



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

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Nurturing Democracy

The ACT Greens' submission to the ACT Assembly's inquiry into the operation of the 2024 ACT Election and Electoral Act 1992.



September 2025

Foreword

The Greens respectfully acknowledge the Ngunnawal people as the traditional custodians of the ACT and surrounding region. We acknowledge their deep and continuing connection to Country and pay our respects to Elders past and present. We also acknowledge that other people and families also have a traditional connection to the lands of the ACT and region and we respect this connection to Country.

The ACT Greens welcome this opportunity to contribute to the ACT Legislative Assembly's inquiry into the operation of the 2024 ACT Election and *Electoral Act 1992*. The ACT Greens are happy to offer further contributions and context on request, be it through correspondence with the committee or by appearing at a hearing.

Grassroots democracy is at the heart of the charter of the Greens, both as a political party and as a global Greens politics movement. As one of the Greens' "four pillars", the Greens strive to advance the health of Australian democracy at all levels of government.

A key challenge for democracy in the ACT lies in how self-government was originally established. With the benefits of hindsight, we can observe that the institutions of the ACT were designed with a view to efficient operations: we have a unicameral system, meaning no house of review, with a limited number of representatives covering the responsibilities of both state and local governments. Canberra has no mayor and investments in municipal representation and responsibilities are more limited than in jurisdictions with both levels of government. Vice-regal powers are consolidated into the roles of the Chief Minister and the Clerk.

Democracy can suffer when it is run on the cheap. The benefits of democracy are typically realised over the long term, as proper community collaboration and deep efforts at representation produce better and longer-lasting decisions, improving peoples' lives and strengthening economic, environmental and social sustainability. To invest in democracy is to reduce structural conflict, enhance social cohesion, and elevate wellbeing. Reducing investment in democratic processes and participation is a false efficiency and has been seen in other liberal democracies (eg USA, Europe, South and Central America) to increase the risk of political unrest and the erosion of civil liberties.

This inquiry presents an opportunity for the Assembly to recommend investments in strengthening our democratic processes.

This inquiry is also conducted in the context of substantial reforms enacted in other Australian jurisdictions. Notably, the Commonwealth Government has passed sweeping reforms to campaign finance rules which is a clear attempt to change the system in a way that locks out new



competitors. At the same time, South Australia has just adopted a new electoral financing approach. The South Australian reforms warrant close examination for how they might be worth replicating as investments in democracy for the ACT.

Summary of Recommendations

The ACT Greens recommend:

1. Exploring options which would allow Australian embassies and high commissions to operate as a counting centre in an election, with the ability to receive and process postal ballots from their region.
2. That Elections ACT return to the practice of attempting to have a polling booth at every public primary school or suitable alternative location such that a polling booth is always within a reasonable walking distance of residential zones.
3. The Assembly gives serious consideration of the issues of democratic disengagement and falling competencies in civics and citizenship.
4. Expanding the voter franchise to permanent residents and lowering the voting age to 16 years.
5. That eVACS be updated to produce a scrutineer-verifiable record of all votes cast electronically.
6. Legislative change that facilitates Elections ACT to encourage, or even direct, voters to number a greater quantity of preferences, while maintaining savings provisions.
7. That roadside signage be banned. Failing this, at a minimum, the total number of signs permitted per candidate and party should be substantially reduced.
8. That the Government examine ways to facilitate Elections ACT expediting the resolution of complaints concerning misleading electoral advertising during the pre-election period.
9. Additional protections for political participants with regards to their likeness and their brands, modelled on Tasmanian legislation.
10. Repealing the '100 metre rule' and aligning canvassing restrictions to Commonwealth rules and conventions.
11. That the Assembly adopt a South Australian approach to permitting booth signage within 50m of a polling place in conjunction with reforms to ban roadside signs.
12. That definitions of electoral matter and electoral expenditure be aligned with the Commonwealth's definitions.
13. That the Assembly investigate the feasibility of broader reforms that would ban all political donations and level the playing field.
14. The reintroduction of donation caps to protect the integrity of the ACT's electoral system against undue influence.
15. At a minimum, banning donations from the gambling, fossil fuel and nicotine industries.
16. An independent investigation into a future expansion of the Assembly be commenced as soon as practicable.
17. That Elections ACT seek the advice of the Solicitor-General on the proper scope and application of Section 230 of the Act.

Voter Engagement

The timeframe and accessibility of early voting

The two-week timeframe for pre-poll, supplemented by a broader three-week window for the issuing and acceptance of postal ballots, appears to have worked well.

The reforms to allow early voting without requiring a reason also appear to have been well-received, with voter feedback that we have received expressing the reform as “common-sense”.

The challenges experienced by Elections ACT with international voting warrant further reflection. The ACT Greens hold the view that online voting systems present such significant cybersecurity risks, and in a manner that is fundamental to the technology, that they must not be considered a viable solution. A telephone voting system would present fewer risks, but is also vulnerable to emerging “deepfake” audio technology. The Greens are cautiously open to the idea of offering telephone voting to international voters.

