



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON THE 2016 ACT ELECTION AND ELECTORAL ACT
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Submission 19

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INQUIRY INTO THE 2016 ACT ELECTION AND THE ELECTORAL ACT

1. Lowering the Voting Age

- 1.1 The Australian inquiries into lowering the voting age from 18 years to 16 years have found against it (ACT 2007, Commonwealth Joint Standing Committee on Electoral Matters 2007, Australian Electoral Commission (AEC) 2013, and the May 2008 Victorian inquiry on voter participation and informal voting found young people 18-25 years were not returning enrolment forms). This raises a serious question as to why the matter would so soon have valuable time and energy devoted to it by the ACT Assembly. Clearly there is no reason why the situation would have changed so significantly within three and a half years since the Commonwealth finding to justify another consideration of change.
- 1.2 The AEC found in 2013 that political knowledge today has not increased among young adults despite the increased participation in university education. Obviously 16 and 17 year olds will not have begun university, or only be starting tertiary education. In the vast majority of cases they have no, or barely any, work experience or experience in community affairs. The jurisdictions listed in the Assembly's Discussion Paper with lower voting ages would most likely have an historical context where people began work and entered into community responsibilities at earlier ages. In Australia we have strong policies in place aimed at keeping children in the education process longer.
- 1.3 Children under 18 years are not allowed to take responsibility for themselves by signing financial contracts, or be held fully accountable for their actions at law. Clearly in that circumstance they are not ready to be given responsibility for community wide matters by voting in and possibly determining the outcome of a Territory election. Until our education and life experience systems in the ACT bring 16 year olds to be considered fully adult, in terms of financial and other matters at law, which would include a UN decision that children of 16 years can be used as soldiers in war, this matter of lowering the voting age should not be again considered by the ACT Legislative Assembly.

Recommendation 1

That the voting age not be lowered from 18 to 16 years, and that the matter not be considered again by the ACT Legislative Assembly until all other aspect of life under law locally, nationally and by agreement at the United Nations, brings 16 years to be treated at law as adults in all respects.

2. Improving Donation Rules and Donation Reporting Time Frames

- 2.1 Electoral expenditure caps should be maintained no higher than 2016.
- 2.2 The allocation for election funding of \$8 per vote is heavily biased to major political Parties, by selection of minimum votes achieved before any funds are provided. There is no merit in this from an equity point of view or in terms of good governance in the ACT. The miniscule cost to the ACT Budget in providing the funding per vote achieved without a minimum, compared to the significance to the individual, justifies the deletion of the minimum.
- 2.3 It is becoming clearer that political donations by foreign entities or individuals have a sinister impact on our communities and our future. They should be banned.
- 2.4 Transparency on donations is not enough. We need to improve safeguards against influence not in the public interest.

- 2.5 There is broad agreement across the Australian community, including in the ACT, that the political Party processes have become increasingly inward looking in terms of benefit, with a loss of focus on the national interest, and in the ACT that relates particularly to policy making and claims of “mandates”.
- 2.6 Countries arguably making most rapid progress in adoption of high value modern technologies and in improving the welfare of all residents are not the US or the UK. Our historic penchant for looking to those two countries for guidance on all matters, including political donations needs to shift. New Zealand, Canada and the Scandinavian countries have more similar populations and are making better progress given their natural resource bases. These countries tend to have a broader spectrum of views represented in their parliaments and governments. We need to give more opportunity to independent and new small parties to bring a better focus on our best interests in the ACT, for example by not skewing election funding to more highly benefit larger Parties.

Recommendation 2

That political donations by foreign entities and individuals be banned in the ACT.

Recommendation 3

That election funding cease to be skewed to the benefit of larger parties, including payment of the \$8 per vote in future to all candidates who are included in the election.

3. Increasing Voter Participation in Elections and Encouraging Political Activity

- 3.1 I have a major in political science and 33 years of experience in policy and program work in the Australian Public Service. Over the decades I have supported Australian compulsory voting, on the grounds that it avoided the waste of resources on encouraging people to actually turn up and lodge a valid vote. I have changed my view.
- 3.2 Australian voting practises have been dangerously degraded over the last 30 years so that people across the electorate have reduced their effective participation.
- 3.3 “Above the line” voting was arguably the prime mover in this direction. It enables a voter to vaguely remember what Party he/she voted for in the past, and simply place a number in a box for that Party, leaving it to the internal Party processes to not only select the candidates but to also have total control of the voter’s contribution to democracy.
- 3.4 This totally negates the concept that a voter is selecting a representative to the parliament. The voter is nominating a Party boss to determine all matters. The nominal “representatives” are not allowed to do or say anything other than the Party boss’ will. Otherwise they will lose their nomination and be out of a job. The “representatives” are not allowed to represent their electors.
- 3.5 It is a matter of urgency that we regain the concepts of representative democracy as quickly as possible.
- 3.6 Arguably that can most quickly be achieved by banning “above the line” voting and by making voting a matter of choice rather than compulsory. This will bring voters to take the trouble to learn the basics of the significant issues in the current election, and the position of various candidates on those issues. If this is too much trouble the potential voter can just abstain from the election, leaving better informed voters to participate, achieving a better outcome.
- 3.7 Additionally, if the voter turn-out is relatively low then the party with the most seats cannot claim a “mandate” on anything, but can reasonably be expected to take on a little humility

