

Joint Standing Committee on Electoral Matters

Inquiry into proposals to increase voter engagement, participation and confidence

Committee met 17 March 2025 | Due date – Tuesday, 8 April

Responses to supplementary questions for witnesses

1. The Human Rights Law Centre called for the deployment of mobile polling booths to remote homelands ([sub 15](#), p 11). What methods does the NSW Electoral Commission use to deliver electoral services to Indigenous electors, especially those in remote NSW?

The NSW Electoral Commission does not currently provide mobile voting to remote First Nations electors at State and Local government elections. The Electoral Commission would support, however, having the flexibility to do so at State elections, noting that amendments to the *Electoral Act 2017* would be required to provide for this, similar to section 332A of the *Local Government (General) Regulation 2021* and formerly by section 87B of the *Parliamentary Electorates and Elections Act 1912*. The Electoral Commission will be reviewing the mobile voting services offered by the Australian Electoral Commission at the upcoming federal election in NSW and will consider if it would be useful to trial similar mobile voting services should Central Darling Shire Council come out of administration prior to the 2027 State election.

The Electoral Commission has also established voting venues at the following locations in recent state-wide elections to serve First Nations communities:

- Enngonia Public School
- Jubullum Local Aboriginal Land Council (LALC) Hall
- Muli Muli Hall
- Murrin Bridge Preschool
- Purfleet Community Centre
- Tharawal Medical Services
- Toomelah Public School
- Wallaga Lake Koori Village Hall
- Weilmoringle Public School
- Wiradjuri Pre-Poll, Griffith (at either the LALC Hall or the Aboriginal Medical Centre).

Far fewer electors use these venues than would ordinarily be required to maintain a voting location. The Electoral Commission has committed to their operation, however, due to the high levels of First Nations electors that choose to vote at those locations. Some of these venues have been chosen as a result of feedback from local electors and others identified during the NSW Aboriginal Land Council elections, also conducted by the Electoral Commission.

These locations (with the exception of Wiradjuri Pre-Poll) have all been election day voting centres, open from 8am to 6pm for any elector to attend on election day. While three of these venues had to be closed due to an inability to recruit enough staff at the 2023 State election, all those in contested areas for the 2024 Local Government elections operated successfully. The Electoral Commission actively seeks to employ staff identifying as First Nations to work in voting centres across NSW and particularly in centres serving communities with high First Nations populations. At the 2024 Local Government elections 2.87 per cent of temporary election staff identified as First Nations.

2. What would be the operational impacts, including the need for funding, should the NSW Government implement the recommendations made by the ICAC in its Operation Aero report? (sub 35, pp 47-48; [Operation Aero](#), recommendations 2-5).

The NSW Electoral Commission confirms that it would need to receive additional funding before it could implement the recommendations. The Electoral Commission understands these recommendations would, broadly, confer on it the following additional functions and activities (with reference to Operation Aero, recommendations 2-5):

- Contributions to a working group established for the development of 'model rules' for party governance and control standards applicable to maintain electoral funding and campaign finance integrity.
- Communication, education and support to impacted parties and stakeholders.
- Assessment and approval of each party's minimum standards (modified model rules).
- Monitoring and auditing of each party's compliance with approved standards, including assessment of 'achievement of acceptable standards' of party governance and internal controls to be eligible for payments from the public funding schemes administered by the NSW Electoral Commission.
- Investigation of allegations, complaints or reports of non-compliance with standards.
- Enforcement actions to respond to non-compliance that may include, subject to the legislation, the withholding of public funding and the publication of decisions. Should offence provisions apply to the new obligations, enforcement actions may also include fines or prosecutions.
- Publication of party standards and publication of information or audit reports about party adherence to approved standards.

To initially establish and implement the new functions, the NSW Electoral Commission will require **one off funding** for policy and procedural changes, enhancements to current systems, website, education material to support compliance, communication and stakeholder engagement activities with parties.

To administer these types of operational activities, the NSW Electoral Commission will need appropriate levels of **ongoing funding** for additional officers with expertise in stakeholder engagement, policy, audit, investigation and legal.

It is not possible to cost these types of operational activities without more detailed information about the specific amendments to the legislation and intended operation of the scheme. As noted in our submission, the Electoral Commission considers that the rules established around governance standards and controls must be sufficiently clear and objective for it to be able to conduct compliance assessments and audits.

