



# LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

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STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mr Jeremy Hanson MLA (Chair), Dr Marisa Paterson (Deputy Chair), Ms Jo Clay MLA

## Submission Cover Sheet

Inquiry into 2020 ACT Election and the Electoral Act

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Submission to

## **Inquiry into 2020 ACT Election and the Electoral Act**

by the Standing Committee on Justice and Community Safety

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## **1. Executive Summary**

'Canberra Progressives' was registered as a political party in the ACT on 30 May 2020, and subsequently fielded seven (7) candidates in the ACT Election of October 2020: three (3) candidates in Kurrajong, two (2) in Murrumbidgee and two (2) in Yerrabi.

In contesting our first ACT Election, the impact of COVID-19 was primarily that it hampered our efforts to get recognition within the community via face-to-face contact. This made things more difficult for a new party like ours which even in 'normal' times would struggle for recognition without the investment of large sums of money. It therefore highlighted some of the systemic issues in terms of the Electoral Act itself which make it almost impossible for non-major parties to compete in elections.

This Submission is generally positive about the measures taken by Elections ACT in 2020 to mitigate the risks of COVID-19, but highlights what we see as systemic problems with the Electoral Act. These problems (arguably) erode the principles of democracy, and definitely compromise principles of fairness and a level playing field for non-major party candidates and independent candidates in the ACT.

### **Our recommendations are:**

1. Elections ACT to be resourced and charged with responsibility for producing party and candidate information in an official booklet to be delivered to every household in the ACT four weeks prior to every ACT Election;
2. Elections ACT to be resourced and charged with responsibility for organising an in-person and/or on-line public forum per electorate, where members of the public can hear from all candidates contesting that seat;
3. A separate Inquiry to be undertaken on the impact of Division 14.3 of the Electoral Act 1992, noting that the unintended (or perhaps intended?) consequences of this part of the Act is to entrench, reward and increase the profile of major parties, at the expense of bringing diversity of representation into the ACT Legislative Assembly.
4. Roadside signage during election campaigns not be permitted.
5. Elections ACT to be resourced and charged with responsibility for producing and promoting basic civics education material to voters in the lead-up to elections.
6. Elections ACT to be resourced and charged with responsibility for providing a carousel at each polling place for the purpose of holding 'how to vote' cards for parties and candidates, and which can be taken (or ignored) by voters.

## **2. Responses to the Terms of Reference**

### **A. THE IMPACT OF COVID-19 ON THE ACT ELECTION AND MITIGATION MEASURES TAKEN BY THE ACT ELECTORAL COMMISSION**

Prior to the COVID-19 pandemic, the Canberra Progressives had plans to actively engage this year with the Canberra community to promote our party policies and candidates, primarily through stalls at shopping centres and community events, and door-knocking. These personal approaches are preferred by minor parties such as ours given the low cost, and the ability to personally connect with people. These options were not available to us for much of our planned campaign period. Our budget, unlike that of major parties, does not allow for extensive printed materials such as mail-outs, posters, calendars, fridge-magnets and corflutes.

We feel that we were genuinely at a disadvantage, through no fault of our own, and no fault *per se* of the ACT Electoral Commission. However 'the system' is at fault. Major parties are able to use public money for significant campaign activities such as television and radio advertising, production and distribution of printed material, posters and corflutes, and concerted social media campaigns.

### **B. THE TIMEFRAME AND ACCESSIBILITY OF EARLY VOTING**

The timeframe and accessibility of early voting was entirely reasonable given the circumstances. While we absolutely supported this and can see the genuine advantages for voters, even in non-COVID times, to have the option to vote early – there are some disadvantages for non-major parties with limited resources.

The Canberra Progressives note that the major parties had people handing out 'how to vote' material at polling places for every day of the entire three week voting period, whereas our party was unable to provide such resources other than for some polling places for some of the time.

In the circumstances, however, we agree that the timeframe and accessibility of early voting was appropriate.

### **C. THE NUMBER AND LOCATION OF ORDINARY POLLING PLACES**

The number and location of polling places were entirely appropriate in our view; because of the timeframe and accessibility of early voting, we did not notice any long queues at polling places.

### **D. THE IMPLEMENTATION, SECURITY AND TRANSPARENCY OF ELECTRONIC VOTING**

The Canberra Progressives are supportive of electronic voting, with the caveat that strict security measures are in place and reviewed and audited regularly.

### **E. THE EFFICACY OF THE SIX-WEEK CAMPAIGN PERIOD, INCLUDING RESTRICTIONS ON ROADSIDE SIGNAGE**

The Canberra Progressives would like to see a 'level playing field' approach to campaigning, regardless of the period of time involved. Six weeks would seem to be about right in terms of the time needed for voters to become aware of the process, the candidates, and do some research and thinking about who will best represent their views and interests for their electorate in the ACT Legislative Assembly. However, in line with the theme which permeates this submission, the Canberra Progressives would like to see Elections ACT responsible for delivering information to

voters on parties and candidates, rather than leaving this important democratic process to the success or otherwise of the advertising and marketing efforts of cashed-up parties and individuals.

In terms of roadside signage, the Canberra Progressives would like to see further restrictions given the cost, wastefulness, and distracting nature of political/candidate advertising via temporary roadside signs. We understand through market research that this type of advertising works, in that facial recognition is a factor in who people vote for. However, again in line with the theme of our submission, it means that the more money a party can spend on getting signs with faces on the side of the road, the more votes they will receive. Again, this is contrary to the principles of democracy.

We would support a move to having no roadside signage during the campaign period.

