

DRAFT SECOND READING SPEECH

The Hon Nic Street MP

Local Government Amendment (Elections) Bill 2022

** Check Hansard for delivery **

Mr Speaker, I move that the Local Government Amendment (Elections) Bill 2022 be read for the second time.

Mr Speaker, this Bill introduces an important democratic reform for the long-term success and renewal of our system of local government.

Local government impacts all Tasmanians. Our 29 councils manage \$12.1 billion worth of infrastructure assets, have invested \$1.19 billion in capital over the past four years, employ approximately 3300 full-time equivalent staff, and raise around \$740m in own-source revenue each year. Councils make decisions about the footpaths, local roads, parks, and recreational facilities Tasmanian communities depend on, and deliver the important waste, regulatory, wellbeing, and community services that we could not do without.

Mr Speaker, it is extremely important that councils reflect and understand the breadth and diversity of the communities they represent. That is why, today, this Government is taking the very significant step of introducing compulsory voting for local government elections. This reform will bring local government into alignment with State and Commonwealth elections.

Compulsory voting is characteristic of Australian democracy, and underpins the very high and consistent participation of Australians at elections. We know that Tasmanians are enthusiastic voters who are passionate about our democracy: At the last federal election, Tasmanians were more likely to vote than Australians in any other state.

Mr Speaker, most Australians are required to vote at their local council elections. Compulsory voting is established in New South Wales, Victoria, Queensland, along with the Northern Territory. The benefits of this measure are clear, as those three states achieve turnout for their local government election much higher than in Tasmania, in the order of 80 per cent participation in recent elections. By contrast, in 2018, statewide turnout at Tasmania's council elections, including the Glenorchy City Council elections held separately, was 58%; and in 2014, turnout was under 55%.

But the statewide numbers alone are not the best argument for reform. I acknowledge that rural councils have achieved reasonably high turnout under optional voting, which speaks to the connectedness in Tasmania's regions and towns that smaller councils know so well. But Tasmania's cities are not as successful. In 2014, participation within two large urban councils was below half of all eligible electors.

Without taking the definitive step to introduce compulsory voting, we cannot be confident that local representation for Tasmania's urban areas best reflects the diverse and changing communities they serve. In this context, I am pleased to note the longstanding support and advocacy for this reform from Hobart City Council.

Mr Speaker, this reform may seem unexpected to some stakeholders and communities. However, with a view towards the local government elections scheduled for September and

October of this year, this Government considers it opportune, and indeed urgent, to act to introduce compulsory voting now. Otherwise, the democratic benefits of this worthy measure will not be realised until a future electoral cycle some years into the future.

While compulsory voting will doubtless attract a range of views in the community, this Government is also of the view that the issue is well understood, and that further discussion would not be necessarily beneficial. Parliament, councils, other stakeholders, and the community have all participated in the public conversation about this issue in the past decade, including legislative debate.

Government considered the arguments put by councils and other stakeholders in forming its decision to proceed. It could be argued that compulsory voting for Tasmanian local government elections is overdue: I am informed that the people of New South Wales have been required to vote in council elections since 1947.

Mr Speaker, The Local Government Elections (Amendment) Bill provides for a compulsory voting framework very similar to that for elections for the Tasmanian Parliament. I note this framework is also similar to that proposed by those sitting opposite in the 2013 Local Government Amendment (Elections) Bill.

Importantly, compulsory voting at local government elections will apply for the same people required to vote at State and federal elections, namely people enrolled on the House of Assembly roll at a residential address in the electoral area. This means no change is proposed at this time for the additional classes of person able to vote at local government elections through voluntary enrolment on council general managers' rolls.

The Bill establishes that a person enrolled at an address in the electoral area must vote at an election; and establishes an offence for failing to vote without a valid and sufficient reason. 'Valid and sufficient reason' is defined in the manner of the *Electoral Act 2004*, including providing for those with objections to voting on the basis of their faith.

The Bill provides for the Electoral Commissioner to issue failure to vote notices and follow-up notices, and to consider reasons provided for an elector's failure to vote. Electors who fail to vote, and who do not provide reasons or whose reasons are not accepted by the Commissioner, are able to pay a fine of 0.2 penalty units, which is \$34.60 in 2021-22.

The Electoral Commissioner may issue an infringement notice for 0.4 penalty units where this fine goes unpaid (\$69.20 in 2021-22). Persons may elect for the matter to be heard in a court, or the Electoral Commissioner and Director of Public Prosecutions may commence proceedings, in which case a fine of up to one penalty unit may apply (\$173 in 2021-22).

Importantly, the Bill provides for the Commissioner to not issue notices in cases where an elector is known to have valid and sufficient reason for their failure to vote, which will provide protections for members of the community disadvantaged or hindered in their ability to participate in a specific election.

The Government expects that, as a result of this measure, tens of thousands more Tasmanians will have their say at local council elections, and that this number will rise over time. This large democratic dividend should flow through to improved, and more responsive, local decision making, and will reconnect councils, especially in urban areas, with the communities they serve.

Costs associated with enforcement are expected to be defrayed by the payment of failure to vote penalties. While this will have a negative impact on those who do not return their ballots, initial failure to vote fines in Tasmania, in the Electoral Act and this Bill, are low compared to those in some other states.

The Government acknowledges that Tasmanian communities must be informed about the measure prior to elections later this year, and for this reason, a significant public information campaign is planned. This campaign will stress the importance of all Tasmanians keeping their electoral enrolment up to date.

Mr Speaker, the Bill will introduce a further significant reform to ensure that more Tasmanians than ever have their say at these coming local government elections. The Bill changes the ballot formality requirements, so that ballots for the elections for more than five councillor vacancies only need to be numbered from 1 to 5 to be considered formal.

This measure responds to the observed increase in informal voting in Tasmanian council elections following the introduction of 'all in, all out' voting in 2013. This matter was the subject of community feedback through the Local Government Legislation Review. 'All in, all out' elections had the unintended effect of increasing informal voting in some instances, due to requirements, for example, that a vote for Hobart City councillor elections be numbered from 1 to 12 without error or omission to be considered formal. Unaddressed, unintended informal voting could deprive many Tasmanians of their ability to have their say at local government elections, and I am pleased that these amendments should substantially address this issue.

Noting the risk of increased vote exhaustion due to reduced preferencing, the amendments provide that ballot papers are required to contain instructions intended to encourage electors to number their ballots with as many preferences as they may wish to include, while clearly stating the minimum requirement.

To further reduce unintended informal voting, ballot savings provisions are introduced such that electors who make an error on their ballot above the mandatory number of preferences will have their vote considered formal, and be counted up to the preference before the first error or duplication.

Mr Speaker, this Bill represents a package of reforms which will have significant benefit for many years to come. I am entirely confident that the introduction of compulsory voting, alongside these important measures to reduce unintended informal voting, will mean that more Tasmanians than ever before will have their voice heard, and their vote counted, at this year's local government elections.

We are taking this step at a time the Government, through the Local Government Board, is working alongside councils and the community to consider the shape and function of the local government sector in Tasmania, to ensure that our councils are equipped to support communities and meet the challenges of the decades to come.

I consider this Bill the first, and very important, step on the journey to a more robust, efficient, and responsive local government sector which more fully reflects the communities it serves.

Mr Speaker, I am pleased to commend this Bill to the House.