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**THE LEGISLATIVE COUNCIL GOVERNMENT ADMINISTRATION B
COMMITTEE MET IN COMMITTEE ROOM 2, PARLIAMENT HOUSE, HOBART,
ON THURSDAY, 16 APRIL 2015.**

TASMANIAN ELECTORAL COMMISSION

Mr ALLAN GARCIA, CHIEF EXECUTIVE OFFICER; AND **Ms KATRENA STEPHENSON**, POLICY DIRECTOR, LOCAL GOVERNMENT ASSOCIATION OF TASMANIA, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR (Ms Armitage) - Welcome, Allan and Katrena. All evidence given by you is protected by parliamentary privilege but I need to remind you that any comments you might make outside are not afforded such privilege. The evidence is being recorded and the *Hansard* version will be published on the committee website when it becomes available.

Mr GARCIA - As to the evidence we are to present today, in large part I think it is covered within our submission. We don't have a lot to offer in additional information, save to say that, as you would be aware with the changes to legislation in more recent times and the conduct of the most recent local government elections, we have had some somewhat significant electoral change in local government with all-in all-out elections, four-year terms for mayors and deputy mayors, and the waiving of the requirement for the mayoral apprenticeship factor. That was quite large in itself in the context of local government. You are also aware that the impact of it was quite dramatic, where we had 15 new mayors and of those two had never been in local government before. We've had our dose of electoral reform and we think it's a good thing. It is proving to be good. Local government has been refreshed as a consequence of the changes and 35 per cent of our elected members now were voted in on the last election - coincidental or otherwise. So far we have enjoyed electoral reform.

As to the future for local government, there are still a number of issues that we have foreshadowed we would like to be looking at in the next three years. We are seeing this window where no-one will face the ballot box for four years, so we have time to address issues such as compulsory voting, postal ballot versus ballot box voting, disclosure of campaign donations. Each of these in their own right has probably had a run through local government. Compulsory voting in particular has been one where sometimes it is quite popular and when we get to sit down and say will we do it or not, it waxes and wanes. I believe we will be able to have a more rigorous and robust debate when people aren't going to be facing the ballot box.

As to postal versus ballot, there has been debate over this for a long time. A number of people are of the view that local government elections should be conducted in the same way as state and federal elections. There are issues around cost and the capacity of the Electoral Commission to respond to that in manning booths and the like. There will be a sensible discussion about that as to costs, what it means and how we would go about that.

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There is the political donations exercise. In local government there is a broader issue about the prescribed period in which this whole election campaign is run and what's in and what's out. We saw in the last election some people running their campaigns well in advance, spending a lot of money in advance. There was one aspect of spending a lot of money in advance of that and then having the prescribed period. Then there was the issue of not only spending a lot of money but spending whose money. Was it their own money or was it coming from campaign donations? In the context of non-disclosure circumstances at a later point, if elected, what about the conflict-of-interest issue or the pecuniary interest? I believe there is sufficient doubt around those issues that we would certainly be seeking to progress some rational outcome whereby there was disclosure, and the time frame issue was looked at much more closely in respect of giving everybody the same sort of base.

We have not had a discussion in recent times about the limits on spending: why 50 posters, why this and why that? I think if we are going to have the whole debate around costs and contributions we also need to broaden that discussion to what is a reasonable thing in the context of running an election in the twenty-first century. There are no current references to the online environment or the social media networks. If we are going to look at these things we need to understand fully what running a campaign looks like in the twenty-first century and whether some of these time lines and the reliance on past media have been appropriate.

There are a number of other issues we do raise in the context of broad elections. One is literacy. We get a lot of feedback about the fact there is a low level of literacy in Tasmania and when it comes time to vote there is the broad issue of literacy generally. A component of that is illiteracy around elections - the whole education process. A number of people in the lead-up to the last election, and indeed one of my staff, were horrified about the fact that they were actually getting one vote for one person. What they thought they were doing was voting for the council. They get asked to vote one to 12 in Hobart so they figured they were actually nominating their twelve people in order. I think there is a whole campaign necessary around what does your vote represent, and it is an education exercise.

