



Legislative Assembly for the
Australian Capital Territory

Standing Committee on the Integrity
Commission and Statutory Office
Holders

Submission Cover Sheet

Inquiry into the operation of the 2024 ACT Election and Electoral Act 1992

Submission number: 007

Submitter: ACT Government

Date authorised for publication: 14 October 2025



Tara Cheyne MLA

Manager of Government Business

Attorney-General

Minister for Human Rights

Minister for City and Government Services

Minister for the Night-Time Economy

Member for Ginninderra

Mr Ed Cocks MLA

Our ref: PRO24/1625

Chair

Standing Committee on the Integrity Commission and Statutory Office Holders

ACT Legislative Assembly

GPO Box 1020

Canberra ACT 2601

Email: LACommitteeIntegrity@parliament.act.gov.au

Dear Mr Cocks 

Thank you for the opportunity to make a submission to the Committee's inquiry into the 2024 ACT Election and the Electoral Act 1992 (the Electoral Act).

I am writing to provide the Committee with a submission on behalf of the ACT Government to provide information relevant to the inquiry's terms of reference. The submission highlights the comprehensive legislative reform to the Electoral Act that has been pursued by government since the report on the inquiry into the 2020 ACT election was delivered in 2021.

Electoral and Road Safety Legislation Amendment Act 2023

On the 31 October 2023, the *Electoral and Road Safety Legislation Amendment Act 2023* (ERSL Amendment Act) was passed by the Legislative Assembly.

The reforms improved access and removed barriers to voting to better enfranchise voters, including allowing for any voter to access early voting for two weeks prior to the election and providing for the use of overseas electronic voting for voters outside Australia.

As a result of the reforms, there is improved voting flexibility for people experiencing homelessness, voters who are blind or vision impaired, and Antarctica or overseas-based voters in ACT elections.

ACT Legislative Assembly London Circuit, GPO Box 1020, Canberra ACT 2601



+61 2 6205 0100



cheyne@act.gov.au



[taraforinninderra](https://www.facebook.com/taraforinninderra)



[in_the_taratory](https://www.instagram.com/in_the_taratory)

Elections ACT can undertake telephone voting and mobile polling to provide for a more inclusive voting system.

The amendment to exclude translated material up to a 12.5% of the expenditure cap encourages greater engagement from Canberra's multicultural community in the Territory's public affairs.

In addition, new provisions were enacted to support the Electoral Commissioner to make arrangements for secure electronic voting including the devices used and backups of the data produced by those devices are clear, transparent and secure.

Engagement in the political electoral process is a core element of a democratic system. To ensure transparency, the ERS� Amendment Act strengthened rules around authorisation statements for the dissemination of electoral matter and party name registration. This included requirements for authorisation statements in relation to the dissemination of electoral matters and the introduction of a more rigorous test for party name registration, which aimed to provide greater transparency for electors by reducing the risk of confusion around party names and ensuring that authorisation statements are used appropriately when electoral matter is disseminated.

The ERS� Amendment Act enhanced financial and donation reporting requirements for ACT elections by banning donations from foreign entities and introducing real time political donation reporting. This included the introduction of 'real time' political donation reporting (within seven days of receipt of a gift of \$100 or more) and bans on donations from foreign entities. This measure aims to ensure that electors are properly informed on how candidates, members of the ACT Legislation Assembly and registered political parties are funded, so electors can exercise their right to vote in a meaningful way. It is now an offence in the ACT for a foreign entity to give political donations of \$250 or more.

Through these enhancements, the ERS� Amendment Act provides safeguards against foreign interference in Territory democratic processes by ensuring that foreign entities cannot financially influence the outcome of elections.

The ERS� Amendment Act also amended the *Public Unleased Land Act 2013*, *Road Transport (Road Rules) Regulation 2017* and the *Road Transport (Offences) Regulation 2005* to deliver on commitments in the Parliamentary and Governing Agreement of the 10th Legislative Assembly (PAGA) to further restrict roadside electoral advertising, including further regulation of roadside corflutes.

The ERS� Amendment Act introduced a specific offence for roadside advertising, for vehicles with a sign attached displaying certain advertising or electoral matter parked in designated places and a new offence for placing an electoral advertising sign on public unleased land in contravention with the *Public Unleased Land (Movable Signs) Code of Practice 2023* (No 1) (the Code). Subsequent updates to the Code introduced a maximum cap of 250 electoral signs per candidate and entity that can be installed on public unleased land for ACT elections and prescribed roads with a speed limit of 90km/h or more as a designated public road where electoral signs must not be placed on, or adjacent to, for both elections and referendums. These amendments were to deter and prevent

driver distraction and hazards on the road and to ensure pollution and unnecessary waste was mitigated under the government's circular economy principles.

Voting age

The government is mindful that the issue of lowering the voting age has been the subject of discussions in the Territory and other Australian jurisdictions for several years, and notes that the Committee's terms of reference include expanding voter franchise.

Ensuring young people are engaged in the political process is vitally important and the government remains open to exploring new ways of ensuring young voices are not only given a platform but are heard. It is acknowledged that many young people in the ACT community seek to be able to vote from the age of 16, rather than 18, and this view is supported by others in the community. The engagement of young people in the political process is positive, and the government is committed to identifying opportunities to understand and act on the views of young people in relation to issues that affect them, for example, the ACT Government already engages with young people through the Youth Advisory Council which provides a pathway for participation and interactions between young people, the ACT Government and the wider community.

