatively short period, this step could not fail but to significantly increase levels of youth enrolment in the resident population in particular, but also electoral participation by all eligible voters overseas on polling day. The ABS notes:

Australians are enthusiastic travellers. Australian short-term departures overseas have nearly tripled over the past 20 years; there were 1.3 million departures in 1983, compared with 3.4 million in 2003.

In 2003, 51% of Australian short-term departures overseas were by people aged 30-54 years. People in this age group were travelling overseas mainly to visit friends or relatives, or for business. Australians travelling overseas in younger age groups were mainly travelling for holidays.⁶⁴ (emphasis added)

The 2004 YES study found that young people do not consider the fact that they will be able to vote when they turn 18 "exciting". But an overseas trip is always exciting for a young person. Perhaps a brochure given to them at the time of this more "sexy" event will be read, digested and acted upon by greater numbers of young people. With mobile phones forcibly switched off for a period of several

64 ABS 4102.0, Australian Social Trends, June 2004, page 176.

hours during an inter-continental flight, information handed to them just before boarding may finally receive the attention it deserves.

There are in addition a number of other ways to reach departing resident Australian youth and other age groups before they get to the airport to board their flights. These are outlined in **Annex 8**.

1.12 The AEC is Failing to Meet its Obligations vis-à-vis the Eligible Voter Overseas and Those About to Depart

Despite the various difficulties and inconsistencies inherent in the two overseas voting routes outlined above, the fact remains that it is Parliament's intention that Australian citizens going overseas should be able to vote from abroad.

This being Parliament's intention, it must be the role and duty of the AEC to deliver appropriate electoral education and information programs to this group as well as to the resident electorate. Under Section 7(1)(c) of the *Electoral Act*, one of the AEC's statutory functions is "to promote public awareness of electoral and Parliamentary matters by means of the conduct of education and information programs and by other means". Further, Section 7(3) of the *Electoral Act* provides that the AEC "may do all things necessary or convenient to be done for or in connection with the performance of its functions".

The AEC's Service Charter states that it provides a range of electoral services "to the people of Australia" and that its services include "educating and informing the community". Does the fact that the AEC currently engages in virtually no efforts to reach existing expats beyond the information passively displayed on its website mean that it interprets the "people of Australia" and the "community" as only those in Australia?⁶⁵ Even if this were the case, this approach would still provide no justification for the lack of active efforts to educate intending expats of their electoral rights and responsibilities once overseas. The AEC also states that it "will provide you with timely and accurate information on electoral matters" (emphasis added), along with explaining "the things you need to know and what you need to do". In underscoring its respect for the law, the AEC states "we will give you the information you need to comply with your responsibilities, by providing brochures, online information on the AEC website and education programs for schools and other community groups". It does seem that overseas electors are a clearly defined client group for the AEC. In its Online Action Plan dated 13 February 2004, it states (on page 2) that the "AEC's clients are people who participate in or who have an interest in the Australian electoral and democratic processes" and "these include people eligible to enrol and vote, including special category voters".

65 Other agencies take a different view. DIMA states on its citizenship website that "Almost a million members of the Australian family are living overseas. They are united in spirit and character by their Australian Citizenship." <http://www.citizenship.gov.au/info/overseas.htm>.

1.13 The Fact that Voting is Not Compulsory for Overseas Australians is Not an Excuse for Inaction – Australia’s Norm of Universal Participation

The fact that enrolment and voting is not legally compulsory for the overseas subset of the overall electorate cannot be a sound policy justification to ignore its needs or to deliver insufficient or inadequate electoral education and information services to it. If “participation” is a central concern, as it indisputably is, then surely the JSCEM must be concerned to achieve “participation” in Australia’s democratic life by all Australians that the Parliament has deemed may participate. Where voting is not compulsory for a particular group, the AEC will necessarily have to work that much harder with that group, but the unique challenges presented are not an excuse to put overseas eligible voters in the “too hard” basket. If Australia wants to ensure greater political knowledge and participation among all its citizens because, as the CEG noted, “without active, knowledgeable citizens the forms of democratic representation remain empty; without vigilant, informed citizens there is no check on potential tyranny”, this desire to include and encourage participation must logically extend to those citizens which Parliament has said may still be enrolled and vote from overseas.

Those overseas Australians and intending expatriate Australians who have a legal entitlement to be enrolled and vote from overseas have specific needs in terms of electoral education and information. The first and primary goal of efforts directed towards this group, in view of the fact that enrolment and voting are voluntary for it, must necessarily be to ensure increased levels of electoral participation. All the evidence we have about well-established democracies which practice voluntary voting indicates that voter turnout is steadily declining and becoming a matter of increasing concern.⁶⁶ High electoral participation levels enhance a number of fundamental democratic values, such as popular sovereignty, legitimacy, representativeness, political equality and minimisation of elite power.⁶⁷

The original purpose behind the introduction of compulsory voting for resident Australians in 1924 was to increase turnout, and this remains probably the main argument for its maintenance today. In a society which so highly values voter turnout, and in which compulsory voting is widely viewed as a “good thing”,⁶⁸ it is difficult to fathom why so little attention has to date been given to encouraging enrolment and voting by one of the few groups within the total electorate which does not have a legal obligation to enrol or turn out. Australia is a country in which the system of compulsory enrolment and

66 See for example, Lisa Hill, “Low voter Turnout in the United States – Is compulsory voting a viable solution?”, *Journal of Theoretical Politics* 18(2), 2006, page 207.

67 Lisa Hill, “Compulsory voting in Australia: A basis for a “best practice” regime”, 32 *Federal Law Review* 2004, page 479, at 480.

68 McAllister, op cit, 1999, page 232, notes that “if the system of compulsory voting is ever removed in Australia, it is likely to be for partisan reasons, rather than for any philosophical objections to the system, either by voters or politicians”. He argues that the Australian electorate has been compliant in supporting compulsory voting because of Australia’s distinctive utilitarian political culture. “Based on the assumption that the goals of the society were more likely to be met by widespread participation in the electoral process, the logical corollary was to enforce voting legally.” (page 231).

voting for those adult citizens in Australia has given rise, over time, to a norm of universal participation. The majority of the electorate would appear to subscribe to the system of compulsory enrolment and voting on the grounds that voting is a public good and therefore a problem of collective action, which can be resolved only by mandatory means.⁶⁹ Graeme Orr writes:

It is a curious fact that the bulk of Australians routinely report in opinion surveys that they favour compulsion. Now this could simply show how the law generates conformity to itself. But more idealistically it reflects a virtuous feedback loop: Australians grow up to appreciate that voting is an important social obligation.⁷⁰

Hill maintains that Australia is a good case study for demonstrating how well a compulsory system can work, and that Australia is a country where the obligation to vote is held mutually between citizens, rather than to the state, and is a cultural rather than a legal value.⁷¹

The norm of universal participation in Australia in some instances is so firmly entrenched that it is carried overseas as part of an individual Australian's psyche when they go abroad. In the SCG's experience, for these people, barriers to enrolment and hence voting while abroad give rise to particular frustrations – they are not looking to opt-out and the fact that voting is not compulsory is irrelevant to them. They want to do everything they can to make sure they can participate and strongly believe that they should be able to participate. On being told by the AEC that she did “not need to vote” while away, one Australian woman told the SCG:

The AEC letter stated that I did not need to vote if I was outside of the country. Given that my decision to return to Australia on a permanent basis at the end of this year will hinge largely on the outcome of this year's election, I was frustrated by their suggestion that I didn't need to vote.⁷²

Within the voluntary enrolment and voting regime which exists for Australian eligible voters overseas, it seems clear that the more informed potential expatriate voters are, the more likely they are to enrol and vote. This can be extrapolated from what we know from survey data which asks whether people would have voted if it were not compulsory in Australia. McAllister writes:

The problem of voter knowledge is compounded by the system of compulsory voting, which ensures that the least knowledgeable, who would be most likely not to vote in a voluntary system, are compelled to attend the polls. Those who say that they would abstain in a voluntary system tend to be

69 Lisa Hill, “Compulsory Voting: Residual Problems and Potential Solutions”, *Australian Journal of Political Science*, Vol 37, No. 3, 2002, page 437, sets out the clear and important benefits to both society and individuals which compulsory voting delivers (at page 438).

70 Graeme Orr, “Australian Electoral Systems – How Well Do They Serve Political Equality?”, Report No. 2 for the Democratic Audit of Australia, 2004, page 12.

71 Lisa Hill, “On the reasonableness of Compelling Citizens to Vote: the Australian Case”, *Political Studies*, Vol 50, Issue 1, page 82.

72 E-mail from RM, Dublin, Ireland, 6 September 2004.

younger, less educated and less politically interested than intending voters (McAllister and Mackerras 1999).⁷³

1.14 AEC Overseas Education Outreach Efforts Prior to the 2004 Election – Too Little, Too Late

As part of the Inquiry, the SCG submits that the JSCEM should ask the AEC to provide details of its efforts to reach the diaspora prior to the October 2004 election and the budget that was devoted to this exercise. The full scope of efforts the AEC ultimately implemented in order to reach expat Australians during that period is not fully known to the SCG. However, the SCG outlines below its own efforts to assist and cooperate with the AEC so that expats could be better served with AEC information in the months before the October 2004 election.