3. Your report on technology assisted voting supported limiting iVote to specific cohorts, such as those with low vision. If technology assisted voting were restricted in this way, how could you verify eligibility and address the privacy concerns of disability groups?

As set out in the previous Electoral Commissioner's report, the Electoral Commission understands that peak bodies representing people who are blind or have low vision consider there are privacy and other policy considerations concerns about providing medical evidence to prove eligibility for online voting or other forms of technology assisted voting (TAV).

Legislation currently sets out eligibility requirements for TAV and provides that the Electoral Commissioner must be satisfied that an applicant for TAV is eligible before permitting the elector to vote. Similar to postal voting, early voting and absent voting, an elector can make a declaration during their application process that they are eligible to use TAV and that is the sole basis on which their eligibility is assessed. Making a false statement in an application to the Commission is a criminal offence. If online voting was resourced again and was able to be made available at a future election, continuing with the current approach for determining eligibility by declaration would mean there were no privacy concerns arising from the production of supporting medical or similar evidence.

If legislation was amended to require supporting evidence of an elector's eligibility to use TAV, however, the Electoral Commission would apply that rule. There is a risk under such a scenario that decision-making around eligibility may be challenged, including during an election event, if the type of supporting evidence required is not clearly described in legislation.

Issues concerning digital identity verification for TAV via the internet are discussed in the final report of the previous Electoral Commissioner's review into the feasibility of TAV in New South Wales, at paragraphs 265 to 269. The verification of eligibility is also discussed in the report, at paragraphs 279 to 283.

4. We've heard arguments against specific savings provisions in legislation where there is a technical failure of technology assisted voting ([sub 22, p 2](#)). Could you comment on the inclusion of savings provisions in legislation where there is a technical failure of technology assisted voting?

Potential savings provisions to mitigate the risks of technology assisted voting (TAV) are discussed in the final report of the previous Electoral Commissioner's review into the feasibility of TAV in New South Wales, including at paragraphs 292 to 308. The report acknowledged the difficulties of such provisions in the event of a technical failure that has compromised the integrity of votes actually cast and identifying the public interest in savings provisions when a large proportion of the total electors have been impacted. It also noted that if future eligibility to use TAV was as expansive as at previous elections, any savings provision itself could undermine election integrity and trust in the democratic process.

The Electoral Commission reiterates the conclusion in the former Electoral Commissioner's report, however, that the cost and adverse impact on public trust in democratic processes of re-running an invalid election due to a material irregularity arising from TAV requires mitigating legislation. It is appropriate and proportionate that any future legislation, in specified circumstances, preserve the validity of an election result despite technical performance issues with a TAV channel; for example where it is not available for all or some eligible electors to use or where votes that are already cast cannot be verified or counted. A clear legislative framework for savings provisions in appropriate cases should be in place before any form of internet voting is considered again. As noted in the report, such legislation could set thresholds at which savings provisions may apply and could define whether those thresholds should differ according to the type of election event. The previous Commissioner's report set out useful examples of how such thresholds might be set.

5. Could you provide information on any NSW Electoral Commission education programs that use community languages to improve voter confidence and awareness of electoral processes, and combat mis- and disinformation?

How are these programs designed and delivered? Has there been any examination of their effectiveness?

The NSW Electoral Commission has a statutory function of promoting public awareness of electoral matters that are in the public interest by means of education, information programs and research. It has a small ongoing in-house communications team that leads some of this work and assists other subject-matter expert teams with communications and engagement around election integrity. Some of the Communications teams' work is not funded on an ongoing basis but relies on temporary election event budgets to fund temporary roles and activity, making longer-term strategic improvements challenging to design and implement. There are also no community outreach roles within the team, unlike similar commissions in other jurisdictions, and so the Electoral Commission has been seeking budget supplementation to be able to do more in this area.

Within its existing labour expenses cap and temporary event funding, for all state-wide elections the NSW Electoral Commission undertakes advertising, media engagements, direct communications and targeted stakeholder engagement to raise public awareness about the elections and provide information and education to voters and political participants. The aims of these activities are, within available resources, to maintain a transparent and trustworthy electoral process and support people across NSW to have access to sources of information that allow them to participate with understanding in an election and to comply with their obligations.

