REPORT ON PROCEEDINGS BEFORE

JOINT STANDING COMMITTEE ON ELECTORAL MATTERS

INQUIRY INTO PROPOSALS TO INCREASE VOTER ENGAGEMENT, PARTICIPATION AND CONFIDENCE

At Macquarie Room, Parliament House, Sydney, on Friday 27 September 2024

The Committee met at 9:30.

PRESENT

The Hon. Peter Primrose (Chair)

Legislative Council	**Legislative Assembly**
The Hon. Robert Borsak (Deputy Chair)	Mr Stephen Bali
The Hon. Chris Rath	Mr Tim James

PRESENT VIA VIDEOCONFERENCE

The Hon. Sam Farraway	Mr Nathan Hagarty
The Hon. Bob Nanva	

* Please note:
[inaudible] is used when audio words cannot be deciphered.
[audio malfunction] is used when words are lost due to a technical malfunction.
[disorder] is used when members or witnesses speak over one another.

The CHAIR: Before we start, I acknowledge the Gadigal people who are the traditional custodians of the land we are meeting on at Parliament. I also pay my respects to Elders past and present of the Eora nation and extend that respect to other Aboriginal and Torres Strait Islander people who are present or watching proceedings online. I welcome everyone to the first hearing of the inquiry of the Joint Standing Committee on Electoral Matters into proposals to increase voter engagement, participation and confidence.

My name is Peter Primrose, and I am the Committee Chair. I'm joined by my colleagues the Hon. Robert Borsak, the Deputy Chair; Mr Stephen Bali, member for Blacktown; Mr Tim James, member for Willoughby; and the Hon. Chris Rath. Mr Nathan Hagarty, the member for Leppington, and the Hon. Bob Nanva are joining us via videoconference. We thank the witnesses who are appearing before us today and the stakeholders who have made written submissions. We appreciate your input to this inquiry.

Miss ANHAAR KAREEM, Volunteer, Make it 16, sworn and examined

Mr ZAK O'HARA, New South Wales Campaigner, Run For It, sworn and examined

Mr MITCH SPRAGUE, Executive Director, Australian Council for Student Voice, before the Committee via videoconference, affirmed and examined

The CHAIR: I welcome our first witnesses. Can I stress before beginning that this is a friendly group of people. We are not monsters. We are not judges. If you have any questions at all, please just ask us. You don't have to stand up; you don't have to do anything else like that. What I'm going to do is go through the formal process and then we will ask you some questions, and please answer them any way that you think is appropriate. But if you have any questions at all, just let us know.

Thank you for appearing today to give evidence. I note that the Committee staff will take photos and videos during the hearing. The photos and videos may be used for social media and public engagement purposes on the Legislative Assembly social media pages and websites. Please inform the Committee staff if you object to having photos and videos taken. Before we start, do you have any questions about the hearing process today?

ANHAAR KAREEM: No.

ZAK O'HARA: No.

The CHAIR: Mr Sprague appears to be having technical issues. I'll let the Committee secretariat sort it out rather than us taking time, but we'll give you an opportunity to participate as soon as we sort out the technical problem. Can I now ask then if Miss Kareem or Mr O'Hara have an opening statement that they would like to make?

ANHAAR KAREEM: Yes, I've just got a short opening statement. I would just like to say good morning to everyone. I, too, would like to acknowledge that today's Committee is being held on Gadigal country and show solidarity with Indigenous people in Australia and around the world in their fight for self-determination. I'm 17 years old and I graduated from high school yesterday.

The CHAIR: Congratulations.

ANHAAR KAREEM: Thank you so much. I'm incredibly grateful to be here today as a representative of the Make it 16 campaign. I was first introduced to Make it 16 early in 2023, and I have worked with them for two years since. I'm someone who is very much passionate about advocating for young people, both in terms of their rights but also in terms of specific issues which disproportionately impact young people. It is my belief, alongside the Make it 16 campaign, that extending the right to vote to people who are 16 and 17 in Australia would uphold democracy in Australia but would also see increased civic participation for young people and more policy which kind of understands the issues that young people are facing and targets those issues. Pleasure to be here today and thank you so much for having me.

ZAK O'HARA: I'd also like to acknowledge the Gadigal people as the traditional owners of the land we're meeting on. What I'm passionate about and what Run For It is all about is encouraging voter engagement and political participation, and a huge part of that is franchisement. I only just turned 18 a few months ago. I also graduated on Monday, just like Anhaar.

The CHAIR: Congratulations.

ZAK O'HARA: Thank you. I voted for the first time in the local elections this year, but before that I had been working for nearly three years. I was driving. I could enlist in the military and pay taxes. These activities are all essential parts of a lot of young people's lives, but they're also all regulated by government—governments

that young people under the age of 18 don't have much say in choosing. Research from the Grattan Institute shows that there is an ever-widening generational wealth gap, and many young people have had to put a lot of aspirations on the backburner because of this. These economic woes and other issues that young people uniquely face are causing a lot of disillusionment for young people in our democratic system, which isn't a good sign. That's why it is so important to franchise young people now and empower them to get involved in our system now so that we don't have a generation of people who lack trust and lack confidence in our democracy. Thank you.

The CHAIR: We might try again with Mr Sprague. Can you hear us now? We still can't hear you, I'm sorry. What I might do is open questions for our other two witnesses, and we'll let the IT people continue working their with magic with Mr Sprague—even ultimately if we need to phone you and we might try that. You both mentioned that the current voting age diminishes young people's role in society and hinders their long-term engagement in democratic processes. I was wondering if you could elaborate on that and maybe also talk about the things that young people, 16-year-olds, 17-year-olds, can do and are obliged to do—everything except vote. Would you like to comment on that for us?

ANHAAR KAREEM: Young people in Australia, being 16 and 17, can already legally do a lot of things that we would consider "adult". That's things like driving, joining the army, paying rent—many of the things that Zak has already mentioned. For those reasons, young people make a lot of contributions to Australian society. We already see that in terms of them filling roles and many of them being employed, but also in terms of activism. Half a million young people have been campaigning for climate strikes, for instance. There have been many youth-led movements for environment, racial justice and economic justice. I think that indicates that young people are very much passionate about politics but don't have that democratic avenue to be able to actually contribute to who they would like to represent them in Parliament.

At its core, the function of democracy is that people who are affected by government should be able to have a say in who that government is made up of and what kind of policies they pass. Giving young people the right to vote is incredibly important in recognising that 16- and 17-year-olds already fulfil a lot of socially adult roles in Australian society. However, they're not able to vote, and I think that's both undemocratic and also just incredibly unfair to young people. As you said, it hinders their ability to contribute to a democratic society and to live lives in which they're very much civically participating in democratic society. I think it's very important to give them the right to vote as a step forward.

ZAK O'HARA: To add onto that from a logical standpoint as well, as young people, we are the ones who deal with the long-term consequences of every decision that's made in government and in Parliament. The ramifications of that will impact us for the longest of any cohort of voters. The reality is, at the moment, that people in their sixties, seventies and eighties have a sizeable sway and influence over politics and our democratic institutions, even though the implications of the decisions that they help influence and that they make actually impact them the least of any cohort, in most instances, and impact us young people the most. I think it's quite important just from that standpoint that young people have a voice when it comes to politics.

Also, in a lot of cases, we are the most vulnerable in certain situations. I know that young people, along with migrant workers, are probably the most exploited and most vulnerable to things like wage theft, being overworked and not being guaranteed certain rights in the workplace. When it comes to education and when it comes to university and HECS debt, it all has a massive impact on us. We don't have nearly as much of a sway over those decisions as people who went to university 40, 50 or 60 years ago.

The CHAIR: I note that the current Electoral Act already recognises the role of 16- and 17-year-olds in relation to politics. For example, section 57, in terms of the registration of political parties, allows 16- and 17-year-olds to be counted as members of the party for the purpose of registration of a political party. Do many young people involve themselves in politics and in political parties?

ANHAAR KAREEM: Yes, I definitely think many young people do. In terms of involvement with political parties, I know as someone who is among the high school cohort that many people do associate themselves, whether it's Young Liberal, Young Labor or Young Greens. I know a lot of people who are members of those parties and people who do political campaigning, definitely, as 16- and 17-year-olds. I even had a friend who I think was 14 and got in early as a member of their local party. That just indicates that young people, definitely—all the young people that I've encountered are very much keen to be involved in politics. That definitely indicates that they are ready to vote for a political candidate. Extending them the right to vote would recognise that. Obviously, within that Act that you just mentioned, we do recognise that young people are capable of making political contributions. I think, by logical extension, they should be able to vote for politicians. That's a really important way to uphold their rights in civic society.

ZAK O'HARA: If I could just add on to that also, as Anhaar said before as well, there are also so many young people who are involved or politically minded and very opinionated on certain matters who aren't actually

connected to any party. As Anhaar said, half a million students in the climate protest. I also know quite a few people who are signed up to local branches. I know far more who have very strong opinions about certain things that have big impacts on their lives and on all of our lives as young people, but who don't feel particularly connected to any party or team politically. I think those people are also particularly important to look out for because their vote, the undecided voter, has a big impact, I know, on what happens in Parliament.

The CHAIR: Mr Sprague, would you like to make a short opening statement?

MITCH SPRAGUE: Not from us, thank you.

Mr STEPHEN BALI: Thank you very much for your submission. It was well thought out and presented. I suppose the challenge over the decade is that young people—believe it or not, I was young once—always cried out to have a vote or to have a say. That didn't disenfranchise us just because we didn't have. If you look at the '70s and the '80s there was probably a lot more political activism back in those days than there is today. I suppose the challenge for us as politicians and for young people in a lot of the places that I go to is how do we connect? With the rise of social media and you guys jumping these days onto Facebook where it's almost like a newspaper that spreads out the information a lot more, these days if you're not in a small group of your own friends it's hard to get a message in.

The communication between politicians and young people seems to be a disconnect. Young people say, "We're not listened to." The politicians and everybody else, the bureaucracy, wants to talk to you guys but you're somewhere out there. In the end, information and knowledge are important. There is a lot of misinformation out there and people just run off and vote on a bit of incorrect information. My question is how do we raise the knowledge? I suppose as politicians it would be a lot more comfortable to drop the age if we feel that young people are properly connected into what's happening. How do we improve communications between the politicians, the bureaucracy and the young people? What are some potential opportunities?

ANHAAR KAREEM: I think that's a really important question. I do agree that I think there is a disconnect in some ways between politics and young people. I think part of that comes from the fact that young people don't feel like their voice is listened to. Even if we take lowering the age aside, for instance, youth protests, so whether it be the climate strike, recent school strikes for Palestine, for instance, lots of social movements like that, I think often the villainisation of young people by politicians adds to that. I think there is a sense of antagonism between politicians and young people in the sense that we often feel infantilised by politicians, told to go back to school, and I think rhetoric like that often exacerbates the divide between politicians and young people.

I do agree, though, that in the digital age it is difficult to connect with young people. There have been important initiatives to try to bridge that gap, whether that be trying to get young people consulted within political positions in order to improve social media platforms in order to make them more relatable to young people and to be able to connect with them better, whether that's things like youth advisory groups or local council committees for young people. Small but important steps like that are important in recognising the role of young people and having their lived experiences and contributions inform policy.

However, I would say, in terms of social media and the worry that young people are prone to misinformation, I definitely think that maybe young people are disproportionately affected by that—a lot of misinformation targets young people specifically—but I would also point to the fact that a lot of adults, particularly older people and senior Australians, are also quite vulnerable to misinformation. A lot of older Australians are vulnerable to things, whether it be scams but also news misinformation. That doesn't bar them from being able to vote. I definitely think that there are differences in the way that young people and older cohorts are prone to misinformation, but it's by no means unique to young people. I don't think that should be a hindrance to them being able to have the right to vote.

ZAK O'HARA: I have had the pleasure, over the past year, of working with the Advocate for Children and Young People. One principle that they have that I have really come to appreciate and that I hadn't really considered previously is that they always want to meet young people where they're at. If you're asking from the perspective of a politician or anyone in government who wants to reach out to young people, I think that's very important. As you said, with social media, the politicians who have had the most reach among people that I know are the ones who are active on social media and who are trying to be "hip with the kids", if you want to call it that. They're definitely the ones that have the most reach. A lot of the ACYP's success comes from meeting kids where they're at, whether that be talking in schools or on social media. I think that's the most effective manner to bridge that disconnect that we're talking about.

MITCH SPRAGUE: From our perspective, over the past couple of months we've been speaking a lot with teachers and students in classrooms about their experiences with participating in civics. We're seeing a cry

out for greater opportunities for engagement. We spoke to quite a few students who remarked about coming down to visit Parliament House or meeting with their MP. Those opportunities that students and young people have to engage with the political system being open, from our perspective, drives greater engagement, in addition to the political system going and meeting young people where they're at. It's a bit of both.

Mr TIM JAMES: Good morning. Congrats on getting through your high schooling. In the course of history, there has been, insofar as race, gender and some other areas, a level of discrimination in terms of who has the right to vote. I don't know all of the history and ins and outs of it, but I think the general thesis in terms of the age of 18 is that that is a reasonably balanced point at which you are no longer a child, you become an adult and your development is at such a stage that you have the maturity and capacity to make decisions, to control impulses and to weigh up long-term consequences. There is all of that consideration of development of young people. That probably has been the reason why 18 has been seen to be the age that is right. I hear what you say in terms of how this might, in the minds of some, be seen to be discriminatory, but I don't think that's the intent. I think it is grounded in development. I wanted to invite your thoughts on that, please, if I may.

ZAK O'HARA: Thank you for that question; it's a good question. Eighteen is a popular number here in Australia, but it's not universal everywhere. Obviously countries have different numbers, but the main issue with that is trying to put a line—to pick a number where everyone's meant to be developed enough to make critical choices about politics, or even drinking or whatever. Even in Australia, it differs. You can drive after you're 16, but you can't drink. You cannot vote. There are a lot of inconsistencies. Even if there weren't, it's not quite fair to be saying that, past this point, you are able to do something or you aren't, when the reality is that there's not much difference between someone who's 17 and 300 days old and someone who's just turned 18 the day before, when it comes to where they're at developmentally.

I think one proposal for lowering the age to 16 is to have it as non-compulsory voting between the ages of 16 and 18. I think that's an interesting proposal. I haven't looked too much into it but, if you consider those ages between 16 and 18 as sort of a buffer or a period where young people can phase into the democratic system that we have, rather than being thrown in the deep end—I know that when I went to vote for the first time, I did register in time but the clock was ticking; I did have to fill out extra paperwork because it was quite close to the date. I think giving people those two years is important.

Also, there are countries around the world that have already lowered the age to 16 and even lower—I think Austria, notably, in 2007, and in the UK I think Scotland and Wales both have the voting age currently at 16 in their devolved parliaments. Last I was aware, I think the current UK Government remains committed to also lowering the voting age to 16. So that's something that other Westminster democracies that are quite like Australia are doing. Also, across South America, there are a lot of countries that have it at 16. But, like I said, there are a lot of disparities when it comes to what number to choose. I think the reality is that there's no one number, because we all develop at different rates. Our critical thinking develops at different times. I think that's up for greater consideration.

ANHAAR KAREEM: Just to add to what Zak was saying, I think 16 is an ideal age for people to vote, just because we know all of the thresholds young people meet that I believe make them eligible to be able to vote. That's the fact that lots of psychological research indicates that young people at 16—their brains have matured to an extent that they're able to have what they call cold cognition, which is essentially being able to make critical political decisions. But I think also, if we look to other countries, like Zak was saying, whether it's Malta, Brazil or Austria—New Zealand and Canada are soon to follow as well—those are several countries that have indicated that 16 is a right age to be able to vote. But also if, as already mentioned, we look at the things that young people are doing, I think it indicates that 16- and 17-year-olds are very much worthy of the right to vote. If we look at the fact that many 16- and 17-year-olds are paying taxes, I think the fact we have taxation without representation is inherently undemocratic and just unfair because it means that you are contributing to society economically but you are unable to reap the benefits through policy.

That's an unfair characteristic of Australia's political system that I believe needs to change. I would also say there are many other ways in which young people are affected by government. For instance, in many States in Australia, young people can be incarcerated at very young ages. Young people are allowed to be incarcerated but not allowed to vote. I think that's a disparity that is also quite unfair. If we look at the things that people are able to contribute, but also their psychological maturity, I think 16 is definitely very much a fair age for young people to be able to vote.

MITCH SPRAGUE: I think, similar to the other witnesses today, I would challenge this thinking that 18 is the age when you're an adult and therefore you're allowed to vote, even though under 18 you're impacted by decisions of governments at all levels. Just existing in daily life is political and, I think, as pointed out by the submissions and the witnesses here today, there are examples of 16-year-olds voting and exhibiting what might be referred to as more adult behaviours of driving, doing taxes and so on. I think that, particularly on the argument

to lower the voting age, we're not really hearing from the "don't lower the age" camp. There are quite a few campaigns who are advocating for a lower voting age, and it seems like a lot of the apprehension is just the system that isn't willing to change with the times.

Mr TIM JAMES: I'd just make a quick remark. Thank you all. I understand completely. Obviously, the law does in many instances at some point have to draw a line somewhere, and that can generate the sort of arbitrary outcomes of someone who's 17 and 300 days, and so on. But there has to be a line somewhere. Without putting words into your mouth, it sounds a bit like you're, in effect, saying that you should, in the eyes of the law, be an adult when you are 16 rather than 18. My concern with that, if that is the sort of notion, then at 16 you would be able to enter into legally binding contracts, you would be in the justice system as an adult, you could be sentenced and imprisoned and so on and so forth. I just think you've got to think through all of the potential consequences. If the vote in a sense is saying, "Well, actually, no I'm an adult at 16, not 18", then there are other consequences that need to be, I think, very carefully thought through as well. But I do thank you all for your responses, and I hear you.

The CHAIR: Do any of our witnesses wish to respond to that comment?

ZAK O'HARA: I'd be happy to comment. You have a good point, but I don't think the implication of being able to vote implies that you're legally an adult. I think you could lower the voting age without considering someone under the age of 18 an adult. I know already, as Anhaar said, the age of criminal responsibility is only 10 in some States, I think in New South Wales, as well. I know there's been talk about a social media ban, so there's a lot of inconsistency. As I said, with the proposal for non-compulsory voting for 16-year-olds to 18-year-olds, that does give more of a zone rather than one straight line. That gives more of a grey zone, a transition period even, where young people can transition from being politically inactive to, you know, knowing how to critically think about politics and make good choices at the ballot boxes that affect them. I just disagree with the implication that lowering the voting age would imply that people over the age of 16 are adults, basically.

ANHAAR KAREEM: I would agree. I think we can definitely lower the voting age without considering 16- and 17-years-olds legal adults. I think we kind of recognise that we have to draw the line somewhere; however, arbitrating is sometimes contradictory. Some of the ages we have in Australia might be, but I think at the end of the day it's just the fact that young people—maybe you aren't adults—but 16- and 17-years-olds do a lot of adult-like things. They contribute to society, and they have demonstrated that they would be able to vote. I think for that reason, they deserve to have the right to vote in Australia.

MITCH SPRAGUE: I think, rather than restating what's already been said, I'm in full agreeance with the two in person today.

The Hon. ROBERT BORSAK: Zak, thanks very much for your evidence, and also you, Anhaar. It's really good to see you here and putting forward these arguments. Zak, did I hear you correctly? You were arguing that getting a voting franchise at 16 doesn't necessarily require you to be recognised as an adult under the law. Is that what you're saying?

ZAK O'HARA: No, I don't see why that would need to be the case.

The Hon. ROBERT BORSAK: And your reasoning for that is? Because I think Mr James made a good point in that at 18, under the law, you're an adult. You get to vote at 18. Why wouldn't you be declared as an adult at 16 if you're going to vote at 16?

ZAK O'HARA: I don't see how it's necessary to have someone who is voting be an adult. We engage in a lot of activities that are considered adult activities, but you don't have to be an adult to pay taxes, you don't have to be an adult to work and you don't have to be an adult to drive. Why should you have to be an adult to vote?

ANHAAR KAREEM: Yes, just that the fact that the age of adulthood is 18 and the age to vote is 18 is just correlation, not causation. I don't think that the threshold to you being considered an adult is you being able to vote. There are many other ways in which we would consider you an adult legally. I just don't think that it's true that if we lowered the voting age, it would thereby lower the age of adulthood. I just don't think there's a reason for that. If we look to other countries, their age of adulthood can often be different to the age of voting, in the same way that 16-year-olds have certain provisions that 18-year-olds don't. But we still consider 18 adulthood, even though at 16 you can do things like consent, for instance, or do things like medical operations or join the army, but that doesn't make you an adult. I wouldn't see why lowering the voting age would also lower the age of adulthood.

ZAK O'HARA: If I could just add to that, sorry, I think you'll find if you do look at some of the countries where this model has already been implemented—like Wales, Scotland and Austria—I think they do all still have their standard age of adulthood at 18, if not higher, as far as I'm aware, despite having the voting age at 16.

The Hon. ROBERT BORSAK: What they do over there is not necessarily what we should be doing in Australia. It's good to draw the example, but their education system is different. I'm not going to try to examine what's going on there. What role do you think life experience should have, in your experience, before you get the right to vote?

ZAK O'HARA: I think life experience is very important in how anyone thinks about the world—how they think when they get to the ballot box, obviously. If you're implying that's an important reason to keep it at 18, I understand that, but at the same time—

The Hon. ROBERT BORSAK: Zak, I'm not implying anything. I'm just asking you to explain your position.

ZAK O'HARA: I think that it's important, but I also think there's plenty of life experience that people over the age of 16 and under the age of 18 will have that is very important at the ballot box. But how they're impacted is what I think matters most. I think what matters when you get to the ballot box is how you're impacted by the decisions that are made in Parliament. I think that's why you should have equal say—because the stage that we're in right now, having just turned 18, going through 16 and 17, they're some of the most important years of your life.

They're also some of the times where you're most impacted by government policy, particularly in regard to high school, you're transitioning into work and you're learning how to drive. I think levels of life experience also vary beyond any age minimum and any differentiation in age. There are people who would be in their thirties who'd have less experience than some people—in rare instances, I'd say—under the age of 18, and that's just how life works. But, again, I think it's an arbitrary line. I think the impact policy has on you is far more important than the experience you have when you're at the ballot box.

MITCH SPRAGUE: From my perspective—I'm here today as a volunteer and in my day job I work for interstate public transport and I get to engage with quite a lot of the public. I get to meet some people who are over the age of 18 and have the ability to vote whose life experiences aren't positive. They don't engage with the political system and, when they go to vote—with the recent elections that we've had, being someone in the public service, people talk to you about it, and they have shared that they just throw away their vote. Then, on the other hand, I meet young people who are incredibly engaged and know all the different nuances of the political system and parties and decisions, yet they don't have the ability to vote. I think this sort of equation that being an adult means you can vote is applying broad brushstrokes to a problem that is far more complex and requires a much more nuanced approach. I think it's not about once you get the vote, you're therefore an adult; it's about having a say in your future and the decisions that affect you.

The Hon. ROBERT BORSAK: As a corollary to that—and maybe this one is for you, Anhaar—do you believe, if you're going to vote at 16 or 17, that you should be able to enter Parliament at that age?

ANHAAR KAREEM: I personally don't see why not. I think that 16- and 17-year-olds have definitely demonstrated political involvement which would allow them to vote but also make contributions to Parliament. I would just note, though, that I think getting caught up in the logistics of this—would they become an adult, would it be compulsory or optional, would they be able to be representatives in Parliament are important and valid questions to ask, but I think the core of our main campaign and our main demand is to lower the voting age just as an indication of, at the bare minimum, young people being able to vote. If that means extending their democratic rights more broadly in terms of being able to be representatives in Parliament, I think that would be a positive thing, but I think at its core it's just about allowing young people that vote and that's the most important issue.

