



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: 019

Submitter: Independents of Canberra

Date authorised for publication: 14 October 2025



Independents for Canberra's submission into the
Inquiry into the operation of the 2024 ACT Election
and *the Electoral Act 1992*



26 September 2025

Standing Committee on Integrity Commission Statutory Office Holders
ACT Legislative Assembly
GPO Box 1020
CANBERRA ACT 2601

Email: LACommitteeIntegrity@parliament.act.gov.au

Dear Committee

Thank you for the opportunity to provide a Submission into your Inquiry into the operation of the 2024 ACT Election and the *Electoral Act 1992 (ACT)*.

The items raised within this Submission are not presented in any particular order.

Thank you for your time, and for your consideration.

Sincerely

Leigh Cox
Former Party Secretary and Campaign Coordinator
Independents for Canberra

Table of Contents

<i>About Independents for Canberra (IFC).....</i>	4
<i>Item 1: Increasing fines</i>	5
IFC Recommendation 1.1	5
IFC Recommendation 1.2	5
<i>Item 2: Ballot Papers and independent candidates</i>	7
IFC Recommendation 2.1	7
<i>Item 3: Ballot Papers and ‘Vote 1 to 5’ instructions</i>	8
IFC Recommendation 3.1	9
<i>Item 4: Election Costings.....</i>	10
IFC Recommendation 4.1	10
<i>Item 5: A ‘reimbursement’ model for public funding.....</i>	11
IFC Recommendation 5.1	12
IFC Recommendation 5.2	12
<i>Item 6: Truth in advertising laws.....</i>	13
IFC Recommendation 6.1	13
<i>Item 7: The 100m exclusion rule.....</i>	14
IFC Recommendation 7.1	14
IFC Recommendation 7.2	15
<i>Item 8: Corflutes</i>	16
IFC Recommendation 8.1	16



About Independents for Canberra (IFC)

IFC was registered as a political party by Elections ACT on 8 March 2024, in advance of the 2024 ACT Legislative Assembly election.

Thomas Emerson was elected as a representative of IFC at the 2024 ACT Election. Upon being sworn in, Mr Emerson advised the Assembly he would be sitting in the Assembly as an independent, non-party MLA.

In June 2025 IFC members held an AGM and unanimously agreed to de-register the party. The de-registration of IFC was completed by Elections ACT in July 2025.

IFC exists today as a community organisation. Its renewed aims are to work alongside other community-independent movements to find and build the capacity of community leaders, and to support their campaign efforts, in order to diversify Canberra's political representation and revitalise our democracy.

Item 1: Increasing fines

We recognise and share Elections ACT's concerns about declining participation rates at ACT Elections. However, increasing fines for failing to vote may be misguided and risks being counterproductive.

For individuals and families already under financial strain, increasing fines without taking a broader, holistic view to addressing voter engagement risks exacerbating disadvantage rather than working to foster civic participation. For instance, residents of Oaks Estate complained in the 2024 election of not having access to a polling booth in their suburb, which was particularly restrictive given poor public transport connectivity for this part of the ACT and high levels of disadvantage in the Oaks Estate community.

Where possible, voting should be encouraged as a civic responsibility and democratic right, not primarily enforced through increases in punishments. Doubling the size of a fine – even if from \$20 to \$40 – risks fostering a greater level of community resentment toward our electoral system, particularly among marginalised groups who may already feel less inclined to participate.

IFC Recommendation 1.1

If the goal is to increase voter turnout, there may be more constructive and equitable measures available. IFC recommends the Committee consider increasing human-centered, low-cost education campaigns that highlight the importance of voting and how to enrol. To minimise cost, Elections ACT could review where low voter turnout was the greatest by analysing booth-based and household data (registered to enrol, but failed to vote), then develop carefully crafted messaging and finding politically neutral 'democracy champions' (volunteers) to convey targeted messages with relevant community segments 'where they are at' on the reasons why voting is important.