However, there is a range of legal and practical considerations that arise in relation to the issue of lowering the voting age:

- a. The Electoral Commission is opposed to lowering the mandatory voting age to 16 and has raised concerns about the ACT becoming non-aligned with all other Australian electoral jurisdictions, the costs and additional workload that would be required to establish and maintain a separate roll for 16 and 17 year old electors in the context of the current joint Commonwealth/Territory electoral roll, and the additional staff and resourcing that would be required for the Commission to conduct the necessary community and school education programs, enrolment drivers and electoral services arising from such a proposal.
- b. Compulsory voting is a feature of the ACT electoral system and is established by the *Proportional Representation (Hare-Clarke) Entrenchment Act 1994*.
- c. Due to the Electoral Act offence for failure to vote, young people could be prosecuted and face the possibility of conviction and a criminal sanction. The impacts of this could affect a young person's ability to find employment; hold public office; be approved for rental housing; obtain professional licences; and/or undertake volunteer work.
- d. The impact of the proposal on the human rights of young people in the community. While lowering the voting age would aim to enhance young peoples' right to take part in public life and enable them to express their own views, the imposition of penalties for failure to vote may result in an unreasonable limitation on the rights of children to be protected without discrimination.

These issues would need to be resolved before consideration was given to lowering the voting age in the ACT.

The Standing Committee on Justice and Community Safety, in its report on the inquiry into the 2020 ACT Election and Electoral Act, recommended that the voting age be retained at 18 years for the reasons outlined above. The Committee was also of the view that creating a legislative framework to allow people of 16 and 17 years of age to vote on a voluntary basis could gradually erode community support for compulsory voting.

Electoral advertising signs

In accordance with the *Public Unleased Land (Moveable Signs) Code of Practice 2023 (No 1)*, electoral advertising signs may only be displayed for a period of up to 6 weeks, immediately preceding the election date and 48 hours after the poll closes.

To ensure an equitable and safe election campaign, Transport Canberra and City Services (TCCS) Licensing and Compliance officers undertook a proactive approach in regulating election signage during the 2024 ACT election. Officers focused their response on signs that breached the Code and signs that were fallen (either due to windy conditions or suspected of being intentionally knocked over by pedestrians, cyclists or persons). A warning notice was issued to a political party or candidate where their signs were found to be in breach of the Code. An infringement notice, incurring a financial penalty, was issued to a political party or candidate where repetitious non-compliant behaviour, or blatant disregard for the Code was identified (eg where large non-compliant signs were deployed, or signs affixed to public furniture).

During the 2024 election period:

- A total of 537 election signs were collected and impounded. 75 election signs were identified to be in breach of the Code, and 462 fallen signs were identified and collected.
- 20 warning notices and 8 infringement notices were issued to various political parties and candidates for breaching the code.
- Signs found to be fallen were collected and impounded, with the relevant political party or candidate notified. One candidate paid the associated administrative costs for the release of their sign, and no election signs were collected from impoundment by their owners.

Access Canberra Contact Centre support

The Access Canberra Contact Centre provides support to the Electoral Commission and public during the election period.

In May 2024, the ACT Electoral Commission contacted the Contact Centre to discuss call handling arrangements for the 2024 ACT election. A Service Level Agreement between the Electoral Commission and Contact Centre was signed on 7 August 2024. Key services to be delivered were:

- Call handling services to be delivered between 2 September and 25 October 2024

- Phone lines to be open during current Contact Centre business hours (8am to 6pm Monday to Friday and 9am to 5pm Saturday, Sunday and public holidays)
- Phone lines to be supported from 8am to 8pm on 18 and 19 October
- Complex enquiries to be escalated to Elections ACT staff
- Process applications for a postal vote using the Electoral Commission's bespoke database
- Conduct electoral roll searches and record comments into the database, including non-voter excuses.

Contact Centre staff completed training the week of 19 August ahead of the call handling period. Training including the use of the electoral roll database, and confidentiality and political neutrality (including agreement to and signing of the acknowledgement of confidentiality, political neutrality and other employment obligations document).

The Contact Centre answered 4,883 of 5,185 calls offered during the period. The average wait time was 0:00:545 and 6% of calls was abandoned. The peak day for calls was 18 October (election day) when 294 calls were answered. The table below sets out data on call topics for election related calls:

Call topic	Total	%
Accessibility (low sensory, telephone voting, PC adjustments)	20	0.5%
Advising unable to vote	472	11.2%
Complaints	58	1.4%
Election dates/timetable	244	5.8%
Enrolment (first time, updates, special categories)	277	6.6%
Failure to vote (fee/fine/payment)	89	2.1%
Other	552	13.1%
Polling places (location, hours)	203	4.8%
Postal vote application	2225	52.8%
Staffing / working as a casual	75	1.8%

As the Minister with portfolio responsibility for the Electoral Act, I thank the Committee for its work and look forward to engaging further with the inquiry process.

Sincerely

Tara Cheyne MLA
Attorney-General

2 July 2025