The Hon. CHRIS RATH: Thank you for coming today and for presenting us with your views. I remember joining the Young Liberals when I was 16 and I was quite a precocious young person like you. But one of the criticisms or arguments that's always put to me on lowering the age to vote is that, whilst there are no doubt quite a number of young people aged 16, 17 who are highly engaged in the political system and very well informed, that is not where the vast majority of people are at—that most 16- and 17-year-olds aren't politically involved or engaged and wouldn't have the capacity to get involved in elections and the political system. How would you respond to that?

ZAK O'HARA: I'm happy to answer that one. I think you make a good point, but unless you have data that can tell me otherwise, from my perspective, it seems to me a lot of people I know who are my age are far more engaged than some older people I know. I feel like, without hard evidence, you can't just make the assumption that young people are not as politically engaged as older Australians. I feel like half a million students

on the street for climate is a pretty obvious rebuke of that. That's just the first thing that comes to mind. But I feel like, quite generally, our generation is probably the most politically engaged and connected that there has been yet at our age. Young people are more connected than ever, I think, with information on what's going on in the world. I think there are a lot of young people who are very passionate about those things. Working with the Advocate for Children and Young People, I've met so many young people who have been passionate about mental health, health care, all range of things as well, not just stuff that gets clicks. So I would just disagree with the characterisation. I know it's a common one. I get where you're coming from.

ANHAAR KAREEM: I completely agree with Zak. That is a harmful characterisation of young people, which is definitely very prevalent amongst society. In terms of adding to that, I think I would point to what a speaker mentioned earlier, which is just the fact that life experiences are important in voting. Even if you don't believe that young people are particularly politically competent or across all the parties of the political system, I think young people have many lived experiences and values that they should be able to bring to the table democratically. Whether it's young people suffering from the cost-of-living crisis at the moment, young people experiencing the impacts of the criminal justice system, young people who have issues in terms of education, young people who are passionate for their future in terms of climate change, those are all lived experiences that I would say disproportionately impact young people. Considering the fact that, as Zak mentioned, they're very much politically engaged and one of the most politically engaged cohorts in Australia, I would add to that and say that, on top of political engagement, they have many life experiences which I think a vote would really importantly recognise and be able to implement into the political system.

Mr STEPHEN BALI: Just very briefly, I will make a comment and then ask a question. You've identified a couple of countries—three countries—constantly. On the web you can find all the countries in the world, and I note that 11 are below either 16 or 17. I also notice 12 countries that are 19, 20 and 21 and there are 172 countries that are at 18. I also note that one of the countries that is less than 18 is North Korea and you haven't mentioned them. There is also Sudan and Cuba. I don't know if they're great democracies to quote. Thank you very much for your engagement. It's good to see that you are very connected. I was in Young Labor. Probably the first election I handed out was when I was six years of age for Gough Whitlam. Some of us get really involved.

I'm just wondering, what do you actually see as how good your education was, just finishing the HSC, on civics? You're right: There are a lot of older people as politicians and as elected people. We just saw the local council elections, which is a current issue with cost of living et cetera, but what can councils really do about that? Some people are talking about free car parking at hospitals and stuff, which has got nothing to do with local government. You're right: A lot of older people are making votes and decisions at the wrong tier of government. When I look through the education program, there is not too much about civics. How could we improve on that? How did you feel about that, since you're connected? Did you have a reasonable discussion in class in any of your subjects? How do you think we should improve upon it?

ZAK O'HARA: First of all, thanks for pointing out the thing about North Korea and Cuba. I know that every country has their peculiarities. I remember reading about North Korea and it's actually only for people who are part of the military. If you're under 18 and part of the military in North Korea, you get the vote. I wouldn't quite compare it to what we're looking for here, but I do understand your point.

Mr STEPHEN BALI: You don't want to be conscripted.

ZAK O'HARA: That being said, when it comes to civics education for us, everyone remembers their year 6 Canberra excursion, which is always good. But I think there's definitely room for improvement when it comes to high school, I must agree. Especially in the later years, maybe year 10 or year 11, there could be information leading up to when you get registered to vote and so on and so forth. But I do know that we get a pretty comprehensive introduction in late primary school and then I think I also remember in early high school we delved more into some of the systems that operate this country and the State. I'd agree there is room for improvement, and I think that's something that can come with making it 16. I think the two encourage one another.

ANHAAR KAREEM: I definitely agree. Just first of all, an observation on the comment. Yes, I do definitely think it's true: Countries that have a voting age of 16 are in the minority. However, I do think, just to note, there is a trajectory towards lowering the voting age. Even though currently there are more countries that are 18 or even older than there are 16, there are many countries that are planning on implementing this, for instance, Canada or New Zealand, which I think indicates progress towards recognising the rights of young people that might not already exist. Sorry, could you just repeat the question?

Mr STEPHEN BALI: Civics.

ANHAAR KAREEM: Civics education, right.

Mr STEPHEN BALI: The other thing I wouldn't mind throwing in is an ambit claim, maybe for you guys: voting at local councils. Say, for instance, obviously we're deliberating. You may say no to State and Federal. Do you think that local councils may be a good start to lower the age to 16?

ANHAAR KAREEM: Yes, definitely.

Mr STEPHEN BALI: Being a former mayor and councillor, I'm not there anymore.

ANHAAR KAREEM: Local council, we definitely support that, but I think young people should have a say at all levels of government. I think that in terms of answering civics education, I've had a similar experience to Zak. I think civics education has been integrated into a lot of subjects, whether it be things like legal studies or commerce. However, I do think there is room for improvement in terms of civics education in primary and high school and I do agree that lowering the voting age would be a step towards that because it would necessitate more education for young people regarding politics.

MITCH SPRAGUE: In response to the question, I think that civics education really emphasises acquisition of knowledge. From our experiences in speaking with students, they've shared that it is important, but they find it really difficult to relate their future into everyday decisions. I think greater opportunities to engage with the system, be that through going to Parliament or through having the right to vote in local council elections, is something that they're asking for to promote a more engaging educational experience.

The Hon. BOB NANVA: Thank you to the witnesses for giving evidence this morning. I've found it thought-provoking. If I could just come at the issue of apathy from a different angle. In a prior life I was privy to quite a lot of data going to the level of political engagement and disengagement of older people. One concern I've got is political apathy can carry through to adulthood from people from a young age. What I'm wondering is whether or not you think lowering the age of voting and giving young people more skin in the game might incentivise political interest and political engagement, which would then carry through to adulthood.

ZAK O'HARA: I'd probably agree with that assessment. As I said in my opening statement, a lot of young people, even those who can vote, feel quite disillusioned with the political system entirely because of the state of affairs that we're in—a lot of people struggling with the cost of living and other issues. If young voters and people under the age of 18 are able to participate in the political system from an earlier age, I think, as you said, that does give them more skin in the game. I think it will lead to a more politically engaged population overall and I think it's just better for everyone in the democracy. It will create a stronger democracy.

ANHAAR KAREEM: Yes, I would definitely agree. Allowing young people the right to vote at 16 and 17 would establish lifelong political engagement for two reasons, the first of which is that it just sends a message to young people that they're valued. Having that message at 16 and 17, when there are many life experiences that are politically influenced, and when young people are often passionate about many social issues—the message that you deserve the right to vote because you are someone who is impacted by politics is an important message to send and is one that would foreground years of political interest. Additionally, 16 and 17 are quite formative years. They're years in which you're learning a lot about the world, both personally but also in your education. For that reason, having a stake in politics from that age would, I believe, decrease political apathy in the long term and mean that you have more political commitment and engagement throughout your life.

The CHAIR: Mr Sprague?

MITCH SPRAGUE: I think Anhaar and Zak have explained it perfectly. There's nothing from me.

The Hon. ROBERT BORSAK: I've got one more quick question. We've seen your very mature approach to this today. Do you think that there is enough diversity of opinion amongst the rest of the cohort of 16- to 17-year-olds and that they are as engaged as you two are?

ZAK O'HARA: Yeah, I reckon. There are a lot of age groups, obviously, and different age groups will lean one way or the other.

The Hon. ROBERT BORSAK: We're just talking about 16- and 17-year-olds.

ZAK O'HARA: Yes, I agree. As Mr Rath said, I know a lot of people who are politically engaged with both sides of politics and also third parties—people who are not particularly keen on one way or the other. I think there's a pretty broad diversity of opinion amongst young people.

ANHAAR KAREEM: I definitely agree. I think there are maybe two misconceptions, the first being that young people are all going vote for The Greens or are super left leaning and the second being that young people aren't politically interested enough. I think both of those are myths. Anecdotally, the young people that I've encountered are of diverse political interests but also are all politically engaged. The definition of "political

engagement" doesn't necessarily have to be marching in a strike or signing up to your local council, both of which are very prominent and good indicators of political interest.

Doing things like volunteering and giving back to the community, which thousands of young people around Australia do, are indicators that young people want a better future and want a say in policy that affects them, even if not in an overtly political way. I think, for that reason, young people would definitely be able to have the vote. But young people are also politically diverse. I mentioned earlier that many young people who are part of the Young Liberals or many young people who have different political opinions are able to express those. It's untrue that young people are either politically unengaged or politically homogenous. I think they're diverse and willing to vote.

The Hon. ROBERT BORSAK: You just said that you think most young people are politically diverse. Where would that diversity come from?

ANHAAR KAREEM: Different life experiences. Young people would have a diversity of experiences in terms of where they live, who they interact with and what issues they're passionate about, but also, naturally, young people have different ways of perceiving issues. People subscribe to different political thoughts. Just as any other cohort is diverse, young people, in the same way, can adopt different ways of critical thinking and political beliefs.

The Hon. ROBERT BORSAK: Up to the ages of 16 and 17, and certainly to 18, young people spend most of their time in school. That's where they would get most of their opinions, don't you think?

ANHAAR KAREEM: Maybe that's a contributor, but you can also consider things like extracurricular activities, family and the internet. There are many young people who don't get all their sources of information from school. Many young people join things like clubs or societies. Many young people embark on their own research projects. Those are things that young people often do in their spare time or do through things like extracurricular activities. That would definitely inform their political opinions.

ZAK O'HARA: I concur with what Anhaar said. A lot of young people have so much going on outside of school. I know that when I was 16 and 17, I was working and I was in the cadets. From all of those different experiences, I could get a wide range of views from who I'm talking to and what I'm experiencing. Also, your socio-economic background will obviously have an impact. People go to private schools; people go to public schools, in different environments. Even just within high school, everyone experiences high school differently, and that can impact your political views. I'd concur that it's a pretty diverse array.

The CHAIR: Mr Sprague, a final comment from you, if you have one?

MITCH SPRAGUE: No, nothing further from me. I think Anhaar and Zak have covered it perfectly.

The CHAIR: Thank you for appearing before us today. You will be provided with a copy of the transcript of your evidence for any corrections. I don't think you took any questions on notice, but members may have supplementary questions and we'll email those to you. We really appreciate the comments from all three of you today.

(The witnesses withdrew.)

Ms ZOË ROBINSON, Advocate for Children and Young People, Office of the Advocate for Children and Young People, affirmed and examined

Ms ELLEN ARMFIELD, Member, Youth Advisory Council, affirmed and examined

Mr BILLY BOFINGER, Former Member, Youth Advisory Council, affirmed and examined

The CHAIR: I welcome our next witnesses. Thank you for appearing before the Committee today to give evidence. As I said to our last group of witnesses, everything is quite informal. We've got a couple of things we have to do. When you speak, there's no need to stand up or any of that sort of stuff. We'll invite you to give your comments and then I'll ask members to speak to you. If you have any questions at all, just let us know. It's all pretty friendly. We're really interested in what you have to say; that's why we're here today.

Please note the Committee staff will be taking photos and videos during the hearing. The photos and videos may be used for social media and public engagement purposes on the Legislative Assembly social media pages and websites. Please inform the Committee staff if you object to having photos and videos taken. Before we start, do you have any questions about the hearing process today?

ZOË ROBINSON: No.

The CHAIR: Would any of you or all of you like to make a short opening statement before we begin questions?

ZOË ROBINSON: We don't have formal opening statements. We do want to acknowledge the traditional owners of the land on which we gather today and pay our respects to Elders past, present and emerging, and acknowledge the Committee for welcoming young people to share their views, but also, Chair, I understand it was your birthday yesterday, so happy birthday for yesterday.

The CHAIR: Yes. I acknowledge being 26! Your submission states on page 6:

> … children and young people should have the opportunity to directly participate in decision making on matters that impact them.

Can you elaborate on how we can improve young people's participation in decision-making, please?

ZOË ROBINSON: I might touch on the submissions part and then the young people either side of me, who are members and former members of the Youth Advisory Council can share their insights. But our view at the Office of the Advocate for Children and Young People is that there are a lot of decisions that are made in policy, in practice and in government that impact on children and young people, both now and in the future. When those policies and practices are being considered, the children and young people should have an opportunity to inform that. As the witnesses before us talked about, many youth advisory councils exist. There are also many boards and councils that exist where young people could sit on those councils. For example, in the creative space in government, there are probably about—or I know there are in excess of 10 boards—lots more—but we're working with the Minister and their team about putting young people on those boards and having a seat at that table. There are really practical measures that can happen.

Obviously, in New South Wales we have a legislated Youth Advisory Council that is available to all members who wish to speak to young people about issues that affect them. We are an independent office, which means we are not party aligned. All of the views are based on what children and young people themselves see and their insights, so there are avenues that already exist where I think there could be greater access, but also I think there is that thoughtfulness of making sure that when we are doing things, like appointing people to energy committees, that we are thinking about the young people who are engaged in these spaces and creating spaces for them to sit on those boards as well as those committees.

BILLY BOFINGER: I think increasing the engagingness of young people in this, it just comes down to us young people having the power to make a difference in our lives and the issues that affect us on a daily basis as they are often very different to adults of society. That just comes down to, as Zoë said, having the ability to have our voice and advocate, whether it be through similar advocacy groups to the YAC that I was on, or even having the right to vote. Just having that power to make the difference and to see the change that can come from it is what encourages young people to put forward new ideas and opinions.

ELLEN ARMFIELD: I echo everything that they just said. I think young people are definitely affected by policy. There are policies in government that are made that definitely affect young people. I'm now of voting age but I know that before, being 16 and 17 years old, me and many of my peers were very passionate about what was going on in government. Young people are members of society, just as much as everyone else, and so our voice should be heard.

ZOË ROBINSON: Perhaps if I can just also say that this experience—whilst we at ACYP obviously create a space for young people to appear at committees like this, with great respect to colleagues, it's not always the friendliest place to come into, necessarily. The young person before us talked about meeting young people where it matters. I think it's really important to create this opportunity for young people to sit here and for you to hear directly from them. But we also need to do that in a way where it's not just people who might have support and comfort to come into a place like this, but where else we are going to meet children and young people where it matters and where we can make sure they're still being heard in those spaces as well.

Mr STEPHEN BALI: Just to keep a little bit of consistency in my questions, I have three issues. The first one is probably a newer one. Firstly, thank you for your submission and, especially to the young people, for being here. As Zoë said, it's difficult to go through the realms, with how you may be feeling at the moment, so feel relaxed. It's great to hear your voices on these issues, but the first question is probably more to Zoë. It's great getting the surveys, and I notice 57 per cent are somewhat interested or interested to vote. But when we do these survey instruments et cetera, if you say, "Do you want to vape?" or whatever, generally if you're asking someone for something, people are going to say yes.

I'm surprised only 57 per cent of people want to vote. To me that's actually fairly low or maybe a reflection of the disengagement that's happening out there. But how much credence should we put into general

surveys when you're just simply asking if people want to vote or are somewhat interested to vote? Getting a whole heap of extra people voting will have an influence on the outcome of elections. If you've got a whole heap of people who are too young, who haven't engaged—and the next question will be about civics, which I'll pose to the younger people—how do you see that unfolding into the future?

ZOË ROBINSON: If I can start firstly with the survey, the surveys that we do in these kinds of polling surveys are those that we engage an external organisation. They do it in such a way where it's weighted and it makes sure that it reflects the diversity. They are very formal surveys and have a certain amount of groups. What I'm saying to that, though, is we also acknowledge in those surveys that you have to be a young person who wants to participate in that survey to have a say in that survey, and so there is naturally a group of people that you are not engaging with in polling questions like this who are people you want to engage with. With all things, it won't surprise you that if children and young people are sharing their views on it, then we take them on their view.

If 57 per cent say that they are interested, then that's the thing you start with—that they are saying that they're interested—and then we start to figure out how we create engagement around that and how we utilise those kinds of numbers. The flip side, of course, is that if there are a percentage that aren't interested in it, then we also want to be able to work with those young people to understand what we need to do. This is all based on the presumption that we have created a space where children and young people want to engage and want to come to a political conversation because they feel like they're going to be heard and respected and that their voices are going to be actually included in policy. I think there are two things to think about in this space. We in our office spend all of our time talking to children and young people about the things that matter to them, and we take them on that word.

We will then spend the time with young people coming to places like this, speaking to Ministers, speaking to business, speaking to community, saying, "This is what young people say." It is then actually up to people to take that and demonstrate that they've heard young people and make adjustments and make changes accordingly. If that doesn't happen, we can't assume that young people are going to consistently want to engage in a space if they feel like they weren't actually heard and their views weren't actually respected. On this basis, I think we need to listen to that, but we also need to understand that children and young people do want to be active in a variety of ways. If voting isn't the mechanism that is altered, then we still need to think about the other spaces that we're engaging children and young people. I think that's the really important part of it. If children and young people are saying they want to be engaged, let's start there and let's make sure they are engaged.

Mr STEPHEN BALI: I suppose ultimately 43 per cent don't want to be. If we're changing the law—but you're right 100 per cent that we need to engage better. That leads to a question to Ellen and Billy. How did you find civics? When my son was going through the HSC—he was studying business or whatever he was studying. There was a section on—the only part of that area was about politics, unions and all that stuff. It was three pages, which to me—and even the way it was written. As an old-timer looking at it, I was just going, "Someone wrote this who really didn't have life experience in that area." We need to re-look at it. But how did you find the civics component and where do you find your information to build on that to say in the general base for everyone who is 16 to 18 to vote—where do you find your information sources? As Zoë said before—how do we as politicians connect better with you? Because I reach out all the time. I get people saying, "You're hard to contact", but you walk down the street anywhere, going into schools et cetera. How do we connect better? What's a better avenue? Hopefully, there are not too many questions there. To summarise, how do we connect better? How do you see civics being taught and where do you get your information from?

ELLEN ARMFIELD: First of all, schools are not the only place where young people are learning about politics. We really have to be aware of that—that social media is definitely a place where people are learning about that. Their home life, their extracurricular activities—there is so much knowledge that is not just formed in schools. Secondly, I also think, yes, the schooling system could definitely be improved in civic education, but I don't think the lack of civic education in schools is a reason then to disqualify from hearing young people's voices. I think the problem then is why don't we increase the education in schools. Sorry, what was the next part of your question?

Mr STEPHEN BALI: Just recapping on what you said, social media—my concern is that people like Andrew Tate and a few other far-right, far-left commentators are what people are listening to. If that's being more listened to than understanding the issues, you can see the challenge of how votes can be skewed. It is one thing saying, "I find my information on social media", but, to personalise it to you guys, who are more informed than the average young person, I reckon, because you're here and you're really involved and you have a great mentor there in Zoë, where do you find additional information on social media?

ELLEN ARMFIELD: Absolutely. I think social media needs to be better regulated, especially for young people, with the amount of extremist views that are on it. But, going back to what I said, I think the answer is to increase political education in schools or have other resources that actually provide better education so that

young people don't just have to rely on social media. I don't think the answer—I didn't mean to say that social media is where we should be getting our information from. I'm saying that's where a lot of young people are. But I think that is talking more to the lack of education and I think the answer there is to improve that education so that young people can make better informed decisions.

BILLY BOFINGER: Yes, I'd have to agree on that one. I think the base of our education regarding civics is coming from schooling. In that set curriculum, the majority of that comes in year 6, when—I went to Canberra. We learnt about polling, voting and all of that. And then it sort of drops off towards the start of high school, as you mentioned. But then it picks up again with electives where you can start to pick and choose and I think that really determines and widens the gap between those who are interested in engaging in politics. I think that needs to be closed—that gap—by improving the education system to get children to be more engaged. That lack of engagement leads to young people looking towards the internet to find sources. For me personally and others that I know, I wouldn't necessarily turn to social media as a way to find information. I believe that social media's main root is for entertainment. For young people, when looking at a topic such as voting and polling, we definitely go to Google search or even ask a teacher and dive deeper into the education system to find that answer.

ZOË ROBINSON: It would be worth noting that the young people either side of me—and Billy, I know, is actually involved in the social media summit and designing the summit and being part of it, and we made sure that the voice of young people are part of it. One thing I do want to say in terms of that world that we're talking about—and I definitely don't want to give that gentleman more airtime in spaces that he hasn't earned necessarily—is that there is again, and the witnesses before us talked about it, this paternalistic view and this assumption that all young people are being directed in those spaces. We have done a lot of work to understand what that is. There's a beautiful piece of research that I'm happy to provide to the Committee on notice that talks about—and I'm speaking to people who I know are of similar generations to me.

We spent a lot of time going to a variety of places to research—we had to go to a library, we had to use *National Geographic*, we had to use a variety of spaces—and we were armed with the tools of what research and understanding healthy debate was. We still need to teach young people not just about the layers of government but also what is policy. How is policy formed? Who is involved in policy and what are all of the layers behind the scenes in the bureaucracy? Social media might be one place. Google might be one place. Where else can you be getting your research? How are you sitting down with people and learning from others? I think we are also very conscious of trying to make sure that the rhetoric isn't that all children and young people are going into these spaces and having negative experiences. We do have to get that balance right, and we do have to understand that there are particular voices that are particularly loud in some spaces, but I think that's the role of us, of making sure that the other voices are very loud as well.

Mr STEPHEN BALI: One very quick question. Local government, closest to the people, very much involved with the youth through youth advisory—would you see that maybe as the first step, allowing 16- to 18-year-olds through optional voting to at least participate in that, so all people can then consider State and Federal politics voting in the long term? What do you think about that idea?

BILLY BOFINGER: Yes, for sure. In my council, this recent election there's been an influx of young representatives. We've had 20-year-olds in my ward. All three are young people below the age of 30, which has been incredible. I think the trajectory is already going there. Also, just on that statistic that you shared before, I think that that statistic of the young people that do want to vote more so tells to the fact that there's a lack of engagement there, and that's what needs to be improved first before we can start to think about this voting issue.

The Hon. CHRIS RATH: Thank you for coming today and for your evidence so far. You've all touched on it already, but I was wondering if you could expand more. Putting voting age to one side, what have you found works well with engaging with young people, and what could we be doing better in terms of hearing their voices, in terms of boards, advisory councils and other things that we might just be completely missing as a Parliament?

ELLEN ARMFIELD: I think creating a safe space where young people feel like they can come and share their opinions and views—so opening up spaces for young people and really encouraging their voices rather than presenting it as some sort of check box just to get the token young person, but more so actually looking and wanting to listen to what young people are saying. I think obviously groups like ACYP are really important for that because they're really wanting young people's voice. Young people are particularly good at sensing when something's not very genuine. If you're coming at it with genuine curiosity of what young people want and getting them more politically engaged, I think you'll find you'll have much more success than if it's just a formal thing to make sure you have, as I said, your tokenistic young person's voice.

BILLY BOFINGER: There are two sides to that coin, really. It's all good and well having these spaces for children and young people to put in their voice, but I think where organisations like the ACYP really set themselves apart is where we, as young people, get to see the change that we've made. That's the driving factor

for us to continue to do our part. As young people, we all have this large vision and we just crave to be able to make the world a better place. By giving us back that feedback and by making that change, that's where we really get that drive from.