After various SCG contacts with the AEC from 2001 onwards, it appeared that the AEC was well-intentioned to try to reach more expats before the 2004 election. In December 2003, the SCG was contacted by Haystac Public Affairs in Melbourne, which informed it that the AEC was its client and that Haystac was “putting together some concepts regarding communicating with overseas/travelling Australians”. Haystac requested advertising rates and website traffic information from the SCG, as well as information on other key Australian expatriate websites, which the SCG duly provided as part of several e-mail exchanges during December 2003. Nothing further was then heard until 19 May 2004, when a different account manager from Haystac, Lisa Schillaci, made contact. She wrote:

With a Federal election to be called at any time, our aim is to target all Australians living overseas, reminding them to either enrol to vote or register their current details with the AEC in order to be eligible to vote in the next election. During the election campaign, our aim is to provide information to all Australians living overseas as to how, when and where they need to vote, through your website.

We are ready to provide you with tailored information, to be provided as editorial and/or information to sit behind a banner ad. I am seeking your feedback on how you would like to receive this information. Would you prefer to receive it written as an article or in Q&A format? I welcome your comments.

We would also ask for the details of Australians who would be happy to feature in editorial stories within the Australian media relating to overseas voting.

The SCG responded immediately on 20 May 2004 that it would be holding a major event at Australia House in London on 9 June 2004 to launch *ExpatriateConnect.com*, with Australian Nobel Laureate Peter Doherty, and that several hundred Australians had already registered to attend. The SCG

73 Ian McAllister, “Elections Without Cues: The 1999 Australian Republic Referendum”, *Australian Journal of Political Science*, Vo. 36, No. 2, 2001, page 247 at 266.

suggested that this would be an excellent opportunity to distribute AEC information and offered to do so without charge to Haystac or the AEC, as long as it was provided with all the material without any cost to the SCG. Then days later, on 1 June 2004, Ms Schillaci advised that she had "had a brief conversation with the AEC team yesterday afternoon and they are very happy to be involved. They are now working internally to develop some material for you - which will most likely be emailed across, given the time frame." On the same day the SCG advised that if SCG had to print all the material in Europe in time for the event in London the following week (which it was willing to organise, as long as the AEC ultimately bore the cost), it would need to be e-mailed across by 4 or 5 June 2004. On 3 June Ms Schillaci advised:

As you would expect, the AEC is committed to ensuring that its expats campaign is executed successfully and that all detail and messages are correct when reaching our expats. Your event is viewed as a great opportunity but we were optimistic when envisaging that we would be able to have our collateral finalised and with you by this date.

As you'll appreciate, this is highly complex material and we do not want to 'rush' it through. However, please be assured, that once we do have our communication materials finalised, we will inform you.

It is disappointing that this opportunity was missed, as it turned out that the 9 June 2004 event was among the largest ever to have been held at Australia House in London, with over 450 people attending. AEC information could have been distributed to all these individuals, who in turn would have passed on its messages further by word of mouth among the Australian expat community in the London area. The SCG nevertheless took the opportunity to distribute its own information brochure at the event.

Thereafter, on 18 June 2004, the SCG was contacted by an interactive media assistant from the media agency Universal McCann in Sydney, Jonny Cordony, who wrote:

We are planning for the Australian Government Election that will be coming up very soon.
For this campaign we are targeting Expats and thought your site would be quite suitable.

Site:

Souther-cross-group.org (*sic*)

Spend: (two options depending on Budget)

Option 1 - \$2,000

Option 2 - \$6,000

Timing:

24 days (but possibly more)

Can you please help me out with the following?

Availability of the site?

Formats that we can use?

Costing?

Can you please get back to me ASAP as this campaign could arise in 2-3 weeks time?

The SCG responded on 21 June 2006 with the required information, but no response was ever received from Universal McCann and no advertising ever placed on the SCG website, although the SCG remained very ready and willing to assist in whatever ways it could. The SCG notes that Universal McCann was paid a total of A\$ 8,245,313 by the AEC to place campaign advertising in the lead up to the 2004 federal election.⁷⁴ The JSCEM may wish to establish with the AEC how much of this figure was for advertising on expatriate organisation websites and in offshore media.

On 3 August 2004, almost two weeks after amendments to the *Electoral Act* came into force on 21 July 2004, and with the announcement of the election looming, the SCG was contacted by a media relations manager from Haystac, Stephen McMahon, who wrote:

I am writing from Haystac Public Affairs in Melbourne, Australia, on behalf of the Australian Electoral Commission (AEC), about the possibility of your website hosting relevant information from the AEC for overseas/ travelling voters in the expected upcoming Federal election.

One of my colleagues contacted you earlier this year, but unfortunately due to legislative changes the AEC is only now able to provide finalised details covering the voting eligibility of Australians living, working or travelling outside of the country at the time of an election.

Our aim is to target all Australians overseas and remind them of the importance to either enrol or register to vote. The editorial content we are offering to provide will have all the information necessary along with links to the AEC website. It has been done in a Q and A style format. Does this suit your website?

We are also planning to roll out an online advertising campaign on behalf of the AEC during the Federal election to reinforce the message and editorial content.

Could you please contact me if you are not interested in receiving the relevant information? Also what is the best way to send the information in terms of technology and lay-out?

The SCG's Co-founder Anne MacGregor responded on the same day in the following terms:

74 AEC Annual Report 2004-05, Appendix D, page 179.

We are willing to assist, although our own website already has a great deal of updated information on this issue - it appears you may not have seen it from what you write below. It includes many links to the AEC site. It was updated a couple of days before the 21 July 2004 legislative changes took effect. See www.southern-cross-group.org.

We are willing to consider your material, but it may not add anything to what we already have. If you send it through, we can look at it and decide.

It may not be clear to you that your material will only be of interest to the relatively few expatriate Australians who have not lost the right to vote. We estimate that approximately 500,000 of the some 645,000 expats aged 18 or over no longer have the legal right to vote.

Further, in terms of people finding out whether they have lost the right to vote, and/or need to contact the AEC to update their enrolment information in advance of the election, once the election is called, it is essentially too late to start a campaign to reach expats, as there is then only a seven-day period before the rolls close.

We had hoped that Haystac and the AEC would be starting a lot earlier than this. Our own SCG campaign has been underway for several months. Although legislative change was in the pipeline, a great deal could have been done by you in the last few months.

We can help you with an online advertising campaign on behalf of the AEC, but there will be a cost for advertising on our website. There will also be a charge for putting out e-mails to our world-wide list of some 6,000 Australian expats (which has a reach far greater than 6,000) on behalf of Haystac/AEC.

We have also been approached by Universal McCann, several weeks ago, who appear also to be handling public affairs for the AEC re expats for the election. We have already given them details of our charges, etc but heard nothing back.

It is unclear to me exactly how the activities of Universal McCann and Haystac will complement each other. Indeed, it seems that you will at least in part be duplicating each other's work. I would be obliged if you could supply me with the contact details of the individual at the AEC who has instructed you to contact us as I would like to coordinate with the AEC directly on this matter.

Six days later, on 9 August 2004, the SCG was contacted by Phil Diak at the AEC, who attached "a short document which provides advice about enrolment and voting overseas for eligible overseas electors with little or no knowledge about the manner in which the *Commonwealth Electoral Act* provisions work". That document is attached for the JSCEM's information as **Annex 9**. Mr Diak wrote:

It appears from my reading of material on your site that this document is already covered content-wise on your site, and therefore may not add further information to your membership. This is in contrast to a number of other expatriate sites that do not have your specialisation and knowledge - we have naturally forwarded this information to them as well.

Earlier contact with your organisation was initiated through Mr Stephen McMahon of Haystac Public Affairs who are assisting us in delivering what is always one of largest and busiest public information campaigns undertaken in and from Australia. Given your positioning as a representative of overseas enrolment and voting issues, I am happy to meet your request for the AEC to communicate directly with you.

The SCG considered the material Mr Diak had sent, and in the event did not change any of the existing information on the SCG website, as it considered that all the points in the AEC document were already covered. However, the SCG did take issue with Mr Diak on the fact that the AEC document stated "Once the election is called there isn't much time for Australians living overseas to do something about their enrolment". In the SCG's view, this information was too imprecise, and the SCG told Mr Diak that it would be helpful if the AEC were to be specific about how much time there would be after the election was called. Mr Diak acknowledged that the SCG had made a good point to be specific. However, the SCG is unaware of whether the document sent to the SCG on 9 August 2004 was subsequently amended before it was transmitted to other expatriate organisations for inclusion on their websites. The SCG also does not know how many other expatriate organisations were contacted to post AEC information on their sites, how many in fact did so, and in what circumstances if any other expatriate organisations may have been remunerated for carrying AEC information or advertising.

Mr McMahon of Haystac sent the SCG along with a handful of other Australian expatriate organisations another e-mail on 29 September 2004 attaching a further short document containing AEC information, as a "reminder", which he asked be disseminated in newsletters and on websites. That document is attached as **Annex 10**.

