

## **1.0 Overview**

Australia is a robust parliamentary democracy whose peaceful stability is owed to many factors, including: federalism; a rigorous fourth estate news media; Westminster-based political institutions inherited from Great Britain; a unique political culture balanced between liberal individualism and the benefaction of the state; a pluralist sense of tolerance of difference inculcated by that political culture; complementary electoral systems for lower and upper houses; and compulsory enrolment and voting to ensure maximum voter participation.

### **1.1. Evolutionary pressures**

But our political system always faces evolutionary pressures, and the Special Minister of State is correct to call for the first major review of the Electoral Act [1918] since 1984. Some of these pressures exert themselves on our democratic and electoral systems, with three proving particularly challenging.

#### **1.1.1. Technology**

The first is the technological revolution offered by the internet and, especially, Web 2.0 technologies. Despite the fact that most Australians today engage with a variety of technologies that were – until a couple of decades ago – science fiction, the reality is that formal governance settings – where citizens interface with the state – often fail to utilise fully the technologies citizens use everyday. The use of pencil and paper as the only option to vote, MPs' reliance on 'snail mail' when communicating with constituents, and a failure to publish electoral rolls online for full public access, are cases in point. A lag in technology at official governance levels can only lower the esteem in which constituents hold the democratic process.

Moreover, there appears to be a 'technology-confidence gap'<sup>1</sup> between those under 30 years of age and those over. Those under 30 – who 'grew up' with the internet and mobile telephones – almost always engage with cutting edge technology with greater confidence than their older peers. And the fact that

---

<sup>1</sup> See Genevieve Zook. 2007. 'Technology and the Generation Gap'. *LLRX*. August 27. <http://www.llrx.com/features/generationgap.htm>

most policy-makers – those deciding the ‘rules’ of political activities from voting down – are aged over 30 means the urgency to embrace e-democracy is often overlooked. This submission recommends – as detailed below – a more vigorous embrace by Australian Electoral Commission staff of the e-democracy opportunities offered by cyber-space.

### **1.1.2. Disengagement**

A second is the wide and growing sense of political – and especially electoral – disengagement (especially among the young) from the electoral process<sup>2</sup>. Despite 85 years of compulsory voting and enrolment, voter turnout continues to erode, with the number of young and other new voters failing to enrol in increasing numbers. Various factors are at play, and are outside the scope of this submission. But it is argued here that greater *structured* civics education programs at all levels of schooling – while not a panacea – would go far in arresting the general decline in formal political participation. After all, there remains enormous potential for (especially young) Australians to connect with formal electoral processes, and some research indicates that it is something of a myth that young citizens are wholly apathetic when it comes to engaging with their community.<sup>3</sup> This submission recommends, as detailed below, a more comprehensive, co-ordinated and better-funded civics education program – in tandem with commercial enterprises, and state education departments and electoral offices – to creatively re-invigorate youth participation in formal electoral processes.

### **1.1.3. Potential for Social Discord**

Third, while Australia largely remains a socially and culturally harmonious nation – even in the heat of electoral competition – the potential always exists for sectarian politics to take root, and for healthy political rivalry to descend into naked aggression, and even violence, at such public places as polling booths. Social commentators frequently note that all western societies are

---

<sup>2</sup> See Paul D. Williams. Submission to the House of Representatives Standing Committee on Petitions regarding the introduction of E-Petitions, August, 2008. <http://www.aph.gov.au/House/committee/petitions/epetitioning/subs/sub010.pdf>

