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**LEGISLATIVE COUNCIL**  
**GOVERNMENT ADMINISTRATION COMMITTEE "B"**

**FINAL REPORT**

ON

*Tasmanian Electoral Commission*

### **Members of the Committee Inquiry**

Hon Rosemary Armitage MLC (Inquiry Chair)

Hon Ivan Dean MLC (Inquiry Deputy Chair)

Hon Kerry Finch MLC

Hon Greg Hall MLC

Hon Tania Rattray MLC

Hon Adriana Taylor MLC

Hon Rob Valentine MLC

### **Terms of Reference**

To inquire into and report upon the operations of the Tasmanian Electoral Commission, with particular reference to:

1. The administration of the *Electoral Act 2004*;
2. The resourcing available to the Tasmanian Electoral Commission;
3. Any deficiencies with the *Electoral Act 2004*;
4. Any other matters incidental thereto.

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## EXECUTIVE SUMMARY

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### Background

The Legislative Council Government Administration Committee “B” met on 30 October 2014 and resolved that an inquiry be established to review the operations of the Tasmanian Electoral Commission (TEC). The Inquiry was established following debate as to whether a number of elections in recent years had been conducted as efficiently and effectively as possible.

On 6 November 2014, the Committee presented a Special Report on a Resolution to Commence the Inquiry in accordance with Sessional Order 4 (14).

The Committee resolved that the scope of the Inquiry would include examination of the administration of the *Electoral Act 2004*, the level of resourcing available to the Tasmanian Electoral Commission and any deficiencies in the *Electoral Act 2004*.

The Inquiry adopted the following Terms of Reference:

“To inquire into and report upon the operations of the Tasmanian Electoral Commission, with particular reference to:

- (1) The administration of the *Electoral Act 2004*;
- (2) The resourcing available to the Tasmanian Electoral Commission;
- (3) Any deficiencies with the *Electoral Act 2004*;
- (4) Any other matters incidental thereto.”

The Committee resolved to advertise the Inquiry in Tasmania’s three daily regional newspapers and invite submissions from interested parties. The Committee also directly contacted a number of persons and organisations with specific knowledge or expertise and invited them to provide evidence to the Inquiry. The Government of Tasmania did not make a written submission but was represented in a public hearing by the Department of Justice.

The Committee also established a dedicated web-page for the Inquiry at:

[http://www.parliament.tas.gov.au/ctee/Council/GovAdminB\\_TasmanianElectoralCommission.htm](http://www.parliament.tas.gov.au/ctee/Council/GovAdminB_TasmanianElectoralCommission.htm).

All submissions and transcripts are included on the web-page and these should be read in conjunction with this Report.

Thirty-three submissions were received by the Committee and public hearings were held in Hobart and Launceston.

The Committee reviewed the submissions and transcripts of hearings and resolved to conclude the current inquiry and release a Final Report.

Key findings of the Inquiry were that the TEC generally performed well and remained within its budgetary limits, although its budget had suffered from a number of cuts in recent years. The Inquiry did not recommend that TEC funding be restored to previous levels but did, however,

recommend that the Government provide the TEC with sufficient resources to perform its functions and receive additional resources in order to investigate electronic voting.

The Inquiry also recommends full disclosure of campaign donations and mandatory disclosure of the source of political donations. It also found that Tasmania was one of only two States in Australia that does not provide public funding for candidates and parties and recommends that the Government investigate the issue further. It also recommends that the Government investigate the issue of 'robocalls' and social media with the Australian Government to ensure consistency between Tasmanian and Australian Government legislation.

The Inquiry recommends a review of Local Government General Manager's Rolls, as well as provision for Local Government candidates to stand for both Mayor and Deputy Mayor.

In closing, Committee Members extend their thanks to all individuals and organisations that made submissions and provided evidence to the Inquiry.

Committee Members also extend their thanks to Committee Secretariat staff Ms Natasha Exel, Ms Julie Thompson and Ms Allison Waddington for the work they have undertaken in support of the work of the Inquiry.

The Committee looks forward to the Tasmanian Government providing a response to the Final Report.

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# 1. INTRODUCTION

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- 1.1 The TEC was established on 16 February 2005 and has statutory responsibility for the independent and impartial conduct of the following elections and referendums:
- House of Assembly elections, by-elections and recounts;
  - Legislative Council elections and by-elections;
  - Local Government elections, by-elections and recounts;
  - State referendums;
  - Local Government elector polls;
  - The implementation of electoral boundary redistributions;
  - Aboriginal Land Council of Tasmania elections;
  - Other statutory elections;
  - Semi-government and other elections conducted in the public interest; and
  - Public electoral information programs.
- 1.2 The TEC is an independent statutory body that operates under the Department of Justice. The Department provides corporate services to the TEC and maintains oversight of its expenditure but is not responsible for its statutory duties. The TEC, through the Commissioner, is answerable only to the Parliament of Tasmania. The TEC consists of the Commissioner and two other members.<sup>1</sup>
- 1.3 The TEC has three sources of funding:
- An annual appropriation from the Department of Justice;
  - Reserved-by-law funding for particular functions such as conducting elections; and
  - Earned income received from conducting elections, including by-elections, recounts, fee-for-service elections and for bodies such as Local Government.
- 1.4 The powers and functions of the Electoral Commission are set out in Section 9 of the *Electoral Act 2004*:
- (1)
    - (a) to advise the Minister for Justice on matters relating to elections;
    - (b) to consider and report to the Minister on matters referred to it by the Minister;
    - (c) to promote public awareness of electoral and parliamentary topics by means of educational and information programs and by other means;
    - (d) to provide information and advice on electoral issues to the Parliament, the Government, Government departments and State authorities, within the meaning of the *State Service Act 2000*;
    - (e) to publish material on matters relating to its functions; and
    - (f) to investigate and prosecute illegal practices under this Act.
  - (2) The Commission may do all things necessary or convenient to be done, including employing persons for, or in connection with or incidental to, the performance of its functions.
  - (3) Without limiting subsection (2) and in addition to any power conferred on the Commission by any other provision of this Act or any other Act, the Commission, in addition to conducting House of Assembly elections or Legislative Council elections, may conduct ballots or elections for a person or organisation and may charge fees for that service.<sup>2</sup>

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<sup>1</sup> [http://www.tec.tas.gov.au/About\\_the\\_TEC.html](http://www.tec.tas.gov.au/About_the_TEC.html). Accessed 1 October 2015

<sup>2</sup> *Electoral Act 2004, Section 9*

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## 2. THE ADMINISTRATION OF THE ELECTORAL ACT 2004

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- 2.1 The Inquiry noted that the Tasmanian electoral system is complex and presents a number of challenges in relation to counting of votes. It received evidence that the TEC was generally highly regarded as an effective and efficient organisation and that a number of witnesses shared a similar view to that of Dr Kevin Bonham:

*I would like to say that the Tasmanian Electoral Commission has a very good national reputation among people who follow elections. It is renowned for the speed, the accuracy and comprehensiveness of the information that it provides about elections that are underway. I will quote an example of this. This is from William Bowe of the Poll Bludger, 30 March 2010, following the Denison state election count.*

*Finally, not for the first time, a round of applause for the Tasmanian Electoral Commission. Nobody does it better.<sup>3</sup>*

- 2.2 The Inquiry also received evidence that the TEC routinely receives a number of complaints in relation to its administration of the *Electoral Act 2004*, particularly throughout election campaigns. The Inquiry heard a number of examples of complaints where the TEC had responded to such complaints. However, it was noted that the TEC did not necessarily have the resources to act upon all complaints to the satisfaction of all concerned.
- 2.3 Examples of complaints brought to the attention of the Inquiry are discussed in the following paragraphs.

