

2026

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

ELEVENTH ASSEMBLY

**STANDING COMMITTEE ON THE INTEGRITY COMMISSION AND STATUTORY OFFICE HOLDERS -
REPORT NO. 3 -**

**INQUIRY INTO THE OPERATION OF THE 2024 ACT ELECTION AND *ELECTORAL ACT 1992* –
INTERIM REPORT**

GOVERNMENT RESPONSE

**Presented by
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Introduction

The ACT Government welcomes the interim report of the Standing Committee on the Integrity Commission and Statutory Office Holders inquiry into the operation of the 2024 ACT Election and *Electoral Act 1992*.

The Committee's inquiry provides an important opportunity for the findings and recommendations outlined in the ACT Electoral Commission's *Report on the ACT Legislative Assembly Election 2024* to be considered alongside the views of the community and other actors within the ACT electoral system.

The Government acknowledges that due to delays in receiving the ACT Electoral Commission's report, the Committee has delivered an interim report to identify issues that could be resolved most quickly, to minimise delays in legislative reforms being progressed before the 2028 election. This pragmatic approach is welcomed.

ACT Government response to recommendations

Recommendation 1

The Committee recommends that the ACT Government introduce legislation to amend section 10A of the *Electoral Act 1992* to enable the Speaker to circulate and publish a special report by the Electoral Commissioner when the Assembly is not sitting, consistent with legislation for other statutory officers' reports.

Agreed

In its response to the ACT Electoral Commission's *Report on the ACT Legislative Assembly Election 2024*, the Government noted its intention to consider options to enable the Electoral Commission's report to be taken as having been presented to the Legislative Assembly if it is given to the Speaker when the Legislative Assembly is not sitting. This reform will ensure that the Assembly and relevant Standing committee can consider the report as soon as it is completed by the Commission.

Recommendation 2

The Committee recommends that the ACT Government introduce legislation to amend the *Electoral Act 1992* to require parties to report additional donations from a donor after the \$1,000 threshold has been reached and reported.

Agreed

In late 2025, the Electoral Commission wrote to the Attorney-General and reporting agents of political parties identifying an apparent drafting error in the *Electoral Act* relating to additional donations. The Government will bring forward an amendment to address this error and ensure the transparency of donations under the Act.

Recommendation 3

The Committee recommends that Elections ACT, in consultation with political parties and electoral commissions across Australia, elaborate on the minimum standards to be used by agencies to protect the personal data of voters on the electoral roll.

Noted

The Government notes that this recommendation is for Elections ACT.

Recommendation 4

The Committee recommends that the ACT Electoral Commission consult with political parties before progressing a proposal to require all registered political parties to maintain records of signed party membership forms.

Noted

The Government notes that this recommendation is for the ACT Electoral Commission.

Recommendation 5

The Committee recommends that the ACT Government address recommendations 3, 4, 5, 7, 13, 19, 21, 23, 25, 26, 27 and 28 of the ACT Electoral Commission's *Report on the ACT Legislative Assembly Election 2024*.

ACT Electoral Commission recommendation 3

The Commission recommends that section 37 of the Electoral Act be amended to provide for the commencement of the next distribution process 25 months prior to when the next ordinary election is due to be held.

Agreed

The Government agreed to this recommendation in its response to the ACT Electoral Commission's *Report on the ACT Legislative Assembly Election 2024*. An amendment to change when the redistribution process can begin was brought forward in the City and Environment Legislation Amendment Bill 2026 in March 2026. Moving quickly to respond to this practical recommendation will provide the Commission and the Caberra community with certainty about the redistribution process ahead of the 2028 election.

ACT Electoral Commission recommendation 4

The Commission recommends amending section 95 (3) of the Electoral Act to allow applications for changing the address of a registered party's secretary, exempting the applications from the requirements for notification and objection in sections 91 and 91A.

Agreed

The Government is committed to improving the efficiency of the electoral process. Under the current provision, only changes to a party's registered officer's address are exempt from the 14-day notification and publication period for public objection purposes. Expanding the exemption to include the registered party's secretary will streamline the party registration process and remove unnecessary administrative delays for inconsequential amendments.

ACT Electoral Commission recommendation 5

To support privacy measures, the Commission recommends reviewing the definition of *address* under Part 7 of the Electoral Act with the aim of limiting the potential to publish the personal residential address of a party's registered officer or secretary.

Agreed

The Government will review the definition of address under Part 7 of the Electoral Act to identify any opportunities to reduce the privacy impacts on the registered officers or secretaries of small parties.

