



Strengthening Australia's Democracy

Submission to the consultation process in
relation to the Green Paper on
Commonwealth Electoral Law Reform
(Number 2)

Australian Labor Party (National Secretariat) Response to the Green Paper on Commonwealth Electoral Law Reform (Number 2)

1. Time to strengthen the electoral system

- 1.1. The ALP is pleased that the Australian Government has continued to promote discussion around reform of the *Commonwealth Electoral Act 1918*, the Australian Electoral Commission and other parts of Australia's electoral architecture through the second major Green Paper on Electoral Law Reform.
- 1.2. Ensuring that Australia has a modern, transparent and efficient electoral system is an important priority for the ALP and we look forward to final reform recommendations from the Green Paper process.
- 1.3. The ALP has already expressed its support for reform of the electoral system through the two existing processes:
 - The first Green Paper, on Donations Funding and Expenditure.
 - The Joint Standing Committee on Electoral Matters Inquiry into the 2007 election and associated matters.
- 1.4. Through both these processes the ALP has offered broad support for reform of the current system and has also suggested some specific reform areas which require government action.
- 1.5. The ALP supports an electoral system that:
 - Encourages participation in the political process.
 - Is inclusive of all potential voters.
 - Is fair, balanced and non-partisan.
 - Maximises voter enrolment and turnout on polling day.
 - Maximises formality of the vote.

2. Encouraging participation and inclusion

- 2.1. The ALP believes that all Australian citizens of adult age should be entitled to vote and be enrolled to vote.
- 2.2. The ALP is unashamedly a supporter of universal voting for all Australian citizens and believes that this has been a source of strength and stability for Australia's electoral system. Universal voting represents the best way to ensure that all voices are heard in the electoral process and encourages all

citizens to become active in politics. Casting a vote is an important right and responsibility for all Australians, and Labor supports the current arrangements with regards to the enrolment and voting.

- 2.3. The ALP does not support those who advocate so-called “voluntary” voting nor does it support reforms that would extend the franchise to certain groups of Australians on a voluntary basis, such as proposals to extend the franchise to those who are under 18 purely on a purely voluntary basis. The ALP supports one system for all Australians of voting age, and supports universal access to the vote.
- 2.4. The ALP supports moves to recognise the growing prevalence of pre-poll voting with increased access to this voting option. As working lives become busier and employment becomes more mobile, the ALP believes that this voting option will only increase into the future. The ALP supports moves to ensure that prepoll places are in visible and accessible locations, especially in high traffic malls and shopping centres.
- 2.5. The ALP believes that more should be done to facilitate a vote for Australians who currently live abroad. A number of submissions were made to JSCEM relating to impediments to voting for Australian’s overseas. The ALP supports the commentary on the issue contained in the Green Paper.
- 2.6. Aside from broader reform options canvassed in the Green Paper, the ALP also believes there should be greater coordination of overseas voting, greater consistency in standards in overseas missions and a greater role for the AEC in monitoring and enforcement.
- 2.7. The ALP has been a strong proponent of increased civic education so that people can maximise their participation in the political process. The ALP supports action by government to increase awareness of electoral matters in schools, which it is hoped will contribute to other policy outcomes such as lower informality rates and higher enrolment.
- 2.8. The ALP also believes that election day should remain the focal point for electoral activity and does not support proposals to restrict canvassing near polling booths or the display of signage near polling booths. It is important that people see their democracy “in action” and polling day activity is an important part of this. The ALP believes that these are an essential part of the electoral process and are welcomed by voters who are seeking more information on polling day. Further restricting activity on polling day would have a negative impact on the participation and inclusion goals which remain important in the electoral process.
- 2.9. For this reason the ALP also supports the retention of the National Tally Room as a focus on election day. The ability for people to visit a live venue where votes are counted is an important electoral experience for many. As the crowds in attendance at the last election showed, it remains a popular initiative with people.

3. Non-partisan electoral administration

- 3.1. The ALP supports independent regulation of electoral activity. The commentary in the Green Paper talks of degrees of independence, in line with the IDEA model of electoral regulation. The ALP believes that the current allocation of roles and responsibilities between government and the independent AEC provides an appropriate balance and allocation of responsibilities.
- 3.2. The ALP remains interested in seeing greater cooperation, coordination and harmonisation between the work of the AEC and the state based electoral organisations. The ALP agrees that there is greater scope for cooperation through the Electoral Council of Australia (ECA) and that national consistency is a desirable aspiration on a range of areas including redistributions, management of electoral rolls and consistency.
- 3.3. The one reform that the ALP believes should be further explored is the splitting of functions relating to funding and disclosure from the AEC and placing them into a new federal authority with responsibility for compliance and enforcement of these parts of the Act.
- 3.4. There are existing models from overseas which serve as a starting point for exploring a viable model in this area. The ALP believes that reform in this area could make for a clearer administration of the funding and disclosure sections of the *Electoral Act* and also allow the AEC a clearer role in the management of elections.
- 3.5. The ALP also believes that further investigation should be undertaken into the proposal that the AEC be the sole provider of postal vote applications. The commentary on this matter in the Green Paper correctly highlights the complexity in the current arrangements.
- 3.6. Critical to protecting the integrity and role of the AEC is improving its internal capacity, processes and administration. The ALP supports action to ensure that the AEC is adequately resourced to perform all its functions, including to conduct appropriate internal review of processes and decisions, and to be more transparent with interested citizens and stakeholders.

4. Maximising voter enrolment and turnout

- 4.1. The ALP is concerned at the continuing failure to achieve higher levels of enrolment. As the Green Paper states, only 92% of estimated eligible voters are enrolled. This would mean that an estimated 1.1 million Australians who should be exercising a vote on polling day do not. The ALP believes that reforms to boost enrolment must be a priority for government emerging from this Green Paper process.
- 4.2. The ALP believes that automatic enrolment and automatic roll updating is the clearest and most effective reform that the AEC could address poor enrolment levels.
- 4.3. Automatic updating of the electoral roll, through data-matching by the AEC with other government records such as car registration, electricity, gas and water services, and school enrolment will boost enrolment and stop voters being needlessly struck off the roll.

- 4.4. The ALP believes the AEC should be resourced to follow the lead of the NSW State Electoral Office and implement the “Smart Roll” initiative, which would see a person’s enrolment automatically updated, when they change their residential address.
- 4.5. The ALP believes that other measures, such as online enrolment and advertising campaigns, are not adequate solutions to the problem.

5. Maximising formality

- 5.1. As the Green Paper details, more than 538,000 Australians did not cast a formal vote in the last election. As the AEC has established, informality is most often caused by what appears to be voter error, caused by voter confusion.
- 5.2. ALP believes that reforms targeting informality must be a priority for the government out of the Green Paper process.
- 5.3. The ALP agrees with the commentary in the Green Paper that greater harmonisation of state and federal voting systems will assist with maximising formality.
- 5.4. Differing systems at different levels of government serve to make voting more complex than it should be and ultimately serves to disempower those with lower literacy and numeracy and Australians from non-English speaking backgrounds.

6. The reform opportunity

- 6.1. The second Green paper on electoral reform is an opportunity to modernise Australia’s electoral system and bring it into the 21st century.
- 6.2. The Green Paper has canvassed many areas where reform could be pursued and the ALP supports action in many of them.
- 6.3. The ALP looks forward to working with the government and other stakeholders to ensure that reform is conducted in a fair, balanced and non-partisan way.