1.15 Small Investments with Large Returns: the SCG's Ongoing Diaspora Outreach Efforts on Enrolment and Voting and its Pre-election Campaign in 2004

Simultaneously to the dialogue which was occurring with the AEC, Haystac and Universal McCann during late 2003 and in 2004 before the last federal election as outlined above, the SCG was conducting its own work to educate expatriate Australians. As a matter of course, parallel to its advocacy work, the SCG has for a number of years conducted ongoing outreach campaigns into the Australian diaspora, to the extent that its volunteer structure and extremely limited financial resources allow. It is hoped that information on this outreach work, which the SCG believes has contributed significantly to increased numbers of Eligible Overseas Electors, and greater numbers of Australians

voting from overseas over the period in which the SCG has been active, will serve to demonstrate to the JSCEM that increased electoral information disseminated continuously throughout the electoral cycle, and not just at the last minute before an election, does result in greater electoral participation in the diaspora. It should be stressed that the SCG's ongoing outreach on enrolment and voting matters is constant throughout the three-year electoral cycle. In the lead up to an election, however, a more focussed and intensive information campaign naturally takes place, and the SCG experiences far greater levels of e-mail queries from the expatriate community in the period immediately before an election, as interest and levels of engagement are greatest when an electoral event is on the horizon.

A copy of the current version of the SCG's brochure entitled "What you need to know about voting in Australia while you live overseas" is attached for the Committee's information at **Annex 11**. This brochure is permanently available on the SCG's website along with a discussion of the advocacy work the SCG has undertaken on the subject of expatriate disenfranchisement and the issues involved. It has been seen in various incarnations by the AEC, whose staff have raised no objection to its contents.

In the absence of any hard-copy AEC literature being available on any permanent basis in the public areas of Australia's overseas missions or in any other overseas locations, the SCG has endeavoured, wherever possible, to make its brochure available at Australian missions⁷⁵ and at functions held in various places around the world by a multitude of Australian expatriate organisations on a rolling basis. A number of expatriate organisations have undertaken at various times to circulate the SCG's brochure to their members by e-mail. Continuous feedback from many grateful individuals indicates that these outreach efforts by the SCG have prevented a significant number of expatriates from becoming disenfranchised.⁷⁶

75 Some overseas posts have on occasion not been willing to carry SCG flyers in their public areas, even in the absence of other government-authored information for expats being available on the same subject. For example, in January 2006 the Australian Consulate-General in Shanghai refused to carry SCG flyers about the Senate Inquiry into the new Australian Citizenship Bill which contains many legislative reforms specific to overseas Australians, stating to the SCG volunteer concerned that "it was against Australian Government policy" and that they were "only allowed to direct people to the relevant government website". This matter was subsequently taken up with the Consular Policy Branch of DFAT in Canberra, who responded that "DFAT's overseas missions distribute hard copy materials on behalf of government agencies when requested. The proceedings of Senate Committees are regarded as proceedings of Parliament and, therefore, it is the responsibility of the Parliament to decide on appropriate methods of publicising the proceedings. In the event that a Senate Committee requested the assistance of DFAT in publicising an inquiry through its overseas missions, DFAT would use official material produced by the Committee itself for this purpose. In the absence of such a request, it is not DFAT's practice or role to take special measures to publicise Parliamentary or other inquiries overseas." E-mail from Bassim Blazey, 23 January 2006. The SCG's information flyer about the Senate Inquiry into Australian Expatriates was successfully carried in the foyers of many Australian missions in the late 2003/early 2004 period, leading to a record number of 677 submissions being received by that Inquiry. To the SCG's knowledge, no Government committee has ever distributed expat-relevant information concerning one of its inquiries formally through DFAT missions abroad. It is submitted that the JSCEM should publicise details of its inquiry following the next federal election in this way.

76 It has also enabled the identification of increased numbers of overseas citizens who are currently disenfranchised due to the limitations on enrolment from abroad presently in the *Electoral Act*.

When the election was called, within a matter of hours the SCG sent out an e-bulletin to its world-wide e-mail list on 29 August 2004. The key message in this was that Australians citizens abroad who could still vote only had until 7 September to get their enrolment details in order with the AEC. The e-bulletin supplied links to the AEC's online enrolment verification facility, the AEC website and SCG information.

On the same day, DFAT (via Ian Spratt, Online Register Administrator, Consular Branch, Canberra) sent an e-mail to all overseas Australians registered with it as being abroad informing them of the election. Although curiously labelled as a "Consular Services Travel Bulletin" the SCG was pleased to see DFAT using its database of overseas Australians to let them know of the election and it would appear this is the first occasion on which DFAT had sent out e-mail notification of an election being called.⁷⁷ The SCG's e-bulletin arrived in people's inboxes just ahead of the DFAT bulletin, prompting the following gleeful comment to the SCG from one expatriate Australian in the United States:

To my great delight, I found an e-mail from DFAT about the election in my email box today! And it almost came before the SCG notification!

I'm registered with them as an overseas Australian - seems they've taken some of our suggestions to heart about notifying "us" about things other than travel advisories, and in a timely fashion no less.

It's a beautiful thing!⁷⁸

The SCG sent out a further e-bulletin on 1 September 2004 reminding people that the rolls would close on 7 September, and providing details on postal voting, which had gone up on the AEC website on 30 August 2004. During the pre-election period the SCG fielded a significant number of queries and comments from overseas Australians on enrolment and voting and was regularly in contact with the AEC regarding a number of individual cases.

The AEC suggested in one e-mail exchange during this period that the SCG tell its constituency that there would "be a number of Australian Diplomatic Missions in countries in time zones that will be open for voting on polling day Australian time." However, the SCG pointed out that the vast majority of the diaspora was in the northern hemisphere in time zones significantly behind Australia. Although the SCG asked the AEC to provide a list of exactly which Australian missions would be open on Saturday 9 October 2004 for polling, this list was never provided. It remains unclear whether any missions actually were open on election day among the handful of countries in the same time zone or a time zone ahead of Australia. For that reason the SCG insisted and the AEC agreed that a more single appropriate message to expats was to recommend that people pre-poll on or before 8 October 2004. At the end of this dialogue, the AEC simply suggested that people should contact their nearest mission for exact opening time information.

77 DFAT sent at least two further bulletins regarding the election, on 20 and 22 September 2004.
78 E-mail from MK, USA, 1 September 2004.

Another issue which the SCG raised with the AEC as a result of a query it received was the matter of EOE's who happened to be in Australia on polling day. There was concern that if an EOE voted in Australia, the AEC might then assume that the person was no longer living overseas and take away the notation on the roll that the person was an EOE. There was further concern that this could lead to an EOE being inadvertently removed from the roll post-election because the AEC might think the person was living in Australia again but find that the person didn't live at their enrolled address. Inadvertent removal from the roll was a significant worry due to the three-year drop dead date for re-enrolment from abroad currently in the *Electoral Act*. The SCG was reassured by the AEC that the AEC would only commence a process which may ultimately involve removing electors from the roll or their overseas status if they did not vote. It makes no difference whether a person physically votes from overseas or domestically if they have overseas elector status. The key thing is that the person does vote.

It is submitted that even the SCG's modest outreach efforts appear to have at least contributed in part to significantly increased electoral participation and awareness by overseas Australians. The SCG is proud to be able to take at least some of the credit for the fact that during the period in which it has been conducting its outreach efforts, the number of Eligible Overseas Electors (EOEs) on the electoral roll has increased dramatically. In August 2001, there were just 9,064 Eligible Overseas Electors (EOEs) on the electoral roll. As at 31 March 2006 there were 15,957 individuals with EOE status on the roll. The 2006 figure represents an increase of 76% as against the 2001 figure. Similarly, voting by Australians overseas significantly increased in 2004 as against 2001. 68,544 votes were issued overseas for the October 2004 election, whereas only 63,016 votes were issued overseas for the 2001 election. This represents an increase of almost 9% in the 2004 election.

There is no way to measure how many individuals have become EOE's or maintained their enrolment or voted overseas because of the SCG's active and passive outreach work. While the SCG's modest outreach efforts are valuable and appear to be quite successful as far as they go, it must be stressed that the SCG's literature is reaching only a tiny fraction of the entire Australian diaspora. A fundamental matter for the JSCEM's consideration in this Inquiry is whether it should be the role of an NGO such as the SCG to disseminate basic electoral information for overseas Australians. If non-profit expatriate organisations are to assist the AEC in reaching expats, as they are generally very willing to do, it is not appropriate for government to expect that this will occur without any expense to the AEC or other government agencies.

The SCG's limited efforts have been so welcome because of the dearth of any meaningful active efforts by the AEC (apart from the passive information on its website) or other Australian government agencies to communicate with overseas Australians or departing Australians on electoral matters.

Even when the SCG's information results in an expat discovering that they are no longer entitled to enrol and hence vote or reaches an expat that already knows they cannot enrol and vote, it is invariably gratefully received, as the e-mail below from one Australian woman in Germany demonstrates:

Thank you for the information I found from your organisation on voting as an expat on the Yahoo website. I have been feeling outraged for three years that I am not able to vote in Australia or Europe and have been rendered effectively voiceless simply because I happened to marry a European. Now that I know that your group is campaigning to change this, I will get on board and do all that I can to help. Living abroad is often a very isolating experience - I was relieved to find that there are others out there who not only understand this, but are working to improve things. I give you my heartfelt thanks for this assurance.⁷⁹

1.16 The AEC Website: An Excellent Passive Resource, but Active Efforts both in Australia and Abroad are Additionally Required

The SCG wishes to put on record that it finds the AEC's website to be an excellent resource for Australians going overseas and Australians already overseas. Over the last six or seven years, since the SCG has been working in the area of expatriate enrolment and voting, the AEC's website has undergone successive updates and improvements and the AEC is to be commended for this. Information for overseas Australians and those intending to go abroad is fairly extensive and accessible in the third layer of information on the site via several different routes.

