



LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

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

(Reference: [Inquiry into the 2016 ACT Election and the Electoral Act](#))

Members:

**MS B CODY (Chair)
MR J MILLIGAN (Deputy Chair)
MS T CHEYNE
MS C LE COUTEUR
MR A WALL**

TRANSCRIPT OF EVIDENCE

CANBERRA

THURSDAY, 10 AUGUST 2017

**Secretary to the committee:
Mr A Snedden (Ph: 620 50199)**

By authority of the Legislative Assembly for the Australian Capital Territory

Submissions, answers to questions on notice and other documents, including requests for clarification of the transcript of evidence, relevant to this inquiry that have been authorised for publication by the committee may be obtained from the Legislative Assembly website.

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Amended 20 May 2013

The committee met at 2.02 pm.

CORNWELL, MR GREG AM

THE CHAIR: Good afternoon, and welcome to the second hearing of the Select Committee on the 2016 ACT Election and Electoral Act. The select committee was set up by the Legislative Assembly on 15 December 2016. It has primarily been asked to look at the operation of the 2016 ACT election and to consider the ACT Electoral Act and other relevant legislation and policies in regard to three matters: lowering the voting age, improving donation rules and donation reporting time frames, and increasing voter participation in elections and encouraging political activity. The committee has also been asked to consider and report on any other matter it considers relevant to its terms of reference.

The committee has received 30 submissions, all of which have been published and lodged on the committee's website. The committee invites feedback from interested persons on issues raised by the submissions.

This is the committee's second hearing. The first was held in July and the third will be in September. The program for today's hearing is on the table at the entrance to the hearing room. The committee has decided to give each of the witnesses today 20 minutes to make a short statement and to answer committee questions. Today's hearing is public, is recorded by Hansard and is accessible through the Assembly's committees on demand webstreaming site.

I would like to welcome former Speaker of the Legislative Assembly, Mr Greg Cornwell, as the committee's first witness. Mr Cornwell, I assume you are aware of the terms of the privilege statement on the desk?

Mr Cornwell: I am indeed.

THE CHAIR: Before we proceed, there is one question that the committee has agreed to ask all witnesses: that is, whether you are affiliated with any political party.

Mr Cornwell: Yes. I am a long-term member—since 1956, in fact—of the Liberal Party.

THE CHAIR: Mr Cornwell, we have read your submission to the inquiry. Do you have an opening statement you would like to make?

Mr Cornwell: No, I do not, thank you. I think I have covered everything in the original.

THE CHAIR: We will get started. I have a really quick question about something that has been quite topical. You raised it briefly in your submission. It relates to improving donation rules and donation reporting time frames. I am paraphrasing here; I am not reading exactly your words. But you state that the expenditure cap of \$40,000 should remain and third-party campaign expenditure should be directed solely to the party. You then raise some concerns about minor parties or individual

candidates. Can you expand on that a little for me?

Mr Cornwell: Yes, certainly. If we talk about people's democratic right to stand, it strikes me that it is rather unfair that major parties can field five candidates in our case, here in the ACT now, each of whom is entitled to raise \$40,000, which gives a total, of course, of \$200,000 for that particular party and that particular seat if they combine. I am not suggesting they will, because most of them will compete against each other. But, as a principle, it seems unfair that somebody who might be standing as an individual or, indeed, perhaps two members of a party cobbled together, will only obtain \$40,000 each. I am not suggesting for a moment that people would be able to raise the \$200,000 from two or three people. But at the same time I do not see that they should be stopped on the basis that there are only two or three of them. That is essentially my argument.

THE CHAIR: That is interesting. Are there any supplementaries on that?

MS LE COUTEUR: The other big issue that minor parties and independents have is that you do not get any public funding unless you get four per cent of the vote. What are your views on that, given that that would seem to be possibly even more of a major issue for a minor or independent? Is there any real reason for this?

Mr Cornwell: It is a sort of either-or, to be honest, because if they get four per cent of the vote they do not have to worry. They are going to get \$8 per vote anyway, which I might add, by the way, I think is excessive. But I will leave that aside. That is another matter. However, if they do not, of course, they are out.

MS LE COUTEUR: But my question really was about this: given that you were looking at supporting, as I understand it, independent and small parties, they typically end up in the situation where they do not get to the four per cent; thus, they get nothing.

Mr Cornwell: I have no simple answer to that because, unfortunately, we have to set some figure. Four per cent; okay. If you lower it then I think it makes it far too easy. If you increase it then it is even less democratic, I would suggest.

MS LE COUTEUR: I am not in any way going to increase it. I would be going in the other direction—decreasing.

MR WALL: Mr Cornwell, if the four per cent threshold was decreased, do you think that there would need to be some further accountability then in either independents or minor and micro parties demonstrating expenditure that they made in lieu of receiving the public funding that comes on a per vote basis?

Mr Cornwell: Perhaps. I have not really given it a great deal of thought because, as I say, it just is inconceivable to me that we should drop the four per cent any lower. So I have not really given that much consideration.

MS LE COUTEUR: There is another question that I can ask in this area. You have said that the individual electoral cap of \$40,000 should remain and that the third-party expenditure should be directed solely to the party itself. I think what you are saying

relates to third parties in the last election. I will take the example of a coalition of community sector groups that came together to campaign on homelessness issues. ACTCOSS was one of them, but there were about half a dozen of them. They clearly campaigned on the one issue. They clearly did not campaign saying, “Vote for one party.” Are you saying that people like that should not be able to campaign because it should all go to the parties—

Mr Cornwell: No, I do not think so.

MS LE COUTEUR: if I understood you correctly?

Mr Cornwell: I think it is probably unwise for them to do so, though, because I think that anybody standing for election, particularly at this level of government, needs to have a very broad platform. Therefore, it seems to me that anybody concentrating on one or two particular issues would simply be wasting their money.

MR MILLIGAN: Thank you, Mr Cornwell, for your submission to this inquiry. I would like to get a little more explanation from you in relation to corflutes that appear on the side of the road. You acknowledge that name recognition and facial recognition are important in the Hare-Clark system and a lot of candidates obviously use corflutes to achieve that. But you suggest the possibility of banning the use of corflutes in public areas and allowing them only in private residences. Can you elaborate a little more on that and how that could still support candidates with name recognition?

Mr Cornwell: Yes, certainly, Mr Milligan. I found the whole corflute exercise to be really quite ludicrous—the fact that they sprang up all over the territory and that there appeared to be an assumption that people were going to vote not for you and for your policies but for your face. I do not see this. I must admit that with the women there would be some advantages. Gentlemen, you would have great difficulties otherwise. However, it seems just absurd that a face and a name should be the basis for encouraging people to vote. I would have thought, as I say, that policies are the important thing.

The next step, of course, is: how do you control it? I read something in one of the newspapers where somebody suggested that only a certain number of corflutes should be given out to each candidate. That brought to mind the thought that you were going to have rangers presumably patrolling the ACT, counting the number of corflutes that were out for a particular candidate. It was bizarre.

Therefore, I thought that we needed something more simple. It occurred to me that there is a way to do it in another fashion. I must admit that I had some experience in Tasmania in this respect. The Battery Point polling booth in Tasmania was very close to the Leader of the Opposition’s house. He was obliged to take his sign down from the front lawn because it was within 100 metres.

MS CHEYNE: Someone before you, Mr Cornwell, had a similar experience.

Mr Cornwell: It just struck me, though, that this might be the answer. If you could get permission from a householder to put up a corflute, fine. But I really do not think

that there is any benefit in having them turning up all over Canberra like Don Quixote's windmills, I suppose, because I cannot see that they serve any great benefit.

MS CHEYNE: But do they? Sorry, Mr Milligan, but speaking personally, I go back to the original premise of Mr Milligan's question about name recognition. Corflutes do serve a purpose for name recognition. Of course, we all come here with our own experiences. Mine was that I certainly did not expect anyone to vote for me based on my corflute. But it did mean that when I knocked on doors or saw people at the shops, they already knew by my name, my face or my hair who I was. That sometimes hurried up the conversation, for better or worse, which I found terribly helpful. That comes back to name recognition. I guess I am just trying to calibrate in my mind name recognition versus no corflutes. Would that, particularly for minor parties or independents, really restrict their ability to get known, particularly if they did not already have a big community profile?

Mr Cornwell: I suppose you can go back one step and say that, really, people should have been working already in the electorate if they were keen to stand. Therefore, the question of name recognition may not be as important as some people imagine. The issue, though, still remains that we have to control these things somehow, in my opinion, otherwise—this is surely the whole point of it—if we have too many of them, they will negate each other. Then you will get the midnight raids and all this sort of thing. If they do negate each other, then what is the point? That was my suggestion: that we should try to cut them back to individual household gardens or whatever as an alternative, unless somebody can come up with something better. But I do not believe the current situation is satisfactory.

MS LE COUTEUR: You were talking about supporting electronic voting and potentially trying to make it mandatory for all pre-polling and then expanding it to others. What do you think would be the issues with that at present, because we have not done it? It would be good on the day, of course; on Saturday night, at five past six, we would all know the answer.

Mr Cornwell: I pre-pollled electronically last time. I found it very simple. But the reason I have suggested the pre-poll rather than rushing into it full time is simply that people would have to be educated. If we are going to do that on the full polling day, I hate to think how long the queues might be to do it. So it seemed to me that it might be a good start to have it in pre-polling only and we could gently come into it.

There is no doubt that there are problems associated with it. But it does seem to work elsewhere in the world and I do not see why it cannot work here, provided we do not rush it. Of course, the other thing that we have to think about is the cost. It would be probably cheaper—I am guessing here—to do it as a pre-poll initially rather than full time. Bear in mind, of course, that you could limit the number. Obviously, we do; we limit the number of pre-polls that are available. That would make it a lot easier to do it, too, because you could bring in more staff to train people or train the voters and, of course, the costs would be reduced.

MS LE COUTEUR: It is an interesting question: how much more it costs, if in fact it does cost more to do it electronically.

Mr Cornwell: Yes, it would be. I agree. I do not know that it would be perhaps that much more overall, but, again, we would have to test it out.

MS CHEYNE: We have not discussed lowering the voting age yet, have we?

THE CHAIR: No.

MS CHEYNE: Mr Cornwell, perhaps you do not want to discuss it because your submission is against lowering the voting age. I think I read that some of your reasoning was about consistency with a number of other age restrictions, like serving in the armed forces. But I believe that you can serve in the ADF at age 17 with parental consent. Light work, again, can be undertaken at 14 years and nine months. I think that with the court's consent we can have people getting married younger than 18. I guess that I do not think the reference to age restrictions in other areas is perhaps as strong as the submission may have made out. Are there other reasons why you think it might be undesirable to have a lower voting age?

Mr Cornwell: Yes, there are a number, in fact. First of all, I turn to the question of the military. I understand that whilst you may join the military, you cannot serve overseas until you are 18 years of age. So there is a qualification there. My religious friends tell me that it is quite all right to be married at age 16 to 18 providing that—again, a qualification—parents or guardians agree. So it is not a blanket okay for any of these.

As has already been drawn to our attention elsewhere: do we really want a 16-year-old as a minister? Would the law treat a 16 or 17-year-old who was here as an adult in the event of any offences? These are questions I do not know the answers to. But the main reason I think we should not look at this is that nobody else has done it.

If you look through, you will see that the commonwealth and various states have looked at these things and they have all rejected them. I do not see this as a problem because I think it is important that we do not get out of step with other states in Australia, particularly New South Wales. Whether we like it or not, we are surrounded by them. I just do not think it would be a good idea.

I do not mind any moves in other areas—for example, euthanasia comes to mind—as long as these things are done on a national basis. But there has been no justification for a 16 to 18-year-old vote to be extended to that age group by any state in the commonwealth or by the commonwealth itself. That, I think, is probably the most fundamental reason not to do it.

MR WALL: Mr Cornwell, in your submission you touched on the 100-metre rule and you said that, in lieu of a better option, that should be retained. Just previously you did touch on Tasmania. I trust that you are aware of the advertising and campaigning blackout that occurs in Tasmania. Do you think that that would be a situation that the committee should be giving some consideration to or do you think that the existing 100-metre rule and campaigning restrictions are more adequate and more suited to campaigning in the territory?

Mr Cornwell: I do not like the advertising beyond 100 metres. I do not really like that.

I would not want to see the 100-metre rule taken away. But I do not believe that it works all that well anymore now that we have many schools that essentially are polling booths. As you know, they are now surrounded by fences and it is quite possible to drive through into the school grounds within the 100 metres and get out. That, of course, is something that does not concern the Electoral Commission. It is none of their business. Frankly, as far as the parties are concerned—I have said this before—in many cases we are wasting our time handing out how-to-votes 100 metres away from the booth. I would like to see another means, ideally inside the booths, whereby people could vote and have the various parties—independents, whatever—written up somehow because I think that would save an awful lot of time and effort on everybody's part.

MS LE COUTEUR: Hear, hear!

THE CHAIR: Thank you so much, Mr Cornwell, for your time. You will receive a copy of today's *Hansard* for proofing. Any edits will need to be sent back to the secretariat. You have not taken any questions on notice. If the committee feel that they need to ask you for further information, ask further questions or seek clarification on any of the responses that we have discussed today, would you be open for us to either contact you via electronic methods or possibly recall you as a witness?

Mr Cornwell: Most certainly.

THE CHAIR: Thank you so much.

MILLER, MR DANIEL

THE CHAIR: Our second witness today is Mr Daniel Miller. I would like you to have a read of the pink privilege statement that is there on the desk in front of you. Could you please let us know that you agree with those terms?