### **Election materials and campaigns**

- 2.4 The Inquiry received anecdotal evidence of a number of incidents of non-compliance with provisions of Division 5 of the *Electoral Act 2004* relating to advertising and campaigns, with several witnesses expressing the view that the TEC had not been proactive enough at monitoring and enforcing instances of non-compliance.
- 2.5 Section 196 of the *Electoral Act 2004* proscribes the publication of any material which contains the name, photograph or likeness of a candidate without their consent, between the time of issue of writ for an election and the close of poll.
- 2.6 The Inquiry also noted the submission and evidence of the *Mercury* that Section 196 could have the effect of preventing discourse and scrutiny of candidates.<sup>4</sup>

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<sup>3</sup> Hansard Transcript 16 April 2015 Dr Kevin Bonham, p.55

<sup>4</sup> Written submission, *Mercury*, undated

2.7 The Inquiry also received evidence from a number of witnesses regarding the size of signs and billboards and the timeframes under which they could be displayed. It was noted the latter fell under Section 21(f) of the *Local Government (General) Regulations 2005* and the planning rules of the relevant council:

**Ms RATTRAY** - *In relation to the signage, we have received a submission about the signage remaining up three, four or five months after an election. Is that something that local government should be dealing with or [is] that in your bailiwick?*

**Mr TYPE** - *That is quite correctly an issue of visual amenity and therefore squarely lies with the local government.*<sup>5</sup>

**Mr VALENTINE** - *With regard to signage - I may have asked this question before, so forgive me if I have. Commercial signage, billboards, where someone hires a billboard for elections, that is considered to be an electoral sign as opposed to a commercial sign, is it not?*

**Mr TYPE** - *It is both.*

**Mr VALENTINE** - *So it has to comply with the quantum in terms of 5 square metres –*

**Mr TYPE** - *It is 3 square metres in the Local Government General Regulations 2005. Yes, it does, but only from the period one month before the notice of election to the prescribed period.*<sup>6</sup>

**CHAIR** - *There is confusion too between the three different levels - local, state and federal. They all have different requirements, which is very confusing.*

**Mr ZEEMAN** - *In itself, it does not make any sense.*

**CHAIR** - *No, and it does not help candidates.*

**Mr DEIGHTON** - *No.*

**CHAIR** - *You could very easily trip yourself up because you come from one level of local government and have very few things you have to do, and you get to the next one and so on.*

**Mr ZEEMAN** - *I know the ropes but then I make a mistake.*

**CHAIR** - *All of a sudden you discover the ropes get longer or shorter.*

**Ms RATTRAY** - *We have seen that in dealing with all the different planning schemes. I have six local government areas and you have to have your head around what every requirement is in their local government area for signs.*

**Mr ZEEMAN** - *It does not make sense in a small state the size of Tasmania.*<sup>7</sup>

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<sup>5</sup> Hansard Transcript, Mr Julian Type, 1 June 2015, p.39

<sup>6</sup> Ibid, p.45

<sup>7</sup> Hansard Transcript, Mr Matt Deighton and Mr Daniel Zeeman, 5 May 2015, p.74



2.8 The Inquiry noted a proposal contained in the submission from the Local Government Association of Tasmania:

- *That an amendment to the Electoral Act 2004 be sought with the effect of overriding Planning Schemes to bring uniformity across Tasmania in terms of the timing of permitted billboard electoral advertising by or on behalf of candidates (2010)*
- *That the Association lobby and encourages the Federal and Tasmanian State Governments to amend their respective electoral acts in relation to:*
  - a) *Physical electoral advertising on land and buildings to mirror, or be substantially the same as, the restrictions applying to candidates for Local Government elections, imposed by the Local Government Act 1993 and the Local Government (General) Regulations 2005 in relation to the size and quantity of temporary electoral signs within each municipal area, and*
  - b) *The period of time that electoral signage can be displayed in the lead up to and following all elections, federal, state and local. (2010).<sup>8</sup>*

#### **Findings**

1. The Inquiry did not receive sufficient evidence to support any changes to Section 196 of the *Electoral Act 2004* to allow the publication of names, photographs or likenesses of candidates without their consent.
2. There are inconsistencies in Local Government rules for electoral signage across the State for all elections.

#### **Recommendations**

1. The TEC should be more proactive with regard to enforcing issues of non-compliance with Section 196 of the *Electoral Act 2004* between issue of writs and close of polls.
2. The Government implement a statewide approach to achieve consistency for electoral signage across all spheres of government.

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<sup>8</sup> Written submission, Local Government Association of Tasmania, 24 February 2015, p.14

## Announcement of election results

- 2.9 The Inquiry heard that delays in announcing some election results, particularly in close elections, could cause distress to some candidates. It heard from Mr Nick Heath, General Manager, Hobart City Council:

*The computer counting system that was used this year by the Tasmanian Electoral Office meant the votes on the primaries were up - the 20 per cent count was up on the Tuesday night - but the actual result wasn't known until the Friday night.<sup>9</sup>*

- 2.10 The Inquiry nevertheless noted the opinion of Dr Bonham:

*I personally think that accuracy is more important than speed, within reason. We are accustomed, in state and federal elections, to waiting 10 days before we can even do anything while postal votes come in. I think that under that circumstance, whether you take five days or three days to count a council election is much less important than whether you get it right.*

### Finding

3. The Inquiry acknowledges the frustration of some candidates with the announcement of local government election results during the trial of computer counting in 2014.

## Voter awareness and education

- 2.11 The Inquiry received evidence that while the TEC is expected to, and does, play an educative role, it currently lacks resources to be as active as it could be. A number of submissions stated that the TEC should do more. In particular, a written submission from Tasmanian Labor drew the Committee's attention to high records of unintentional informal votes and low turnout in some elections. Tasmanian Labor recommended the TEC should be better resourced to conduct education campaigns in order to reduce informal votes.<sup>10</sup>

- 2.12 The Inquiry nevertheless heard evidence from the then head of Local Government Association of Tasmania (LGAT), Mr Allan Garcia, that the TEC was effective at informing and engaging the public when elections were being held:

*In fairness to the Electoral Commission, that awareness of the fact that there is an election on, whether it is state, Legislative Council, local government or federal, is fantastic. There is generally humour associated with it which I think captures the audience much better than a dry advertisement announcing there is an election on.*

*There is much more accessible information, particularly with their new online presence and having the mobile app. It is not dry any more, it is very user-friendly and uses much more*

<sup>9</sup> Hansard Transcript, Mr Nick Heath, 16 April 2015, p.32

<sup>10</sup> Written submission, Tasmanian Labor, 23 February 2015

laymen's terms with the video aspects and things. It has definitely changed out of sight over the last decade.<sup>11</sup>

#### **Finding**

4. The TEC does a considerable amount of public education and awareness campaigns with the resources available but it is inevitable that a proportion of voters will not be fully engaged in the election process.