At present, all of the information the SCG believes people need before departing Australia is to be found via the "WHAT" menu on the AEC home page - specifically in the first five subject headings. In the case of the Publications headings one has to go further to the Fact Sheets page before arriving at overseas issues.

The instructions accompanying the following forms currently available for downloading from the AEC's website are excellent examples of the information which also needs to be made available for existing or potential overseas Australians in non-web-based media:

- Application for registration as an overseas elector.
- Application for enrolment from outside Australia.
- Application for enrolment by the spouse or child of an overseas elector⁸⁰

79 E-mail from LK, Germany, 6 September 2004.

80 As noted elsewhere in this submission, the SCG takes issue with the current version of the AEC's Overseas Notification Form, but believes that it should be possible to resolve those concerns.

Taken in conjunction with the AEC information sheet “Going overseas? – Frequently asked questions”⁸¹ all the information one needs in relation to the special electoral rights and responsibilities as an overseas Australian is available on the AEC website.

The major advantages of the website approach to publishing government information are that its content can be kept up to date at little cost to the sponsoring agency and it is instantly available to those who need it. The difficulty, however, is in making sure that the people who need to know the particular set of information know where and how to find it and are aware that they ignore the information at their peril. The SCG has suggested on a number of occasions that there should be a dedicated Australian government web portal just for overseas Australians, through which all government information specific to overseas Australians should be available, whether it be from the AEC, DIMA, DFAT, Centrelink or other agencies. The SCG website already carries links to the *www.australia.gov.au* portal but this is not expat-specific. AEC and other government hardcopy information should carry links not only to the agency website but also to the *Australia.gov.au* portal, or, ideally, to the specific government portal for expatriates that the SCG has suggested.

The SCG submits that the AEC website would be greatly improved by a prominent link on its homepage specifically for departing Australians and overseas Australians. The SCG suggested a similar link to DIMA a number of years ago for the *citizenship.gov.au* website, which has proved very successful in getting expatriate Australians straight into the targeted information about diaspora citizenship issues. This allows overseas Australians to bypass the bulk of the *citizenship.gov.au* site which is concerned with migrant naturalisation.

A similar link box on the home page of the AEC website might contain the following text:

Going Overseas or Already Overseas?

Know your options.

This textbox could join the existing purple, green and blue link boxes already on the top right hand corner for the AEC’s homepage.

A further low-cost improvement which the AEC could offer by way of services to overseas Australians through its website is to encourage them to sign up to its mailing list, and to create a mailing list specifically for Australians planning to go abroad and Australians already overseas in addition to the list of specific topics visitors can already sign up for.⁸² In this way, the AEC could keep in touch with overseas Australians on a more regular basis. The EOE forms and Overseas Notification Form could

81 http://www.aec.gov.au/_content/what/enrolment/faq_os.htm

82 <http://www.aec.gov.au/subscribe/index.htm>

be changed to include a box which people can tick which says “please send me e-mail news and information which arises from time to time relevant to overseas Australians”, giving people the option to sign up to bulletins. On establishing the dedicated list, the AEC could send e-mails to the e-mail addresses of all existing EOE’s where it has an e-mail address for them, alerting them to the new service and inviting them to sign up.

1.17 Active Outreach in Addition to the AEC’s Website Resource and Enhanced Ongoing Co-operation with DFAT

It is clear that the AEC views its website as its main tool for reaching Australians overseas and the SCG has sensed a general reluctance by government and the AEC, perhaps due to budgetary and financial resourcing concerns, but also because expats seem to have been put into the “too hard basket” and often are “out of sight, out of mind”, to engage in supplementary, non-website efforts specifically directed at Australians about to go abroad or already overseas. But the AEC has said that its primary customer is the eligible voter, and thousands of Australians leaving Australia and already abroad are eligible voters. Just because voting is voluntary for this group does not absolve the AEC from its responsibilities to actively work towards higher electoral participation levels and the wider electoral education of this group, particularly when a large percentage of this group is in the youth demographic, where existing levels of enrolment and engagement even in Australia are lower than optimal.

A website is only ever going to be a “passive” resource. A website by itself cannot jump out and grab a person and ask them whether they have thought about and understand their electoral responsibilities and options on going abroad. A website cannot demand to be read. People first have to realise that enrolment and voting are matters to be carefully considered on leaving Australia and while they are away. In the SCG’s experience, actively seeking out the target groups with concise information in the form of brochures, flyers, posters, newspaper advertisements and media coverage all placed where they are likely to be found is essential to direct many people to the website resource in the first place. A large number of people would not otherwise ever visit the AEC website. Many people tell the SCG on picking up its “What you need to know” brochure that they “just hadn’t thought about it” or “didn’t know what the story was” or “had been meaning to do something about it but hadn’t got around to it”. But they are always pleased to have clear guidance.

In June 2003 the JSCEM recommended “that the AEC provide comprehensive information on overseas voting entitlements and enrolment procedures to all electors who contact the AEC about moving overseas.”⁸³ This recommendation came about due to a number of submissions by expatriate Australians to the earlier inquiry which indicated that on several occasions, the AEC had perhaps

83 Recommendation 6, JSCEM Report into the 2001 Election, June 2003, page 78.

made an erroneous judgment that particular individuals did not qualify for Eligible Overseas Elector status and had therefore not provided those individuals with complete information enabling them to assess their own eligibility.

In October 2003, the Government supported the JSCEM's recommendation on this point, but said:

The AEC will review its approach to providing information to persons who contact it about moving overseas and amend staff training accordingly. The AEC website already provides a substantial amount of information including frequently asked questions, and information about eligibility and forms for overseas electors.

As these people include travellers, who may be mobile and difficult to contact personally for some period of time, the AEC would propose to use its website as the key vehicle for providing information. The AEC is also working closely with the Department of Foreign Affairs and Trade to provide better service at the next federal election through the provision of ballot papers electronically to diplomatic posts.⁸⁴

The JSCEM's recommendation and the Government's relatively guarded response seemed framed to ensure that the AEC was not given any additional responsibilities to engage in active efforts to reach departing Australians and Australians already abroad on its own initiative. The SCG does not know whether, following the October 2003 response, the AEC did indeed review its approach to providing information to persons who contact it about moving overseas, or whether it changed staff training practices.

As to the matter of AEC cooperation with DFAT to ensure a better service at diplomatic posts at the time of the October 2004 election, through the provision of ballot papers electronically to diplomatic posts, the SCG also does not know whether this occurred. Anecdotal evidence from various expatriates would suggest that there were fewer glitches at overseas posts than during the 2001 election (which was complicated by the anthrax scare in the United States). Nevertheless, overseas voting did not always run entirely smoothly. Long waiting times were experienced in London, the busiest overseas polling station, with people queued up around the block outside, sometimes in inclement weather. Several Australians in the UK endured the long wait only to find that they had no legal entitlement to vote when they got the front of the queue.

The AEC states in its 2004-05 Annual Report, at page 197, that among Australians voting overseas in the October 2004 federal election, the most common complaints were about:

- Pre-poll votes not counted because they arrived late in the enrolled division (the cut-off is the thirteenth day after polling day)

84 Government Response to the Report of the JSCEM: The 2001 Federal Election, October 2003, page 4.

- Postal vote ballot papers not received (usually because of postal service difficulties in the other country)
- Quality of service provided by the Department of Foreign Affairs and Trade or the Austrade post
- Voting procedures not adequately followed at the post.

All of these are framed in terms which seem to absolve the AEC of responsibility because it was “someone else’s fault”.

On the subject of ongoing, rather than election-specific, cooperation with DFAT, the SCG notes here for the JSCEM’s information that it met with senior AEC staff in Canberra on 21 April 2006 and that this matter was one of a number discussed at that time. The SCG pointed out to the AEC that as well as trying to reach more people already abroad, much more needed to be done before people left Australia, to ensure greater participation and to make sure that fewer people moving overseas fell foul of the three-year drop dead limitation in the *Electoral Act*. The SCG submitted that the message that the AEC is currently transmitting is not in stark enough terms, and that 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.*

The matter of reaching departing Australians at international airport terminals was discussed during the meeting (as is suggested elsewhere in this submission). The SCG also suggested that AEC forms on enrolment and voting from overseas should be prominently displayed in Australian post offices alongside passport application forms.

There was also discussion concerning the information on overseas enrolment and voting presently in the small information booklet that DFAT gives all Australians with their new passports (both for passports issued in Australia and through overseas missions). While this booklet does contain some brief information about voting from abroad, the SCG stressed that the message presently contained was not direct enough. It may well be appropriate for all new passports to be accompanied by a separate AEC brochure.

Another suggestion put forward by the SCG was that the public areas of all overseas missions should permanently display posters and have available AEC brochures about overseas enrolment and voting matters, so that all Australian citizens passing through diplomatic posts for whatever reason at any time would have an opportunity to pick up this information.