Evaluation of the experience of CALD electors at elections

After each general election, the NSW Electoral Commission conducts research with voters, political participants and other election stakeholders to evaluate election services and to deliver actionable insights to increase understanding, trust and future participation in democracy. The independent research reports are available on our website.

2024 NSW Local Government elections

For the 2024 NSW Local Government elections, overall, culturally and linguistically diverse survey participants (in-language survey) reported that they felt most informed about how to fill out a ballot paper (68 per cent), with nearly two in five (42 per cent) participants reporting they were very informed. Similarly, approximately two out of three (66 per cent) also reported that they were informed about finding out how to vote on election day, while three out of five (60 per cent) reporting they were informed about accessibility of polling places.

Approximately the same proportion of culturally and linguistically diverse survey participants felt informed about how to check and/or update their enrolment details (53 per cent) and early and alternative voting options (50 per cent). While the participants felt significantly less informed about the candidates (40 per cent). The specific percentages varied across each language group (Mandarin, Arabic, Cantonese, Hindi and Vietnamese).

2023 NSW State election

For the 2023 NSW State election, culturally and linguistically diverse participants (from the in-language survey) reported that they felt most informed about finding out where to vote on election day (81 per cent), with nearly two in five (39 per cent) participants reporting they were very informed. More than six in ten (63 per cent) reported that they were informed about how to fill out a ballot paper, with a similar proportion (59 per cent) reporting they were informed about early and alternative vote options.

Fewer culturally and linguistically diverse participants reported that they were informed about how to check and update enrolment details (48 per cent) or about the candidates (46 per cent). The specific percentages varied across each language group (Mandarin, Arabic, Cantonese).

Information in-language

For the 2024 Local Government elections the NSW Electoral Commission published translated information about voting in the top 26 languages most spoken in New South Wales: Chinese Traditional, Vietnamese, Arabic, Chinese Simplified, Greek, Korean, Italian, Spanish, Macedonian, Turkish, Serbian, Khmer, Assyrian Neo-Aramaic, Croatian, Persian, Thai, Portuguese, Russian, Lao, Dari, Hindi, Indonesian, Bengali, Tagalog, Maltese and Polish.

Vote Talk – produced in partnership with the Ethnic Communities Council of NSW

The Ethnic Communities Council of NSW (ECCNSW) is the peak body for culturally and linguistically diverse (CALD) communities in NSW. For the 2024 Local Government elections, the NSW Electoral Commission continued its partnership with ECCNSW to deliver the [Vote Talk program](#).

Vote Talk is a series of community-led education, engagement and communication initiatives on voting and elections. The aim is to provide targeted education, radio spots and community conversations to raise the awareness of electoral processes and improve the voting practices and participation of CALD Australian citizens over 18 years of age.

Eight CALD language groups across Greater Sydney were targeted (based on low English language proficiency using the latest ABS Census data and feedback from the sector regarding high-priority groups): Arabic, Cantonese, Greek, Korean, Mandarin, Nepali, Hindi and Vietnamese. For the 2024 Local Government elections, the Vote Talk program included:

- community engagement sessions run by ECCNSW bilingual facilitators, trained by the NSW Electoral Commission
- pre-recorded in-language messages on how to fill out ballot papers played on community radio in nine languages.
- Key insights from the 2024 Local Government elections Vote Talk program included:
- ECCNSW engaged 1,228 individuals in over 80 in-language information sessions delivered in eight languages. This was an increase from the 2023 NSW State election, with 505 participants over 30 sessions in six languages.
- Over the course of six weeks leading up to the election, 36 in-language radio interviews were broadcast across community radio stations.
- Collaboration with local ethnic social media platforms and online community influencers reached a broad audience.

Evaluation

The Vote Talk program was evaluated using a 'before and after' survey format. An indication of the success of the program is shown by the change in responses from participants pre- and post-engagement.

- Confidence in, and knowledge of, voting options and how to vote increased from 25 per cent (pre-engagement) to 84.7 per cent (post-engagement)
- Preparedness to vote increased from 33.8 per cent (pre-engagement) to 81.4 per cent (post-engagement)

Metro Assist – Community Partnerships

For the 2024 Local Government elections, the Electoral Commission piloted a new community partnership with Metro Assist. Metro Assist is a community organisation in the Sydney Southwest area which has provided services to CALD communities for over 35 years specifically to migrant communities.

