

14 August 2024

Attn. Mr Scott Hennessy
Secretary
Joint Standing Committee on Electoral Matters
Parliament House
HOBART, TASMANIA, 7000

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Inquiry into the Conduct of the 2024 House of Assembly General Election and the 2024 Legislative Council Elections

Unlike many people, I do not believe in 'hung' parliaments. The 'strong' party phenomenon is largely a development from the early 20th. Century. I consider large parties have too much control over their members; the so-called 'conscience vote' should be far more available to individual party members – not kept for particular issues.

Now that our House of Assembly has returned to its rightful number of 35 members, particularly the five seats of seven members, we have the opportunity to help the new independent and minor party members demonstrate how Parliament can be effective without the 'overlords' of the major parties controlling the agenda.

I welcome the establishment of the Joint Standing Committee on Electoral Matters, and the opportunity to comment upon the 2024 House of Assembly General Election. Your terms of reference are very broad, which provides one with the opportunity to refer to several issues.

There are five in particular that I would like to deal with:

- (1) Electoral Disclosure and Funding,
- (2) Truth in Political Advertising,
- (3) That of members nominated by and elected as members of a specific political party – should they be expelled from the Parliament?
- (4) Reduced voting age,
- (5) Fixed terms for the House of Assembly.

Regarding the *Electoral Disclosure and Funding* and the *Truth in Political Advertising* issues, I am taking the easy line and simply indulge in the self-plagiarising of my earlier submission to the *Standing Committee on Government Administration B's 'Inquiry into the Electoral Disclosure and Funding Amendment Bill 2024 (No. 9)'*, as follows:

I commend the *Electoral Disclosure and Funding Amendment Bill 2024 (No. 9)*. This is a long overdue piece of legislation. However, I believe it does not go far enough. Specifically, I would like to see the following additional amendments to this Bill:

1. Donations made between the announcement of the election and the date of the election must be made in real time. This is likely to increase the workload of the Electoral Commission; but I suggest this could be enabled by donors providing the required information on-line to the TEC on a standard form. This could then automatically be made public immediately.

2. In order to overcome the issue of donations being made immediately before an election, perhaps there can be a ban on donations within the seven days prior to an election.
3. Donations made between elections should be publicly disclosed more frequently than six monthly; perhaps monthly.
4. We also need to somehow guard against promises of donations made before the election, for delivery after the election.

I strongly support the reduction in value of donations from \$5,000 to a total \$1,000 in any one calendar year.

5. The proposed amendment Bill appears to overlook the Legislative Council. It would be ideal if the Council members were to be included in this legislation. This also needs to cover the public funding of electoral expenditure.
6. At the moment, the proposal for public funding seems to favour sitting members. There needs to be some way to provide funding to new candidates, as incumbents are recognised as being advantaged due to their position.
7. Electoral expenditure caps are necessary, in order to prevent wealthy individuals from 'buying' a seat. (Examples include Clive Palmer in the federal sphere, although this individual has been largely unsuccessful.) However, there are ways to in effect bribe electors. To cite an example, I was an independent candidate for Derwent in the Legislative Council in 1979. I was attending a meeting of the Fairview Primary School P & F, as a parent. When it came time for the secretary to deal with inwards correspondence; she read a letter from Charles Batt, the ALP's candidate. Batt had formerly been a member for Wilmot in the House of Assembly, having been elected on a 'count-back', but lost his seat at the subsequent election. At the time of this election, he had no parliamentary position. However, he enclosed a cheque for the P and F from the Minister for Education. Probably not illegal, but questionable ethics! I'm not sure how to prevent this type of behaviour. (Incidentally, Batt was one of several Legislative Council candidates that year who appeared in court for failing to lodge campaign expenditure returns.)

I fully support a total ban on donations from businesses and organisations supporting gambling interests, alcohol, tobacco.

Truth in political advertising:

This is another long overdue initiative. South Australia is the most frequently cited example, with the more recent ACT Act also being referred to by proponents of similar Tasmanian legislation.

