

**Select Committee on the 2016 ACT election and Electoral Act**

Ms Bec Cody MLA (Chair), Mr James Milligan MLA (Deputy Chair)

Ms Tara Cheyne MLA, Ms Caroline Le Couteur MLA, Mr Andrew Wall MLA

**LEGISLATIVE ASSEMBLY**

**FOR THE AUSTRALIAN CAPITAL TERRITORY**

**Committee on the 2016 ACT Election tables final report**

**The Select Committee on the 2016 ACT Election and Electoral Act has today tabled its final report.**

**The Committee Chair, Bec Cody MLA advised the Legislative Assembly, when tabling the Committee’s report, that the Committee has made 23 recommendations (which are attached) arising from the Committee’s inquiry.**

The report can be accessed at:  <https://www.parliament.act.gov.au/in-committees/select_committees/2016-ACT-Election-and-Electoral-Act/inquiry-into-the-operation-of-the-2016-act-election-and-the-electoral-act>

**The Committee’s key recommendations focus on the reports on the 2016 ACT election by the ACT Electoral Commission and the Auditor-General; matters which the Committee was asked to inquire into by the Legislative Assembly.**

Key recommendations from the Committee include:

* the ACT retain the current minimum voting age of 18;
* political donations from property developers be banned in the ACT;
* the ACT Electoral Commission include an optional SMS scheme for electors who did not cast a vote in previous elections, which provides the elector with reminders about voting;
* the prescribed penalty for failing to vote to increase to one half of a penalty unit, rounded to the nearest $5.00;
* the development and inclusion of civics and citizenship education as part of the ACT year 11 and 12 curriculum;
* authorised person to remove a non-compliant electoral advertising sign from public unleased land without providing the seven day direction requesting compliance;
* electoral material displayed on private property, inside the defined polling area, to remain throughout the polling period;
* consideration of electronic voting for blind and visually impaired voters;
* the ACT Electoral Commission to conduct a survey of the community to determine whether the canvassing exclusion zone be reduced, maintained or increased; and
* an elector may vote at a pre-poll voting centre without the requirement to declare that they are unable to attend a polling place on polling day.

On 15 December 2016, the Legislative Assembly established the Committee to inquire into a number of matters which are of current and future importnace to what is a quickly changing electoral landscape with issues such as e-voting, social media and political donations.

As part of its considerations, the Committee invited and received a range of submissions from interested organisations and individuals, as well as taking evidence from a number of submissions.

The Committee received detailed submissions form the Electoral Commission and from the three parties represented in the Assembly, as well as other political parties with a presence in the ACT.

The Committee also visited Tasmania during its inquiry, and held discussions with Tasmanian MPs and the Tasmanian Electoral Commissioner.

***STATEMENT ENDS—Thursday, 30 November 2017***

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[Recommendation 1](#_Toc499716211)

[2.29 The Committee recommends, that in addition to the current notification around elections, the ACT Electoral Commission include an optional SMS scheme for electors who did not cast a vote in previous elections, which provides the elector with reminders about voting.](#_Toc499716212)

[Recommendation 2](#_Toc499716213)

[3.18 The Committee recommends that social media profile pages of political parties and candidates are to be authorised. However, the Committee also recommends that individual posts, including images, need not be authorised.](#_Toc499716214)

[Recommendation 3](#_Toc499716215)

[3.27 The Committee recommends that section 198AA of the ACT *Electoral Act* 1992 be amended to include fundraising contributions, in relation to a single fundraising event that is $250 or less be included in the definition of ‘gift’.](#_Toc499716216)

[Recommendation 4](#_Toc499716217)

[3.30 The Committee recommends that the ACT *Electoral Act 1992* be amended to set the prescribed penalty for failing to vote at one half of a penalty unit, which is defined in the *Legislation Act 2001*, rounded to the nearest $5.00.](#_Toc499716218)

[Recommendation 5](#_Toc499716219)

[4.29 The Committee recommends that the ACT retain the current minimum voting age of 18.](#_Toc499716220)

[Recommendation 6](#_Toc499716221)

[5.13 The Committee recommends a review of current legislation, regulation and practices to recognise the separate and overlapping functions of MLA, member of the Executive, political candidate and private citizen, with a view to improve demarcation and transparency of definitions.](#_Toc499716222)

[Recommendation 7](#_Toc499716223)

[5.14 The Committee recommends a review and update of all rules and regulations for the use of MLA’s office, staffing and Communications Allowance to ensure MLAs are able to adequately carry out their functions, including during an election period.](#_Toc499716224)

[Recommendation 8](#_Toc499716225)

[5.37 The Committee recommends that political donations from property developers be banned in the ACT.](#_Toc499716226)

[Recommendation 9](#_Toc499716227)

[5.46 The Committee recommends that the ACT maintain its current donation reporting timeframe model, where parties and candidates must disclose all gifts and loans totalling $1,000 or more, within seven days from 1 July though to polling day in an election year.](#_Toc499716228)

[Recommendation 10](#_Toc499716229)

[6.14 The Committee recommends that the Minister for Education and Early Childhood Development, in consultation with the Education Directorate, develop and include civics and citizenship education as part of the ACT year 11 and 12 curriculum.](#_Toc499716230)

[Recommendation 11](#_Toc499716231)

[6.28 The Committee recommends that the ACT Electoral Commission or other appropriate body provide a detailed proposal, including costs of setting up and maintaining a website, mobile app and printed material, with details of candidates at Legislative Assembly Elections, starting with the 2020 ACT election.](#_Toc499716232)

[Recommendation 12](#_Toc499716233)

[7.14 The Committee recommends that the *Public Unleased Land Act 2013* be amended to allow an authorised person to remove a non-compliant electoral advertising sign from public unleased land without providing the seven day direction requesting compliance.](#_Toc499716234)

[Recommendation 13](#_Toc499716235)

[7.15 The Committee recommends that the ACT *Electoral Act 1992* be amended to allow electoral material displayed on private property, inside the defined polling area, to remain throughout the polling period.](#_Toc499716236)

[Recommendation 14](#_Toc499716237)

[7.31 The Committee recommends that the ACT Electoral Commission continue to consider a limited electronic voting option for electors who are overseas.](#_Toc499716238)

[Recommendation 15](#_Toc499716239)

[7.32 The Committee recommends, as part of consideration of electronic voting, blind and visually impaired voters be given the opportunity to cast a secret vote.](#_Toc499716240)

[Recommendation 16](#_Toc499716241)

[7.33 The Committee recommends the ACT Electoral Commissioner investigate and report on the possible use of Australian Consular and diplomatic posts overseas, as an alternative voting option for electors who are overseas.](#_Toc499716242)

[Recommendation 17](#_Toc499716243)

[7.34 The Committee recommends that the ACT Electoral Commissioner report to the Assembly, by the last sitting day in June 2018, the results of the investigation into the provision of both a limited electronic voting option for electors who are overseas and a similar electronic voting option for blind and visually impaired electors.](#_Toc499716244)