



# LEGISLATIVE ASSEMBLY

FOR THE AUSTRALIAN CAPITAL TERRITORY

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**SELECT COMMITTEE ON THE 2016 ACT ELECTION AND ELECTORAL ACT**

Ms Bec Cody MLA (Chair), Mr James Milligan MLA (Deputy Chair)

Ms Tara Cheyne MLA, Ms Caroline Le Couteur MLA, Mr Andrew Wall MLA,

## Submission 28

Name –James Daniels

	A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE
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## Submission to the Inquiry into the 2016 ACT Election and Electoral Act

To the members of the committee,

Following is my submission in regards to the 2016 ACT Election and the Electoral Act. I've summarised my suggestions for the committee below:

1. The voting age should not be lowered to 16
2. The donation disclosure threshold should be lifted to \$5,000 contingent upon the grouping of donations from connected entities being practicable, otherwise \$2,000
3. The ability to accept donations from interstate should be retained unchanged
4. The donation disclosure reporting timeframes should be retained unchanged
5. Elections ACT should identify groups within the community with the lowest voting rates in the election and establish strategies to better communicate with those people prior to the 2020 election
6. Administrative funding to the parties of sitting MLA's should be discontinued, severely curtailed or rolled into staffing and/or communications allowances
7. Election funding should be reduced to \$6 per vote
8. The threshold to receive election funding should be reduced to 1%
9. Election funding should be capped at the amount of election expenditure disclosed by the relevant party or non-party candidate
10. Third party campaigners should be barred from acting in concert with each other
11. Election spending by organisations sufficiently connected to a political party running candidates in an ACT election should be included under that party's spending cap
12. The election spending cap for non-party candidates should be double that for political party candidates
13. Parties and candidates should be able to provide how to vote information close to the entrance of polling places for those voters who specifically request it
14. The placement of roadside signs (corflutes) should not be further restricted than is the case currently
15. More effort should be made by ACT Rangers to remove illegally placed roadside signs

I volunteered during both the 2012 and 2016 ACT elections and those experiences helped shape my views. I have also at various times made donations above the disclosure threshold and as a result took some time to familiarise myself with the relevant provisions.

Regards,

James Daniels



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## **Lowering the voting age to 16**

I have done some online reading in regards to development of the teen brain. That reading suggests the rational part of the brain is not fully developed until around the age of 25. One study I read about imaged the brains of teenagers, and showed that as the subjects aged the activity shifted from the emotional to the rational part of the brain. In regards to this point under consideration by the committee I'd ask the following question:

Do we want voters casting their votes to be doing so based on emotional or rational decisions?

I certainly want them to do so after making a rational decision as to the merits of the various party policies and credibility of the candidates standing for election. I want to maximise the chances that voters will be able to look past the spin that is so often promulgated in politics and make decisions on the underlying facts. Peer and/or parental pressure is harder to resist for younger people due to their more emotional decision making and we should want to voters making their own decisions rather than voting so as to please or fit in with peers or parents.

Given the science indicates the 16 year old brain still has around 9 years before rational decision making has fully developed, it is my hope that prior to any recommendation to lower the voting age, the members of the committee would read extensively on teen brain development.

Selecting the representatives to run our parliament is possibly the greatest responsibility placed upon residents. The fact that 16 & 17 year old children are not considered mature enough to enter into legal contracts is another point that should be considered.

I also hope the committee would also consider the issues facing 16 & 17 year olds and the impact they could have on their ability to devote sufficient time to fully understanding the issues raised in an election. Most 16 & 17 year olds will be in Years 10 through 12 at school and under pressure to perform well academically so as to ensure entrance to their desired universities or starting to contemplate life in the workforce and fending for themselves financially after finishing school. They will usually be learning to drive and many will be in the midst of forming or breaking their first relationships, and embroiled in the emotional roller coaster that can ensue.

Another issue to consider is the high rate of 18-24 year olds who fail to either enrol or cast their votes. A lowering of the voting age could lead to a significant increase in the number of people Elections ACT would need to follow up post an election, and do we really want to see thousands of fines issued to teens still at school for failing to vote?

