

Mr Jeremy Hanson MLA  
Chair - Inquiry into 2020 ACT Election and the Electoral Act  
Standing Committee on Justice and Community Safety  
ACT Legislative Assembly  
GPO Box 1020  
Canberra ACT 2601

Via email: [LCommitteeJCS@parliament.act.gov.au](mailto:LCommitteeJCS@parliament.act.gov.au)

Dear Mr Hanson

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

The ACT Council of Social Service (ACTCOSS) thanks the Standing Committee for this opportunity to make a submission to the Inquiry into the 2020 ACT Election and the Electoral Act.

We would take this opportunity to raise two issues with the Standing Committee and also make some general comments.

#### ***General comments***

ACTCOSS appreciates work that Elections ACT undertook in engaging with the community sector in the lead up to the 2020 election to ensure that the election process and requirements were accessible and understood. We appreciated efforts to keep the sector informed about changes to polling arrangements and the conduct of the election in COVID-19. We welcomed outreach to community organisations on the needs of vulnerable voters.

We do have concerns around authorising materials under the ACT *Electoral Act 1992* and its amendments and the apparent failure to fully include Alexander Maconochie Centre (AMC) detainees in the democratic process.

#### ***Distribution of party and candidate information to detainees in the Alexander Maconochie Centre***

ACTCOSS was concerned by reports, including in the Canberra Times on 11 October 2020, that detainees in the Alexander Maconochie Centre had not received any candidate or party information, including how-to-vote cards, in the lead up to the ACT election.

At the ACT Community Sector Justice Reform Group convened by ACTCOSS, we followed up on this with members working in the

AMC, who confirmed that they are not aware of any inmates receiving information on candidate or party platforms.

One ACTCOSS member working with people receiving alcohol and other drug supports in the AMC said they had to assist three young men to find party and candidate information, as they wanted to vote but did not know who to vote for.

Detainees in the AMC are eligible to vote in the electorates they were enrolled in before imprisonment. In the pre-election period, ACTCOSS met with the ACT Electoral Commission to ensure that voting processes in the AMC would be functional and accessible, and we have heard that many detainees have accepted the opportunity to submit postal votes.

We are disappointed to hear that although they have the right to vote and can exercise that right practically, detainees were not provided with the same level of access to information on candidates and platforms as members of the general ACT community.

People in the AMC are some of our most disadvantaged and vulnerable Canberrans, and they would, no doubt, be very interested to hear of party and candidate policies on justice and corrections as well as issues impacting them and their families including education, health and mental health, housing, cost of living, child protection, and alcohol and drug services.

ACTCOSS would like to see work undertaken by elected representatives, Elections ACT, political parties, the AMC and the Justice and Community Safety Directorate to ensure voters in the AMC are extended their democratic rights to receive electoral information.

### ***Requirements on community organisations***

ACTCOSS supports work to identify the owners of electoral materials as part of a healthy democratic process. However, we have concerns about the scope of ACT election authorisation requirements and the prioritisation of compliance activities which appear to be overly focused on community sector organisations.

The requirements for authorising material are potentially extremely wide ranging, ongoing and open ended. If strictly interpreted, they require a range of ACT community organisations to include permanent authorisations on a wide range of material, newsletters and sites that could be taken to comment on government policy,

raise policy issues or discuss normal interactions with elected officials.

For instance, coverage of the opening of a new school hall by an MLA in a school newsletter outside of an election period might be taken to be election material and require authorisation.

The sector was concerned these requirements could be onerous or inappropriate for organisations and dissuade them from taking part in important commentary. It may also misrepresent community sector advocacy and activity as partisan or political.

The boundaries between commentary on the business of government and political material was also unclear. Advocacy organisations, including peak bodies like ACTCOSS, have a legitimate remit to examine the quality of public administration without it being considered partisan or electorally motivated.

ACTCOSS was further surprised by the initial targeting of authorisation compliance letters to small community groups, such as the ACT Council of Parents & Citizens Association, the Canberra Gambling Reform Alliance and ACTCOSS, while other groups we spoke to with larger capability to influence election outcomes did not report receiving letters.

Subsequently, we were pleased to receive assurances from Elections ACT that they would exercise discretion in their application. However, the scope, reach and disproportionate impact of the authorisation requirements remain a concern to us as well as the apparent focus of compliance activities on not-for-profit organisations rather than for-profit or other more nefarious actors.

We would invite the Standing Committee to consider whether the requirements for authorising materials under the ACT Electoral Act are appropriate. I would welcome the opportunity to discuss this submission further and you can contact me on 02 6202 7200.

Yours sincerely,



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Chief Executive Officer

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