ZOË ROBINSON: I should flag that we don't ever prep our witnesses, by the way. The nice compliments to ACYP are very great, but there's also learning that we have as an organisation. As I talked about the polling before, we recognise that not everyone is engaging in that space, so we have to make sure we're doing our part to ensure it's reflective. What I would say is that we have seen, certainly over the time I've held this term, which is four years now, the engagement in terms of putting young people on panels to review things and engaging them on boards. We've seen young people go on the mental health advisory panels; we've seen local councils come to us and want youth advisory councils.

We have a team up in the Northern Rivers that are helping Ballina council embed young people in what they're planning on doing for their strategic plan. We have seen that, and that is a good demonstration of consistently engaging children and young people. It's not a one-off engagement. You are part of a process, you get to feel the tangible outcome of that process and you get to be a part of it long term. I think children and young people will always say, as Ellen said, that they can tell when it's tokenistic and they can tell when it's one-off. It's about making sure that we're doing our part to ensure that they're consistently part of the decisions. Things like what we're doing for the social media summit and that young people have their own workshops, and that adults have the opportunity to hear directly from young people about their view—that's a very meaningful way.

We also have to think about doing things a bit differently. For example, I never really wanted to have to mention this in a hearing, but there is an inquiry coming up that's talking about pornography. I don't think young people are going to want to come and appear before a committee like this and talk about those experiences. We have to think about how we have the same conversation in a space that is safe. When you talk about vaping, as an example, we had people who came before a committee and talked about the fact that they were addicted to vaping. We did that in a completely different way. We have people who will come in a vulnerable way and share their very vulnerable experiences, but it's not necessarily going to be easy to do it in a space like this. We still achieve the same outcome; perhaps we could just do it in a different space as well.

The Hon. CHRIS RATH: I've seen it many times before where a particular policy area might disproportionately impact young people but when a working group is put together, like some sort of committee, to look at whatever the policy proposal might be, you'll have someone from the public service there, you might have a union leader there and you might have someone from business or industry. You might have a panel of six or seven people looking into a particular issue, and the average age might be in their fifties or sixties. You don't have anyone on that working group or committee that actually is a young person, so we're not hearing from them and they don't have a voice. Is that something that, in your opinion, does exist? How do we address that? You're right that you don't want just a token ticking the box—"We've now put a young person on a committee; therefore, all done." But how do we as a Parliament and as a government do a better job of ensuring that young people actually do have a seat at table? Probably that's not being done, in many ways, at the moment.

ZOË ROBINSON: I think, first, it is a reminder that there is a legislated body that exists. When there is policy being formed by government, there are young people who are currently engaged in a very meaningful way, who reflect an incredible diversity. Even today you have 14-year-old Billy and 19-year-old Ellen, who have completely different experiences and are sharing their insights with you. I think, first, it's actually a lot on the bureaucrats and the members of Parliament to consistently remember, "Hold on, this is going to impact on young people." You all have people in your community, I'm certain, who have asked to volunteer in your offices and want to assist with you. Wouldn't it be great, as an example, if you were all sitting here at the Committee with a young person from your electorate next to you who was seeing this process happen and understood exactly the way that it works? Young people want to be engaged. They want to be engaged in a meaningful way. There are bodies that already exist that we should engage with early.

The other thing is that we work very hard as an independent office, when decisions are made, to try our best to come in and support that or provide that insight and advice. There are examples where decisions have been made recently where it has happened, so then we've had to go out and speak to young people and say, "This is something that's going to impact on you. What are your views on this?" Social media is a great example of that. A summit was announced, so then we worked really hard with the Premier's Department to make sure that young people were part of that and part of the design of not just the summit but, hopefully, what's going to happen afterwards. It's on all of us to remember that there is a huge amount of diversity in this State and that we should be engaging with those people early. There is a legislated body that exists that is independent and is there to provide insight and advice about the things that are impacting on them.

Mr TIM JAMES: Welcome, Zoë, Ellen and Billy. It's great to hear from you. You're wonderfully eloquent and we appreciate your time and input today. I don't know if you heard the last panel, which was very

much centred on the question of voting age. I asked a question in relation to development and how our law and our system, particularly our voting system, has said that 18 is the right age that distinguishes between a child and an adult, someone who can't vote and someone who can vote and so on and so forth. Laws must set lines and boundaries somewhere. We can and should discuss where that line sits. At the moment—and in the context of the social media debate—there's a valid concern that, in a sense, young people are growing up too quickly and that they're being exposed to the world, whether it's on social media or in other ways, perhaps before they ought to be and that creates a level of risk or challenge.

Recognising that, as is broadly well known, the human brain is still growing and developing even into your twenties, and recognising that elements of judgement, dealing with impulses, weighing up decisions and considering long-term consequences are still very much growing, evolving and developing in young people, how do you see that sort of development side of the debate? How does that shape where the line should be drawn, recognising that it needs to be somewhere and currently it is 18 in terms of voting age? I invite your comment, whether it's on working or paying taxes. There are a number of elements that we have talked about today. It's a broad question, but in the end I think the question is: What is best for young people as they grow up, take on the world, learn and develop et cetera? That's the key question, recognising that our job today is around voter confidence, engagement and so on. I wanted to invite your comments there.

ZOË ROBINSON: What is best for young people, Billy?

BILLY BOFINGER: I think that in this digital world, young people have the ability to be influenced by not just family, not just education, but the entirety of the world around them through social media and on the internet. There comes a point where we have to embrace that. It's not going to go away. By embracing it, what's best is we give young people the rights that they would have gotten slightly older and embrace it so that we can give young people the right to improve their lives and future young people's.

ELLEN ARMFIELD: Absolutely. I do also know—and I'm not a scientist in any way—that our brains are constantly developing and constantly changing through neuroplasticity. We're constantly evolving. Even with that, you don't get your average adult brain until in your twenties, as you just said. We're not then saying that you shouldn't vote until you're that age. We're not saying to move that voting age up to 25. Young people, while we're still developing, still have thoughts and opinions and ideas about the policies that affect us and the people who we want running, whether it's local council or state or this country. Yes, young people's brains are still developing, but so are everyone's. Everyone still has an opinion, and everyone still has the right to a voice. I think 16 is what has been proposed, and I think 16 is a good age. If young people have the education, like we were talking about, and then the opportunity to use their voice, I think that's excellent. If you're wanting more engagement with young people, this is an excellent way to engage young people.

ZOË ROBINSON: If I can just add, the global standard of that is that you're a child under the age of 18. That is how we see it in terms of the UN and the rights. My balance, and obviously hearing some of the young people this morning, is that there are things that we assume and presume about young people and then there are things that we expect about young people. We would say that we don't feel like you can necessarily engage in a meaningful way, but actually we want you to engage in a meaningful way. We want you to be participants in this; we want you to do that. We also still need to recognise all of the other rights that those people under the age of 18 have, and there is an imbalance right now in terms of some of the things that we do. For example, children in care can exit care at 16. We're saying that they're capable of no longer being in the care system and that they can live on their own. I think there are probably some consistencies we need to think of in terms of that space.

Also, we can't just assume that children and young people aren't thoughtful about their engagement and what they want to see. They want to see themselves reflected in leadership. They want to be heard about the things that are happening in their communities. Let's create a space like that. The idea of voting is something that has existed well beyond their time now. They're talking about other ways to consistently be engaged as well. If it isn't voting, it doesn't mean that's the only option. But if we are also going to talk about them not being adults, then we also need to reflect on some of the other policies that already exist that make assumptions about people at the age of 16 that I don't think are equal.

The CHAIR: Following on from that question, can I ask for your comments. We've gone in a direction earlier on today that, essentially, the right to vote is something you get when you have reached a particular level of maturity, education, awareness and ability to be involved. If that was the case and it was applied to people of my generation and people probably a couple of generations earlier, I wonder how many of us would actually reach that criteria, as opposed to the vote being a right that people get through citizenship, regardless of levels of education, interest, experience, concern et cetera. In your view, is the right to vote a right, or is it something that you have to prove that you have a particular interest in, level of education et cetera?

ZOË ROBINSON: It's a very powerful question. I think that, if we want to uphold rights, we need to uphold all of those rights. Can I also just add that, potentially, we've also, in a lot of these conversations, assumed that just because you're over the age of 18, you are meaningfully voting. We see instances where people are not necessarily meaningfully voting and have that right, and don't necessarily engage in the process particularly well. I think when we're talking about rights and we're excluding people from a right, we have to have a very good reason to exclude someone from a right.

I think it's more about saying children and young people want to be active in a space, so they have a right to be heard and they have a right to be listened to. Let's start there, and then we can have the conversation. I think anything that makes an assumption based on your education, where you grew up, your community, your experience and all of that—that becomes problematic territory to say you're excluded because of those things. Equity is a very important thing; equity for all of us is a very important thing. But also, we're assuming that everyone over the age of 18 is meaningfully engaged in that practice. I think you've heard from some pretty impressive young people who are telling you there are a variety of ways that they do want to be engaged meaningfully in the process that is democracy.

BILLY BOFINGER: I think voting is not just a right; it's a responsibility, and it's one that a lot of adults might not always put forward properly. To say that without proper education people can't make the right decision might not work out. I think it's a responsibility that young people do have the ability to put into place. Whether that be through voting or increasing engagingness through organisations like the ACYP, we need to have that voice. We can build towards a point where we can vote at the age of 16, but I don't think there's a difference between the amount of people not voting properly below the age of 18 and over.

ZOË ROBINSON: Also, in terms of the data, 71 per cent said that they understand why it's important to vote. That, to me, signals the fact that they really respect the process and understand one part of it. So they're a well-engaged bunch.

The Hon. BOB NANVA: My question may have already been answered in the last couple of questions, but I do find that issue really interesting—the idea that the age of 18 is the sort of line in the sand between childhood and adulthood. I suppose the question I have is to Ms Robinson. Do you think the law should have or does already have the flexibility to differentiate between an individual's legal capacity to exercise different decisions at different ages, particularly with respect to voting?

ZOË ROBINSON: I think that—I am trying to be very careful here—the law does a good job in protecting the practice and policy that we have now. I think that, when we look at, for example, the minimum age of criminal responsibility, there are things that we discuss in that space that says that children and young people don't have the capacity or they do have the capacity, and when we talk about social media, we say that they definitely don't have that capacity and so it has to be 16. I think when we're talking about law, in my simple brain, laws were often created for those who were over the age of 18 for protection, but everything else was we will do things to those under the age of 18 because they're children, so we will protect them and we will make these decisions for them. I think that it is arguably inadequate to reflect the changes that have happened in generations and how active the generations have become and the fact that they are—more, it seems, than my generation was—more politically active and engaged in this space. I think it's probably reflective of the time in which the laws were created.

Mr STEPHEN BALI: Briefly just to explore, and maybe for future discussion, because I think the discussion has gone from a simple drop the age to what Ms Robinson's been saying—let's be more consistent with the law. If we're going to drop it to 16, then criminal responsibility, the ability to contract, you're saying that the person is informed, unless I'm misreading this. As you said, a person who is under 16 is in care. After 16, they're out of care.

ZOË ROBINSON: They can be, yes. I wouldn't say it's like for like in that. That's not what I'm saying. I'm saying that from the perspective of adults in the space where we make these decisions, we are making a lot of decisions that can seem very different for the young people on which they impact. Actually, the responsibility, if we want to change—I understand that you can drop the voting age and there are other things that would need to remain the same, absolutely. We're trying to say that there is a way to engage young people in these processes, but you also have to recognise that young people see the inconsistencies about these ages that exist. There is a United Nations standard that says if you're under the age of 18, you are a child. We still have contracts that reflect different things. We can't decide whether you're a young person at 16 or 24. My legislation itself is zero to 24. That's a really interesting cohort to represent because some people would say at 30 they're still a young person. All I'm saying is that when we're talking about this, there are inconsistencies that exist in policy and practice that we already have and that perhaps we need to get our house in order around as well; but that doesn't mean that children and young people don't want to be engaged in the political process.

The CHAIR: We have reached our time limit. Thank you for appearing before us today. You will be provided with a copy of the transcript of your evidence for corrections. I don't think you took any questions on notice, but some Committee members may have questions they would like to put to you, so those supplementary questions we'll forward to you. We really appreciate you very impressive people coming here today.

(The witnesses withdrew.)

(Short adjournment)

Mr DAVID MEJIA-CANALES, Senior Lawyer, Human Rights Law Centre, affirmed and examined

The CHAIR: I'd like to welcome Mr David Mejia-Canales from the Human Rights Law Centre as our next witness. Thank you for appearing before the Committee today to give evidence. Please note that Committee staff will be taking photos and videos during the hearing. The photos and videos may be used for social media and public engagement purposes on the Legislative Assembly social media pages and websites. Can you please inform the Committee staff if you object to having photos or videos taken. Before we start, do you have any questions about the hearing process?

DAVID MEJIA-CANALES: I do not, thank you, Chair.

The CHAIR: Would you like to make a short opening statement before we begin questions?

DAVID MEJIA-CANALES: Good morning, Chair and Committee members. I am a senior lawyer in the democratic freedoms and human rights foundation teams, and I want to thank you for accepting and considering our submission. I also acknowledge the Gadigal people of the Eora nation, the traditional custodians of the lands on which we gather today. Thank you again for considering our submission. Our submission addresses significant barriers that continue to hinder voter engagement, participation and confidence in New South Wales, particularly for communities that are historically and systematically locked out of power. At the heart of our submission is a clear and consistent message: The right to vote and the right to participate in public affairs are fundamental human rights recognised not only under international law but also under Australian jurisprudence.

The right to vote, as enshrined in article 25 of the International Covenant on Civil and Political Rights, the ICCPR for short, provides every citizen with the opportunity to take part in the conduct of public affairs and to elect representatives at genuine periodic elections, and the Human Rights Law Centre thanks the Committee for its important consideration in affirming these rights. Importantly, these rights must be guaranteed without discrimination and must be fully accessible to all citizens eligible. Australia, including all state governments, have made binding commitments under international human rights treaties to ensure the right to vote and the broader right to political participation are fully realised.

Our submission draws attention to key reforms that can, and we believe must, be implemented to ensure that New South Wales meets its obligations under international human rights law. When certain groups are systematically disenfranchised or excluded, whether through logistical barriers, insufficient resourcing or a lack of tailored support to vote, our democracy itself is weakened and the trust and confidence of the public are undermined. First and foremost, we ask for a commitment to ensuring accessibility and fairness in electoral processes. As outlined in our submission, that includes lowering the voting age to 16, strengthening direct enrolment processes, ensuring people in prisons can vote and improving accessibility in polling stations for people with disabilities, as well as improving that accessibility to polling stations for Aboriginal communities on homelands.

At its core, our submission stresses the urgent need for reform grounded in human rights law and principles. The right to vote is a universal entitlement to all citizens that can only be limited according to the criteria at human rights law. So whether we are talking about young people, Aboriginal communities, people with disabilities or people in prisons, our democracy will thrive when every voice is heard. In conclusion, the Human Rights Law Centre strongly urges the Committee to seize this moment to implement reforms that will protect and promote the right to vote for all citizens eligible. By reducing barriers, increasing voter education and ensuring that all eligible voters, regardless of their circumstances, can exercise their right to participate in the democratic process, it will strengthen our democracy and ensure that it is more inclusive, more just and more reflective of all the people in New South Wales. Thank you for the opportunity to appear today and I look forward to answering your questions.

Mr STEPHEN BALI: Thank you very much for your presentation, David, and your submission. There are a lot of issues that you raised here, and even in your opening submissions. I think the core focus here is about whether the voting age is 16 or 18. There are other inquiries that are examining all the other stuff that you talked

about. Looking at that part of your submission, a couple of things. I know you quote the United Nations and the ICCPR article 25, but does it actually say anything about voting age in there? I know talking about 16- to 17-year-olds is a progression. But you've got to draw a line somewhere if you're saying that all people—in your submission, if I remember correctly, you said there is a fundamental human right and all citizens should have the right. Does that mean 15? Why 16? Why not 15? Why not 14? Why not 10?

DAVID MEJIA-CANALES: There isn't, at least to the top of my mind. I can take that question on notice as to what specifically the human rights committee has said about voting ages. But they do make a lot of commentary about making sure that if there is a restriction on the right to vote that it is done proportionately and considering all the circumstances. There were some incredibly impressive young people, even before I came here, making these arguments. As you can see, based on our understanding of child and adolescent development, the capacity for young people to make decisions for themselves—and that is indeed articulated under the rights of the child that if someone is capable of making these decisions for themselves they should be encouraged and empowered to do so.

We think that international human rights law does make it possible to lower the voting age to 16. But you're right in saying that there has to be a line drawn somewhere. Other countries have already lowered the voting age to 16, one of them being Austria. They've undertaken a research project. It has happened quite recently, from my understanding. What they've found is that even in the short amount of time that this lowered voting age has been in operation, it has sort of contributed to a culture of civic engagement for young people and also is likely to contribute to making sure that these young people continue to be engaged as lifelong voters, noting, of course, that they do have a very different system and we have compulsory voting here in Australia. But I think the underpinnings are the same.

Human rights law makes it very clear that if we are going to draw a line—and we have to draw a line somewhere—that line is done informed and it is in pursuit of a legitimate objective, and is proportionate in pursuit of that objective. All of these things actually do point to 16 being a good age to do that, based on the development of children and young people and our understanding of the science. I guess also there is a moral argument too that young people are probably, more than any of us, going to be living with the repercussions of the decisions made in this place, and they should have a right to feed into those decisions in a way that is appropriate to them.

Mr STEPHEN BALI: I understand where you're coming from and everyone seems to like using Austria and Scotland as the examples. But as I looked up before, there are 11 nations where under 18—which include Cuba, North Korea and Sudan. No-one ever uses them as examples, especially given what's happening in their countries. There are 12 nations—so there are more nations that have above 18. There are about 172 nations that use 18. So it is experimental. If you look at Austria and you look at the history of the Austrians, especially in the 1930s and the 1940s, there was a lot of young people involved in a particular movement. I still can't see—and we've got a compulsory voting system versus others with a voluntary voting system.

If we're going to change our system, what is the really important factor to drop it? The children's advocate said 57 per cent of young people are potentially interested in voting. That means 43 per cent are totally disengaged and that was from a survey of people that were engaged to fill out the survey. So it is probably a smaller percentage if you're applying it to the population. What is the real factor that we ought to be considering? Why should we change the age? Rather than just, dare I say, making flash statements, "Young people want to vote." If we are going to make a difference, should we at least explore this with local councils only?

DAVID MEJIA-CANALES: I guess we have to really consider the fact that the voting age hasn't been set at 18 forever. In fact, it has been changed many times since voting was allowed in New South Wales. It was 21 for men only who had property, initially. There also were some residency requirements. They had to have lived in the colony for a certain period of time. From memory, it was three years. The voting age has changed over history as our understanding has evolved as to who should be considered as part of the polity and who is able to make those decisions to go and vote.

I do think, though, that if, as you mentioned, 43 per cent of young people who responded to a survey are not engaged to vote, expanding the franchise to them is an argument to encourage them to vote and to be engaged. It just goes to the point that I made earlier that the voting age hasn't been static throughout the history of elections, whether it is at the Commonwealth level or at the New South Wales level. As our understandings have evolved and also as our understanding of childhood and adolescent development has evolved, I think all of those things point to another consideration of whether we should lower it to 16. Whether it becomes, for example, as you mentioned, a thing that we trial for councils before doing it much more broadly, we would have no opposition to that.

The only thing that I would encourage the Committee to consider is that voting should be consistent as much as possible because it reduces the confusion that people might have about the system. Anything that might

make the system more complex or more convoluted is obviously to be avoided as much as possible. Ultimately, we would want the voting system to be easy. It is compulsory and, therefore, it has to be accessible and it has to be easy for people because otherwise they are running the risk of receiving a fine. In conclusion, I think the voting age has been lowered many times. Indeed, the eligibility of voting has been lowered many times and increased many times, notably giving women the vote and giving Aboriginal people the vote. Many of these things were resisted at the time, particularly universal suffrage for women. But as our understandings have evolved, so have the eligibility requirements for people to vote in New South Wales and, indeed, in Australia.

The CHAIR: Moving away from this particular issue just for a moment, I note that on page 19 you question the issue about the narrowness of the definition of "accessibility". I was wondering if you could comment on that. I also note that on page 10 you indicate that the Electoral Commission at the moment visits a number of nursing homes, convalescent homes, hospitals et cetera, but you also propose, inter alia, the fact that it should prioritise having mobile visits to people living in crisis accommodation, shelters for individuals sleeping rough and those in transitional accommodation. Could you talk about the issue of the definition of accessibility and also that particular proposal?

DAVID MEJIA-CANALES: Yes, of course. As far as we understand it, the definition of "accessibility" is physical accessibility, like whether polling places are accessible for someone who might have mobility needs with the use of ramps or someone who might be in a wheelchair. These things are fundamental; they are very important. But not all disabilities are covered by physical access requirements. We undertook, albeit for the Federal election, a process to engage people with disability who might have experienced a whole number of accessibility issues. There is enough similarity that we can extrapolate from those for this purpose—for example, someone with a sensory disability who might be overwhelmed by an environment that is highly charged, like a polling place, or other folks who might need, say, support that isn't about mobility aids but rather having a support person or someone who might have low vision or no vision.

Yes, it does help that these things are physically accessible, but that doesn't mean that it is accessible throughout. I think it's really important that, when we are looking at accessibility, we are looking at accessibility in the fullest way and in the fullest understanding of disability and the barriers to access that people with disability might have. Some of these things might include providing, say, a low stimulation environment or a voting booth for people who might be on the spectrum who need a quieter place that isn't so agitated. I think accessibility should be considered beyond just something being physically accessible, which is obviously not just for people with disabilities but for anyone who might need it, like mothers with prams and so on and so forth. I would encourage the Committee to really look at recommending expanding that definition so that more people are supported into voting.

To the second point about visiting convalescent homes and other closed facilities where people might not be able to leave, or they might not be able to leave easily, this is a fantastic initiative from the New South Wales Electoral Commission that they do visit these places. But they don't visit them all and they don't visit them at regular intervals. My understanding is that it is resourcing and staffing issues, which are really valid. But I think in terms of making sure that people who are in places where they may not be able to leave that are not prisons—some aged-care services, for example, and also some of the medical facilities—that voting is expanded to them in a way that is really meaningful, and that is they do have access to voting by post, but not everyone has the ability to be able to do that independently.

The other related point about people who might be sleeping rough, we think it's fantastic that the Electoral Commission allows people who don't have a fixed address to register and to vote according to their criteria. However, I think more outreach is required for communities like these because voting may not be necessarily front of mind for someone who is homeless, but that doesn't mean that their voice doesn't matter and that they do not belong to this democracy. I think anything that enables people to vote in a way that is accessible to them, whether it's at a polling station through making sure that they're accessible in the full definition of that word, but also visits to people who may not be able to leave their circumstances, and also people who may not have fixed homes. All of these measures just contribute to having more people have a buy-in in the election and a buy-in in democracy, and that can only be a good thing.

Mr TIM JAMES: Hi, David. Welcome. Thanks for being with us today. Much of this morning so far has been focused on the question of younger citizens and their engagement and participation, and so on. I just wanted to turn now more so to Indigenous communities, which obviously is a feature of your submission, and can I say a helpful feature. There are quite a few elements here, but I just want to focus on two of them. One is enrolment and the second is turnout. On enrolment I was very heartened to read in your footnote 15 that in the six years to 30 June 2023, Indigenous enrolment in New South Wales lifted from 86 per cent to 97.5 per cent. So it sits at 1.5 per cent below that of the general population. That's 2023.

I wonder whether there might be an update to 2024, recognising that that stat came out on 24 July 2023, and obviously this year that date has passed us by. It would be good to see if we're still trending in the right direction, but clearly, we have been trending in the right direction. That would seem to me to be a very positive reflection upon engagement participation and confidence, recognising it is but one statistic—that of enrolment. That's question number one. While I'm going with the flow, question number two is around turnout. You seem to be saying, and this is the essence of my question, that there are no statistics around voter turnout—for example, what is the voter turnout among Indigenous citizens in New South Wales? Can I just clarify that there are no statistics there from your point of view because that, obviously, would be helpful. Sorry, it is a few questions all wrapped up in one, but I hope that's helpful, nonetheless.