After considering all the above, my view is that the voting age should not be lowered to 16.

## **Improving donation rules and donation reporting timeframes**

In regards to protecting against corrupt or unethical behaviour by politicians, the key point for donations has to be that significant donations are disclosed in a timely manner. Once they have been disclosed, the media and political opponents can raise issues with regards to any potential undue influence that could be exerted so that people can consider such matters when casting their vote. The new anti-corruption body to be established for the ACT would presumably also investigate significant donations that raised questions regarding potentially corrupt or unethical dealings of elected representatives.

The current disclosure threshold is \$1,000 in total in any given financial year. I do not believe this size donation would be sufficient to entice corrupt or unethical behaviour from our elected representatives or political parties, as it is a relatively paltry sum. It would have to be a very irrational or desperate MLA or party to risk their employment, reputation, votes and potential criminal prosecution for a sum of even \$10,000, let alone \$1,000 or less. As such I do not believe the disclosure threshold needs to be lowered.

I have heard of people who wished to support a particular party or candidate with a donation in excess of \$1,000, but decided not to do so due to the fact their donation would need to be disclosed, and they had fears their business or employment would suffer as a result. This indicates that the disclosure thresholds are potentially too low in that they could be preventing some people from participating in the political process. Voting is by secret ballot, and is done that way so that voters are protected from potential retribution for having voted for the "wrong" party or candidate. When we publish the names of people making donations that are too small to entice corrupt behaviour, aren't we breaching the privacy of those people? It could be said that a disclosure threshold that's deliberately set too low is an act of political intimidation designed to encourage people to withhold donations.

In relation to the threshold being too low, it should be noted that the federal donation disclosure threshold is \$13,200. While incomes for federal politicians are higher than for our MLA's, and so logically they should require higher enticements in order to cross the line into unethical or corrupt behaviour, they do not earn 13.2 times the amount of our MLA's. I would suggest that a disclosure threshold in the order of \$5,000 would strike a reasonable balance between allowing for the exposure of potential instances of undue influence, while at the same time allowing people to make modest donations without their political affiliations being made public to the potential detriment of their business or employment.

Prior to the 2016 election, the donation rules were amended to allow non-individuals to donate to parties and candidates in the ACT. I believe that was done due to concerns that prohibiting certain people or businesses from donating would be unconstitutional. I would like to point out that under the current rules, a business or other organisation that controlled multiple companies or other separate legal entities could in fact make multiple donations from those separate entities, each individually under the threshold but in total exceeding it, and in so structuring their donations would not need to be disclosed. I believe that is a loophole that should be closed if possible by grouping donations from related non-individuals that share a common point of control. That could be

problematical for Elections ACT and indeed even for political parties themselves to monitor. If the legislation, administration and/or enforcement of such a provision were deemed to be too difficult, then rather than raising the threshold to \$5,000 as I mentioned in the above paragraph, I would support it being set at a lower level of \$2,000.

Another change made to donation laws prior to the 2016 election was to allow donations from interstate. Given the large number of people who move to or from the ACT for work, it's not unusual for candidates to have support networks at least partially located outside the ACT and for some people outside the ACT to have an interest in ACT politics. As such I support the retention of this aspect of the current donation laws.

When the total donations made by a single donor exceed the disclosure threshold in a financial year, the recipient candidate or party normally has 30 days to disclose the receipts, except where they only have 7 days in the approximately 4 months prior to election day. These timeframes are generally much tighter than the ATO allows for business reporting, to use them as an example of an organisation that has strict reporting requirements.

The normal 30 day disclosure period ensures that any large donations will be well and truly disclosed before anyone casts their votes for an election. This allows for appropriate public scrutiny and consideration. It should also allow a sufficient period for minor parties and independent candidates to disclose, keeping in mind these parties and candidates will often operate without paid staff which increases the difficulties of complying with these type of requirements.

