

Mr Ed Cocks MLA
Chair
Standing Committee on the Integrity Commission
and Statutory Office Holders
Legislative Assembly for the Australian Capital Territory
GPO Box 1020
CANBERRA ACT 2601

Dear Mr Cocks

Further information regarding Recommendation 17 – enforcement of compulsory voting

We write to provide additional detail to support the Committee's consideration of Recommendation 17 in the Report on the ACT Legislative Assembly Election 2024, which proposes replacing the current court-based enforcement of compulsory voting with an infringement penalty unit scheme.

Under the existing model, non-voter enforcement extends across the year following the election and requires ongoing follow up, correspondence handling, and case assessment by Elections ACT. This prolonged post-election enforcement workload draws staff and resources away from essential post-election activities, including the evaluation, lessons learned analysis, system consolidation, and preparation for the next election cycle. These impacts occur well after the height of election delivery and constrain the Commission's ability to finalise and stabilise the full suite of election operations.

As outlined in Recommendation 17, an infringement-based mechanism - linked to a penalty unit or fraction of a unit - would provide a proportionate, efficient and contemporary alternative to prosecution. Such a model could include:

- issuing an infringement notice to apparent non-voters after the conclusion of the current reminder process;
- allowing the elector to pay the penalty, provide a valid and sufficient reason, or resolve enrolment issues; and
- referring unpaid penalties through standard Territory infringement management processes, rather than to prosecution in the Magistrates Court.

This approach would maintain the integrity of compulsory voting while significantly reducing the administrative burden and avoiding the resource intensive steps required under the current prosecution framework.

In considering proportionality and effectiveness, it is also relevant that the current non-voter fine has remained unchanged since its introduction at the first ACT Legislative Assembly election under the Hare-Clark system in 1995. When adjusted for inflation, a \$20 fine set in 1995 is equivalent to approximately \$44 in 2026 dollars. The real value of

the penalty has therefore declined substantially over time, reducing its effectiveness as a deterrent and weakening the intended disincentive not to vote.

An infringement scheme linked to a penalty unit would allow the value of the penalty to be maintained over time, ensuring that enforcement remains proportionate, contemporary and effective, while avoiding the need for ad hoc legislative adjustment.

While the Commission can speak to its own administrative experience, other entities - including the ACT Magistrates Court and the ACT Government Solicitor - also play important roles in aspects of the existing process. Their perspectives may further assist the Committee in assessing the operational and proportionality considerations associated with both the current and proposed models.

The Commission would welcome any opportunity to provide further information that may support the Committee's deliberations.

Yours sincerely

David Kalisch
Chair

Damian Cantwell AM CSC
Electoral Commissioner

Ed Killesteyn PSM
Member

31 March 2026