The pilot involved a multi-faceted campaign which aimed at: improving knowledge about the 2024 NSW Local Government elections, the importance of voting and increasing trust and confidence in the electoral and democratic systems with the CALD community. The campaign included community engagement sessions, a local print campaign, and a social media campaign.

Outputs and evaluation

Key insights from Metro Assist's pilot for the 2024 Local Government elections included:

- The eight community education sessions were attended by 169 participants; of whom, 160 participants indicated they then voted at the NSW 2024 Local Government elections.
- A targeted local print campaign with seven in-language advertisements reached more than 124,000 readers.
- Paid social media campaign targeting CALD communities on Meta reached 214,800 users.
- Campaign support through Metro Assist's social platforms including Facebook, WhatsApp, WeChat and LinkedIn and SMS messaging had a total reach of over 58,000. Campaign messaging included voting reminders and information on the voting process.

Voter awareness campaign

Voter awareness campaigns are run ahead of every state-wide election, using a clear, informative, brand-focused approach to alert electors in New South Wales, interstate and overseas to their obligation to participate in the elections and their voting options.

The campaigns combine a broad-based approach with targeted messaging and channels. This allows the campaign to reach as many voters as possible, while also focusing on key audiences to improve voter turnout and reduce barriers to voting. This includes CALD communities.

For the 2024 Local Government elections, campaign advertising was translated into 20 different languages rolled out across 48 channels, with a media buy spend of 13.3 per cent of the available budget. This investment is above the NSW Government policy of a 9 per cent minimum media spend to reach multicultural and Aboriginal audiences.

All content drove audiences to more information, in-language, on the NSW Electoral Commission website.

Campaign evaluation

Post-campaign research surveyed a representative group of 1,209 NSW eligible voters about the campaign.

- 47 per cent of survey participants recalled seeing the ads, of which 60 per cent took action as a result of the campaign.
- Of the people surveyed who identified as being from a culturally and linguistically diverse background (199 people), 58 per cent recalled seeing the ads.

Stop and consider campaign

False information about elections circulating in the community, including through different forms of media, can undermine confidence in the integrity of democratic processes and have broader consequences for society.

To counter the rise in misinformation and disinformation, awareness campaigns were run at the 2023 State election and the 2024 Local Government elections encouraging voters to consider the information they saw and heard that may have sought to influence their vote.

The campaign, called 'Stop and consider' provided voters with information to help assess potential misinformation and disinformation. The campaign was based on the Australian Electoral Commission's (Stop and consider) campaign for its 2019 and 2022 federal elections. The Victorian Electoral Commission ran a similar campaign (Fact or fiction) for its 2022 State election.

For the 2024 campaign, advertising was translated into seven different languages rolled across 21 channels, with a media buy spend of 10.1 per cent of the available budget.

All content drove audiences to more information, in-language, on the NSW Electoral Commission website.

Campaign evaluation

Post-campaign research surveyed a representative group of 1,012 NSW eligible voters about the campaign:

- 32 per cent of survey participants recalled seeing the ads, of which 59 per cent took action as a result of the campaign.
- Of the people surveyed who identified as being from a culturally and linguistically diverse background (176 people), 46 per cent recalled seeing the ads.

Translated explainer videos

The NSW Electoral Commission produced five core community awareness (explainer) videos for the 2023 NSW State election and the 2024 Local Government elections.

Topics covered were:

- Voting at the election (including enrolment, key dates, voting options)
- How to vote by post (applying for and completing a postal vote)
- How to fill out your ballot papers
- Enrolling and voting with no fixed address (information for people experiencing homelessness)
- For the 2023 State election only – the redistribution of electoral districts boundaries
- For the 2024 Local Government elections only – the count process

These were published on YouTube and the Electoral Commission's community resources web page and were included in our translated stakeholder packs.

Translated stakeholder packs

The NSW Electoral Commission produced translated stakeholder packs in seven languages, collating all in-language resources, key messages and assistance available to voters. These stakeholder packs were distributed by SBS to community organisations and by the Commission to our reference group members and councils across New South Wales for use with their communities. The stakeholder pack was translated into Arabic, Simplified Chinese, Traditional Chinese, Vietnamese, Greek, Italian and Korean.