The 7 day disclosure threshold in the months immediately prior to election day is one that I imagine even major parties could at times have difficulty in complying with amidst the bustle of an election campaign. I believe it is a timeframe that minor parties and independent candidates may have great difficulty in meeting unless they take time out from campaigning. However, given that printing, advertising and delivery businesses may well offer election services on account, its already possible that some significant donations could be made after election day in order to pay for election related expenses. In order to ensure as many significant donations as possible are made public prior to election day, I believe that despite the tight timeframes currently imposed, they should not be extended. However, I would not like to see them shortened as that would most likely see instances of non-compliance increase to very little public benefit.

## **Increasing voter participation in elections and encouraging political activity**

Given the number of corflutes on the side of the roads and the amount of election material placed in letter boxes, I find it hard to believe that a significant number of people in the ACT could have been ignorant that an election was looming. I find it very disappointing that almost 33,000 enrolled ACT residents either failed to cast a vote on polling day or were unable to do so. In our democracy it's one of the great responsibilities placed upon us to help decide who represents us in the Legislative Assembly.

The fact a smaller percentage turned out for the ACT election compared to the Federal election earlier in the year seems to indicate a lesser interest in ACT politics. However in the ACT system each individual vote is more important than is the case in the much larger federal electorates. With 5 members from each electorate a few votes can mean the difference between one party or another winning the final seat, and even within parties the final choice as to which individual candidates to elect rests with the voters rather than party machines. As such, it's very important we get the message out to residents prior to the 2020 election that their vote is important.

I hope Elections ACT will examine which group or groups of residents had the highest rates of non-voting and work towards educating those people on the importance of participating in the next election. For example if the main problem were with younger voters, maybe Elections ACT needs to run an advertising campaign on social media in 2020 so they're more aware of the date of the election, the importance of voting, the opportunities for early voting and the penalties for failing to vote.

## **Administrative funding**

From 1st July 2012, the ACT taxpayer started providing \$5,000 to the party of each MLA each quarter, with that amount indexed to inflation such that its now \$5,480.96 per MLA per quarter. That means from its introduction up to 30 June 2017, ACT Labor has received around \$860,000 in funding, the Canberra Liberals around \$840,000 and the Greens around \$140,000. Based on the current makeup of the Assembly, if the funding isn't changed Labor will continue to receive more than \$263,000 each year, with the Liberals getting more than \$241,000 and the Greens more than \$43,000.

There are limitations on the spending of these funds in that they can't be used to pay for ACT election expenses. However the fact that parties receive them means that membership fees, investment earnings and donations received in the ordinary course of operations can be set aside to pay for election expenses. If the administrative funding happens to exceed the administrative costs incurred by a party, to my knowledge there's nothing preventing a party from investing any surplus so as to generate future earnings that could be spent on election campaigns.

I struggle to come to any conclusion in regards to this funding other than it's effectively free money for the major ACT political parties with little to no value to the ACT taxpayer. By virtue of being major parties, they already have sufficient members and income streams that its already very difficult for minor or independent candidates to be heard. That in itself is fair enough as the major parties have done the work historically to build their support base in the electorate, but funding such as this tilts the playing field quite unfairly. A minor party or independent candidate not only has to struggle to make themselves heard, they have to fund their administrative expenses from their own pocket while the major parties are substantially funded by the taxpayer. This type of unfair advantage is a disincentive for people unhappy with the major parties to participate in the electoral process in the ACT, and a barrier to their success when they do.

I've heard various theories at different times as to why this funding commenced, including that it was to compensate parties for the donation limitations made law in 2012, that it's to facilitate disclosure reporting to Elections ACT and that it might be because MLA staffing and/or communication allowances are insufficient. My position is that none of these reasons justify the scale of funding being provided.

If it was provided because parties were going to lose donations due to the donation caps introduced in 2012, it should be noted those caps were later removed as they may have been unconstitutional. As such, if this was the reasoning behind it starting, it's no longer there and the funding should be removed completely.

