



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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2024 ACT election Submission

The ACT could introduce inclusive, effective electoral reforms like lowering the voting age or adopting a democracy voucher model for public funding. On the other hand, proposals for donation caps and a reimbursement model for public funding are poorly reasoned and would make ACT elections less democratic.

Submission

Bill Browne

September 2025

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Tel: (02) 6130 0530

Email: mail@australiainstitute.org.au

Website: www.australiainstitute.org.au

PO Box 3839

Manuka

ACT 2603

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Summary

Spending and donation caps are vulnerable to perverse outcomes. Recent changes to South Australian and federal electoral laws are a poor guide for the ACT Legislative Assembly, because these changes have been rushed, self-interested and poorly justified. The reimbursement model of public funding is similarly flawed.

However, there is room for democratic reforms if their details are tested at a parliamentary inquiry first. A mega-donor cap would limit the influence of donors without unfairly treating new entrants. Extending the ban on property developers to money from the fossil fuel, gambling and alcohol industries would prevent some of the more concerning political contributions.

Australian elections are a “festival of democracy”, and care should be taken that reforms like exclusion zones and early voting do not undermine deliberation and community-building during election campaigns.

There are opportunities to increase electoral participation, including lowering the voting age. Even a change in ballot wording may encourage Canberrans to make better use of their vote, with Electoral Commission data showing most Canberrans do not make full use of preferences.

Truth in political advertising laws seem to be working well, but more information from the Electoral Commission would be helpful.

RECOMMENDATIONS

Political finance

- The detail of any proposed changes to ACT electoral law should be tested at a parliamentary inquiry against the nine principles of fair political finance reform.
- Extend the property developer ban to other industries with a particularly strong vested interest in government decision-making.
- Consider a mega-donor cap instead of a donation cap.

Public funding

- Hold an inquiry into replacing the per-vote public funding scheme with a democracy voucher scheme.
- Reject a reimbursement model for public funding.
- Request the Electoral Commission support its policy recommendations with analysis of how these recommendations would affect ACT democracy, using real-world case studies.

Festival of democracy and electoral participation

- Consider existing and proposed electoral laws, including early voting, roadside signs and exclusion zones, in the context of civic engagement and election day as a “festival of democracy”.
- Increase the fine for not voting and peg it to penalty units.
- Consider voting instructions that inform voters of the power of their vote.
- Consider allowing 16- and 17-year-olds to vote, either with a nominal fine for not voting or on a voluntary basis if the Commonwealth Parliament can be convinced to amend the relevant legislation.

Truth in political advertising laws

- Request the Electoral Commission publish reasons when making a finding of misleading advertising.
- Request the Electoral Commission release more information about misleading advertising complaints.

Introduction

The Australia Institute welcomes the opportunity to make a submission to 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 Australia Institute's Democracy & Accountability Program was founded in 2021 to improve the quality of Australian governance and heighten public trust in politics and democracy. Although the program is relatively new, the Australia Institute has written about democracy and accountability issues since it was founded in 1994.

This submission considers five broad areas, based on the inquiry's terms of reference:

- Political finance (donation and spending caps)
- Public funding (taxpayer funding, which in the ACT is on a per-vote and per-MP basis)
- The election as a "festival of democracy"
- Electoral participation, including the voting age, voting by permanent residents, and how voting instructions could be improved
- Truth in political advertising laws.

Political finance

The inquiry's terms of reference include the question of "electoral funding, donations and expenditure", and specifically refer to "electoral reforms made by the Commonwealth and South Australian Parliaments". Similarly, the ACT Electoral Commission recommended the Legislative Assembly review the new Commonwealth donation cap laws "with a view to introducing a similar provision".¹

The ACT currently has high levels of public funding and a spending cap of about \$50,000 per candidate.

In the past year, both the Commonwealth and South Australia have:

- increased per-vote public funding and introduced or increased per-MP administrative funding;
- imposed donation caps (or, in the case of South Australia, banned most donations); and
- introduced spending caps or lowered the maximum that can be spent under existing spending caps.

The Australia Institute has analysed these laws, and similar ones in Victoria and New South Wales, in considerable detail.²

¹ ACT Electoral Commission (2025) *2024 Legislative Assembly election report*, p. 48, <https://www.parliament.act.gov.au/parliamentary-business/in-committees/committees-11th-assembly/integrity-commission-and-statutory-office-holders/inquiry-into-the-operation-of-the-2024-act-election-and-electoral-act-1992#tab2627879-8id>

² Browne (2024) *Submission - Review of the 2023 NSW election*, <https://australiainstitute.org.au/report/submission-review-of-the-2023-nsw-election/>; (2024) *Money and power in South Australian elections*, <https://australiainstitute.org.au/report/money-and-power-in-south-australian-elections/>; (2024) *South Australian political finance changes*, <https://australiainstitute.org.au/report/south-australian-political-finance-changes/>; Browne and Black (2025) *Electoral Reform Bill analysis*, <https://australiainstitute.org.au/report/electoral-reform-bill-analysis/>; Browne and Connolly (2023) *Submission: Money and power in Victorian elections*, <https://australiainstitute.org.au/report/submission-money-and-power-in-victorian-elections/>; Morison and Browne (2023) *Submission: 2022 Victorian state election inquiry*, <https://australiainstitute.org.au/report/submission-2022-victorian-state-election-inquiry/>

Both in South Australia and the Commonwealth, the changes:

- Were rushed through without proper parliamentary scrutiny,
- Favour major parties at the expense of minor parties, independents and new entrants,
- Dramatically increase taxpayer funding of political parties,
- Are poorly targeted to the problems they are supposedly intended to fix, and
- May infringe the implied freedom of political communication.