and discuss and debate the pros and cons of each issue, bringing about the best achievable outcome.

3.8 Civic and electoral education are also recognised throughout the world, and by the Commonwealth Joint Standing Committee into the adequacy of electoral education in May 2007, as a key contribution in ensuring citizens are not only adequately informed, but are able to participate in the electoral process in an effective way.

3.9 Civic and electoral education remain grossly inadequate in the ACT schools system. A recent survey found that young people did not think it mattered what form of government they had. That is probably as true in the ACT as elsewhere. Young people are now so ignorant of our system of government and how it compares with others that they think the Russian and Chinese system are more or less the same as ours.

Recommendation 4

That “above the line” voting options cease, so voters are required to number each candidate in order of the voter’s preference, to at least the number of vacancies in their electorate.

Recommendation 5

That voting cease to be compulsory, so that voters may abstain from voting if they wish.

Recommendation 6

That civic and electoral education be made a compulsory part of the curriculum in ACT primary and secondary schools.

OTHER AREAS

4. Expenditure Caps.

They are effectively included in Item 2.

4.1 There has been a legal cap put on expenditure by each candidate, which I support. I think it could be usefully reduced, because the paid advertisements I saw by the Greens and others were largely information free, intending to play a simple emotional (arguably distorting) role.

5. Disqualification of candidates, particularly the time limits imposed on candidates for close of nominations

5.1 This raises a critical issue in the ACT electoral system. It is not the close of nominations, but the opening of them. Presently it is not possible to nominate as a candidate until about two weeks before the election. This is a farcical period of time in which to adequately inform the electorate and discuss with voters a candidate’s policies and position on various issues of interest and concern to the voters.

5.2 After obtaining the nomination forms not more than about two weeks before the election the candidate then needs to fit in his/her election campaign, but also identify and run around 20 people who are in his/her electorate and are prepared to sign the nomination form in support of the candidate. If there is any detail of their name, address, etc on the form that does not accord with the Electoral Commission’s records then that supporter is disallowed by the Commission.

- 5.3 Given the extremely short time to fit in this exercise it is easy to run up against the closure time for nominations. The candidate will not be allowed to stand if he/she does not have at least 20 supporters accepted by the Commission in the case of independents or 30 I think it is in the case of Parties at the deadline for closure of nominations.
- 5.4 Before the next election this farce should be rectified by opening nominations at least 8 months before the nominated final date for the election, to be lodged by the candidate as soon as the candidate has the required signatures. The Commission could then check that a person's nomination complies and advise the candidate in writing that their nomination has been accepted, making the person a legitimate candidate, within 36 hours of the candidate lodging the form. As each person's nomination is accepted his/her details could be added to the Commission's websites as accepted nominees. Party members and independents would then be free to nominate until a cut off prior to the announced timing of the election. That closure timing and formal positioning of candidates on the ballot paper could be similar to current timing.
- 5.5 Without checking the dates, in the ACT it appears that the parties saw fit to announce their candidates in the March/April period preceding the election to be called near the end of the year, about eight months prior to the latest date on which the election could be called, and about six months before the election was actually held. This is a good indicator to me of what is appropriate for all candidates to become legitimate by the Commission publicly accepting their nominations. Although these candidates did not have formal acceptance by the Commission they were accepted by the public as candidates because of the Party backing.
- 5.6 Independent and small Party candidates have no such standing. They have to campaign and seek credibility by saying they are going to stand. It raises the question of whether their seeking any support, financial or otherwise from the community, could be considered as fraudulent, given they have no formal nomination status.
- 5.7 Not surprisingly, given the difficulty in getting public exposure, and their lack of credibility until the last minute, no independent candidates have been elected for years. As a candidate in the 2016 election it was my observation that there were several independent candidates who were at least the equal of several Party candidates who were elected.
- 5.8 One of my nominators, who I have known for years, was rejected by the Commission. He has run his own small business for decades, and has lived in his home at the same address for decades. He is intelligent, literate and numerate so either he made an error in writing out his particulars or the Commission's records were incorrect. I had 21 nominators so that still left the required 20 in order.
- 5.9 Following closure of nominations on the Wednesday as I recall, candidates were formally announced at mid-day on Thursday. Pre-polling opened on the following Tuesday morning. That allowed 2.5 business day, or 4.5 days including the week end, for formally accepted candidates to campaign before voting began!!!