If it was provided so as to facilitate disclosures to Elections ACT, the cost of doing so has been grossly overestimated. I'm a CPA in public practice and my estimate is that the additional cost to even a major ACT party in complying with the additional donation disclosure requirements introduced in 2012 should not exceed \$5,000 p.a. per party, or a figure about 1/50th of what ACT Labor will receive in funding this year. In an election year with weekly rather than monthly reporting for a few

months, the cost shouldn't be more than \$10,000 per party. Accordingly if this was the reason for its introduction, the funding should be scaled back to these levels.

I believe that our MLA's need sufficient staffing and communications allowances so as to allow them to carry out their duties. If the allowances are too low and that was the justification for the provision of the administrative funding, then they should be increased and the funding discontinued. Allowances provided to MLA's have restrictions placed on them so as to ensure they are used for the work of the Assembly and not for the advancement of the interests of a political party.

## **Election funding**

Election funding can be of great value to ACT residents if targeted properly. The whole purpose behind it is to assist parties and candidates in communicating their policies to the electorate. Unfortunately I believe the scale of funding is currently excessive and the conditions for receiving it have been skewed so as to exclude the majority of minor party and independent candidates from receiving it.

Prior to the 2016 election, the Assembly increased the funding provided to political parties to \$8 for each first preference vote received. I believe this level of funding is higher than in any other jurisdiction in the country. In order to receive it, a party or candidate had to receive at least 4% of first preference votes. After the election, ACT Labor should have received \$750,000 in funding, the Canberra Liberals \$717,000, the Greens \$200,000, Australia Sex Party \$29,000 and Kim Huynh \$18,000.

With a political party spending cap of \$1,000,000 where they field 25 candidates, \$700,000+ in funding for a major party might seem reasonable where they did especially well in the election, however that was not the case for either major party in 2016. Labor only secured 38.4% of the vote and the Liberals 36.7%. In 2004 the ALP secured 46.8% of the vote and in 1995 the Liberals 40.48%. In federal elections the ALP has been known to win more than 50% of first preference votes, and if they had won 51.2% this election, they would have received more than \$1,000,000 in funding. In other words that scenario would see them receive more in taxpayer funding than the maximum amount they were permitted to spend on their campaign. While election funding is important, no party should be funded to the maximum amount they can spend.

I'd suggest that the taxpayer funding 75% of the maximum spending cap for a major party should only happen with a record vote. Based on historical results that would suggest \$6 per vote would be more reasonable than the current \$8, and it would also be closer to the amount paid in other parts of the country. It would still be a high level of funding, and certainly still high enough to enable major parties to run strong campaigns.

A potential benefit in reducing the amount of election funding to the parties may be a reduction in the number of corflutes along our roads. There have been many comments made on the sheer number of signs deployed and the vast majority of them, to my recollection, were from the major parties, so a reduction in funding would hopefully lead to fewer signs, which in turn could help lessen voter fatigue and encourage a higher turnout.

From a record number of parties and candidates contesting the election, only 5 received any funding. I do not believe that supports true democracy in the ACT, and the problem is the 4% threshold. In single seat electorates, which are the majority around the country, 4% represents a candidate earning 8% of the votes needed to get elected. In the ACT with 5 members in each electorate, 4% represents 24% of the votes required to be elected. This means that in order to be eligible for funding, we're forcing candidates to win 3 times as many votes as they'd have to receive in most elections around the country. This has to be a disincentive for minor parties and independents to participate in ACT elections. Even where such a candidate would make a good MLA

and promote good policies that would benefit the ACT, they'll have the expectation they will have to fully fund their campaign while the major parties have the majority of their spending covered by the taxpayer. It's another instance of the playing field being unfairly tilted in favour of the major parties.

In order to better foster democracy in the ACT, I believe the threshold for election funding should be reduced to 1% of the vote. If such a reduction were in place last year, it would have ensured that a majority of parties and an increased number of independent candidates would have received some funding to assist with the costs of their campaigns. I believe this would be better for democracy in the ACT than the current system.

A potential problem with lowering the threshold to 1% combined with a high payment per vote could be some people tempted to register as a candidate without actually incurring any campaign expenditure so as to try to profit from an election. With the disclosure requirements in place regarding election expenditure there's an easy counter to such behaviour. No party or candidate should receive more in funding than they disclosed in election spending. This would ensure that election funding was only used for the purpose intended.