IFC Recommendation 1.2

IFC also recommends a series of accessibility improvements, including but not necessarily limited to:

- introducing additional mobile polling places, and/or telephone voting options (in limited circumstances), and/or facilitating free transport to voting locations. These could be in areas where disadvantage and other barriers to participation may be considered more serious, as a means of supporting people to engage in the voting process

- placing a greater emphasis on the translation of information into languages other than English, particularly in locations where there are higher proportions of individuals with limited English proficiency (recognising that some three per cent of Australia's national population above the age of five have limited or no English language proficiency). Materials ought not be directly translated from English into LOTE; rather, they should be translated in a manner that is culturally appropriate and likely to foster the greatest level of take-up; and
- the distribution of hard-copy candidate information statements, by mail, to all residents across the ACT. Hard-copy statements would replicate what is already published online – where it is unlikely to be consumed by community members who are not already politically engaged – and could be included to the existing materials regularly dispatched by Elections ACT during election periods.

If the Committee chooses to agree with the principle of Elections ACT's recommendation to increase fines, IFC would urge it consider deferring any decision until it becomes clear whether the Federal Parliament intends to alter Federal Election fines, and if implemented, to consider directing any additional revenues received back into initiatives that work to improve participation through non-punitive measures.

Item 2: Ballot Papers and independent candidates

The Hare-Clark electoral model is designed to deliver proportional representation. However, the current ballot rules disadvantage independent candidates in the ACT – due to ballot design and grouping rules.

Under current ACT arrangements, unaligned independent candidates are listed in a separate column on the far right of the ballot paper, away from the grouped party candidates. This ‘visual segregation’ makes it harder for independent candidates to be noticed by voters, particularly casual voters or the many who rely on ‘party-based’ columns for guidance in casting preferences. Only one independent candidate has ever been elected to the ACT Legislative Assembly from the ungrouped column.

By contrast, party-endorsed candidates appear together in a prominent column, which not only improves visibility but also allows for the psychological “branding effect” that encourages voters to number candidates within that group.

Because of these structural disadvantages, independents face strong incentives to form artificial political parties simply to secure a grouped column on the ballot. This risks undermining the spirit of Hare-Clark, which is supposed to give voters the ability to choose between both party candidates and genuine independents on an equal footing. IFC was itself registered as a political party for this very reason — not to function as a traditional political party, but instead to secure equitable visual ballot representation. That this step is necessary to compete with more traditional political parties highlights a flaw in the ACT’s ballot design.

IFC Recommendation 2.1

IFC recommends the Committee consider available evidence and potential alternatives for amendment to the ACT’s ballot paper structure – specifically including but not necessarily limited to the differences in the Tasmanian Hare-Clark system (which treats independent candidates differently), so as to put currently ‘ungrouped’ candidates on a more equal footing with grouped candidates.

IFC understands that any independent candidate may be able to ask for a ballot column in Tasmania and believes this approach should be adopted in the ACT. The uptick in independent ‘parties’ in the 2024 Election, contrasted against the significant decline in ungrouped candidates, is evidence of a strong desire among independent candidates to be allotted their own column on the ballot paper.

Item 3: Ballot Papers and ‘Vote 1 to 5’ instructions

In its official report (lodged as Exhibit 001 to this inquiry), Elections ACT recommends keeping the current ballot-paper instruction that tells voters to “Number five boxes from 1 to 5 in the order of your choice” (Schedule 1 form) and not altering the wording. Elections ACT argues that changing the instruction (or removing the savings provision) could reduce preference expression and produce “poor” electoral outcomes. It therefore recommends maintaining the status quo.

Under the *Electoral Act 1992*, a ballot is formal if it shows at least one unique first preference, even if the voter hasn’t marked as many preferences as there are vacancies (the *savings provision*). Elections ACT’s own report explains this explicitly and notes that about 1.8% of formal ballots in 2024 relied on this savings rule. Elections ACT estimates that removing the savings provision would push informality from 1.91 per cent to 3.68 per cent and affect roughly 5,000 voters. This is, ultimately, its rationale for retaining the Number 1 to 5 requirement.