DAVID MEJIA-CANALES: Yes, New South Wales does have an excellent enrolment rate and, in fact, Australia as a country has an excellent enrolment rate—the envy of the world—and that is to the credit of governments, of parliaments, of the Electoral Commission, to do this incredible work. But I guess enrolment is only part of the story because enrolment just means that someone is enrolled to vote, but it's participation that is also another key aspect of being able to vote. There haven't been any statistics that we have been able to find, but I also just want to be clear that, of course, when you do go to vote the Electoral Commission doesn't ask you your race or racial identity.

But the Australian Electoral Commission has done some work in trying to at least estimate what participation rates are. Those statistics, at least those we've been able to find, are absent in New South Wales. They do exist for Federal elections, at least the ones that we've been able to find. Those statistics would be incredibly helpful for New South Wales to be able to track if our incredibly high enrolment rate for Aboriginal and Torres Strait Islander communities translates to participation. It would be fantastic if the Committee could recommend some sort of study to be able to track some of those things and to be able to track them over time, as you mentioned before. It'd be good to see not just a snapshot in time but also a trend.

Mr TIM JAMES: Are you saying that there are statistics at a Federal level but they're not broken down by state and territory, so we couldn't draw out, extrapolate or otherwise a New South Wales statistic?

DAVID MEJIA-CANALES: From memory, what the AEC looked at was particular communities themselves, particularly those living on homelands. But I can do a bit more research on that for you and put it on notice.

Mr TIM JAMES: If you don't mind, feel free to take anything on notice as you wish. I think we're on to something here. It seems to me that there should be some state-based statistics and that it would be instructive and helpful. I'm glad that you've put a spotlight on that, and I thank you for it.

DAVID MEJIA-CANALES: Of course, yes. We'll provide that on notice to the Committee via the secretariat.

Mr STEPHEN BALI: Can I just explore that very briefly. We've got the Australian Electoral Commissioner coming in later. From my recollection—I don't know how much it's enforced these days—usually when you're originally enrolled, you have to say what your place of birth was, how you identify and what your occupation is. It'd be interesting if there are any stats. You're not looking at voting intention but whether they voted or not. It'd be an interesting aspect if they can correlate that.

The CHAIR: Maybe we could ask you to take that on notice. We can also possibly raise it with the Australian Electoral Commissioner as well.

DAVID MEJIA-CANALES: Of course, Chair. I'll try to find some of the methodology that was used for this, which I think would be really important and could, of course, assist the Committee.

The Hon. CHRIS RATH: So much of what you have spoken about today and in your submission would almost certainly require more funding for the Electoral Commission. To what extent is the Electoral Commission underfunded at the moment? What do you think would be the best use of any additional funding that was given to the Electoral Commission in terms of voter engagement?

DAVID MEJIA-CANALES: In terms of the resourcing allocations for the commission, it is a question for the commission. However, one of the things that we note in the submission is that there has been an attempt to particularly have electoral material translated into Aboriginal languages or into easily accessible formats. But those attempts are quite limited, at least from what I've been able to find. There was one focus group held with Aboriginal Elders in New South Wales, and that was all that we've been able to find.

In terms of resourcing for the commission, it is very important to note that the commission does fantastic work across the board. In terms of making sure that people have accessible voting materials—not just information about how to vote but what is happening at an election, whether it's a general election or council elections—those

things are really important. Those materials have to be accessible for not just Aboriginal and Torres Strait Islander communities or people who might require different formats of this information, but they probably should also be in different languages to cover the full scope of people who might need that information and who might not be able to receive the information that is currently available because they don't have that command of English.

I note that I voted by postal vote. I also found it a little convoluted, and this is what I do for a living. In terms of what that funding could be used for to better improve rates and participation, making more electoral content available that is easily accessible and understood is really important. Also, if we look at, say, the Australian Electoral Commission, noting that it is a huge organisation compared to the New South Wales commission, they do some fantastic work around voter education and preventing misinformation and disinformation on elections. That's absolutely fundamental not just for the individual voter but also to make sure that people have confidence in the electoral system. Once they lose confidence in the electoral system, they lose confidence in the whole thing altogether.

To answer your question, I think providing those electoral materials, as I mentioned, and also some of the things that I mentioned before about resourcing them to do more of that outreach work—whether it's at nursing homes or prisons or anywhere someone might not be able to leave or leave easily—and also just making sure there is enough engagement with communities throughout. If you look at the Australian Electoral Commission's programs for Aboriginal and Torres Strait Islander involvement in particular, they have been very, very successful at increasing the enrolment rate as well as the participation rate but noting that they had received reduced funding some years ago. Before that, the program was cut completely, which led to a drop in enrolments. Obviously matters of resourcing are always a live issue for policymakers and members of Parliament. I suppose our recommendation would be to at least prioritise those things that increase not just confidence but also knowledge and understanding of the system that we have for elections here in New South Wales.

The Hon. CHRIS RATH: That's often the Electoral Commission's response to us when we say, "Why aren't you visiting more nursing homes?" or "Why aren't you making polling booths more accessible?" or whatever. The response is often, "We'd love to, but we don't have the resources." That's obviously something we'll take up with the Electoral Commission shortly.

DAVID MEJIA-CANALES: Nothing that I say today is any kind of criticism of the commission. I think that they do a fantastic job and we have a fantastic electoral system in this country. But it is indeed a limitation for them, and I would encourage the Committee to consider recommending an increase of their resources for those things that I've just mentioned.

The CHAIR: Can I follow up on those excellent questions from Mr Rath? Particularly focusing in on your comments on page 9 and 10, again about accessibility, you state:

> Accessibility to polling stations and alternative methods of voting is imperative to enable voters living outside of metropolitan regions the ability to vote.

I note on page 10:

> … the postal voting system can be strengthened. In the 2003 State election, 59,371 postal votes were for a variety of reasons, including postal vote certificates not being signed by a witness or the voter, the elector's signature was dated after election day or the security question was not answered.

They were actually, as I understand, deemed to not count as votes. Can you talk to those issues a little bit more, please?

DAVID MEJIA-CANALES: Yes, of course. Again, I want to preface the question by saying the security elements of the voting system are really important. Maintaining those, particularly for postal voting, I think is going to be critical. I might even speak to my own experience of postal voting. The instructions were a little convoluted, and I have a good command of English. Thinking of, say, my family, who may not, they would struggle with the postal vote. It's not impossible, but it isn't the most simplified format, particularly in even the instructions of how to not just vote but how to make sure that the envelope is sealed in a secure enough way to then be able to be submitted on time.

Obviously there's a lot going on here with these postal votes because it's not just, say, that someone might have not understood the instructions but also some of these were obviously posted after the date that they were required to be posted in, and so on. I think 53,738 electors is a significant number of people who, for whatever reasons of their own, have either had difficulty with understanding the instructions or just haven't followed the instructions despite understanding them. In terms of trying to understand and pull this apart a little bit, it would be good to get some sort of differentiated statistics as to what categories of error were found for this number. I can do a little bit of digging around if it will assist the Committee, and provide those on notice.

I do think that postal voting is incredibly important. It makes sure that people have access to voting when they are travelling, or if indeed they are sick or are not able to attend. The instructions on actually the voting packs themselves could be improved to make them potentially in simpler English or provide some sort of ability for people to view them in other languages. The postal system itself is very secure, but we probably should have consideration as to why people are not following the instructions as they are on the paper, and then acting accordingly. But I can find out for the Committee to see if we can get some broken down statistics of that bigger number to be able to assist the Committee in making any recommendation the Committee wishes.

Mr STEPHEN BALI: Chair, I am just wondering—because we're doing a similar inquiry, or doing an alternative inquiry into voting, I am not too sure if Mr Mejia-Canales submitted to that one. Can we also add this paper to the other inquiry because 90 per cent of this is actually focused.

The CHAIR: This is it.

Mr STEPHEN BALI: Aren't we just looking at 16 to 18?

The CHAIR: No.

Mr STEPHEN BALI: Sorry. That's on the record—that we're looking at under 18 only.

Mr TIM JAMES: We've only got one inquiry, I'm told.

The Hon. CHRIS RATH: We're killing multiple birds with one stone.

Mr STEPHEN BALI: We've wrapped a lot into it.

The CHAIR: This is a multifactorial inquiry, as you can tell. But your view, just to confirm, is that this—and I'll use the term disenfranchising, possibly for administrative reasons, almost 60,000 voters—is something this Committee should be looking very carefully at.

DAVID MEJIA-CANALES: Most certainly. Even in comparing the voting instructions for Federal elections compared to state elections, the questions are framed in ways that are simpler to understand and plainer English language, so anything that the Committee could do to consider why, you know, close to 54,000 electors, despite trying to have their say, have failed to do so for reasons that are varied, I think that's a very good thing for the Committee to inquire into.

The CHAIR: Can I ask your view on the implementing of technology-assisted voting at future New South Wales elections and how it could be improved? Given that the suggestion is that obviously there were technical and security issues previously with iVote, the focus now seems to be on people who are sight-impaired in some way having access to that technology. Could you comment on that issue, if you would, please?

DAVID MEJIA-CANALES: Yes. Thank you, Chair. The Human Rights Law Centre has serious concerns about making sure that the electoral system is secure, particularly in the use of technology and assisted voting. We think that, obviously, technology-assisted voting is a fantastic measure for people who may be vision-impaired or may not be able to attend a voting booth for reasons of illness, or disability, indeed. But our concern is really about making sure that the system is secure and that it also is accessible. Those two things have to go hand in hand. Noting that there isn't a general use of technology-assisted voting across Australia, we do think that for something like this there has to be some more coordination between the electoral commissions around the country and, indeed, the Australian Electoral Commission, to be able to come up with a system that is as secure as it can be and that is consistent across the jurisdictions.

Having something like that would actually increase people's trust in the system is our position because it becomes sort of standardised across the nation. I think that there has to be a lot more work done between all the electoral commissions, including indeed making sure that they are funded to do this work, to come up with a best-in-class secure system that is consistent across the jurisdictions because, at the moment, we don't think that we're quite there yet. I understand that we might be moving to that at some point to make that more widely available but, at the moment, the security concerns are thus that we don't think that at scale it is something that we're ready for. But, indeed, making it available for people who really need it is very, very important.

The CHAIR: Can I ask you just one final question, and that is making material, including voting material, available in community languages—and I will leave aside the issue of those who have literacy issues. Do you have any comments on that, and, in particular, how we determine which community languages we should focus on?

DAVID MEJIA-CANALES: In terms of providing accessible voting material?

The CHAIR: Yes.

DAVID MEJIA-CANALES: The priorities there should be, of course, Aboriginal and Torres Strait Islander communities, and there is an argument to be made that that is working because of the high rates of enrolment at least, which may or may not translate to participation rates. So definitely Aboriginal and Torres Strait Islander communities, and also anyone who might not have a great command of English, including people who might be migrants, including recent migrants, but also anyone who for reasons of disability or illness may have trouble understanding something that we might not have difficulty with. I think definitely of course always Aboriginal and Torres Strait Islander communities, but then anyone whose English may not be perfectly suitable for the task but they might still have obviously the capacity and the ability to cast a valid vote.

Prioritising these communities first will actually mean that voting becomes more accessible for everyone, because if a person whose command of English isn't fantastic, if they can understand voting instructions, then I think you can extrapolate that most of us will be able to understand voting instructions or voting material. But I think it's very, very important to also consider not just the accessibility of the communication but also the cultural appropriateness of the communication, particularly for Aboriginal and Torres Strait Islander communities and also migrant communities. But I think the old adage of a rising tide lifts all ships, I think making the voting information as easy to understand as possible by as many people as possible is going to benefit every single one of us.

The CHAIR: Thank you for appearing before us today, and also thank you for the time that was clearly taken in preparing the submission. It was very valuable. You will be provided with a copy of the transcript of your evidence for corrections. Committee staff will also email any questions taken on notice from today and any supplementary questions from the Committee. Thank you very much for appearing before us today.

(The witness withdrew.)

Mr TOM ROGERS, Commissioner, Australian Electoral Commission, sworn and examined

The CHAIR: I welcome our next witness Mr Tom Rogers. Please note that Committee staff will be taking photos and videos during the hearing. The photos and videos may be used for social media and public engagement purposes on the Legislative Assembly social media pages and websites. Do you have any questions before we start the hearing process?

TOM ROGERS: I do not.

The CHAIR: Would you like to make a short opening statement before we begin questions?

TOM ROGERS: Many thanks for the kind invitation to appear today and I do wish to make a few remarks, hopefully to help the Committee. The AEC, along with our fellow state and territory election management bodies, is committed to maintaining confidence in the integrity of the electoral process and maintaining trust in our democratic systems. Our leadership on work to combat threats to electoral integrity and in leading internationally admired education and engagement programs makes an important contribution to global democratic best practice. By necessity, our mechanisms to safeguard integrity have evolved to meet the changing electoral environment and new challenges, including more recent developments with generative artificial intelligence.

We've developed a reputation management system, which guides our internal processes and capabilities in maintaining public trust. That puts operational excellence in service delivery at the heart of what we are doing whilst also enhancing our focus on our subject matter expertise in elections, and our very clear and transparent communication. As an example of this, since 2022 we've operated an online disinformation register, which lists disinformation going specifically to aspects of the electoral process. I understand the NSW Electoral Commission has adopted this for their most recent local and state elections. Adding to this, our AEC TV YouTube channel produces short informational video content that educates voters and deals with misinformation and disinformation.

As subject matter experts, we actively engage on social media and regularly conduct media interviews and briefings. Interestingly, at each electoral event we run campaigns to explain why to vote, where to vote and how to correctly vote. At the referendum, we had over one billion impressions of these campaigns through video, display, audio and social media in one of the largest reaches of any government campaign ever run like that. We also have a longstanding election-specific national campaign called Stop and Consider, running at each event since 2019. This campaign has been picked up and further amplified by our state and territory EMB colleagues, including New South Wales. Research shows that effective digital media literacy for citizens is one of the most significant things that we can do to deal with misinformation and disinformation.

We do a range of other things to engage communities and deliver education services. Our National Electoral Education Centre is our flagship school education program. We hosted around about 80,000 visitors in 2023-24. We're running at full capacity in Canberra with that—about 18 sessions held most days. We have a longstanding Indigenous Electoral Participation Program that works with many Indigenous partners and directly engages with communities to encourage participation and education in ways that are culturally appropriate. At the referendum last year, we delivered 266 education sessions with First Nations communities and had information available in up to 25 First Nations languages.

We'll be further building our engagement with multicultural communities. In 2023 we met with something like 226 community leaders, representing 136 organisations. This will include at the next event our multicultural community electoral participation officer pilot, with a focus on key areas of high multicultural populations and persistently low formality. That will include major areas of Western Sydney. Building Australia's understanding of electoral processes is a role shared by all election management bodies. Our observations show that across Australia and internationally we face similar issues and it's critical we continue to share our experiences. I'm happy to take any questions that the Committee might have.

Mr TIM JAMES: I'm not sure if you were able to catch some of the previous session, in which—

TOM ROGERS: Sadly, I was travelling so only the very last bit that we just heard.

Mr TIM JAMES: Let me take you through it. There was a helpful discussion pertaining to statistics of the Australian Electoral Commission with regard to two things—voter enrolment and voter turnout. Can I start with, if you like, a compliment, in that the submission of the Human Rights Law Centre indicates, pleasingly, that Indigenous enrolment in New South Wales from the period 30 June 2017 to 30 June 2023 has lifted by a significant proportion—namely, from 85.9 per cent to 97.5 per cent. That's a very impressive uplift in a six-year period. But the area where we don't seem to have a lot of detail around statistics is on voter turnout, particularly with respect to Indigenous Australians. The previous gentleman on behalf of the HRLC agreed to take this on notice, so feel free to take it on notice as well. There appeared to be a suggestion that there are not available or helpful statistics that do indicate what the voter turnout of Indigenous communities would be in the broader sense. There might have been some particular studies into particular communities, understandably, where there is a high Indigenous population, but it would be good to understand that some more. I know I'm drilling into quite a lot of detail so again, feel free to take it on notice and come back to us.

TOM ROGERS: I might just cover the field a little because it's a really interesting area. We've got the best roll we've had since Federation, without doubt. There has been an extraordinary growth in enrolment across the board.

Mr TIM JAMES: Well done.

TOM ROGERS: I think enrolment in New South Wales—if I get this wrong, I will clean it up later on—might be at something like 99 per cent.

Mr TIM JAMES: It is.

TOM ROGERS: That is extraordinary. We have the highest level of Indigenous enrolment since Federation. We've deliberately focused on that over the last decade in a very dramatic way. We also have the highest level of youth enrolment. But there is an inverse relationship between enrolment and turnout. The higher the level of enrolment, turnout will naturally go down because you're enrolling people at the outer edges who just won't turn up to vote. These are individuals, in some cases, who have been deliberately disengaged from government. We're finally grabbing them and putting them on the roll. There is that inverse issue.

Turnout in Australia has been remarkably consistent. For the referendum and for the last election, it was around about 90 per cent. Interestingly, I had a look at the last UK election that was just held and their turnout was at a 25-year low. Across the globe, turnout is down. There was a report issued recently by a very large democracy NGO called International IDEA and it talks about the fact that across the globe enrolment is sinking. We've managed to buck the trend. I guess the way I talk about turnout is that we've held turnout roughly at about 90 per cent. Even with that inverse proportion I mentioned before, more people are voting than ever before. It's an interesting statistic.

The Indigenous one is interesting because all Indigenous statistics are indicative because we don't ask people to declare Indigeneity as part of their enrolment. We don't capture Indigeneity when they turn up to vote. Many of the statistics that we're using, obviously, are indicative and deeply researched and we rely on data from others. By and large, I think we're doing okay federally. Of course, there are different turnout rates for different electoral events in Indigenous communities. I look particularly in the Northern Territory. They have just held

events. Broadly speaking, turnout for local government events seems to be lower than for State events, which can be lower than for Federal events. It depends on the event itself. It's an interesting area.

We're very proud of the work we're doing. We can't stop. We've got to keep going. That's why we're doing so much work with communities. I might just point out that—I'm sorry for making it such a long and boring answer—enrolment is one piece of the puzzle and engagement is the second piece. If you just enrol without engaging, people don't turn up. Our remote voter services at the Federal event is one of the most significant projects we do. We deliver the vote across Australia by car, plane, helicopter and, famously, boat, occasionally, to communities with as few as 10 enrolled voters. It's an extraordinary effort to try and make sure that every Australian can have their say. As Australians, we should all be very proud of our electoral system with that process.

Mr TIM JAMES: I think we are and I think that's broadly recognised here. Certainly, the statistics bear that out. My colleagues can follow on from that.

The Hon. CHRIS RATH: I don't know if any work has been done on this at your end, but I'm curious about the 10 per cent, I think you said, on average, of people election after election that don't vote. What are the main reasons behind people not voting? Is it that they're overseas or they forget? Is it that they're too elderly and infirm to vote? What are some of the key reasons behind that 10 per cent or so of people who just don't vote?

TOM ROGERS: Persistently?

The Hon. CHRIS RATH: Yes.

TOM ROGERS: I think you've just run through the list of reasons that we get back. There is an indeterminate number of people—I can't give you a statistic because we haven't deeply researched it—who just don't vote, for a variety of motivations. For many people, they're working, they're travelling or they're overseas. Having said that, for both State and Federal elections, we couldn't provide any more options for you to vote, frankly—from postal, overseas and pre-poll. I think a lot of people have decided it's not for them. As you know, in Australia we have compulsory voting and we fine people for not voting. We continue to work on that. It's part of demonstrating the value of democracy that we all do, both regulators like us and legislatures, demonstrating that it's an important thing—it's an important civic duty. The research shows consistently that about 70 per cent of Australians support compulsory voting. That has been a very persistent figure. We just need to continue to do more to explain to people the importance of that.

The Hon. CHRIS RATH: With nursing homes, what is your reach generally in terms of the mobile polling stations that you have? Obviously, some get done and some don't. What's the criteria or threshold that you use in terms of determining where you would go and where you wouldn't? A small retirement village with 20 residents might be harder. How do you ascertain that?

TOM ROGERS: We work with nursing homes across Australia. We also work with a couple of aged-care umbrella groups in that regard as well. Quite often nursing homes will tell us, for one reason or another, that they don't wish us to visit, and I get it. There might be something occurring in the nursing home. There might be some sort of infection. Where we can, where it makes sense to do so, we do go into those nursing homes. It is complex providing the vote, bed to bed, in nursing homes. It's resource intensive, but we do that. Where the nursing home says to us that they do not wish us to attend, we don't have the power to force our way in, but we do make sure that the nursing home is provided with the resources that they need so that residents can still access postal voting. Where they are blind or have low-vision issues, they're able to access secure telephone voting. We do extra work with those nursing homes to make sure that residents are aware of what they're able to do and what resources we have for them.

Mr STEPHEN BALI: Just building on that, do you notify—I suppose we're living in the old terminology—"nursing homes"? How do the aged-care facilities—

TOM ROGERS: Quite so.

Mr STEPHEN BALI: I got in trouble the other day when I said that to someone. Do you reach out to them or do they need to reach out to the Electoral Commission? I noticed at the last local government election, and even our state election, that there's less and less of them. You used to go out to them; now there are very few that are actually on the list.

TOM ROGERS: We reach out to them. I'm just giving you some anecdotal evidence here, which is a bit dangerous, but by and large there seems to be less appetite from some of the nursing homes for us to come in. It's complex, and it also is disruptive when you go in. They're trying to run a very complex service provision. You're right that I should say "aged care", if I can just correct my own record with that, rather than the other language we use. We reach out. Where they come back to us and say no, we've got staff in each of the States who

then target those aged-care facilities to ensure that they're given the resources they need and that citizens are made aware of what resources are available and how to access the vote.

Mr NATHAN HAGARTY: Thank you, Commissioner, for all the work you and your agency do. On the high rates of not voting and informality in predominantly low socio-economic and high multicultural areas, the perception usually is that those communities don't understand how to vote and fill it out wrong. But having worked in the migrant and refugee sector prior to being elected, in certain communities there's a lot of distrust in government, for obvious reasons. One of the reasons they've probably come here is because the government they've fled has been corrupt or generally dysfunctional. Has there ever been any research into, when you do find high rates of either not voting or informality, how much of it is people not filling out the ballot, and how much of it actually is just a general distrust in governments and they're turning up, getting their name ticked off and walking out the door?

TOM ROGERS: It's a great question. We've done a fair bit of research over the years on what drives informality in those areas. Speaking federally, we say there are three factors that lead to informality—inadvertent informality. Deliberate informality is a different thing. Mr Hagarty, where there is either a blank ballot paper or a blank ballot paper with a drawing or a message for the AEC or politicians, you can pretty much work out that that is a deliberate message that someone is sending. With inadvertent informality, there are three factors. First, communities where there is a high level of English as a second language. The second factor is simply the number of candidates on the ballot paper. The more candidates, the higher the level of informality—federally, with compulsory preferential voting. The third issue for us is where a Federal event is held close to where there's a State electoral event with a different system of voting, which then confuses voters.

I mentioned before we're running a different event because this has been a very sticky metric, these high levels of informality. Traditionally the 10 seats have been largely the same. This time around, we're running these multicultural community electoral participation offices in areas like Canterbury-Bankstown, Cumberland, Parramatta, Fairfield, Liverpool and Blacktown, because these are the areas that traditionally have had a very high level of informality. We're hoping that will also make a difference. We've got language materials. We have other staff who speak the language. We target language speakers in the communities that a particular language is spoken. I think at the next event we're aiming to translate a lot of our materials into close to 60 languages—35 CALD and the rest Indigenous. It's a really big push. You're right, it's hard for us to ascertain motivations in that inadvertent area. But where clearly people have tried—they've almost cast a formal vote and they've missed out the last couple of boxes or something—that's clearly an accident, and that's the bit we want to focus on.