<sup>3</sup> See Ariadne Vromen. 2004. “Three political myths about young people.” *Australian Review of Public Affairs*, 26 March. <http://www.australianreview.net/digest/2004/03/vromen.html>

today beset with anti-social behaviour, attributable – according to some – to shifts in personal and community values. Where the liberal democracies once embraced a sense of community alongside their defence of individualism, today we face an imbalance towards the self – one undoubtedly fuelled by alcohol and drug use, and by an unquenchable thirst for media and celebrity. Some commentators describe an increasingly angry, cynical and self-interested society that, fired by rampant individualism, personal envy and ruthless competition for diminishing resources<sup>4</sup>, hold the grim potential for yet more anti-social behaviour. Should sectarian politics and personal envies intersect at such places as polling booths, street violence may well be the result. While full-blown civil unrest is highly improbable, there remains – as demonstrated in rising incidences of ‘road rage’, ‘airport rage’, ‘car-park rage’ etc – a growing propensity for individuals to inappropriately vent frustrations during the voting process. This submission recommends, as detailed below, several amendments to the Electoral Act to minimise any threat to civility at and around polling booths on election day.

## **1.2. Purpose of this Submission**

Other than those noted above, the brevity of this submission prevents it from offering any comprehensive prescription in terms of legislative amendments to the Electoral Act. And nor should it: that remains the prerogative of the Parliament. But this submission nonetheless seeks to raise awareness of the above-described cultural shifts. Acts of Parliament should be organic creatures: alive and forever subtly changing to meet the demands of a similarly changing community. As such, Acts should be cultural documents as much as they are legal and administrative. To this end, this submission recommends – in broadest terms – that the Electoral Act be amended to explicitly reflect (changing) cultural elements.

## **2.0. Civics education – engaging the disengaged**

The following recommendations are made to ensure young Australians and new citizens – especially from non-English speaking backgrounds – are

---

<sup>4</sup> See Paul D. Williams. 2009. ‘Material or Post-material’. *Griffith Review 25: After the Crisis*, pp. 169-73. [http://www.griffith.edu.au/griffithreview/campaign/ed\\_25/Williams\\_ed25.pdf](http://www.griffith.edu.au/griffithreview/campaign/ed_25/Williams_ed25.pdf)

afforded every opportunity to formally engage with the electoral process. Future Australian governments' claims to mandates – and our commitment to pluralism and a 'fair go' – hinge on our ability to engage all citizens over the age of 18 years.

2.1. The practice – trialled *ad hoc* in various MPs electorate offices – of sending enrolment forms inside birthday cards to constituents turning 18 years of age – appears, anecdotally, to have been successful in increasing enrolment rates. It is recommended that the AEC work with all federal MPs to ensure this practice is compulsorily adopted as a requirement across all 150 constituencies. It is also recommended that statistics of returned cards be maintained so as to assess the trial's effectiveness.

2.2. The Australian Electoral Commission (AEC) is undoubtedly diligent in conducting door-to-door checks of enrolments. But we live in an increasingly transient society where frequent intra- and interstate migration is the norm. It is therefore recommended that, to seriously tackle the issue of incorrect enrolment following enrollees' changes of address, the AEC ramp up its inquiries, with a concerted effort in the last six months of any given electoral cycle.

2.3. To co-ordinate efforts and share labour and costs, it is recommended the AEC convene annual conferences with state and territory electoral offices to share strategies for enrolment and voter education. Segments of these conferences should be opened to interested lay persons, with an opportunity for public input not unlike the Green Paper process. In this way, electoral commissions will be more aware of current developments, and remain 'in touch' with community concerns and ideas for voter engagement.

2.3. It is recommended the Commonwealth Department of Education – in conjunction with its state and territory counterparts – devise a *structured* and *uniform* national civics education curriculum to be delivered at various year levels in primary and secondary schooling. The programs need not be long (and may be as short as a week). Here, the essentials of Australia's

democratic history, political intuitions and comparative voting systems can be explored through teacher-directed lessons; and electoral processes can be practised via such role play activities as mock campaigning and voting. Expressions of interest should also be sought from universities in the offering – with Commonwealth financial incentives – of comparable programs for tertiary students<sup>5</sup>, with the short courses perhaps being compulsory for students in the same way social enterprise units are mandatory in some university faculties today. It is recommended the programs' development must be overseen by a political scientist with substantial training and experience in delivering quality education.