#### **Instructions on ballot papers, House of Assembly**

- 2.13 The Inquiry heard evidence from the Hon Don Wing AM that, in accordance with Section 102 of the *Electoral Act 2004*, electors must vote for at least five candidates in order of preference in House of Assembly elections and may vote for any or all of the remaining candidates in consecutive numbers. However, Mr Wing advised the Committee that Section 100 of the *Electoral Act 2004* requires that instructions on the ballot paper direct the elector to vote for all candidates in order of choice.

*We therefore have the position that although there is no law requiring an elector to vote for all candidates, there is an instruction on the ballot paper to do so. The Electoral Office has implemented the provisions of these two sections by placing them at the top of the ballot paper for Bass, in the example I have given, the following instructions - 'Number the boxes from 1 to 20 in order of your choice.' That should read 1 to 19 in order of your choice.*

*At the bottom of the ballot paper, underneath the names of all candidates appears the following - 'Your vote will not count unless you number at least five boxes.'*

*These statutory provisions and these wordings are conflicting, confusing and misleading. Ideally, the instructions on the ballot paper should be merely to the effect that it is necessary for electors to vote for at least five candidates in order of choice, but that they may vote for all or any other candidates in order of choice.<sup>12</sup>*

- 2.14 The Inquiry was provided with a number of examples where these provisions had caused voter confusion and possibly increased the risk of informal ballots being cast. Mr Wing informed the Committee that a solution could be found by amending ballot papers to merge the instructions on the ballot paper and provided the following view:

*The will of the electors is absolutely important. That should be the main consideration and the electors should be properly, accurately informed. I think the best way to do that is to follow the system in the ACT and have the message at the top to the effect that to record a valid vote - I am not quoting the exact wording - you need to vote for at least five candidates in order of choice, but you may vote for all or any of the other candidates in order of your choice.<sup>13</sup>*

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<sup>11</sup> Hansard Transcript 16 April 2015, Mr Allan Garcia, p.13-14

<sup>12</sup> Hansard Transcript, Hon Don Wing AM, 5 May 2015, p.21

<sup>13</sup> Ibid, p.23

## **Finding**

5. Redrafting House of Assembly ballot papers to merge the instructions and place them at the top of the ballot paper would not require an amendment to the *Electoral Act 2004* but could be at the discretion of the TEC to redraft ballot papers.

## **Recommendation**

3. That ballot papers be redrafted by merging the instructions and placing them at the top of the ballot paper to avoid confusion and make it clear that voters have options in casting a formal vote.

## **Informal voting in Local Government elections**

- 2.15 The Inquiry received evidence from Dr Bonham that informal votes recorded in recent Local Government elections had increased in all 28 councils contested; in 22 of those councils, the informal vote had increased by more than 50% and had more than doubled in 10 of those councils. Dr Bonham informed Inquiry Members that a significant proportion of these votes had the potential to be unintentionally informal, i.e. that the voter had incorrectly completed their ballot paper, therefore causing their vote to be discarded:

*People, under the current rules, are required to vote 1-12 in council elections if there are 12 councillors, or however many councillors there are. If you only vote 1-11 and stop, your vote is informal. If you vote 1-11 and then double the 11, your vote is informal. If you vote 1-10 and then go to 12, your vote is informal.<sup>14</sup>*

- 2.16 The Inquiry heard that informal votes were also recorded on State and Federal ballot papers, although the scope for this was more limited as voters were only required to make their intentions clear in five candidate boxes.

- 2.17 The Inquiry noted the view of Dr Bonham:

*...there is a need for the system to make allowance for the fact that no matter how much you explain things, some people will still make honest mistakes and still leave a degree of record of their voting intention that should be used rather than being discarded because they have fallen a little bit short.<sup>15</sup>*

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<sup>14</sup> Hansard Transcript Dr Kevin Bonham, 16 April 2015, p.57

<sup>15</sup> Hansard Transcript, Dr Kevin Bonham, 16 April 2015, p.57

### **Finding**

6. A number of votes, where the voter intention is clear, may be discarded as unintentional informal votes due to not fully conforming with voting instructions.

### **Recommendation**

4. The Government investigate adopting a provision to ensure that a ballot paper that is not fully compliant with voting instructions, but where the voter intention is clear, be counted as a formal vote.

### **Robocalls**

- 2.18 The Committee noted that candidates in a number of recent elections had contacted electors via telephone to play pre-recorded campaign messages. Such messages are known as 'robocalls'. It heard evidence from the Electoral Commissioner:

*In many ways you are looking at time moving on in the development of social media and some of those newer forms of campaigning. The act certainly has not kept up with them. It is open to Parliament to legislate in all of those cases. I believe once we get into the area of social media, I would be lacking in much confidence that we could enforce whatever provisions Parliament made, but certainly in some of the other areas I think it is open to Parliament to attempt to deal with these matters.<sup>16</sup>*

The radio and television blackout is in the Commonwealth Broadcasting Services Act. It is more stringent than the polling day blackout under Tasmanian law which applies to the print media. The radio and television blackout applies from the Wednesday prior to polling day for an election. It will not be open to the Tasmanian Parliament to legislate in that sphere because the Commonwealth law will take priority.

### **Finding**

7. The Australian Government is the legislative authority with responsibility for telephony and any action to stop or limit robocalls would require amendment of the *Commonwealth of Australia Constitution Act 1900*.<sup>17</sup>

### **Recommendation**

5. The relevant Minister raise the use of robocalls with the Australian Government in an Australia-wide inter-ministerial forum in an effort to ensure consistency between relevant Acts.

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<sup>16</sup> Hansard Transcript, 1 June 2015, Mr Julian Type, p.38

<sup>17</sup> *Commonwealth of Australia Constitution Act 1900, Part V, Sect 51 (v)*

## Social media

- 2.19 The Inquiry noted the increasingly widespread use of social media and a number of issues concerning its use in election campaigns and that advances in communications technology are not reflected in the *Electoral Act 2004*.
- 2.20 It also noted that case law interprets social media posts to be as published material but that it is extremely difficult to monitor and enforce compliance.<sup>18</sup>
- 2.21 The Inquiry also noted that Section 191(1)(b) of the *Electoral Act 2004* requires all election material published on the internet, between the time of issuing a writ for an election and closing of polls, to identify the name and address of the responsible person. However, it was reported that a number of social media platforms do not provide enough space for an authorisation statement to be included.<sup>19</sup>

### Finding

8. Social media is increasingly used in election commentary and campaigns. It is subject to the existing publication rules but is extremely difficult to monitor and enforce compliance.