Recommendation 7

That nomination forms be available to potential candidates for election eight months prior to the latest date on which the election can be held, to be returned to the Electoral Commission for compliance checking, and the candidate advised in writing within 36 hours. Candidates accepted to then be listed on the Commission's website within 24 hours, with information similarly to that on sitting Members, and their basic policies to be included. Closure of nominations and positioning on the ballot paper continue similarly to current arrangements.

6. Candidate information

- 6.1 It is well recognised that sound functioning of a democracy depends fundamentally on electors having sound information, as complete as possible, at all times.
- 6.2 I found it impossible to get my policy and position messages out to the public in 2016.
- 6.3 The Canberra Times did not carry any information on candidates, apart from various dribs and drabs of writings, largely focused on entertainment rather than substance. Some articles did convey bits and pieces of the three main party positions.
- 6.4 To my knowledge only one of the radio stations carried any presentation of information by candidates. That was limited to a recorded 30 second statement, which the station preferred to be light-hearted.
- 6.5 Given the harsh world of the public media, in competing with the internet, it appears that the media need to be paid to provide information for the ACT elections.
- 6.6 My conclusions from this difficulty in getting information out to voters is that, as well as putting basic information and policies on the Commission website as each candidate is accepted, there is a need for the Commission to allocate funds for some paid space and time in the media as an election approaches. Basic information on each candidate with contacts and primary policies could be included. This would be far more valuable than the Commission spending money on telling people how to fill in boxes.
- 6.7 This public funding has a broad value to all taxpayers and voters as a means of improving the level of information available to voters in relation to an approaching election, in which they have been legally obliged to participate.
- 6.8 My observations are that it has potential to substantially improve the standard of government that we get, through candidates having to demonstrate a wider range of understanding of issues, and of electors being better able to choose amongst those on offer in each electorate.
- 6.9 This could be done one electorate at a time, with pre-publicity, so people could know to access The Canberra Times on that day in hard copy or later electronically, and be aware to listen to radio stations at the times when information would be broadcast. The Commission could carry the website and facebook references for each candidate as in this last election, but with newspaper, radio and TV encouragement to people to look up the websites. My experience suggests to me that people need that stimulation to develop the habit of actually looking at and reading more substantive information than is carried on the back of a card, in large typeface, in a letterbox.

Recommendation 8

That, as well as putting basic candidate information similar to that on sitting Members on the Commission website immediately on acceptance of each nomination, together with current website references, there would be benefit to the electoral process if the Commission paid for space and time in the media as the election approaches. Basic information on each candidate with contacts and primary policies should be included so electors can compare and consider the candidates as representatives.

7. Costing of policies

- 7.1 The parties did not submit many of their policies for costing as had been agreed previously. Did they fail to meet a legal obligation or was it only a convention that they flouted? Does the Auditor-General have a role in examining this?
- 7.2 Since the results of the election indicate that voters are largely focused on the major parties, their policies and promises should be subject to a cut off time, and be submitted to the Treasury for costing in time for that information to be put up on the Commission's website. The cut off time should be sufficient for some public consideration of the costed policies and promises. Smaller parties and independents could then respond with policies.
- 7.3 Treasury may consider that a limit would have to be put on their time allocation to costing policies and promises of smaller parties and independents. That could be discussed first with Treasury, then with the public, so that effective arrangements could be in place and understood prior to the next election.
- 7.4 The sensible four year period for elections, that generally enables people to pay considered attention to policies as an election approaches, enables specific timing and cut off times for various matters. I think this should be more closely considered to improve our democratic processes and outcomes. This election was hampered by the federal election being called so closely before the ACT election was due.

Recommendation 9

That a legal requirement be enacted that Parties submit their policies to the ACT Treasury four months before the election for costing and publication of the Treasury findings two months before the election. Failure to comply would cause the \$8 per vote to be forfeited by the Party and its candidates.

Summary

In summary, I think it is important that the Electoral Commission take action to achieve a better informed election in future, with all candidates having adequate time as legitimate nominees. This appears critical to improving structured information, widely, evenly made available in a timely manner, for voters to more effectively consider their options. A broader representation of community views may then be reflected in the Assembly, with more open discussion and analysis of matters. Voters should have adequate time to consider Treasury costing of policies before the election.

I would be pleased to appear at a public hearing on submissions.

Ian Coombes