



About Voting in Australia While You Live Overseas

Australia's next federal election will probably be in the second half of 2013. But it's not too early to think about making sure that you preserve your democratic right to vote in that election, future elections, and any federal referenda that might occur while you are living outside Australia. In the 2010 federal election only 72,210 votes were issued to Australians overseas (including defence personnel), although there are at least 650,000 Australian citizens overseas who are of voting age. Are you fully aware of the rules about voting from overseas? Do you know whether you still are entitled under the law to vote in Australia? Here is some important information.

- You cannot vote unless you are on the Electoral Roll. Many Australians who move overseas end up being deleted from the Electoral Roll. So the trick is to stay on the Roll the whole time you are away. The catch is that if you get wiped off, and it's more than three years since you moved overseas to live, you won't be able to re-enrol from abroad. If you can't enrol, you're effectively disenfranchised.
- When you leave Australia to live abroad for any period, you should inform the Australian Electoral Commission (AEC).
- If you're only going to be away for one year or less, you can be abroad and remain on the Electoral Roll with what's called "**temporarily absent**" status, as long as you intend to return to your enrolled address when you move back to Australia. But you should inform the AEC and ask to be kept on the Electoral Roll in your absence.
- If you are going to be away for more than a year, and/or you do not intend to return to your enrolled address when you move back to Australia, then, if you qualify, you should register with the AEC as an **Eligible Overseas Elector** (EOE). This is different to "temporarily absent" status.
- If you have been deleted from the Electoral Roll at any time since you left Australia, you can only re-enrol from overseas within three years of the date you left Australia to live abroad.
- If you are on the Electoral Roll when you leave Australia, and you expect to be away for more than one year and/or do not intend to return to your enrolled address when you move back to Australia, you only have three years in which to tell the Australian Electoral Commission (AEC) you want to be registered as an EOE.
- If you are overseas, not on the Electoral Roll anymore, and you left Australia more than three years ago, you are permanently disenfranchised while ever you remain living abroad. Re-enrolment would only be possible if you go back to Australia and are resident at an address in Australia for one month or more.

Check whether you are still on the Electoral Roll now. The AEC has an online enrolment verification facility at <https://oevf.aec.gov.au>. Type in your details and it will tell you if you are on the electoral roll. Or send an e-mail to info@aec.gov.au stating your full name, date of birth, and address or addresses for which you have been enrolled previously. AEC staff can then confirm or deny your enrolment. You can also phone the AEC on +61 2 6271 4411. Visit the AEC website, at www.aec.gov.au for further information.

If you are still on the Roll, then you need to decide whether it's appropriate for you to be treated by the AEC as "temporarily absent" (see above) **OR** as an Eligible Overseas Elector. Either way, you'll need to get in touch with the AEC. Otherwise, there's a very good chance the AEC will discover you no longer live at your enrolled address in Australia and in the absence of anything from you, remove you from the Electoral Roll. It's the AEC's job to make sure that the Electoral Roll is always as accurate and up-to-date as possible.

Become an Eligible Overseas Elector. If you're away for a period exceeding one year, then EOE status is probably the most appropriate for you. You should send the AEC a completed "Application for Registration as an Overseas Elector" available from www.aec.gov.au if it is under three years since you ceased to reside in Australia.

If you are no longer on the Roll, then you can enrol afresh from overseas, but only if it is under three years since you left Australia to live abroad. Use the "Application for Enrolment From Outside Australia" form available from www.aec.gov.au.

Voting is not compulsory for Australian citizens outside Australia on polling day. But if you are on the Roll, and you don't vote in a federal election or referendum held while you are away, either in person or by post, even if you are registered with the AEC as an Eligible Overseas Elector, the AEC might well subsequently take your name off the Roll. If this happens, the time limitation on re-enrolment from overseas may mean you become disenfranchised for the rest of the time you live abroad. In other words, "use it, or lose it".