### Recommendation

6. The Government further consider the matter of social media to ensure compliance with relevant Acts.

## University of Tasmania Student Council Elections

- 2.22 The Committee heard evidence of complaints directed to the TEC during the 2014 Tasmania University Union (TUU) election which was conducted by the TEC as a private fee-for-service ballot in accordance with Section 9 (3) of the *Electoral Act 2004*. The complaints included reports of voter coercion and inappropriate behaviour on polling day, as well as lack of clarity as to which body was responsible for receiving and acting upon complaints.<sup>20</sup>
- 2.23 The Committee received evidence that the election had been a fee-for-service election run in accordance with the constitution of the TUU<sup>21</sup> and that consequently the TUU Board was ultimately responsible for monitoring and enforcing conduct. The Committee was advised that the TUU Board was currently considering a review of its constitution to provide meaningful sanctions against individuals who conduct themselves inappropriately.<sup>22</sup>

<sup>18</sup> Hansard Transcript, 1 June 2015, Mr Julian Type, p. 40

<sup>19</sup> Hansard Transcript, 16 April 2015, Dr Kevin Bonham, p.62

<sup>20</sup> Written submission, 27 February 2015, S. Avery, K. Aksel Waechter, Assaad Taoum, p.1-3

<sup>21</sup> Hansard Transcript, 1 June 2015, Mr Julian Type, p.34

<sup>22</sup> Hansard Transcript, 16 April 2015, Mr Simon Overland, p.52

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### 3. RESOURCING AVAILABLE TO THE TASMANIAN ELECTORAL COMMISSION

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#### Sources of funding

3.1 The Committee heard that the TEC has three sources of funding:

- an annual appropriation from the Department of Justice;
- reserved-by-law funding for particular functions such as conducting elections; and
- earned income received from conducting elections including by-elections, recounts, fee-for-service elections and for bodies such as Local Government.

#### Expenditure

3.2 The Committee heard that the TEC generally managed its budgets very well noting evidence from Mr Simon Overland, Secretary of the Department of Justice:

*...They have been very good at managing within their budget over the last ten years. I think there is only one of the last ten years where they had a slight – and it was very slight – over-expenditure.<sup>23</sup>*

#### Current funding

3.3 The Inquiry received evidence that the TEC received an appropriation of \$570,680 in 2014-15, which was a decrease of \$34,633 from 2013-14, and that a further reduction of \$95,000 was expected in 2015-16.<sup>24</sup>

3.4 The Inquiry received evidence that reserved-by-law funding fluctuates with the electoral cycle. The Committee was also advised that Local Government elections are now conducted on an all-in, all-out basis every four years instead of half-in, half-out every two years. This had the effect of further disruptions to the TEC's normal stream of income.<sup>25</sup>

3.5 The Committee noted evidence from the TEC's submission:

*The coincidence of the current budgetary restraint with the move to quadrennial local government elections has left the TEC with something of a “perfect storm”, in that our earned income has become more irregular and our recurrent funding more constrained. It is expected that we will have to rely to a greater extent on reserved by law funding to simply fulfil our current statutory obligations, let alone undertake the research and development required to keep our systems robust and deal with emerging issues and policy initiatives.<sup>26</sup>*

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<sup>23</sup> Hansard Transcript, Mr Simon Overland, 16 April 2015, p. 49

<sup>24</sup> Written submission, Tasmanian Electoral Commission, 25 February 2015

<sup>25</sup> Hansard Transcript, 16 April 2015, Mr Simon Overland, p.46

<sup>26</sup> Written submission, Tasmanian Electoral Commission, 25 February 2015, p.3

## TEC Staffing

- 3.6 At the time of hearings, the Committee heard that the TEC employed 6.8 full-time equivalent (FTE) staff and that it could appoint election officials and returning officers as required. It received evidence that the next smallest state, South Australia, employed 24 FTEs and that regardless of Tasmania's smaller population size, the range of functions required to be performed were similar.<sup>27</sup>
- 3.7 The Inquiry received evidence from the TEC that its staffing levels had been reduced by two full-time employees in the 2014-15 financial year as a result of funding cuts and noted information from the TEC's submission:

*At 7.8 FTE we simply do not have the critical mass for long-term institutional sustainability. It is imperative that in years ahead we are able to restore our permanent establishment to somewhere around the 13 FTE we had in 2007.*<sup>28</sup>

- 3.8 The Inquiry also took note of evidence regarding the longer-term implications as a result of staff cuts and lack of recruitment for the TEC from its Chair, Ms Liz Gillam:

*What the election cycles do mean is that there is now an extended period when a small number of people are working under extreme pressure and stress. For the 18-month-or-so period over the next state and local government local election cycles, the ability for staff to take their leave entitlements will be severely restricted. Fingers crossed, no-one will need any sick leave during that time. Putting it bluntly, at our current staffing level in peak workload times, there is now simply no safety net, exactly as Nick McKim suggested earlier. This is not just about bodies in situ, it is their level of knowledge that has become critical. As mentioned in our submission, two very long-serving staff have recently left the commission. The remaining staff establishment is also long-serving and stable. However, without in any way belittling their knowledge and commitment, when Julian chooses to retire, which he could do realistically at any time, we will be losing a great deal more than 12 percent of our corporate knowledge.*

*Furthermore, with staffing levels so low it becomes difficult to develop new staff. Fortunately, there has been a major investment in the development of training materials for temporary and casual staff at election time in recent years. The ability to address human resourcing is of course inextricably linked to our budgetary situation. The Secretary and the Director of Finance at the Department of Justice provided the committee with a very comprehensive overview of this which clearly demonstrates the commission has been very modest in its requests over the past 10 years. To some extent this has been to our detriment as the application of budgetary cuts is not necessarily able to take this into account. I quote from the department's submission to re-emphasise the seriousness of the situation:*

*The result of these reductions is that the TEC will receive a consolidated fund allocation of \$733,000 in 2015-16, a reduction of 3.3 per cent on its allocation 10 years previous.*<sup>29</sup>

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<sup>27</sup> Hansard Transcript, Mr Julian Type, 1 June 2015, p.26

<sup>28</sup> Written submission, Tasmanian Electoral Commission, 25 February 2015, ibid

<sup>29</sup> Hansard Transcript, Ms Liz Gillam, 1 June 2015, p. 24-25



- 3.9 The Inquiry received evidence that the reduction in TEC funding and staffing meant that it would be more reliant on reserved-by-law funding to fulfil its statutory obligations and that consequently research and development would be a lower priority. It heard from the Electoral Commissioner, Mr Julian Type:

*The real issue for us is being able to employ our current 7.8 full-time staff year in, year out and we think that figure should be more like a dozen or 13. We would like to retain that number of people without having to juggle buckets of money and be able to know that we could employ them continuously through the four-year election cycle. We will probably be able to get through due to retained income from last year's local government elections, but it is a constant battle and in many cases we will have to dip into our working capital in order to retain our intellectual capital.<sup>30</sup>*

#### **Recommendation**

7. The Government work with the TEC to ensure the TEC is adequately staffed and resourced to perform its functions.

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<sup>30</sup> Hansard Transcript, Mr Julian Type, 1 June 2015, p. 26

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## 4. ANY DEFICIENCIES OF THE *ELECTORAL ACT 2004*

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### Lost or damaged ballot papers

- 4.1 The Inquiry considered evidence from the TEC that during the 2014 House of Assembly election for the division of Denison, 163 completed postal ballot papers were destroyed by a letter opening machine. This potentially left the fifth seat in unresolvable doubt and could have required a new election of all five Denison seats.
- 4.2 Whilst the 2014 incident was able to be resolved, the Inquiry noted a recommendation from the Electoral Commission that the *Electoral Act 2004* be amended to put beyond doubt that a returning officer, as directed by the TEC, may return a writ certifying the progressive election of members required to be elected for a Division.

### Finding

9. Damaged ballot papers in the 2014 Denison Division could have placed election results in doubt for the entire Division and may have created the need for a further election.

### Recommendation

8. The *Electoral Act 2004* be amended to make provision for the TEC to be able to issue a writ certifying the progressive election of members required to be elected for a Division.

### Limits on campaign spending

- 4.3 The Inquiry noted that in accordance with Sections 160 and 199 of the *Electoral Act 2004*, expenditure in Legislative Council elections is regulated. It also noted that candidate spending is currently limited to \$15,000, increasing by \$500 each year, and that candidates are required to submit a return of all expenditure within 60 days of the election result.

- 4.4 The Inquiry heard the following view of Mr John Dowling, Secretary, Tasmanian Labor:

*We would say that by raising the expenditure cap to a reasonable level, not hundreds of thousands of dollars, you would give that new candidate the opportunity. Over the last 20 years, and someone might correct me because I will not be 100 per cent correct, there have been two sitting members lose their seats when they have been standing for election as the incumbent. There have been sitting members retire and new members elected.*

*The Council does a good job, reviews the legislation but we want to have a competition of ideas. We want to have a robust democracy where people are battling out against each other. With a \$15,000 expenditure cap, candidates have their hands tied behind their back.<sup>31</sup>*

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<sup>31</sup> Hansard Transcript, 5 May 2015, Mr John Dowling, p.3

4.5 Mr Dowling went on to say:

*We will reach the point, now we have this advice from the Commonwealth, where we will end up like the United States, where people will be able to spend hundreds of thousands of dollars, if they want to, and an ordinary person, straight off the tools or whatever, has a snowflake's chance in hell competing with that.*

*I do not think that is fair. I don't think anyone would think that's fair. I would be disappointed if anyone thought it was.*

*There needs to be a cap for both candidates and political parties. Under the Commonwealth legislation there is currently no cap for political parties. In the case of the Tasmanian registered political parties, if we had the resources, we could get \$10 million and spend it on a state election campaign. If we were able to secure those funds. And not only could we get that \$10 million, we wouldn't have [to] disclose any of that money if the individual contributions were below - currently it is \$12,500 and next year it is going to \$13,000. If someone wanted to give me \$12,000 on Monday, \$12,000 on Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday, I wouldn't have to disclose that because you only have to disclose single receipts above the threshold, and that is Commonwealth legislation.<sup>32</sup>*

4.6 The Inquiry also noted limits on spending for Local Government election campaigns which are currently \$5,000 for Councillors and \$8,000 for Mayors and Deputy Mayors.<sup>33</sup>

**Finding**

10. There was no compelling evidence that the current system of limits on Legislative Council and Local Government election spending should be changed.

**Recommendation**

9. Current limits on election spending remain in place for the Legislative Council and Local Government.

<sup>32</sup> Hansard Transcript, 5 May 2015, Mr John Dowling, p7

<sup>33</sup> *Tasmanian Local Government Elections, Information for Candidates*, Electoral Commission of Tasmania, May 2009: <http://www.electoral.tas.gov.au/pages/LocalGovernment/PDF/Candidate%20booklet.pdf>

## Campaign donations

- 4.7 The Inquiry heard that Tasmania is the only jurisdiction in Australia that does not have campaign donation requirements for House of Assembly or Local Government candidates. It noted evidence from Mr Dowling, Secretary, Tasmanian Labor:

*Essentially, other than a small expenditure requirement for Legislative Council candidates, the environment, whether it be local government or state, lower House or upper House, is completely unregulated.*<sup>34</sup>

- 4.8 The Inquiry also heard that even where reporting of campaign donations was required, loopholes exist for candidates to receive funds that were not required to be disclosed, for example, campaign spending outside certain time periods, candidates of the same party running individual campaigns separate from the main party campaign and multiple donations of amounts under the reportable threshold from a single donor.

- 4.9 The Inquiry noted the views of Mr Nick Heath, General Manager of Hobart City Council:

*Donations are part of the political landscape in Australia; I think it is how you deal with them. At the moment in Tasmania in the local government context, there are no rules around it. We are here saying that you need to put some rules around it and those rules need to be based on transparency, probity and confidence in the public decision-making processes. When you have no rules, it is open to the individual to make decisions about whether to declare or not. I think that arbitrary decision-making process should be removed and it should be compulsory that electoral donations are disclosed. I don't think we're advocating there should be no donations, I just think there needs to be some rules around it so everyone knows what the game plan is.*<sup>35</sup>

- 4.10 The Inquiry observed that disclosure of donations would have an impact on Electoral Commission resources as the body responsible for monitoring and compliance.

- 4.11 The Inquiry heard there may have been instances where 'in-kind' donations occurred, e.g. free billboard space, donations of poster-printing materials, which may not be required to be disclosed as campaign spending.<sup>36</sup>

- 4.12 A number of submissions and witnesses expressed the view that political donations should not be accepted from entities such as tobacco companies, property developers and overseas donors. It noted the position of the House of Assembly Member, Mr Nick McKim, MP:

*We also would like to see a ban on political donations from tobacco companies whose primary profits come from tobacco, gaming, liquor and property development. We note that the ACT currently has a ban on donations from any corporations to parties and candidates. We also note that NSW has a ban on donations from property developers, tobacco, gambling and liquor companies, so those donations are already banned in NSW.*<sup>37</sup>

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<sup>34</sup> Hansard Transcript, Mr John Dowling, 5 May 2015, p.1

<sup>35</sup> Hansard Transcript, Mr Nick Heath, 16 April 2015, p.37

<sup>36</sup> Hansard Transcript, Mr Nick McKim, 1 June 2015, p. 14

<sup>37</sup> Hansard Transcript, Mr Nick McKim, 1 June 2015, p.7

## **Findings**

11. Currently, campaign donations are not required to be disclosed in Tasmania.
12. There may be instances where in-kind donations occur and are not reported.
13. There is a lack of clarity as to whether in-kind donations should be included as expenditure.
14. There are currently no bans on candidate campaign donations from specific sources.
15. Mandatory disclosure of candidate campaign donations would provide transparency as to the source of political donations.

