



# 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

**Submission Number: 018**

**Date Authorised for Publication: 5 May 2021**

Legislative Assembly for the ACT  
Standing Committee on Justice and Community Safety

### **Submission by Bruce Paine**

Thank you for inviting submissions into the 2020 ACT Election inquiry.

As background, I stood as a non-party candidate ('Independent') in the 2020 ACT Election.

The key point of my submission is that the legislation and processes affecting ACT elections are stacked against Independent and minor party candidates. This is not good for the community's faith in democracy, ensuring the Assembly operates for the general community, good governance etc.

**Major reasons that no Independent candidate has been elected since 1998 are outlined below, along with recommendations (in italics) to allow Independent and minor party candidates some chance of being elected.**

#### **Five representatives per electorate.**

This results in a quota of 16.66% of the formal votes that was, in my view, deliberately chosen to be beyond the reach of any minor party or Independent candidate.

It is not surprising therefore that the ACT has not elected an Independent member since 1998, whereas every other State, Territory and Federal Parliament in Australia currently has at least one Independent and/or minor party member.

To be blunt, it is hard to imagine that the personal attributes of all of the successful and many of the unsuccessful candidates who stood for Labor, Liberals and the Greens ('the 3 major political parties) attracted more votes than any of the candidates who stood as an Independent or for a minor party. Furthermore it is very unlikely they are relatively better than their major party counterparts in other States, the NT and Federally.

Much more likely is the ACT electoral system is systemically and uniquely stacked against Independent and minor party candidates.

#### **Five electorates.**

This results in electorates that are too geographically large and diverse for Independent candidates to become known and effectively campaign. This heavily favours party candidates – irrespective of their personal attributes.

*To address the combined effect of the 2 factors above, I recommend that the ACT electoral system return to 3 electorates, but with the same electorates as used for Federal elections for simplicity and to allow Independent and minor party candidates to become known to the community via their advocacy on ACT and Federal issues, and that the number of Members per electorate be increased to 8 (reducing the quota to around 11%).*

#### **Very few people understand the implications of the 'single transferrable vote' system.**

My feeling based on anecdotal evidence is that most voters think that if they vote '1-5' they are selecting the 5 candidates they prefer to represent them in the Assembly.

As Members of the Committee should be aware, that is not the way the legislation operates. The widespread lack of understanding is detrimental to democracy. *I recommend the Assembly commission independent experts to assess the level of functional understanding within the community, and to design and implement an education program to rectify any material misunderstandings.*

*Unless the independent process outlined above comes to a different well-founded recommendation, I recommend that at the 2024 ACT Election voters be provided with clear to advice along the lines of 'Your vote only elects one candidate. Hence vote for at least 5 candidates, starting with the candidate that you most prefer to represent you in the Assembly'.*

**Further issues and recommendations that I wish the Committee to consider are outlined below.**

It is inordinately difficult for Independent candidates to inform voters, NGOs, and even other non-party candidates that they are intending to contest the forthcoming election.

In 2020, under current legislation and processes, information on 'non-party' candidates was only placed on Elections ACT website a few days before pre-polling commenced.

*I recommend that, instead, as soon as a non-party candidate is subject to a cap on their electoral expenditure (which was 1 January 2020 for the last election) that the candidate be allowed to place relevant information on Elections ACT website.*

The current legislation and practices regarding 'coreflutes' are detrimental to the environment and subject to wilful damage.

*I recommend that, instead of the current arrangements for advertising on public lands, the Assembly establish a limited number of sites to allow all candidates equal access for 'visual advertising'. For example, there could be a limited number of electronic billboards in each electorate and/or a dedicated area at each shopping centre for candidates to display a coreflute.*

In 2020 the formal Press provided relatively limited coverage to non-party candidates, and there was even less analysis of Party or non-Party campaign promises.

I recognise this is a difficult area for the Assembly to improve.

*However, at a minimum I recommend that Elections ACT or the Assembly offer 'media training' or similar for candidates. That may empower candidates to better put their messages to the Press and hence voters and possibly encourage more critical analysis.*

I am prepared to discuss this Submission with the Committee and/or other interested people.

Regards

Bruce Paine