Brien Hallett, Assistant Commissioner, Communications Branch, AEC, subsequently advised the SCG on 28 April 2006 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.” The SCG looks forward to progress in this area.

In **Annex 8** the SCG has identified a number of initiatives that might be adopted to fully alert those who need to know. The emphasis is on alerting people well before their departure, or at least at the point of departure. There are also some suggestions for keeping people in the loop once they are overseas.

1.18 The AEC’s Overseas Notification Form is Misleading and Can Lead to the Unnecessary Disenfranchisement of Departing Australians

Against the background of the two different mechanisms outlined above which enable Australians overseas to vote while abroad, the SCG asks that the JSCEM examine the current version of the AEC’s Overseas Notification Form, which is presently available from the AEC’s website, and attached hereto as **Annex 12**. In September 2004 the SCG took issue with the AEC over an earlier version of this form (see **Annex 13**) and brought this matter to the attention of the Senate Inquiry which was conducting the Inquiry into Australian Expatriates at the time.⁸⁵ This resulted in the AEC subsequently adding the “note” regarding EOE status which can now be seen at the bottom of the top box of the current version of the form.

The SCG submits that this form is still misleading and can lead to the unnecessary disenfranchisement of departing Australians. In its present version, it remains confusing and a discouragement to electoral participation by Australians moving abroad. The discussion above on the two available overseas voting mechanisms demonstrates that the intricacies of the options available for departing Australians are complex. Great care must be taken not to oversimplify information on a single form to the extent that people end up making uninformed choices which negatively affect their right to participate in Australia’s electoral system from abroad. Such forms have to be designed with the completely uninformed elector in mind, who could well have no other information or knowledge apart from that presented to them on the form itself.

The form provides people with a choice of just two boxes to tick:

- *I am overseas indefinitely/permanently and request my name be removed from the electoral roll; or*

85 SCG E-mail to Senator Bolkus, copied to Phil Diak, Director of Media and Communications, AEC, 22 September 2004, and response from Phil Diak, 24 September 2004.

- *I will be temporarily absent from Australia and may not be able to vote. I will return to my enrolled address and I request that my name be retained on the electoral roll while I am absent.*

Although the form now contains a “note” that information on enrolling from overseas or registering as an overseas elector is available from the AEC website, the fact remains that the two narrow choices on the Overseas Notification Form are problematic, because they do not adequately explain the way in which the law operates and the form gives the impression that one must chose one of the two boxes.

The first option, of roll removal, is certainly one that some departing Australians choose. As the SCG has noted with the JSCEM in the past, many Australians are advised to remove themselves from the electoral roll by their Australian accountants or tax advisors before departure, because there is a common misconception in the taxation advice industry that removal from the electoral roll plays a significant role in having the Australian Taxation Office consider a person as “non-resident” for taxation purposes.⁸⁶

However, do departing Australians choosing this option request removal from the electoral roll in full knowledge that once a person is removed from the electoral roll, they can only re-enrol from overseas if they do so within three years of leaving Australia to live abroad? It would seem that they are ignorant of the implications of this step for their enfranchisement in the longer term while they are abroad. One example of many e-mails the SCG has received on this point, from a young Australian woman working in Bangkok in marketing, reads:

I am an Australian Citizen who has been living outside Australia now for 4 years.

I was very interested to read the information you have provided in regards to the Overseas Voting and Electoral Roll. Whilst I was one of these people who was advised by my Accountant to remove myself from the Electoral Roll, I was not aware of the changes in the law or the implications of this!

Thank you for keeping us advised.⁸⁷

No indication is given on the Overseas Notification Form itself that if the person seeks to enrol from abroad after that three-year window, enrolment will not be possible and the person will remain disenfranchised for the remainder of the period that they live abroad. The SCG has had e-mails from a number of overseas Australians who chose roll removal at the time of their departure, but who then wanted to vote more than three years later while still abroad. They found to their frustration that

86 Submission by the Australian Taxation Office to the JSCEM, 25 March 2003, Submission Number 194 in the Inquiry into the 2001 Election.

87 E-mail from FH, Bangkok, Thailand, 3 September 2004.

participation was no longer open to them. One Australian student in Germany wrote to the SCG before the October 2004 election:

I just wanted to let you know I am one of the many Australians who can no longer vote in our country's elections. I left Australia just over three years ago, and missed my first election when I was living in Los Angeles. I am now in Germany and would have very much liked to have taken part in the next election, but I left things a couple of months too late to re-enrol.

I wanted to thank you for all your work for Australian expats. It's great that someone is willing to work for our community. I very much appreciate it.⁸⁸

The second option on the form envisages the second mechanism outlined above, i.e. a situation where a person intends to return to their enrolled address and is "temporarily" absent, where EOE status is not necessary. The difficulty here is with the words "I will return to my enrolled address" on the form. If a person cannot choose this option because they do not intend to return to their enrolled address, the only other option given on the form is to tick the box for roll removal. A new, third option needs to be clearly spelt out for those who do not intend to return to their enrolled address – that of EOE status. The note on the form regarding EOE status does not make clear that EOE status is an alternative to the first two options.

The wording "I am overseas indefinitely/permanently" in the first choice on the form is also not without difficulty. Many if not most expatriates, on leaving to live abroad, do not know how long they will really be away. An intention to be abroad for a one-year masters course or a two-year working holiday may change over time so that the person either comes home sooner than originally planned or extends their stay for a longer period. Further, people who merely have no concrete date of return in mind but do have an intention to return to Australia at some point may well be inclined to choose the first option on the form, because they do not feel that their absence is necessarily short-term or "temporary", as the second and only other option on the form provides. As noted above, the AEC itself has admitted that temporary absence is "somewhat of a grey area".

A third, new option on the form, spelling out that EOE status is for people who do intend to return (within six years), but not to their enrolled address, and which leaves no doubt as to the limitations on EOE registration and EOE enrolment from abroad (three-year drop dead date), and which makes clear that although voting is not compulsory for EOEes, missing an election is likely to result in roll removal and subsequent disenfranchisement should appear on this form.

88 E-mail from PW, Magdeburg, Germany, 1 September 2004.

If this information is too lengthy to include on the Overseas Notification Form, at the very least, it should be amended include the following additional option:

- *I am not sure how long I will be away from Australia or whether I will return to my enrolled address but I would like to maintain my enrolment and ability to vote while overseas to the extent allowed under the law. Please send me full details of registration as an eligible overseas elector and enrolment from abroad and complete information as to the legal rights and duties concerning voting by Australian citizens while abroad.*

It is submitted that this statement would more properly describe the circumstances of most departing expatriates and give them an opportunity to properly and fully reflect on and understand their legal entitlements and the administrative duties incumbent upon them if they wish to remain engaged with the electoral process while abroad. The story of one expat who contacted the SCG by e-mail in early 2005 is demonstrative of many. He writes:

I was born in Australia (not that that should matter) and spent my entire life there until I moved to the United States with my wife who wished to pursue a career opportunity there at the start of 2004. I had always believed that as an Australian, I had a right to vote (regardless of where in the world I was), so when I decided to make sure that my electoral enrolment was up to date and in order for the impending federal election half way through last year, I was shocked to discover that not only was I no longer enrolled to vote, it wasn't particularly clear whether I even had the right to vote any longer. I searched the internet looking for information. In the process, I discovered your excellent website, but even your website didn't provide any definitive answers on whether I had the right to vote or not. As I understand it, I must declare that I intend to return to Australia within 6 years. My plans are not that defined. I don't really know where I will be or what I will be doing in two years, let alone six years. What happens if I declare that I intend to return and then my plans change? In the end, I did not enroll to vote in the 2004 federal election and so of course I did not vote in it either. I consider myself first and foremost an Australian, I maintain an interest in Australia and its politics, I read Australian papers on the internet and keep up with current events in Australia and one day I intend to return to Australia, so I don't see any good reason to prevent my participation in the Australian electoral process. I have tonight had a read of the JSCEM inquiry report into the electoral laws (which I accessed through your website) and I have decided based on what I read that I could and should apply for enrolment as an overseas voter. It should however be clearer for people to understand whether they are entitled to vote or not...there is a urgent need for someone to provide some clear and concise advice on the subject of expatriates' right to vote in Australian elections.⁸⁹

89 E-mail from LK in Colombia, MD, USA, 21 February 2005.

1.19 A Question of Priorities: Australia's Commitment to the Development of Democracy in Other Countries Seen Against the Limited Resources Devoted to Encouraging Electoral Participation Among its Own Eligible Voters Abroad

The SCG suggests that as part of this Inquiry, the JSCEM should ask the AEC to provide information as to its total expenditure in the last financial year on providing electoral information and education to offshore Australians. Such expenditure should quantify both passive efforts (provision of information on the AEC website pertinent to expats) as well as active efforts that the AEC has made towards Australia's overseas community. It is submitted that any figures which the AEC would be able to provide will be completely insignificant when viewed against the financial outlays Australia makes each year to promote democracy and electoral processes in other countries.