Mr NATHAN HAGARTY: In terms of that program you're running, how much of it is on numbering enough boxes to get a valid vote and how much of it is building trust in Australian government institutions and catering for both potential factors?

TOM ROGERS: It's absolutely both. At the point of delivery, if I can use that phrase, it's got to be about "number every box". That's a really critical message. It's the last thing we do. But we're doing a lot of work. Those community visits I mentioned before—hundreds, which we did before the referendum—are about actually building trust. I just saw the other week a really neat series of cards to give to teachers, amongst others. We do a lot of work with schools, teachers and kids to spark conversations about "Why vote?" and why it's important to vote, and what happens. These are discussion cards to help lead guided conversations about the importance of the process of voting and what it means. It's a really neat little facility. We're going to be trialling those as well.

In addition, I mentioned before that we're getting close to 100,000 kids a year through our Electoral Education Centre in Canberra. It's our flagship program. The vast majority of kids that come to that program are from the ACT, New South Wales and Victoria. We're conscious that a lot of other kids can't get there, so we've just been trialling an online 3D democracy game, DemocraCity. We've been trialling that in a number of States now, and we're going to roll that out across Australia to make it available to every school, starting term 1 next year. Again, there will be a heavy emphasis on the importance of democracy and how to cast a valid vote et cetera.

The CHAIR: Our previous witness cited the fact that, at our last state election, 59,371 postal votes were—for a variety of reasons—declared informal, not being signed by the witness et cetera. Without asking to you comment on the NSW Electoral Commission, he was suggesting, I think, that one of the things we needed to look at carefully is the design and making it simpler and using community languages. Is that what we should be doing, or are there other things in relation to that? Should we be focusing on, essentially, making it a design issue, or is there something else at play here, would you say, from your experience?

TOM ROGERS: Just to be brief here, I'm not, obviously, going to comment on New South Wales. I'd never comment on the work of another election management body.

The CHAIR: They do a great job.

TOM ROGERS: Et cetera, yes. Having said that, I'll look at the AEC. We've constantly focused on the design of our postal votes. It's a real thing to get people to follow the instructions very clearly because it's important that people follow the instructions so they're not casting an invalid vote. Things like, federally, the way in which you do the envelope and where you put the Senate ballot paper and the House of Reps can lead to inadvertent informality. The real issue, again for us, and I don't wish to criticise any other organisation, but, effectively—I'm looking for a word here—with the reduction in postal services, particularly to remote communities around Australia, and Australia Post do a great job et cetera, it's very clear that it's becoming increasingly difficult to get the votes out and back in the statutory time frame available to us. That's becoming a real issue.

We are concerned about the impact of that at our next event. You might know that people are able to apply for a postal vote until just a few days before the election. But, particularly in remote areas, if you applied for a postal vote even on the Tuesday before the election, the chances of you getting a vote and getting it back in time are very limited. We're worried about that. There's a whole range of issues. I know all the commissions look at postal vote design. We change it all the time, but the same issues pop up time and time again. As you know, postal voting remains a very important part of the Australian electoral system at State and Federal level. We all take it very seriously. We've got huge numbers of postal votes. We continue to work on that system. We'll continue to do it.

It will become very hard to get all of the overseas postal votes out and back in time. We've reverted at the last election—if I get this wrong my chief of staff might throw something at me or correct me later on—we are now individually couriering every postal vote overseas to get it out in time. We can control that bit. We can't control the overseas postal service in those countries when it comes back the other way, so we try to do as much as we can to make sure that the postal votes come back in time.

Mr STEPHEN BALI: My question is probably more administrative at the ground level, about the selection of polling booths. I get that you want to put more in, but given that there's about a third of the people these days or even more, 40 per cent, are voting pre-poll or turning up at pre-poll, what's infuriating for some of us, especially candidates, is that you pick—how do you pick the schools? For instance, in my home town, there's the high school which has been there forever and a day, and I get that in years gone by about 10 per cent of the electorate voted in that one polling booth. Then you open up the school 100 metres down the road, that little primary school which no-one wants to go and vote at, or very few. Why don't you just simply put more resources into the first one?

Having fewer polling booths and concentrating where the growth areas are and opening up more polling booths there, but why wouldn't the commission—I'm making an assumption here that you don't. Local knowledge is really important. I know some of us do local council and state but, from a Federal point of view, would you talk to people before you open up extra polling booths? I really noticed at the last local government elections that there was massive drop in the number of people turning up on the day and they're voting beforehand, which is a good thing but you don't need to open up so many more pre-poll stations and polling booths in established areas. Will you consult with locals first or some of the candidates from previous years? I get it, you don't want to be influenced by candidates, but it's really important in knowing what's happening on the ground level than you in Canberra making a decision where you're going to hold something in Blacktown, for instance.

TOM ROGERS: It's a great question. You're not going to be surprised that this is not the first time that we get questions like that. Let me deal with a few different issues. I generally take what you're saying about the input of locals. We don't make decisions from Canberra about where polling places are. We've got local staff; we have a state office in every state in Australia. They and their local staff drive where those polling places are, but there are many factors at play.

First of all, we don't have fixed-term elections and we are hostage to what we can get. So we get effectively four weeks notice to set up a Fortune 500 company with 110,000 employees, thereabouts, 8,000 polling places, printing 60 million ballot papers so that Australian citizens can vote anywhere, and then on top of that we've got the requirement to try and provide access for the disability community and a range of other things. The criteria of those polling places continues to subtly change as things like disability access, our understanding of what proper disability access is, changes as well, and we try and seek additional disability centres that are open. The relationship between pre-poll and polling is just unbelievable. We've done a whole range of things on that.

What I can tell you—I'm now speaking federally. Citizens of New South Wales are wonderful and I know they're a very patient and tolerant lot, but now let me speak about us as Australians. We've lost the ability to queue, and if people stand in a queue for longer than about 30 seconds, then, oh my God, the world has come to an end. There will be a headline "Ballot bungle by the AEC" et cetera. We've done a whole range of work on queue management. There is even some deep research that shows that citizens' views of democracy are shaped by their experience when they turn up at the polling place, whether there was a queue or no queue and the sausage. The

whole thing is this incredible dance to try and drag it all together to make sure that we're meeting these expectations.

There was an Australian National Audit Office report way back, and we implemented some of those recommendations about the ratio of pre-poll versus voting on the day, and it led to larger queues. Just for the record, in case they're looking at it, I'm not blaming the ANAO. We implemented this thing, so we are sensitive. You might know that last year, the Australian Public Service Commission did a survey of the most trusted Commonwealth agencies. The AEC comes out number one for both trust and satisfaction, and a lot of that is how we manage that process of making sure that citizens are able to access the vote and it's done conveniently. Occasionally, as you have said, it means that we end up with polling places that might be proximate to each other. We do try and avoid that but occasionally it happens.

As you've said, there was a trend up until COVID. The trend was the increase in pre-poll. We've seen a change to that with the growth in postal again, and I'm very conscious, as the Australian Electoral Commissioner, that the system of voting in Australia is supposed to be that you vote on the day. That's the legislation, and pre-poll and postal are very much if you can't make it. I know it would be naive to think that that is the reason why people are voting pre-poll, but it's a really interesting thing. We monitor it, we keep looking at it and we do talk to locals, but, as you've also said, we just have to be careful with that as well because we don't want candidates telling us, "You should put this polling place here," because potentially it's the benefit of incumbency, which we're very conscious of. But thanks for the question. We keep looking at it. We look at all our polling places every electoral cycle. But maybe with that long spray I just gave you, maybe the thing to focus on is we do have locals. It's not from Canberra.

Mr STEPHEN BALI: But they don't engage with anyone. They pick it. I have to say, in my home town, there are no polls—

TOM ROGERS: Where are you from, if you don't mind me asking?

Mr STEPHEN BALI: Blacktown, and I live in Doonside. At the last local council elections, we suddenly had six or seven new polling booths opening. If you just put the resources into an existing one—

TOM ROGERS: Some of those are genuinely at full capacity.

Mr STEPHEN BALI: They're not at capacity. But that's where I'm saying where do we get that discussion happening to make sure—you don't just need the one person in the room. Every candidate will tell you we don't need additional polling booths. The costs are starting to blow out. We just need more concentration and support in a couple of them. I get that you only get four weeks notice, but you can negotiate now. Most of the schools are the same schools every time. You can lock them in now.

TOM ROGERS: Not always and some of them, not so much.

Mr STEPHEN BALI: Sure, but 80 per cent of them would be.

TOM ROGERS: But, look, maybe what I can do is—let me acknowledge your comment, tell you that we'll continue to do as much as we possibly can to take local information on board. But let me guarantee you that, with close to 8,000 polling places, we'll never get it totally right and people have different views but I'll take your point in any case, so thanks for raising it.

Mr STEPHEN BALI: I'm not saying you need to get it totally right but it's getting it totally wrong that's the problem.

The Hon. BOB NANVA: My question is probably a broader, more philosophical question, I suppose. We've seen in Western democracies the concerning rise of conspiratorialism, increasing silos that people get their information from, attacks on the independence of organisations like yours and the rise of AI, which is really amplifying each of those things as well. Do you see those as the most urgent risks posed to confidence in democratic processes as well as future engagement in political participation in the medium to longer term in Australia? If so, do you think enough is being done? Are we structurally equipped, through a Federal electoral commission like yours and State-based electoral commissions, to leverage our resources to deal with it?

TOM ROGERS: It's a great question. It is a critical issue that we're confronting. I mentioned during my opening statement some of the things we've already done to try to deal with the broad level of mis- and dis-information. But I just need to be a bit cautious. When I talk about mis- and dis-information, I'm really concerned about mis- and dis-information about Australia's electoral process. The Federal Parliament is currently considering issues with mis- and dis-information and I don't want to get sucked into that and I don't want to either criticise Parliament or get in front of Parliament. I've been very public about the fact that the AEC should not be

the body given responsibility to determine truth in advertising, as occurs in a couple of other jurisdictions, because I think it'll ruin our neutrality for a whole range of reasons.

But we're already doing a heap of stuff to deal with mis- and dis-information. I mentioned before that we were the lead agency that started with our Stop and Consider campaign to try to help citizens think about this issue of electoral misinformation as it relates to the election. It really works. It's as cheap as chips. It's 2¢ per elector. We're getting 20 per cent recognition in the community and the research shows that people that see these campaigns are actually—"I am stopping and thinking." Now it's been further amplified. There is additional salience because it is being used by the state electoral commissions, including New South Wales doing a version of Stop and Consider.

We've got our online mis- and dis-information register, where we actually call out pieces of disinformation, put it on our register and talk about what we're doing. When we see a piece of misinformation or disinformation about the electoral process, we immediately cut a video using one of our experts and put it on what we call AEC TV. It sounds very grand. It's just a YouTube channel which we film in a cupboard at work. Then we point to it with our social media activities. We've had something like a million views of that material. We're trying to saturate the market with social media coverage. We've got one of the most active social media presences of any Commonwealth agency. Internally, we set up a unit called the defending democracy unit, which assists us to focus our efforts on how we can maintain the trust in Australia's electoral system, which is what it's all about.

We are also supported by a body called the Electoral Integrity Assurance Taskforce, which is a collation of Federal security agencies, amongst others, that assist us to monitor for foreign interference and other issues. We stand that agency up, at the request of the states when they ask, for state electoral events as well, and most of them do ask for full state events that we provide that support. We also run a forum called the interjurisdictional forum on electoral integrity, where we get all the state and territory electoral management bodies, us, Federal security agencies and central agencies from the states—either Premier and Cabinet or attorneys-general, depending on which state—where we meet at least twice a year and talk about the global environment with security.

The big issue that falls outside all of that, as you've just said, is generative AI. We've seen examples of where that is already being used to distort the process. We're looking at that at the moment, along with every other jurisdiction. Everyone has done something different. In South Korea, for example, they tried an outright ban on the use of all AI-generated political material 90 days out from an election, but they still detected 400 pieces of AI-generated political content at that election. Some are requiring labelling. If something is generated by AI you've got to put a label on it, like "Authorised by" and "This was generated by AI." We're looking at that right now. My intent is that by mid-October, or thereabouts, we'll put out a statement about the next election and AI, but there's no legislation that necessarily covers that at the moment. Again, jurisdictions are going down different paths; some are using voluntary codes or urging people to do voluntary codes, be reasonable et cetera.

It's a big issue. If you're looking for the silver bullet on how to deal with all of this, it doesn't exist. Regulation will be important, but the number one thing that we should be doing, all of us, is national digital and media literacy skills for our citizens. It is urgent, critical and we need to do it. That's the thing that I think will make the difference. I'm so sorry for making this a long answer, but it's such an important issue. Research shows that debunking doesn't work. You've got to do it sometimes to correct the record if someone says something that's broadly wrong. What does work is prebunking—that's all the work beforehand—education. Digital literacy and media literacy work most of all. Research out of Harvard shows that as well.

For me, that's the big thing we should be doing. Regulation is one piece of it, legislation. But that bit about giving our citizens better and more skills, we're going to be ramping up again our Stop and Consider campaign for the Federal event even more than we've done previously in the hope that that helps. There we go. I'd love to tell you that that was a fantastic brainwave that I had, the Stop and Consider campaign, but we stole it shamelessly from the Swedes who have done something similar and it worked for them. It's an example of why our democracies need to learn from each other as well. We need to watch what's going on overseas, and even in Australia, and then learn from each other.

The CHAIR: In relation to your answer, would you see debunking as a key part of civics education?

TOM ROGERS: Yes. I think, Chair, you've got to make sure that people understand where information comes from, how information is generated. I was trying to generate a clumsy metaphor, if I might, but when we talk about misinformation and disinformation and legislation when we're trying to regulate, it's a bit like we're saying disinformation is like a thunderstorm. And the regulation, we're trying to give every citizen a raincoat. This is the regulation. But we know that not everyone wears raincoats. You can give them and they don't wear them, or they get the wrong raincoat, and sometimes they think it's a good raincoat.

Education is about giving people the skills to know whether they should go out in that thunderstorm before they even leave the door, and to work out where the rain's coming from. I think that's something for us to bear in mind. Debunking is still important. We do that all the time, but actually it's about making sure people understand where information is generated from. Again, if I can just delineate our role, it's not about truth and about what candidates say about different candidates or what candidates say about their platforms. I'm talking about the electoral process, which is our small world, to defend that process.

The Hon. CHRIS RATH: I've seen it before where candidates—parties—will refer a piece of electoral material to the Electoral Commission. What do you do in that instance? I assume that if it's just a political claim that they've got an issue with you can't really do anything, but if it's a claim that might be particularly outrageous, what options do you have in that instance?

TOM ROGERS: If it's a claim that candidate A thinks that candidate B has somehow defamed them—I'm deliberately not using examples because I don't want to annoy people—or something they've said about their platform is false, we don't get involved. We refer it straight back to them and say, "Thanks very much." We get enough stuff about the electoral system—conspiracy theories that come from overseas. There have been persistent ones about the Dominion voting machines, which is a direct pick out of the US and smeared across the Australian election, and things like that. Last week one of my favourites was a guy writing to me demanding that I release all the information I have about the involvement of extraterrestrials in Australia's electoral system. We get all sorts of stuff like that.

Mr STEPHEN BALI: Was there any?

TOM ROGERS: I can't tell you. We get involved in defending the electoral system about those sorts of issues, and we work with the social media platforms. We might put things like that on our disinformation and misinformation register or use videos et cetera, but the claims between candidates are a matter for candidates to sort out. Jurisdictions are different. In South Australia, for example, their state Electoral Commission does have a role in determining truth. Them and the ACT, I think, are the only two in Australia that have that legislative requirement.

Mr STEPHEN BALI: I pick up on the very first point that Tim was raising. I'm not too sure what your form looks like now as far as enrolling. In the old days when I enrolled, they used to have your employment and what your profession or trade was. Picking up on your earlier point, when you enrol, do you actually tick the box whether you're Indigenous or not?

TOM ROGERS: No.

Mr STEPHEN BALI: Does it have languages or employment? You do record the age of the person and their birth date.

TOM ROGERS: That's right.

Mr STEPHEN BALI: If that's the only stat you have, I have two questions directly in relation to that. Is there a way of getting statistics that shows, say, the percentage of people under 25 or from 26 to 35 that voted? Obviously, you can't drill down into how they voted.

TOM ROGERS: We couldn't even tell you if they voted, really, because when you turn up to vote—

Mr STEPHEN BALI: Yes, but at least if they turned up or not, I suppose.

TOM ROGERS: We can certainly do that bit, and we have those stats available as well. On our website we have a range of statistics from every election, from the level of informal voting, enrolment in each division and the results in each division. We do spend a lot of time looking at the issue of youth. No surprises, youth is a sticky category in terms of enrolment. We're doing about as well as we've ever done, but it takes a lot of focus on that issue. We're conscious of the research that shows that—I'll butcher this a bit but, effectively, if we can get you to vote at the first election for which you are eligible to vote, you are more likely to be a lifelong voter than not. That's why that first vote is so critical, and making sure that people actually exercise their right during that first vote.

Mr STEPHEN BALI: Do you see value, if someone's enrolling now, in at least starting to ask the question whether they're from a non-English-speaking background or whether they're Indigenous? You need facts and data to change the system for us to understand what the take-up of votes is. Is it difficult or what would it take to actually ask a couple of extra questions that used to be there?

TOM ROGERS: Can you let me take that one on notice?

Mr STEPHEN BALI: Yes.

TOM ROGERS: There's a legislative aspect there as well, and a privacy aspect, that I need to think my way through, but I understand the intent. Let me take that one on notice and I might come back to you on that.

The CHAIR: Thank you, Commissioner. It was great that you could take the time to appear before this Committee. As you know, you will be provided with a copy of the transcript of your evidence for any corrections. Committee staff will also email any questions taken on notice from today and any supplementary questions.

(The witness withdrew.)

(Luncheon adjournment)

Councillor PENNY PEDERSEN, Board Director, Local Government NSW, affirmed and examined

Mr SHAUN McBRIDE, Chief Economist, Local Government NSW, affirmed and examined

Mr ANTHONY McMAHON, Chief Executive Officer, Bega Valley Shire Council, before the Committee via videoconference, affirmed and examined

Ms ILIADA BOLTON, Director, Business and Governance, Bega Valley Shire Council, before the Committee via videoconference, affirmed and examined

The CHAIR: I welcome our next witnesses. Thank you for appearing before the Committee today to give evidence. Please note that Committee staff will be taking photos and videos during the hearing. The photos and videos may be used for social media and public engagement purposes on the Legislative Assembly's social media pages and website. Please inform the Committee staff if you object to having photos and videos taken. Before we start, do any of you have any questions about the hearing process? If not, would any of you like to make a short opening statement before we begin questions?

PENNY PEDERSEN: Thank you for the opportunity to appear today. I'm a councillor-elect on City of Ryde Council, but today I appear in my capacity as a board director for Local Government NSW, the peak body for local government in our State. I am representing Councillor Darriea Turley, Local Government NSW president, who sends her apologies. Local government plays a crucial role in shaping, supporting and representing communities. Local Government NSW advocates for recognition of local government as an equal sphere of government. Decisions impacting councils must align with the democratic principles that allow elected councillors to reflect the needs of their communities. This will further bolster voter confidence in their local democracies.

Local government is the most trusted level of government. *The Sydney Morning Herald* Resolve Political Monitor survey earlier this year found that most New South Wales voters think their local council is doing a good job, more so than either the State or the Federal government. We want to keep building on this. To encourage voter turnout, electoral processes for councils should be as consistent as possible with state elections, noting, though, that local government candidates generally have far fewer resources available to them than candidates running for state election. In the lead-up to the 2021 local government elections, Local Government NSW strongly advocated against universal postal voting for those elections. Universal postal voting would have diminished the status of local government, risks disenfranchising voters and would discourage voter participation.

We welcomed the decision of the then New South Wales Government to back away from introducing universal postal voting for those elections. However, another concerning development for local government relates to elections being uncontested where the number of candidates for an election is less than or equal to the number of vacancies, either at the whole-of-council level or on a ward basis. We have seen that at these recent elections in 2024. In these instances, the candidates are declared elected without a vote. In many cases, the workload, the administrative and regulatory requirements and the low remuneration for local government councillors in New South Wales mean that a career as a councillor is not feasible for a lot of people.

The effects of this are being most deeply experienced in smaller, rural councils. The lack of an electoral challenge is, in general, not good for democracy. Increasingly and very concerningly, another reason that we don't see people re-contesting or running for local government is that there is a growing number of councillors who are raising concerns about threats to their safety and deciding that, despite a desire to serve their community, they will not run for election again. Those threats go beyond the ordinary cut and thrust of an elected environment and now abound on social media with little or no recourse available to them. Candidates for election are required to have an authorising address on their electoral materials.

In 2024, in this day and age, the requirement for a means of contact could surely be met with an email address, rather than the street address that is required now, so that candidates don't feel compelled to include their home address where their family and they reside when they don't feel it is safe to do so. Councils are elected to

serve, support and give voice to their communities. Local Government NSW supports as wide a range of candidates as possible to consider standing for what could be, and is, a very rewarding opportunity for many of us. In closing, Local Government NSW would like to see the following. Firstly, the New South Wales Government and the Australian Government should work with local government to develop and promote a broad education campaign on an ongoing basis to increase community understanding and awareness of the roles of each level of government and how elections actually work. This must include campaigns to support electoral participation—as voters and candidates—from more women, First Nations people, people with a disability and those speaking languages other than English.

Secondly, council elections must continue to be held in a manner as similar as possible to state government elections, to encourage voter participation. Thirdly, the New South Wales Government must work to encourage more people to stand for election by taking steps to improve safety for councillors, and by improving the viability of local elected office by providing a reasonable level of councillor remuneration. Lastly, the New South Wales Government must adequately fund the NSW Electoral Commission so that it can fulfill its critical functions without shifting costs to our communities.

ANTHONY McMAHON: I'll just endorse everything that was said then rather than going into too much detail. We obviously provided a submission and, given that we have just got a current local election playing out here now, we have got some more current experience that we can add to the conversation, including a bit of data on things like our turnout here has declined since the last election and the rate of informal votes has increased. So, that's the sort of trend we're trying to avoid with this. Happy to take any questions that might clarify any of that.

Mr STEPHEN BALI: I have two questions. I suppose one is to Penny as an elected person and then more the administration of the elections to our professional council employees. Firstly, you've raised, quite rightly, the issue about remuneration et cetera, and it is one that I have my own views on. I think you're right: the amount of money that a councillor gets paid, depending on whether it's a big council or a little council and all sorts of other things, it's fairly low. When you look at the time and effort et cetera that needs to be put in there, how would we unpack that? What would that kind of look like? From my perspective, I suppose just to throw out an aspect, I like the idea of full-time councillors, but we don't need 15 or 9 or whatever, depending on the size of the council.

If you look at electorates, if you have five or so full-time paid councillors who can meet constituents in normal hours, is that a better way of going? A criticism of some councillors is that they don't read entirely the business papers et cetera. Because you have time constraints—you've got to be in the community et cetera—I know what it's like. Imagine us as MPs being part-time. This is my philosophy I'm putting forward and I'm happy to have your feedback or knocking it down with what you think, but should we have fewer councillors but paid full-time? Is that a better way of looking at it? My second question is: What do you reckon as far as mayoral votes—popular versus council selected?

PENNY PEDERSEN: Well, I'm here speaking on behalf of Local Government NSW and I don't think that we have a position on either of those things. I would say, though, councillors in rural LGAs, just in regards to payment, receive between $10,220 and $13,520 a year.

Mr STEPHEN BALI: That's not much.

