

Submission on the *Electoral Reform Green Paper – Strengthening Australia's Democracy*

The Franchise

The right to vote at the federal and state level should be exclusive to Australian citizens. Permanent residents and 'eligible British subjects' should not be eligible to vote. The ability to have a say in the election process is an appropriate “carrot” to encourage citizenship and should be used as such. The fact that someone lives under the laws of a country is not, I do not feel, enough to justify them having a say in those laws. Dedication to a country and its prosperity goes beyond merely tolerating its laws – it requires a positive act of commitment.

Australian citizens living overseas should be eligible to vote in the relevant elections for their last permanent residence in Australia on the proviso that they have entered Australia for any length of time during the previous parliamentary term.

Young Australians should be able to register and voluntarily vote from the age of 16, with compulsory registration/voting continuing to be enforced at 18. Although the uptake of this option would probably be low, it would be a worthy gesture of our national desire to a) recognise the opinions of the young, and b) impart to them how highly we value our right to vote.

Representation and Voting Systems

Harmonisation of federal and state election processes for its own sake is unnecessary, but the harmonisation of individual components of the process (such as the inconsistent vote formality principles discussed at 3.16) may provide genuine benefits to the voting public and democracy as a whole.

Voting for the Senate

Senate terms should be reduced to three years and aligned with the House of Representatives. There is no justification for senators being immune to the will of the electorate any longer than MHRs (or for state senators to have longer terms than territory senators, for that matter) – a lot can change, politically speaking, in a three year period and the electorate must be permitted to respond to this as it sees fit.

Senate voting should be modified to permit preferential “above the line” voting. The ability of a party to dictate the flow of my later preferences under the current system is grossly undemocratic when the only alternative is the laborious “fill in every number below the line” alternative.

The savings scheme and prohibition discussed at paragraphs 5.59 and 5.60 are excellent and should be introduced for all voting methods across both houses. Partially completed votes should be considered formal for as long as the voter's intentions can be ascertained, while the prohibition of encouragement provides an appropriate balance to this.

Size and composition of the Senate

The imbalance of 'number of persons represented by each Senator' across the states and territories is nonetheless appropriate. The role of the Senate as “The States' House”, however it has been distorted by party politics, is still important.

Redistribution

The constitutional amendment discussed at 5.92 to allow regular redistribution analysis on the basis of census dates is appropriate.

Elected representatives who resign early

MHRs and Senators who resign mid-term for any reason other than medical or health reasons

should be penalised. It may be more appropriate to penalise e.g. their entitlements as an ex-parliamentarian rather than impose a blunt monetary penalty.

Registration of Parties and Candidate Nominations

Party registration and regulation

I support the following proposals discussed at 8.24:

- amendment to require a non-Parliamentary party to have at least 500 members on the Electoral Roll.
- A requirement that the constitutions of registered political parties be published on the AEC website.

I also support the proposal discussed at 8.26-8.28 that would require political parties to become legal entities.

All of the above would promote greater scrutiny of party activities.

The Campaign

Media blackouts

The existing media blackout period prior to election day should be extended to seven days (one week). Let's be brutally honest: the blackout is widely considered to be a godsend by the electorate, and it's understandable when we are getting overwhelmed with campaign 'noise' even before writs are issued. Given that the blackout does not impact new media sources or even print, this extension could not be said to have a detrimental effect on democracy, but it would help bring relief to the people. I maintain that this extension would also not conflict with the Constitution's implied freedom of political communication, though I'm sure several parties would try to say that it did.

Polling booth neutrality

The ACT/Tasmania idea of a 100m canvassing exclusion zone around all polling booth locations (to be explicitly marked out and easily seen by all) is excellent. Parties found breaching this zone should be subject to suitably-detering financial penalties.

Polling

Electronic voting

Australia should aim to introduce electronic voting as the standard voting mechanism in Federal elections within the next two election cycles. A combined venture with the state and territory electoral authorities would be appropriate and help to speed the adoption of such a system at both levels.

For this purpose, I define electronic voting as the placing of a vote via an electronic mechanism such as a touch-screen at a polling place (as opposed to remote voting via e.g. an online method). I do not support taking the use of technology any further at this time – the method I propose will be able to take advantage of current norms of polling place attendance and roll check while cutting down on paper usage and perhaps making the voting process more user-friendly (if done right). This method will also permit the electoral commissions to keep all data within a relatively closed – and hopefully therefore more secure – network. This could be compromised more easily by outside input from e.g. online vote submission mechanisms. The move to electronic voting will not be an easy sell to many parts of the community and anything that can be done to ease their concerns (legitimate or otherwise) needs to be seriously considered.