The ACT Greens recommend exploring options which would allow Australian embassies and high commissions to operate as a *counting centre* in an election, with the ability to receive and process postal ballots from their region. If voters can send their postal vote to their nearest embassy rather than to Australia, this could significantly reduce reliance on the deteriorating efficiency of international postal systems.

The number and location of ordinary polling places, and the sufficiency of access to mobile voting places

A hallmark of Australia’s system of compulsory voting is the consequences it has for ensuring voting is made accessible to all voters. The decision by Elections ACT to close a number of polling places was not unexpected, but the manner in which booths were chosen for closure has been confusing to the Greens.

Booths appear to have been selected for closure on the basis of past turnout volumes, so as to ensure the most cost-efficient collection locations, and with less regard to the geographic spread of booths which supports the accessibility of voting (see Elections ACT report, page 82).

A central point needs re-articulating here: The cost of operating institutions of a healthy democracy should not be assessed only on the basis of operational efficiency. Rather, costs should be seen as an investment in maximising electoral engagement and the long-term wellbeing of our democracy.

As an example, a decision was taken to close the booth at Giralang Primary School, seemingly on the basis that it recorded the fewest number of votes amongst the three booths located in this part of the electorate of Yerrabi. Polling booths are typically located at primary schools precisely because primary schools represent a good and meaningful geographic spread of locations that are accessible to the community. They are then supplemented with additional locations where a primary school might be missing, or there is not a suitable location in the circumstances. The decision to close this booth cannot have been made with regard to geographic spread.

It can also be noted that the Education Directorate did not appear to properly engage with the consultation by Elections ACT in making decisions on booth closure. The Giralang Primary P&C association, who were planning a major fundraising event in conjunction with polling day, were taken by surprise with the announcement to close the booth in 2024. While Elections ACT did consult with the Education Directorate, the Education Directorate does not appear to have considered how the closure would affect the school community. (See [media coverage](#).)

The Greens consider that concerns regarding the sufficiency of access to mobile voting places can readily arise because of the closure of polling places with lower turnouts as described above. These include places like Oaks Estate, Hall and Tharwa, which lost the reliability of a fixed polling place on polling day.

Against a declining voter-turnout, which is discussed later in this submission, it is vital that a good distribution of polling locations is maintained.

The Greens recommend that Elections ACT return to the practice of attempting to have a polling booth at every public primary school or suitable alternative location such that a polling booth is always within a reasonable walking distance of residential zones.

Increasing voter turnout and participation in elections and encouraging political activity

The 2024 Territory election had a turnout of 86.8%, which is the lowest in the history of ACT Territory elections since self-government. In particular, Kurrajong had a turnout of 82.9%, which is particularly concerning in the Australian context.

Recognising that this is not a scientific analysis, and that proper studies would be welcome, from where the Greens stand there appear to be two distinct issues of relevance.

Firstly, Kurrajong plays host to two large University Campuses (ANU & UC), smaller campuses for a number of other universities, and a population of semi-transient professionals. Many of these groups of people may feel more attachment to another location despite being strictly required to enrol and vote in Canberra. The Greens suggest that turnout could potentially be improved if the city's universities and major employers (including the APS) engaged in a program of reminding relocating students/employees of their voting obligations on induction and in the approach to an election.

Secondly and more broadly, across a range of Western Democracies, there is declining confidence in democracy itself. The Greens believe this arises in a significant part due to a refusal by elected governments to materially deliver on the greatest challenges facing our world and the societies in it. When facing increasing levels of apprehension and anxiety over the world's inadequate response to climate change, the perpetuation of wars, and widening inequality, it becomes significantly easier for people to simply switch off and make a conscious decision to not engage with democratic institutions. Entwined with this are declining rates of proficiency in civics and citizenship amongst Australian students. The Greens endorse Elections ACT's recommendation that this issue be examined closely by the Assembly for local action.

The Greens recommend the Assembly gives serious consideration of the issues of democratic disengagement and falling competencies in civics and citizenship.

Expanding voter franchise

The Greens want Canberra to be a city for all of us. That means empowering more Canberrans to participate in our democracy, sharing ideas and understanding to shape the community we all call home. The Greens don't shy away from the needs of young people, or of the myriad multicultural communities who have found new homes in Canberra. The Greens want to give more Canberrans a say in ACT elections.

Right now there are over 10,000 16- & 17-year-olds in Canberra who should have the opportunity to vote. These young people are treated as being mature enough to enter into contracts, make medical decisions for themselves, choose a career, drive on our roads, and pay taxes and fines. They will bear the brunt of the climate crisis and growing economic inequality that older generations are leaving them, and they deserve a say in how we fix it.

