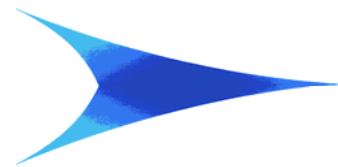


The Southern Cross Group

Promoting Mobility in the Global Community



MEDIA RELEASE

Thousands of Aussie Expats Can't Vote on 24 November

Although some 13.6 million people are enrolled to vote in next week's Australian federal election, an estimated half a million adult Australian citizens overseas are not. Even before the electoral rolls closed for this election, they could not enrol.

Current Australian electoral law prohibits thousands of expats from exercising their democratic right to vote as Australian citizens. That's because [section 94A of the Commonwealth Electoral Act 1918](#) stipulates that those who are not on the electoral roll may only enrol from abroad if it is less than three years since they left Australia to live abroad.

The irony is that it's not compulsory to vote if you are outside Australia on election day. But if you are enrolled, go abroad, and then chose not to vote, the AEC has the right to delete you from the electoral roll. Then you can't re-enrol from outside Australia if it's more than three years since you left. So, despite non-compulsory voting for expats, it's a case of "use it, or lose it".

Brendan Barry, a 29-year-old Australian lawyer from Brisbane who left Australia in February 2003 to work abroad first in Ireland and now in London can't have his say this election. He knew it wasn't compulsory to vote once he was overseas, and for a variety of reasons missed voting in the 2004 election, mistakenly believing he would be able to vote in 2007.

"It's fair enough that the AEC should have deleted me from my old enrolled address after I left and missed voting in the 2004 election", he said. "But expats are being punished by not being allowed to re-enrol which results in their most basic democratic right to vote as a citizen disappearing when they haven't done anything wrong because it's not compulsory to vote once you're overseas. The three-year limitation in the law on enrolling from abroad is utterly ridiculous."

Erica Sloan, a 33-year-old scientist engaged in medical research at UCLA, finds herself voteless as well. "I jumped at the opportunity to come to Los Angeles in November 2003" she says, "because I know it will make me a better scientist, better able to contribute to Australia when I eventually return". Although she sent in a form to the AEC in early 2004 to register as an eligible overseas elector, and voted at the Australian Consulate in LA for the October 2004 election, the AEC removed her from the electoral roll in January 2006. But she only discovered she was off the roll in mid 2007. By then, her three year window for re-enrolment was gone. Like Brendan, Erica maintains close ties with Australia, both personally and professionally. She feels the current law alienates her from her country of birth and citizenship. "Surely that can't be the point of the law", she says.

The [Southern Cross Group](#) is calling upon the major parties to commit to remedying the situations of Brendan, Erica, and thousands like them.

SCG co-founder in Brussels Anne MacGregor said "It's time for a thorough public debate on the expatriate franchise. As a nation, let's talk about whether it's appropriate in the 21st century to take the vote away from the vast majority of our substantial adult diaspora. About one in twenty Australians today live outside Australia at any one time."

The [High Court's September 2007 decision in the Roach prisoner voting rights case](#) provides a springboard for that debate. Statements in that case by the majority could support the argument that the provisions in the *Electoral Act* which disenfranchise expats are unconstitutional.

In *Roach*, Chief Justice Gleeson explained that [sections 7 and 24 of the Constitution](#) have come to be a constitutional protection of the right to vote. He noted that the Constitution leaves it to Parliament to define exceptions to that right, but its power to do so is not unconstrained. Importantly, the Chief Justice stated:

"Because the franchise is critical to representative government, and lies at the centre of our concept of participation in the life of the community, and of citizenship, disenfranchisement of any group of adult citizens on a basis that does not constitute a substantial reason for exclusion from such participation would not be consistent with choice by the people".

What Australian expats said about voting and enrolment when surveyed in 2006

Question: Did you vote in the October 2004 Federal Election?

	Frequency	Percent
No - I was in Australia at the time	114	1.3
No - I was overseas at the time	5105	56.6
Yes - I was in Australia at the time	2187	24.2
Yes - I was overseas at the time	1621	18.0
Total	9027	100.0

Of those who stated they were overseas at the time of the 2004 election, whether they voted or not, 47% were aged 20-34, 28% were aged 35-44, 14% were aged 45-55, and 11% were aged 55 or over.