The south Australian legislation is covered by a simple, brief **Section 113 Misleading Advertising**. Ravi Baltutis has provided a detailed analysis of the South Australian legislation. (Baltutis, R. (2021). South Australia's truth in political advertising law: A model for Australia? *The Adelaide Law Review*, 42(2), [597]-611. <https://search.informit.org/doi/10.3316/informit.389367532818923>)

Both major parties have been responsible for examples of misinformation and disinformation in recent federal elections. However, the most egregious examples came from the 'NO' case in the recent *Voice* referendum.

The South Australian legislation provides for the Electoral Commissioner to require the advertiser to withdraw the advertisement from further publication and/or publish a retraction in specified terms (S. 113 (4) (a) and (b)). In addition, there are financial penalties that may be applied.

I understand that this South Australian legislation has resulted in the removal of several advertisements assessed as being disinformation or misinformation.

Baltutis also briefly mentions the ACT legislation, which adds penalties which may disqualify a candidate who publishes disinformation or misinformation from standing for a specified period.

The ACT legislation only applies to the person(s) who place(s) an advertisement – not the publisher. This provision perplexes me, given the current issues regarding material being posted online and ‘going viral’. Once mis/dis information is posted online, the horse has well and truly bolted. We must do our best to keep that particular stable door well and truly bolted!

Truth in political advertising must also address the issue of ‘deep fakes’, where videos can falsely represent an individual saying or doing something which is designed to damage their electability.

We must include the use of websites designed to misrepresent political opponents, such as the crass attempt by the state Liberal party to ‘impersonate’ the Jacqui Lambie network in the recent state election. (I have written separately to the individual responsible for that effort!)

Elected members who ‘jump ship’ and declare themselves as independent between elections:

I understand that the Premier suggested that those members of Parliament who ‘jump ship’ mid-term, after being nominated by and elected as members of a specific party should be expelled from Parliament. I suggest the answer to this proposal depends upon the electoral method being used. For example, New Zealand has an ‘interesting’ system whereby some candidates are elected on the strength of their party’s election results – the party list system. In addition to those members elected directly by the population to represent a specific electorate for their party, there are additional members ‘appointed’ from a list of candidates drawn up by that party – the party list. I suggest that under that system, those ‘appointed’ from the party list could be replaced by someone else if they decided to become an independent member.

However, we are very fortunate in Tasmania to have the Hare-Clark system in the House of Assembly. Because parties nominate more candidates than there are vacancies for, we electors have far more say in the make-up of the House of Assembly. Indeed, the major parties nominate a range of candidates for electors to choose from. It is recognised that some candidates are elected on the strength of their personal vote; rather than on their party affiliation alone. (Indeed, some are selected on the grounds of their popularity in the community rather than any particular political aspirations. (An example is that of the late Darrell Baldock, a very high-profile footballer. I have it on good authority that then Premier Eric Reece phoned Baldock’s employer and asked to speak to him. He invited him to become a Labor candidate in the forthcoming election!)

I submit, therefore, that it would be wrong to remove a member who has become an independent, or even moved from one party to another. Let the electors decide at the next election, as they did in 2024!

Reduction in voting age for state elections:

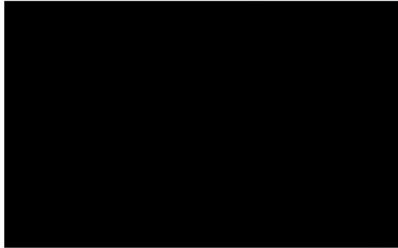
There has been much discussion regarding reducing the voting age to 16 years. I support this. The decisions made by parliaments are not usually confined to the immediate term. They extend far into the future, and most certainly affect the children and those yet to be born; so why can’t young people vote? It has been claimed, with some truth, that many young people are not interested in politics. That may be so – but many older people are not interested either. Let’s give the vote to 16-year-olds, as an option rather than being compulsory. This will also serve as a more relevant education than the possibly boring school ‘civics’ education.

Fixed terms for the House of Assembly

I consider that fixed terms for the lower house would level the playing field, possibly reducing the advantage of incumbency to the governing party. It appears that four years is an appropriate term.

I am happy to appear before the Committee, should you wish.

Yours sincerely



Bob Holderness-Roddam