Equally in that process - I do not think it is related to the federal election or the state election - in the local government elections on the ballot form itself when it said number one to 12 there was a tiny little thing, in about four-point, at the bottom that said you do not have to number everything; you can number only the number of seats that are vacant. Again, an issue about electoral literacy, ensuring that whatever is presented to the voter is appropriate and that there is a good understanding by all. So I think there is an education issue at the front end about what does your vote represent, and then there is another issue about that whole literacy and consistency.

One matter that arose in the context of the recent elections was electronic counting. There was a view held by some people that there was a capacity to electronically vote. We know it was that and then we had an almost silly debate about allowing people to vote online and all that. Again, that needs to be made clearer as to what it was. It was an electronic count. The problem with the electronic count and more broadly was the projections of who was going to be successful. They were outlandishly off on the basis of a certain number of votes counted. Suddenly there were projections about X, Y and Z

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were going to get their seat. I do not know whether that caused any heartache for people, I am sure it did, but it gave a fairly false impression on a fairly low statistical base and I am not sure really whether it added value. I am all for initiatives by the Electoral Commission to try and enhance the experience, but at the end of the day this is an election result. It is not a bookies' thing; we are not projecting who is going to win the Brownlow Medal. We are talking about who is going to win the seat. The general feedback was that it was not particularly helpful and did not really add value and it ended up being quite confusing.

Ms STEPHENSON - We had some other minor ones around things like validity of signatures on postal voting and whether there was any value in sorting of signatures. In Hobart that was raised with the general manager's role as well.

Mr GARCIA - Who is checking the signatures? There is a signature required as you cast your local government vote but I am sure that nobody at the Electoral Commission has my signature.

CHAIR - Who has the ability to check.

Mr GARCIA - Indeed. What is the check against it?

Mr VALENTINE - It is not so much checking but the accuracy of the check.

Mr GARCIA - Indeed.

Mr VALENTINE - Because they might do 10 per cent but you do not know.

Mr GARCIA - If they did 10 per cent, if I am a new voter are they checking my signature against the signature I initially put there? Is that the issue? If it is not, why bother? That has been raised. It comes back to this understanding issue. If people understand why they are required to put a signature there, they are not going to be so fussed about putting it there. It is just an education thing.

Ms STEPHENSON - Coming out of the last election, the association was approached to consider the general manager's roll in terms of a broader suite of conversations because it seemed like there was the potential for misuse of the general manager's roll that came to light through Hobart particularly, and their support for a review to constrict the eligibility and tighten that up and make sure it is bulletproof.

Mr GARCIA - It was a circumstance where, let us say, maybe some candidates rallied a particular grouping people to join the electoral roll or the general manager's roll to be able to cast a vote, and it would be good if you voted for me. While it is campaigning, I am sure it is necessarily in the spirit. There is a broader issue around the general manager's roll anyway.

Ms STEPHENSON - The number of votes for a corporation, and why should there should be more votes given to an individual compared to a single ratepayer. There are all those things.

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Mr GARCIA - There is a whole bunch of fundamental issues around equity. If it is for the state government level, state government raises a lot of its taxes by land-based taxes, so how come yours is not limited to a land-based regime? Why don't corporations get an opportunity to vote for state Government? Why should they get an opportunity to vote for local government under that franchise just because it is for rates. It is not limited to rates, because if I rent, I can vote. If I am a resident or student, I can vote.

The notion of the general manager's roll having access for corporates and the like, we are not saying they should or should not be on there but the review needs to incorporate something that says, what does the franchise look like, what is a community, does a community represent people or does a community represent interests of building owners? If I rent, I am sure that I am not voting for my council on the basis of the bricks and mortar I have but it is the services that are provided that I have access to. Arguably the same for a corporation, but if a corporation gets to vote at local government, why doesn't it get to vote at state and federal?

CHAIR - Consistency again.

Mr GARCIA - Yes. I do not think the franchise of land is necessarily the right answer, because I can be a renter, I don't own land or I don't own property, but I still have access to a vote.

Ms STEPHENSON - Also, because of the way corporations are structured you can end up with a party having a multiple voting ability. You should not be able to cast more than one vote.

Mr GARCIA - If it happened that someone owned a series of retail outlets, they have to have nominees, they can't have the same individual, but your corporate secretary or whoever can do that.

CHAIR - You can have up to nine or more.

Mr GARCIA - Indeed and that is a right under the current regime. There is nothing wrong with that but is the franchise right. That is a very secondary issue in the scheme of things but it is an issue around the purpose of the general manager's roll and why should it exist. It probably should exist because of people who rent, potentially. Arguably, those people who rent could be on the assembly roll.