#### **F. IMPROVING DONATION RULES AND DONATION REPORTING TIMEFRAMES**

Canberra Progressives, together with our federally-registered affiliate the Australian Progressives, have very strict donation rules which mean that donations to our party are unable to buy influence. We welcome strict donation rules and strongly support greater transparency in the reporting of donations.

#### **G. INCREASING VOTER TURNOUT AND PARTICIPATION IN ELECTIONS AND ENCOURAGING POLITICAL ACTIVITY**

Political attention and activity is necessary to maintain community cohesion and well-being in ever-changing social and economic circumstances. One of the reasons why the Canberra Progressives has been successful in being registered as a party, and obtained a reasonable number of votes in the last ACT Election, is because we encourage political activity and have tapped into people who are aware of politics and the shortcomings inherent in having a predominantly two-party system.

Civics education is an area which we feel is lacking amongst voters, even in the relatively well-educated populace of the ACT. During the Federal election campaign period in 2019, we were very surprised at the lack of knowledge amongst voters about very basic election information, eg. the difference between federal and local elections, which electorate they were in, how voting and preferences work, etc).

As a result of this, during the ACT election campaign period we posted short videos on social media about the basics of the ACT election and the Legislative Assembly (ie. explaining the difference between our Federal electorates and local electorates, number of MLAs per seat, names of MLAs, how the Hare-Clark voting system works, etc).

We received a lot of positive feedback on these videos, just for the fact that people got to understand the basics, regardless of which party they were inclined to vote for. (To view the video on ACT election basics, please see:

<https://www.facebook.com/ThereseFaulknerAP/videos/283848642719964> and to view the video on preferences see <https://www.facebook.com/watch/?v=739872590076122>.)

We would strongly recommend that Elections ACT take on a role in basic civics education in the lead-up to the next ACT Election, with easy-to-understand TV and social media explanatory videos, and newspaper notices.

## **H. RESTRICTIONS ON CAMPAIGNING ACTIVITIES OUTSIDE POLLING PLACES**

The Canberra Progressives support the current restrictions on campaigning activities outside polling places, and would be supportive of further restrictions being placed. We would like to see one pamphlet carousel available at each polling place containing 'how to vote' cards from all parties and candidates for that particular electorate. The carousel could be provided by Elections ACT and contain printed material provided by parties/candidates. Voters could opt to take a card or ignore it completely.

## **I. LOWERING THE VOTING AGE**

The Canberra Progressives are supportive of lowering the voting age to 16.

## **J. ANY OTHER RELEVANT MATTER**

As outlined in the Executive Summary, the Canberra Progressives have major concerns about the uneven playing field in elections, and the role of money in campaigning - where campaigning is more about clever marketing and advertising than about what candidates really offer in the way of representing their constituency.

We feel that there is potential for the wrong people to be elected into positions of great responsibility through the cleverness (and sometimes trickery) of marketing, rather than through integrity and transparency.

We also feel that there is a solution through greater public funding being provided to Elections ACT as a public body, rather than through funding of individual parties.

As an example – ACT Labor, Canberra Liberals and the ACT Greens respectively received \$750,488, \$717,056 and \$200,768 in public election funding from the 2016 ACT Election (*source: 2016/17 Elections ACT Annual Report*). For the 2020 ACT Election, they received, respectively, \$877,847, \$784,920 and \$313,538 (*source: <https://www.elections.act.gov.au/news/2020/public-election-funding-payments-for-the-2020-act-legislative-assembly-election-announced>*).

While the Canberra Progressives were grateful to receive our amount of \$21,949 (which assisted in reimbursing about half the amount of money our candidates spent), we are concerned that the enormous disparity in public funding which goes to already-entrenched parties results in:

- Increasing amounts of money being spent on marketing and advertising to retain voter confidence and retain power in the Legislative Assembly;
- The ability of major parties to pass legislation in their own self-interest to further increase public funding to themselves, as was the case in 2015;
- Lack of diversity in the Legislative Assembly due to the inability of minor or alternative parties or independent candidates to have the funding to compete with the major parties;
- Lack of diversity in the Legislative Assembly leading to poor decision-making and poorer outcomes for the citizens of the ACT.

We strongly recommend a formal inquiry into the impact of Division 14.3 of the Electoral Act 1992, noting that the unintended (or perhaps intended?) consequences of this part of the Act is to entrench, reward and increase the profile of major parties, at the expense of bringing diversity of representation into the ACT Legislative Assembly.

We further recommend that Elections ACT to be resourced and charged with greater responsibility for informing voters about the election and about candidates in an effort to reduce reliance on glossy and expensive advertising and marketing material, which can be misleading for voters, and does not allow smaller, and less well-funded parties and candidates to compete on a level playing field. We recommend that these specific actions would help level the playing field and provide voters with honest and informative material:

- Elections ACT to be resourced and charged with responsibility for producing party and candidate information in an official booklet to be delivered to every household in the ACT four weeks prior to every ACT Election;
- Elections ACT to be resourced and charged with responsibility for organising an in-person and/or on-line public forum per electorate, where members of the public can hear from all candidates contesting that seat;
- Elections ACT to be resourced and charged with responsibility for producing and promoting basic civics education material to voters in the lead-up to elections.
- Elections ACT to be resourced and charged with responsibility for providing a carousel at each polling place for the purpose of holding 'how to vote' cards for parties and candidates, and which can be taken (or ignored) by voters.

### **3. Conclusion**

Thank you for taking the time to read this submission. We would be more than pleased to send one or more representatives to present as a witness at any public hearing.