Of those overseas at the time of the 2004 election, whether they voted or not, at the time of the 2006 survey 37% were in the UK, 32% in the USA, 14.5% in Europe (excluding UK), 9% in Asia, 3% in Africa and the Middle East, 3% in Canada and 1.5% in other countries.

Question: Did you inform the Australian Electoral Commission before your departure or after your arrival overseas of your move offshore?

	Frequency	Percent
Don't Know	1634	18.2
No	3787	42.1
Yes	3580	39.8
Total	9001	100.0

Question: In order to vote in Australian federal elections/referenda, a person has to be on the electoral roll. Are you currently on the electoral roll?

	Frequency	Percent
Don't Know	1982	22.0
No	3070	34.1
Yes	3961	43.9
Total	9013	100.0

Question: If you are NOT presently on the electoral roll please chose the reason below which best describes why.

	Frequency	Percent
I asked the AEC to remove my name from the electoral roll because I didn't want the hassle of voting from abroad or felt that I wouldn't be informed enough to participate in Australian elections while abroad.	838	22.2
I asked the AEC to remove my name from the electoral roll because I was told/believed that this was necessary for me to be treated as 'non-resident' by the Australian Taxation Office while abroad.	529	14.0
I have never in my life been on the electoral roll.	435	11.5
I was removed from the electoral roll by the AEC sometime after my move abroad and I have not sought to re-enrol.	945	25.1
I was removed from the electoral roll by the AEC sometime after my move abroad and I have tried or would like to re-enrol from overseas but am prevented by law from doing so because it is/was now more than three years since my move abroad.	583	15.5
Other (please specify)	442	11.7
Total	3772	100.0

Question: Are you formally an "Eligible Overseas Elector" (EOE) - i.e., have you specifically applied for and been granted EOE status by the Australian Electoral Commission?

	Frequency	Percent
Don't Know	2522	31.9
No	4771	60.3
Yes	613	7.8
Total	7906	100.0

Data from One Million More - 2006 Census of Australians Abroad

An initiative of Advance in partnership with the Southern Cross Group

Extracted survey data collected during August/September 2006. At the closing date, 9,529 people had started the survey as individuals or as part of a family unit, representing 16,902 people, with 8,578 of those people completing the survey (a 90% completion rate). The survey comprised 49 questions. Complete survey data will be released shortly by Advance and the Southern Cross Group in partnership with Graeme Hugo, Professor of Geography at the University of Adelaide, who is currently analysing the complete survey results.

Statistics on Australian Overseas Voting and Enrolment

[AEC Data on Number of Eligible Overseas Electors by state & electorate in 2004 - 2006](#)

[Overseas Voting - Comparisons: 1998, 2001 and 2004 Federal Elections and 1999 Referendum, total votes issued by each overseas post](#)

[2004 Federal Election - Votes taken by overseas posts](#)

Further Information on the Expatriate Disenfranchisement Issue

[The Southern Cross Group website](#)

[SCG leaflet "What you need to know about voting in Australia while you live overseas"](#)

SCG submissions to government and other documentation on this subject are available in the [Overseas Voting folder of the Archives section](#) of the SCG website.

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About the Southern Cross Group

The Southern Cross Group is an international non-profit volunteer-run advocacy and support organisation for the Australian diaspora. Since its formation in early 2000, the SCG has established a consistent track record of intelligent and timely submissions to Government on a host of Australian expatriate issues. The Group is best known for its work in reforming Australian citizenship law. It has also been active on the issue of expatriate disenfranchisement in the Australian electoral process, and was the driving force behind the establishment of a broad-based dedicated Australian Senate Committee Inquiry into Australian expatriates held in 2003-2005.

The SCG has no paid staff and is funded by donations which go towards offsetting overheads such as software licensing fees, web hosting costs, postage, stationery, and communications expense. [Please help the SCG by making a donation.](#)

For more information about the SCG, [click here](#). Contact us for advertising and marketing opportunities.

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