Putting “Number five boxes from 1 to 5...” on the ballot, without equally prominent wording about the savings provision, overstates a legal requirement. It is **not** unlawful to mark fewer than five preferences; those votes are valid under statute. Elections ACT acknowledges the legal position but still urges instructional wording that implies a stricter rule than the Act requires. That approach, whilst well intentioned, substitutes an outcome-based preference for legal accuracy, which is inappropriate for an independent administrator to suggest – as much as IFC respects its role, and its expertise.

If policymakers genuinely believe that a minimum of five preferences *must* be enforced, then the appropriate path would be to legislate it as such, not to create administrative wording that suggests a mandate where one does not exist. Elections ACT’s role is to apply the Act as it is written and provide voters with accurate, neutral information—not to try to “nudge” voters beyond the law to engineer preferred outcomes, however well-intentioned those outcomes might be. Where genuine risks exist, such as increased informality, the remedies must lie with the Assembly in how to best address those, not for Elections ACT to rely on ambiguous wording that is ultimately construed by most as being untruthful to voters.

There is also a risk that if and as voters ‘catch-on’ to this mismatch between the instructions and the law, it may perpetuate a perspective that democratic institutions



may be untruthful and therefore cannot be trusted, which works against maximising civic engagement.

IFC Recommendation 3.1

IFC recommends the Committee consider how to best uphold the Act and find truthful alternatives that explain a voter's rights accurately. That could include using whatever mechanisms the ACT has available (e.g. public education campaigns) to encourage individuals to Vote 1 to 5, while making clear what constitutes a valid vote.

Item 4: Election Costings

The current framework to submit costings in election campaigns requires parties or MLAs to submit their costings to Treasury, which are then published, following an assessment of whether the figures contained within the original costings are accurate. In practice, this operates less like a supportive or collaborative mechanism that helps to educate the public and ends up much more like a “gotcha” exercise, where some parties regularly choose to not submit costings until the latest possible opportunity. In this regard, Treasury acts somewhat as a scorekeeper, rather than as a partner helping to ensure costings are robust and accurate.

Unfortunately, this model discourages open engagement and innovative policy announcements at election time, since the fear of being publicly “marked wrong” may ultimately deter candidates from pursuing more complex, structural-type election commitments and thus potentially robbing the voting public of additional choice in terms of policy alternatives.

Additionally, and importantly, non-incumbent parties and candidates are not subject to these same rules. This means candidates who are not sitting MLAs can make promises without the same degree of scrutiny, which creates something of an uneven playing field.

IFC Recommendation 4.1

The Committee ought to consider reforming the ACT’s Election Costing process in a manner that operates more like the Parliamentary Budget Office (PBO) at the federal level. The model could offer confidential, pre-election advice and assistance to all parties, independents, and to non-sitting parties and candidates who request it. Costings could be provided to Treasury for review in advance of publication, with direct feedback on the costing to the party or candidate. Materials could then be published on a Costings website directly by the registered parties and candidates, with checkboxes to confirm that Treasury was consulted and that their advice was taken into consideration.

The Costings website could also include generic information by Treasury on cost benchmarks such as forecast inflation, wage growth, service costs, etc. that all candidates would be expected to draw from in the formulation of their costing materials.

Item 5: A 'reimbursement' model for public funding

In its report, Elections ACT recommends the Committee investigate means to limit the potential for public funding received by a political party or candidate to exceed the amount of electoral expenditure incurred. Elections ACT goes on to infer some entities may be 'making money', and IFC contends – at least in its own case – that this not a fair reflection of the truth.

Elections ACT provides a table in its report showing that IFC's 2024 electoral expenditure totalled \$144,205, with receipt of \$236,988 in public funding upon conclusion of the election. This may be received as implying IFC made a profit of more than \$92,000. However, as per IFC's published annual return, total payments made by the organisation in 2024-25 were more than \$350,000. This is because the actual cost of a campaign is not captured in its entirety by the definition of electoral expenditure.