Mr Miller: Agreed, yes.

THE CHAIR: Before we proceed, there is one question that the committee has agreed to ask all witnesses: that is, whether you are affiliated with any political party.

Mr Miller: I do not believe so, not anymore.

THE CHAIR: That is fine. Would you like to make an opening statement or are you happy just to take questions?

Mr Miller: I just wanted to say thank you very much for having me here at the hearing today. That is probably it.

THE CHAIR: Thank you for your submission. One of the big things that you talk quite strongly about is corflutes. I think it is a very hot topic. I was wondering if you could expand on some of those points that you raised in your submission, please.

Mr Miller: Is it okay if I just give a bit of background as to where this came up?

THE CHAIR: Absolutely.

Mr Miller: It literally was the case that over the last few years, not just the last election but the one before that, we started seeing a bit of a growth in the number of these signs appearing around the place. Through conversations with friends at social gatherings, it started to become pretty apparent that there is an issue. One of the references for the committee today, I understand, is to try to increase voter engagement and just to get people more involved. I think what is happening at the moment with those corflutes is that they are putting people off and just making people sick of the election process. If there is a way that you can think about doing something about that, you might head towards those goals that you are aiming for as well.

The main reason I wanted to visit today and mention the topic of corflutes is that they are just not working for the ACT people. As I pointed out in my submission, they are excessive. Everyone knows that. You see hundreds, if not thousands of them, around the streets these days. They are wasteful, a bit of an eyesore for everyone in Canberra. There are three strong points which I believe should be taken into consideration. The first one is the antisocial behaviour that we are seeing with those signs, whether it is party members competing with each other or just members of the community. What you are seeing is someone putting up the sign and then weeks later other people are going and damaging it or vandalising it.

MS CHEYNE: Not weeks, minutes.

Mr Miller: Yes. It is not something that I think we want to represent as members of the Legislative Assembly and also as citizens of Canberra. If we are having a competition or a vote, which this is, we would like it to happen equally so that everyone gets a fair go and no-one really plays dirty tactics with each other. Whether it is on the sporting field or in the political arena, you are not supposed to sit there and have a go at each other in dirty ways. There are rules around that. If we are starting to see this happening, something should be done about it. That is probably one of the things.

The next point that I want to raise is inequality. I think it is fair to say that in 2017 equality is here. It is about time. I was raised with an equal view of the world. What I see with those signs is that it is a case of the haves and the have-nots. You are seeing well-resourced political parties able to get out there and spend a fortune on signs because they know they work. They know from a research point of view the facial recognition does work and when people actually see lots of faces they do not really know what they are thinking about at the time. When they hit the election booth they might recall that name and that face. They know it works. Independents and people with lesser means probably cannot afford as much in the way of signage and marketing. Therefore, they are at a disadvantage. I am thinking that, in a democracy, which the ACT is, we should have a level playing field for everyone. That is one point.

The third one—this is probably a bit more contentious, and please do not take anything disparaging from this—is that it is suggestive that the current legislation or the instrument which governs political signs could be taken as privilege towards members of the Legislative Assembly. If you have a look at section 6, there are four groups or subsections, (1), (2), (3) and (4). Groups (1), (2) and (3) are very restrictive.

With regard to business signs, you are only allowed two signs near your business. With real estate signs near your place, you can have a sign on the day that the property is open for viewing. With regard to community groups, you can have up to 20 signs, limited for up to two weeks. But then there is this special group, (4) “electoral advertising signs”, with zero restrictions for six weeks leading up to the election. That seems like members of the Legislative Assembly and potential members of the Legislative Assembly are treating themselves in a way that is above the rest of the community. So that comes across as something which could possibly be fixed as well.

They are the major points. You are probably aware that—I have mentioned it in my submission—I started a petition just to inform the people of the ACT about this. It is still open—and I will probably leave it open for quite some time, because at the moment it is not a front-of-mind issue but it will be at some point—to try to just do something about bringing back the equality.

I agree that in the political process it is very important that candidates get a fair say in announcing themselves to the public. That is really important. Otherwise how do we know who is going to represent us? But what I am looking for there is that, hopefully, we can do something to bring the amount of advertising that is done back to a level equal to the rest of the community. If this legislative instrument places restrictions on groups, why can't it be fair that the electoral advertising signs go back to the same level as the next restrictive group—that is, community signs—with 20 signs up for the

purposes of the election?

There was a point made in the discussion with the previous visitor: how are you going to police that? There are a few ideas there. One could be—I actually heard this on the radio around the time of the last election, when I think there was a dignitary from the Singapore government who visited Andrew Barr; I think Mr Barr was the one who mentioned it—authorised check stickers. Do you remember what a check sticker is? It is one of those silver stickers which validates that it comes from a certain person only and if you tear it off you cannot reuse it. Maybe you could hand out a number of check stickers for a registered party.

MS CHEYNE: If there are 20 check stickers, rangers can check them. But 20 are not too hard and it is not a big target for people to knock off 20 and then they are potentially all gone, which maybe is achieving exactly what you want.

Mr Miller: Which means all you are doing is a cycle, is it not? Then you probably have to replace your signs and come back and—

MS CHEYNE: That is right, and get another check when you could actually be talking to voters.

Mr Miller: Logistically that is an issue.

MS CHEYNE: Instead of focusing on your signs.

Mr Miller: Yes. I am not suggesting that I have the solution. I am just suggesting that there are options which could be considered if this were to be taken away and thought about. Another one is that Dr Andrew Hughes, a marketing researcher at the ANU, put out a piece in which he mentioned the idea that we could have designated spaces for signs—all political signage or political advertising—and, therefore, it would be very easy to make sure that it is being adhered to. If your signs or your material is in that space, it is okay. If it is not, then it is not within the rules. That is another one.

There was someone else who mentioned to me that in Switzerland they do have rules where political advertising can happen only in certain designated locations, at local shopping areas or in public spaces, maybe on bollards or in designated signage frames, and that any candidate who is registered is allowed to put their signage up there. There are ideas. What I am suggesting is that the current situation we have is just out of hand. It is unequal. It is showing that the electoral candidates are treating themselves higher than the rest of the community in terms of restrictions, and I think something should be done about it.

MS CHEYNE: With the committee's indulgence, we have been talking about a level playing field. I wanted to check your understanding and my understanding. I think that there is already a level playing field on a number of levels. Some of these things might not be well known in the community. One is that there is a funding cap on each candidate. Secondly, while I cannot speak for the Greens, I think it is true for both the Liberal Party and the Labor Party that even though we are in party systems, many of us have to do fundraising ourselves. We raise our own money for our campaign; we are not gifted money by our party. I think most people think that when you are part of

a party it is just, like, money everywhere. But I do not think that is actually the reality.

MR WALL: It would be safe to say that out of the five of us, we probably all put money out of our own pockets into our personal campaigns rather than relying on—

MS CHEYNE: Yes, or spent a lot of time doing our own fundraising, so I think that actually levels the playing field quite a lot. Finally, I wanted to get an understanding of how much you think corflutes cost. You talked about the cost and the wastefulness of them. Again, I think there might be a perception in the community that they are actually much more expensive than they are, whereas for me I found them to be one of the cheapest ways of advertising.

Mr Miller: Thank you for the question. In relation to the funding cap, I am aware that candidates usually do self-fund. Statistically, I think it is fair to say that it is very rare that independents get a leg up and get voted into the ACT. So the spending an independent might put towards their campaign would probably be a moon shot, a one go, a one-time go. A member of a party statistically is more likely to get voted in. Therefore, the risk that they are taking, while still significant financially, is probably lower. So, overall, the likelihood of actually getting a return via your funding is probably higher as a member of a party, whereas an independent, for example, has to go out and try to compete with the numbers that we saw—thousands of them—

MS CHEYNE: That is my point, that an independent could fundraise themselves.

Mr Miller: They could, but the likelihood of that being successful—

MS CHEYNE: An example from 2008 is Mr Parton. He ran as an independent. I will not speak for him here because I might verbal him. But I understand that he raised a significant amount of money himself and only just was not elected. So we are all subject, I suppose, to the same rules.

Mr Miller: That is true, but logically you have to assume, just from statistics, that the chance of getting voted in as a member of a party probably increases your likelihood, if you just go back and look at the historical numbers. Therefore, the chance as an independent is probably quite low. So, as an independent, you are looking at being less connected to the community, being less endowed with support. You are probably using up your family's money.

MS LE COUTEUR: I think you have a fair point, but it is a point which would suggest support for corflutes, because of the various things that you can do to get elected. As Ms Cheyne said, while corflutes are expensive, compared to TV ads, they are very cheap overall. If you are a smaller party or an independent, you may not be in a position to have an army of volunteers doing doorknocking, working on stalls and so on.

MR MILLIGAN: Or letterboxing.

MS LE COUTEUR: Or letterboxing. So in terms of low barriers to entry, while a single corflute is quite expensive, once you start producing them en masse they do become more affordable. I think the people who would be most disadvantaged

possibly by there being no corflutes would actually be the smaller parties and the independents rather than the big ones. Big ones certainly do more, but they do more of everything.

Mr Miller: Yes, the offset is probably better. The payout is probably better for a larger party because you are going to get larger numbers of candidates voted in. Therefore, the return that they get from the voter is funded back to that party. They will probably be able to offset some of those costs.

MS LE COUTEUR: Certainly.

Mr Miller: Yes.

MS LE COUTEUR: No disagreement there; the question really is: if what you are interested in is equity between the candidates, where the corflutes are placed to start with—

Mr Miller: If we are going to talk about equity, let us get back to equity for the community, because ACT Legislative Assembly members are members of the community. You are providing a public service to the community. There are other people in the community as well—business owners, community groups. But for some reason they have a cap, whereas the candidates do not. If we are going to talk about equality, let us address that one.

MS CHEYNE: We actually do have a cap in terms of time.

THE CHAIR: Sorry, Mr Wall has not had a question and we are running low on time.

MR WALL: Just on that point—

MS CHEYNE: The other guest is not here, so I am sure we can just keep going.

MR WALL: He is outside.

MS LE COUTEUR: He is probably outside.

MR WALL: Mr Miller, are you suggesting that, by there being different rules for electoral campaigning, there is preferential treatment for either members of the Assembly or prospective members of the Assembly?

Mr Miller: It is a perception.

MR WALL: A perception. Do you think, though, it is important in terms of maintaining a rigorous democracy that there is a great opportunity for public communication of a message, be it by an independent or any other individual, wanting either to put their hand up for office or to campaign for or against someone else lobbying for office?

Mr Miller: Can you rephrase the question? I did not get what you are asking.

MR WALL: You are suggesting that there is preferential treatment for political aspirants, but do you think that there is the need to balance that against maintaining a rigorous democracy and freedom of communication?

Mr Miller: Absolutely it is important to ensure that in respect of our potential representatives, people are aware of them in the community. I absolutely agree with that. That is not my suggestion at all. But there are other groups in the ACT who are also providing services to the community but for some reason they are restricted. For example, in community groups, you are only allowed to actually share your word to a certain number of people. I support the ability to advertise to the community, but if we are going to do it, let us do it equally for everyone in the community, not just say, “This group here gets preferential treatment whereas this group here is restricted.” If we are going to have restrictions, let us keep them down for everyone.

MR WALL: The counter there, though, is that at a territory level elections come around once every four years. Signs go out for a six-week period, whereas for a community group wanting to raise awareness or raise funds for their relevant campaign, that could be done over extended periods of time.

Mr Miller: Two weeks prior to advertising the event.

MR WALL: Two weeks, pick them up, move them and go again.

Mr Miller: Two weeks prior to the advertised event.

MR WALL: Pardon?

Mr Miller: Two weeks prior to the advertised event.

MS CHEYNE: But there is no limit on how many events they could have.

MR WALL: They could have an event fortnightly.

Mr Miller: They could.

THE CHAIR: Ms Cheyne, do you have any further questions?

MS CHEYNE: No, Mr Wall has said what I was interrupting him about.

Mr Miller: But the evidence does not show that, does it? The facts on the ground are that you do not see community groups doing that. Our streets are not littered forever with signs from community groups. But in those election cycles we are just swamped with these signs. So from an engagement point of view—

MR WALL: Post-election day, though, how long do you see them lingering?

Mr Miller: They are gone after election time. They are taken down, yes.

MS CHEYNE: Yes, because we have to within 48 hours, otherwise we really do start getting fined. This is a bit more of a conversation now than asking questions but, trust

us: we want to take them down too. We will certainly take feedback on board but—

Mr Miller: If we are heading towards the wrap-up point—

MS CHEYNE: Yes.

THE CHAIR: We certainly are.

Mr Miller: I will submit some general comments that random members of the public have provided on this as well, so far as the petition goes. I will pass that on later.

THE CHAIR: To the secretariat, yes.

MR WALL: And you will be happy for that to be published?

Mr Miller: It is public already.

MR WALL: It is public already?

Mr Miller: Yes.

CHAIR: Thank you so much for speaking with us today, Mr Miller.

Mr Miller: Thanks for having me. I appreciate it.

DANIELS, MR JAMES

THE CHAIR: Our next witness today is Mr Daniels. I draw your attention to the pink privilege statement that is on the desk in front of you. Could you read through that and let me know that you agree with the terms?

Mr Daniels: Yes, that is fine.

THE CHAIR: Before we proceed, the committee has one question that we are asking of all witnesses in this inquiry, that is, whether you are affiliated with any political party.

Mr Daniels: I am currently a member of the Liberal Party. I do not hold any positions of authority within the party and the submission is entirely my own work.

THE CHAIR: Do you have an opening statement today?