2.4. It is further recommended that the AEC work closely with commercial enterprises, including the media, to promote the excitement the competitive nature of electoral contests can generate. Through television, radio and the internet (and especially Facebook, Twitter etc), young Australians might be encouraged to vote on cultural favourites from movies to music to food. Importantly, these ballots – so as to properly demonstrate the need for transparency and integrity in elections – must be carefully overseen: multiple voting must be prevented, only a limited number of options (candidates) can be offered; and voters must provide a full list of preferences to register a formal vote. Modest random prizes, paid for by the AEC, might be offered for the successful completion of ballots. At the close of the ballot, a 'live' count with a full distribution of preferences – to explain the intricacies of our preferential and / or single-transferrable voting system – can then take place.

2.5. It is also recommended that the AEC conduct short public education programs to in recognised 'hotspots' where voter turnout is low and / or rates of informal voting high. These sessions should be taken 'on the road' in a mobile office in the same way community health is offered. Again, the AEC should ramp up this activity in the last six months of the electoral cycle.

---

<sup>5</sup> The author convenes a semester-length, third year public relations university course, *Campaign Strategies*, where such knowledge and skills are taught as an elective in several degree programs.

2.5. Notwithstanding the above, twin incentives might be offered to further enhance voter turnout. The first is *positive*: citizens who turn out for, say, three consecutive Commonwealth parliamentary elections might, for example, be rewarded with a modest income tax credit. Similar incentives might be offered at state and territory level. The second is *negative*: it is recommended that the penalty for failing to vote – and for failing to enrol after an initial warning (more comprehensive cross-checks with various bureaucratic bodies could identify the intractable) – be substantially increased so as to send a strong message that failing to participate in a democratic process undermines that very process. It is also recommended that various electoral offices no longer offer ‘amnesties’ – ostensibly because tracking non-voters is a timely process – when large numbers fail to turn out in, for example, a by-election. Again, such a move undermines the message of the communal value of voting.

### **3.0. Legal – amending the Act**

For reasons cited above, more – and not less – regulation will be needed in the future to ensure elections are conducted fairly, and in environments free from unfair competition, intimidation, or violence. While polling days have, until now, been relatively peaceful events, there is no guarantee this will continue. In recent years, reports of aggression and minor violence have been reported with increasing frequency.<sup>6</sup> Today, tensions over the distribution of resources and the potential for political sectarianism throw up new challenges in terms of keeping polling stations safe for voters, party workers and election officials. The following recommendations are offered:

3.1. To maximise voter turnout, and to ensure an optimal number of electors are correctly enrolled, the longest tenable gap be permitted by the Electoral Act between the issue of the writs for election and the closing of the rolls. This submission argues a standard period of 11 days be considered. Up-to-date

---

<sup>6</sup> See, for example, an incident at a polling booth in the Brisbane electorate of Algester during the 2009 Queensland State Election. <http://southern-star.whereilive.com.au/news/story/police-drop-complaint-against-mp-struthers/>

rolls minimise the chance of incorrect enrolment and, therefore, 'voter-rage' at busy polling booths on election day (see recommendation 4.1).

3.2. It is recommended that the AEC – in conjunction with its state and territory counterparts – conduct a separate review of the regulations governing the mechanics involved in the conduct of elections, so as to minimise unfair competition and petty jealousies among rival booth workers and voters that may, if left unchecked, flare into aggression and even violence. Special consideration should be given to the following:

3.2.1. A (still generous) limit on the number of booth workers / scrutineers to which any one candidate / party is permitted per polling booth. A severe disparity in the number of personnel – especially in the scrutiny of votes after 6 p.m. – holds the potential for conflict among tired booth workers disappointed at the progress of the count.

3.2.2. A strict limit on the number of campaign signs and corflutes each candidate is permitted in each electorate and polling station. Very early arrivals – often the night before – to secure 'prime' campaign spots can incite jealousies on polling day.

3.2.3. A strict limit on the length of campaign bunting each candidate can display at any one polling station. Again, early arrivals, in the attempt to monopolise fence space, can incite jealousies on polling day.