PENNY PEDERSEN: A mayor in a rural council can receive a maximum of $43,000. Mayors and councillors have incredibly important roles in leading and supporting their communities and some of them are managing billions of dollars in assets and essential services, as you know. Water supply, waste management—all of those things—helping their communities prepare and recover from disasters across the State; quality candidates who may otherwise have considered local office are at best discouraged and at worst disqualified from standing for election when the financial implications hit home, if they want to run. Comparing Queensland to New South Wales—

Mr STEPHEN BALI: They're paid full-time.

PENNY PEDERSEN: Yes. They get paid. If you compare the roles and responsibilities of elected officials and the criteria required by their governing legislation, they're almost identical; yet, the mayors and councillors in Queensland are in receipt of fees up to $76,000 and higher—much higher than their New South Wales counterparts. Local Government NSW accepts that individuals who stand for election for local government do so to serve their communities, which is exactly like most of us who did it, and that local government ought not be a lucrative career choice for those individuals. However, individuals should not be excluded from the democratic process on the basis of their financial position. Councillor remuneration is also far below State and Federal MPs.

Mr STEPHEN BALI: Do you agree that there should be fewer councillors and to pay them full-time?

PENNY PEDERSEN: Personally, we'd have to have a good hard look at the way it's done elsewhere and see how it works—whether it works.

Mr STEPHEN BALI: It would be good if local government can look at it.

PENNY PEDERSEN: I would hate to see a decrease in representation for our community.

Mr STEPHEN BALI: It probably increases representation. You might have less people but they're available any time you need them. The other element is that I know that councils fully have to pay for the election, which is a huge cost impost. When I was on council, my huge concern was the communication between council versus the Electoral Commission, like the setting up of polling booths. It seemed like they weren't actually listening to where they ought to go and how many there are. Has it changed much? Does the Electoral Commission actually sit down? It's almost like, dare I say, a vacuum here. You put money into the Electoral Commission but you don't have much say in how they run the ballot. Is that a problem? Is that still a problem for council administration?

PENNY PEDERSEN: Would you like to speak to that, Mr McBride?

SHAUN McBRIDE: Yes, it is still problem, and we have raised the issues with the Electoral Commission on many occasions, and there are a number of things that councils aren't satisfied with. I'm sure Anthony can add to those. Financially, we have managed in more recent years to get IPART to make an adjustment to help cover the cost of elections, and I would also note that the cost of elections over the past few years has gone up quite dramatically.

The CHAIR: Can I ask if Bega Valley has any comments on any of those matters?

ANTHONY McMAHON: The relationship with the Electoral Commission, from my perspective, has improved over time a bit. They are trying to do better at engaging with us. Again, they have limited resources to be able to do that, and any time more resources come on board, our ratepayers are expected to pay. Where is the value for money proposition in that? But there is always improvement. To the first question, I have a couple of practical examples on the framework at the moment on who is choosing to stand and why and then the popularly elected mayor, given that we have just this election gone to a popularly elected mayor for the first time.

On the first point, I know she won't mind me saying this, we had, in my opinion, a very good councillor stand for the first time last term—got elected, stayed on council for the term—a single mother that turned 30 during the term of council, was trying to study at the same time, and then this time around decided not to stand again because it was just not viable for her to do that. In my opinion, that's exactly the type of broader representation we need in local government. She tried it, it was too disincentivising with remuneration so she is out. And the popularly elected mayor thing, what it 100 per cent in my opinion has done in our community this time around at the election is change the whole campaign dynamic and the conduct of the candidates.

In the past, there was less, what I would call, jostling for poll position happening during the campaign period, and the way they treated each other during a campaign period was probably a bit more broadly respectful. This time around, observing it, there has been a bit more personal attacks between candidates, and I think that could cause challenges in forming relationships amongst councillors that also stood as mayoral candidates. They're all going to get on as councillors, but on Monday morning one of them is going to pop up with their head above the pack, and I'm not sure who. That's one of the differences I've noticed shifting right now from council-elected to community-elected just as an observation.

The Hon. CHRIS RATH: I have a question on a subject that is the source of much frustration for certain people on election day for local government if they're out of the area. I saw this at polling booths a couple of weekends ago with our election, and you see it all the time. Unlike at a State or Federal election, where you can do an absentee vote if you're not currently in your electorate for that day, you can't do it at a local government level. I think of an example of someone at the polling booth I was at who was from a different council, and she just couldn't vote. She would have to drive for two hours back to—

Mr STEPHEN BALI: Or a different ward even.

The Hon. CHRIS RATH: Yes, even a different ward. That's right. You could be in the same LGA but from a different ward. Why is that the case? Surely, just like there is absentee voting at State and Federal elections, we could roll that out for council elections, as well, to increase that voter turnout and engagement. Is that something you've looked at or that you've got any thoughts on?

PENNY PEDERSEN: I think it goes back to my opening comments in regard to trying to make local government elections align as closely as possible with state government elections. I would think that includes all of those things. It also ties into what I was saying about education. A lot of people don't understand how to vote

at a local government level. They don't understand the different tiers of government. I think a much broader education piece is required. I think we need the Federal and the state governments to work with local government on making sure that happens and that it's ongoing, because obviously new people become voters and they still don't understand how it works.

The Hon. CHRIS RATH: Any thoughts from Bega—if you've got people in Merimbula for a long weekend enjoying the beautiful sites and they can't vote because they're from Sydney?

ANTHONY McMAHON: Very happy to comment. I think there are two potential dual solutions that can address this, which would definitely help with voter turnout. One is the ability for absentee voting, and the other one is, again, technology-assisted voting. Practical experience again—I've got a 20-year-old daughter that now lives in Wollongong and didn't get her act together in time to do any of the prearranged things. If on election day she could have done technology-assisted voting, she 100 per cent would have. As you said, new voters are coming into the system, and they are much more likely to engage if there are technology solutions, rather than having to jump in a car and drive an hour. In our case, in places like the Bega Valley, it can be a fair drive for some people to reach the nearest booth. I think absentee voting is one solution but, certainly, technology-assisted voting in combination will help, too. Again, very much the education on how all this works is the underlying critical piece.

Mr TIM JAMES: At a state level, after each election, this Committee conducts a review into the conduct of the previous election. Is there a body that would conduct a review into the conduct of the now just past local government elections?

PENNY PEDERSEN: I'll refer to that you, Mr McBride.

SHAUN McBRIDE: There isn't a conduct review, per se. But with the handover of councils, there is a review of the previous council's performance.

Mr TIM JAMES: But that's financial, operational or otherwise, right?

SHAUN McBRIDE: Yes, and the management of the council.

Mr TIM JAMES: It seems like perhaps there isn't that review, feedback or opportunity for submissions in the same way. Obviously, at a Federal level, what we do would be done by our equivalent committee, perhaps recognising, as I think we all have here, that turnout decline. Formality of voting is down. Certainly in my area and probably across the State more broadly, there's more party political engagement in local government. I'm generalising for a moment, but there's perhaps a little less grassroots and a little more party head office orientation and so on. Perhaps, for all of those reasons and more, there should be some sort of review, whether it's by a committee like this or some other body.

The CHAIR: May I just interpose that this Committee has done those reviews in the past.

Mr TIM JAMES: Would that typically be the case—

The CHAIR: Just as an aside, this Committee has done them in the past. Because of COVID et cetera we didn't do it after the last election, but that may well be something that this Committee could consider in it's deliberative.

The Hon. CHRIS RATH: Chair, we are very light on inquiries at the moment as part of this Committee.

The CHAIR: This Committee can't self-refer, but it can make recommendations.

Mr STEPHEN BALI: Just let us talk amongst ourselves.

The CHAIR: I just thought I'd clarify that.

Mr TIM JAMES: We should do that. I appreciate and hear you when you say there's a lot to be said for aligning with state government and there's a lot to be said for lifting up public awareness and engagement, and so on and so forth. One of the themes that I think has struck upon just about all of our discussions today is that civics education does not appear to be where it ought to be in terms of young residents of New South Wales coming to voting age, which is another topic we'll deal with, but getting to the age of 18 and having a greater, deeper awareness of our three levels of government and our voting systems, our democracy and our institutions, and so on and so forth. I think that's surely going to be a focus for us going forward. This is more of a comment than a question, but thank you for recognising that if we do see this sort of potential in which our democracy is not well engaged with, or people aren't aware of it, or indeed people might take it for granted, then I think that is to our peril and is not positive. So thank you. I appreciate what you've raised with us today.

The CHAIR: Just to wrap up Mr James's question I ask all witnesses: Following the NSW Electoral Commission doing its report into the local government elections, would you favour this Committee doing a review of that report and the elections?

PENNY PEDERSEN: We'd have to take that on notice to our board.

ANTHONY McMAHON: I'm comfortable to say from the perspective of a CEO in local government I think yes. The reason that the State Government is the most appropriate mechanism is that we don't control the rules around how elections happen in New South Wales. It's not something we directly make the decisions on. We just have to adapt what we're told. If the mechanism is another entity such as yourselves that looks at it, we have the opportunity to express views and opinions on the good, the bad, the ugly, and then you potentially make policy changes, whether they be financial or legislatively around that, and that's a good outcome from my perspective.

The CHAIR: If LGNSW could take that on notice, that would be great.

PENNY PEDERSEN: We will. Thank you.

Mr NATHAN HAGARTY: You touched briefly on the costs of elections. One of the reforms that the previous Government brought in was the ability for councils to essentially outsource the administration of elections to a private provider. At the last election there was a bit of media attention around a couple of councils that used a private provider. The Premier has also come out making comments about that. I just wanted to get your comments—essentially your views—on outsourcing democracy to the lowest bidder.

PENNY PEDERSEN: Local Government NSW supports the NSW Electoral Commission conducting local government elections and, in an ideal world, all local government elections would be conducted by the NSW Electoral Commission. In 2019 the Local Government NSW annual conference resolved to oppose the privatisation of democracy. This was in the context of an IPART recommendation seeking to encourage more private election providers to lower the costs of elections. For recent elections a small number of councils have chosen to use a private election provider, the Australian Election Company. In 2024 two councils used it, which was Fairfield and Liverpool, as you know; in 2021 two councils; in 2016 and 2017 there were six councils; and in 2012 there were 14 councils that used them. Councils are required to pay for the direct costs of conducting their elections. The councils that choose to use a private provider primarily do so to achieve a significant cost saving for their council and their ratepayers.

Councils across New South Wales have raised concerns at the escalating costs of conducting local government elections and have called for the New South Wales Government to better fund the NSW Electoral Commission for this task and to ensure that the Electoral Commission cannot increase the cost of elections by more than the rate cap limit imposed on council rates. Noting the above, councils would also submit that the NSW Electoral Commission is too slow in its processes and should be funded to a level that allows it to deal with reasonable nomination periods, counting seven days per week and an earlier declaration of successful candidates. We all await the outcome of the 2024 elections on Monday. We started voting on 7 September.

The CHAIR: And postal votes close today. Bega Valley, do you have any comments on that question?

ANTHONY McMAHON: From my perspective, I think that one way of doing it is important for integrity and consistency and community comfort that there is no risk that any individual council might make a decision based on anything other than an objective process. Whether the reality of that's what those councils are trying to do or not is actually valid is a different thing. But I just think that, if you start to change things and it's a council deciding to change things, you run the risk that the community might have backlash if the outcome of a particular election isn't what they think they wanted to see. I don't know if, Ms Bolton, you want to add anything to that.

ILIADA BOLTON: I'd just like to add that, from a financial perspective, the private provider is similar pricing as well, but it comes with higher risk. We often do an assessment just to make sure that we are looking at the most responsible way and understand what our options are, but we have always resolved, though, with the Electoral Commission.

Mr NATHAN HAGARTY: There were some earlier comments about the difficulty of voting, especially if you are out of the area. I know that, in councils where they are using the private provider, what were previously joint booths with a council that was using the Electoral Commission—that caused some issues. People would turn up to a booth that was administered by the Electoral Commission and they therefore couldn't vote there, despite the fact that in previous elections they had. I'll just leave it there.

The Hon. CHRIS RATH: On a similar issue when talking about providers for elections, as a ballpark figure—and you might have to take this on notice—what is the cost involved for councils for having an election?

What cost sits on your books every four years for an election? I appreciate that you might need to take it on notice if you don't have it.

PENNY PEDERSEN: I might have to take the actual amount on notice.

The Hon. CHRIS RATH: I assume it's expensive for councils.

PENNY PEDERSEN: It is, yes.

Mr STEPHEN BALI: I know for Blacktown it's several million.

The Hon. CHRIS RATH: I would assume it would be in the millions.

PENNY PEDERSEN: Mr McBride, do you know how much? It depends on the council.

SHAUN McBRIDE: No, it varies widely between councils.

Mr STEPHEN BALI: Depending on how many voters are going.

SHAUN McBRIDE: Ultimately, that gets passed onto the ratepayers through the adjustment of the rate peg to compensate council.

Mr STEPHEN BALI: But you did say earlier that IPART allowed you an extra increase in the council rates to cover for the costs. What was that increase?

SHAUN McBRIDE: That was IPART in its calculation of the rate peg. In election years, it has been practice in recent years to make an adjustment for the cost of elections, like an addition to the peg. The peg gets increased and one of the factors taken into account in determining the pegs is extra cost to councils.

Mr STEPHEN BALI: But if they increase the council rate by whatever marginal percentage, that's permanently increased and so therefore the council should be putting away—

SHAUN McBRIDE: No, the way IPART works is that it only applies for one year.

Mr STEPHEN BALI: If the rate is, say, 2 per cent this year, which is far too low a number, they don't say that next year it's going to be 1.8 per cent?

SHAUN McBRIDE: The way they do it is the effect is only on the one year. It's not a permanent rate increase. That's the methodology.

The CHAIR: Does Bega Valley have a comment or response to that question?

ANTHONY McMAHON: I have a suggestion. I think it would be relatively easy—and I hope I'm not dropping anyone in it too much here—for LGNSW to ask as many of the councils as possible to provide their figures on what the last three elections have cost. I know that I could generate that data in the space of 20 minutes here. Potentially, LGNSW could put a call out for who can provide their data in whatever time frame you're asking. Whoever is able to can provide it. You may then be able to do a comparison on what those cost escalations over that period look like relative to the rate peg over the same period. I think that will give you a message about the gap.

The CHAIR: Maybe LGNSW could take that question from McMahon on notice.

SHAUN McBRIDE: We could. I would also add that the Office of Local Government would probably have that data to hand.

Mr STEPHEN BALI: Or the NSW Electoral Commission, since they're charging you.

The CHAIR: Councillor Pedersen, you could take on notice the issue and then come back to us?

The Hon. CHRIS RATH: Or even just a few examples. Obviously Blacktown is going to be more expensive than Hunters Hill. Then maybe throw in a regional council as well to see what—

The CHAIR: Maybe Blacktown.

Mr STEPHEN BALI: Hunters Hill has 12,000 people.

The Hon. CHRIS RATH: That's right. You're very different councils.

Mr TIM JAMES: It would be remiss of me not to touch upon the motion presented on page 4 of your submission brought to you by Willoughby City Council in relation to electoral materials, recognising that this was a motion passed by Local Government NSW in 2022. It may be that this is something we could deal with in more detail should we have the opportunity to go about a broader review of the recent local government elections. I invite your comment on the matters raised here. Did you see an improvement, if you like, in NSW Electoral

Commission information for voters along the lines of that which is outlined or sought in this motion of Willoughby City Council? Was there more information or material, whether at polling places or online, including in other major languages? Did you get a sense for more polling booth officials having language skills that would suit electors in a range of areas? Those three points would be good to reflect on. I wouldn't be doing my job as a local member if I didn't drill in a bit to the motion raised by my local council.

PENNY PEDERSEN: I think we might have to take that on notice. I'm guessing that feedback will be available to us at some point.

Mr STEPHEN BALI: Picking up on your earlier point, you're right as far as displaying someone's personal address. Would it be better, or maybe a recommendation you would seek from us, to use, say, a postal box? There needs to be some type of address to contact people—maybe a PO box or something.

PENNY PEDERSEN: Our position includes that even an email address would be preferential to someone's home address. I'm also the president of the Australian Local Government Women's Association. We ran a series of forums across New South Wales encouraging women to get elected. One of the questions that came up was, "Do we have to have this? I find this concerning and puts my family and myself at risk"—particularly in small towns, where people know exactly where that address is.

Mr STEPHEN BALI: Good point.

The CHAIR: I was going to raise a similar point, in particular in relation to PO boxes. At least with the PO box, if there is a legal issue, that information is held by the post office. We need to dig down into that a little bit. I have taken part of this inquiry as meaning how we can increase voter engagement, participation and confidence. It hadn't occurred to me until your earlier comment that we should also include in that the confidence to actually participate in the process as a candidate. I then ask two questions. One is whether you have any comments on barriers to voter engagement confidence and participation arising from the conduct of the last election. Subsequent to that, my second question is what barriers there are to voters participating as candidates, other than having to display your personal information. The first question is: What barriers are there, that you see arising out of the last council election, to voter engagement confidence and participation particularly?

PENNY PEDERSEN: As I mentioned in my opening remarks, it's our perception that it's not only safety. It's cost prohibitive for a lot of families, particularly in the current climate, to give up work time—and basically volunteer, really, for the amount of money that you get—to work many hours a week to help the community. Even though you really maybe already do that or you want to go further and become a councillor, it's cost prohibitive. I think that would be one of the major issues. For women, it's different again. There are family concerns. But safety is a big one. There are a lot of things happening online now to councillors. It's not so much first-time councillors; it's councillors not choosing to return for re-election because of their safety concerns. Do you have any other ideas, Mr McBride, as to why—other barriers?

SHAUN McBRIDE: Other barriers probably apply more to the voters' participation. We hear a lot that people just aren't aware of who their candidates are. Looking at it from the voters' perspective, we've heard that comment quite often that people just didn't know anybody on the ticket. There's not sufficient material out there to tell them who the candidates are. There probably weren't enough forums or other places where candidates would get exposure or differentiate themselves from their opponents. That's an additional factor. It's a barrier to participation by voters.

PENNY PEDERSEN: I would just add that I think that the nomination process is not as easy as it could be. Particularly for women running in regional areas—who I've met at our forums—who have not run before, I think the cost of running a campaign can be a barrier to nominating. There's a couple of different things that could be done to make it easier for people to put themselves forward.

The CHAIR: What things would need to change?

PENNY PEDERSEN: Again, it's back to education, I think; showing people how to do it.

The CHAIR: Does Bega Valley have any comments on that issue?

ANTHONY McMAHON: A couple. The one about the overall confidence in voters around election and who to vote for and how. I've observed this happen in this election and I've observed it happen in the past too, so I'm not being critical of our current candidates. When the community hears two opposing positions on a thing that is supposedly a matter of fact, and two different people are saying the matter of fact is a different answer, and they've both previously been councillors on the same council, that creates a lack of confidence in the community that the council is actually on the same page and understands what they're up to. That's one observation around community confidence.

The other one about what might be a deterrent to people being a candidate in the first place, the overall fundamental flaw in the financial sustainability of local government in New South Wales is turning candidates off. I know that. I've had people say that to me. They say, "Why would I put myself in the position of being set up for failure no matter what I do? My position is going to either need to be to say, 'We need more money,' so more rates, or, 'Sorry to the community that elected me, I can't support continuing to do the things that you've always got from the council.'" That's a theme across the sector at the moment.

Mr STEPHEN BALI: Welcome to State and Federal politics as well. I'll just build on that theme of engagement. You're right that given the demise of local papers, it's hard to find information. On social media, if you're not in a particular echo chamber then you won't know what's happening with other candidates. Picking up on what Mr McBride was saying earlier, would it add value to put forward a forum in the wards? I know council officers would need to be careful through the process not to be favouring one or the other, whether it's ward based, council based or location based. But if candidates wished to turn up and face the people, the council could organise forums in a community centre of one, two, three, four or whatever—depending on the size of the council and the tyranny of distance. The council could organise a forum where people can have this contest of ideas.

ANTHONY McMAHON: I'm happy to respond to that. My experience, through several elections now, has been that the community are actually pretty good at organising themselves to do that. Quite often there are either community groups that will lead it, and in our case down here recently we had business chambers lead that. We had a good collaboration between local business chambers partnering with local media outlets to live stream the "meet the candidate" information sessions, where they were all given a series of the same questions, and that all happened.

My concern with the outcome of those forums happening was where two different views of facts were being presented. As an officer of council that knows the truth, which more often than not is sort of halfway down the middle somewhere, it's not my role to then engage with responding to what candidates say publicly. I think there are mechanisms for the community to get informed if they want to. But picking up Shaun's point earlier, it is really difficult for people to proactively go and find information about candidates unless they manage to be aware of one of these candidate information sessions that are being organised. Again, I'm not keen, from a council perspective, to be the ones that are leading any sort of promotion around what's happening in an upcoming election. Often there can be a perception that we're favouring existing councillors over new candidates in anything we do.

Mr STEPHEN BALI: Maybe we can explore who's the best placed, because I know in a lot of council areas there were hardly any forums, but that's a good point—how do you regulate, as a minimum, across the board? The other presentations we had earlier in the day threw out an interesting proposition that young people aged 16 to 18 would like to vote. In the local government world, business ratepayers may not be resident in the local area but own a business and pay rates, and they can vote. I suppose local government is a little bit different to the State and Federal opportunity to vote. What would you say if the voting age and participation and engagement for local councils was lowered to 16, to allow 16- to 18-year-olds to vote there?

PENNY PEDERSEN: Local Government NSW doesn't have a position on this. As you probably know, our positions on matters such as these are determined by motions at our annual conference, which is coming up in November. I have no doubt, given the conversation that's being had more widely, that we might have some motions around this at our conference. But on a personal note, I can tell you that my son has just recently turned 18. He came to me a couple of days ago and handed me a letter that he received from the Australian Electoral Commission saying, "You did not respond to the previous letter; therefore, you were enrolled." Now he has to pay a fine. They basically sent him a letter saying, "If you do not reply to this letter, you will be automatically enrolled." I think we're going to have a whole heap of young people who are going to be fined as a result of that.

Mr STEPHEN BALI: Young people don't read letters.

PENNY PEDERSEN: It's hard to get 18-year-olds to go. But as far as Local Government NSW goes, they do not have a position on this yet.

Mr STEPHEN BALI: I'd just like to explore that last comment you said. It's hard to get young people to vote.

PENNY PEDERSEN: It's hard to get young people to go and enrol. I've found that a lot of them just don't even think about it or think if they stay off the roll, it is not going to be a burden on them. I know a lot of my friends who are similar ages to me with teenagers who've just turned 18 said they had to drag them kicking and screaming to vote for council.

The CHAIR: Does Bega have any views or would you like to move on?

ANTHONY McMAHON: I've just been at a high school graduation day for my middle child and everything I have just heard resonates. The one thing that concerns me is if we move to something like that was whether it is compulsory or not, because if you make it compulsory from 16 to 18, the parents are going to pay the fines. I know that bit. The other bit on the flip side though is, having been at a high school graduation today, some of the young people aged 16 to 18 are far more passionate and engaged about the future of our communities here than a lot of the parents that were in the room. I know in my household, the two kids are probably more engaged and understanding of how the whole political system works than everyone else in the household, if I can say that diplomatically.

The CHAIR: Can I ask a question to Bega Valley, particularly, but also if our other witnesses want to weigh in. In your submission you state that more proactive engagement with Indigenous people in rural communities would be beneficial. Can you expand on how this might be done?

ANTHONY McMAHON: One thing that we do have down here in the Bega Valley is very strong relationships with the three local Aboriginal land councils in our area. We have a memorandum of understanding with them and action plans on how we engage with our community. That's one mechanism. What we find, though, is that's not the only way, and I'm not saying it's the best, but it is the best we are doing at the moment. Particularly for communities with relatively large Indigenous populations that don't always engage in the way that government might expect that they would want to be engaged, you're potentially missing a whole cohort of communities by not looking at different ways of engagement and educating them, particularly around what the different levels of government do and how the whole election process happens. For example, down here we have an Aboriginal community in the north of our shire that has to go a fair way to vote basically. They are actually in the Eurobodalla shire, and I'm not even sure where the nearest polling booth is. I assume Narooma [audio malfunction] underrepresented minorities in the community.