Elections ACT acknowledges as much, stating that “... *there are costs associated with running a campaign that do not fall within the legislated definition of electoral expenditure and are therefore not taken into account in the comparison...*”. Elections ACT does not however take into account these costs because including “... *broader 'administrative expenditure,' which is currently explicitly exempted from the definition, is likely to impact a party's expenditure cap calculations.*” Well, yes, absolutely! Practically speaking, the administrative costs that are not captured as electoral expenditure do account for a great deal of what is used or leveraged by candidates and parties at election time. In IFC's case, those administrative costs included but were not limited to significant IT and cloud-based expenditure, insurances, governance items, auditing and accounting and more.

IFC believes that most traditional political parties in the ACT are, indeed, utilising the public funding they receive to cover a number of those same administrative expenses incurred outside of election time – for example, office and party staff salaries, IT system materials and more.

In IFC's case, we received a series of declared community donations; combined with the decision to de-register the party, it meant we could forgo much of that ongoing operating expenditure. This afforded IFC the opportunity to provide most of its election funding back to candidates (something we shared with the media and was reported on at the time that funding was received).

Critically, payments to IFC candidates did *not* account for the opportunity costs borne by each of them (for example, any individual donations made, wages forgone, mortgage and rent costs, childcare, and day-to-day logistical burdens). We remain proud that unlike many parties we were able to return the vast majority of our election funding back to candidates. The stress and the work required to be a political candidate is, obviously significant. But for many individuals, including our candidates, they will remain at a financial loss. Any inference therefore that some individuals might have made money from the election – or perhaps sought to run as a candidate with the intent of making money – is simply not borne out in reality.

Ultimately, IFC agrees with The Australia Institute’s assessment that Elections ACT’s recommendation to limit public funding to a reimbursement of election expenditure is “*a solution in search of a problem*”. A reimbursement model, if introduced according to Elections ACT’s logic, would create a landscape where people with fewer resources had to accept a disproportionate burden simply for putting their hands up to participate in our democracy. Critically, it may also result in parties choosing to preselect candidates with deeper pockets who are able to spend more money, as ultimately they will be able to claim a higher amount of funding back for themselves or for their party.

IFC Recommendation 5.1

IFC recommends the Committee instead consider a more holistic and transparent solution, which would be to review the definition of electoral expenditure, and consider capturing “administrative costs” as part of the costs incurred within the cap, within any election year. This would provide a far more accurate picture of overall spending and include any office and staff-related costs not currently captured. Elections ACT could then limit the amount of funding to the total amount a party/candidate is able to spend under that cap – regardless of what they *do* spend – thus reducing the overall amount of public funding provided upon return.

IFC Recommendation 5.2

IFC recommends that the Committee also consider reducing the amount of public funding provided per vote post-election. Any savings could be re-invested into Elections ACT to bolster other initiatives, including some of those recommended in this Submission (for example, increasing the number of staff to manage operations associated with the Truth in Advertising Laws and delivering hard-copy candidate information statements).

Item 6: Truth in advertising laws

IFC strongly agrees with Elections ACT's recommendation for the Government to provide it with more funding to support the ongoing administration of misleading electoral advertising legislation for future elections.

As noted in the Submission to this Inquiry provided by Associate Professor Yee-Fui Ng from Monash University, IFC made one particular complaint to Elections ACT that it had serious concerns about. The complaint was lodged about three weeks prior to Election Day, but IFC did not receive a determination until just a few days prior. It left IFC with limited opportunity to dispute the determination and therefore no means by which to seek recourse.

The details of the complaint itself was not really the problem. The problem was the delay in the response, indicating that the 'system' may not be resourced appropriately to be able to respond quickly, and to prevent harm. Potentially false or materially misleading electoral material – whomever it is from – may continue to influence voters up to and throughout the voting period, particularly if those investigations and determinations are made too late.

A lack of resourcing carries a significant risk that our truth in advertising laws, at a practical and operational level, may be far less effective than they ought to be.