Mr Daniels: Yes, I want to just run through a couple of things quickly, if I could. We have got limited time and it was a fairly lengthy submission that covered a lot of points.

I first want to say thank you to members of the committee for reading through my submission. My writing style is not always the easiest to work through. I imagine it was a bit of work. The first point I want to address is funding. I have made points here on a number of areas. The first one I want to touch on is election funding. We have got \$8 a vote now, up from \$2 a vote in the 2012 election. I think that has gone over the top and \$6 a vote would be a more reasonable level.

Having said that, that is not the main area that I am concerned about in terms of funding. It is actually the administrative funding provided to political parties of MLAs, which I believe started in 2012 when we only had 17 MLAs and when the funding per vote was only \$2. We have now got 25 MLAs and the major parties each received in excess of \$700,000 from the last election. The administrative funding can be used only for administrative purposes but because the parties are in receipt of that money they are able to put membership fees, donations et cetera into a war chest to pay for elections. I really think that places minor parties and independents at a vast disadvantage when it comes to trying to fund campaigns.

If we look at the time from, say, the 2016 election to the 2020 election, including the administrative funding and election funding, I think the Labor Party is probably set to receive about \$1.7 million and the Liberals somewhere around \$1.6 million. They are only allowed to spend a million on a campaign. So the taxpayers are gifting perhaps \$600,000, \$700,000 to political parties that no other parties get. I think that is a very big disadvantage.

I believe that our democracy is most successful when we have a level playing field between major parties and minor parties and independents. There are, of course, built-in disadvantages to being an independent or a minor party in that you do not have the membership base, the volunteers et cetera, but when it comes to legislative

disadvantages like this I think it is something that the committee needs to consider and have a look at.

The second major point I want to look at is third-party campaigners. We have an election spending cap for a reason: to try to make sure that no one party can just drown out everyone else and win by default. My understanding of some of the problems with the way it is structured at the moment is that we effectively do not have a spending cap because third-party campaigners, companies et cetera can be established, they all get their own \$40,000 spending threshold, they are allowed to work together in spending that money to put out coordinated campaigns. Again, I think that is something that is important for the committee to look at.

The other point I want to specifically mention is the 100-metre exclusion zone. I put in my submission that I went around to numerous polling booths on election day and every now and then saw someone trekking out probably 150 metres—now that the boundary is from the edge of the school rather than the door to the polling place—to try to get a how-to-vote card and go back again. Some of these people are elderly, they are not the most mobile, and I would not be at all surprised if there were some falls in various places that could have resulted in injury.

I am a fan of having the exclusion zone so that people can go to vote without being harassed at the polling place. But I really think we need to have a facility for how-to-vote information inside the polling place so that people who want to access it can pick it up there without any hassle if they want it and use it, or if they do not want to use it they can just ignore it and go and vote as normal.

Those are the points I specifically wanted to raise. I hope someone will have some questions.

MR MILLIGAN: Thank you, Mr Daniels, for your submission and coming in today. My question is in relation to third-party campaigners. You talked about the possibility of grouping entities. What would qualify those entities to be grouped exactly?

Mr Daniels: Sorry?

MR MILLIGAN: You are suggesting that new entities, new companies, can be established and each new company can have \$40,000 to spend. You suggested the possibility of grouping these entities. What basis would they be grouped on and what would qualify that?

Mr Daniels: I think what I said in my submission was that where an entity is formally affiliated with an existing political party the spending of that entity should be included under the spending cap of the relevant party.

MR MILLIGAN: How is that company affiliated? What qualifies that affiliation?

Mr Daniels: I do not think I actually said that they would be grouped the way you are saying. For example, I made the specific point in there about the firefighters union, which I understand was not affiliated with any political party during the campaign.

THE CHAIR: And still are not.

Mr Daniels: And still are not. They went out there and tried to rank candidates on their commitment to fire safety. I see that as a genuine third-party campaign. But when we have got—I will use the example—the CFMEU and UnionsACT putting money into campaigning against one specific party when they are formally affiliated with another party, it is really like double dipping, as far as I can tell. And under the current laws—again, I will use the CFMEU as an example—they used their own \$40,000 spending cap and then their training arm spent another \$30,000-something. The training arm of the CFMEU is controlled by the CFMEU but they get their own spending cap. That is what I am talking about in regards to our effectively not really having a cap at the moment in that, if that arrangement is fine under the current laws, then someone who wants to spend more than the million-dollar threshold if they are running 25 candidates can go out and set up independent, separate legal entities and each one can have their own \$40,000 spending cap.

MR WALL: How difficult is it for an organisation, a community group or even a political party for that instance then to set up potentially multiple companies to circumvent the spirit of the legislation?

Mr Daniels: I am a certified practising accountant running my own business. I set up companies for clients on a regular basis. The most difficult thing for me in, say, setting up 25 companies would be choosing the names. I could have them all up and running in a week. Does that answer your question?

MS LE COUTEUR: How much do they cost?

Mr Daniels: Excluding my fees, if you have got an organisation setting up a bunch of companies together and you could get someone to volunteer their time, the ASIC fees plus corporate secretarial fees for the documentation, \$700 each. So \$700 out of a \$40,000 additional spending cap is pretty small.

MR WALL: In your view, then, that is a fairly significant loophole in the legislation as it stands?

Mr Daniels: Yes, I believe so.

MS LE COUTEUR: I am interested in your comments about funding. Firstly, you are of the opinion that the administrative funding could not take anything like what people get for that. The other was that you only get funding if you get more than four per cent—

Mr Daniels: Yes, if you reach four per cent of the vote.

MS LE COUTEUR: What I was interested in was: you said that the four per cent equals 24 per cent of the votes to be elected and this was totally out of proportion with other jurisdictions. Everyone gets four per cent pretty much.

Mr Daniels: I know. The four per cent, I think, works fairly well for single-member electorates where you need to reach 50 per cent of the vote to get elected and four per

cent of 50 per cent reflects that you have made it a little bit of the way and you get some support from the government for funding. In the ACT, with five-member electorates, you need to get 16.67 per cent of the vote to get elected. What we are effectively saying is that having the same four per cent threshold means that you need to do three times as well in an ACT election to get any government support for your spending in trying to get your message out to the electorate as would be the case if, for example, you stood in the New South Wales election over the border for their lower house. If I remember correctly, there were only five parties or candidates who received any election funding last campaign, the three parties in the Assembly, the Sex Party and Kim Huynh in Ginninderra.

We want people to participate in democracy and I believe that if there is a lower threshold for getting some government funding that removes one of the potential barriers that people see when looking at whether they are going to nominate or not.

I did also in the submission identify one potential problem in that if you lower the threshold you could have some people effectively just dangle their hook in the water to try to get funding even though they are not spending money on the campaign and so build up a war chest for the next federal election or something else. I proposed that any election funding should be capped at the amount of election spending disclosed to Elections ACT after the campaign. In such a fashion, the taxpayer is only reimbursing for expenses that are in relation to that particular campaign and they are not subsidising a Senate campaign or anything else.

MS LE COUTEUR: It seems fair enough.

MS CHEYNE: You touched on having a table at the booths that has information on all the candidates, with a volunteer manning it, inside the 100-metre exclusion zone. Theoretically I quite like the idea and I have had it mentioned to me. I asked some questions of the Electoral Commission the other week about, depending on what the media outlets do in some cases, you not knowing anything about a candidate apart from their name and their age or sometimes less, until you go to vote. In Ginninderra there were 33 candidates. How would a table, with a volunteer manning it for all 33, work in practice?

Mr Daniels: I have actually refined my position a little on that since I put my submission in. I give credit to my father on this one because he is the one who suggested it to me when I was talking to him. You do not have the volunteer manning the table outside the polling booth; you have the table inside the polling booth. You allow each party or independent candidate to have one A4 maximum size sheet so that, when you have got 33 candidates, I am assuming at least half of those would be in parties and so—

MS CHEYNE: Not quite, 13 of 33, then maybe the Lib-Dem.

Mr Daniels: You might get it down to 20, 24. In the scrutineering at Isabella Plains, which is where I was last year, the tables there in the hall were probably at least the size of this table. If you have got a maximum of an A4 sheet you could fit probably close to two dozen at this one table. You have got scrutineers who are allowed in and out of the polling place without wearing their political party affiliations. They can just

keep an eye on the stack of the how-to-vote information and if it gets a bit low, duck out to the car, grab some more, put it on there.

MS CHEYNE: But could there be an argument—I think I am being a bit funny here—that it could all depend on the positioning on the table, perhaps pieces of paper here might be more attractive to people than pieces of paper that are a bit out of reach over here?

Mr Daniels: I understand where you are coming from. We have got Robson rotation on the ballot papers.

MS LE COUTEUR: Every polling booth could be different.

THE CHAIR: Thank you, Mr Daniels.

Mr Daniels: That is quite all right.

THE CHAIR: If we have any further questions, I am assuming you are happy for us to contact you?

Mr Daniels: Yes, quite happy.

THE CHAIR: Thank you so much.

Mr Daniels: Thank you.

WATTS, MS HANNAH, Youth Coalition of the ACT
DAVIS, MS COURTNEY, Youth Coalition of the ACT

THE CHAIR: I draw your attention to the pink privilege statement on the desk. Let me know if you agree with the terms as written there.

Ms Watts: Yes, that is fine, thanks.

Ms Davis: Yes.

THE CHAIR: Before we proceed, there is one question that all witnesses have been asked: are you affiliated with any political party?

Ms Watts: No.

Ms Davis: No.

THE CHAIR: Would you like to make an opening statement?

Ms Watts: Yes, I will start off. I am the acting director at the Youth Coalition of the ACT. I would like to thank you for allowing us to appear today. I assume that you have all read our submission. I guess that our submission particularly focused on the idea of lowering the voting age to 16 and 17-year-olds. That is something that the Youth Coalition has advocated for for over 20 years now. We found some old submissions in our archives recently, which were really interesting to see.

As I say, it is something that we have been passionate about for a long time. We think there are some really great reasons why we should look at this. We are really excited that that is happening again. We did not put this in our submission but I note, as part of this statement, that as part of the work that we did in the lead-up to the election last year we spent a lot of time engaging with young people and trying to get young people to engage in the process. There are a few things that we found really difficult around getting information from the parties and from candidates about what their positions were, even who some of the candidates were.

We would like to put on the record that we would be really keen to work with parties and with independent candidates around how young people would like to access the information and the timeliness of information in the lead-up to elections. It is something that young people have certainly said to us that they would really like to see happen in a more improved way. I will hand over to Courtney as well.

Ms Davis: I am 17 and I am representing over half of young Canberrans who would like to see the voting age lowered in Canberra. This is something that I, along with a lot of other students and young people, are very passionate about. We believe that this is something that needs to happen for us.

MR WALL: What arguments have young people given? You mentioned just over half of young people want the voting age lowered. I notice that your submission gives a number of examples of those supporting that argument. What have opponents,

young people that oppose lowering the voting age, had to say about it?

Ms Watts: I think that for the majority of young people who have said they do not want to the reasons are along the lines of, “We’ve got a lot of other things going on that we’re passionate about,” or, I guess, the key one is, “We don’t feel like we’ve got enough education. We don’t really know much about it at that age.”

I guess the counter argument is that they would like to see a lot more education around it. That is the key reason why young people have said they do not want to, particularly within that age group; 16 and 17-year-olds. They have said, “No, we don’t want the vote.” It is because they feel like they do not have the education or the information to make informed choices.

Ms Davis: I think you find a lot of the time that young people are so disenfranchised because they do not feel like what they have to say really matters, that they just see it as kind of oblivious.

MR WALL: I am sort of being devil’s advocate here a little bit. There has been a lot of discussion around 16 being the voting age. Why not 15?

Ms Watts: Well, why not 14, 13, 12, 11?

MR WALL: That is it.

Ms Watts: Generally, I think why 16 is that there are a number of other things that happen for 16-year-olds. They are allowed to legally consent to sex. Generally, if you are under that, you do not necessarily have employment whereas a lot of 16-year-olds are looking at getting into employment. There are some 15-year-olds who have permission to work, but generally it is kind of that age being the cut-off.

We also see that around that time is when young people are really starting to think a lot more about their future. They are in college. They are thinking about what their career path is going to be. They are really starting to think long term about what their future is. Having the option to influence and impact on the decisions that government makes that are going to affect them for a long time I think is probably the main reason why.

MR WALL: What is the Youth Coalition’s perspective on whether voting for minors should be compulsory or voluntary?

Ms Watts: We take the position that it should be voluntary. The reason we say that is basically we exist to represent young people, and that is really what they say. In the last rate Canberra survey that we did, I think 57 per cent of young people said that they would like to be able to vote as 16 and 17-year-olds, but that it should be optional. Only five per cent said compulsory.

I think that speaks for young people generally. They are not kind of keen on the idea of compulsory voting. We would not want to see this as a mechanism for changing that. I guess we think that is a completely separate option. The idea is that we have young people who are 16 and 17-years-old who are working, who are paying taxes,

who are making decisions about their future and who are being influenced by the decisions governments are making. If they are passionate and they are keen to get involved, we think that there is a great opportunity while a lot of them are still in school to kind of do the education that they need that is going to mean that for the rest of their lives they know how to engage in the process.

MS CHEYNE: Earlier we had a witness, Mr Cornwell, appear who opposes lowering the voting age. A comment that I think he made was that no-one wants to see a 16-year-old minister. I just wanted to draw the distinction. I really probably need to read the act. If the voting age were lowered to 16 or 17, would you also support changing the eligibility to run as a candidate to 17 or 16, therefore leaving open the opportunity for a 16-year-old to become a minister?