### **Third party campaigners**

There needs to be significant reform surrounding third party campaigners during ACT elections. This is because with the use of third parties, there is effectively no spending cap in place due to loopholes in the legislation. I'll illustrate how this can be done.

Each company is a separate legal entity and if it participates in an ACT election it is a third party campaigner. As mentioned earlier, I'm a CPA in public practice, and as such I know how easy it is to establish a company in Australia. If a person or organisation wanted to provide say \$2m in funding to assist a particular party contest an ACT election, they could donate \$1m directly to the party, which the party could spend using their entire spending cap. The donor could then arrange for the establishment of 25 companies, each one subject to its own \$40,000 spending cap as a third party campaigner. As third parties are currently allowed to act in concert, those 25 companies could pool their \$40,000 each, allowing the spending of another \$1m on the campaign in a concerted manner.

This was demonstrated on a small scale in the 2016 campaign with the CFMEU spending \$29,997 while its training arm, a separate legal entity, spent another \$37,676 on the campaign. I'll make the point here that I'm not accusing the CFMEU of having done anything illegal with this arrangement. They simply complied with the legislation as it currently stands.

These examples are obviously fundamentally in conflict with the theory behind there being a spending cap, and as such there need to be changes made to the legislation.

As a first step, third party campaigners should be prevented from acting in concert. This would at the very least ensure that attempts to circumvent the spending cap through the use of third party campaigners would come with the maximum inconvenience.

The second more substantial step that's needed is where one person or entity controls or is strongly connected with another entity, any campaign spending from those multiple entities should be grouped and subject to a single spending cap. In such a fashion the hypothetical donor above would have to group the election spending of all 25 companies he established and so could only spend an additional \$40,000 to support his party of choice without incurring penalties for exceeding the cap. Similarly, in future the CFMEU would need to group its spending with that of its training entity, thus ensuring a single cap of \$40,000 rather than a double cap of \$80,000.

I believe consideration should also be made in regards to extending the concept of controlling or strongly connected entities to organisations that are formally affiliated with a single political party. For example various unions are formally affiliated with ACT Labor, and as such have significant voting rights and power inside the party. In effect those unions are part owners of the Labor Party and no doubt have chosen to affiliate because they see the Labor Party as an advocate for themselves and their members. The question then needs to be asked why is it those affiliated unions are able to spend money on an election campaign in addition to the spending of the political party established to look out for the interests of their members?

It may appear that I'm picking on the union movement with this section, but let's look at the other side of the political spectrum for a moment. Would it be acceptable if some members of the Canberra Liberals established an incorporated association called the Tuggeranong Liberals or Belconnen Liberals? They would be separate legal entities to the ACT Division of the Liberal Party and so under the current rules they could conduct their own fundraising and incur election expenditure in support the Liberal Party at an election, with their own spending caps separate from that of the party. I suggest it should not be acceptable and changes should be made to the legislation so that any campaign spending by affiliated organisations should be included as part of the political party's cap.

In contrast to the above, it's my understanding the fire fighter's union was not affiliated with ACT Labor during the campaign and attempted to educate voters on fire safety issues and tried to rank candidates on their commitment to fire safety in the ACT. For me that was an example of a genuine third party campaign and should be what the community expects from third party campaigners.

## **Expenditure cap for non-party candidates**

Non-party candidates contesting an ACT election are at a distinct disadvantage when it comes to spending caps when compared to political parties. This disadvantage arises from the fact that spending caps are allocated on a per candidate basis, and are currently \$40,000 per candidate. A party runs multiple candidates in any electorate contested so as to ensure they receive their own distinctly identified column on the ballot paper. Usually, a party would have an expectation that not all of its candidates will be elected, meaning that if it only fields two candidates, its only aim is to have one elected. While it only has that aim of a single member being elected, that party still has the ability to spend up to \$80,000 or two candidate caps.