Another 45,000 people who call Canberra home also pay their taxes and contribute to this community, but aren't eligible to vote because they don't have citizenship. They are mostly from migrant backgrounds, and once they are permanent residents, we should recognise that they deserve to have a say. They are no less Canberrans than others who were born with citizenship.

The top of the page features a decorative header with three overlapping geometric shapes in various shades of green. The shapes are triangles and polygons that create a modern, abstract design.

We will all live with the consequences of the decisions our parliament makes on climate change, public transport and healthcare. Everyone is affected by how the government deals with our cost-of-living and housing affordability crisis. And everyone deserves to be able to pass judgement at the ballot box.

The Greens recommend expanding the voter franchise to permanent residents and lowering the voting age to 16 years.

The Voting Process

The implementation, security and transparency of electronic voting

The Greens commend the submissions of Vanessa Teague and her associates to the Assembly in a variety of inquiries over recent years, and wish to echo their ongoing concerns.

While the access to electronic voting systems is rightly welcomed by Canberrans for its associated conveniences and support to reduce rates of informal voting, implementation in the ACT continues to contain a basic vulnerability open to possible exploitation by malicious actors.

To be crystal clear: our concerns are not with how votes are counted, but with how they are recorded into the eVACS database. If there is ever an issue identified with the counting process, code can be corrected and the count re-run, probably with minimal consequences. However, if there is an issue found with how votes have been electronically recorded in the first instance, then this can only be remediated if there is a separate record of voter intention collected at the point where votes were cast – for example, a printed version of the electronic ballot that can be examined by scrutineers in verification checks. The ACT does not have this capability, meaning that if the accurate recording of ballots were ever successfully challenged in the Court of Disputed Returns (for example, due to vote database corruption, hacking, or errors in the code for recording votes), no useful recount could be conducted to correct for the issue. The only solution would be to declare the poll void and hold a fresh election.

It is for this reason that the vast majority of democracies ban voting systems that do not produce a verifiable paper record of every vote cast. While we have no evidence that the ACT vote database has been tampered with, it remains a serious and ongoing vulnerability for the ACT's democratic system of responsible government.

The Greens recommend that eVACS be updated to produce a scrutineer-verifiable record of all votes cast electronically.

Vote exhaustion rates; and voting instructions, as provided by the ACT Electoral Commissioner

Each ballot paper shows the following instructions consistent with Section 132(2) of the *Electoral Act 1992*:

Number five boxes from 1 to 5 in the order of your choice

You may then show as many further preferences as you wish by writing numbers from 6 onwards in other boxes

Greens analysis of the ballot data released by Elections ACT, also presented in their own report, demonstrates that in 2024, 68.4% of voters recorded precisely five preferences. Only 15% of voters recorded at least a tenth preference. Only 5.5% of voters numbered every box.

It appears evident that the current voting instructions, as per current laws, are being actively misconstrued by a majority of voters as an instruction to vote for only five candidates.

When a person votes for only five candidates, it has the effect of limiting the reach of their vote through the ACT's preferential voting system as candidates are progressively excluded from the count. For example, in the electorate of Ginninderra in 2024, when Ms Heidi Prowse was eliminated from the count, 2,302 of her votes exhausted. This represented 60% of the votes she held at that point in the count, and mostly represented voters who had voted 1-5 Labor and stopped. None of these votes showed a preference between the remaining candidates for the Greens, the Liberals, or Independents for Canberra. None of these votes influenced the final outcome.

The ACT should be actively and clearly encouraging people to number more than five¹ preferences, so that they are prompted to always consider voting for more than one party's candidates where that party nominates five candidates.

For clarity, the ACT Greens support the current savings provisions which recognise formality of a vote where the voter's intention is clear. This is important in balancing the competing need to keep voting as simple as possible to prioritise formality rates. We believe that there is scope to adjust the requested number of preferences upwards without undermining these principles.

The Greens recommend legislative change that facilitates Elections ACT to encourage, or even direct, voters to number a greater quantity of preferences, while maintaining savings provisions.

¹ Or, if the number of members to be elected in an electorate were to be increased, more than that number.

Political electoral activity

Rules for the authorisation and regulation of electoral matter on digital platforms

The reforms to authorisation requirements have been largely welcome, however the Greens wish to draw attention to a few areas where we have identified sources of potential complications or confusion.

The first relates to the broadcasting of electoral matter on television and radio. These media are regulated by the Commonwealth Government, and therefore Territory electoral matter broadcast on these media require authorisation statements consistent with Commonwealth legislation – or, at least, we understand that participants within the broadcasting industry believe this to be the case. While current Territory-mandated authorisation statements can be constructed to be compatible with Commonwealth-mandated requirements, there is a risk that future unspecified reforms could result in conflicting laws between the Territory and the Commonwealth. The Assembly should remain alert to this issue.