Ms Watts: I think that the opportunity to change that would be slim to none, anyway. But if it were to happen, generally 16 and 17-year-olds are still supposed to be in education. So for a 16-year-old to even run, they would have to get permission from the education department not to be at school. There are some pretty strict laws and rules in place around that. So I think that that would be very unlikely to happen. To be honest, I also think it would be very unlikely for a 16 or 17-year-old to be elected. There was a 16 or 17-year-old—

MS CHEYNE: We did have a 19-year-old.

Ms Watts: Yes. I guess it does happen. I do not think that we would support that. We would certainly want to go out and talk to young people around that. It is not just a simple idea of lowering the voting age to 16 or 17. There are a lot of complexities in it. Do we fine them if they do not vote? There are a whole heap of questions on that. If we do decide to go ahead with us, there need to be ways to make sure that young people are protected and given the opportunities. We already have other examples where you can be charged penalties, depending on your age. Would we fine 16 or 17-year-olds? Obviously that is not something that we would advocate for. If it were optional, which is what we would like to see, then that would be not an issue, anyway.

MS LE COUTEUR: That leads on to what I am interested in. It is about having the option and then, hopefully, continued compulsion after for 16 and 17-year-olds. I have been reading the comments that your members made. They seem to be along the lines that voting should not be compulsory; end of story. I am personally a strong supporter of compulsory voting. It means that you do not have to spend all your time convincing people there is even any point in it. I think some of the problems of other countries are down to that. But I will not go into that anymore.

Do you think that if we did have optional voting for 16 or 17-year-olds that this would create a problem going on as the 16 and 17-year-olds became 18 and 19-year-olds and further on into the older age groups where voting is obviously currently compulsory? Would this lead to a lessening of the democratic obligation and right in Australia to vote?

Ms Watts: I actually think, talking to a lot of young people, that it is the opposite. I think it is a real opportunity to get young people engaged in the political process and in the system. A lot of young people—not just 16 and 17-year-olds; we represent up

to the age of 25—are disenfranchised in the system and with the way that things work. They want to see change.

Another thing that we talked to young people about in rate Canberra is whether they feel valued by their society and their community. I think that what this does is give them an opportunity to feel like they are valued; that they do have rights; that they do get to have a say; they do get to be a part of the process. I actually think that it is a really good opportunity to engage young people who are passionate about it.

I do not know about you, but when I am hanging out with a group of friends, if someone is really passionate about it, chances are I will kind of end up liking it a little bit as well. It happens with sports, politics, all sorts of different things. I think if we can tap into the young people, this group who are really passionate, and they are able to go out and have a vote and talk to their friends about it, it will give that option. But I am in my 30s. I think Courtney can probably talk to that a little as well.

Ms Davis: Yes, I think lowering the voting age would definitely foster more education which obviously leads to more engagement and involvement. I think, especially with colleges, it is a great opportunity for them to kind of include more education on politics within the curriculum as well. I know at my school, with the support of Yvette Berry, we made our own little election. The engagement with that was really incredible. So it is definitely something that young people are really passionate about.

MR MILLIGAN: Thank you to both for submitting to this inquiry and for coming along today. My question is in relation to the education of youth in politics. I think you make a really valid point. Youth at times feel disconnected but also are not confident about politics, the role of politics et cetera. Part of the blame for that is the suggestion that there should be education in our schooling system. Do you think our first priority should be looking at our education system and better equipping our youth at school on politics so that they can get more confident about it and in the future maybe better equipped to participate in the election system?

Ms Watts: I do not think it has to be one or the other, to be honest. If we were to launch a big education campaign now to make sure that 16 and 17-year-olds really feel like they have got their heads around what is going on, by the time the next election comes around they will be 18 anyway and things will have changed. I think that when we have got elections coming up it is a great opportunity to educate young people and then for them to actually put it into practice, to go out, do it and see a change happen.

When you just learn everything by theory, by the time it comes around to actually doing it, you have kind of lost a lot of the nuance or the information that you had. We definitely think it is important to engage with the education system, but also remember that there are a lot of young people who do not engage well in the education system.

I will not go into that in detail but it is not just 16 and 17-year-olds. It is the 18 to 25-year-olds whom we also represent who do not have a lot of education around politics and around elections. Dare I say, it is also friends that I have in their 20s, 30s,

40s and 50s. It is a general population thing where a lot of people struggle to really know whose policies are what. I guess that is what I talked about briefly in the opening statement. It is really hard to get clear information about who is going to do what when they are elected.

That is a part of the education that needs to happen for all of the population of young people, and probably the general population, specifically around the way that the processes work and how voting works. If we are able to do that with 16 and 17-year-olds and then they can go out and vote, I think that is a really good opportunity that we could have.

THE CHAIR: I think my question is probably going to be directed at Ms Davis, but feel free to also jump in. As a mother of teenage boys who grew up in an extremely politically active house, they have never been inclined to be politically active themselves and still continue not to be. Trust me, it was part of life. They loved it when they were younger but they sort of hit 16 and went, “Yeah, not interested anymore.”

I think that is a really valid point you are making. I do think education is extremely important. I know the Assembly runs a lot of great programs to support students all the way from year 8 through to year 12 to understand our particular political system, which is a bit different from everyone else’s in Australia. What else could we be doing? Do you have some ideas? Are there things out there that you think would encourage 16 and 17-year-olds to get involved, to be more active, to be more engaged?

Ms Davis: I think in a lot of cases, as a young person they feel that what their concerns are do not directly relate to politicians getting elected, if that makes sense. They feel like politicians do not really have to take much into account. I am not going to say that every person my age is as politically engaged as I am, but that is the exact same for people over 18 as well.

THE CHAIR: Absolutely.

Ms Davis: I think the best step would be to lower the voting age if you want young people to be as engaged as people who are of voting age now. I think that would be, yes.

Ms Watts: I will talk to that a little as well. I think one of the key things that young people talk to us about is not just around voting but engaging with government in general. I mentioned before that young people feel like often they are not listened to or valued. A lot of that comes back to getting feedback and having an understanding of why things do and do not happen. If we have candidates go out and talk to a whole bunch of young people before an election and they ask, “Hey, what do you care about?” and young people say, “We really care about this,” and then after the election they never see anything happening around that, why would they want to engage again in the future?

THE CHAIR: The same could be said for people who are older, though.

Ms Watts: Yes, exactly. But I think that if we do want to engage with young people, with the general population, there has to be a bit more of that feedback and kind of backwards and forwards and people really understanding that the government is listening to them. That does stand true for everyone. Our argument really is that for young people who are 16 and 17-year-olds, they are valuable citizens in our community. A lot of them work. A lot of them, therefore, pay taxes. They are going to be a part of our community for a long time. I think this is a great opportunity to have them be a part of that process as they are really kind of getting into that adult world and life, which really does not start at 18; it starts younger than that.

Ms Davis: Yes, and I would argue that a lot of the decisions made in government now are going to affect people my age far more than people of voting age. As people who contribute to tax, we can consent to medical procedures. At 16 you can be an independent child. All these things, you can argue, take far more competency than to vote. I think it is only fair that, yes, as a democracy, we get the right at least to vote.

THE CHAIR: Does anyone have anything else to add?

MR WALL: You use those arguments to say that young people who participate in employment and the like and pay tax therefore should have an opportunity to vote. There are thousands of Canberrans who are, I would say, permanent residents of Australia but not citizens. They own property here, they pay taxes here, have kids going to school here but they are also denied the opportunity of a vote at a local election. Do you think that is also unfair and disproportionate?

Ms Davis: I think that that is probably a different issue.

Ms Watts: Whenever we have these conversations it opens up a much broader conversation that we could be having about a whole lot of things. I guess we really see that our role is to go out and talk to young people and find out what they think. This is what they have told us. I would love to go and ask them, “What do you guys think? Do you think that other people who are not citizens should be allowed to vote?” If we get the opportunity we will do that and we will let you know what they say.

Ms Davis: Yes, that seems hardly fair to not give a proportion of people rights instead of giving nobody the rights, if that makes sense.

Ms Watts: The other thing is that 16 and 17-year-olds are citizens. So citizenship is not really what we are talking about here.

THE CHAIR: Thank you very much for your evidence today. The *Hansard* of the hearing will be sent to you for any edits or corrections. If we have any further questions, I am assuming you are fine for us to get in touch with you?

Ms Watts: Yes, that would be great.

Ms Davis: Thank you very much.

HENLEY, MS LAUREN, Blind Citizens Australia
SIMPSON, MR JUSTIN, Blind Citizens Australia

THE CHAIR: I would now like to welcome two representatives from Blind Citizens Australia, Ms Henley by phone and Mr Simpson in person. Mr Simpson, I understand the secretary has made you aware of the terms of the privilege statement.

Mr Simpson: Yes. I have read that electronically, thank you.

THE CHAIR: Before we proceed, I have one question for both you and Ms Henley: that is, whether you are affiliated with any political party.

Mr Simpson: No, I am not.

Ms Henley: No.

THE CHAIR: Would either of you like to make an opening statement before we get started?

Ms Henley: Yes, I will. I will give some background about our organisation. We are the united voice of blind or vision-impaired people across Australia. We are made up of blind or vision-impaired people. I thought this was a really critical inquiry to provide input on, and that is why we chose to do some consultation and prepare the submission to the inquiry on the conduct of the ACT election. The prime reason for a secret, independent and verifiable vote for people who are blind or vision impaired at all levels of government has been on our policy agenda for quite a number of years now and we have done a lot of work federally and in other states and territories to try to make that a reality for people who are blind or vision impaired.

We worked with the Australian Electoral Commission to try to introduce a system of remote voting, which now happens over the telephone for blind and vision-impaired people, and we also worked with the New South Wales Electoral Commission when they were looking at trialling such a package in 2011, which they subsequently used for the state election in 2015.

I will just give a bit of background on why this is such an important issue for us. I will also introduce Justin. Blind Citizens Australia has a national policy council and it is made up of a representative of blind and vision-impaired persons from each of our states and territories. Justin is our national policy council representative for the Australian Capital Territory. I worked with him to arrange a wide range of consultation sessions with ACT-based members of our organisation who are blind or vision impaired so that we can really get some feedback on their experience of voting at last year's election.

MS CHEYNE: I noted in your submission that you reported that you had received a number of concerns or reports from a number of voters who are blind or vision impaired that it could not be guaranteed that someone was not looking over their shoulder when they voted and that there had been people commenting on the votes that were displayed on the screen. I know you spoke to a number of people. When you

say a number of voters reported this, is it two or is it 40?

Ms Henley: In terms of the people we consulted to form our submission, it was not a huge sample. There were two people whom we spoke to who reported that as being an issue. But that was out of, I would say, 10 people that provided feedback in total. It was still a significant number. Justin, did you want to speak to that experience in more detail, either people that have spoken to you about that or that you may have experienced yourself?

Mr Simpson: It was raised at a branch meeting that we held—I will not even bother trying to nominate the dates—some time ago. It was probably about the regular attendance at our branch meeting. I think we had about a dozen people in total in attendance in the room. Several people raised the issue. I will speak about my own experience as well. When I refer to people who are blind, I refer to people who are living with blindness, which means some people who have some level of vision, such as me, and others who have no vision at all.

First of all, with regard to the electronic voting system that I used, there was a queue of people coming past. I was put into a small booth. I have got enough vision to realise that the booth was well below the head height of the people going past me. The information that I was using to vote, even though I was doing it audibly, was visible on the screen. So anybody who was inclined could have turned and watched that screen. In my case the person assisting me was overly helpful and when I finished voting she read out loud to me exactly how I had voted on the screen, just to be sure that I understood that, in front of the 10 or 20-odd people standing around waiting to vote themselves. Again, they are good intentions, but they are the outcomes we get.

The worst report we had was from a member who was not present at the meeting, but this came from an advocate on his behalf. He was left pretty much floating in the middle of the floor in the centre of the room with no barrier protection at all. He was just voting in the open public space on the same thing, with an electronic screen, so that the way in which he was voting was completely obvious to everybody standing around him.

MS CHEYNE: To fix this or to reduce the incidence of this happening again, it seems to me—but please tell me your ideas—that perhaps some training or education of some officials about how to communicate information discreetly might be useful and also perhaps about where things are located; is that right?

Mr Simpson: I think people, as I say, with different levels of blindness have different preferences for how they do things. There were not any issues raised by the people who chose to use the technology of having difficulty using the technology. People with no vision raised the fact that you could have turned the screen off altogether and it would have made no difference to them because they cannot actually see the screen at all anyway. Other people chose to vote in different ways. They would come with their family members and vote in the conventional way, getting some assistance. Obviously what we want is for people who choose to vote on their own, people like me, to be able to independently come and vote in a way that is secret and also in a verifiable manner.

Some reference was made to the federal election—I appreciate it is probably a bit more labour intensive than is possible for the ACT government—where you have two people on the end of the phone who turn you into a number, you quote your number, you cast your vote and they post the ballot. You become a number; you are voting secretly, anonymously and doing so independently over the phone. That is an example of another system. I do not know if Lauren has got any further thoughts she would like to add on the methodology used.

Ms Henley: Just as a matter of interest—and I know it was not in our submission but I probably should have mentioned it—we have done some good work providing feedback on the Western Australian general election, where they did use iVote and people spoke really highly of the system because they were able to really take their time. They did not feel like they were burdening anyone else by being there and having to have things explained to them. They could go over things over and over again till they were happy with them. A number of people were able to vote below the line, where they did not ever feel like that option had been open to them before just because of time constraints and different barriers that are in place when you have got to physically get to a polling booth.

