

SUBMISSION ON ELECTORAL REFORM GREEN PAPER: STRENGTHENING
AUSTRALIA'S DEMOCRACY
SEPTEMBER 2009 (the Green Paper)

I am absolutely amazed that this Green Paper contains no discussion of the ultimate, and I would argue, most necessary reform of our electoral system – the end of compulsory voting.

Working my way through this huge document (it would have taken me 6 months to read closely and respond adequately), the first thing that struck me was that if we did not have compulsory voting then a number of issues raised in the document would become redundant, viz:

Chapters 4 – Franchise: 7 – Enrolment and Participation: 9 – Education for Electoral participation; and 14 – Compliance and enforcement.

I have always been of the view that voting should not be compulsory and reading this Green Paper confirmed me in that opinion. I propose that the policy of compulsory voting be scrapped on the basis that:-

- It would simplify the whole electoral system.
- It would save a considerable amount of taxpayers' money.
- It would ensure that only those Australians who have enrolled and given thought to the election and have chosen the candidate or group that they support, get to exercise their franchise. Those who feel oppressed by the thought of voting (and I've heard that view expressed), or those who are too lazy; or those who cannot bring themselves to vote for any of the candidates or parties, will be free of the "burden" of voting.

A vote is a precious thing. All over the world people are suffering and even dying for the right to vote. It seems to me that if citizens of this country do not value their vote and do not choose to exercise their right to vote then it is a complete waste of time, energy and money compelling them to vote. To paraphrase one statement made in this Green Paper - whilst enrolling to vote is an entitlement it should not be an obligation.

According to Para 2.2 the Constitution does not refer to compulsory voting and leaves this issue "to be set by Parliament." Therefore, there is no Constitutional barrier to ending the compulsory voting policy.

I note that in footnote 100 on page 37 it is stated that Canada, New Zealand and the UK do not have compulsory voting – we should join their ranks.

Considerable time and money could be saved if voting were not compulsory (noting that in 2007 a total of \$30m was spent on trying to induce voters to enrol and vote)¹. However, it appears that, notwithstanding this expenditure, the rate of enrolment still fell

¹ Footnote 83 of the Green Paper

(see paras 7.26 and 7.27). It is disgraceful that our taxes are spent on chasing up people who chose not to vote.

Further, time and money spent on trying to enforce the provisions of the Electoral Act in relation to failure to enrol or failure to vote is wasted given the statement made at paragraph 14.12 that: “most, if not all, AEC requests to prosecute alleged offenders are not progressed, because the AFP and/or CDPP consider that the relative seriousness of the offence does not warrant allocating resources to investigate and/or prosecute the alleged offence”. This makes a mockery of the law.

Having stated my position relating to the need for wholesale reform by way of ending compulsory voting, I would now like to comment on some specific chapters in the Green Paper.

1. LEGAL FRAMEWORK FOR ELECTIONS

Harmonisation

It is ridiculous that in this age of instant communications, and the increased mobility of the population, there should be a smorgasbord of electoral systems. In my view the highest priority should therefore be given to harmonisation of enrolment requirements and processes.

Most people find the electoral system confusing enough as it is, but there should be no need to adapt to changes in the system when moving between States.

No matter what the complications or difficulties the electoral system should be standardised throughout the country.

2. LEVELS OF PRESCRIPTION

I support highly prescriptive electoral laws and my main reason for supporting this proposition is that flexibility (so called) will inevitably lead to the system being under constant challenge and this will necessarily involve asking the Courts to “interpret” the electoral legislation.

Rather, responsibility for the electoral system should rest with our politicians who are answerable to the voters. If there are to be any changes to our electoral system these should be subject to constant scrutiny by politicians, the media in its role as the 4th estate, and the general public. There should be as little room as possible for judicial law making – lawyers and judges do not have to answer to the Australian people – the politicians do.

In addition, there is the public trust issue referred to in Chapter 3.24 viz., “highly prescriptive laws may heighten public trust in the electoral system.” It seems to me that if there is anything that can be done to encourage the community to trust their politicians more, then it should be done.

3. ELECTORAL ENGAGEMENT AND PARTICIPATION – SHOULD THE VOTING AGE BE LOWERED

I reject all of the proposals in para 4.45 on the following basis:--

- There is now considerable material available reporting on the maturity or lack thereof of adolescents. Recent research has shown that the brain does not mature until the age of 25 years (ABC TV Science Catalyst www.abc.net/catalyst/stories)
- 16 year olds are susceptible to peer pressure and I argue would be even more susceptible to being swayed by the views of their teachers.

END

From:
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