CHAIR - They are not it anyway, a lot of them who rent.

Mr GARCIA - That is right.

Mr FINCH - You mentioned in your letter, Katrina, about a review of the eligibility for inclusion, and you have mentioned it too, Allan. Is that set in place for a review or are you suggesting a review?

Ms STEPHENSON - We are suggesting it, but we probably would work with our members to form a view, and then take that to government for consideration.

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Mr GARCIA - We are up for a review and we would like to do some initial work; then we would like to present it from the perspective of what our members might otherwise want. They might say, 'As it is, we love it'. We don't think that is the case. There have been a number of issues around the recent elections, which have been problematic. As Rosemary has indicated, not every renter is on that roll. Again, it is an opt-in process, and we know local governments are currently an optimal regime anyway. When you contemplate that and you go to compulsory voting, who is compulsorily going to vote?

If I am a renter, am I on the roll or not? Where do I exist? If you go to compulsory voting, what is the role of the general manager? Who is in, who is out, and how would I find out if someone didn't vote anyway if they didn't put themselves on the roll?

Mr FINCH - Has there been an abuse of this general manager's roll that you can give us an example of?

Mr GARCIA - Anecdotally, I would suggest to you, yes. In the most recent election let us say there may have been some candidates who may have gone to an enclave in a particular area where they might go to a university and signed up a whole bunch of people who are from a particular area on the basis that they vote for them. So while they would normally not have an interest in being on the general manager's roll - because they are students, they don't really care - it was promoted that they should or could be on there. If they were, 'it would be really good if you would cast a vote for me'.

Mr FINCH - As that unfolded, it is in the general manager's discretion as to whether they are included on the roll. Was he or she aware that that was happening?

Ms STEPHENSON - My understanding is that some of the votes were not included because there was a commonality of signature, so we suspect that there was some fraudulent activity.

Mr FINCH - So that comes back really to the general manager and his staff to scrutinise that properly.

Ms STEPHENSON - And the ability to manage that, that's right.

Mr GARCIA - But if Joe Bloggs comes in and says, 'I would like to be included on the general manager's roll and this is my circumstance', and it checks out, the general manager has no discretion there but to say 'yes'. If Jack Bloggs comes along and he has the same signature, then the general manager would say, 'Well, that's a bit odd. I'm not going to include that'. So that is the discretion that they would have if there is an inconsistency of the application. But if 50 people roll up with a legitimate exercise en masse on a day because they have been promoted by a candidate to get there, the general manager has no discretion other than to say, 'I will have to include those because they meet the eligibility criteria'.

Mr FINCH - That is interesting.

Mr GARCIA - Now, you might argue, 'Well, isn't that just improving the electoral bowl because now more people are participating?'. The issue is, how did they get there and

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why are they getting there? It goes to the accusation of the ALP party-stacking type stuff, like rallying the troops to get a vote.

Ms STEPHENSON - Is it truly informed participation?

Mr GARCIA - Is it informed participation or why are they there?

Mr FINCH - We know a circumstance where just three votes separated the winner and the person who came second.

Mr GARCIA - Has that ever happened?

Laughter.

Mr VALENTINE - I suppose with 40 countries, having this sort of ability for people who aren't citizens to vote, it comes down to the issue of how long those people have been there. There could be somebody who is a student who has come over for a six-week course or something. Has that person, simply because they are renting for six weeks, as much right as a person who may be here for one, two, three or four years? That is what you're pointing at.

Mr GARCIA - Absolutely.

Mr VALENTINE - I don't think you're saying that people without citizenship shouldn't vote.

Mr GARCIA - Not at all.

Mr VALENTINE - I wanted to clarify that.

Mr GARCIA - Not at all. 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.

Mr VALENTINE - Some robust treatment.

Mr GARCIA - I think at the present time there is a capacity - I won't say to rort it - but to influence what the roll might look like.

Mr VALENTINE - You don't mention a lot in your submission about the Tasmanian Electoral Commission itself in its performance. This is about the Tasmanian Electoral Commission more particularly so do you have any comments to make about whether there are any issues about how it performs, the resourcing, or any of those sorts of matters associated with the TEC?