MS LE COUTEUR: I would like to continue talking about iVote, which sounds potentially useful. This may be a question that is outside your knowledge, but the main concern with iVote, it would seem to me, would be security.

Mr Simpson: Yes.

Ms Henley: I understand and have been made aware that that is a concern, but the New South Wales government has now used it for two state elections. It has been used by the Western Australian government once. To me, if they have been able to overcome those security concerns, it must have been shown to be sufficient enough in security that it can be used in those states. I would question why the ACT is any different.

MS LE COUTEUR: The ACT is possibly no different, but no-one has actually bothered trying to hack the system. The fact that it has not been hacked yet is probably another matter. This is probably not really a question for you because you are not computer experts. But it does seem like that is the only real reason not to go ahead with it.

Mr Simpson: If I may elaborate a little, part of the benefit of such a voting system, whether it is telephone voting at home or iVote, is also, as Lauren alluded to, accessibility to polling booths and being able to vote. It is not simply the methodology which is being used. Some members raised concerns that polling booths were some distance from public transport. One gentleman who is highly dependent managed to navigate his way halfway across the city from a bus stop to get to Pilgrim House here in Canberra.

Then you have the issue, once you arrive at a polling booth, of whether or not the signage is potentially accessible, visible to people who are partially sighted. I found the chaperoning experience extremely good when I voted in Belconnen. I was spotted as soon as I arrived and chaperoned to where I needed to be. Some people who

travelled in motor vehicles had access to disability parking, whereas people like me, for example, using guide dogs, had to probably be in proximity to where we were going.

There are benefits other than the methodology of actually being able to vote. When I voted in the federal election for the first time from my own home, using my own telephone, without leaving my house, that gave me all of the things that I wanted in terms of a secret vote and one that was independent. And I could do that in private.

Ms Henley: Could I make another comment around security, following up on that? It is my understanding that the New South Wales Electoral Commission owns the rights to the iVote system. They would have all the ins and outs of security and how it works. What I can tell you, though, is that when you register to use iVote you are given a unique user code and then you also have to nominate a password. To get into the system to cast your vote you need to have those two processes, which are classified.

Western Australia has just gone through the process of working with the New South Wales Electoral Commission to try to get access to iVote. It would be really useful to have conversations with them if the ACT government was interested in taking this up, just to learn a bit more about how they went about that.

MS LE COUTEUR: Could I ask about something which is not in your submission at all but is something we have been talking about with other people. How do you actually get information, given blindness and low vision? We have been having a lot of discussion about corflutes, which clearly are not relevant to your community. But, given that, do you find electoral information accessible? What can we do to make it accessible to your community?

Ms Henley: In terms of promotional content around elections and how to use the system, do you mean?

MS LE COUTEUR: I was also meaning just basic information. If you are going to vote for candidate X, how do you find out what party they are in and what they actually stand for so that you can make an informed decision as well as a secret decision?

Ms Henley: I think a lot of brochures, pamphlets and things that tend to be published on these issues are often in HMT or PDF format. If it is PDF, it cannot be easily accessed by people who use re-reading technology and we usually ask for an accessible Microsoft Word version to be made available. A starting point would be that any downloadable documents that are produced online or are available online also be provided as accessible Word files. Justin, do you have anything to add on promotional material and how people went about accessing that?

Mr Simpson: Yes. We often refer to people's preferred format and, again, people with different kinds of vision having different preferences. The majority of blind people, I think, are now users of technology. What Lauren is raising is: if you have a document you need a document with an electronic text in it. The PDF, which is merely an image of the document, is not readable using speech software with just the text to speech software we listen to on our computers. With regard to information in

other formats, you go right back and some people who use low technology use braille and other technology like that. That would be far more challenging.

I might also deviate from our submission a little. The previous speakers—and it is quite intimidating trying to sound more coherent and competent than a 17-year-old who did an amazing job—spoke about the proximity of people. It was the previous gentleman, in fact, who spoke about the 100-metre exclusion zone around voting booths. That is quite an interesting one. When you are trying to navigate your way there using either a white cane or a guide dog, when people try to jump in front of you, try to bail you up and try to stop you, they are actually preventing you from proceeding to the electoral booth. They try to give you hand-held paper information that you have no prospect at all of reading.

Ms Henley: Yes.

Mr Simpson: So I just make that as a point.

Ms Henley: There was a really interesting point that was raised by one of our Western Australian members who voted remotely at the election. They said that the benefits and advantages of being able to cast their vote from home were that they could do a Google search for different candidates and then scope the situation out a little, because if they went to a polling place they did not have the advantage of being given a pamphlet and knowing what that person was trying to get across to them. They also found it difficult to Google things on their smartphones, much harder to do it, at a polling place than it was at home.

Mr Simpson: I should probably add that that was the method I used as well. I used the internet at home on my own computer to do my own research before I voted.

MS CHEYNE: A previous witness—I think he may have left now—talked about having a table in that 100-metre exclusion zone with information available about candidates. He spoke about having a table that had on it one A4 printed sheet for each party and then one for every independent candidate that had information about each of their people and what they stood for. I think we have gone to the need for something that can be easily deciphered by the electronic tools that you use to convert things to words. But if there was an equivalent of that, what would it look like and would it assist actually within the polling booth? Or is there no equivalent?

Ms Henley: It is a really interesting point and there are different guidelines around the information we should be using for people with low vision: the size of the font, the kind of font, those sorts of things. It would be great if, when the content had been produced, we could look at some of those guidelines and try to make things just stick with that, but I know that because a lot of this information is produced by different parties, for example, you would need to put something in place as a requirement that was to be followed by all parties.

MS CHEYNE: And what about particularly for people who are not just vision impaired but completely vision impaired?

Ms Henley: Completely blind?

MS CHEYNE: Yes. Would it be something almost like—thinking really primitively here—a tape recorder or something that you could play and listen to what is being said about each of the candidates?

Ms Henley: Yes. I think that would be useful. That is my personal take on it. I think braille is really, really great and highly regarded by those who use it. But you need to look at the cost drivers behind this. The statistics are that around four per cent of people who are blind use braille. If you want it to be more inclusive to a wider range of people, I think you are better off having several options for people with low vision. If audio were available as well and if you had some way of making braille available to people who request it, that would be preferable as well. What is your take on that, Justin?

Mr Simpson: I should have clarified or elaborated on that before, when I mentioned braille. I understood that it was five per cent or four per cent of people who are blind who actually read Braille. As technology progresses, that will become probably less and less. Obviously with technology today, very small, cheap portable devices could load significant amounts of sound audio information onto them. It would be very easy to produce sound files. I think it would be not insurmountable at all and would be something which would be relatively cheap to produce and would not probably be much of an imposition on the parties who want to put their information out there. I think it would be of benefit to consider that. I think that would be a fairly low-cost option which would be accessible to almost everybody who chose to use it.

Ms Henley: I know the Australian Bureau of Statistics has data to suggest that something like 46 per cent of the Australian population has difficulty reading or in fact reading for information. I think having that available in audio is not just for people who are blind or vision impaired but for people from a non-English-speaking background, for example, or people with low literacy skills or dyslexia that might really benefit.

THE CHAIR: I would like to thank you both for appearing today. A *Hansard* of the hearing will be sent to you soon for any edits or corrections. And if we have any further questions, I would hope that we could contact either or both of you.

Mr Simpson: Please do, yes.

THE CHAIR: Thank you.

Ms Henley: Thank you very much for the opportunity.

Mr Simpson: Thank you very much.

COOMBES, MR IAN

THE CHAIR: I welcome Mr Coombes. Can you acknowledge the privilege statement on the pink card?

Mr Coombes: Yes.

THE CHAIR: Before we proceed, I have one question I ask all witnesses in this inquiry: are you affiliated with any political party?

Mr Coombes: No.

THE CHAIR: Do you have an opening statement?

Mr Coombes: No, not really. I provided a supplementary page, but I am open to questions.

MR MILLIGAN: Thank you, Mr Coombes, for your submission and for coming along today. I would like to get more clarification from you in relation to one of your points, point 2.3 in your submission. It states:

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.

Do you have any evidence of this occurring here in the ACT, in particular, to give justification to that statement?

Mr Coombes: It is always difficult to track down any of this sort of thing. It is hard enough anywhere. We have certainly had enough of it in the press to know that particular foreign countries, some notably, are interested in influencing things in Australia. It goes back a long way. In the ACT, it is very hard to know. Then it becomes a matter of definition.

Earlier speakers have talked about the way particular entities can have one or more impacts on the ACT, perhaps from a national body and that sort of thing. From reading through some of the submissions, I think there is merit in the idea that political contributions should be limited to people who are registered to vote in the ACT. I think that is one way of bringing matters back into our own field so that outside influence, for whatever reason—whether property developers or whatever—is more limited.

MR MILLIGAN: You did mention “or individuals have a sinister impact”.

Mr Coombes: Yes.

MR MILLIGAN: But then you are open to ACT individual residents donating.

Mr Coombes: I am ambivalent about that. I used to be open to it in the sense that we

want people to participate. Political activity—any public activity—tends to be thankless and difficult, so financial assistance can be valuable in improving the performance of people in public life. But the more we look at it in more recent times, the less attractive it is. I am moved towards more orderly public funding, to be honest. I think we would all benefit from that. I think the less influence, the fewer promises or whatever made, the better.

It is a good start. There is quite significant funding for candidates in the election, albeit only for those who get quite a few votes. I think that needs to change. But I think that is a better way to go, to limit the maximum and to make it public funding. It is infinitesimal, in the sense of a \$5 billion budget for the ACT, that once every four years some money is contributed to the democratic processes of an election.

MS LE COUTEUR: I am looking at your point 6 about candidate information. It is talking about the difficulty of getting information out to voters. It says that the commission's website should have information on each person and that the commission should also fund paid media time. We have discussed with a couple of other submitters the possibility of, on the day, the polling booths having available in some format information from each party or possibly each candidate. We also discussed this with the Electoral Commission, who were unenthusiastic about it. But I am wondering what your views are on that versus website versus paid advertising. I think we are all in agreement that there is an issue with getting information to people. The question is how best to do it.

Mr Coombes: I do not think it should be an either/or. I thought the earlier speaker's suggestion about having, at the maximum, an A4 sized paper on the table on the day—if you have forgotten where you are up to, if you left your piece of paper at home or if there are a lot of candidates—could be very helpful. You can pick it up as you go past and you are able to carry on as you had intended. But, really, the information needs to be out much earlier. It needs to be substantive enough for people to have a sense of who the candidate is, what their background is and perhaps something about where they stand on points of principle et cetera.

There are all sorts of studies that have shown that often six to eight weeks out people have already made up their minds. Well, political campaigns do not start officially until six or eight weeks before. In the ACT case I was appalled to find, as I have said in my submission—I am sure you will have all noticed this and be aware of it anyway—that I could not nominate until about two weeks before the election. So I had no initial standing. I was effectively masquerading up until that time. Then the actual acceptance as a nominee did not occur publicly until the Thursday lunchtime, 12 noon. Voting started the following Tuesday. That is just a nonsense of a democratic process.

There is no cost of any significance in being able to nominate six to eight months out, continue with a political awareness campaign, as the major parties do, over that period and for your information of some substance to be on the Electoral Commission's website. Not only is your name and occupation there but there is something about your principles, your goals and your vision for the next four years—all that sort of thing—so that people can find it if they are interested.

Certainly I found many are not interested. But at least it is there in a fairly even-handed manner. It does not depend on the wealth of the candidate and whether they are in a party or not to promulgate that basic information and give everybody the opportunity in a reasonable time to have a look at it, maybe then attend meetings, contact the candidate, talk to them at a shopping centre or whatever. But they have some understanding of who this is and they might be interested in what the person has to say, or they might even be interested in voting for them. They can follow up then.

I think I found it was just impossible. I started very late. It was virtually impossible to get information out. The *Canberra Times* would not take anything. They would not take an article. They said, "We would have to do it for everybody." Well, fancy that, when they have page after page of trivia on the Trump-Clinton fiasco, which was entirely irrelevant to the Canberra region except as voyeurism at the time. But there was nothing to speak of of any substance on our ACT election. They are making commercial decisions about selling a newspaper in very difficult circumstances. The indication there, to me, is that we really need to be able to pay them. If it comes down to who is the most wealthy, that, again, is not helpful to the democratic process.

MS CHEYNE: My question is about the voting age. I note that you are against lowering the voting age. I think we have had already this afternoon a range of views for and against. I am interested to see that some of your reasoning was that 16 and 17-year-olds have limited life experience and potentially have low political knowledge. But do you think that lack of political knowledge is exclusive to young people?

Mr Coombes: No.

MS CHEYNE: For example, four focus groups last week in western Sydney and Melbourne were made up of current voters and all were unable to name the federal leader of the Greens. Sorry, Caroline. We have heard before from the Youth Coalition that young people can be most affected by some of the decisions that are being made now, or they will have to be burdened with the decisions that are being made now. Are there other reasons that you have for not lowering the voting age?

Mr Coombes: Yes. I suppose I stated fairly firmly in my submission, and I have made some more comments to this effect, that voting in a liberal democracy, which we have, is based on the behaviours of responsible adults. Responsible in a legal sense, it is not. It is not available to the insane, it is not available to criminals and it is not available to children. Someone under 18 is not allowed to sign a financial document with a bank because legally it is viewed in our society that they could be inadequately aware or they could be influenced in a way that such a young person would not be sufficiently capable of dealing with it. That goes right across, I think, all points.