The second relates to social media. New collaborative tools are emerging, which allow for content to be published on multiple pages simultaneously or reshared without alteration. This can create authorisation issues where content is published on both a candidate's page and on the page of an affiliated organisation that is not in the name of a person, and does not benefit from exceptions to authorisation requirements for personal pages. For those not directly familiar with the full specifics of electoral law, it is easy to get confused about what rules must be followed in which circumstances, increasing the risk of a breach of proper requirements under the Act.

The third is the emergence of generative artificial intelligence, and the propensity for 'deepfakes', particularly with regard to voice-imitation. While this did not manifest meaningfully at the 2024 ACT Election, it is now beginning to feature in political communications. Despite the Greens discomfort with the technology (including for reasons relating to digital rights, energy consumption, and fraudulent behaviours), we acknowledge and recognise that its presence in the political landscape is becoming inevitable. Experts have suggested that in the absence of rules and frameworks governing its use, users will create their own in an unharmonised or inconsistent way. Where this technology is banned, it elevates the risk that it is used regardless, with users passing the resulting content off as their own original work. This is discussed further below with regards to truth in political advertising.

The Greens have no specific recommendations in this field, but encourage the Assembly to consider the increasing complexities of the social media landscape and the investigation of options to address emerging issues and adoption of necessary regulation to keep pace with these.

Restrictions on roadside signage

The ACT Greens have, for several electoral cycles, discontinued the use of roadside corflutes. While the occasional sign may have emerged due to the initiative of particularly enthusiastic volunteers, we have otherwise confined our use of corflute signage to signs in people's private yards and in A-frames for use at stalls which have a candidate or volunteer presence.

Our reasoning has been twofold: Firstly, this kind of signage is costly to establish and maintain. The average roadside sign has a life expectancy of only a few days before it is either damaged or lost. Lost signs cannot be collected for recycling or reuse. This contrasts to how signs on private property can be monitored by the property's occupant for effective repairs and maintenance.

Secondly, we have received extensive feedback that Canberrans despise roadside signage during elections. A sign in someone's yard is typically viewed as a personal expression of support for the displayed party and/or candidate, and an A-frame at a candidate stall is seen as a reasonable indication of a candidate or volunteer's presence, but a swathe of signs on public land is typically viewed as pollution – both visual and environmental (as noted above – lost signs cannot be recycled).

The ACT Greens would support and welcome reforms to ban roadside electoral signage, such as in a manner that has recently been achieved in South Australia. We also recognise that such reforms would demand the inclusion of certain exceptions, such as those identified in the South Australian legislation for localities in proximity of a polling booth, in order to preserve the reform's compatibility with the Australian Constitution's implied freedom of political communication. This is further discussed in a later section discussing the 100 metre rule.

Attempts by the 10th Assembly to reduce the proliferation of roadside signs were largely ineffective. There was no noticeable difference in the extent of signs distributed along Canberra's roads, other than along those 90kmph roads where they were expressly prohibited for safety reasons.

By contrast, South Australia has successfully implemented a ban on roadside signs, with exceptions within a fixed distance of polling places, and demonstrated that an election can be productively conducted without them.

The Greens again recommend that roadside signage be banned. Failing this, at a minimum, the total number of signs permitted per candidate and party should be substantially reduced.

The operation of truth in political advertising provisions

The Greens have welcomed the introduction and operation of these new laws. We consider them to have had a useful effect in deterring egregious behaviours such as misrepresenting candidacies. At the same time, we have concerns regarding the timeliness with which complaints are investigated and enforced. Elections ACT cites one complaint which was upheld during the 2024 ACT Election. This complaint was received on the 1st of October, but not resolved until the 17th of October - two days before the election. This meant that the offending advertisement was “in the field” for almost the entirety of the early voting period during which a majority of votes were cast.

The Greens recommend that the Government examine ways to facilitate Elections ACT expediting the resolution of complaints concerning misleading electoral advertising during the pre-election period.

As was touched on in commentary on social media authorisation provisions, the emergence of generative artificial intelligence technology presents a challenge. The emergence of ‘deepfakes’ allows for the convincing impersonation of politicians, presenting them in ways that suggest an action they have not performed or a position that they do not hold. While disclosure rules mimicking those proposed in the Commonwealth parliament may be essential (particularly for content shared on social media), they may not be sufficient.

AI-disclosure will also not account for other conventional tactics of party impersonation. Most Canberrans will be familiar with the misleading depiction of now-Senator David Pocock opening his shirt to reveal a Greens logo. Media has also more recently reported on Federal Labor’s distribution of pamphlets which imitated a Greens “how-to-vote” card. These pamphlets offered preference advice to voters under pretences which *required* the voter to read the authorisation statement in order to understand the deception. These emerging tactics require a legislative or regulatory response.