AusAID media releases since the beginning of 2002 reveal that Australia has committed no less than \$A 33 million in that period to assist other countries with electoral matters. In October 2005, Australia increased its support for democratisation and good governance in Indonesia to the tune of \$A 2 million after having already committed \$A 2.9 million in 2003. In September 2005, Australia committed \$A 3 million to support free and fair elections in Fiji. It provided \$A 10 million to the United Nations Democracy Fund in the same month. \$A 9 million was provided for the support of fair elections in Papua New Guinea in August 2005. Australia also provided substantial assistance to Afghanistan, committing a total of \$A 4.6 million to support Afghan elections in 2004 and smooth its transition to democracy.

The *Electoral Act* was amended in 1992 to formalise the provision of international electoral assistance as one of the AEC's functions. Section 7(fa) provides that one of the functions of the AEC is:

to provide, in cases approved by the Minister for Foreign Affairs and Trade, assistance in matters relating to elections and referendums (including the secondment of personnel and the supply or loan of material) to authorities of foreign countries or to foreign organisations.

While the SCG is not advocating that Australia should not provide such international assistance, it does question whether Australia currently has its priorities straight in terms of what is spent and on whom by way of electoral education and outreach. Surely, it must be a priority to secure the participation of as many eligible voters overseas in Australian elections as possible. Only after that is sufficiently catered for should resources be allocated to these international activities.

A very recent example of Australia's engagement overseas is that of the general election in the Solomon Islands in early April this year. The PNG Post-Courier of 5 April 2005 reported that Alistair Legge from the AEC in Canberra had been working with the Solomon Islands Electoral Commission as the manager of the Electoral Assistance Project and director of the Civic Education Project. He

was part of a team in the Solomon Islands ensuring that the 342,119 registered voters there got their chance to have a say. The article reported that a team of six Australians and one Zimbabwean had worked closely with four Solomon islanders in the Electoral Commission office to ensure a well-run election. The Civic Education Program had teams of people travelling the length and breadth of the nine provinces and Honiara, explaining the values of democracy.⁹⁰

The AEC's Annual Report 2004-05 (pages 68 – 72) provides details of the AEC services provided in Iraq, the Solomon Islands, Papua New Guinea, Indonesia, East Timor, Tonga, and Afghanistan, as well as the Election Visitor Program, which involved hosting 40 officials from a number of countries to two study programs held in Canberra and Melbourne at the time of the October 2004 federal election. Other AEC overseas initiatives include the BRIDGE electoral administrators' course, the Pacific Governance Support Program, the Pacific Islands, Australia and New Zealand Electoral Administrators' Network as well as other activities.

How many AEC officers have recently been deployed overseas to increase participation in Australian elections by Australian citizens living abroad? What has this cost the AEC? It is submitted that if just a fraction of what is spent by various Australian government agencies on international aid programs was used for overseas electors, participation in Australian elections by eligible members of the diaspora would significantly increase.

Although the SCG is not aware that the AEC sends staff overseas at any time, even during an election, specifically to assist Australia's own citizens with enrolment voting, it does appear that when AEC staff are abroad to assist the citizens of other countries with their democracies, they can on occasion, by accident rather than design, provide assistance to Australian overseas voters during an Australian federal election. An example of this occurred in Afghanistan in 2004. The SCG was contacted prior to the October 2004 election by an expatriate group in London which had received an e-mail from Pauline Fowlie, Programme Information Coordinator for CARE in Kabul. Ms Fowlie was concerned that she and a number of other Australians in Afghanistan would have no practical way of voting in the federal election. She had sent already sent an e-mail to the AEC but had received no response:

I am one of a whole bunch of Australians living in Kabul. We would like to vote. As I understand we have two options:

- roll up to an Overseas Polling Place, or
- print out the PVA, fax it back to OPP, and ballot papers will be sent which we presumably then send back.

Can you please tell us where the nearest Overseas Polling Place will be for us?

And secondly, is it possible for some special arrangements to be made to get our ballot papers to us and then back to you?

Australia has no delegation here in Afghanistan - the Canadian Embassy has us on their security lists - our nearest Australian Consulate is in Islamabad.

Also, the Afghanistan election is on the same day as the Australian election. Movement on that day will be impossible for us, and is already restricted because of Sunday's bomb.

The postal service here is not 100% so it will be difficult for us to receive or return our ballot papers.

As I said, we really want to vote, so I hope some arrangements can be made!⁹¹

On seeing Ms Fowlie's e-mail, the SCG immediately phoned the AEC in Canberra from Brussels, and spoke to Mr Diak about the situation, and enquired about the status of Ms Fowlie's earlier e-mail. The AEC was then able to come up with a plan whereby Dr William Maley from the AEC who was scheduled to observe the Afghanistan election would be appointed as an assistant returning officer and would take postal vote certificates with him to Kabul after Australians in Kabul had downloaded postal vote applications forms from the AEC website, completed them, and faxed them back to the AEC.⁹² This story had a happy end, but it is rare for the AEC to go to such lengths to make voting possible for groups of eligible voters overseas, and arguably without the AEC's involvement in the Afghanistan election which occurred on the same day as the Australian election, the above solution may well not have been possible.

1.20 The AEC's 2006-07 Budget: How Much Will be Spent on Eligible Voters Overseas?

The SCG notes that the 2006-07 Budget provides for total appropriation for the AEC of A\$ 110.5 million and that the total price of its outputs in that period is projected to cost A\$ 120.48 million.⁹³ A\$ 86.52 million will be spent on making sure that Australians have an electoral roll which ensures their voter entitlement and provides the basis for the planning of electoral events and electoral redistributions. The enrolment of 95% of people who are eligible to vote is listed as a performance indicator. The SCG queries whether this indicator should be more accurately expressed as "the enrolment of 95% of people in Australia who are eligible to vote" as it would appear that this target does not take into account the enrolment status of eligible Australian voters living overseas, although this may be the case. The fact that the AEC also aims to maintain at 10% or less those vacant

91 E-mail from Pauline Fowlie, Kabul, Afghanistan, 31 August 2004.

92 E-mail from Tim Evans, AEC, to Pauline Fowlie, 6 September 2004.

93 Australian Electoral Commission Agency Budget Statements, May 2006.

addresses eligible for enrolment after allowance for non-citizen occupants would lead to the conclusion in the absence of contrary evidence that the 95% enrolment target excludes eligible overseas Australian voters.

The A\$ 86.52 earmarked for the electoral roll has been increased by A\$ 7.4 million over the last financial year to allow the AEC to implement the measures in the *Electoral and Referendum Amendment (Electoral Integrity and Other Measures) Bill 2005* expected to come into effect shortly. Part of this increase will be used by the AEC to ensure that Australians have their enrolment details in order before the new deadline for the closing of the rolls in the lead up to the next federal election, and are thus not disenfranchised. 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 8 pm 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.

In 2002 the SCG made clear to the JSCEM that it was against any shortening of the period between the calling of an election/issuing of the writ and the closing of the electoral roll, because this would result in fewer numbers of eligible overseas Australians being able to enrol directly before an election.⁹⁴ Many overseas Australians, like Australians at home, only think about updating their enrolment details or enrolling once an election is called. They are also likely to hear of the calling of an election later than those in Australia. It is also relevant that, generally speaking, electoral provisions applying to overseas Australians are so radically different to those applying to one's life in Australia, that few people would fully comprehend the extent of the differences or the real danger they face of being disenfranchised by their move.

The AEC has said that 423,000 people either enrolled for the first time or changed their enrolment details in the seven day window before the electoral closed in 2004. 78,908 people enrolled for the first time. 78,494 people re-enrolled. The AEC cannot say how many of these were EOE cases. 255,000 changed their enrolment details. In the case of EOE cases, this could not involve a change to the enrolled address in Australia but could involve a change to the person's overseas contact details. Again, the AEC has told the SCG that it is unable to extract EOE data on such changes in the seven-day period before the 2004 election. It is known, however, that as at 7 September 2004, there were a total of 16,149 EOE cases on the electoral roll. The SCG has no information as to how many people had told the AEC that they were temporarily absent at that time, or whether notifications of temporary absence are classed as "changes to enrolment details" and therefore captured in the 423,000 figure

94 SCG Submission of 12 July 2002, page 19.

cited above.⁹⁵ While it is unclear what proportion of the 423,000 figure above involved overseas Australians, it is clear that the AEC will have to engage in significant additional efforts before the next federal election to ensure that large numbers of Australians are not disenfranchised due to incorrect enrolment or lack of enrolment. It is submitted that an appropriate proportion of the extra resources allocated for this should be devoted to achieving higher levels of enrolment by eligible voters overseas well in advance of the calling of the election. Further, overseas Australians can be partially reached even via campaigns directed at Australians in Australia. Such campaigns should include messages such as "Do you have an Australian-citizen family member or friend overseas? Remind them to get their enrolment in order too".

Apart from electoral roll work, a total of A\$ 28.67 million will be spent by the AEC in the next financial year to ensure that stakeholders and customers have access to and advice on impartial and independent electoral services and participate in electoral events. A\$ 3.92 million of that sum is earmarked for the provision of advice and assistance in overseas elections by the AEC (AusAID expenditure being separate to that figure). Will the AEC spend anything approaching A\$ 3.92 million in providing advice and assistance to its own citizens overseas in the lead up to Australia's next federal election?