Neither jurisdiction is a good guide for how the ACT should reform its electoral system.

Electoral laws should be fair and proportionate. The Australia Institute identified nine principles of political finance reform to ensure changes are targeted and effective, without showing preferential treatment:

1. Give voters a range of choices about who represents them
2. Not make it harder for new candidates to compete with incumbents
3. Provide a level playing field regardless of whether candidates are members of a political party or independents
4. Factor in the significant taxpayer-funded advantages of incumbency, with an eye to reducing disadvantages already faced by challengers
5. Account for spill over effects and economies of scale
6. Focus on those who most clearly threaten democracy and accountability
7. Ensure that public funding is fit for purpose
8. Strive for fairness and increased transparency
9. Distinguish between bona fide contributions and “cash for access”.³

Securing transparency and diversity in political finance outlines options for fair electoral reforms.⁴

This chapter explains why donation and spending caps are fraught, outlining the perverse outcomes that can arise from caps and then considering each type of cap in turn.

Recommendation: The detail of any proposed changes to ACT electoral law should be tested at a parliamentary inquiry against the nine principles of fair political finance reform.

³ Browne (2023) *Principles for fair political finance reform*, <https://australiainstitute.org.au/report/principles-for-fair-political-finance-reform/>

⁴ Browne & Walters (2023) *Securing transparency and diversity in political finance*, <https://australiainstitute.org.au/report/securing-transparency-and-diversity-in-political-finance/>

CAPS ARE VULNERABLE TO PERVERSE OUTCOMES

This section is adapted from the Australia Institute's submission to the parliamentary inquiry into the 2022 federal election.⁵

Donation and spending caps are vulnerable to perverse outcomes, including but not limited to the following:

Difficult for emerging parties and candidates to establish themselves: There are fixed costs to establishing a party or candidate and getting public recognition, which means that new parties and candidates may need to spend more money to get to the same level of public awareness as established parties.

Similarly, while public funding of parties and candidates based on their share of the vote works for established parties, it paradoxically leaves new parties and candidates without the funding they need to win votes until they win votes.

A related issue is that sitting parliamentarians already receive substantial financial benefits from incumbency, including their printing allowance, travel allowance, salary, staff and office space. At the federal level, these benefits exceed \$1 million per year for each MP and senator.⁶ A challenger must spend considerably more than the incumbent just to 'catch up' to the incumbent's publicly funded benefits.

Different demographics of donors may favour one side of politics: Caps on donations and expenditure by organisations are complicated by the fact that organisations can be of any size and represent any number of people. For example, should five unions with 10,000 members each be able to, in aggregate, donate five times as much as they would if they amalgamated into one union with 50,000 members? Similarly, should five corporations that employ 500 people each be able to, in aggregate, donate five times as much as one corporation that employs 2,500 people?

The problem is exacerbated if the disparity in potential donor numbers is across groups. For example, there are many times more corporations than there are unions.

Different treatment of donations and other receipts: It would be perverse to limit donations without also limiting other contributions to parties, like corporate membership fees – which are often used to buy access and are therefore worse than bona fide donations, which are given for no consideration.

⁵ Browne and Shields (2022) *Fortifying Australian democracy: submission to the inquiry into the 2022 election*, <https://australiainstitute.org.au/report/fortifying-australian-democracy/>

⁶ Predavec and Browne (2025) *Advantages of incumbency*, <https://australiainstitute.org.au/report/advantages-of-incumbency-2/>

Treatment of third parties: If there are donation or expenditure caps, extending those caps to third parties like associated entities makes sense because otherwise parties and third parties could coordinate to receive and spend money beyond the caps for candidates and parties. However, caps on third parties become fraught when those third parties are not coordinating with parties and candidates. For example, a Labor candidate could get 'crowded out' by the spending of an affiliated union that the candidate neither wanted nor benefited from.

Similarly, attention is needed on how an 'anyone but X' campaign would count in relation to party or candidate expenditure. It might benefit the 'anyone elses' at different rates or, in some cases, not at all. But if 'anyone but X' campaigns did not count against party or candidate expenditure, it would leave X in the position of not being able to fund a defence of the same magnitude without running up against a cap.

Some parties and candidates benefit from flow-on effects of spending: Party candidates benefit from state-wide or national advertising, and advertising in adjacent electorates. Independents and minor candidates need to focus on individual seats, making them more likely to run into localised expenditure caps.

As discussed below, this is less of an issue in multi-member electorates like those in the ACT.