In anything that we are dealing with in a liberal democracy I think we need to establish some basic principles on how you would test the fact that they are not legally an adult and they are not legally accepted as being responsible for their actions in law. Many of them, as the young person here earlier was, are probably quite well aware and quite interested. My suggestion is that the way of handling that is to encourage them to join political parties.

I do not know whether there is any limit on age groups amongst any of the political parties. I know there are Young Liberal groups; there are Young Labor groups; there are probably Young Greens groups. I do not know. But many people over the years have found—psychologists, parents and so on—that you can most significantly influence a child up to about 12 or 13 years of age. After that, an adult's influence starts to wane. By the time they are 15, 16 or 17 they want to be their own person; they want to learn how to be an adult and that sort of thing. They are not really interested in being instructed on all sorts of things. It is not a good age for responsible behaviour in a great many ways, but I think that the way young people who are interested could develop their understanding, develop their knowledge and be in a position of a really high level of responsibility and knowledge about our democracy would be by joining one of the parties.

I really encourage that. I think they would be taken under the wing of the adult members there, who would be very pleased to introduce them to a broader understanding of the politics of the ACT and more widely. I think that is the role, and I really encourage young people to do that. It would be very good for this nation if every one of them joined a party and really started to learn how the whole system worked. But, additionally, as I said, I think it is important that our education system itself gives some teaching on what is loosely called civics in other places, an understanding of how our system of government works. We have the Queen at the top and the rest of us down the line et cetera.

MS CHEYNE: For now.

Mr Coombes: There is a system. It is a liberal democracy. It is democratic. It is different to various others that they can be told about. That can be, has been and is in other countries dealt with fairly well and successfully without teachers being made to be politically involved and instructing children about political issues of the day. But the system of government, I think, needs to be understood because, as you are finding, in western Sydney and other places a high proportion of the adults are still so ignorant and uninterested that they are almost beyond help. If they had been given a basic understanding in school of how our system works, I think we would all be better off. They would reach 18 years of age with some understanding of what their responsibilities were and what the various shades of the political spectrum were.

MR WALL: Mr Coombes, I will touch on a completely different subject. In your submission you spoke about the costing of policies. One part of it was obviously whether time frames needed to be imposed on policies being submitted for costing. The difficulty that often arises for independent candidates or smaller parties is: how do they go about costing their policies accurately before submitting them to treasury? The process at the moment, as I am sure you are aware, stands that once they are submitted to treasury for costing they get published, whether you announce it or not. Do you think there is a need, similar to what happens federally, for a parliamentary budget office where the policies of candidates, minor parties and the like can be submitted and be costed confidentially prior to being released?

Mr Coombes: I do strongly, yes. It is a very difficult field. It is difficult for everybody. You need a whole treasury to properly cost a lot of things. None of us has that. Again, as I suggested earlier in terms of funding for the candidates in the election,

it is timely now that we have an orderly system where some measure of quality assessment can be made of the policies.

In the past I think we have had some fairly wild stabs at what might happen and how wonderful this would be without anyone being able to assess it, either the people proposing it or anyone else. I do think that it is worth the money so that people—reasonably early before the election; not two days before the election but reasonably early in the coming period, four months or whatever, I suggest—have the time to hear it, understand it, talk amongst themselves, get back to the person proposing it and say, “How real is this? Did somebody get something wrong?” et cetera. People can then inform themselves and participate in a participatory democracy.

MR WALL: Yes, that is straightforward.

THE CHAIR: Thank you for your time today, Mr Coombes. I let you know that a copy of *Hansard* will be provided to you soon for any edits or corrections. If the committee need or wants further clarification on any of the information you have provided today, are we able to contact you again?

Mr Coombes: By all means. Thanks very much.

THE CHAIR: Thank you so much.

McCULLOCH, MS PLAXY, Canberra Alliance for Participatory Democracy
SPAIN, MR MARK, Canberra Alliance for Participatory Democracy
DOUGLAS, PROFESSOR BOB, Canberra Alliance for Participatory Democracy
STEENSBY, MR WALTER, Canberra Alliance for Participatory Democracy

THE CHAIR: Thank you all for coming in this afternoon. Firstly, I draw your attention to the pink privilege statement that is on the desk in front of you. Can you all read that, let me know that you are aware of it and agree with the terms of the privilege statement?

Mr Spain: Yes, I agree with that.

Ms McCulloch: Yes.

Prof Douglas: I agree.

THE CHAIR: Before we proceed, there is one question that we are asking of all witnesses: are you affiliated with any political party?

Mr Spain: No.

Prof Douglas: No.

Ms McCulloch: No.

THE CHAIR: Do you have an opening statement before we get started or are you happy to go to questions?

Ms McCulloch: We have a short statement prepared that we will read out amongst ourselves. My name is Plaxy McCulloch. I am on the committee and I am the secretary. I am going to summarise briefly our submission and recommendations. Mark Spain will speak about CAPaD and Bob Douglas will suggest how your findings could set the scene for exciting new approaches to governance and participation in the ACT.

We think this is a very important inquiry. These are our responses to your terms of reference. With respect to term of reference 1, we advocate a community-wide sharing process about the pros and cons of lowering the voting age and then the convening of a citizens jury to deliberate on the issue in order to reach a wise and informed recommendation.

With respect to term of reference 2, we recommend stringent caps on donation amounts and the value of in-kind support; donations to be accepted only from individuals and not organisations; the barring of foreign donations; and that donation reporting occur in real time, probably weekly.

With respect to term of reference 3, we suggest that the current Legislative Assembly should consider piloting new and deliberative democratic approaches to increasing voter participation and political activity in addition to the citizens juries already

planned and, in particular, recommend trialling citizen parliamentary groups.

Mr Spain: My name is Mark Spain and I am a committee member of the Canberra Alliance for Participatory Democracy. I would like to express my gratitude for being invited along today to be involved in participating in our democracy. At this stage in my life I think we need to have a kit that educates people on how to be a good citizen. Our committee or our group would be very happy to partner with the government to help create that kit so that we all know how to take actions in our lives to participate in our democracy.

CAPaD grew from a series of kitchen table conversations across Canberra in 2015 which identified a strong feeling that our democracy is not working well and does not adequately protect the public interest. CAPaD exists to develop and support citizen, community and civil society engagement in public decision-making, to empower Canberrans to engage in owning and planning our common future and the common good, to facilitate opportunities for citizens' input into government deliberations, and to develop citizen capacity to hold governments and policymakers more directly accountable.

Prior to the 2016 election, we developed a candidate statement and a charter of democratic commitment, which 14 of the elected MLAs signed. We have an evolving website, a vigorous committee, a membership that includes both individual and corporate members and we run public meetings and events. Recently we have met with community councils and residents' groups to explore ways of improving planning and development in the ACT through citizens engagement and have, in collaboration with the ACT Council of Social Service, developed a series of principles and standards for the conduct of citizens juries in Canberra.

We have also been meeting with individual MLAs in recent weeks to better understand how you perceive participatory and deliberative democratic approaches. We stand ready as a group to assist the Legislative Assembly to engage the ACT community in your deliberations.

Prof Douglas: I am also a committee member of the Canberra alliance. I would like to say something about participatory versus deliberative democracy. Participatory democracy emphasises the broad participation of constituents in the direction and operation of political systems. Deliberative democracy makes careful deliberations central to political decision-making. Deliberative democracy differs from traditional democratic theory in that authentic deliberation, not mere voting, is the primary source of legitimacy of the law.

CAPaD supports both broad participation and deliberation through mechanisms such as citizens juries and citizens assemblies. We suggested in our submission that Canberra could be the site of an exciting new participatory and deliberative experiment, building on the ideas proposed by British political scientist Oliver Dowlen in a study that was sponsored by the Australian newDemocracy Foundation. We are in the process of developing a specific proposal for a pilot, a test of the approach, which we think has considerable promise and could prove extremely useful both to MLAs and to their constituents.

We are thoroughly convinced that the current approach to Australian democracy needs to be refreshed by greater participation in and deliberation on the issues that will determine our joint future. Your committee could, we think, set the scene for an enlivened and engaged ACT electorate and we would be delighted to assist you to do so.

THE CHAIR: Thank you. I want to talk briefly about one area that we have been discussing quite strongly. It is the fact that you have raised in your submission the issue of voters not being able to readily access whether the people standing for election have the knowledge, experience, skills and capabilities for the job. I was wondering whether you could expand on that a little and maybe give us some ideas of the sorts of ways you think it would be better for people to access that information. We have heard a range of ideas already.

Prof Douglas: Can I respond to that? We were involved in developing the candidate statement and the charter for democracy that, in fact, 14 of the candidates signed—and a couple of you in this group did. We found a great deal of community interest in the website that had those statements on it. The statement included: why I think I should stand, how will I serve my constituents, what are the things really driving me and, finally, do I agree with these broad statements? We hope to take that approach forever. We hope that henceforth this is the new normal for Canberra, because an awful lot of people told me that they chose the people that they voted for on the basis of those statements.

Mr Spain: I will add to that too. I do not think you can put politicians through a filter to say whether they are skilled or capable. It is really up to the community to judge that. Their public standing should be the judgement of that. But people need to be well informed because we live in an age now where, with the internet and the media, the information you get from any source is very hard to rely on. We need to build skills for critical thinking. One way that people can make critical judgements about others is to see them demonstrate their own behaviour in public. As Bob has just said, if there is a record of what they stand for as a politician and people can consider that before they vote for them then that is more information for critical decision-making.

MS CHEYNE: Your statement was primarily available through your website. How many hits did it get in the time that it was available in the lead-up to the election?

Mr Spain: I have no statistics, sorry.

Prof Douglas: We can—

Ms McCulloch: We did have a record of that, didn't we? Could we get one?

Prof Douglas: We can get one, yes.

MR WALL: Are you happy to take that on notice and provide it to the committee, just out of curiosity?

Prof Douglas: Absolutely, provided we can retrieve it at this late stage. But we have been very up-front on the website. We also had quite a lot of information in the press

at the time.

MS CHEYNE: Yes, that is right. You were published quite a few times.

Prof Douglas: Yes.

MS CHEYNE: I guess I am interested because, anecdotally, like you were saying, Professor Douglas, people commented to you that they had chosen their candidate based on what was in the statement. A number of people mentioned to me that they had read the statements before they spoke to me. So I am interested in that as a bit of a sample of the broader population. How many people were using that as a tool?

Prof Douglas: I think it is worth saying that 42 per cent of all candidates filled out the thing, but 56 per cent of those who were elected filled it out. That may or may not be a useful statistic, but I do think it may—

MS CHEYNE: I am sure you can use that in your promotional material for the next election.

MS LE COUTEUR: I think it was a very useful exercise to go through. I am one of the ones who filled it in. My question is: do you think it is most appropriate for an organisation such as yours to go through that exercise? We have also had previous witnesses talking about the possibility of the Electoral Commission displaying information about each candidate. What do you see as the pluses and minuses? Were you just doing it because it was filling a gap that it would have been better for the machinery of government to fill or do you think it is better to do it outside of government?

Mr Spain: I have one response to that. One of the dangers of an organisation like ours is that we are just a group of volunteers. We could disappear off the map very quickly because it just depends on the energy. In a way, to have an institution that holds that space is a useful thing. But if something becomes so institutionalised that it becomes really static and not engaging then we lose out there, too.

I think one of the great things in our country is that our Electoral Commission is an institution that people can rely on. You can go to any other country in the world and have doubts about the way that they conduct their democracy. I think we should really strengthen those sorts of institutions in our country. If there is a way to do that which does not burden them with some of the things that might be dismissed, I think it is better to do it that way. But, in the meantime, while we have got energy, we are happy to provide that in our community.

MS LE COUTEUR: Great.

MS CHEYNE: It is a good point you make about volunteers doing it versus the Electoral Commission doing it. I have mentioned a few times now that some people have said to me they just wanted a list of all the candidates and a little blurb about every single one, and that it just did not exist. We raised this with the Electoral Commission. Yes, you are a group of volunteers. Certainly I am not casting any judgement on your affiliation in respect of how things might be skewed. But in

20 years time your organisation might be quite different. When it is up to volunteers, there can be a perception of bias, perhaps, but my personal view is that you have gone out of your way to remove any perception of bias.

Mr Spain: Actually, thanks for that observation. That is really important to us. We are trying to act in the common good because we see that our politics are so much influenced by special interests. So we want to create conversations and spaces where, instead of going out to the extremes, we can find a common shared space where wise decision-making happens. That is good feedback for us. Thank you.

MR MILLIGAN: I say it every time we have this discussion: thank you for submitting and coming along today to this inquiry. My question is in relation to donations and your reporting, as you put in your submission. Do you have any indication of levels at which you think the cap should be for donations and, more importantly, in particular, what do you clarify as in-kind support? How do you measure that? Does that include volunteers? Are you meant to log the hours that a volunteer is working for you which actually takes you away from campaigning in the community, which is more important than doing administration or reporting during the campaign?

Prof Douglas: I am happy to start and say that I personally think that it would be better if the entire election were funded from public funds. It seems to me that there is always going to be a danger of corruption from the various donations. And we are seeing it all over the place in Australia at the moment. I do not have specific evidence of how badly affected Canberra is, but I do think that as a principle it would be better if people could not buy your ear by being the main donor to your party.

MR MILLIGAN: I would probably add a comment there that I have faith in all members elected to this Assembly that they cannot be bought by donations. I think all members here are focused on representing the issues in the community and cannot necessarily be bought. They are putting the community's interests first.

MS LE COUTEUR: My concern with purely public funding is: how do independents and small parties ever get going? If you cannot somehow put non-public funds in to start something, we will end up with two big parties fighting each other. How do we get around that?