Tasmania is almost uniquely immune to the threat of political deepfakes in an electoral setting. Under Section 196 of the Tasmanian *Electoral Act 2004*, the name, photograph or a likeness of a candidate or intending candidate cannot be used in electoral matter without their written consent. This legislation targets the underlying mischief of deepfakes rather than trying to remediate their symptoms, and therefore presents an effective template for reform. It could also be reasonably extended to protect the use of a party’s logo and branding if such branding becomes registered with the electoral commission.

The Greens recommend additional protections for political participants with regards to their likeness and their brands, modelled on Tasmanian legislation.

Restrictions on campaigning activities outside polling places

The '100 metre rule' was introduced in 1995 under the Carnell government. The Liberal government of the day characterised it as an essential part of the Hare-Clark electoral system, together with an absence of 'how-to-vote cards'. While the Greens did not agree with this premise at the time, we accepted the argument that it would likely lead to a reduction in paper waste around polling booths and agreed to the introduction of the restriction.

In hindsight, this has not occurred. The Greens do not support the rule as it stands.

In practice, the current 100m exclusion rules in the ACT are unhelpful and frustrating. Due to the inability to offer how-to-vote cards and display signage close to polling booths directly, candidates and their volunteers are instead congregating at other, high-foot traffic locations to hand out such material (including to people not visiting a polling place, sometimes multiple times a day) and are flooding the multiple avenues of approach to a polling place with electoral signage beyond the 100m boundary line. For the major parties, they are doing this multiple times over, separately for each of their candidates. This results in the production of electoral materials significantly in excess of what would be produced for a federal election.

Many voters find the experience confusing, as federal elections prime people for an expectation that volunteers with how-to-vote cards will be present at the booth. A not-insignificant number of voters like to rely on this material to help make up their mind, and depending on the booth they may not be able to identify how to obtain it. For other people moving through high foot-traffic areas, they can frequently wonder why political volunteers with how-to-vote cards have congregated there, and can become frustrated by the experience of passing through the location multiple times over the course of the early voting period. The net effect is a more frustrating experience for voters than if they had to just "run the gauntlet" at a polling booth once, consistent with federal elections.

The Greens recommend repealing the '100 metre rule' and aligning canvassing restrictions to Commonwealth rules and conventions.

The South Australian reforms to electoral signage rules are informative. The South Australian reforms prescribe that electoral roadside signage, which is otherwise prohibited, is expressly permitted within 50m of a polling place, and with the condition that each candidate may authorise the display of up to 12 signs at each polling place. South Australia has effectively legislated something close to a perfect inverse of the ACT's current restrictions.

The Greens recommend that the Assembly adopt a South Australian approach to permitting booth signage within 50m of a polling place in conjunction with reforms to ban roadside signs.

Electoral funding, donations and expenditure

Definitions of electoral matter and electoral expenditure

The ACT's current definition of electoral matter is non-functional, to the point that it must be misinterpreted by Elections ACT in order to avoid perverse outcomes. This is not sustainable.

The Greens would like to refer the committee to the submission made by Mark Fletcher², a then-phD candidate at the ANU, to the inquiry into the 2020 Election undertaken by the 10th Assembly. It remains relevant today.

The current definition of electoral matter in section 4 of the Act specifically includes any express or implicit comment upon the election or any political participant in any context, including educational, academic and satirical. This cascades into compliance obligations for reporting on donations and receipts under the Electoral Act, including where there is no serious attempt by a person or organisation to influence how another person might vote. Popular psephologists, such as Antony Green, Kevin Bonham and Ben Raue, are possibly all in a technical violation of the Electoral Act due to their online publishing of non-partisan electoral analysis, without having registered and lodged returns with the commission as third parties. This is perverse to the accepted intent of the law.

At the same time, electoral matter is limited to matter "in printed or electronic form", which has implications for the definition of electoral expenditure. It is obvious from a plain reading that the definition of electoral expenditure in section 198 of the Act was originally written on the assumption that this is synonymous with the concept of advertising expenditure. It describes the inclusion of only costs for producing, broadcasting and otherwise distributing "electoral advertisements" (which is any advertisement containing electoral matter), plus research, polling and consultancy costs which could effectively substitute for those costs. Therefore, excluded from the definition is an array of other electorally-relevant costs including staff expenses for campaign organisers, supports for volunteers, and campaign office accommodation. In fact, a not-insignificant amount of the Greens' electorally-relevant expenses lie outside the ACT's definition of electoral expenditure, and this is why the Greens give the appearance of having fewer electoral expenses than we receive in electoral funding. In reality, the opposite is true - the Greens electoral costs exceed our public funding.