Coalitions: The Liberal and National parties might be allowed to operate under separate caps – but as they govern together under the Coalition agreement (at the federal level), a donor could contribute twice as much to parties in a Coalition government as they could to the one party in a Labor government.

In the ACT, the same is true of the Labor and Green parties: at times when there are both Labor and Greens ministers, a donor could give twice as much to the government as they could to the opposition.

On the other hand, any cap aggregated across parties in a coalition could unfairly disadvantage those parties, especially when they run against one another (as they necessarily do in multi-member electorates).

SPENDING CAPS

In the ACT, each candidate, campaigner and associated entity can spend up to \$50,135.⁷

Party candidates' caps are effectively pooled across their party. A party running full tickets of five candidates per electorate can spend about \$250,000 per electorate, even though in practice only between 0 and 3 of its candidates are in with a chance. An independent candidate is still limited to \$50,135. The effect is that an independent candidate can be outspent five-to-one by a political party, even if the party's prospects are no better than the independent's.

In Tasmania, Australia's other Hare-Clark jurisdiction, proposed spending caps would set a party's spending cap at effectively double that of an independent.⁸ By contrast, in the ACT a party's cap is effectively five times that of an independent.

In addition, ACT law allows parties (and incumbent independent parliamentarians, but not independent candidates) to benefit from any number of associated entities, each of which has its own expenditure cap.

Despite these flaws in the ACT's spending cap system, it and other Hare-Clark systems like Tasmania are still more suited to spending caps than are the single-member electorates like that found nationally and in other states and territories because:

- The territory's media market is more consistent than of Australia as a whole, so it is easier to set uniform spending caps for the ACT than for the whole nation.
- Independents and minor parties are more competitive than in most single-member electorates.
- There are no safe seats where parties can under-spend to make room to over-spend in target seats.
- "Spill over benefits" for parties from advertising in adjacent electorates are rarer because electorates are larger.⁹

⁷ As of the 2024 territory election; ACT Government (2024) *Fact sheet - Electoral expenditure cap*, <https://www.elections.act.gov.au/elections/education/fact-sheets/fact-sheet-electoral-expenditure-cap>

⁸ Browne and Carr (2024) *Money and power in Tasmanian elections*, <https://australiainstitute.org.au/report/money-and-power-in-tasmanian-elections/>

⁹ Adapted from Browne and Carr (2024) *Democracy Agenda for the 51st Tasmanian Parliament*, p. 12, <https://australiainstitute.org.au/report/democracy-agenda-for-the-51st-tasmanian-parliament/>

DONATION CAPS

Labor and Liberal voted together to repeal donation caps in 2015.¹⁰ Rather than reintroduce donation caps, the Legislative Assembly should look at alternatives like a mega-donor cap and banning the most harmful political contributions directly.

The volume of private donations is a poor measure of undue influence because cash-for-access (payments for exclusive access to decision-makers, often at dinners or other functions) comes very cheaply in Australia.¹¹ There is no donation cap in the country that is low enough to prevent cash-for-access payments.

When a jurisdiction does introduce very low donation caps, parties respond by lowering the cost of cash-for-access to below the new donation cap.¹²

Banning political contributions from harmful industries

The ACT bans political donations from property developers and their close associates, as does Queensland.¹³ The NSW Government bans political donations from property developers, and the tobacco, liquor and gambling industries.¹⁴

It makes sense to ban political contributions that come – directly and indirectly – from industries that have a particular vested interest in government decision-making, especially when those industries are harmful.

Poker machines and the gambling industry more generally are the most obvious example at the territory level, although there are others including fossil fuels, alcohol, consulting firms and tobacco.

Recommendation: Extend the property developer ban to other industries with a particularly strong vested interest in government decision-making.

¹⁰ Lawson (2015) *Labor and Liberal scrap cap on donations, boost public funding*, <https://www.canberratimes.com.au/story/6071649/labor-and-liberal-scrap-cap-on-donations-boost-public-funding/>

¹¹ Browne & Walters (2023) *Securing transparency and diversity in political finance*

¹² See for example Browne and Connolly (2023) *Submission: Money and power in Victorian elections*; Morison and Browne (2023) *Submission: 2022 Victorian state election inquiry*

¹³ ACT Electoral Commission (2025) *2024 Legislative Assembly election report*, p. 43; Electoral Commission of Queensland (2025) *Prohibited donors scheme*, <https://www.ecq.qld.gov.au/donations-and-expenditure-disclosure/prohibited-donors-scheme>

¹⁴ NSW Government (2023) *Minns Government introduces bill to ban clubs with pokies from donating to NSW political parties*, <https://www.nsw.gov.au/media-releases/bill-to-ban-pokies-donating-to-politics>

Mega-donor cap

A simple way to limit the influence of vested interests and very wealthy people is to cap the total amount that contributors can contribute over an election cycle, to all parties, candidates and associated entities.

The cap should be based on the aggregation of the political contributions of the original contributor to prevent the cap being evaded by splitting contributions across different recipients.

