



Standing Committee on Justice and Community Safety

Inquiry into Annual and Financial Reports 2022-2023 **ANSWER TO QUESTION TAKEN ON NOTICE**

Asked by Mr Peter Cain MLA on 24 November 2023: Mr Chris Steel MLA took on notice the following question(s):

Reference: Hansard [uncorrected] proof transcript 24 November 2023 [PAGE 7-8]

In relation to: Legislation (current provisions of the Electoral Act) on whether there must be a verifiable paper record

THE CHAIR: So just on that, so a supplementary on that.

So, can you confirm whether we have a voter verifiable paper records as part of the EVACS poll site e-based voting system.

Mr Steel: The operation of the election is a matter for the Electoral Commission to answer.

THE CHAIR: But, as a matter of policy setting, do you support the notion that there should be a verifiable paper record of an elector's vote?

Mr Steel: For a statement of opinion, but certainly if you want to ask—

THE CHAIR: As an expression of policy though—

Mr Steel: —expression of policy opinion? You want to ask the Electoral Commissioner about what their plans are for the election, I think that is probably the best approach.

THE CHAIR: So does that mean that it is not your policy to require a verifiable paper record?

Mr Steel: I do not believe the provisions in the Electoral Act require that at this present time. But we might be able to confirm that. I can take that on notice. That would be a matter—there are operational matters associated with the election that obviously the Electoral Commission has some remit over. And so—

THE CHAIR: But it is clearly a policy position that you either adopt or you do not.

Mr Steel: Well no, there are operational decisions that are made by the Electoral Commissioner to ensure the, you know, appropriate conduct of elections and that fits within

their remit.

THE CHAIR: So you are saying there is no policy position that a voters recorded—electronically recorded vote, you do not have a policy position that should verify that—

Mr Steel: Well the Commissioner makes operational decisions. And so that would be an operational decision.

THE CHAIR: It sounds like there is a policy along to this. If you have a policy to say that there should be a way to verify an electronic vote, operationally if something were to happen. So this is clearly a role that you have to play—

Mr Steel: The policy position that we have is that we respect the operational role of the Commissioner to be able to conduct transparent and fair elections. And they have the remit to make those decisions. But we can certainly confirm the legislative position that is currently in place in respect of that particular matter.

Mr Chris Steel MLA: The answer to the Member's question is as follows:—

The ACT Government notes this recommendation as a matter for the Electoral Commission.

The ACT Government notes a similar recommendation was made by the Committee in its report on the Inquiry into the 2020 ACT Election and Electoral Act. In response to this Inquiry report, the ACT Government noted this recommendation, indicating it was a matter for the Electoral Commission and that there would be cost and complexity implications associated with the implementation of such a measure.

The ACT Government confirms that this position remains unchanged and as such, the amendments made through the *Electoral and Road Safety Legislation Act 2023*, do not require there to be verified paper record for voters who wish to utilise overseas electronic voting.

Approved for circulation to the Standing Committee on Justice and Community Safety

Signature:



Date:

30/11/23

By the Special Minister of State, Chris Steel MLA