

ELECTORAL COMMISSION

Questions from Ms Abigail Boyd MLC

Lowering the voting age

- 1. What would the NSW Electoral Commission require in order to prepare for 16-18 year olds to vote, on a voluntary basis, in a State or Local Government election, if the law were to be changed in order to permit it?**

Answer:

Persons who have turned 16 and meet residency requirements are entitled to enrol in NSW, but it is not compulsory and they are not entitled to vote until they turn 18. There is a longstanding joint roll agreement between New South Wales and the Commonwealth, under which the Australian Electoral Commission (AEC) and the NSW Electoral Commission jointly manage elector enrolment in New South Wales. Before any change of this kind could be introduced for NSW elections, it would be necessary for the NSW Government and the NSW Electoral Commission to consult with the Commonwealth Government and the AEC. After consultation about the policy and operational impacts for both jurisdictions, it may be practicable to estimate the additional resources, time or other support the Electoral Commission would require to implement a change to the voting age for NSW elections.

- 2. How long before an election would the NSW Electoral Commission require in order to facilitate this change?**

Answer:

Under the joint roll arrangements with the Commonwealth, the Australian Electoral Commission (AEC) manages NSW enrolments and provides the NSW Electoral Commission with enrolment data. These joint arrangements deliver significant benefits for electors in NSW and the administration of elections. There would need to be a significant change management process if voting eligibility criteria around age became inconsistent between NSW and Commonwealth elections. As a first step, consultation would be required with both the Commonwealth Government and the AEC, after which it may be possible to estimate the minimum timeframe for facilitating such a change for NSW elections. The Electoral Commission is very confident, however, that it would not be possible, even with additional resources, for such a change to be implemented prior to the State general election in March 2023.

3. What resources would be required in order to permit this change?

Answer:

Significant additional resources are likely to be required for such a change. For example, the Electoral Commission may need to meet additional costs incurred by the Australian Electoral Commission (AEC), in the performance of its enrolment functions for NSW under existing joint roll arrangements, as well as engage additional staff and deploy additional resources to undertake community and school education programs. Consultation with the AEC and the Commonwealth would be required, however, before any specific cost estimates could be developed.

At the present time, there are approximately 2,500 people under 18 enrolled in NSW, who are not entitled to vote. The number of 16 and 17 year old individuals who could potentially now enrol is estimated to be approximately 180,000, so expenditure would be required to ensure that this broader cohort (as well as NSW residents turning 16 in future years) are aware they may choose to both enrol and vote.

There may also be cost implications for other NSW agencies if a new right to vote is to be introduced, such as costs in providing access to additional data held by school and similar authorities. The NSW Electoral Commission may also need to make changes to its own information technology systems to ensure that such a change was implemented effectively, which would have additional resource implications.

Questions from the Hon Taylor Martin MLC

4. In general terms, once an Electoral Commission investigation is complete and no wrongdoing is found, can the Electoral Commission advise publicly that a matter is closed?

Answer:

The Electoral Commission does not confirm publicly whether an investigation is, or is not, taking place in relation to an identifiable individual. This extends to not confirming the closure of an investigation on the basis that no wrongdoing is found. The constraints on the Electoral Commission's ability to make public statements was raised in the foreword by the previous Chair of the Electoral Commission in its Annual Report of enforcement activities tabled in 2021 (see page 3). A recommendation for legislative change in this area to support greater transparency was also made by the Independent Commission Against Corruption in its report on Operation Aero.

The Electoral Commission's procedures for publication about its compliance and enforcement activities are set out in its *Compliance and Enforcement Publication*

Policy, which is available on its [website](#).

5. Regarding the donations referred to in the Independent Commission Against Corruption's Operation Aero as ALP Chris Minns cheques:

- (a) **Who provided the donations?**
- (b) **What steps have been taken to investigate the source of the ALP Chris Minns cheques?**
- (c) **When did you first become aware of concerns from the Independent Commission Against Corruption over the ALP Chris Minns cheques?**
- (d) **Did you receive any correspondence relating to the ALP Chris Minns cheques from the Independent Commission Against Corruption?**

Answer:

The Electoral Commission monitored the hearings of the Independent Commission Against Corruption (ICAC) in relation to its Operation Aero. The evidence given to the ICAC in September 2019 about political fundraising activities that were not within the scope of that inquiry, but which involved some of the same individuals and potential breaches of electoral funding legislation, was noted by the Electoral Commission at that time.

Although the Electoral Commission may refer conduct to the ICAC for investigation, section 13A of the ICAC Act notes that the investigation and prosecution of possible criminal offences under electoral laws is the primary responsibility of the Electoral Commission. Potential breaches of electoral laws that come to the attention of the Electoral Commission – by way of allegations made by third parties, its own compliance activities or through other avenues – are dealt with in accordance with its *Compliance and Enforcement Policy* and its *Compliance and Enforcement Procedures*. The policy and procedures are published on its [website](#). A decision about whether to commence a formal investigation in a particular case is made in accordance with that policy and procedures.

The Electoral Commission does not confirm publicly whether an investigation is, or is not, taking place involving identifiable individuals. The Electoral Commission's procedures for publication about its compliance and enforcement activities are set out in its *Compliance and Enforcement Publication Policy*, which is available on its [website](#).