

Doing Democracy*

Damien Freeman

“O, DEMOCRACY! WHAT CRIMES ARE COMMITTED IN THY NAME.” exclaimed the member for Page reflecting upon the cry of a victim of the French Revolution during the second reading of the *Electoral Bill*, 1918. When we hear that compulsory voting is “how we do democracy in this country” we should do well to keep these words in mind. In the context of the debate surrounding the method of appointing delegates to the people’s convention, it is necessary for us to consider the appropriateness of compulsory voting at this stage of the process of possible constitutional reform. Is it necessary or is it yet another crime to be committed in the name of democracy?

There is good reason for us to value compulsory voting in some situations, but that does not mean it is always appropriate. Whereas compulsory voting ensures the elite does not hijack government, there are many situations where it is inappropriate. We may observe the trend towards voluntary voting in local council elections and government commissions such as ATSIIC. In these cases it is realised that a significant number of eligible voters will have no interest and thus their votes will not assist the cause of democratic government. Compulsory voting, when enforced in an excessive number of elections also serves to reduce public interest and trivialize the electoral process. Thus if it is to be enforced at all, it should be reserved for only the most significant appointments, e.g. parliamentary elections.

In the case of appointing delegates for the purpose of investigating constitutional reform, we have a precedent in the conventions of the federation process. The first conference leading to federation was held in 1890. None of the delegates to this convention were elected directly by the people. They were all chosen by the Houses of Parliament in each of the Australasian colonies. The second conference, held in 1897-8, was a different matter. This time the delegates from most of the colonies were elected by popular vote of enrolled electors.

This may provide a useful insight for us in our present situation. We may assume that the level of popular interest in and knowledge about federation would have escalated dramatically in the intervening seven years. Thus when the electorate was invited to participate directly in the process, they were better able to make a valid contribution to the debate. The same scenario may be observed in the present debate. The only official dialogue that has taken place to date is the report of the Republic Advisory Committee. This report, in keeping with the committee’s terms of reference, did not comment on issues regarding whether change was desirable or necessary but rather only what the minimum change would entail. Furthermore, the former government’s Civics Expert Group established the overwhelming ignorance of Australians about their constitutional arrangements.

Therefore we must realize that if compulsory voting were to be implemented at the present time, the result would be detrimental to the national interest. The convention of 1997 must serve the same purpose as that of 1890. It must begin in earnest a dialogue dealing with the issues of the desirability and necessity of constitutional reform, and most importantly, expose the republicans’ preferred model. Only once this is achieved can the people be expected to make an informed decision, and until an informed decision is possible, no decision should be required.

We should remember Mr. Glynn’s opinion of the value of compulsory voting when asked during the previously mentioned debate of the *Electoral Bill*. Glynn argued that while there should be compulsory enrolment, there should not be compulsory voting. He observed, “We should ... provide opportunities for people to do right ... The effect of compulsory voting might be that those who took very little interest in politics could out-vote men who took a very keen interest in them. I cannot understand the hilarity of so-called Radicals at that remark. Is not the basic principle of all true Labour parties, and indeed of all Radical parties, to obtain equality of opportunity? ... The principle of true Democracy is equality of opportunity, without compulsion. So long as we give every man the right to go to the poll

and express his opinion, the system has a healthy influence, but it would be a very bad effect upon the people if they were compelled to go to the poll.” In 1924 Senator Payne introduced the *Commonwealth Electoral Act* which provided for compulsory voting on the basis that it was “the natural corollary to compulsory enrolment.”

When there has been a formal discourse on constitutional reform, and the protagonists for change have put forward their model, it may then be appropriate to require all Australians to form an opinion as to whether change is necessary or even desirable. Until such a process has taken place however, while everyone should be given an opportunity to participate in the process, only those who already have firm views on the issue should be expected to participate at the initial stages. To coerce people by means of enforcing compulsory voting would surely be yet another crime to be committed in the name of democracy.

* Unpublished note on compulsory voting, written in 1997, during debates about how delegates to the following year’s constitutional convention should be selected (it was accepted that a significant number would be elected by some means, and the method under consideration was a voluntary postal ballot).