## **Recommendations**

10. The Government legislate for the compulsory disclosure of campaign donations from all sources.
11. Greater clarity be provided as to the status of in-kind donations and whether they should be disclosed.

## **Campaigning on polling day**

- 4.13 Section 198 of the *Electoral Act 2004* prohibits any campaigning at or near a polling booth on polling day, including the distribution of any materials, publication of advertisements and comments or questions relating to the election campaign. However, the blackout does not apply to electronic media, including television.
- 4.14 The Inquiry received evidence that Tasmania is the only jurisdiction in Australia to prohibit campaigning at or near a polling booth on polling day and heard a range of views in favour of and against it.

## **Finding**

16. There was insufficient evidence to support changing the status quo in respect of campaigning on polling day.

## Identification of Independent candidates

- 4.15 Section 84 (2) (c) of the *Electoral Act 2004* currently makes a nomination of a candidate invalid if the candidate name includes the word 'Independent'.
- 4.16 The Inquiry noted Legislative Council candidates can identify themselves as 'Independent' in their campaign materials but not on the ballot paper. Inquiry Members noted the views of the Hon Don Wing AM:

*... Party candidates have identification and I believe independent members of the Legislative Council should as well. I cannot understand that there is a problem with that. On Senate ballot papers, you have 'independent' besides candidates. I would have thought in most electoral systems in Australia you have that. It is a very serious matter that it is not currently available here, and it ought to be changed. I cannot understand any logical argument to the contrary.*

*I cannot think of any logical argument why a person standing for the Legislative Council as an Independent cannot be treated the same way as every other candidate in Australia at every other election. There should be that consistency, as a matter of fairness. If the parties can identify their candidates, so should those who are 'independent' be identified as such.<sup>38</sup>*

### Findings

17. Independent candidates were disadvantaged as they were not able to identify themselves as 'Independent' on their ballot papers.
18. At the time of drafting this report, it has been determined that candidates can now identify themselves as 'Independent' on the ballot paper.

## Electronic voting

- 4.17 The Inquiry noted the TEC has not adopted electronic voting.
- 4.18 It noted a submission from Central Coast Council which advised that electronic voting had been adopted in other jurisdictions and if adopted in Tasmania would assist to ensure a more expedient announcement of election results.<sup>39</sup>
- 4.19 The Inquiry noted, however, that such an initiative would be expensive for the TEC. It received evidence from the TEC, together with comments from the Electoral Commissioner:

*Our view is that a small jurisdiction such as Tasmania simply cannot afford to be at the forefront of the introduction of internet voting, however, irresistible the proposition becomes in the years ahead.<sup>40</sup>*

<sup>38</sup> Hansard Transcript, Hon Don Wing AM, 5 May 2015, p. 26

<sup>39</sup> Written submission, Central Coast Council, 20 January 2015

<sup>40</sup> Written submission, Tasmanian Electoral Commission, 25 February 2015, p.7

*We will not be moving to online voting unless our budgetary situation improves rather remarkably.*<sup>41</sup>

**Finding**

19. Electronic voting would have considerable resource implications for the TEC.

**Recommendation**

12. The Government consider increasing resources to the TEC to allow it to investigate electronic voting.

**Compulsory voting**

- 4.20 Section 152 of the *Electoral Act 2004* requires that every elector must vote at each election at which he or she is entitled to vote. However, this is not a requirement for Local Government elections under the *Local Government (General) Regulations 2005*.<sup>42</sup>

**Finding**

20. The Inquiry heard a number of different views both in favour of, and against, compulsory voting in all spheres of government, but did not receive any compelling evidence that consideration should be given to changing the status quo.

**Recommendation**

13. The current system of voting remain unchanged.

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<sup>41</sup> Hansard Transcript, Mr Julian Type, 1 June 2015, p.43

<sup>42</sup> *Electoral Act 2004*, Section 152

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## 5. ANY OTHER MATTERS INCIDENTAL THERETO

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### Size of the Tasmanian Parliament

- 5.1 In 1998, the *Constitution Act 1934* was amended to reduce the House of Assembly from 35 to 25 seats and the Legislative Council from 19 to 15 seats.
- 5.2 The Inquiry heard evidence from a number of witnesses on the impact of the reduction of seats in the Parliament of Tasmania.

#### Finding

21. While the size of the Tasmanian House of Assembly falls outside the Inquiry Terms of Reference, a significant number of submissions and witnesses took the opportunity to express concern at the impact of the 1998 downsizing of the House of Assembly and called for numbers to be increased.

### Hare-Clark system

- 5.3 The Committee heard a range of views regarding the fairness and effectiveness of the Hare-Clark proportional representation system. Mr John Dowling, Secretary of ALP Tasmanian Branch provided the following view:

*You get situations where a party might get 44 per cent of the vote and another party gets 33.4 per cent of the vote and yet they are equally represented in the Parliament. Another party could get 48 per cent of the vote and another party gets 28 per cent of the vote, yet from that electorate they both get two members in the Parliament because of the final distributions and the cut-ups. I would say that's not fair but on the other side of the equation, a proportional system where members are elected, lots of people in the community will say, 'That's great because I'm represented through this person'. In summarising, let us get some people who are going to have a look at this and make some recommendations for the Government and the broader community to consider what the best model is for the state.<sup>43</sup>*

#### Finding

22. Despite a number of comments from witnesses and in submissions, the Hare-Clark system falls outside the Inquiry Terms of Reference.

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<sup>43</sup> Hansard Transcript, 5 May 2015, Mr John Dowling, p.109



## Public funding for parties and candidates

- 5.4 A number of submissions mentioned public funding of political parties and candidates and the Committee noted a submission from Tasmanian Labor that Tasmania is one of only two States in Australia that does not have state-based election funding and believed that this was essential.<sup>44</sup> The Committee also heard from the House of Assembly Member, Mr Nick McKim, MP:

*...only Tasmania and South Australia do not have state-based public funding, to some degree, of political parties and, in some circumstances, candidates...I think it would be as hard or harder to argue for public funding of political parties, but there is a very strong argument for public funding of political parties in Tasmania. It would help break that nexus between political donations and politicians. That would be of benefit to us all in the way the community felt about us.*<sup>45</sup>

### Finding

23. Tasmania is one of only two States in Australia that does not provide state-based election funding of political parties and candidates.<sup>46</sup>