Mr Spain: We should probably say this is not a main consideration of our purpose. It is an important issue but we are probably more focused on other things rather than the funding.

Prof Douglas: This is not an area in which we have got consensus in the group.

MR MILLIGAN: Can we go back to that in-kind support. What is that and how is it measured?

Ms McCulloch: Can I suggest that one of the comments that we have made probably on each of the terms of reference is that they are such critical issues that we see them as ideal for more participatory inquiry than the standard approach that committees generally take. It is more important to us, rather than having a chance to express our

opinions on donations or whatever it maybe, for the community at large to have quality deliberations and ability to participate on that subject.

MR WALL: If I could follow up on that, more broadly there has been some discussion about citizens juries. Obviously they come at a significant cost and impost to the individuals who are selected as representatives. The argument that is happening federally over the marriage debate in large part is: that is what people elect us to do. How can there be greater participation in the decision-making process with the community that is more, I guess, easily accessible, has wide reach but minimal cost?

Prof Douglas: I do not think you can avoid cost. I think democracy is worth paying for. In fact, the citizen parliamentary groups that we are working on at the moment—and we hope to have a very exciting proposition for you—will not be a trivial cost at all. We have not finalised our views on this but my own assessment is that it might cost half a million dollars to pilot it and it might cost \$2 million or \$3 million a year to do it properly because you must be able to recompense the community citizens in a way that enables them to really engage with what you are doing and what the community is doing.

But I think we are saying that there is a problem in democracy worldwide that is being perceived out in the community that voting is not enough, that somehow or other there needs to be a better accountability process as well as an understanding in the community of what you people do. I cannot give you a full answer to that question.

MR WALL: Just to follow up there, in saying that there is great discontent across the globe at the way various democracies are functioning, if that was the case then why is it not reflected in the result at the ballot box? If people are upset and unhappy at the way the process is working or the way parties are functioning or various individuals are functioning, why, then, to use this place as an example, could it be 19 years of the same party in government at the next election? If the system is so broken, why do we not see that revolt at the ballot box which every citizen has the right to cast?

Mr Spain: I would say: because they have not been offered a better alternative. That is why this idea of critical thinking is important. To answer your question from before, though, our democracy is based on the assumption that if you give every person a vote, that will end up with a wise outcome. We can all see—and we could go into it—how that is distorted by people not being well informed and also being deliberately misinformed. One way to take that out is to—and this is a novel idea but it actually comes from ancient Greece—randomly select members of the citizenry to represent a deliberating forum which is not just a free-for-all, it is a respectful conversation, that deliberates on the issues and is very public so that everyone can look at it and all the results of it are distributed. Then people can see that those people who made that deliberation had their minds shifted and came to a view on a topic that they may not have had before they went in there.

Most of you are already forced by your parties or the media or whatever to make decisions and, if you change your mind, you are attacked. If you have your mind changed in a civil discourse in our country and any country around the world now, a politician is belittled and put down. We want people to make wise decisions in forums that are safe for that. We would love it if our politicians could do it but I think the way

we have to do it is to select random citizens to do that on our behalf. And we make that a very transparent process.

There are other participative methodologies that you can use to engage people, and all of these things can be gained by different powerful interests in the system as well. So people need to show that it is a process that is fair and reasonable for everybody.

Prof Douglas: But we would not be here today if it were not that we had a kitchen table conversation process across Canberra that said there are lots of things wrong with the way we sense we are being represented. That that was not the kind of specific discussion that said, “This representative did this to me.” But it was a question of being in accord with what we are seeing internationally as well: what happened with Brexit, what is happening with Donald Trump, what is happening, some would say, in people flocking to Pauline Hanson. There is a kind of measure of angst out in the community about whether democracy is really serving the public interest or whether it is serving the interests of the people who fund it.

Mr Steensby: If I could make a brief statement there, I am sure that you are aware of the Citizens United case in the United States which essentially permitted unlimited political donations by corporations. Part of the worry is that the lobbyists are controlling the political agenda in the US. This will naturally seep through into this country. We have the whole Adani extraordinary lack of objective analysis. I have seen analyses from other people showing that the claimed economics of the mine simply do not appear.

This is not necessarily seeping into the ACT yet but, on the other hand, it is important that we have a method for detecting and helping counter such corporate influences. And they do exist. That is what the public feels at least. Whether the public is right is quite another matter, and that is where we would like a participatory democracy to provide an input.

Prof Douglas: And can I add that some feedback we got from our consultation with the community councils and citizen groups was their sense that the developers had much too big a say in what was happening in the minds of the politicians.

Ms McCulloch: Can I add briefly on the subject of cost that the benefits that you can derive from a participatory process, the legitimacy that can be gained for the outcome, and potentially a better outcome, a better and wiser decision being made, in many cases may be worth the cost and may be greater than the cost of making unsustainable decisions.

MS CHEYNE: I am well known for saying this every time: we have been, for better or worse, tasked with looking into these issues. I appreciate that a number of your recommendations are that citizens juries would be better places for those decisions to be made or they require further investigation beyond what we can do here in our capacity as members. If that were to be the recommendation that we put in our report, would we not be seen to be abrogating our responsibilities to this place? Not only have we had a year-long committee inquiry but we have come to the conclusion that more inquiry is needed. I think for some people that will seem a bit like *Yes, Minister*.

Prof Douglas: Can I say, simply your terms of reference clearly indicated your requirement to come back with some understanding about improving participation. I think that is where we said yes, this is why we want to put our hands up. And we do think that is our passion, that greater participation is needed. If you come back with a fixed report that says no more than “the voting system as it stands”, I think you will not be answering your terms of reference.

THE CHAIR: I would like to thank you all for your time today in appearing. A *Hansard* of the hearing will be sent to you soon for any edits or corrections. The question that was taken on notice will be provided to you as well and we will seek a response as soon as possible. If the committee has further questions, queries or to clarify any of the information, both in your submission and what you have provided today, we are able to contact you again, I would assume?

Prof Douglas: Yes. Thank you very much for hearing us.

THE CHAIR: Thank you.

HAAS, MR DAMIEN

THE CHAIR: We will now hear from Mr Haas. I expect you are aware of the privilege statement and agree with it?

Mr Haas: I am, and I agree with it.

THE CHAIR: Before we proceed, I have one question that the committee is asking of all witnesses in this inquiry: that is, whether you are affiliated with any political party.

Mr Haas: Could you expand on your definition of “affiliation”, because I have a broad involvement with politics across the ACT?

THE CHAIR: Are you a current member of a political party?

Mr Haas: No. I would also like to add that I am appearing here today as an individual and not as a representative of any community group or incorporated body that I am a member of.

THE CHAIR: Do you have an opening statement, before we begin?

Mr Haas: I appreciate the opportunity to appear before the select committee. I do not really have an opening statement. I appreciate time is short. I trust that all members of the select committee have read my submission. So I will take your questions and answer them.

MR WALL: In your submission you have raised the prospect of electorate offices for MLAs. How do you think that would help engaging with the community more broadly in the work that the parliament does and that MLAs do in representing the community?

Mr Haas: I think that the move to five-by-five electorates has made the accessibility of elected representatives by the people in their electorates easier to achieve. Previously people, for example in Gungahlin, did not have representatives from Gungahlin. Now they have five. I think that if you had an electorate office broadly in the area that you represent it would make it easier for people to access you and also in terms of visibility. Certainly as a member of the Yerrabi electorate, since the election—apart from the MLAs that are ministers—I have only really had visibility of two members. One was at a stall at a local shopping centre and one was a pamphlet from Mr Milligan in my letterbox. That is it since October. I think that by establishing an electorate office in the electorate you represent you increase your visibility and the ability of your constituents to access you.

MR WALL: There was, for the benefit of the committee, a consideration, I understand, in the lead-up to the expansion of the Assembly as to how to configure the building. Should it be just a sitting-day office here and an electorate office out in the community or continue the arrangement as it has worked? Do you have any ideas about how your electorate office model might be able to be done in a cost-effective way to the taxpayer, where we do not place an additional burden on ratepayers?

Mr Haas: Certainly in expanding the Assembly you had to take in not just more MLAs but more MLAs' staff and additional duties that are performed in the building. While it is important that everybody has suitable work conditions, I think that a lot of MLA work could be done out in an electorate office. I think that if you are a minister maybe you need to be in the Assembly to do that work. I have not studied the duties of a minister and an MLA in any great detail, but I think that broadly I would prefer to see my MLA in my electorate. I think that would be an appealing thing to the electorate, notwithstanding the cost issues. That is something that could be explored. In any cost-benefit analysis you have to look at other benefits, not just cost. Certainly there are social benefits, there are community benefits, as well as just cost.

MS CHEYNE: I think you suggested that it would make the Assembly office less cramped, but I expect there would be a requirement, as Mr Wall mentioned, for members to maintain their offices for sitting weeks. Does that statement necessarily hold true?

Mr Haas: Modern work environments cater for all sorts of hot-desking arrangements. I am certainly aware that we are a very progressive, forward-focused Assembly and electorate. If in sitting weeks you need an office, I am sure that there can be some temporary accommodation made available on an as-required basis. Maybe you could have a small office here and a more detailed office with all the resources that you need at hand—for example, a bus book for Belconnen timetables—out in your Ginninderra office, Ms Cheyne. These are the sorts of things that you might have in an electorate office that you might not need here at the Assembly.

THE CHAIR: A suggestion that has been put forward to me personally is the use of public available spaces, a library, an office in an Access Canberra building. For example, the new building at Woden is pretty accessible for those sorts of things. Is that the sort of thing that could be a possibility on a rotation-type basis so that it rotates for all five members?

Mr Haas: I think that is a great idea. Certainly I would encourage the MLAs to think about whether you had to have an electorate office or you could perhaps choose to have an electorate office. I am not really into mandating these types of things, but say the choice was yours. Let us just say you are going to an election in a couple of years and there are five MLAs in the election and they are all running and you know for a fact that only two of them have decided to have an office in the electorate. I think that may sway people's minds if people knew that you were using a community room on an as-required basis or that you had a permanent office. These are options that I think need to be considered and explored. My initial idea is that you actually have an office in the electorate. The form of that office is, I guess, open.

MS LE COUTEUR: In many of the electorates the majority of working-aged people leave the electorate during working hours and only return at night. I am not sure that they would actually find it any easier—in fact, they could find it harder—to meet their elected representatives in the electorate, given that the majority of people work in Civic and the parliamentary triangle. It is fine for the electorate of Kurrajong, of course, but for the rest of us I am not sure that it would work.

Mr Haas: That is an interesting observation. Having worked in Russell and lived in Belconnen, I may pass through Civic, but would I stop and visit my MLA's office if it were only in Civic? I would probably make the time, if I wanted to see my MLA, to go to wherever their office was. And certainly if I lived in Belconnen I would be more likely to visit an MLA in Belconnen. If they had an office in Charnwood and I lived in Charnwood I might go there. One of the appealing things about having an MLA office in the electorate is the opportunity to give a bit of revitalisation to some local centres. I think that, looking at some of the small local centres in all electorates, they do need some sort of non-cafe, non-supermarket presence and I think something like an MLA office could help that as well.

MR MILLIGAN: You mentioned in the small billboards movable signs section that it may contravene section 14(1)(b) of the Human Rights Act if we were to put restrictions or limits on corflutes and political material. I was just wondering if you could elaborate a little on that.

Mr Haas: Following the election there was a bit of public commentary from both elected representatives and the community about what types of messages would appear on corflutes and where would they be allowed to appear. Certainly, as you are aware, during the campaign there was a very active strategy by the Canberra Liberals to deliberately target other political parties and place corflutes next to them with messages that were highly inaccurate and certainly very provocative. You know what? That is accepted and that is what people used to form their decision when they went to the election.

I think that how a political party represents itself in public is a tool that a person can use to decide whom they will vote for. I would not discourage the Canberra Liberals from doing that again, because I think it was a very effective tool. And certainly if it is defamatory, people can take action. I know that the ACT AEC has already made rulings on political commentary and truth in political advertising. I would be very cautious of the Assembly making any rules or regulations on what you can actually place on a corflute, outside the material required by the Electoral Act, which is whom you represent and a name and address.

MS LE COUTEUR: I notice that one of the things that you suggested was the abolition of compulsory voting. Given that one of our agendas is to increase participation, how do you see that working? My understanding is that, particularly in the United States, the major political activity is persuading people that things are so dreadful they have to go out to vote to make sure the other party, whatever the party is, does not get elected. It is about having a sense of crisis rather than mature deliberation on the policies. I am just wondering why you think that that change would improve things for the ACT.

Mr Haas: Mandating that a person must vote, I think, is probably not the best way to encourage participation in a democracy. I heard a previous speaker at this select committee bemoaning democracy, and I tell you I disagree. I think our democracy works well. In the ACT we have worked hard and we have got respect on all sides of politics. I think if you want good people in the Assembly you need to have that good conversation in the community for people to make that decision. But I do not think you should be forced to vote. I do not think that you should have to turn up and cast a

vote. That is my personal opinion. I think that it is wrong that you force somebody to make a decision. I think it is better to encourage them to make an informed decision.

MS LE COUTEUR: I would point out that you do not have to vote; all you actually have to do is turn up and have your name marked off and then you can do whatever you feel like with that ballot paper.

Mr Haas: I am sure Sir Humphrey Appleby agrees.

MS LE COUTEUR: There are a number of people who do not vote with the ballot paper. That was the main thing I wanted to talk about.

MS CHEYNE: Just going back to my favourite topic, corflutes—

Mr Haas: I could talk all day about corflutes.