The cap should be set high enough to limit the perverse outcomes that emerge with traditional donation caps but low enough that it guarantees a plurality of voices. Tying the cap to the level of public funding would allow for it to automatically grow in line with inflation and population growth. It also means that if major party funding dramatically increased due to an increase in public funding per vote, the share others could contribute would increase proportionately.

A cap of around \$100,000 would allow a person to fund their own candidacy and that of a running mate or, if not running themselves, to fund two candidates (out of the roughly 130 to 150 that have run at recent elections).

Recommendation: Consider a mega-donor cap instead of a donation cap.

Public funding

The inquiry's terms of reference ask about "public election funding".

There are two main models of public funding for Australian political parties, both of which favour incumbents at the expense of new entrants:

- **Per-vote public funding**, which is pointless for new entrants because it is only paid after the election.
- **Per-MP administrative funding**, which favours incumbents just as per-vote funding does, but with the additional problems that it does not reflect vote share won or the costs of running a political party.

Both forms of public funding are present in the ACT.

The ACT's public funding of about \$10 per vote is among the most generous in the country.¹⁵

MLAs are also each entitled to \$20,000 per year in administrative funding, which cannot be spent on campaigning.

In practice, public funding has inflated political expenditure instead of replacing private money as it was supposedly intended to do.

A better public funding model is the democracy voucher system used in the City of Seattle.

In this model, before an election each voter is sent four vouchers worth \$25 each. They can allocate these vouchers to the candidates that they support, or recycle them if there are no candidates they wish to support.¹⁶

Assuming 10% take-up of a voucher scheme, the ACT could replace the per-vote scheme with four \$25 democracy vouchers per voter – and be cost-neutral.

Recommendation: Hold an inquiry into replacing the per-vote public funding scheme with a democracy voucher scheme.

¹⁵ Noting that as a unicameral legislature, public funding per voter is equal to the rate of public funding per vote, whereas in bicameral jurisdictions public funding per voter is double the rate of public funding per vote.

¹⁶ Browne (2024) *Money and power in South Australian elections*, pp. 27–31

REIMBURSEMENT OF PUBLIC FUNDING

The ACT Electoral Commission's recommendation to limit public funding to a "reimbursement" of election expenditure¹⁷ is a solution in search of a problem.

In the ACT, parties and candidates receive more public funding than electoral expenditure if:

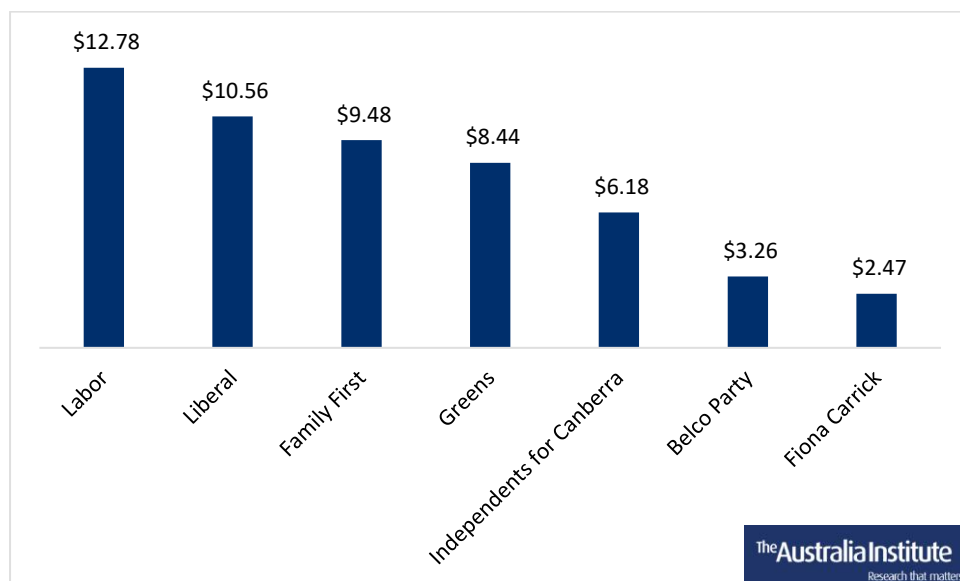
1. They are growing in popularity over time,
2. They run a lean campaign that is nonetheless appealing to voters, or
3. Their supporters are numerous but are too poor to donate large sums.

Why should these parties and candidates receive less public funding than a wealthy party or candidate who spends a lot of money per vote received?

A reimbursement model hinders a breakout success from consolidating at subsequent elections and stops a growing party from raising funds at one election to spend against the next.

This pro-incumbency bias likely explains why the reimbursement model has been enthusiastically adopted in other jurisdictions.

Figure 1: Expenditure per vote



Source: ACT Electoral Commission (2025) *2024 Legislative Assembly election report*, pp. 19, 47, <https://www.parliament.act.gov.au/parliamentary-business/in-committees/committees-11th-assembly/integrity-commission-and-statutory-office-holders/inquiry-into-the-operation-of-the-2024-act-election-and-electoral-act-1992#tab2627879-8id>

Figure 1 shows how much a party or candidate spent per vote they won.