Mr GARCIA - The issue with the TEC is that it is effectively a cost-recovery plus. If it costs x to run an election, it charges it out. There should be no limitation on the resources of it at all, necessarily. We say to our members in many cases, 'If you want to move to ballot box voting, there probably shouldn't be a problem with that. At the end of the day it will cost more'. It will mean there will be a requirement for the TEC to gear up to respond to those, however that happens. It may be in permanent or casual staff,

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whatever the case may be. The feedback we get about the Electoral Commission is that some of the things seem to take so long. This time round it took a hell of a long time to get finality. Whether that is a resourcing issue or because it was a complicated count because there were so many people - who knows? This is the first time we've had feedback about - there was no suggestion the TEC was slack, but it just seemed to take a long time this time. We would like to see those candidates to be up and about as quickly as possible but it seemed to take a long time this time. In fairness, this was the first time they had run a full-on four-year local government election so one would assume that the next time they would have a better understanding. If resourcing was an issue, and I expect it possibly was, the next time they come around they will have a better understanding.

Mr VALENTINE - Was it the teething issue with the electronic counting perhaps?

Mr GARCIA - There was an element of that as well, but remember that wasn't for all councils. That was only trialled across a few councils; I don't think it was across all. There were issues on Flinders Island - the mail was missed and there was a two or three-day delay on that - that was 700 votes approximately.

Ms STEPHENSON - The other resourcing issue that comes up in relation to the Electoral Commission is the educative role - the voting literacy and how to vote, what casting your vote means. I'm not saying that sits wholly with the Electoral Commission because I think the sector has to own some of that as well - and we have started trying to embrace that now with the all-in-all-out - but they could play a stronger role. I believe it probably does come down to resourcing for them in that aspect. With the four-year span now for local government elections, in my mind that gives time to work collaboratively to develop tools, materials and a program of information.

Mr GARCIA - It's a question of whether it needs to be more front and centre. I believe their television campaigns are good. I expect they use an outside advertiser for that. I am not sure who within the organisation is their marketing person. With these issues of elector literacy and general education, there probably is a resourcing requirement there. It is possibly like many entities, where a certain type of person is attracted to the organisation. I am not sure necessarily that the skill set you might require, certainly from a local government perspective - we are talking only about local government elections here - they only happen once every four years. I would think in that context perhaps you don't need someone on staff all the time but you could bring somebody in to address the issues around that as needs be. As to the state and federal elections, I don't know what happens there, but from our perspective the whole issue about the TV advertising is great. It prompts people to vote, and generally the messaging is quite good. What we're finding is that there probably needs to be more work. Whether that is wholly and solely by the commission or whether it is in partnership with the association and/or councils, I am not sure but certainly it is an area where some of that resourcing of the Electoral Commission probably needs to be upped to be able to at least lead the conversation. If we started down the path of some of these electoral reforms, such as compulsory voting and the like, there would need to be a whole lot more work put into that as well.

As to broad efficiency, our experience at another level where we used the Electoral Commission for our general management committee, where we used them for other bits and pieces, they are fine, they are fantastic. Always good service, always very thorough

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in looking at things like rules, ensuring that you can do what you want to do in the time frame you want to do it. They are very particular and meticulous about what can and cannot be done - which is great - but on the day, it is difficult to make a judgement about whether they are efficient or more inefficient than anybody else who does the same job in another place - a very hard call.

Mr FINCH - When we started this subject, Allan, you mentioned cost recovery plus. Can we flesh that out a little bit, what do you mean by that, please?

Mr GARCIA - I am assuming, for the Electoral Commission to conduct an election for local government, whether it is a countback or whether it is the whole process, local government pays for that. I am assuming that the Electoral Commission knows what it is going to cost them; they bill local government or councils to the extent of what it cost them. I expect there is also, if they are anything like our organisation, an administrative fee on top - a handling charge almost. The conduct of the election is one thing but then you have to process the invoices, you have to do those types of things so there are handling charges - the infrastructure involved. There might be a cost associated with maintaining the software and doing that type of thing.

CHAIR - There might be five recounts.

Mr GARCIA - I do not know how they do that, Chair, and I am not sure whether they affect the charge in advance or after the event. As you say, if the candidate demands a recount is that a cost to the council? I am assuming there is a cost distribution to councils on the number of - I do not know how they do it - votes cast or there is a flat fee for certain things but I would expect there is a cost recovery plus to take account of a number of things. I do not know what the formula is.