Election staff

The NSW Electoral Commission actively recruits staff who speak languages in addition to English so that voters can find assistance in their language when they come to vote. Election staff working in voting centres who spoke languages in addition to English were available to assist voters in-language and could be identified by badges indicating the language(s) spoken.

At the 2024 Local Government elections 22.92 per cent of staff spoke one or more languages in addition to English.

6. We've heard that candidates and party officials should be permitted to use an address other than their residential address on all publicly available documents, including electoral material and on the Electoral Commission's website ([sub 31](#), NSW Labor, p [13](#); [transcript](#), The Greens NSW, p 19). What is the Commission's position on this?

Sections 186-188 and 200 of the *Electoral Act 2017* currently require electoral material to include the name and address of the person who authorised the material, often referred to as an 'authorisation'. Section 4(3) provides that the address of an individual for that purpose includes a full street address and suburb or

locality, that is located in Australia and at which the individual can usually be contacted during the day, but does not include a post office box. That is, it is not a requirement to use an enrolled or residential address.

This aligns with arrangements for federal elections and for local government elections in New South Wales (under sections 321B and 321D(5) of the *Commonwealth Electoral Act 1918* and under section 356G-356GB of the *Local Government (General) Regulation 2021* respectively).

The language used in the NSW Electoral Commission's official communications is that political participants should use an address, including a full street address, at which the person usually can be contacted during the day. When participants contact us with queries in this regard, they are advised they may use an address other than their home address if they can be contacted at that location throughout the day, e.g., their workplace.

Including a street address in the authorisation may assist the Electoral Commission to undertake its compliance functions; that is, should the electoral material contravene other legal requirements, the Electoral Commission has an opportunity to identify the person who authorised the material and is able to contact them in a timely way and discuss required steps by them and/or take enforcement action. An address may also assist other election participants and voters to make their own inquiries in relation to material that they consider is non-complying.

The Electoral Commission would welcome being consulted about potential amendments to the type of information that should be required in the authorisation. This could include whether those requirements should differ according to the type of election participant. For electoral material distributed by a registered political party that is authorised by the registered officer (or other officer) of the party, the address of that person is known to the Commission, that is, the registered office of the party. Other election participants, such as prospective candidates who are yet to register or nominate, however, will not be known to the Commission before they begin distributing electoral material in the community during the regulated period for an election. Accordingly, an alternative scheme could be considered to require election participants who do not wish to or are unable to include an address on their electoral material to register as a candidate or a third-party campaigner before being permitted to distribute that electoral material.

7. We have heard that the voting age should be lowered to 16 ([sub 6](#), p 1). What is your view on lowering the voting age?

The *Electoral Act 2017* provides that a person is entitled to be enrolled if they have attained 16 years of age. Enrolment data held by the Electoral Commission indicates there is not currently significant engagement by 16 and 17 years olds in New South Wales with enrolment prior to their eligibility to vote (and compulsory enrolment) at 18 years of age.

Data as at 28 February 2025:

Age	Estimated eligible population	Enrolment	Enrolment rate
16	98,568	214	0.2%
17	97,993	1,694	1.7%

It is not known if the low levels of enrolment by 16 and 17 year olds is connected to the prohibition on voting until they turn 18. Lowering the voting age is a complex public policy issue, particularly in a jurisdiction that has a long history of mandatory enrolment and voting for citizens 18 and over. The Electoral Commission notes the following matters connected to compulsory enrolment and voting under NSW legislation that may warrant further consideration:

- The Australian Electoral Commission automatically enrolls many eligible Australians to vote in NSW elections under a joint roll agreement between the Commonwealth and the State of NSW. Letters are also sent to newly enrolled electors asking them to take action if they believe their automatic enrolment was a mistake.
 - All electors must currently vote in NSW elections unless they have a sufficient reason under legislation. Not knowing about an election is not a sufficient reason. Although the Electoral Commissioner has a broad discretion to excuse a person for not voting, none of the current legislatively prescribed sufficient reasons for not voting are related to age.
 - Younger voters may also wish to nominate as candidates and be elected, which would also make them subject to electoral funding obligations and other electoral conduct laws, which could also lead to the issue of penalty notices and prosecutions.
 - Younger voters may also wish to nominate other people as candidates for election.
 - Younger voters may also wish to be appointed as scrutineers.
 - Enrolment leads to the inclusion of a person's name on the jury roll.
-