¹⁷ ACT Electoral Commission (2025) *2024 Legislative Assembly election report*, p. 47

Under the ACT Electoral Commission's proposal, the parties that spent \$10 or more for a single vote would receive *more* public funding for each vote than the other parties and candidates, some of whom spent as little as \$2.50 per vote.

Recommendation: Reject a reimbursement model for public funding.

Recommendation: Request the Electoral Commission support its policy recommendations with analysis of how these recommendations would affect ACT democracy, using real-world case studies.

Festival of democracy

Australian elections are accompanied by a flurry of pamphlets, posters, forums, advertisements and signage. This comes to a head on election day with school fetes, sausage sizzles and other community events.

This idea of a “festival of democracy” that enriches the civic experience is challenged by three issues under consideration by the committee:

- Expansion of early voting
- Limits on roadside signs (corflutes)
- The 100-metre exclusion zone.

There is no malice behind these reforms, but each risks undermining (albeit in a small way) the sense that election day is a festival of democracy.

EXPANSION OF EARLY VOTING

It can be more convenient for someone to vote according to their own schedule rather than on a specific Saturday. However, individual convenience may be diminishing the significance of election day and with it, the ability of Canberrans to effectively exercise their democratic rights.

A key aspect of an election campaign is hearing the parties’ full list of policies, seeing how their leaders perform under the stresses of a campaign, and then coming together as a territory to make a choice about who should represent the people in the next parliament. As more and more Canberrans vote early, are they really coming together?

Early voting can have real political consequences when issues surface late in an election cycle. At last year’s Queensland election, Labor lost government with a 7.0% swing against them – taking only 46.2% of the two-party-preferred vote. However, Labor narrowly won votes cast on election day with 50.6% two-party-preferred.¹⁸ To some extent, this reflects that early voters tend to be more conservative than the electorate as a whole. However, it is also the case that those who vote on the day see more of the election campaign than early

¹⁸ Green (2024) *QLD2024 – Preference flows and vote by type compared to 2020*, <https://antonygreen.com.au/qld2024-preference-flows-and-vote-by-type-compared-to-2020/>

voters – particularly on the issue of abortion rights in the case of the recent Queensland election.¹⁹

Election day voting also facilitates democratic dialogues with other voters and party/candidate volunteers (and the candidates themselves), which provides more information for a voter to weigh when casting their vote.

When voters go to the ballot box, it is important that the choice they make is informed as much as possible by the knowledge of what the different candidates, parties, and leaders are offering.

(This section is adapted from an article by Skye Predavec.)²⁰

LIMITS ON ROADSIDE SIGNS

The Electoral Commission of South Australia has warned that the ban in that state on corflutes has “significantly impacted” some voters' awareness that a by-election was taking place last year'.²¹

With the ACT Electoral Commission reporting that the limit of 250 signs on public land per candidate does appear to have reduced complaints about “moveable signs”,²² perhaps the Legislative Assembly has found a happy medium.

However, it would be useful to hear from community organisations and independent candidates about how they found the limit. It does seem excessive that a political party can have 6,500 roadside signs but any other group is limited to 250.

¹⁹ Sharma (2024) *How abortion became a pivotal Queensland election issue*, <https://www.9news.com.au/national/qld-election-2024-how-abortion-became-a-queensland-election-issue/b958aea1-b3a8-4610-bc6d-2bebe56728da>

²⁰ Predavec (2025) *The rise of early voting in Australian elections*, <https://australiainstitute.org.au/post/the-rise-of-early-voting-in-australian-elections/>

²¹ Kelsall (2025) *No corflutes, no election? Some voters left in the dark by SA poster ban*, <https://www.abc.net.au/news/2025-05-26/some-voters-left-in-dark-by-sa-poster-ban/105329218>

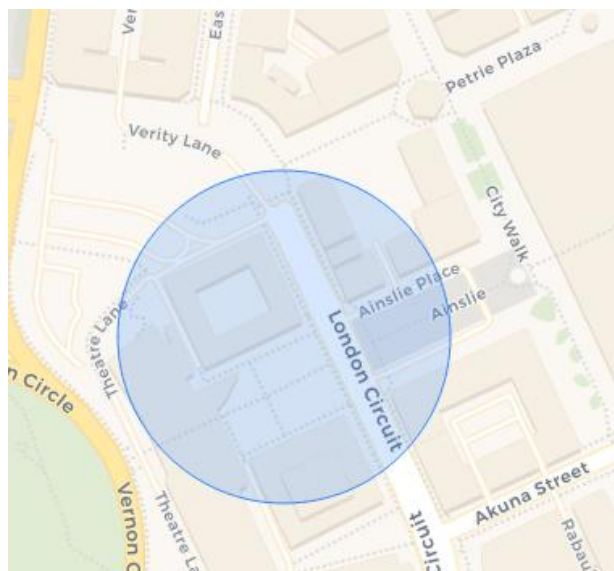
²² ACT Electoral Commission (2025) *2024 Legislative Assembly election report*, p. 41

EXCLUSION ZONE

The 100-metre exclusion zone pushes volunteers further away from voters to general thoroughfares: increasing the chance that those who are approached have already voted or are ineligible to vote. Meanwhile, depending on the voting booth, some voters would not pass any canvassers, depriving them of the ability to collect how-to-vote cards, talk to candidates, or otherwise get information about the election from parties and campaigns.

