31 July 2017

By email

The Executive Officer
Electoral Matters Committee
Parliament House, Spring Street
EAST MELBOURNE VIC 3002
emc@parliament.vic.gov.au

Dear Sir/Madam,

Inquiry into Civics and Electoral Participation in Victorian State Parliamentary Elections

Oz Kiwi would like to thank you for the opportunity to make submissions to the Inquiry into Civics and Electoral Participation. We would confine my submissions to point 4 of the Terms of Reference, with particular attention to increasing electoral participation of Victorians from multicultural backgrounds and new Australian citizens.

While the Terms of Reference do not directly address the issue of electoral franchise, we believe modifying the electoral franchise will be conducive to increasing electoral participation of new arrivals and Victorians of multicultural backgrounds. It is important to keep in mind that, under current citizenship laws, new arrivals face a minimum four-year wait before being able to become Australian citizens and participate in the Victorian electoral processes, including State elections. Withholding voting rights to new arrivals for a prolonged period renders the Victorian Electoral Commission's task of educating new Victorians about participating in electing their representatives and governments more difficult.

Current State of Affairs

Lawful non-citizens hold either a permanent visa or temporary visa issued by the federal Department of Immigration and Border Protection. For the avoidance of doubt, these submissions relate to non-citizens who hold permanent visas under s 30(1) or New Zealand citizens who hold Special Category Visas under s 32 of the Migration Act 1958 (Cth) (the Relevant Non-citizens) as these individuals are afforded the right to live, study and work in Victoria without restrictions, and the most likely to settle in Victoria long term. Other non-citizens, such as international students and 457 visa holders, are less likely to do so.

The Australian Electoral Commission notes that 4,159,038 Victorians were eligible to enrol to vote in 2016. However, data from the 2016 Census shows there were 4,489,370 Victorians aged 20 or over in 2016, with a further 356,340 aged between 15 and 19 (part of this group would be 18 or 19). While these figures do not show visa status, it can be deduced that a significant part of the Victorian population hold either permanent visas or Special Category Visas and are unrepresented in the Victorian electoral process.

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2 Australian Bureau of Statistics 2016 Census QuickStats
The Relevant Non-citizens are currently able to, amongst other things, reside in Australia without time limitations, work without restrictions, work for the Victorian Public Service, attend state primary and secondary schools as domestic students, and access the First Home Owner Grant and the Victorian Training Guarantee. In essence, they enjoy substantially similar treatment to Australian citizens for all intents and purposes except voting rights and national security-related matters e.g. serving in the Defence Force and the Australian Public Service (both within the purview of the Commonwealth government).

Given the substantial rights and access to services that these Relevant Non-citizens enjoy, it is only logical that they are extended the right to vote in State elections and participate in the process of choosing the government that formulates and implements policies that equally affect their lives, and lives of Australian citizens, in Victoria. We note that the participation of the Relevant Non-citizens in State electoral processes as voters do not give rise to national security concerns because the Victorian Parliament has no legislative competence in the realms of defence, national security and diplomatic affairs.

**Overseas Examples**

Numerous comparable countries extend voting rights to settled non-citizen residents. The closest example is New Zealand where permanent residents, including Australian citizens who reside there under the Trans-Tasman Travel Arrangement, can enrol and vote in national and local elections after 12 months’ residence. The United Kingdom also allows non-British nationals who are nationals of any member state of the Commonwealth of Nations or the Republic of Ireland to vote in national and local elections, with a similar 12-month residence requirement. The right to vote is similarly extended to non-citizens in Belgium, Hong Kong (non-Chinese citizens), the Netherlands, Sweden and numerous other countries. We also note that the European Union requires its member states to accord EU citizens subnational voting rights. This is strong precedent for extending voting rights to holders of Special Category Visas who exercise their rights under the Trans-Tasman Travel Arrangement, a similar regime to the European Union free movement system.

**Benefits of Non-citizen Voting**

As the Terms of Reference suggest, the Victorian Government is seeking to increase electoral participation among multicultural communities and new Victorians. Regardless of what education campaigns the Victorian Electoral Commission undertakes to educate new arrivals, nothing would replace extending voting rights to the Relevant Non-citizens and allowing them to participate in Victorian elections. International studies have noted possible benefits of increasing non-citizen new arrivals’ knowledge of the local community and helping build their identification, or sense of belonging, in a new country when extending voting rights to them.\(^3\) Taking up Australian citizenship requires identification with values such as democracy and freedom, but nothing would be more effective in educating new arrivals about these values than allowing them to participate in democracy and vote in Victoria’s free and fair elections while serving out the four-year waiting period for Australian Citizenship, or putting themselves on the pathway to Australian Citizenship in the case of New Zealand citizens. This also aligns with the Victorian Government’s objective of increasing electoral participation among multicultural communities and new arrivals.

**Suggestion**

We suggest that the Victorian Parliament explore the possibility of extending the electoral franchise to holders of permanent visas under s 30(1) and Special Category Visas under s 32 of the Migration Act 1958 (Cth) given the substantially similar rights and access to Victorian Government services they enjoy in comparison with Australian citizens, and by extension the impact of Victorian Government and Parliament decisions and laws on them.

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\(^3\) For citations and quotations of international studies, see F L Seidle, ‘Local Voting Rights for Non-Nationals: Experience in Sweden, the Netherlands and Belgium’ (2015) 16 Journal of International Migration 27.
The ordinary residence requirements can be a minimum of 12 months or any reasonable period that is sufficient to demonstrate a person's settlement and initial integration into Victoria. Ordinary residence can be demonstrated by employment, education or business activities in Victoria and provision should be made for dependents of the primary income-earner, who hold the same visas, to not be required to separately demonstrate such activities.

Enrolment may be made voluntary, but voting should be compulsory once enrolled in order to maintain consistency among voters. The Victorian Electoral Commission may maintain a separate electoral roll as the current electoral roll, which only contains names of Australian citizens and certain non-citizens enrolled prior to 1984, doubles as the Commonwealth electoral roll.

We would like to thank you for considering this submission.

Yours faithfully,

[Signature]