**In practice, the ACT does not actually have a cap on electoral expenditure.
The ACT has a cap on electoral advertising.**

² https://www.parliament.act.gov.au/_data/assets/pdf_file/0007/1753891/Submission-005-Mark-Fletcher.pdf

In other Australian jurisdictions, it is common for the definition of electoral matter to be defined as some variation of the Commonwealth definition: “matter communicated...for the dominant purpose of influencing the way electors vote in an election”. This definition deliberately uses the term “communicated”, which contrasts strongly against the ACT’s definition that it be matter in “printed or electronic form”. The Commonwealth’s definition is not limited to publishable advertisements, yet very much limited to the communication of electoral intent which aligns with the lived experience of political participants. Accordingly, the Commonwealth’s definition of electoral expenditure then extrapolates to almost any type of expenditure supporting the production and distribution of such electoral matter in the broadest sense possible, including verbal communications. The Commonwealth’s electoral reforms due for commencement in 2026 will add some clarity and defined exceptions, but otherwise do not depart from this approach.

The ACT’s legislation is an outlier – our definitions of electoral matter and expenditure are applied too broadly to the community, and too narrowly to political entities.

If the ACT wants to adopt reforms that cap electoral funding to electoral expenditure, then it is critical that our definitions for these concepts be repaired and brought into line with other Australian jurisdictions. For simplicity, **the Greens recommend that definitions of electoral matter and electoral expenditure be aligned with the Commonwealth’s definitions**. Such harmonisation will reduce the scope for confusion and errors in matters of compliance.

Amending the definitions of electoral matter and electoral expenditure may necessitate a revisiting of the appropriate level at which expenditure caps are set. The Greens believe that this conversation will be most fruitful if all political participants can reveal more detailed information about their campaign costs that are unrelated to advertising expenditure, including campaign staffing costs.

Regulations pertaining to political donations

The Greens want electoral funding reform that provides for a ban on all donations from for-profit corporations, and caps on donations from all other entities.

This position is rooted in our belief that the health of Australia’s democracy is improved when we heavily constrain the political influence of profit-seeking entities.

It is against this backdrop that reforms in South Australia to ban all political donations are of significant interest to the Greens. That said, there are legitimate critiques of the South Australian approach which see them serving the interests of established parties to the exclusion of new entrants. **The Greens recommend that the Assembly investigate the feasibility of adopting broader reforms that would ban all political donations and level the playing field.**

Notwithstanding this possibility, the Commonwealth reforms to cap donations should not be ignored. While the Greens have concerns with how those caps have been applied, and would like to see them amended to close a range of loopholes, they are nonetheless welcome as a first step towards constraining the influence of Australia's wealthiest people through the exercise of their financial power.

In successive reports, Elections ACT has recommended considering the restoration of donation caps in the ACT, in the interests of protecting and supporting both the real and perceived integrity and transparency of the ACT's electoral system.

The Greens recommend the reintroduction of donation caps to protect the integrity of the ACT's electoral system against undue influence.

Recognising possible disagreements between parties regarding the need for broader bans on donations, the Greens would draw attention to three industries which we believe have a significant corrupting influence on politics:

1. Gambling - The gambling industry has successfully lobbied against reform to poker machine regulations that are focused on harm-minimisation for decades, leaving lives destroyed and families broken in their wake. Their success can be mapped against their money in politics, which has left political parties impossibly compromised in effecting reform. They will work to keep people on the pokies at all costs.
2. Fossil Fuels - The fossil fuel industry consciously and deliberately withheld knowledge of the effects on the atmosphere from the extensive burning of fossil fuels for generations. The propagation of their business model is linked to ecological collapse, and even as the climate crisis unfolds, they successfully lobby governments to take minimal and insufficient action on climate change, who continue to approve their extraction projects which add to the problem.
3. Nicotine - the tobacco industry created one of the greatest public health problems of the modern era. Their attempts to prevent the regulation of nicotine products for public health purposes are well-documented, such as through their opposition to plain packaging legislation. Today, their involvement in the vaping industry continues to propagate nicotine addiction, making it function as a gateway for a new generation of dependent smokers.

For the sake of public health and wellbeing, these industries need to be kept out of our governments, our institutions, and our public places.

The Greens recommend, at a minimum, banning donations from the gambling, fossil fuel and nicotine industries.

Public election funding

The Greens are supportive of the current policy settings concerning public funding when considered in conjunction with the current policy settings on expenditure caps, donation regulations and administrative funding.

As has been articulated in earlier sections, if it is proposed to cap public funding from elections to electoral expenditure, this will only work if the definitions of electoral matter and electoral expenditure are repaired to accord with common understandings of the electoral experience.

The Greens ask the committee, when comparing public funding rates across Australian jurisdictions, to remember that the ACT, QLD and NT systems are unicameral - this means that public funding is received once per voter rather than twice (once for each house of parliament). The Commonwealth's reform to set public funding at \$5 per vote is therefore directly comparable to the ACT's approximately \$10 per vote.