The CHAIR: Your transmission froze in the middle of that, I'm sorry, but I think we got most of the gist. Are there any practical things that you would recommend doing that you find of use and value in Bega Valley?

ANTHONY McMAHON: Yes, so one of the most effective outcomes of this committee we have in place with our three land councils is we regularly engage directly with the CEOs and the chairs of the land councils. The chairs of the land councils are Elders within the local Aboriginal communities. They are really good influencers and information distributors within the broader Aboriginal community. I think finding leaders within the community and helping educate them, they can then help educate others in the community too, instead of what we typically do which is a bit of a scattergun approach to the whole community and assume that everyone picks up information we are trying to share.

The CHAIR: Does LGNSW have any comments on this?

PENNY PEDERSEN: I concur with Mr McMahon on that. I think it's all about finding leaders and also finding candidates because voters will be more interested if they know that somebody from their community is running as a candidate. In 2021, the election resulted in 3.6 per cent of elected councillors being Aboriginal, with a further 0.3 per cent of Torres Strait Islander, and for the first time one council, Brewarrina, had a majority of councillors who were Aboriginal. I got to meet one of those councillors. We ran—sorry, I'm putting on my other hat now. ALGWA ran a forum at the request of the Department of Premier and Cabinet in Moree before this election. It was specifically to encourage First Nations candidates to come forward. We had a councillor from Brewarrina come to work with us and another councillor from Queanbeyan, who is the deputy mayor. She came up as well. Quite a few First Nations women came forward and they talked about voters and voting. In Brewarrina, people do come and vote. They're interested in the process. It is a matter of having leaders and candidates from the community come forward—but, again, a broader education piece that I think we can work with State and Federal government on.

Mr STEPHEN BALI: You were talking before about candidate participation and councillor participation. A big issue out there is the code of conduct and the arguments between councillors. From both a councillor point of view and from the office's point of view, should we re-look at how the code of conduct is conducted? Because it seems to be that the Office of Local Government is taking forever to respond. Councils have the option of employing a private investigator. There is no consistency between councils. My years on council saw different ways or different things being undertaken. If there are allegations of bullying and all sorts of—sometimes it's just political robustness and you go, "Just deal with it", versus where you are personally attacked. There needs to be a more timely approach. How do you see the code of conduct? Is that something—that people may give up and after four years go, "I don't want to run for council if this is how we treat each other"?

PENNY PEDERSEN: I have lots of personal views on this, but I will ask Mr McBride to give the Local Government NSW—do we have a position on this?

SHAUN McBRIDE: At this point in time, we are engaging with the OLG, with the Minister's intention to introduce a new code of conduct, which will—the objective, we understand, being greatly simplified and expedited than the previous process. We are, as I said, constructively engaged in negotiations with the department and the Minister on how this should look and what would be acceptable and what won't be. That process is ongoing. It was kickstarted just a little while ago by the Minister, and we're looking forward to working with the Minister. We recognise the problems with the current system. I don't think there is anyone who would defend doing nothing. We're looking to work constructively with the Minister and the office to bring forward a new regime for the code of conduct.

The CHAIR: Bega Valley, do you have any comment you would like to make?

ANTHONY McMAHON: Yes, just reinforcing that that review is happening and this is a whole separate can of worms. If I was to say to the New South Wales Government what is something they should focus on to help address these issues of ongoing councillor behaviour and some of the associated risks that come with it, work health and safety legislation in New South Wales needs to be looked at and how elected officials in local government are considered under work health and safety legislation. They're considered as a worker, but they are not considered as part of a person conducting a business or undertaking. They are not held accountable to the same safety standards.

What I'm doing here is making the link that is a trend that is starting to occur in local government where sometimes councillors are saying, "Well, the code of conduct does not protect my mental wellbeing from the people around me, but the Work Health and Safety Act can in a different way." The challenge is that those other elected officials aren't the ones accountable legally for providing a safe workplace. Executive staff of the councils are. That's an anomaly between how any other board functions compared to a local council. If I was going to raise an issue here for further investigation down the track, I'd suggest to look at that one.

The CHAIR: That brings us to the end of our hour. Thank you, everyone, for appearing before us today. You will be provided with a copy of the transcript of your evidence for corrections. Committee staff will also email any questions taken on notice from today and any supplementary questions from the Committee.

(The witnesses withdrew.)

(Short adjournment)

Dr ANDY ASQUITH, Research Officer, Public Service Association of NSW, affirmed and examined

The CHAIR: I welcome our next witness, Dr Anthony Asquith. Thank you for appearing before the Committee today to give evidence. Please note that Committee staff will be taking photos and videos during the hearing. The photos and videos may be used for social media and public engagement purposes on the Legislative Assembly social media pages and websites. Please inform the Committee staff if you object to having photos and videos taken. Before we start, do you have any questions about the hearing process today?

ANDY ASQUITH: No, I'm good.

The CHAIR: Would you like to make a short opening statement before we begin questions?

ANDY ASQUITH: Thank you for the invitation to appear before the Committee today. The Public Service Association of NSW welcomes the Committee's inquiry into proposals to increase voter engagement, participation and confidence. If people don't have confidence in the electoral system and the democratic institutions themselves, they're less likely to engage and participate in the most fundamental democratic act of voting. We say elections are a key component of a healthy democracy. We are all fortunate enough to live in one of a small number of countries which are deemed to have free and fair elections, generally unhindered by corruption, external actors or other means designed to influence the outcome in an untoward manner.

Although I am primarily presenting the PSA here today, I have two other hats which have influenced the submission that the Public Service Association made and which will weigh heavily on the evidence that I will provide. For the last 10 years, I've been an industry fellow at the Centre of Local Government at the Institute for Public Policy and Governance at UTS in Sydney. I've also stood four times for election, twice in the UK and twice in New Zealand. Prior to being in Australia, I was one of New Zealand's leading academics in the local government space. I continue to write and offer expert commentary and opinion on the importance of elections and the need to use whatever mechanisms are available to engage citizens and to ensure the purity of the electoral process.

Mr STEPHEN BALI: Thank you for your presentation and submission. Do you see a role for unions and associations to help educate your membership as far as the different elements of the different governments and, if so, is the PSA doing anything along those lines at the moment?

ANDY ASQUITH: If I may answer that in a more general sense, I think civics education in its widest context is incredibly important and something that we don't do enough about. In fact, I note this week that the Parliament is seeking to recruit a number of people to serve on an advisory group that will help to develop civics education to educate people about the role of the New South Wales Parliament and the importance of elections in the democratic process. In a plural society, organisations like trade unions are key parts of the education process. We are a democratic organisation ourselves. In holding our own elections, we help to educate our members on the importance of democracy and the role that they can play.

Mr STEPHEN BALI: Because of your international experience, how different is civics education in England, if at all, versus here?

ANDY ASQUITH: I should say, apart from my accent, I'm actually a Kiwi. I travel on a New Zealand passport, which confuses people somewhat. I think in the UK, New Zealand and here there's a lot of work that can be done to improve and enhance civics education. When I was in New Zealand, I had a very peripheral role in a report that was put together by the New Zealand Political Studies Association about teaching civics in school. I'm quite happy to provide a copy of that report to the Committee, should you wish. Unlike many pieces of work that are put together by experts that use informed evidence, unfortunately, this report has been disregarded in New Zealand. It contains a lot of valuable work. I know similar work has been done in the UK but, once again, it tends to be disregarded and cast aside.

The CHAIR: If you could send us a copy of that report, that would be of value.

ANDY ASQUITH: Yes. I'll send you the New Zealand stuff and I've also got stuff from the UK as well and I'm happy to share it. The wider the audience, the better.

Mr STEPHEN BALI: I still want to know about this civics advisory board that we've advertised that I don't know about.

The CHAIR: You should check your emails.

Mr STEPHEN BALI: Is it in the emails, is it?

ANDY ASQUITH: I'm quite happy to provide a copy of the job spec that went out.

Mr STEPHEN BALI: I'll check my emails as well.

The CHAIR: Your submission states that you have "considerable concern about the use of technology to assist in voting" on page 2. I wonder if you could please expand on your concerns.

ANDY ASQUITH: I would be delighted to. I was part of a concerted campaign in New Zealand that in 2019 basically stopped local government elections going online. There is a perception in some quarters that technology and online elections or e-voting will make the whole process simpler and easier and cheaper as well. Wherever something is cheaper, I'm always wary in the first place. The technology that's available is insecure. I think in our submission I make reference to work done by academics at the University of Melbourne. They demonstrated that online elections in a number of parts of Australia were inherently insecure.

It seems to be something that's not so common nowadays or we don't hear so much about it, but there have been a number of very high-profile data breaches internationally that are a cause for concern. But more fundamental for me is the idea that online voting makes things easier for people. In particular, its advocates would suggest that younger people who are less inclined to vote using traditional methods would be more inclined to vote using an online platform—to use a cell phone or their computer. The fortunate thing here is there is considerable evidence from Canada that there is, in fact, one demographic that is more inclined to adopt online voting or e-voting. I have to say that you and I, Chair, are probably in that demographic.

The CHAIR: Twenty-six?

ANDY ASQUITH: I'm 18, so we're on safe ground here! The point is that the people who would be most inclined to use online voting are people from generations that have got the idea of voting instilled into them. If young people don't understand the relevance of voting and the benefits and privileges it bestows on them, then they don't engage. In at least one of the academic papers that I provided to you, there's reference to an international study that has been replicated in a number of countries that shows that young people, if they do not vote in either of the first three elections that they're eligible to vote in after their eighteenth birthday, will never vote. I can hear people saying, "But in Australia voting is compulsory." It may well be, but the fine for not voting is miniscule, so

it's not a deterrent, in my view. If young people are determined not to vote, even though you make it available to them on their phone or their tablet, unless they understand the importance and the relevance, they simply will not engage.

The CHAIR: One of the classic comments that we make to people at every election when they come in—and they all say the same thing. They say, "We get fined if we don't appear, but that doesn't mean that we have to actually go in and vote." What is compulsory in Australia is attendance at the polling place, not to actually participate in the electoral process. Do you have any comments on that?

ANDY ASQUITH: I think you made a comment at the start about politicians being all the same and voting doesn't really make any difference. We have lots of examples demonstrating that voting does make fundamental differences. Probably the biggest international democratic story at the moment is around the American election. It's a fairly safe bet that if one of the two candidates wins the US election, then the rights of women in terms of abortion will be fundamentally transformed. If the other one wins, you could say that they'll be transformed but in a very negative manner. If you look across the Tasman at New Zealand, they had an election there very recently. If you look at what the current centre-right Government is doing in New Zealand compared to what its predecessor did, they have fundamentally transformed things. Voting does matter. It does change things.

The CHAIR: How do you get that message to young people?

ANDY ASQUITH: When I was in New Zealand, I was a university lecturer. I used to use the example of student tuition fees to demonstrate how elections suddenly meant that tuition fees weren't there and then they were there. Find examples that are relevant to people and specific to people. We don't have to look too hard to demonstrate what a change of government, a change of policy, will do to their daily lives.

Mr STEPHEN BALI: Isn't it a matter of "you get what you vote for" in the end? I might not be happy with some of the decisions around the place but, heck, just because we may not like a particular president or candidate's view—people voted for them as a majority. I think this is probably going beyond—you just want people to be educated. How do you get them to vote? How do you get the participation rate up? People's decisions are people's decisions.

ANDY ASQUITH: You talk about people being educated, and I don't think people are educated enough and understand enough the privileges that they have being in Australia. Every year, the Economist Intelligence Unit does its annual democracy audit. There are something like 167 countries that they rank, and 24 or 25 are classed as full, true democracies. If we want to go out onto the streets and demonstrate against the Prime Minister or against a State Premier, we can do that knowing full well that there won't be a knock at the door at half past three the following morning and we'll get carted away.

Mr STEPHEN BALI: We know that from this week—a few demonstrations!

ANDY ASQUITH: Yet we don't tell people if we don't celebrate this. It's a fundamental thing that we have here and we should cherish it.

Mr NATHAN HAGARTY: What are your views on, effectively, outsourcing democracy to private election providers? There was a bit of press and media recently around the recent local government elections and the use of private election providers by some councils, specifically here in New South Wales. In your research, have you encountered that in other jurisdictions? How well or how unwell has that gone?

ANDY ASQUITH: I wonder if Mr Hagarty has been looking at what I've been posting on LinkedIn, because I've made a couple of posts about this on LinkedIn. In a New Zealand context, all local council elections in New Zealand are essentially outsourced. I take the view that outsourcing elections is wrong. Democracy is a very fragile thing and it needs to be conducted by an appropriate body. The Electoral Commission have got the skills and the competence to do that. If you outsource something because it's cheaper, which is normally the case, and I think that was one of the arguments that was put forward in terms of the two councils that did that, and efficiency—well, what exactly is efficiency?

As I understand it, the efficiency argument has been knocked over because there were considerable delays in people being able to vote in these two council areas. There is a price to pay for democracy, and if that price is a slightly higher monetary price in terms of having the Electoral Commission conducting elections, then I think that's important. If you go back to the electronic online election thing we spoke about earlier on, then if we were to go down that road—which is something I wouldn't like to see—the Electoral Commission is far more likely to have the competence, the skills and the power to put a system together that was less hackable than one or two private companies that don't have the resource or the wherewithal.

Mr TIM JAMES: Thanks, Doctor, for being with us today. I'm very pleased, actually, that you've put a spotlight on the strength of our democracy. It is something we can be very proud of and we should celebrate more. I wish more Australians would be positive about our democracy and engaged in our democracy. I want to thank you for that element. As I've said in previous sessions here today, one of the key messages, I think, for us amongst just about all of the stakeholders has been the need for greater civics education. I note your remarks there. I'm going to be honest with you—and this is really the question—and say that I don't have a sense for what it is that South Australia has done. You've made reference to that. Can you just help us to understand a bit of what those revisions or reforms are in South Australia and why that would be good from a New South Wales point of view?

ANDY ASQUITH: May I take that on notice?

Mr TIM JAMES: Sure.

ANDY ASQUITH: I remember I came across that when I was putting the submission together and I have the data back in the office.

Mr TIM JAMES: Take it on notice. That's fine. Yes, of course. You're very welcome to do so. I'll be honest with you. Maybe you can unpack these ones for me. The attachments to your submission were not printed as part of our pack. Maybe in future, just as a side note, they should be because they're so referred to. Can you take us through those in short terms? What are some highlights? They're both New Zealand related articles, I gather?

ANDY ASQUITH: They are, but I would suggest that the principles apply universally. The first one that is attached is about the role of party politics in local government elections. In New Zealand, as in many parts of Australia, candidates tend to stand as "Independent".

Mr STEPHEN BALI: Self-interest.

ANDY ASQUITH: I've lost count of the number of mayors and councillors I've spoken to who were elected as Independent and just happened to say, "By the way, I'm chairman of the local National Party" or "I was the Labour Party candidate here. Everyone knows this." But the simple fact is people don't know. We looked at Auckland and looked at elections over a number of years in Auckland. What we found was that those candidates who stood with a clear party ticket, so people knew what their core values were, had a far greater chance of being elected than Independents. I've only been in Australia three years, so I haven't had a chance to vote yet. I'm hoping that next year I'll be able to tick the card and then I can have a vote in return for the taxes that I'm paying. But within New Zealand in local council elections, the only information that you get is a booklet where candidates have got 150 words.

We ran the candidate profiles through some software. Every candidate, irrespective of whether they were in a party or not, they all loved their wife, doted on their grandkids, were a member of the RSA and were kind to fluffy animals. You couldn't put a sheet of paper between any of the candidates, but as soon as they have the party flag there—it doesn't matter if it's blue or red or green—people know who they are, what their values are, and it's something that they can hold them against if they're elected in three or four years time. That's the first paper. The second paper is a more general paper. It's why Kiwis do not vote—

Mr TIM JAMES: Sorry. Allow me to cut across you. Are you saying that they are obliged over there to have the party—

ANDY ASQUITH: No.

Mr TIM JAMES: No? But they're choosing to do it of their own free will and therefore—

ANDY ASQUITH: No. They're not obliged. The point of the paper is what surprises is that more candidates that are party activists but stand as Independents do not display their party badge. If they did, their chances of being elected would be greater.

Mr TIM JAMES: And the second paper?

ANDY ASQUITH: The second paper is why Kiwis don't vote in local elections. Certainly, in Western Australia this paper is being used by the Local Government Association. I will say the other part of Australia where it's probably most applicable is South Australia, where once again voting in local elections is not compulsory. We identified a number of reasons there why Kiwis don't vote: the party allegiance being one of them, the lack of information about local government and candidates, and civics education—a number of points. I've got copies of the papers with me, so I'm quite happy to leave them behind. If you want some bedtime reading, you're more than welcome.

Mr TIM JAMES: Thank you. All right.

ANDY ASQUITH: Then the third paper is written by—the first two papers, I should say, I am a co-author on, and the third paper is about the dangers of online voting. We discussed some of those issues earlier on.

Mr TIM JAMES: Thank you. I appreciate it and I'm sorry that I had not read those papers.

The CHAIR: They sound very interesting. Thank you.

Mr TIM JAMES: For what it's worth, my view is that if a paper is not footnoted or a mere reference, but it's actually expressly referred to within the body of the submission, I think it should be printed out for us as part of the actual submission that appears online. Anyway, I'll leave it with you.

The CHAIR: We'll get the link. It should be all good. I know the PSA represents those correctional officers working in New South Wales corrections. Do you have any comment on the ban on voting for people serving custodial sentences of 12 months or more in New South Wales? Do you think they should be entitled to vote, as they are in a number of other jurisdictions?

ANDY ASQUITH: Wearing my PSA hat, if I may, I will take that one on notice.

The CHAIR: I would be interested in hearing.

Mr STEPHEN BALI: Does the PSA or yourself have a view on lowering the voting age to 16?

ANDY ASQUITH: It's funny because that came up this week, and I haven't got an answer in terms of the PSA but, again, I'll take it on notice. It's funny because I had a conversation with a colleague yesterday, an academic colleague, about this, and I have colleagues in the UK that have done a lot of work around this. In Scandinavia, Norway is the example that always springs to mind. What they do in Norway is I think at 16, people can vote in local council elections, to get them into the voting habit early. Then at 18, or whatever the normal age is, they get to vote in general elections. You may be aware that in New Zealand there was an attempt to lower the voting age for local council elections. The previous Labour Government set up a big inquiry into local government, and one of its recommendations was that the voting age should be lowered to 16 for local council elections. But, unfortunately, the current Government has tossed the report aside, so that's died. As opposed to the PSA, I personally think that if civics education is right, then lowering the voting age to 16 could be a very smart move.

Mr STEPHEN BALI: Just out of curiosity, if you're a member of the PSA and you're 16½ years of age or whatever, can you vote at union elections?

ANDY ASQUITH: Sorry, say again?

Mr STEPHEN BALI: If you're under 18 and a member of the PSA, because you're working in some public sector job, can you vote?

ANDY ASQUITH: If I may, I'll take that on notice again, but my gut feeling is yes. We have an election next year for a new general secretary and a new executive and—

Mr STEPHEN BALI: Because the Electoral Commission sometimes steps in and runs it. I wonder if they—

The CHAIR: You can certainly vote in party political organisations, so I'm pretty sure you can do the same in unions.

Mr STEPHEN BALI: Not in a preselection you can't.

The CHAIR: Yes, but you can do it for your party political organisation.

Mr STEPHEN BALI: No, you can't.

The CHAIR: Yes.

Mr STEPHEN BALI: Not in a preselection.

The CHAIR: Yes, but I'm talking about for your party.

Mr STEPHEN BALI: I'm sorry, I'm confused.

ANDY ASQUITH: A thousand years ago when I was a member of the UK Labour Party in the mid-80s, I remember voting in party elections.

Mr STEPHEN BALI: Yes, but in the preselection you can't. You've got to be on the electoral roll.

The CHAIR: I'm not talking about preselections; I'm talking about your party elections.

Mr STEPHEN BALI: As a branch member?

The CHAIR: Yes. You can also be taken account of under the Electoral Act, in terms of registration. If you're 16 or 17, you're counted. But anyway, please continue. This is an internecine issue here.

Mr STEPHEN BALI: We're having an academic debate here.

ANDY ASQUITH: I think I answered the last question—I hope I did, anyway. But I'm intrigued now as to the question about whether or not, if someone is under 18, they can vote in PSA elections.

The CHAIR: Could you please take that on notice?

ANDY ASQUITH: Absolutely, yes.

The CHAIR: That would be of interest. What do you think might be the greatest opportunities for improving voter engagement and confidence in electoral processes for the 2027 New South Wales election? Where should we be recommending that the Government focus its attention? I know it's a big one.

ANDY ASQUITH: Politicians, unfortunately, have got a—there's a perception amongst many in the population that politicians are sometimes economical with the truth. We saw recently in the presidential debate in the States that one of the candidates was quite frequently fact-checked because he had a habit of making things up on the hoof. I don't know if you're aware, but in Wales—the old Wales as opposed to the New South Wales—there is a bill before the Welsh Parliament that would make it compulsory for politicians to tell the truth. Now it's fraught with difficulty, and it's unlikely to be on the statute book, but the view there is that politicians should always tell the truth. I understand the concept of "the truth" is open to interpretation. Sometimes there are things that politicians may say that are quite clearly untrue. In fact, I think JD Vance last week admitted that he made things up on the hoof and there was no obligation for him to tell the truth. If we want people to take politicians seriously, to take the electoral process seriously, then they have to have faith in the actors that are involved in this.

The CHAIR: What would an Act look like that obliged people to tell whatever the truth is?

ANDY ASQUITH: As I said, the proposal before the Welsh senate or whatever it's called is unlikely to pass because it's so fraught with difficulty. But there is a great need for people to be less cynical about politics. In the last three months the UK has elected a new government and it came into office promising to be much cleaner than the previous lot. Its first three months in office have not lived up to this. Politicians need to be seen and to be heard to be acting with integrity.

Mr STEPHEN BALI: Can I further explore that? It is, I suppose, a double-edged sword, as far as we all try to tell the truth, the facts, but we're in a political discourse. We've seen with the Prime Minister and many others, with the negative gearing debate or with a whole heap of other things, that the reporters are trying to do a gotcha moment to say, "You must say right now yes or no." If you look at Australian politics in the '80s, for instance, Bob Hawke would run a forum—what was it called? A summit. Then he would try to, over a term of government, explain why they're doing things and then introduce the bill. Now, as you go to the election, people want yes or no and people aren't happy with the answer of yes or no, because the moment you say yes to changing the capital gains tax or yes to having electric cars, the media completely attacks you on that. It's a lot more difficult today. People want yes or no answers, which then locks you in. When facts change, you can't change your position, can you?

ANDY ASQUITH: I would question the statement that people want yes or no answers. Who says they want yes or no answers?

Mr STEPHEN BALI: Look at the media. Look at tax cuts. When the Prime Minister changed it so more people were going to access the tax cuts, the media and everybody else was saying, "You broke a promise."

ANDY ASQUITH: The issue here surely is the media then.

Mr STEPHEN BALI: They influence how people vote and then—

ANDY ASQUITH: What you have also is the media is in a small number of hands. There is a school of thought that says that the media—in an ideal world, and I'm aware of the issues around the phrase "in an ideal world"—would offer us a range of options. But where you have media ownership concentrated into the hands of a few, you have a much smaller number of views being aired to the world. Unfortunately, if people tend to get their news from a very small number of sources and the news that they get doesn't have any depth to it, doesn't have any analysis to it—increasingly we see people getting information off Twitter and Facebook that might be less than impartial and it's not very well informed—then that's a problem.