For example, Figure 2 below shows the City East polling booth with a 100-metre exclusion zone. Instead of clustering around the entrance to the polling booth as they would be at a federal election, canvassers in a territory election would be scattered: interrupting diners at Verity Lane, shoppers along City Walk and audiences approaching Canberra Theatre Centre. Meanwhile, depending on their approach, a voter might never see a canvasser let alone be able to talk to one.

Figure 2: City East polling booth with 100-metre exclusion



Source: GMaps Radius, <https://obeattie.github.io/gmaps-radius/>

The same kinds of problems exist for other booths, for example canvassers trying to reach voters at Lyneham Primary would interrupt restaurant, book shop and supermarket patrons, and miss voters coming from other directions.

When Darwin City Council adopted a form of exclusion zone during early voting for local government elections this year, it was met with broad community concern and became the subject of a legal challenge. The council backed down, agreeing as part of a court undertaking not to issue infringement notices to candidates “reasonably canvassing and interacting with voters”.²³

²³ Darwin City Council (21 August 2025) *NT Local Government Elections*

That said, it is worth noting that the idea of a 100-metre exclusion zone is popular according to national opinion polling; polling research from the Australia Institute last year found that 71% of Australians support the exclusion zone policy.²⁴

Recommendation: Consider existing and proposed electoral laws, including early voting, roadside signs and exclusion zones, in the context of civic engagement and election day as a “festival of democracy”.

²⁴ Clarke and Browne (2024) *These nine popular policies launched in Canberra, so where are they now?*
<https://australiainstitute.org.au/post/these-nine-popular-policies-launched-in-canberra-so-where-are-they-now/>

Electoral participation

The inquiry's terms of reference ask about "increasing voter turnout and participation in elections and encouraging political activity" and "expanding voter franchise".

VOTING INSTRUCTIONS

The Hare-Clark voting system is the best in Australia because it produces representation that is roughly proportional to voter sentiment. With Robson rotation, it encourages voters to choose between candidates of the same party, not just choose between parties.

As in other preferential voting systems, a vote is most effective when every box is numbered. Unfortunately, only 32% of those who cast a valid vote number more than five boxes.²⁵ The effect is that at least 68% of voters, 186,000 Canberrans, cast a vote that is weaker than it could be.

The current ballot paper is not wrong, but requires close reading: "You may then show as many further preferences as you wish".

This point could be made more strongly, either printed on the ballot, in verbal instructions or both. Something like: "Your vote is most effective if you number every box".

Recommendation: Consider voting instructions that inform voters of the power of their vote.

²⁵ ACT Electoral Commission (2025) *2024 Legislative Assembly election report*, p. 92

COMPULSORY VOTING

Compulsory voting is a cornerstone of Australian democracy.

When voting is optional, those with lower education and lower income are less likely to vote.²⁶ This makes government less representative and exacerbates disenfranchisement.

At \$20, the fine for not voting in the ACT is as low as it is at the Commonwealth level, where it has not increased since 1984. Over time that means the deterrence value of the fine has declined.²⁷

The ACT Electoral Commission's proposal to increase the fine for not voting to \$40 seems proportional and fair. Pegging it to penalty units will stop it from falling behind due to inflation.

Looking at the data on non-voters provided by the Commission, a stronger focus on enforcement for those who did not reply to the first notice seems in order. Three times as many respondents apparently ignored the fine as paid it.²⁸ The model proposed by the Commission seems like a sound approach in the circumstances.

Recommendation: Increase the fine for not voting and peg it to penalty units.

²⁶ Flinders (2014) *Low voter turnout is clearly a problem, but a much greater worry is the growing inequality of that turnout*, <https://blogs.lse.ac.uk/politicsandpolicy/look-beneath-the-vote/>; OECD (2011) *Society at a glance 2011: OECD social indicators*, p. 97, https://www.oecd-ilibrary.org/social-issues-migration-health/society-at-a-glance-2011_soc_glance-2011-en

²⁷ Browne and Shields (2022) *Fortifying Australian democracy: submission to the inquiry into the 2022 election*, pp. 39–40

²⁸ ACT Electoral Commission (2025) *2024 Legislative Assembly election report*, p. 60

EXPANDING THE FRANCHISE

At around the time of the last territory election, there were about 370,000 adults living in the ACT²⁹ but fewer than 275,000 votes were counted.³⁰

The two largest contributors to this gap are the approximately 50,000 residents who are not eligible to vote in ACT elections³¹ (mostly by virtue of not being Australian citizens) and the over 40,000 on the electoral roll who failed to turn out to vote.³²

Of the 50,000 Canberran adults who are not eligible to vote, some would be permanent residents and others temporary residents.