3.2.4. To this end, it should be legislated that no booth worker can arrive and begin setting up a 'stall' or campaign material before, say, two hours before the opening of the polls. This should prevent any one party or group monopolising limited campaign space. A fair distribution of resources, overseen by rivals, is likely to mitigate later tensions and create a friendlier, festival-like election day atmosphere, thus making the voting 'event' appealing, and one to which voters will happily return.

3.2.5. It can be argued that a key component of voters' increasing disenchantment is the widespread perception (however misguided) that governments are self-interested creatures with an unhealthy close relationship with big business. The *Australian Electoral Study* found in 2008, for example, that 38 per cent of respondents felt the Commonwealth Government was run by, and for, "big interests".<sup>7</sup> To restore voter confidence in political parties' relationships with business and the community, any review of the Electoral Act must countenance a cap (however generous) on donations (in cash and in kind) to political parties (and not just a lowering of threshold before public declaration).

3.2.6. There are similar public concerns about the rising costs of election campaigns, and fears that the level playing field of a once-egalitarian Australia is being undermined by a cartel of major party interests who ramp up the cost of campaigns, thus making minor parties and independent candidates increasingly uncompetitive. In order to meet voters' demands for a 'fair go' for all, this review must also consider the much more problematic issue of caps on election spending by any one party or candidate. With the obvious curtailment in the electronic (especially expensive television) advertising, the AEC would need to negotiate with the Australian Broadcasting Corporation over more avenues for free party political broadcasts.

#### **4.0. Technology – harnessing the future**

4.1. Electoral rolls are public documents and – for all vested interests to have confidence in the integrity of the roll – each roll must be open to frequent public scrutiny. As such, privacy concerns notwithstanding, electoral rolls should be available online so that incorrect enrolments might more easily be identified by voters, the Commission and interested third parties.

4.2. This submission recommends that previous trials of online 'e-voting' be expanded with, perhaps, one or more entire electoral divisions – following

---

<sup>7</sup>See Australian Electoral Study. 2008. *The 2007 Australian Election*. <http://assda-nesstar.anu.edu.au/webview/index.jsp?v=2&mode=documentation&submode=abstract&study=http%3A%2F%2Fassda-nesstar.anu.edu.au%3A80%2Fobj%2FStudy%2Fau.edu.anu.assda.ddi.01120&top=yes>

intensive public education programs – being given the choice (alongside the option to vote on paper at a polling station) to vote online at a forthcoming election for the Commonwealth Parliament. The results from such trials should be carefully assessed, and well publicised for additional comment.

## **5.0. Conclusion**

Australia's political and electoral systems have long been role models for other jurisdictions. And part of that strength is the ability for the Act to adapt the 'rules' of electoral contest to meet changing social and cultural mores. Australia is a rapidly changing polity, with particular challenges coming from increasing rates of anti-social behaviour, voter disengagement, and technological demands. This submission has briefly outlined the extent of these pressures as cultural challenges for legislators as they recast the Electoral Act in readiness for the next decade and beyond. It is hoped the Parliament imbues the new Act with sufficient cultural flavour to reflect these challenges, so that Australia may continue as an electoral role model, and with all Australians citizens over the age of 18 years participating fully, fairly, freely and safely.

**--- End of Submission ---**

### **About the author**

Dr Paul Williams is a Senior Lecturer in political science and journalism with the School of Humanities at Griffith University's Gold Coast campus, Queensland. He is also a weekly columnist with Brisbane's *The Courier Mail* newspaper where he writes on politics and public policy issues. He has published widely in scholarly journals, including the *Australian Journal of Political Science*, the *Australian Journal of Politics and History*, the *Australian Journal of Public Administration*, and the *Australasian Parliamentary Review*. He is co-editor, with Prof. John Wanna, of *Yes Premier: Labor Leadership in Australia's States and Territories* (UNSW Press, Sydney, 2005). He is also a frequent commentator in the print and electronic media on political parties and election campaigns.