One of the things I will suggest in terms of serious education is to encourage people to read widely, not just to accept the first thing they come across on Wikipedia, but to dig deeper. I understand that's very difficult. I taught in a British school for 16 years in New Zealand and it used to frustrate the hell out of me that people just simply wouldn't read. If people at university—where they're supposed to be reading for a degree—don't read, then there's not a lot of hope for the rest of us. But I still believe in Father Christmas and the tooth fairy, otherwise I wouldn't be here.

The CHAIR: On that note, which we may in fact put close to the front of our report, thank you very much for appearing here today. Is there any final thing you would like to say to the Committee?

ANDY ASQUITH: No. Thank you for the invitation. I've thoroughly enjoyed my exchange with you. I look forward to what you produce and, wearing my UTS hat, if I can be of any assistance, then please holler. I'd be more than delighted to come and talk to you off the record, if you want, because I think what you do is of critical importance.

Mr STEPHEN BALI: Chair, I think we've found the first person who will read the report from cover to cover.

The CHAIR: In all seriousness, thank you very much for appearing today. Your evidence, despite some banter we've had, is very valuable and I'm particularly looking forward to reading those reports and the articles that you mentioned. They sound very interesting. I'm sure they're going to inform—

ANDY ASQUITH: Do you want me to leave the ones I brought?

The CHAIR: We have the links. We'll circulate them and make sure everyone has the links. I know people are very interested in reading them.

ANDY ASQUITH: Sorry, I had assumed when I made the submission that they would be circulated.

The CHAIR: It was a bit of jiggery-pokery, but it's all fine. Again, thank you for appearing before us today. Your evidence has been very valuable. We'll give you a copy of the transcript of your evidence for any corrections that you wish to make. Committee staff will also email any questions taken on notice from today—for example, the one that I asked and your PSA had about corrections—and any supplementary questions from the Committee. Again, thank you very much for taking the time to be here today.

(The witness withdrew.)

Mr MORGAN BEGG, Director of Research, Institute of Public Affairs, sworn and examined

Ms MIA SCHLICHT, Research Fellow, Institute of Public Affairs, sworn and examined

The CHAIR: I welcome our next witnesses. Thank you for appearing before the Committee today to give evidence. Please note that Committee staff will be taking photos and videos during the hearing. The photos and videos may be used for social media and public engagement purposes on the Legislative Assembly social media pages and websites. Please inform the Committee staff if you object to having photos and videos taken. As part of formalities, I ask if you have any questions about the process. I know you have been through this before. Are there any questions you may have?

MORGAN BEGG: Nothing from me.

MIA SCHLICHT: No.

The CHAIR: Would you like to make a short opening statement before we begin the questions?

MORGAN BEGG: Firstly, I'd like to thank the Committee for the invitation to appear as part of its inquiry into voter engagement, participation and confidence, a very important issue to this State and to all Australians. Fundamental to a healthy and vibrant democracy is the freedom of citizens to engage in open public debate and to participate in the electoral process without undue restriction or regulation. This is in recognition that, in order to have a representative democracy, the members of that political community who are expected to select their representatives must be entitled to express their political preferences. Participation and engagement in the democratic process therefore means that people must be allowed to express a diversity of views and opinions. However, this inquiry appears to be based on the flawed premise that it is the role of Parliament not to step back and allow this to take place but to increase voter participation and engagement through the addition of new rules and initiatives.

Engagement and participation in the democratic process should be solely the responsibility of political parties and candidates. If people are not engaged, then this is not an institutional failure but a failure of the political parties and candidates to convince people to become engaged. Rules that compel people to vote, for instance, act as a top-down initiative to increase voter engagement. However, there is no evidence that compulsory voting makes people more informed and serves no legitimate public policy purpose, other than to penalise people who choose not to attend the polls. Choice, not compulsion, should be the basis of democratic engagement. This is something that's recognised in New South Wales through the practice of optional preferential voting, where ballots that are only partially filled out are counted as valid, an approach I would hope is adopted more broadly.

Many electoral rules such as compulsory voting, public funding and donation limits now also operate to benefit the incumbent parties and, in some cases, risk creating an uneven playing field. This is especially the case in New South Wales, where ineffectual regulations apply to affiliated bodies such as trade unions in relation to affiliation fees or the provision of in-kind support. Most concerning, however, is that this inquiry has been launched at least in part on the basis that public confidence is allegedly being eroded by so-called misinformation campaigns. To this I say that the surest way to erode confidence in elections is to declare that some opinions expressed as part of the democratic process are, by their nature, invalid. The IPA rejects this in the strongest terms. The IPA rejects in the strongest terms the idea that censorship is necessary to achieve a better democracy.

If democracy is a system by which the political preferences of members of the body politic are aggregated in representative institutions such as this Parliament, then those people by definition must be able to express not only their own preferences but also to be able to hear the preferences of others. Instead, governments are increasingly claiming the right and the power to make proclamations of what is the official truth and to enforce such standards on public debate. The reality is that there is no official truth and no legitimate role for the state to decide which opinions are true and which are false. The concept of governments attempting to address so-called misinformation is odious to the most basic notions of democracy. The legitimacy of democratic outcomes is dependent on citizens freely and voluntarily engaging and participating in the electoral process. We urge this Committee to be sceptical of any proposal that would give government and Parliament control over who is allowed to be engaged in the democratic process and the manner in which they decide to engage in it.

The CHAIR: Ms Schlicht, do you have anything to add?

MIA SCHLICHT: No. I support what my colleague has said.

The CHAIR: Leaving aside the issues that you've spoken about—misinformation and false information being provided to people, whatever that is—how do you feel about the role of the Electoral Commission providing information to clarify when misinformation is given about the electoral process, as opposed to policy issues? Do you think that's appropriate?

MORGAN BEGG: I have seen some things that the Electoral Commission has published in that regard. Some things could be deemed appropriate, such as the kind of information on frequently asked questions that they provide. I've seen some things where they seem to be providing some sort of factual determination on what are opinions, which I think is more concerning and inappropriate for an electoral commission. I think that electoral commissions are best suited to the narrow purpose of the actual conduct of elections—the administrative functions of holding elections, staffing voting centres, counting the votes and announcing the results. Once we begin expanding the function of the Electoral Commission too much broader than that, you're inviting unintended consequences.

The CHAIR: My understanding is that might be the view of the Electoral Commission as well. If the purview was solely to correct misinformation about the electoral process that they're responsible for operating—for example, in New South Wales, if someone said you must fill in all the squares and they come back and say, "That is not an obligation; this is what the Act actually says"—that would be fine, in your view. Is that the case?

MORGAN BEGG: That's making reference to the law and what the actual legal requirements are. That's not necessarily in relation to an opinion about a political matter. I wouldn't quite class that in the same category as the misinformation that we're talking about.

The CHAIR: I understand. But we've heard evidence previously that the Electoral Commission has been quite adamant that it would like to stay in the space of only sticking with the electoral process, as opposed to engaging in the policy side. I'm just trying to clarify that if it did that, you would have no problems with that.

MORGAN BEGG: We'd certainly not be as concerned as we would be under what we understand to be some people's demand for a greater role for intervention.

Mr TIM JAMES: Thank you, both, for being with us today. It's much appreciated. I note your remarks in relation to optional preferential voting. Of course, that is a feature of the New South Wales system. It ought to

be a feature of the Federal system. Currently, our Federal system throws up results like the one in North Sydney, where I live, in which a Federal member is elected with a 29 per cent primary vote, which I think is an absurdity. Thanks for your remarks on that. I think it's going to be a challenging proposition. You have asked us to look into whether or not voting should be compulsory. We could do so, but we're probably, without speaking for the Committee, of a mind to say that that might reduce voter engagement, participation and confidence, which is broadly our remit today. We respect where you're coming from. The main area I wanted to ask you about is a feature of the New South Wales system—that we have prohibited donors, namely developers, hoteliers and people operating in a range of other sectors and spaces.

You are right to point out that other entities—for example, trade unions—are not so caught up. I would submit that they have, frankly, an even larger potential for conflicts of interest and so on. Nonetheless, the system we have says that certain people are precluded from donating. Can I just invite your remarks on that, recognising some of the history here in New South Wales, in which Barry O'Farrell, as the leader of the Liberal Party, did try to bring reform which would have brought about the conditions in which only individuals on the electoral roll could have made donations, but it was not seen by courts and others, particularly trade unions, to be a viable or valid proposition. I wanted to get your thoughts on the whole prohibited donor space. How much it pertains to voter engagement, participation and confidence, I'm not so convinced of, but it's a valid area for consideration because it's obviously pertinent to New South Wales.

MORGAN BEGG: Absolutely. I'll go back and just address the first thing you said about compulsory voting. I might actually disagree with you in the sense that one of the consequences, I believe, of compulsory voting is that it creates in some political parties and personalities a complacency in that they can expect to automatically receive a significant number of votes through the compulsion of the law whereas, under a voluntary system, parties would need to actively seek out voters and convince them to become engaged. I'm not sure what the net effect of that would be, but I think you would get a potentially more engaged electorate in some respects.

As far as the prohibited donors question, I'm very sceptical of any law that prohibits donations from a domestic source or, in this State, from a New South Welsh source. This is just based on the basic principle that these entities—these businesses, organisations, what have you—they're allowed to exist. They're legal and they're allowed to be taxed, but the attitude of some governments is that they don't get to have a say in what happens after they're taxed. I think, in principle, that's wrong. I think my colleague might have more to say specifically on that point.

MIA SCHLICHT: Definitely. Our concern with a lot of these financial laws is their inconsistency, which is what you've touched on there. Financial donations are a form of participation in electoral matters, but these laws are inconsistent where exceptions are allowed for some bodies and not for others. For businesses, there are strict donation caps. For foreign donors, there's pretty much a ban. However, there are some exceptions—for example, if you have an address in Australia. Then, for affiliation fees, it's a whole other ballpark. There are other allowances that are made for those types of donations and they're shrouded in uncertainty. Our concern with these financial laws is that they're not consistent. That is a form of valuable participation, but it should be consistent across the board. It doesn't make sense that some exceptions should be made for some bodies, while others have a complete ban.

Mr TIM JAMES: When you say affiliation fees, you're referring to unions?

MIA SCHLICHT: Yes.

Mr TIM JAMES: I couldn't agree more with that proposition, it won't surprise you to know.

Mr STEPHEN BALI: In your submission, you're basically saying zero restrictions to caps—is what I'm reading. In that case, how do you address the issue, as we saw with Clive Palmer and a few others, of people who want to buy elections? If you can put a billion dollars or half a—

Mr TIM JAMES: It didn't get him very far, though, did it?

Mr STEPHEN BALI: It got you guys elected.

The Hon. CHRIS RATH: Or the teals. The teals have very deep pockets.

Mr STEPHEN BALI: You can only spend so much in each seat. Essentially, if you're now lifting the cap so it's unlimited, you can buy more space in the media, you can get more of your messaging out there. Isn't it better to have at least some type of cap that gives smaller parties and individuals a little bit fairer chance? I know it's harder for them to raise as much money but they're not up against someone who can throw $1 million in a seat versus someone who can only throw $10,000 into a seat.

MORGAN BEGG: No, I don't agree. As the councillor pointed out in respect to Clive Palmer himself, I don't think that was a successful buying of the election. I think at the end of the day what it comes down to is you need to win the votes of people, and you cannot convince people to vote for you if you don't have a good idea or a good platform. It doesn't matter how much money you can throw at it. If you don't have a good idea—it doesn't appeal to people that live in the electorate—then you won't win. It doesn't matter. Then, of course, there's an associated concern with donation caps, which is who decides what the right amount is. It's fairly arbitrary. Why $10,000, why not $5,000, why not $20,000? When and how does that decision come about? It's clearly not an objective process; so, no, I don't agree with that. Would you add anything to that?

MIA SCHLICHT: No, and I think, as my colleague referred to, at the end of the day the idea that you can buy someone's vote severely undermines the intelligence of our voters. It's about educating them on policies that are good for their future, and at the end of the day no amount of money can convince someone of that. If the right policy is there, that will get their vote and that's what the focus should be on. We should be encouraging candidates to put forward policies that are going to help the future of Australians. It's not the finance. There's a concern that you can buy a spot on a billboard or on a bus, but at the end of the day you can't sell a policy that way.

The Hon. CHRIS RATH: I wanted to turn a bit more towards the truth in political advertising laws that some jurisdictions have proposed over time. What do you think the risk is if truth in political advertising laws are too heavy-handed? Could it stifle free speech? Would you have political parties constantly referring each other to some regulatory body where the body would have to make determinations about what is fact and whose opinion is fact and whose opinion isn't? What are some of the risks involved if we went down that path here in New South Wales, especially noting that South Australia and the ACT already have such laws?

MORGAN BEGG: It completely violates the principles of free speech and, as you alluded to, it would be ripe for weaponisation by the political parties themselves. What it comes down to at the end of the day is in order to have truth in advertising laws, you have to have someone appointed to make determinations of whether something's truthful or not. But the reality is truth is a matter of opinion. Two people can look at the same set of facts and make two different interpretations and that's completely normal and reasonable. What is the best determination when there's a difference of opinion is debate and to let the better of the two win, not for some official adjudicator to step in and, essentially, lock one of the participants out. But that is the natural consequence of a regime like that.

The Hon. CHRIS RATH: Just to the Chair's point before, I think there is a difference. Let me know if you agree with this, but there is a difference between truth about the process versus truth about political opinion. If I put out an ad saying, "The election's 18 September and you've got to vote at this community centre", which is a deliberate lie and the actual election is some other day and that's not a polling booth, then surely the Electoral Commission should have a role to play in correcting or dismissing that lie about the process. That is very different to us saying, "We think the Liberal Party's better economic managers", and the Labor Party referring it to the Electoral Commission for being untrue. Surely there's—not truth in political advertising, but truth in the political process is a different situation where the Electoral Commission should have a role.

MORGAN BEGG: Yes, the Electoral Commission should make reference to the law. If there's some ambiguity or doubt as to the date of an election, it's completely reasonable for an electoral commission to make some sort of notice about that. But even then, we shouldn't make too many blanket assumptions about what counts as a legitimate clarification of process. I think in the referendum last year, the head of the Australian Electoral Commission made what I believe was an unwise intervention into the debate by stating that while the commission would count as valid any votes that had a tick, it would count as invalid a ballot that had a cross marked on it. But there was actually no legal basis for the commissioner to make that statement.

It was not open to him to make a determination to essentially rewrite an electoral process by media release, which is what he did. That sort of refers to a process, but I think there was definitely, at the very least, a difference of opinion about the correct interpretation of that process. There's still some area of uncertainty on that question but, in principle, on the very basics of the correct election date or where the voting booths are, things that refer to the logistics of an election would be within the remit of an electoral commission.

The Hon. BOB NANVA: I want to come back to your observations around electoral laws in New South Wales entrenching the dominance of incumbent major political parties, and you've touched on donation laws as one example. Could I ask your views on a couple of other aspects of New South Wales's Electoral Act that do put barriers of entry to other political participants, and those are party registration requirements. At the moment, to register as a political party in New South Wales, you need 750 registered members. If you participate in an election, you need to get 4 per cent of the primary vote to access the election campaign fund. Do you have a view on the role of those two mechanisms and whether or not you think they stifle greater participation by minor parties or individual candidates?

MIA SCHLICHT: It's really important that we're encouraging as much involvement in the political process as possible, and that includes inviting new people to put forward their own policy ideals and debates. To your point about requiring electoral funding, there is an issue about the current laws favouring incumbents and the amount of funds that they are able to stack up during their time in Parliament, which then makes it harder for other, newer parties to join in the debate. That's a serious concern, and we don't want to entrench any system that favours basically a two-party system. We want as many people as possible to be able to come forward and present their ideas, and then at the end of the day it's up to the Australian population to vote for who they want to represent them. That should be based on the people with the best policy ideals. It shouldn't be based on the people with the largest monetary reserves that have been banked up over time.

MORGAN BEGG: I'll just add to that with specific reference to the registration requirements and the campaign fund. It seems to me that these rules, these complex rules, these in some ways arbitrary rules—specifically, why 750 and why not another number? You constantly find this sort of arbitrary number-setting. This seems to be a consequence of a system in which taxpayers fund political parties. It seems that, because taxpayers are responsible for funding so much political party activity, there has to be an extensive regulatory regime around who can be a party and what parties can do, and whether they can use money in this way or access these funds in that way. I wonder if maybe your concerns come back to a more fundamental concern about public funding of politics, which is, on the one hand, in principle, public funding is wrong because it compels taxpayers to provide financial support to political parties that they simply may not conscientiously agree with supporting and, two, just for the extensive regulatory quagmire that seems to grow out of it.

Mr NATHAN HAGARTY: Before I get to my question, I want to unpack a couple of statements that were made earlier. To paraphrase, you can't buy an election and voters vote for the best policies—that was paraphrasing the sentiment earlier. Then putting that next to another comment that was made, which is essentially compulsory voting makes major parties lazy and complacent—those two ideas seem to contradict each other, in my view. I want to get your thoughts on that.

MORGAN BEGG: Not off the top of my head. Maybe the issue was with what we said earlier about the former. The parties that win the elections are the parties that have the most convincing message—maybe not so much that they have the best ideas but that they're most successful in getting their message in front of people and that they express it in the way that's most appealing to the interests of voters.

Mr NATHAN HAGARTY: Most appealing or most convincing?

MORGAN BEGG: That might be a distinction without a difference. How many people a party is likely to reach in a single electorate is unclear. There is a significant challenge in Australia, which is that our electorates are very big. In New South Wales alone, I think the average size of each electorate is approximately 60,000 electors. It's very difficult for a candidate to cover this many people. The seat of Barwon, in particular, covers approximately half the land area of New South Wales. It's very impractical for an MP to reach every member of the electorate. These are all challenges that relate to how we approach the question of engagement and participation.

Mr NATHAN HAGARTY: I'll get to my actual question. Going off the recommendations and some of the commentary that's been made today, I want to get your view on the idea that underpins our democracy, which is that we should, as much as possible, wholeheartedly support any initiative that gets us to universal suffrage: one person, one vote. All adults, roughly speaking, should have the right to vote. I want to get your views on that as opposed to an idea that's gaining traction in parts of the right in the US over the last decade or so—commentary around democracy and freedom are not compatible. This idea, especially coming out of Silicon Valley, around various names—open-source authoritarianism, Dark Enlightenment, neo-reactionaries—where you have this sort of version of a monarchy run by a bunch of "elites"; they may be titans of industry, they may be tech bros, tech billionaires. What are your thoughts on that system of government as opposed to the one that we have, where we have essentially one person, one vote, and we have universal suffrage?

MORGAN BEGG: I don't think that there's any inconsistency between a monarchy and the institution of Parliament; that's the system that we currently exist in. I'm not as familiar with the specifics of what you're referring to, but no. The purpose of our appearance at this inquiry today is to talk about how to ensure we have a healthy and vibrant democracy, and to ensure that our parliamentary institutions are actually representing the interests of the citizens.

Mr NATHAN HAGARTY: What I'm trying to unpack is your concept of a healthy democracy and the idea of universal suffrage, that everyone should be able to vote, and one person, one vote. Is that your understanding of a healthy democracy?

MORGAN BEGG: I think that's the definition or a requirement of modern democracy, yes. I'm not sure what the alternative would be, sorry, councillor.

The Hon. BOB NANVA: I did have one more question. I suppose part of your advocacy is more deregulation in terms of the electoral set-up in New South Wales with respect to donations, donation caps, compulsory voting versus voluntary voting. From where I sit, the corollary of that is it would shift the pendulum of the electoral system more towards the US model than what we have now. Is it your view ostensibly that the US has a healthier and more vibrant democracy than we do in Australia or New South Wales?

MORGAN BEGG: I think it's difficult to compare the Australian and American political systems. The reality is that the American political system and the culture in the United States is significantly different to ours. The US has the presidential republican system; ours is the Westminster parliamentary system. I don't think there's a very valid direct line that you could simply draw from making voting voluntary to, "Well, this will make us like America." I think that probably would be a bit, dare I say, simplistic. I just don't think the argument is there.

Mr STEPHEN BALI: I have a question exploring the money aspect. I suppose in the US some of the literature and what anecdotally people are saying as a congress person is that a lot of elected people spend 85 per cent of their time raising money versus actually concentrating on doing what's right. Obviously raising money and having enough money, despite what you guys said earlier, you need the money to get the messaging out. If you don't have the money, you may have the best message, but people don't know you exist, or if they don't hear from you then they won't be able to make an informed decision. Isn't that another reason why putting a cap on each seat, how much you can spend, brings some type of equality across the board as far as how much you can spend on a seat? Isn't that a better way than allowing one person to get their message out and then, if no-one else knows about anyone else's messages, they are bound to win?

MORGAN BEGG: I do wonder if maybe that addresses the wrong problem. I agree. I think there is a challenge in how a candidate reaches an entire electorate. As I was saying before, I really do think that electorates are simply too large. Counterintuitively, I think we can improve our politics by having more politicians. I think smaller electorates would mean that that challenge that candidates have in reaching voters is significantly reduced. At the end of the day, the best kind of politics is face to face. It's doorknocking and it's meeting people. That will be 100 times more effective than television or the big spending items. Frankly, I think a lot of political parties in our modern era have placed too much importance on those kinds of political engagement, which are actually largely ineffective, and have downplayed and deprioritised the boots-on-the-ground politicking that used to be normal, which I think is much more effective. That's my perspective on that question.

Mr STEPHEN BALI: Also, you talk about arbitrary number setting. The other arbitrary number is age 18 to vote. What's your view about lowering the age limit to 16 or less?

MORGAN BEGG: My colleague can speak more on this, but the argument for reducing the age has really not been made. There are a lot of great 16- and 17-year-olds, but one of the sad realities is that for the overwhelming majority they probably haven't reached a level of maturity in which they can really appreciate the seriousness of that responsibility to vote. I'd be sceptical that some people are perhaps pursuing changing the voting age because there's a political advantage in doing so. Maybe young people vote a certain way by a large enough number that it would be advantageous. I don't know the data on that. I think I will leave any further comments to my colleague.

MIA SCHLICHT: I think a big issue here is that the responsibility to vote is a huge one. That's what needs to be taught. There is a big responsibility that comes along with casting who you vote for. As part of that, one argument that is made for lowering the age of voting is that 16 is when you first learn to drive a car and some of those 16-year-olds are paying tax. If we look at those two examples themselves, you have to have a parent with you to drive that car until you're 18 years of age and, additionally, the ABS has published that the average weekly income for young people in Australia aged 21 years and under is $275 per week. The average young Australian under the age of 21, let alone under the age of 18, is not paying tax. Therefore, they don't necessarily have the maturity to deal with some of these really complex election issues because they haven't borne the brunt of that responsibility yet.

The CHAIR: I follow up in relation to another proposal. Unlike a number of other States and Territories, New South Wales has a ban on voting for people serving a custodial sentence of 12 months or more. Do you favour that being removed or not?

MIA SCHLICHT: Again, I will just reiterate my point that voting is an important civic responsibility. People who have been sentenced to prison have broken the law and their liberties have been put on pause. They're being isolated in prison and their rights are on pause. As part of that, their right to vote in an election is also on

pause until they have served their sentence. By being in prison, they have violated some social constructs there. Until they have served their sentence and they have done their time, that right should also be on pause.

The CHAIR: The other States and Territories which allow people to exercise a vote, you think that they should take away that liberty?

MORGAN BEGG: Yes, that's right.

MIA SCHLICHT: Yes.

The CHAIR: That's an interesting position. Thank you very much for appearing today, as always. You will be provided with a copy of the transcript of your evidence for corrections. Committee staff will also email any questions taken on notice from today and any supplementary questions from the Committee. Again, thank you for your very thought-provoking evidence today.

(The witnesses withdrew.)

The Committee adjourned at 16:35.