ACT Electoral Commission recommendation 7

The Commission recommends fixing what appears to be a drafting error by amending Schedule 5 of the Electoral Act to include, under column 2 “93 (1) or (2)”, under column 3 “refuse an application for the registration of a political party” and under column 4 “applicant for registration”.

Agreed

The Government will address the drafting error in Schedule 5 of the Electoral Act identified by the ACT Electoral Commission.

ACT Electoral Commission recommendation 13

The Commission recommends provisioning of funds through government budget processes for the appointment of a Procurement Manager in Elections ACT to ensure that procurement processes are handled with the necessary expertise and focus, thereby streamlining operations and allowing other staff members to concentrate on their core responsibilities.

Noted

The Government notes that consideration of any proposal for new funds will be considered through the usual budget processes.

ACT Electoral Commission recommendation 19

The Commission recommends amending section 256 of the Electoral Act to safeguard the validity of election results where immaterial errors occur, whether procedural, technical or human. This would ensure that only errors capable of affecting the outcome of an election may be grounds for disputing its validity.

Agreed in principle

The Government agrees with the principle that errors or irregularities should only invalidate a result where they are material (that is, they could realistically have affected the election outcome). Government will explore options to give effect to this principle in the Electoral Act.

ACT Electoral Commission recommendation 21

To address the outdated nature of polling procedures for Antarctic electors as prescribed under Part 11 of the Electoral Act, the Commission recommends that Part 11 (Polling in Antarctica) be removed, and any necessary definitions or clauses be moved within Part 10.

Agreed

The Government agrees that amendments are required to the Electoral Act to address the obsolescence of Part 11 relating to Antarctic voters through new voting methods.

ACT Electoral Commission recommendation 23

The Commission recommends amending Schedule 3 of the Electoral Act to remove the requirement to examine the declaration voter’s enrolment history for possible ‘official error’. This will put the onus on the declaration voter to take the opportunity provided within each polling location to enrol before the legislated cut-off of 6 pm on election day for new electors.

Agreed in principle

The Government agrees that following the 2020 reforms introducing 'enrol on the day' reforms, there is need to address unnecessary burdens on the Elections ACT to conduct complex scrutiny where it is not warranted due to the introduction of these reforms and will consider how to address this issue through legislative amendment to the Electoral Act.

ACT Electoral Commission recommendation 25

The Commission recommends amending Division 2.4 of the Electoral Act to mandate the holding of an NV1 security clearance or higher.

Agreed in principle

The Government agrees that members of the Electoral Commission appointed under Division 2.4 of the Election Act (the Commissioner, the Chairperson and another member) should hold the appropriate security clearance to ensure that they can undertake their roles and safeguard electoral integrity. However, Government considers that legislative reform may not be required and will first pursue non-legislative means to achieve this objective.

ACT Electoral Commission recommendation 26

The Electoral Commission recommends that the definition of a quota in clause 12 of Schedule 4 be changed to: $TVA/2 + 0.000001$, where TVA means the sum of the total votes allotted to the continuing candidates at the count, calculated to 6 decimal places.

Agreed

The Government will bring forward an amendment to the quota for a casual vacancy in Schedule 4, clause 12 of the Electoral Act. The amendment will align the causal vacancy quota with the amendment in the *Electoral Amendment Act 2020* which has resulted in the votes total being calculated down to six decimal places.

ACT Electoral Commission recommendation 27

The Electoral Commission recommends amending section 32 (1) (a) of the Electoral Act as 'employ casual staff'; or to align with terminology within the Commonwealth's *Fair Work Act 2009*.

Agreed in principle

The Government recognises the practical implications of the current terminology in relation to staff employed under s 32 (1) (a) of the Electoral Act and will further consider options for legislative amendment.

ACT Electoral Commission recommendation 28

The Electoral Commission recommends amending the Electoral Act to introduce a new offence under Part 17, limiting the filming or photography of election officials if it is likely to cause the official to be intimidated or harassed. Implementing their legislation in the ACT would provide a clear legal framework to prevent unauthorised filming and photography within polling places. This would help to ensure that polling officials can perform their duties without fear of harassment.

Agreed

The Government agrees with the Electoral Commission's recommendation to introduce a new offence to the Electoral Act limiting the filming or photography of election officials if it is likely to

cause the official to be intimidated or harassed. Harassment of this kind impacts the safety of election officials, the recruitment of willing workers each election and public trust in the democratic process and thus warrants legislative intervention.

Conclusion

The Government welcomes the Committee's interim report and recommendations.

The Government thanks the Committee for their work on the inquiry and looks forward to the delivery of the Committee's final report.