A person's connections to the community are not always reflected by their visa status – because of Australia's complex immigration system, someone could have studied and worked in the country for a decade without obtaining citizenship.

In the last term of parliament, the multi-party Joint Standing Committee on Electoral Matters considered whether Australia should extend the vote to permanent residents but in the end just recommended that “the Australian Government continue to support people who wish to become Australian citizens”.³³

Several other countries, like Jamaica and the UK, allow Australian expatriates to vote in their national elections. New Zealand allows all permanent residents to vote.

²⁹ Based on 2023 data of the ages of ACT residents and September 2024 population figures: ABS (2024) *Regional population by age and sex, 2023*, <https://www.abs.gov.au/statistics/people/population/regional-population-age-and-sex/latest-release>; (2025) *National, state and territory population, September 2024*, <https://www.abs.gov.au/statistics/people/population/national-state-and-territory-population/sep-2024>; ACT Electoral Commission (2025) *2024 Legislative Assembly election report*, pp. 26–29, 93

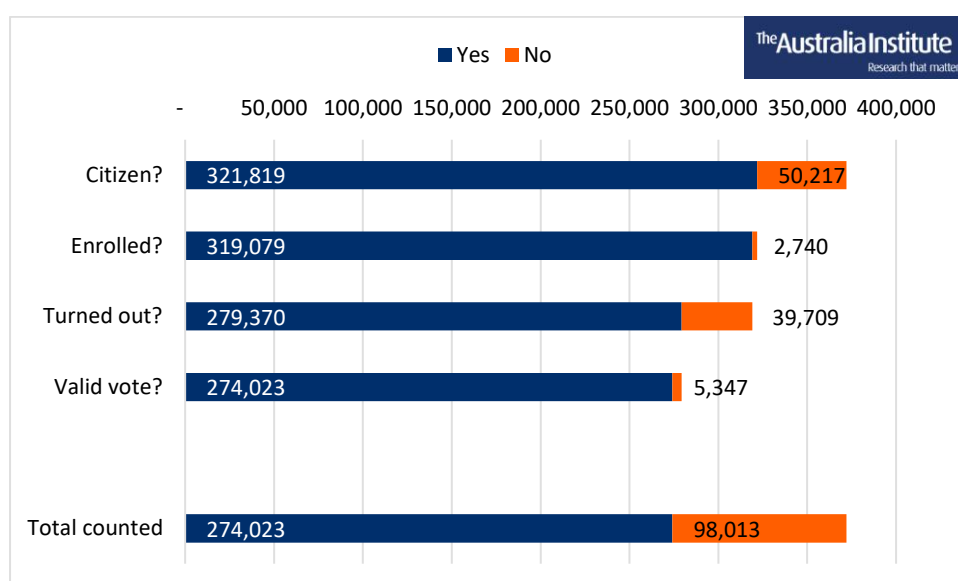
³⁰ ACT Electoral Commission (2025) *2024 Legislative Assembly election report*, p. 106

³¹ Compare population figures above to ACT Electoral Commission (2025) *2024 Legislative Assembly election report*, pp. 27, 28

³² Compare enrolment of 321,819 (after accounting for ineligible electors) to 279,370 votes cast: ACT Electoral Commission (2025) *2024 Legislative Assembly election report*, pp. 27, 77

³³ JSCEM (2023) *Conduct of the 2022 federal election and other matters: Final report*, chap. 4, https://www.aph.gov.au/Parliamentary_Business/Committees/Joint/Electoral_Matters/~/_link.aspx?_id=B0EB44BCE6544D4488F8F90E44E0AA37&_z=z

Figure 3: Conditions for having a vote counted at the 2024 territory election



Source: ABS (2024) *Regional population by age and sex, 2023*, [https://www.abs.gov.au/statistics/people/population/regional-population-age-and-sex/latest-release](https://www.abs.gov.au/statistics/people/population/regional-population-age-and-sex/latest-release;); (2025) *National, state and territory population, September 2024*, <https://www.abs.gov.au/statistics/people/population/national-state-and-territory-population/sep-2024>; ACT Electoral Commission (2025) *2024 Legislative Assembly election report*, pp. 26–29, 93

Note: Where applicable, figures reduced by 2,642 to reflect electors still on the roll who were probably ineligible to vote.³⁴

Votes for 16- and 17-year-olds

In principle, the Australia Institute supports extending the franchise to those aged 16 and older. Young people have a stake in the decisions that are made for them and in their name and have the greatest incentive of any group of voters to consider the long term. Decisions made by governments today, particularly in response to global warming, will affect a 16-year-old today for decades to come.

There are about 10,000 Australian citizens in the ACT aged 16 or 17.³⁵

Australia Institute research finds that “if you don’t vote, you don’t count”. Examples include the increase in pension spending after compulsory voting was introduced in Australia; large and sudden increases in public health expenditure when women received the vote in the United States; and improved public services in African-American communities after the

³⁴ Following the ACT Electoral Commission’s reasoning in ACT Electoral Commission (2025) *2024 Legislative Assembly election report*, p. 29

³⁵ ABS (2024) *Regional population by age and sex, 2023*; assumes 90% of those aged 16 or 17 are citizens, based on Department of Home Affairs figures. This is slightly ahead of the 86% citizen rate among the adult ACT population.