MS CHEYNE: We basically have. I note you talked about political signage in private homes. I just want to go to limiting corflutes. You recommend no limits or no changes to the current regulations. I cannot speak on behalf of the committee—

Mr Haas: No limits to changes of the material you can put on the corflutes.

MS CHEYNE: We are talking about the number and the location. We have talked quite at length about the challenges of limiting the numbers of corflutes per candidate, for a range of reasons, largely because they can be destroyed and then you have none. But have you thought about limiting the place of corflutes to distinct precincts or roads?

Mr Haas: I think there are already some OH&S guidelines on that sort of placement and I think that placing further restrictions on it is just not the way to go. The commentary about corflutes appears six weeks before an election, when they appear, and then shortly after the election, when they are gone, you do not hear anything about them. If they were permanent signs then I think people would be less flexible. But I think that we are mature democracy and a maturing democracy and we are aware that there are limited opportunities to spread political messages.

Everybody here is a member of a major political party. The Greens are much smaller than the others, but there are no independents in the Assembly. I think that if we want to encourage other voices in the Assembly, limiting their opportunity to spread their message in a very low-cost way is not the way to go about it. I would be incredibly disappointed if this select committee made recommendations that would limit the ability of independents and small parties to access democracy.

MS CHEYNE: You made some comments about there already being quite good enforcement, including by rangers. It has come to the attention of the committee that the enforcement powers of some rangers are actually quite limited. We have heard some commentary that it seemed like rangers did not do much in the last election, and it turns out that it was because they could not, under their own act. Would you encourage, if we were not to limit candidates' abilities to put corflutes wherever they like but at least to strengthen the enforcement particularly around OH&S and

visibility and things like that, the rangers—

Mr Haas: I hate to cut you off, but the question that you are asking me is: should the rangers have the ability to implement the legislation? Yes. I think if you need to finetune the regulations to allow that, that would be a positive thing. But I think that soft touch is the best way to go. I am aware that some candidates were contacted or their parties were contacted to say, “Your sign is in the wrong place” or “It does not comply,” and they were changed, removed or relocated. I think that is probably a sane way to go. If, post-election, rangers have given you that feedback then I would say yes, give the regulatory power to the rangers. It may need a bit of education. They might not be aware that they have the ability to move a sign if it is conflicting with the regulations. Yes, I agree with it. It is a good idea.

THE CHAIR: In the interests of time, I would like to thank you for appearing today. A *Hansard* of the hearing will be sent to you soon for any edits or corrections. If the committee would like to discuss anything further with you or seek any further clarification about either your submission or your evidence given today, I am assuming we will be able to contact you?

Mr Haas: You have my email address.

THE CHAIR: Thank you.

Mr Haas: Thank you.

FATSEAS, MS MAREA

THE CHAIR: I would like to welcome Ms Fatseas. Can you indicate that you are aware of the privilege statement on the desk and that you agree to it?

Ms Fatseas: Yes, I agree.

THE CHAIR: Before we proceed, there is one question that I am asking of all witnesses in this inquiry: that is, whether you are affiliated to any political party.

Ms Fatseas: I am not.

THE CHAIR: Do you have an opening statement?

Ms Fatseas: Yes, I do. Thank you very much for providing me this opportunity to speak today. I am here as a former independent candidate in the 2016 ACT election. My submission to the inquiry makes a number of recommendations which I will summarise.

With respect to improving donation rules, I recommend that there should be a ban on political donations from property developers and from foreign entities and citizens. The ban on donations from developers would be consistent with New South Wales legislation, which has survived challenge in the High Court. It also reflects the unique risks faced in the ACT due to its integration of municipal and territory-level planning functions. This contrasts with the planning system in other jurisdictions where these functions are separated. Such a ban would also be consistent with undertakings by ACT Labor, the ACT Greens and several minor parties and independents, including me, during the 2016 ACT election campaign.

I also recommend that donations of cash and goods should be reported within seven days of receipt. And I support a system in which candidates and parties would raise funds from small individual donations, capping donations at a maximum of \$1,000 adjusted for inflation.

With respect to increasing voter participation in elections and encouraging political activity, I support amendment of the Electoral Act to provide that any elector may vote at a pre-poll voting centre and I support expanding opportunities for electronic voting at polling booths so long as there is sufficient security to prevent hacking or other compromise of the system.

Probably the most important barrier to participation by independents is competing with major parties in meeting the costs of election campaigns. ACT Labor and the Canberra Liberals voted in 2015 in support of the Electoral Amendment Bill, which removed the \$10,000 cap on political donations. At the same time it quadrupled from \$2 to \$8 reimbursement from the public purse for each first preference vote received by candidates attracting more than four per cent of the first preference vote. This contrasts with the rate of about \$2.63 for first preference votes in the 2016 federal election. If this level of reimbursement is retained then there should definitely be more restrictions placed on the level of donations, as I suggested earlier.

I make no specific recommendation about lowering the voting age. While there is some evidence of a positive impact on political participation, it is still not a large body of evidence and it would be valuable to undertake more research on ACT residents' views on this issue.

On the matter of the expenditure caps, I recommend retention of the existing expenditure cap of \$40,000 for all candidates and third-party organisations. About corflutes, which I have just heard much discussion about, I recommend limiting the number of corflutes of each candidate to 100 and permitting corflutes to be placed on main streets in suburbs leading to local centres and major roads. On the issue of restriction on canvassing and distributing material within 100 metres of polling places, I think it is important to have an ongoing focus on how to improve voters' access to candidate material.

MR WALL: Where to start? I am sure someone else will get to corflutes. In regard to restricting property developers from donating, why do you think that is necessary? And do you think that they are the only profession that has the ability to possibly sway an elected official's view on an issue or a decision?

Ms Fatseas: To answer your second question first, I think they are not the only ones who could sway a politician's decision. But the main reason I focused on political donations from developers is the reason I mentioned in my opening statement: in the ACT we are different from other jurisdictions because in other jurisdictions you have a city council that considers development applications and that makes decisions on those, and you have state governments. Here we combine the two. We only have one level of government dealing with those things. I guess I see more risk associated with those kinds of donations. From my point of view, the majority of candidates supported it at the last election. I think it is logical that that particular approach be pursued in accordance with what were commitments by the parties in the election campaign.

MR WALL: But do you think that looking at other groups such as gambling interests should also be considered as part of a ban on political donations?

Ms Fatseas: I actually would.

MS LE COUTEUR: One of the things you and a lot of people have spoken about is the need for access to more information about candidates. Have you any ideas on what is the best way to do this?

Ms Fatseas: I must admit I am not a great fan of the 100-metre rule around polling booths. I was at one polling booth on election day, the Yarralumla one, at the 100-metre point, when an elderly woman who had mobility issues had to walk down from the polling booth to where we were to be able to get how-to-vote cards. I do not think that is optimal. I do not see why we cannot have a stand or something like that at the polling booths where people could just pick up a leaflet from each of the candidates. I do not see why they should have to walk a hundred metres to get that information. That is just one practical suggestion.

My own information, I think, was a bit late going up on the website. Clearly there

would be a range of approaches, because you would have to have an approach for people who use social media and are comfortable with social media and websites, but you would also need to have an approach that meets the needs of people who do not use those media and use more traditional approaches for getting information.

MS LE COUTEUR: There has been a suggestion that the AEC or another organisation should have a website with basic details about each candidate, what they are standing for. Do you think that is—

Ms Fatseas: I think they did that last time.

MS LE COUTEUR: Only name and party, but a little more than that: you were standing for X, Y and Z.

Ms Fatseas: I think that is a good suggestion, actually.

THE CHAIR: On the 100-metre rule, I understand exactly where you are coming from. It has been raised with us by other people giving evidence in the hearings. The only other jurisdiction in Australia that has a similar system, the Hare-Clark system, is the Tasmanian lower house. They actually have a blackout for a period before the elections where no canvassing is allowed at all. How would you feel about that approach rather than removing the 100-metre rule?

Ms Fatseas: I am not supportive of that either, because it disadvantages independents and minor parties, who have so little time anyway to promote themselves. I do not see why there would be a problem with just having some information at a polling booth where you do not necessarily, right at the polling booth, have to have the candidates or their volunteers but you could still have their flyer in some kind of box or something.

MS CHEYNE: Just going back to potentially having a website that had some basic information about people but also allowing that to be accessible at a polling booth—you mentioned a stand; there has been talk about a table—would you support the rotating of that information, like the Robson rotation does, so that no candidate could be seen to be in a better position than others? I know it sounds like an outlandish question, but I have discussed this today.

Ms Fatseas: It sounds very complicated. Are you saying that you would have someone periodically going and moving them all around on the stand?

MS CHEYNE: Perhaps each day.

MS LE COUTEUR: Or possibly by polling booth. It could be that you are static at one poll. It is the same all the time at polling booth A but polling booth B has a different order. It would mean in the morning when you set it all up—

MS CHEYNE: For example, would you be really happy as a candidate if on a stand of 33 candidates you were at the bottom and someone else was in the middle? I do not think it is too unreasonable to suggest that someone in the middle is immediately going to attract the eye of—

MR MILLIGAN: I think you would do the same as with a ballot paper and you would have different sheets for every day. You would use one sheet for one person for that day, pull that down, put the next sheet up, and that would have the rotation on it and do that for everybody across the territory.

MS CHEYNE: We also discussed this with Blind Citizens Australia and they suggested that having a recording like an iPod that you could flick through to listen to the different statements of candidates—all those little bits of information about candidates—would be helpful.

Ms Fatseas: Yes.

MS CHEYNE: Do you support that idea?

Ms Fatseas: I think that is a good idea—anything that will give people greater access. I think there was another person who lodged a submission who suggested that you could actually have an app that people could obtain that has the details of all of the candidates.

THE CHAIR: That is not a bad idea, actually.

MS CHEYNE: I just cannot decide between corflutes and donation rules for my substantive question. I think I might mix it up and talk about donations. How did you arrive at the \$1,000 figure for a donation cap as being appropriate?

Ms Fatseas: I looked at the Canadian example. I think that is the figure that they used. Canada is quite a similar kind of democracy to ours. Obviously they were talking about Canadian dollars. But you could use a similar ballpark in Australia and then have it indexed for inflation.

MS CHEYNE: Some people have suggested that the election caps should be lifted for small parties or independents, but you noted that most of the candidates did not even come close to spending the limit. What do you think could be done to create a more even playing field for minor party candidates and independents?

Ms Fatseas: I do think that that \$40,000 limit should be retained. I did check and I do not think that anybody spent more than about \$20,000. No independents spent even half. I think it is meaningless to raise the amount of the expenditure cap. At the moment the major parties have their cake and eat it too, because the amount of the reimbursement has quadrupled and then the donation cap was lifted. I thought, “You have one or the other.”

My preference is to keep the reimbursement and then get rid of the capacity of the parties to seek high donations. That is why I was suggesting a limit of \$1,000 on donations, because that brings it much more within the realm of what might be possible for an independent to be able to attract donations. Perhaps it could be much smaller than that in terms of small donations through maybe social media campaigns and things like that, crowd funding. I would tend to stick with the reimbursement but actually make it much tougher on the donation side.

The other thing that I am concerned about is the fact that people get reimbursed only if they are over four per cent of the first preference vote. In my case I was 5.2 or 5.5 per cent—5.2 per cent, I think—of total votes but for first preference votes I did not make the four per cent. So I missed out on reimbursement. I paid for all of the costs. In that sort of situation, it is very difficult to countenance doing it again because it is very difficult to get reimbursed. If you look at how all those different measures fit together, they end up making it very difficult for independents.

Those three measures alone—the removal of the donation cap, the quadrupling of the reimbursement and placing the level at which the reimbursement comes in at four per cent of the first preference vote—all of those make it very difficult for independents.

MS LE COUTEUR: What figure do you think it should be if it is not four per cent? I totally see your arguments there. What figure do you think it should be? Should there be any minimum number of votes?

Ms Fatseas: I wondered why it could not be more than four per cent of all votes. Is there any particular reason why it has to be first preference votes?

MS LE COUTEUR: I think because in our Hare-Clark system you are talking about preferences flowing through a long way and I think it would be incredibly, mind-bogglingly difficult to work out.

MR WALL: For you to have got to 5.4 per cent, I think you said—

Ms Fatseas: I thought 5.2, but I cannot remember offhand.

MR WALL: Other candidates were excluded. How do you then account for their vote against your getting their second preference? Essentially you are the second or the third choice behind somebody else.

Ms Fatseas: Wait a moment; we are just talking here about reimbursement. That only comes in once all of that has gone through the wash.

MR WALL: The primary vote then is the only accurate measure because, once you start distributing preferences, someone has to have been excluded.

MS LE COUTEUR: I think that is getting too mind-bogglingly hard, but the idea that it could possibly be less than four per cent is certainly one that I would entertain from the point of view of being fairer to independents and minor parties. I am just wondering—and it seemed to be where you were going—whether you had any views as to what the number should be. Should it be that you have to get at least one per cent, or if only you and your mum vote for you—

Ms Fatseas: No, I think it should be higher than one or two per cent. It should be higher than two per cent. I would have had a personal interest in saying more than three per cent, but I think it really is not for me to just come up with a figure now. I think it would have to be looked at closely. I am not going to come up with a figure now.

THE CHAIR: In the interests of time, thank you for appearing today. A *Hansard* will be sent to you for any edits or corrections. The *Hansard* will be available in the next day or so. The committee's next public hearing is scheduled for Thursday, 7 September. A program for that hearing will be put on the website before that hearing. I would like to thank everyone for appearing today.

The committee adjourned at 5.17 pm.