A\$ 3.73 million of the AEC's 2006-07 budget is earmarked for "information services". What percentage of this sum will be used for information services for intending expatriates and existing expatriates?

The AEC also has A\$ 1.22 million to spend on public awareness campaigns and media releases. What percentage of this sum will be used by the AEC to advertise in overseas media and to otherwise reach Australian citizens abroad?

1.21 Elected Representatives Can Assist in Increasing Electoral Participation by Overseas Australians

Australia's elected representatives and political parties could also do more to encourage greater electoral participation by overseas Australians. In some electorates, new constituents are sent welcome letters for example, and MPs make a variety of efforts to reach their constituents. But the SCG has heard of no instances in which MPs or Senators have contacted EOE's on the electoral roll on their own initiative, either during an electoral cycle or even during an election campaign. Some MPs have regular newsletters for their constituents, but it is submitted that EOE's in an electorate miss out on these sorts of communications from their elected Member.

95 The SCG requested this information from the AEC on 14 June 2006 and will pass it on to the JSCEM if it becomes available.

Before the 2004 election, exceptionally, the SCG was contacted by the Democrat candidate running for the seat of Moreton in Queensland, Frederika Steen, who wrote

The website of the Australian Democrats will be a useful tool for your members. I'm standing in the seat of Moreton in Queensland, and would be chuffed to win some votes from broadminded, worldly wise and knowledgeable expats!⁹⁶

However in general efforts by elected representatives, candidates and political parties to reach overseas eligible voters are best described, in the SCG's experience, as low-key to non-existent.

Both the Coalition and the ALP have their own electoral databases (*Feedback* and *Electrac* respectively), which have been developed to facilitate communication with the electorate. It is unclear whether *Feedback*, for example, has a "tagging" system within it to allow an MP or Senator's office staff to identify a person as an EOE, or indeed to note in the system that that person is particularly concerned with and impacted by diaspora issues.

The AEC's *Application for Registration as an Overseas Elector Form* and the *Application for Enrolment from Outside Australia Form* both ask for the enrolled address as well as a postal address, daytime phone number and e-mail address. If a person's postal address is the same as their enrolled address, the space for postal address does not have to be filled in. Many EOE's, however, provide an overseas postal address, and many also provide overseas telephone numbers and e-mail addresses. But how much of this contact information do elected representatives have available to them if they want to contact the EOE's in their electorate?

The Coalition's *Feedback* program is automatically updated monthly with information from the AEC roll. The SCG has recently explored with the AEC what contact information about EOE's is provided to MPs, Senators and political parties with roll data. It has emerged that very little contact information, if any, is provided.

The AEC has advised that if an EOE provides an overseas address as a postal address on their form then "it is not likely that it would be recorded in the enrolment database", although the Divisional Returning Officer would use this address to write to the EOE.⁹⁷ If an Australian postal address is given by an EOE, such as a post office box, it seems this would be entered in the system and transmitted with electronic versions of the electoral roll. So in those cases, MPs would have postal contact details for the EOE. The AEC has said that postal addresses are attached to the enrolment record but kept separate to the place of living. It is not known what percentage of EOE's have provided Australian postal addresses.

96 E-mail from Frederika Steen, 6 September 2004.

97 E-mail from Sue Sayer, AEC, 16 June 2006.

Clearly, the enrolled address given by the EOE will be an address within Australia, but since the EOE is overseas there will be little point in elected representatives trying to contact the EOE at the enrolled address, unless a parent, friend or relative lives at the address and forwards mail on, in which case the same address may well have been given as an Australian postal address. In any event, the AEC has said that for an EOE, "neither the place of living, nor the address to which the enrolment relates, of an EOE is provided" with electronic roll data.

Telephone numbers and e-mail addresses of EOE's are also not provided by the AEC to MPs, Senators, and political parties. This is because they are not recorded into the Roll Management System.

What this reveals is that even if elected representatives and candidates want to reach their EOE constituency, they are going to have a hard time contacting them.

It is submitted that there should be a review of the practices outlined above, so that at least the e-mail addresses of EOE's in a particular electorate are available to the elected MPs and candidates for that electorate. This would facilitate increased contacts between this group of eligible voters and the individuals who represent them. When a person becomes an EOE, for example, the sitting MP could send the person an e-mail or letter, noting that they are now overseas, but nevertheless encouraging them to stay in touch, communicate any issues that they feel concerned about, and remain connected with the democratic process. The SCG has asked the AEC whether it is possible for MPs to presently identify which people in their electorate have just become EOE's, and the AEC has responded: "by comparing a copy of the latest roll with information from earlier copies of the roll it may be possible, depending on what information the party has on their database." Even if identification of new EOE's is presently possible, the lack of contact information provided with AEC electoral roll data seems that it is currently very difficult for elected representatives to stay in touch with this group.

1.22 Internet Voting Would Increase Participation by Eligible Voters Overseas

It is beyond the scope of this Inquiry to engage in a lengthy discussion of the pros and cons of various forms of electronic voting, except to note that internet voting would in all likelihood greatly contribute to not only greater levels of electoral participation among youth in Australia, but also Australians of all ages abroad.

Alport and Hill distinguish between two main forms of E-voting: internet-enabled voting and non-internet Electronic Voting.⁹⁸ They also identify Full Internet Voting (FIV) as voting which can take place from any computer anywhere with voter identification, vote casting and counting and transmission of results all taking place, in contrast to Partial Internet Voting (PIV) which is E-voting that uses connection with the Internet at one or more stages of the process but which limits the casting of votes to a designated polling place.

Alport and Hill note:

In many of the countries surveyed for this paper there are a significant number of eligible voters who could conceivably benefit from access to electronic voting over the Internet, especially people with disabilities, shift workers, disengaged young people, expatriates and people living in remote areas for whom even postal voting is a problem.⁹⁹

Swiss electoral authorities offered FIV in two federal referendums in 2004. The trial was considered a success when 22.4% chose to vote online, while 71.4% opted to cast their ballot by the popular postal method. A Switzerland-wide survey of over 4,000 citizens in 2003 and 2004 indicated that young adult voting abstainers considered it an incentive to vote.¹⁰⁰ Further,

One notable effect of a (FIV) Swiss national referendum trial in 2004 was a small increase in turnout of several percentage points above the five-year average. Significantly the improvement in turnout was concentrated among a traditionally high-abstention voting group: the young. This result is consistent with findings of an AEC commissioned survey of 1000 voters in the ACT (Australia). The respondents who were more comfortable with the idea of electronic voting were also the early adopters of Internet technology, namely, the young adult demographic who do business online and have Internet access at home. Polling of U.S. voters indicates that "Internet voting is attractive to...younger voters". The researchers conclude that "[i]f Internet voting is shown to bring young voters into the electoral process, then significant, long term, cohort effects could follow". The low voting participation of the young was once dismissed (correctly) as a mere life-cycle phenomenon but now researchers are increasingly inclined to the view that the civic disengagement of the young could signal a pattern of disengagement that may well endure. Getting young people into the voting habit early seems to be crucial for the future of vital democracies. Thus, one good reason for pursuing E-voting is the potential it holds for democratic renewal and social inclusion, particularly of high abstention groups like the young who are less resistant to the idea of voting on the Internet. This, indeed, is the belief of recently surveyed French Internet users, the majority of whom indicated that they believed the Internet 'could lead to a better democracy...fight abstention [and]...contribute to more transparency in politics'. Significantly,

98 Kate Alport and Lisa Hill, "Trusting Democracy to Cyberspace: Lessons Learnt from Trials of E-voting, unpublished paper, May 2006.

99 Alport and Hill, *Op cit*, page 6.

100 Alport and Hill, *Op cit*, page 30.

when Internet users were polled on their receptiveness to online voting non-voters and occasional voters were those most interested in using FIV.¹⁰¹

Hence there are very good reasons to continue working on the development of E-voting technologies at the federal level. The SCG notes that following an inquiry into electronic democracy, the Victorian Government has recently introduced measures to facilitate electronic voting in State elections.¹⁰²

101 Alport and Hill, *Op cit*, page 36.

102 Parliament of Victoria, Scrutiny of Acts and Regulations Committee, Inquiry into Electronic Democracy, Final Report, April 2005.

2. Civics and Electoral Education for New Australian Citizens Living Overseas

The *Australian Citizenship Bill 2005* (the Bill) once enacted and in force will make it possible for many former Australian citizens to apply to resume their Australian citizenship while living abroad. The new provisions will benefit individuals who forfeited Australian citizenship under the now repealed Section 17 of the *Australian Citizenship Act 1948* on the acquisition of another citizenship and those who formally renounced their citizenship under Section 18. There is also provision in the Bill for children born abroad to Section 17 victims after their parent ceased to be an Australian citizen to apply for citizenship by grant. This group does not qualify for citizenship by descent. Further, a number of overseas-born individuals who missed out on citizenship by descent for various reasons in decades past will be able to become Australian citizens for the first time.

While it is difficult to estimate the number of offshore applications for citizenship that will flow from these new provisions, the SCG believes that the number will be substantial in the years following the implementation of the new legislation. This group of new Australian citizens will not be subject to the formalities, processes and education that migrants in Australia applying for naturalisation are subject to. The Government has recently said that it is looking seriously at the introduction of a compulsory citizenship test for migrants,¹⁰³ but it would seem that this test would probably not apply to people overseas resuming Australian citizenship, acquiring citizenship by descent, or indeed acquiring citizenship by grant in the special circumstances outlined above concerning the children of Section 17 victims.