Voting Rights Act 1965.³⁶ Allowing those 16 and 17 years of age to vote could lead to similar, valuable outcomes for young people.

As Troy Bramston argues in *The Australian*:

Lowering the minimum voting age from 18 to 16 will encourage a more active and engaged democratic citizenry, and when coupled with increased public information and civics education in schools, there is no valid argument against this reform.³⁷

The voting age is lower in countries like Indonesia (17), Greece (17), Austria (16) and Brazil (16). The United Kingdom plans to reduce the voting age to 16.

While compulsory voting is a cornerstone of Australian democracy, and fines for not voting are too low in general, a \$10 fine for those under 18 seems proportional and fair.

Ideally, the ACT would have the option to make enrolment and voting voluntary for those under 18, and we recommend the ACT engage with the Commonwealth to this end. Australia Institute polling research in 2021 found that 45% of Australians supported that legislative change to give the ACT flexibility, with only 31% opposed.³⁸

Recommend: Consider allowing 16- and 17-year-olds to vote, either with a nominal fine for not voting or on a voluntary basis if the Commonwealth Parliament can be convinced to amend the relevant legislation.

Double voting

The Electoral Commission should be commended for using an electronic roll system that means attempts at double-voting are caught immediately.

Very few people show up as voting more than once in any Australian election, and usually there is an explanation – like a person with a similar name having been marked off as voting instead of the actual voter.

The electronic rolls used in the ACT mean that even these rare cases are detected and resolved. The Australia Institute has recommended their adoption federally.³⁹

³⁶ Shields & Campbell (2016) *#democracysausage*, pp. 11–12, <https://australiainstitute.org.au/report/democracysausage/>

³⁷ Bramston (2025) *Australia's voting age debate: Why Australia should follow UK and change electoral laws*, <https://www.theaustralian.com.au/commentary/strengthen-democracy-its-time-to-lower-the-voting-age/news-story/ce7bdb966daa193fd93419cdf78eed64>

³⁸ Browne (2022) *Expanding voting rights in the ACT*, <https://australiainstitute.org.au/report/expanding-voting-rights-in-the-act/>

³⁹ Browne, Seth-Purdie, & Shields (2021) *Identifying the problem: Voter ID laws a solution in search of a problem*, p. 2, <https://australiainstitute.org.au/report/identifying-the-problem/>

Truth in political advertising laws

The inquiry's terms of reference ask about "the operation of truth in political advertising provisions".

The ACT's truth in political advertising laws seemed to operate well at the 2024 territory election.

There was a single adverse finding: a Labor ad that attributed the quote "women should definitely not be allowed abortions" to Liberal deputy leader Leanne Castley. Castley had in fact said "definitely no" to the question of whether women should *readily* be able to obtain abortions.⁴⁰

The Electoral Commission provides information on the number of complaints received (32) and the number of staff required to administer truth in political advertising laws (just two). This is a small impost; misleading advertising complaints make up just 32 of 142 complaints and staff responsible for reviewing misleading advertising just 2 of the 767 total staff employed during the 2024 election.⁴¹

It would be useful to receive more data on how long the ACT Electoral Commission took to process complaints, as politicians in other jurisdictions considering truth in political advertising laws often ask about timing and delays.

It would also be useful for the Electoral Commissioner to release their reasoning when a finding of misleading advertising has been made. In the case of Castley's comments on abortion, for example, was Castley's more recent vote to increase abortion access⁴² taken into account, or was it just about whether her 2020 comments were faithfully represented?

Recommendation: Request the Electoral Commission publish reasons when making a finding of misleading advertising.

Recommendation: Request the Electoral Commission release more information about misleading advertising complaints.

⁴⁰ Bovill (2024) *ACT Labor forced to remove "inaccurate and misleading" election ad*, <https://www.abc.net.au/news/2024-10-18/act-labor-instructed-to-remove-election-ad-about-leanne-casley/104489952>

⁴¹ ACT Electoral Commission (2025) *2024 Legislative Assembly election report*, pp. 49–50, 54–55 54, 55

⁴² As mentioned here: Bovill (2024) *ACT Labor forced to remove "inaccurate and misleading" election ad*

Conclusion

As a Canberra-based think tank, the Australia Institute has a particular interest in the ACT. The territory's Hare-Clark voting system is very good, and successful negotiations following elections provide a model for power-sharing parliaments elsewhere.⁴³ In addition, the territory serves as a "laboratory of democracy" in which good policies can be tested before being adopted in other states and territories.⁴⁴

The electoral reforms that this committee will consider for the ACT are not only important in their own right, but as a model for other Australian jurisdictions as well.

⁴³ Browne, Black and Predavec (2025) *Forming power sharing government*, <https://australiainstitute.org.au/report/forming-power-sharing-government/>

⁴⁴ Browne (2019) *Canberra: Laboratory of democracy*, <https://australiainstitute.org.au/report/canberra-laboratory-of-democracy/>