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Mark Groom
Parliamentary Assistant
Joint Standing Committee on Electoral Matters
House of Assembly
Parliament House
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Dear Mr Groom

**Inquiry into the Conduct of the 2025 House of Assembly General Election
and 2025 Legislative Council elections**

Thank you for the opportunity to make a submission to this inquiry. The Tasmanian Constitution Society believes the JSCEM has an important role to play in improving our democracy. This submission deals with:

1. Tasmanian Constitution Society Overview
2. Reform of Section 8B(3) of the Constitution
3. Candidates' email addresses
4. Fixed term parliaments
5. Campaign expenditure limits
6. Truth in political advertising
7. The community grants program

1. Tasmanian Constitution Society Overview

The TCS is a community not-for-profit organization dedicated to promoting good governance. It was founded in 2010 to campaign for the restoration of the House of Assembly to 35 seats. Now the House has been restored, the TCS has broadened its remit to advocate for improved accountability, democracy and transparency in Tasmania's bureaucracy, government and parliament. Confidence in politicians, the political system and institutions, throughout democratic countries is low. Almost six out of 10 Australians don't agree politicians "can generally be trusted to act in the interests of the people they represent"ⁱ. Loss of faith in political actors and institutions leads to disillusionment and dissatisfaction which is detrimental to democracy's survival.

Disillusionment with the major political parties could be one interpretation of the past two elections in which minor parties and independents won votes at the expense of the major parties.

Tasmania's Hare Clark voting system is the fairest and most representative electoral system in the world because it produces political representation that most accurately reflects the number of votes cast. The electoral system is one of the pillars of a democracy but it's not only the only pillar. Tasmanians should not be complacent about their democracy just because the State has an exemplary electoral system. In recent years, the state has been branded the "most secretive state", based on its Right to Information performanceⁱⁱ. The Integrity Commission has been called "unusually useless"ⁱⁱⁱ and there were concerns about the financial contribution of the poker machine lobby in the 2018 State election.^{iv}

2. Reform of Section 8B(3) of the Constitution

The section states: "Where, at the dissolution of the Assembly, or on its ceasing to continue, a member thereof holds office as a Minister of the Crown he may continue in the office of Minister of the Crown until the expiration of the period of 7 days following the day of the return of the writs for the ensuing general election." The Tasmanian Constitution can be changed by an Act of Parliament.

Section 8B(3) – effective from 1978 – was designed to provide certainty; there would not be a period without ministers after the Assembly was dissolved which would obviate a gap in government authority and/or operation. However, critics, including Associate Professor Richard Herr, argue the section has failed to achieve its intention and exacerbated difficulties managing relationships between the Governor, Parliament, and government, especially after elections in which the result is initially unclear. Associate Professor Herr argues the statutory time limit on ministers' tenure raised issues when elections have not resulted in majority government.

The Section "obliges Government House to act without the benefit of knowing exactly how the political forces in the chamber will shake out and without the benefit of being able to secure authoritative and disinterested advice."^v

Recommendation: That Section 8B(3) be abolished which would remove the difficulty of putting the Governor in an invidious position and strengthen the role of House of Assembly in determining the government by virtue of support for a particular party, parties and/ or independents.

3. Candidates' email addresses

Candidates seek to represent the public and so are accountable to the public. A candidate must be accessible to be accountable but political parties keep tight control over what their candidates can and cannot say publicly. Major party candidates do not attend forums and community meetings

during campaigns which deprives electors of the opportunity to ask about policies and positions which helps electors determine for whom they will vote.

A candidate may choose to allow the TEC to make public their email address and/or phone number. The TEC provides a list to the media and other interested parties of contact details for those candidates who have provided their consent. But they are not listed on the TEC website. Candidates' contact details should be available to all voters, community organisations, interest groups and others. The intention is not to invade privacy, but to improve accountability. Candidates could set up a specific email address for campaign purposes that would give electors a way of contacting someone who is seeking to represent them in parliament.

Recommendation: That the TEC publish online candidates' names, party affiliation, or otherwise, and email addresses. Mobile telephone numbers and personal email addresses would not have to be provided to maintain privacy.

4. Fixed term parliaments

Tasmania is the only jurisdiction in the federation not to have four-year fixed term parliaments. A fixed term provides economic and political stability and saves money by not having unnecessary elections. The past three elections – 2021, 2024 and 2025 – were unnecessarily early. The cost of the most recent election isn't available but the 2024 and 2021 House of Assembly elections cost \$5.04 million and \$3.97 million respectively, a total of \$9.01 million.^{vi} The amount is not large, compared to the other budget items but had there been fixed terms, one election would have been held between 2018 and 2025 – in 2022 – and about \$4 million would've been saved. Although \$4 million is a small amount compared to the whole Tasmanian budget, in these debt-laden economic times, it could be put to good use. Four-year terms would:

- (i) Provide more stability and certainty for government, the private sector and the electorate which enables more consistent policy development and program delivery
- (ii) Mean fewer elections and lower costs
- (iii) Reduce voter fatigue
- (iv) Align Tasmania with all other jurisdictions, except the federal House of Representatives.

Fixed terms would not affect the parliament's capacity to move a no-confidence or censure motion in the government which would cause an early election.