Should reforms be considered in the style of South Australia, then it would be reasonable to reconsider appropriate levels of public funding, including as informed by community critique of South Australia's funding reforms. In particular, the Assembly may wish to consider adjusting the way administrative funding is paid to parties. A party's administrative costs do not scale against their number of MLAs elected - for example, a financial audit still costs the same regardless of whether a party has 1 or 10 MLAs elected. Funding reforms must not serve as a barrier to new entrants.

Other matters

The size of the Assembly

The Greens note that the independent 2013 advice on the size of the Assembly recommended that, to meet the parliamentary needs of a growing city, the Assembly should expand to 35 MLAs by no later than 2024. That timeline has now come and gone. No action has been taken on the 2013 advice, despite Canberra's population consistently growing faster than has been projected by statistical agencies.

As mentioned in this submission's foreword, self-government in the ACT was established with a view to efficiency. However, democracy is an exercise which requires ongoing investment. Democratic institutions designed only with regard to efficiency are at risk of becoming fragile and/or less credible over time. The Greens do not want to see our system of self-government break for want of democratic investment.

As things currently stand, the Chief Minister has a very limited pool of MLAs from which to form a Ministry and Cabinet, placing the government perpetually only one or two resignations away from a constitutional crisis. Similarly, the Opposition has an even-smaller pool of talent from which to build a shadow cabinet and hold the government to account. The Greens, with an even smaller resource pool, must manage an increasingly complex and wide scope of material and information in order to conduct its role within the balance of power. Against this backdrop, all parties and independent members need to find time to represent their constituents as local members with both state and municipal representation responsibilities. MLAs are frequently forced to choose what worthy tasks they will not undertake, risking oversights and missteps in parliamentary work and a lack of focus on municipal responsibilities (eg urban amenity, community development) versus state responsibilities (eg justice, health, education) - this is a fragility at the core of our system of Self-Government that could be addressed in part through higher numbers of MLAs.

Under the *Proportional Representation (Hare-Clark) Entrenchment Act 1994*, an expansion of the Assembly requires a two thirds majority vote in support of the expansion. This effectively requires reaching consensus across the Assembly for the expansion. Such a consensus is most readily reached when supported by independent expert advice and good-faith discussions. Accordingly, **the Greens recommend an independent investigation into a future expansion of the Assembly be commenced as soon as practicable.**

The Greens will, at a minimum, support legislation which would expand the Assembly to 35 MLAs, comprising 5 electorates of 7 MLAs, consistent with the 2013 advice.

Double-reporting of gifts to MLAs in annual returns

Submissions to previous inquiries into the *Electoral Act 1992* by other parties have described an apparent requirement to double-report gifts received by members of Legislative Assembly in the annual returns of both the MLA and the Party. This requirement has been on the advice of Elections ACT. The Greens are concerned that the issue actually arises due to a misinterpretation of the *Electoral Act 1992*.

Section 216A of the Act concerns the regular disclosure of gifts in “real time” (ie: a 7-day turnaround). Section 216A(1) applies this requirement to *party groupings*, non-MLAs, associated entities, and non-party candidate groupings.

Section 230 of the Act concerns annual returns by “parties and MLAs”. Throughout the section, language is applied as would suggest parties are separate entities to MLAs. The term *party grouping* is not used.

The term *party grouping* is defined in Section 198 of the Act, to include the party, plus its associated MLAs, candidates and prospective candidates. In effect, it unifies the party and relevant political persons under a single banner using this term. It follows that the terms ‘party’ and ‘party grouping’ are intended to be distinct and not interchangeable.

A plain reading of the Act would suggest that, for regular “real time” disclosures, the party should report consolidated gifts for the party grouping, however in its annual return, a party should report information exclusive of gifts received by MLAs, and the MLAs should report their own gift information independently.

Despite this plain reading, Elections ACT instructs parties to apply the same scope to their annual return as in their regular disclosures - to include gifts to MLAs. This is apparent in how forms provided by Elections ACT for annual returns are described as being for the party grouping.³ Therefore, double-reporting of gifts to MLAs occurs, as these gifts will appear in both returns of parties and of MLAs.

The Greens recommend that Elections ACT seek the advice of the Solicitor-General on the proper scope and application of Section 230 of the Act.

The Greens have been obeying the instructions of Elections ACT, however we still believe that Elections ACT should be applying the law as written. If current reporting practices are to be maintained, then the law should be changed to reflect this intent.

³ See forms at <https://www.elections.act.gov.au/for-political-participants/parties>

Comments on Recommendations from Elections ACT

Elections ACT have made 28 recommendations in their report. The Greens' response to each recommendation is outlined below.

