

## FACT SHEET

### Local Government Amendment (Elections) Bill 2022

The Local Government Amendment (Elections) Bill 2022 introduces compulsory voting for local government elections, by amendment to the *Local Government Act 1993*. These provisions broadly correspond to those in the *Electoral Act 2004* in respect of State elections. Compulsory voting will apply for persons eligible to vote in local government elections by virtue of enrolment on the House of Assembly electoral roll at an address in the electoral area; and will not apply for other classes of person who may be eligible to vote in a local government election by virtue of inclusion on the general manager's roll for a council.

The Bill provides that it is an offence for person to fail to vote in an election in the electoral area without a valid and sufficient reason, which includes not being entitled to or incapacity to vote, and a belief that it is the elector's religious duty to abstain from voting in an election. The Electoral Commissioner is to prepare a list of persons who appear to have failed to vote, and the Bill then provides for a series of notices to be issued to these persons. Notices are not to be sent to persons the Commissioner is satisfied had valid and sufficient reasons for failing to vote.

If an elector believes the elector did vote in the election, the elector may provide information to the Commissioner to that effect. The elector may provide may alternatively provide reasons for the failure to vote, which are then considered by the Electoral Commissioner; or may pay a notice of failure to vote penalty (0.2 penalty units, or \$34.60 in 2021-22).

The Bill provides for a subsequent notice in the case of no response, and determination notices to be issued if reasons provided are not accepted by the Commissioner.

An infringement notice may be issued if no response is received to the subsequent notice, if reasons for failure to vote are not accepted by the Commissioner, or if the notice of failure to vote penalty remains unpaid by the date specified in the determination notice. The penalty for an infringement notice is 0.4 penalty units (\$69.20 in 2021-22) and the notice is to be issued in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

Proceedings for an offence may be brought by the Tasmanian Electoral Commission or the Director of Public Prosecutions. The maximum penalty specified in the Bill is 1 penalty unit (\$173 in 2021-22).

These provisions, including the offence provisions, definition of a valid and sufficient reason, penalties and sequence of notices, correspond to the Electoral Act.

The Bill reduces the ballot formality requirements for elections of more than five councillors, such that a ballot need be numbered only from 1 to 5 to be formal, and makes corresponding amendments to provisions providing instructions to electors. This measure responds to an observed increase in informal voting following the introduction of 'all in, all out' councillor elections through the *Local Government Amendment (Elections) Bill 2013*, which had the effect of requiring an elector to number as many as 12 candidates validly to make a formal vote.

The Bill introduces ballot savings provisions, such that the ballot will be considered formal and counted if an error is made beyond the mandatory number of preferences.

The Bill commences on royal assent.