Many of those new overseas Australian citizens can be expected to return to Australia to live on a more or less permanent basis within the short to medium term. In many cases they will bring with them family members who are not Australian citizens but who would expect to take up Australian citizenship after an appropriate qualifying period.

Most of these new overseas Australian citizens will not have lived in Australia in recent years and many will not have lived in Australia at all during their lifetimes, although they will probably have visited. It would be fair to say that few, if any, are familiar with their rights and responsibilities under Australia's current electoral law.

Those that come to live in Australia will need to be alerted, at a very early stage, of their responsibility to enrol and to vote in Australian elections, including State, Territory and local government elections.

103 Speech by Andrew Robb AO MP, Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs, Sydney Institute, 27 April 2006.

On the other hand, those new Australian citizens abroad who do not return to live in Australia on a permanent basis will need to be alerted, also at an early stage, of their electoral rights and responsibilities and other civic duties as Australian citizens living overseas.

The SCG believes that the AEC should prepare an information booklet or brochure entitled, perhaps: “Civics and Electoral Information for New Australian Citizens Living Overseas”, which would be sent to these new citizens by DIMA when it notifies them that their citizenship application has been successful. This booklet or brochure should contain links to civics education material used in adult education in Australia. New overseas citizens could be encouraged to attend an adult civics education class when they move to Australia on a voluntary basis, or when they next visit and course details made available to them.

SCG suggestions as to the issues which should be included in the booklet are in **Annex 14**.

3. Civics and Electoral Education for Migrants and Would-be Migrants

The SCG wishes to make it clear that its primary focus is in relation to expatriate Australians. Its contact with migrants living in Australia and would-be migrants living outside Australia is minimal and relatively peripheral to its primary interests. Therefore its comments in this part of the submission are not based on the SCG's normally detailed assessment of the issues.

The key and only migrant group that the SCG deals with on any significant basis is that of non-Australian spouses and partners of Australian citizens where the couple live abroad. Often the SCG receives queries as to the Australian immigration procedures the couple must go through in order to obtain the appropriate visa for the non-Australian spouse or partner (and sometimes non-Australian dependent children) to accompany the Australian-citizen partner on a move to live back in Australia. This is a considerable group in the diaspora. Indeed DIMA statistics from 2004-05 indicated that in that financial year, 33,060 partner visas were granted,¹⁰⁴ although not all of these cases would have involved the couple living outside Australia and hence the Australian partner would not always be part of the diaspora.

In the SCG's experience, most non-Australian citizen spouses and partners of Australian expatriates, because of the fact that they have lived with and known their Australian partner and that partner's family for some time, are well informed about Australia and its customs, have probably visited Australia on a number of occasions, and may even have met their Australian spouse or partner while living or holidaying in Australia. In that sense, this potential migrant group is probably already reasonably knowledgeable about Australian civic life, and their constant relationship with an Australian citizen will mean that guidance and family support is usually on hand if they have any questions. Typically, it will be the Australian citizen partner who takes the lead in organising the partner visa for migration (an application which they themselves have to sponsor in any event). The Australian citizen partner usually also helps and guides the non-Australian citizen partner to complete the steps necessary to qualify for Australian citizenship once the couple has returned to Australia, and provides support in job-seeking, etc. This group of migrants is probably one of the most fortunate in terms of their immediate support networks and integration into the Australian community once they go to live in Australia.

It is difficult for the SCG to comment on the adequacy of current electoral education programs for this migrant group, as it has little knowledge of what exists for migrants in Australia at the present time, beyond an awareness that the AEC does target newly-naturalised citizens for enrolment.

104 DIMA Annual Report, 2004-05.

It is clear, however, that migrants as a total constituency in most democracies belong to one of the groups in society (particularly in voluntary voting regimes) that traditionally participate at less-than-optimal levels. McAllister writes:

It is not surprising that those who were born overseas possess less political knowledge than those born in Australia, since they have had less exposure to the political system. However the geographic and political background of the donor societies also appear to play a role in the process. Immigrants from English-speaking countries, mainly the United Kingdom, have almost identical levels of political knowledge compared with the Australian born. Those born in non-English-speaking countries with democratic traditions have less knowledge, although the difference with the Australian born is not statistically significant. However, those born in countries with few or no democratic traditions have least knowledge. This confirms the findings of other research which has examined the types of political systems that immigrants come from, and found that those from countries which lack democratic traditions are more authoritarian in their political values compared with immigrants from countries with democratic traditions (McAllister and Makkai 1992).¹⁰⁵

As a large percentage of Australia's diaspora is in English-speaking countries (UK, USA, Canada and New Zealand), their non-Australian spouses and partners tend to be nationals of English-speaking countries, ranking them among the best-well off of all Australia's migrants in terms of political knowledge.

It is perhaps also worth noting that expatriate Australians are frequently asked about Australia by their friends and acquaintances who are citizens of the country in which the expatriate is living. Frequently those inquiries will have as their basis some thought as to the benefits of migrating to Australia.

In addition, many Australian expatriates, as dual citizens when they leave Australia, or on acquiring a second citizenship after a period living abroad, are required to grapple with the electoral laws of their country of residence. In essence, as emigrants, they might be viewed as "reverse" migrants with experiences similar to migrants coming to Australia. Their experience may therefore be of some value to the committee in its present Inquiry. However, many Australian expatriates are not citizens of the countries in which they reside and therefore have no voting rights, with the exception of Australians resident in the UK, who can participate in British elections.

Media reports of the larger than expected number of invalid votes cast by Italian citizens living in Australia at the recent Italian elections at which overseas Italian citizens for the first time were able to directly elect their own representatives in the Italian Parliament, should also be seen as relevant by the JSCEM. It was suggested that a majority of invalid votes were caused by differences between the

105 McAllister, *Op cit*, 1998, page 14.

Australian electoral system, with which Italian Australians were familiar, and the Italian system on how to mark the ballot papers.

The SCG is aware of the current AEC practice of making electoral enrolment forms available to citizens at citizenship ceremonies. It feels, however, that Australia's electoral education programs for migrants could be expanded to include outreach material for prospective and newly approved migrants at a far earlier stage than citizenship.

Turning to issues relating to prospective migrants to Australia, it would be fair to say that many would see as an important factor in their decision to apply for migration, the nature of the Australian democratic system and the comparatively short period, by world standards, of the time it will take them to qualify for Australian citizenship. Many countries from which Australia's migrants and refugees come have systems which are far less democratic and more restrictive than that which we enjoy in Australia. Only a few countries, for instance, have compulsory voting. And few countries enjoy the fraud-free environment of the Australian electoral system.

The SCG is unaware at this time as to whether any emphasis is being placed on these factors in our migrant recruiting drives or in advice made available to those inquiring about the process of applying for migrant visas at overseas posts. It would seem to the SCG that there is an opportunity here for the early education of prospective migrants in matters relating to civic life in Australia, Australian citizenship and the rights and responsibilities in electoral matters arising from that citizenship. Their inability to participate in Australian elections during the time they are permanent residents rather than citizens could be used as a positive force in encouraging the take up of Australian citizenship.

For many prospective migrants we could be losing the opportunity of promoting the advantages of our democratic system as a positive in the image we portray of Australia as a desirable place in which to live.

Moving to the next stage of a migrant's electoral education, we suggest that the briefings to migrants at the time a migration visa is granted should include a brochure/booklet detailing the path from temporary residence status to citizenship and the electoral rights and responsibilities, or lack thereof, throughout that process.

Our suggestions for matters which might be covered in such briefing material titled, perhaps, "What you need to know as a migrant about the Australian system of democracy and its electoral provisions" are at **Annex 15**. As with other government material aimed at migrants and migrant communities in Australia there would be a need for the briefing material to be available in several languages as well

as English. The SCG notes that the AEC has information in other languages available through its website, although the SCG is unable to judge the extent of that information.

Finally, any compulsory test that might be introduced in order to qualify for Australian citizenship would provide a further important opportunity for civics education for the migrant community, in the form of adult education to prepare people for this test.

As noted above, in April 2006, Andrew Robb AO MP, the Parliamentary Secretary responsible for citizenship matters, raised the possibility of introducing a compulsory citizenship test¹⁰⁶. He said:

From my point of view, successful integration is overwhelming in the interests of migrants and the broader community.

For this reason, I am prepared to have a serious look, over the next couple of months, at the merits of introducing a compulsory citizenship test.

The SCG would generally support the introduction of such a test. There is a need to place before migrants carefully developed and specifically directed civics and electoral information which would better equip them for their future as Australian citizens.

106 Speech by Andrew Robb AO MP, Parliamentary Secretary to the Minister for Immigration and Multicultural Affairs, Sydney Institute, 27 April 2006.

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- 7** AEC Data on Votes Issued Overseas for the 2001 and 2004 Federal Elections
- 8** Suggested Electoral Education Outreach Strategies for Eligible Voters Leaving Australia and Already Abroad
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- 11** SCG Brochure "What you need to know about voting in Australia while you live overseas"
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