IFC Recommendation 6.1

IFC supports recommendations for providing Elections ACT with more funding to administer policies and operations associated with the ACT's truth in advertising laws.

Item 7: The 100m exclusion rule

Under the *Electoral Act*, a 100-metre exclusion zone applies around polling places, within which canvassing and handing out “how-to-vote” (HTV) materials is prohibited.

This zone was originally introduced with the intent to safeguard voters’ rights to approach the ballot box free from undue pressure, harassment, or last-minute persuasion.

In practice, the 100m distance is clunky and impractical. Campaign volunteers are often stationed well away from polling booth entrances — in carparks, street corners, or in awkward positions far removed from the voter’s approach path. Additionally, many voters may not encounter HTV information at all or only encounter it in a rushed or confusing way. This can reduce voter access to information about preferences and sequencing in a preferential system like Hare-Clark.

On the other hand, abolishing the exclusion zone outright risks recreating the very problem the law was designed to solve. Voters would have no reprieve from being approached. This means the ‘voting experience’ could become more stressful or unpleasant, particularly for vulnerable groups (older voters, culturally diverse voters, or those with accessibility concerns), and could further decrease rates of participation.

IFC Recommendation 7.1

IFC recognises and supports the value in giving voters a protected space, even if relatively small, to approach the ballot box free from partisan activity.

IFC recommends the Committee consider a reducing, but not entirely abolishing, the exclusion zone — for example, by reducing the current zone from 100m to 50m, or by establishing dedicated areas nearby each voting booth that is accessible to the voting public who may be seeking HTV materials, whilst maintaining a protected space at the booth itself. This latter option duly recognises that a one-size-fits-all arrangement based on an arbitrary number of metres may be less than feasible or appropriate in certain locations.

Taking a more nuanced and balanced approach to exclusion zones would preserve the important principle of voter protection, while simultaneously improving the accessibility of campaign materials for those who want them.



IFC Recommendation 7.2

IFC also suggests the Committee consider permitting the provision of HTV materials at each polling booth, without permitting canvassers (party or candidate volunteers). This could be achieved by providing an approved location at each polling booth, where parties and candidates can drop off their HTV materials for voters to peruse, undisturbed.

Item 8: Corflutes

IFC received lots of feedback and had plenty of internal discussions about the merits and the pitfalls of corflutes.

On one hand, facilitating visibility of campaign materials on roadsides and in other areas is an accessible channel for parties and candidates, and allows for a degree of campaign creativity which can be healthy for a strong democracy. On the other hand, they can be perceived as unnecessary clutter with ‘corridors’ of signs that fuel amenity complaints and driver distraction concerns. This includes the potential for serious consequences, as one Submission to the inquiry refers, where a poorly installed corflute blew into traffic. IFC’s experience was that it also leads, invariably, to repeated vandalism and removal of candidates’ corflutes by their competitors.

Additionally, the administrative costs borne by City Services to actively monitor corflute usage and manage complaints appears to take many staff away from their regular, core duties.

On balance, IFC is supportive of reducing and/or re-calibrating the proliferation of corflutes. The ACT Greens can be commended for limiting their corflute usage to private land only. However, it can be challenging as a new, non-party candidate who may need additional personal and public recognition not to get drawn into a prisoner’s dilemma calculation, feeling as though they *“need to do it, because everyone else is doing it.”*

IFC Recommendation 8.1

IFC recommends the Committee consider available options to re-calibrate the numbers and usage of public signage (corflutes), such as:

- expanding the existing prohibition on +90 km/h roads and National Capital designated areas to cover any road more than 60 km/h
- installing official multi-slot “Election Boards” at agreed public areas in each electorate (e.g. shops), where each registered candidate can have one slot per board; and/or
- reducing the cap of 250 corflutes per candidate by 50 per cent, to 125 each, and removing the additional 250 generic party corflutes currently permitted.

IFC believes these options would bring about a noticeable reduction in corflute usage without materially changing campaign dynamics, and would also result in a significant drop in ranger-hours associated with monitoring and removing signage.



Page left blank intentionally