A non-party or independent candidate also has an aim of getting a single member elected, but is constrained to a maximum spending cap of \$40,000. This disadvantage is in addition to the other disadvantages of being lumped in the Ungrouped column of the ballot paper with other non-party candidates, not having a party structure to support them and not having other candidates on the ground to attract additional votes and preference flows.

Another disadvantage of running as a non-party candidate comes in the form of inefficient advertising spending. When a party running candidates in all 5 electorates purchases TV or radio advertising, they can be sure that it will be of value in all 5 electorates. However when a non-party candidate purchases the same type of advertising, it will only be of value in the electorate in which they're running.

As an example, let's assume a major party runs 25 candidates and spends half its cap, or \$500,000 on TV & radio advertising with the other half on more grass roots campaigning. We'll assume a non-party candidate adopts the same 50/50 formula. For the major party the advertising will be of value in all 5 electorates, providing each with \$100,000 of campaign value, which combined with the grass roots spending provides \$200,000 of value in each electorate or \$40,000 per candidate. The non-party candidate however only gets \$4,000 of value from their advertising spend as 80% is effectively targeted outside their electorate, so the total value of their \$40,000 spending would only be \$24,000.

As the committee members have all run successful campaigns, you should all be aware that as the number of different modes of contact with voters increases, so does the chance of winning a particular vote. That means if a non-party candidate chooses not to make use of TV & radio advertising they're probably making it harder for themselves to be elected. However given the tight expenditure caps, they may not feel they have any other realistic choice.

I looked up the campaign expenditure of various non-party and minor party candidates from the 2008 election, as the last election in which spending caps were not imposed. Helen Cross spent \$67,300, Val Jeffery \$54,670 and Mark Parton \$48,779, all in excess of the current cap, with none of them being elected. This illustrates a cap of \$40,000 is insufficient for a non-party candidate to match the spending in unsuccessful campaigns by similar candidates of the recent past. Therefore to have a chance of being successful, a non-party candidate probably needs to spend more than those amounts on their campaign. If we want to be truly democratic, non-party candidates should be

winning or failing to win election on their merits, and not failing to win due to legislation preventing them from effectively competing. Accordingly, I believe the non-party candidate spending cap should be increased so that it matches that of a party running two candidates.

An alternative to having an exception specifically for non-party candidates would be to shift the spending cap away from the number of candidates fielded and to the number of electorates contested. That would mean a cap of \$40,000 per candidate would become \$200,000 per electorate. A party contesting all five electorates would still have a \$1,000,000 spending cap while a party or candidate contesting a single electorate would have a \$200,000 cap, more than enough to compete effectively.

The potential danger with such an electorate based cap could be that major parties might field fewer candidates, giving voters less choice over which candidates to elect. Under such a system the major parties could even be tempted to pass amendments allowing them to select party members to fill casual vacancies when one of their members retired. This could result in the major parties fielding no more than 3 candidates in each electorate. Such moves would increase the power of party machines at the expense of the voting public and would be contrary to the principles underpinning Hare-Clark. Underperforming but factionally powerful MLA's could have their positions entrenched while talented but factionally weaker party members who could potentially deliver better outcomes for the public might find themselves unable to win pre selection. These risks are why I support a per candidate spending cap with a higher cap for non-party candidates.

## **Polling booth exclusion zones**

As mentioned earlier, I volunteered during both the 2012 and 2016 election campaigns. On both election days I handed out some how to vote material and I also scrutineered last year. The current policy on excluding electioneering within 100 metres of the premises in which a polling place is located is making it more difficult for some people to cast their votes in the manner they so desire, raising some safety issues and is difficult for election officials to enforce.

Last year at the various polling booths I visited, I witnessed a number of people walking all the way from the polling place to the 100m boundary where the volunteers were located so as to collect how to vote information. Some of those people were older and had difficulty navigating the distance which was often at least partially over uneven ground and I would not have been surprised to witness a fall. Just about all those people expressed dismay that they couldn't collect the how to vote information at the polling booth.

I also saw volunteers near one polling booth trying to catch the attention of motorists at a round-about so as to try and give them how to vote information. The 100m boundary was just short of the round-about and so that's where the volunteers were gathered. The occasional motorist stopped in the round-about to collect a how to vote card and with hindsight there could have easily been an accident as a result.