1. The Greens have no position on the appropriateness of prescribed authorities to have access to the electoral roll.
2. The Greens appreciate the need for cyber security over electoral roll data. The ACT Greens' access to electoral roll information is received through the Australian Greens, who manage the development and maintenance of the vast majority of our party's ICT systems and infrastructure. The Australian Greens have previously received funding from the Commonwealth to improve our systems maturity for cybersecurity, and we are reasonably confident that our systems meet sufficiently high standards of protection and could be reasonably thought of as complying with the Essential Eight.
Our national ICT leadership has observed that this recommendation appears to be the first instance of any electoral commission making a recommendation that entities adhere to some minimum standards or practices. The AEC, for example, makes no stipulation (insofar as we have found) regarding such things for access to the digital copy of the roll. It's possible that this is because it begs the question: how would an electoral commission satisfy itself that certain minimum standards are being met by a recipient, and how stringent or lax should those standards be given the differing capabilities of established parties when contrasted against the resources of new entrants?
The Essential Eight may be a viable approach in answering this question. That said, it might be better considered in collaboration with other electoral commissions around Australia rather than independently by Elections ACT.
3. The Greens are happy to support an earlier commencement of electorate redistributions.
4. The Greens are happy for applications to change the address of a party's secretary to be granted without notification and objection periods.
5. The Greens accept the need to keep the residential addresses of party officials confidential, but caution that this reform requires careful consideration. The definition of an address is applied across the legislation, including for the defined particulars to be collected from political donors.
6. Acting effectively on this recommendation will require a fulsome understanding of how party membership records are currently managed and retained by various parties. In the Greens, a CRM system maintained by the Australian Greens records membership status, including joining dates, renewals, grace periods for late renewals, and associated transaction information. An extract of this database can be produced as needed, but not a "signed form" as such. While the Greens support the intent of this recommendation, the Government will need to be cautious in drafting any legislative change to ensure clarity of requirements and to avoid unintended burdens for party compliance.

7. The Greens agree that this appears to be a drafting error in Schedule 3 of the Act.
8. The Greens support this recommendation. This submission has reflected on the risks of generative artificial intelligence in earlier parts and proposed some possible responses.
9. The Greens agree that there is limited value in requiring broadcasters to lodge election returns.
10. As has been discussed in an earlier section of this submission, repairing definitions of electoral matter and expenditure are critical to prevent the misapplication of law as intended, including for accommodating any further reforms which draw on these terms.
11. As has been discussed in an earlier section of this submission, the Greens strongly support the reintroduction of donation caps, but would also encourage serious consideration of South Australian-style reforms to ban all political donations.
12. The Greens agree that a prospective registered party should be bound by the expenditure cap from the earliest reasonable date.
13. The Greens have no position on this management improvement recommendation.
14. The Greens support introducing a definition of *electoral advertisement* alongside other repairs to the definitions of *electoral matter* and *electoral expenditure*.
15. The Greens support resourcing to enforce laws concerning truth in political advertising.
16. The Greens are wary of adopting solutions to decreasing voter turnouts which are punitive in nature. Anecdotal evidence suggests that the issues of voter disengagement are not simple, and the level of a fine is unlikely to have a meaningful effect on turnout. Improving voter engagement and turnout is best achieved through investments in civics education and strengthening democratic institutions as outlined in this submission.
17. The Greens have mixed views on this recommendation. While the suggestion to remove prosecution through the courts is welcome, the Greens are wary of debt collection processes at Access Canberra for unpaid fines escalating into the loss of drivers licenses, where the infringement has no bearing on driving or road safety. This recommendation requires careful consideration by the Assembly to avoid unintended consequences.
18. The Greens believe that the continuous modernisation of ICT platforms is important for all organisations managing bespoke activities, and so assurance of capital funding for Elections ACT would be highly appropriate.
19. The Greens fully support provisions in Electoral Law which only allow issues that could materially affect the outcome of an election being used to challenge its validity.
20. As has been discussed in an earlier section of this submission, the Greens strongly support action on declining student competencies in civics and citizenship.
21. The Greens support measures which improve the accessibility of voting for electors in Antarctica.
22. As has been discussed in an earlier section of this submission, the Greens are cautiously open to the idea of offering telephone voting to international voters.
23. The Greens support the implementation of procedural efficiencies where these do not have a bearing on the voter franchise nor on confidence in the electoral system.

24. The Greens disagree with this recommendation. We suspect it arises due to the Commission reflecting exclusively on how current ballot paper instructions accord with the rates at which voters cast a vote that is consistent with those instructions. As has been discussed in an earlier section of this report, the Greens consider vote exhaustion rates to be concerningly high, and so the directed number of preferences to number should be increased (while preserving savings provisions).
25. The Greens support this recommendation only insofar as it would apply to senior and other specified positions which have relevance for national security. NV1 vetting of all Elections ACT staff would risk significantly limiting their ability to recruit and fill positions with qualified people.
26. The Greens are happy to support a technical improvement to how a quota is calculated in the specified circumstances.
27. The Greens will support legislative reforms which align the *Electoral Act 1992* with the *Fair Work Act 2009 (Cwlth)*.
28. The Greens support workplace protections for electoral employees which prohibit them being filmed or photographed at work.