Recommendation: Implement four-year terms for the House of Assembly.

5. Campaign expenditure limits

Limits on House of Assembly and Legislative Council candidates' and campaign spending ensures fairness and equity. The principle applies to Legislative Council elections where the spending limit is indexed at \$500 per year and is currently \$19,500. But the same does not apply to House of Assembly candidates.

There are limits, published by the Electoral Commission, but they vary from year to year. In the 2025 House of Assembly election, the candidate limit was \$30,000 for a party-endorsed candidate and \$750,000 for a party. This anomaly should be rectified.

Recommendation: That spending caps for House of Assembly and Legislative Council candidates be reviewed with a view to create the same limit that would be realistic and fair.

6. Truth in political advertising

The Tasmanian Constitution Society raised this issue in its submission to the JSCEM inquiry into last year's election and does so again because of the issue's importance. Truth in political advertising laws would:

- (i) Reduce instances of false or misleading statements in political advertising. Libel laws protect individuals and organisations' reputations. False or misleading statements cannot be made without threat of penalty, yet it is acceptable in political advertising which is illogical and undermines democracy and electors' confidence in the political system.
- (ii) Strengthen the nexus between truth and trust that underpins the contract between voters and their elected representatives. It would improve people's flagging confidence in the political process and elections.
- (iii) Provide a deterrent to potential bad actors and improve the quality of public information.

Tasmanians support truth in political advertising laws. An Australia Institute opinion poll in April 2021 found 87 percent of those Tasmanians polled wanted laws that made it illegal for political parties and candidates to publish advertising that was inaccurate and/or misleading^{vii}. South Australia has had truth in advertising laws for nearly four decades and similar laws were recently proclaimed in the Australian Capital Territory.

Truth in political advertising is complex, exacerbated by the increased use, sophistication and capability of Artificial Intelligence, but that shouldn't prohibit the reform of the law. If truth in advertising laws were reformed, they would necessitate additional resources to administered by the Electoral Commission. This would include extra staff but, going by the South Australian example, it need not be a large number. The Electoral Commission of South Australia has five positions to deal with election complaints and less than half were about misleading advertising^{viii}.

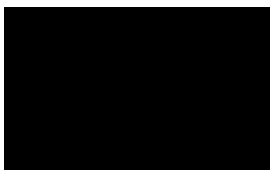
Recommendation: A review that would include the Electoral Act (2004), the South Australian and ACT legislation and operation, the impact of digital advertising, the use and management of Artificial Intelligence in those jurisdictions.

7. Reform the Community Grants Program

A common feature of the past three election campaigns is the abuse by both major parties of the community grants program. Integrity expert Dr Stuart Hamilton, during the 2024 campaign, criticised the process both major parties used to determine the grants. He said the parties' processes were not open to anyone who might like to apply^{ix}.

Recommendation: That the Integrity Commission-recommendation that the government introduce mandatory grant rules that modelled those of the Federal Grants Rules and Guidelines.

Yours faithfully



Neil Spark
President

Endnotes

- i ABC: *Australia Talks Reveals We Have Very Little Faith Our Politicians Will Do The Right Thing*. 16 June 2021. <https://www.abc.net.au/news/2021-06-16/annabel-crabb-analysis-australia-talks-politicians-accountability/100214236>
- ii Environmental Defenders Office Report: *Transparent Failure — Tasmanian Government Is The Most Secretive In Australia*, 5 July 2023. <https://www.edo.org.au/2023/07/05/transparent-failure-tasmanian-government-is-the-most-secretive-in-australia/>
- iii ABC: *Two integrity investigations into Tasmanian MPs have been going for almost two years, but little information has been made public* <https://www.abc.net.au/news/2024-05-03/tas-integrity-commission-tells-mps-to-stop-speculating/103784732>
- iv Tasmanian Times: *Economy ‘Shining a Light on State Election mischief ...* <https://tasmaniantimes.com/2018/08/shining-a-light-on-state-election-mischief/>
- v Herr, Richard, 2024. Submission to the Joint Standing Committee on Electoral Matters Inquiry Into the 2024 Elections. https://www.parliament.tas.gov.au/_data/assets/pdf_file/0031/84928/18.-Richard-Herr-combined-cover-letter,-submission-and-attachment.pdf P 9. (Accessed 7 November 2024)
- vi Tasmanian Electoral Commission Annual Report 2023–24 https://www.tec.tas.gov.au/info/Publications/AnnualReports/TEC_Annual_Report_2023-2024_WEB.pdf Accessed 1 November 2025.
- vii Australia Institute: *Polling: Good Government in Tasmania* <https://australiainstitute.org.au/report/polling-good-government-in-tasmania/>
- viii Australia Institute: *The Case For Truth In Political Advertising Reform In Tasmania* https://australiainstitute.org.au/wp-content/uploads/2022/11/P1339-The-case-for-truth-in-political-advertising-laws-in-Tasmania-Web.pdf?utm_source=pocket_saves
- ix ABC: *Liberals, Labor questioned over promises of money ahead of Tasmanian state election* <https://www.abc.net.au/news/2024-03-12/liberals-labor-questioned-over-election-promises-integrity/103573756>