

27 November 2009

Submission re Electoral Reform Green Paper

Dear Sir/madam.

Further to the call for submissions re the above, please consider the following:

The Franchise:

In regard to 4(b) *“Should any categories of non citizens have the right to vote in Australian elections”?*

I submit that the franchise should be extended to include permanent residents of Australia.

I fully support the points raised in Strengthening Australia’s Democracy (p37, 4.34) *“Arguments in favour of allowing permanent residents to vote in Australia – “, specifically:*

- *In a world of international migration is unreasonable that people should be subject to decision [of a government] over a long period of time without having the opportunity to influence those decisions.*

I entirely concur with these sentiments. That an individual or group of individuals located long term in any country and subject to its laws and customs should not have the opportunity to contribute to the processes that establish these is manifestly unjust and should be viewed as a form of social exclusion.

- *It could serve the symbolic value of better defining our political community – of Australia as an immigrant nation in a globalising world – as well as the ideal for political equality for all in the Australian community.*

Again, I completely agree with this point. Inclusion of permanent residents in the franchise has the effect of celebrating the diversity of the Australian community. Australia rightly prides itself on its multi-culturalism. A logical extension of this pluralist approach would be to recognise the value that the immigrant population can bring to a young country, regardless of whether or not they are citizens.

- *It might be argued that some migrants may not wish to take up Australian citizenship if it means losing a form of foreign citizenship.*

The retention of foreign citizenship is as often as not a matter for citizenship/passport officialdom in that country. Broadly however, there is little to fear in a body of voters holding foreign citizenship. Locating oneself in a given country reflects a commitment to that country's way of life that substantially outweighs a wish to retain citizenship and travel documents to another country. In any case, these may be retained for intensely pragmatic rather than patriotic reasons (family links, property ownership, etc) and do not necessarily reflect any diminution of commitment to Australia.

- *Permanent residents pay tax in Australia, it is said to be only fair that they should also have the right to vote.*

This goes to the heart of the issue. Taxation without representation is rightly held to be an anathema to any democratic society.

Permanent residents contribute in many ways to Australian society, given the immigration requirements, it seems probable that the bulk of permanent residents are skilled, educated and employed. Arguments could be made that the franchise should be awarded on that basis alone.

As taxpayers, permanent residents are in the iniquitous position of being unable to vote for or against the government to which they pay tax and that makes the laws under which they live. This is unacceptable in a modern pluralist, democracy and at odds with the Australian value of 'the fair go'. The notion that citizenship is the sole qualifier for the franchise is antiquated, at odds with international best practice and, in essence, simply unfair.

In regard to 4.35; *Arguments against allowing permanent residents the right to vote in Australia:*

- *The 'lure of the franchise' serves as an essential way through which migrants are encouraged to take out citizenship.*

Wholly disagree. This introduces a coercive element to the uptake of citizenship that is at odds with the general way of life in a first world liberal democracy.

That members of the Australian community should be 'encouraged' to take up citizenship on the basis of the benefits that accrue to it, effectively cheapens the franchise, it reduces it to something to be acquired rather than an expression of commitment to Australian society.

Perversely, perhaps, the current situation could be seen as an active disincentive to take up citizenship. Withholding the franchise from permanent residents send a message that those members of the Australian community are not sufficiently valued to be entitled to full participation in the life of the nation, a participation that is most eloquently expressed when Australians come together to elect their government.

This should be seen as a form of social exclusion that has the potential to create resentment against the Commonwealth and will either disincline permanent residents to take up citizenship or to do so grudgingly.

It seems infinitely preferable that residents should take up citizenship in a spirit of inclusion rather than coercion.

The choice to become a citizen of a free society should be one that is freely made and not one that is taken up out of necessity or for what can be gained. In a country with as much to offer as Australia, the 'lure of the franchise' should not be seen as remotely necessary.

- *The High Court has commented that citizenship is a valid basis for determining who would be allowed to vote, as citizenship has a 'rational connection with the identification of community membership or the capacity to exercise free choice'*

There is little to disagree with in the first part of this comment. Citizenship is a valid basis for determining who is or should be allowed to vote – but the emphasis should be on the 'a'. It is only one of many valid bases, there is no dispute that citizenship should confer the right to vote but it should be regarded as only one of a range of qualifiers.

Treating citizenship as the sole qualifier for the franchise results in the bizarre situation where ex patriot Australians can vote in elections that have no effect whatever on their lives, can influence the election of a government to which they will pay not taxes, yet those who live with the consequences are excluded.

- *Such an amendment might be argued to result in changes to existing electoral boundaries as non-citizen residents are usually clustered around major urban centres.*

Changes to existing electoral boundaries are a fact of life in modern democratic societies and might be affected by a range of factors such as population growth, changes to planning regulation or any whim of government. The potential need to vary electoral boundaries need not be seen as a reason not to include permanent residents from the franchise.

- *The exclusion of non-citizens from the franchise is 'common place' internationally.*

So is capital punishment.

That something is common practice does not imply that it is best practice. Were Australia to base its electoral practices on what is common place internationally, there is no doubt that the quality of our democracy would be diminished. Rather than considering what is commonplace we should aspire to what is best, fairest and most inclusive.

In summary I am in full support of the extension of the franchise to permanent residents of Australia for the reasons noted above.