### Recommendation

14. The Government investigate the issue of state-based election funding of political parties and candidates.

## General Manager's Rolls

- 5.5 Local Government elections make provision for voters who are not on the State Electoral Roll, such as non-Australian citizens, non-resident owners or occupiers of property within the relevant council area and nominees of corporate bodies, to be included on the General Manager's Roll. These electors register to vote by completing a form and submitting it to the relevant council. If their registration is accepted, the elector is included on the General Manager's Roll and is eligible to vote in Local Government elections.<sup>47</sup>
- 5.6 The Inquiry heard evidence that discrepancies had been identified in details of electors on the General Manager's Roll during the 2014 Hobart City Council elections and that a number of votes had consequently been rejected. These included a number of ballot papers where the signatures on the ballot did not match the signature recorded on the

<sup>44</sup> Written submission, Tasmanian Labor, 23 February 2015

<sup>45</sup> Hansard Transcript, Mr Nick McKim, p.10

<sup>46</sup> [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/BN/2011-2012/PoliticalFinancing/](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BN/2011-2012/PoliticalFinancing/) Accessed 20 November 2015

<sup>47</sup> *Local Government Act 1993*, Section 258

roll, as well as electors who had identified their address as a post office box located outside the Hobart City Council boundary.<sup>48</sup>

- 5.7 The Inquiry also heard a number of views as to the definition of a voting franchise in relation to citizenship and noted the views of Mr Allan Garcia, former Chief Executive Officer of the Local Government Association of Tasmania (LGAT):

*It's about what should the franchise look like, who should be represented within it. Whether it is citizenry for six weeks or six years or 60 years or non-citizenry is not really the issue. But let's get some definitions around it.*<sup>49</sup>

- 5.8 The Inquiry also noted evidence from the Multicultural Council of Tasmania that any changes to the General Manager's Roll should not disenfranchise non-citizen residents and that there were a number of benefits in engaging these individuals in the election process.<sup>50</sup>
- 5.9 Hobart City Council urged that a review of the criteria, processes and oversight of General Manager's Rolls be conducted. It believes that such a review could provide clarity as to the definition of 'occupier', as well as the feasibility of the General Manager's Roll being administered by a separate party, preferably the TEC, as is the case in Victoria.<sup>51</sup>

## **Findings**

24. General Manager's Rolls can provide opportunities for non-citizens with a genuine stakeholder interest in their local government electorate to participate in Local Government elections.
25. General Manager's Rolls may provide opportunities for voters with a limited genuine stakeholder interest in the local government electorate to participate in Local Government elections.

## **Recommendation**

15. A review of the criteria, processes and oversight of General Manager's Rolls be conducted.

## **Election of Mayors and Deputy Mayors**

- 5.10 The Inquiry noted that in accordance with the *Local Government (General) Regulations 2005* it is only necessary to cast a single vote for a Mayor and Deputy Mayor and not list any further preferences in Local Government elections. These votes will be counted as

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<sup>48</sup> Hansard Transcript, Mr Bill Harvey, 5 May 2015, p.35

<sup>49</sup> Hansard Transcript, Mr Allan Garcia, p. 4

<sup>50</sup> Written submission, Multicultural Council of Tasmania, 5 February 2015

<sup>51</sup> Written submission, Hobart City Council, 23 February 2015

exhausted once the primary vote has been recorded.<sup>52</sup> The Committee heard evidence from Mr Frank Nott that in a number of elections for Mayor and Deputy Mayor, the number of exhausted votes were greater than the final winning margin. Mr Nott believed that adopting a system of listing additional preferences, similar to the Legislative Council system, would provide wider representation of voter intent in the election.<sup>53</sup>

- 5.11 The Inquiry also noted that candidates in Local Government elections only had the opportunity of nominating for either the position of Mayor or Deputy Mayor and considered alternatives suggested by a number of witnesses and in submissions, including that there be one election for Mayor and Deputy Mayor with the runner up being declared Deputy Mayor, or for candidates being eligible to stand for both positions.<sup>54</sup>

### **Findings**

26. The current option of a single vote in elections for Mayors and Deputy Mayors can result in a high number of exhausted votes.
27. Currently, candidates can only stand for Mayor or Deputy Mayor. This could be perceived to be unfair on some candidates and may result in election outcomes that do not accurately reflect voter intent.

### **Recommendation**

16. Voters should be encouraged to vote preferentially in elections for Mayors and Deputy Mayors.
17. The Government pursue with the TEC, in consultation with Local Government, whether candidates should be given the opportunity to stand for both Mayor and Deputy Mayor.

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<sup>52</sup> *Local Government (General) Regulations 2005*, Division 1

<sup>53</sup> Hansard Transcript, Mr Frank Nott, 1 June 2015, p. 17

<sup>54</sup> Written submission, Launceston City Council, 27 February 2015

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## 6. FINDINGS

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### **Election materials and campaigns**

1. The Inquiry did not receive sufficient evidence to support any changes to Section 196 of the *Electoral Act 2004* to allow the publication of names, photographs or likenesses of candidates without their consent.
2. There are inconsistencies in Local Government rules for electoral signage across the State for all elections.

### **Announcement of election results**

3. The Inquiry acknowledges the frustration of some candidates with the announcement of local government election results during the trial of computer counting in 2014.

### **Voter awareness and education**

4. The TEC does a considerable amount of public education and awareness campaigns with the resources available but it is inevitable that a proportion of voters will not be fully engaged in the election process.

### **Instructions on ballot papers, House of Assembly**

5. Redrafting ballot papers to merge the instructions and place them at the top of the ballot paper would not require an amendment to the *Electoral Act 2004* but could be at the discretion of the TEC to redraft ballot papers.

### **Informal voting, Local Government**

6. A number of votes where the voter intention is clear may be discarded as unintentional informal votes due to not fully conforming with voting instructions.

### **Robocalls**

7. The Australian Government is the legislative authority with responsibility for telephony and any action to stop or limit robocalls would require amendment of the *Commonwealth of Australia Constitution Act 1900*.<sup>55</sup>

### **Social media**

8. Social media is increasingly used in election commentary and campaigns. It is subject to the existing publication rules but is extremely difficult to monitor and enforce compliance.

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<sup>55</sup> *Commonwealth of Australia Constitution Act 1900, Part V, Sect 51 (v)*

### **Lost or damaged ballot papers**

9. Damaged ballot papers in the 2014 Denison Division could have placed election results in doubt for the entire Division and may have created the need for a further election.

### **Limits on campaign spending**

10. There was no compelling evidence that the current system of limits on Legislative Council and Local Government election spending should be changed.

### **Disclosure of campaign donations**

11. Currently, campaign donations are not required to be disclosed in Tasmania.
12. There may be instances where in-kind donations occur and are not reported.
13. There is a lack of clarity as to whether in-kind donations should be included as expenditure.
14. There are currently no bans on candidate campaign donations from specific sources.
15. Mandatory disclosure of candidate campaign donations would provide transparency as to the source of political donations.

### **Campaigning on polling day**

16. There was insufficient evidence to support changing the status quo in respect of campaigning on polling day.

### **Identification of independent candidates**

17. Independent candidates were disadvantaged as they were not able to identify themselves as 'independent' on their ballot papers.
18. At the time of drafting this report, it had been determined that candidates can now identify themselves as 'independent' on their ballot papers.