Act now. Don't wait until the election is called – it may be too late. Once the writ is issued for an election (usually a day or so after the election is called by the Prime Minister), the Roll closes just seven days later for people who want to enrol from scratch or update or transfer their existing enrolment. **Get your enrolment organised now so that you don't miss out once the election is called.**

Postal Vote Applications are available from the AEC web site once an election has been announced. The usual procedure is that the application has to be printed off from the AEC web site, completed and then either faxed or posted to your nearest overseas polling place or the AEC. Then ballot papers will be mailed to you as soon as they are available before the election. If voting by post, try to send in your postal vote application form ASAP after the election is called to allow adequate time for the ballot papers to reach you, and for you to send them back.

If you are disenfranchised, you are not alone and the Southern Cross Group is campaigning to help you. We estimate that there are in excess of half a million such citizens abroad. We'd like to hear from you: ***info@southern-cross-group.org***

What's the SCG doing? We continue to advocate that the three-year time limitation should be removed from the law, and that enrolment from overseas and registration as an EOE should be possible at any time, regardless of how long ago a citizen departed Australia. The SCG is not advocating that voting should be made compulsory for overseas Australians. But it is arguing that as a matter of principle, all overseas Australians of majority age should be able to vote and not prevented from doing so due to restrictive enrolment requirements.

We argued our position extensively before the Joint Standing Committee on Electoral Matters (JSCEM) in Canberra in 2002/2003 as part of the JSCEM's Inquiry into the Conduct of the 2001 Federal Election. The SCG reiterated its arguments to the Senate's Legal and Constitutional References Committee in its primary submission to the Senate's Inquiry into Australian Expatriates in February 2004. In its resulting March 2005 Inquiry Report, the Senate Committee recommended various legislative changes, which, if they had been acted upon by the previous government, would have re-enfranchised many, but not all, overseas Australians. However in December 2006, in its response to the Senate Inquiry's 2005 report, the previous Government rejected those recommendations.

In June 2006, the SCG made a major submission and later gave oral evidence to the JSCEM's Inquiry into Civics and Electoral Education, arguing that the AEC must engage in greater active efforts to educate departing Australians and those already abroad of their rights and responsibilities as overseas Australians under Australia's electoral laws. The basic premise of the SCG's advocacy during this inquiry was that even if the law is not amended, much can be done to prevent Australians who go abroad now and in the future from losing their ability to vote. In June 2007 the JSCEM tabled its report in that inquiry, but the issues the SCG raised were not canvassed. In May 2008, the SCG made a submission to the JSCEM's Inquiry into the 2007 election, but the JSCEM's June 2009 Report in that Inquiry took the view that existing legislation on expatriate enrolment was wholly sufficient. Following the 2010 election, the JSCEM is presently conducting its usual inquiry into the conduct of that election.

One final word, on Australian taxation. Many expats report to the SCG that their accountant or tax advisor in Australia told them to take themselves off the Electoral Roll before going overseas, in order to make sure that the Australian Tax Office (ATO) treats them as non-resident for taxation purposes. In almost all cases, the tax professional concerned did not inform the intending expat of the longer-term implications of this step, i.e. that it would result in their disenfranchisement for the entire period of residence abroad due to the limitations on enrolment from overseas under the law. The SCG raised this issue with the JSCEM in 2002/2003. The ATO told the JSCEM in its March 2003 submission to that Inquiry that other independent factors are used to determine residency status for taxation purposes, and that a person's inclusion on the Electoral Roll or otherwise is almost never a determining factor. There is no need to disenfranchise yourself for Australian taxation reasons.

More information about overseas voting and the SCG's other activities is available on the SCG website, and make sure you visit ***www.aec.gov.au*** for all government information on enrolment and voting.

To stay abreast of the SCG's advocacy efforts on this and other diaspora issues and to receive information important for you as an Australian expat, sign up to receive our free occasional communications using the button on our website, or send us an e-mail.

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