At one stage someone at a polling booth I was visiting mentioned that their political opponents had placed signs inside the 100m exclusion zone and that it was potentially giving them an unfair advantage as their own signs were still outside the zone. A polling official had to be fetched to come all the way out to the boundary to instruct that the offending signs had to be relocated. The distance was such that it was not easily observed from the polling booth and that type of encroachment could have occurred at many polling places throughout the day.

Later on, while inside a polling booth just before it closed and scrutineering commenced, one of the election officials commented to me that many people had come into the booth and asked where the how to vote information was located. These people then presumably cast their votes unsure as to whether they were distributing preferences in such a manner as to best assist the party or candidate they most wished to support.

I myself have never used a how to vote card, assessing the various parties based on what I'd like to see from government and distributing my preferences accordingly. My experience has however shown me that there are significant numbers of voters who do like to know how the various parties would like to see preferences flow and use that information to guide their own voting. I'm also well aware that many voters do not want to be harassed by volunteers while on their way to vote.

For the 2020 election, I'd like to see the provision of how to vote information allowed close to the entrance of polling booths for those people who specifically request it. This could be done through something like allowing each party to have a single small table near the entrance to each polling booth with a small sign attached that says XYZ Party How to Vote. Any volunteers manning the table could be permitted to provide how to vote information to any voters who request it, but should be

prohibited from asking voters if they want how to vote information so that people are spared the verbal bombardment we see at federal elections. The size of how to vote information should be strictly controlled to ensure they don't develop into campaign booklets. I'd suggest a single A4 sheet would be the largest needed to convey how to vote information.

Such a system should make life easier for voters wishing to use how to vote information without unduly inconveniencing voters who do not. It however doesn't directly address the problems of encroachment and potentially dangerous behaviour at the edge of the 100m boundary. The knowledge that voters would be able to collect how to vote information at the polling booth should remove a lot of the intensity from activities on the edge of the boundary, but there could still be intense competition with signs in particular.

If the committee were to adopt my suggestion, it should also consider whether democracy and safety would be best served by pushing the boundary out further than 100m or potentially bringing it closer so that election officials could better monitor any encroachments. Banning signs on election day is also a possibility, but that runs the risk that some people may think the election is already over and so forget to vote, so I would not suggest that as the optimal approach for maximising voter participation.

## **Roadside signs (corflutes)**

The large number of roadside signs deployed during the campaign certainly attracted a lot of negative comment in the press and on social media and it's not surprising there have been calls from certain quarters to ban them, or reduce the number that can be deployed on any particular stretch of road or to further limit the roads where they can be placed.

While I agree that there were so many they became an eyesore in places, I believe they are an important part of fostering democracy in the ACT, particularly for minor parties and non-party candidates seeking to get their existence known to the voting public. As outlined above, the restrictive spending cap on non-party candidates can leave them in a difficult position and with little option but to make significant use of roadside signs.

My observations were that there were many signs illegally placed, particularly in violation of the requirement that they be at least 20 metres from an intersection. As such there were many more signs that could have been collected by ACT Rangers than was actually the case. I remember an article published after the 2012 election regarding the large number of signs collected by the Rangers during that campaign, but I did not see anything similar after the 2016 campaign. This possibly indicates the Rangers were less active despite there being many more signs erected. It's entirely possible staffing changes at the local newspaper meant it was not investigated in 2016 and the Rangers were just as, if not more, active than in 2012. However I believe that for 2020 there should be a greater focus on monitoring the legality of sign placement.

In relation to the number of signs deployed by the major parties, and by my observation they deployed the vast majority, I believe that for 2020 there is a good chance they will scale back the number of signs. Such a move would be in response to the public backlash to the number of signs and would likely constitute smart politics on their part. Additionally, if the funding per vote is reduced as I suggested it should be, the major parties may cut back on the number of signs printed so as to reduce campaign costs.

Given the above I do not support further limitations on the placement of roadside signs at this time.