### **Electronic voting**

19. Electronic voting would have considerable resource implications for the TEC.

### **Compulsory voting**

20. The Inquiry heard a number of different views both in favour of, and against, compulsory voting in all spheres of government but did not receive any compelling evidence that consideration should be given to changing the status quo.

### **Size of the Tasmanian Parliament**

21. While the size of the Tasmanian House of Assembly falls outside the Inquiry Terms of Reference, a significant number of submissions and witnesses took the opportunity to express concern at the impact of the 1998 downsizing of the House of Assembly and called for numbers to be increased.

### **Hare-Clark system**

22. Despite a number of comments from witnesses and in submissions, the Hare-Clark system falls outside the Inquiry Terms of Reference.

### **Public funding for parties and candidates**

23. Tasmania is one of two States in Australia that does not provide state-based election funding of political parties and candidates.

### **General Managers' Rolls**

24. General Managers' Rolls can provide opportunities for non-citizens with a genuine stakeholder interest in their local government electorate to participate in Local Government elections.
25. General Managers' Rolls may provide opportunities for voters with a limited genuine stakeholder interest in their local government electorate to participate in Local Government elections.

### **Election of Mayors and Deputy Mayors**

26. The current option of a single vote in elections for Mayors and Deputy Mayors can result in a high number of exhausted votes.
27. Currently, candidates can only stand for Mayor or Deputy Mayor. This could be perceived to be unfair on some candidates and may result in election outcomes that do not accurately reflect voter intent.

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## **7. RECOMMENDATIONS**

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### **Election materials and campaigns**

1. The TEC should be more proactive with regard to enforcing issues of non-compliance with Section 196 of the *Electoral Act 2004* between issue of writs and close of polls.
2. The Government implement a statewide approach to achieve consistency for electoral signage across all spheres of government.

### **Instructions on ballot papers, House of Assembly**

3. That ballot papers be redrafted by merging the instructions and placing them at the top of the ballot paper to avoid confusion and make it clear that voters have options in casting a formal vote.

### **Informal voting, Local Government**

4. The Government investigate adopting a provision to ensure that a ballot paper that is not fully compliant with voting instructions, but where the voter intention is clear, be counted as a formal vote.

### **Robocalls**

5. The relevant Minister raise the use of robocalls with the Australian Government in an Australia-wide inter-ministerial forum in an effort to ensure consistency between relevant Acts.

### **Social media**

6. The Government further consider the matter of social media to ensure compliance with relevant Acts.

### **TEC staffing**

7. The Government work with the TEC to ensure that the TEC is adequately staffed and resourced to perform its functions.

### **Lost or damaged ballot papers**

8. The *Electoral Act 2004* be amended to make provision for the TEC to be able to issue a writ certifying the progressive election of members required to be elected for a Division.

### **Limits on campaign spending**

9. Current limits on election spending remain in place for the Legislative Council and Local Government.

### **Campaign donations**

10. The Government legislate for the compulsory disclosure of campaign donations from all sources.
11. Greater clarity be provided as to the status of in-kind donations and whether they should be disclosed.

### **Electronic voting**

12. The Government consider increasing resources to the TEC to allow it to investigate electronic voting.

### **Compulsory voting**

13. The current system of voting remain unchanged.

### **Public funding for parties and candidates**

14. The Government investigate the issue of state-based political funding of political parties and candidates.

### **General Manager's Rolls**

15. A review of the criteria, processes and oversight of General Manager's Rolls be conducted.

### **Election of Mayors and Deputy Mayors**

16. Voters should be encouraged to vote preferentially in elections for Mayors and Deputy Mayors.
17. The Government pursue with the TEC, in consultation with Local Government, whether candidates should be given the opportunity to stand for both Mayor and Deputy Mayor.



**Rosemary Armitage MLC  
(Chair)**

**22 April 2016**



**Meetings conducted**

26 September 2014  
16 October 2014  
30 October 2014  
6 November 2014  
20 November 2014  
29 January 2015  
5 February 2015  
25 March 2015  
16 April 2015  
5 May 2015  
1 June 2015  
15 September 2015  
24 September 2015  
27 September 2015  
10 November 2015  
12 November 2015  
3 December 2015  
21 February 2016  
8 March 2016  
22 March 2016  
31 March 2016  
7 April 2016

**Submissions received**

1. Central Coast Council
2. Multicultural Council of Tasmanian Inc.
3. The *Mercury*
4. George Chandler
5. Linda Luther
6. Hobart City Council
7. Break O'Day Council
8. Basil Fitch
9. Local Government Association Tasmania
10. Brighton Council
11. Tasmanian Electoral Commission
12. Nick Ball
13. Virginia Landon-Lane
14. Frank Nott
15. John Packham
16. Stuart Godfrey
17. Dr Andrew Hingston
18. ALP Tasmanian Branch
19. Edmund Pickering

## List of submissions cont'd

20. Alex McKeown
21. Bill Harvey
22. Liberal Party Tasmanian Division
23. Tasmanian Constitution Society
24. Peter Johns
25. Dorset Council
26. Peter Lawler
27. Albert Van Zetten
28. Sophia Avery, K. Aksel Waechter, Assad Taoum
29. Pirate Party Australia
30. Hon Don Wing AM
31. Maxine Eyles
32. Tasmanian Greens
33. Mary Joy Walter
34. Department of Justice

## Hearings and witnesses

16 April 2015, Parliament House, Hobart

- Local Government Association of Tasmania represented by Mr Allan Garcia, Chief Executive Officer and Ms Katrena Stephenson, Policy Director;
- Ms Sophia Avery and Ms Aksel Waechter;
- Hobart City Council represented by Lord Mayor Sue Hickey and Mr Nick Heath, General Manager;
- Department of Justice represented by Mr Simon Overland, Secretary and Mr Stephen Geoffrey, Director Finance;
- Dr Kevin Bonham;
- The *Mercury* represented by Mr Matt Deighton, Editor and Mr Daniel Zeeman, Lawyer.

5 May 2015, Henty House, Launceston

- ALP Tasmania represented by Mr John Dowling, Secretary;
- Tasmanian Electoral Commission represented by Mr Julian Type, Commissioner;
- Hon Don Wing AM;
- Mr Basil Fitch;
- Mr Bill Harvey.

1 June 2015, Parliament House, Hobart

- Tasmanian Greens represented by Mr Nick McKim, MP;
- Mr Frank Nott;
- Tasmanian Electoral Commission represented by Ms Liz Gillam, Chair, Mr Julian Type, Commissioner, Mr Andrew Hawkey, Deputy Electoral Commissioner and Ms Christine Fraser, Member.

24 September 2015, Parliament House, Hobart

- Tasmanian Constitution Society represented by Associate Professor Peter Chapman, President, Mr John Briggs, Vice President and Mr Ralph Kidson, Public Officer.