Mr FINCH - Does it come through to LGAT?

Mr GARCIA - No.

Mr FINCH - To individual councils?

Mr GARCIA - Individual councils.

Mr FINCH - So when we have the big campaigns and the elections all over the state, every council would be invoiced individually?

Mr GARCIA - That is my understanding. The only time we get a bill is when we have elections for our general management committee, for our president and/or our representatives. Under our rules we stipulate that the Electoral Commission does those on our behalf and they send us a bill for the conduct. I have never asked the question, is that cost recovery plus or whatever? They obviously have a fee based on what they see as being the time or the effort required in that process. That would include things like mailing, putting papers in the envelope, sending them out, getting them back, counting them and doing what they have to do. They have a process they go through and we pay the piper.

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Mr FINCH - So in a local government situation there would be no argument from the Electoral Commission that 'we are under-resourced to cover that circumstance', whatever the requirement might be?

Mr GARCIA - I would think if you have a capacity to gear up, and this becomes the issue, they might have a finite resource in terms of capability so this becomes a problem. If they have a resource that is as large as it needs to be, but then suddenly they find they need incrementally a bit more, their issue about under-resourcing could be that they have not enough trained personnel in a hurry to get what they might need. That could be an issue. I anticipate, in the context of what it is they have to do that they always have to do, that they always have an extra resource they can call in as required, I am assuming. You could not run an operation like that with a thousand people on standby or a thousand people employed. You would probably have to have, let us assume, 20 people inside but the capacity to gear up on election day to however many they need. The only thing I can foresee is, if they are under-resourced, the core is not set correctly. I am assuming, apart from the fact they get paid by a number entities to run elections, that there is a core component that is provided through consolidated revenue as their funding. Whether or not that is adequate or not, I am not sure.

I know that when we moved to four-year, all in, all out, they had some software issues to deal with internally. We 'negotiated' with the state that we were not going to pay - it was up to the state to pay for the infrastructure costs associated with that. There is a core component coming out of the Consolidated Fund for the Electoral Commission which is like their beer and rations, and then for the actual work that gets done there is a contribution by the parties, as I understand.

Ms STEPHENSON - They need that core because of the cyclical nature of elections. You would not have an adequate cash flow in a four-year cycle. You have to have the basis there but, as Allan said, have the ability to gear up as required. Other electoral commissions in other states would be in the same boat. You would imagine there would be some give and take and sharing across jurisdictions, possibly, depending on election cycles. You should be able to call in expertise as required.

Ms RATTRAY - You talked about having a look at the campaign cost. Do you have a view on how that might work, given that to be the mayor of the Hobart City Council, you get a lot more money than you do to be the mayor of the Flinders Council? I cannot see that you could set it at a cap and be fair to everyone. There might be someone that is very well resourced, in a financial situation that could buy a position almost. How do you see that being managed?

Mr GARCIA - There are two elements. One is, there is a cap already. Everyone can only spend a certain amount of money in the statutory period.

Ms RATTRAY - Yes, I understand that.

Mr GARCIA - We have not talked about whether or not there should be a cap overall. Our concern is more, where do you source the funds from? If you happened to be running for Hobart and if it were that in the next, say, five-year period the economy was gearing up and it was deemed with changes to the planning system, that there was going to be massive opportunity for growth and development, and I and you and everyone else

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decided, as developers, we would like Joe Blow in the box because we reckon he would be the right fellow, why don't we donate to his or her campaign, and we think that would be a good thing if that person was heading up the council. That is fine as long as when the mayor, once elected, demonstrates the fact that you, I and everybody else made those campaign donations. Ultimately, that person is going to sit at the table and, under the Local Government Act, is required to indicate where they cast their vote, aye or nay. When my development comes up, should it be that this mayor now says, 'Allan Garcia donated \$10 000 to my election campaign, on that basis I should probably step back from this decision because I have a pecuniary interest. I am only here, potentially because he helped me get here and the same with your campaign.'

The issue about campaign donations is: should you take them at all if it is going to compromise your decision-making at a later point in time? If you have to divorce yourself from decisions affecting 'our' developments because we made the donation, pretty much the developer would have been better off to say, 'I won't make a donation but I will do something else', but not to make a direct contribution. Our issue is about disclosure. If the pecuniary interest is such that there has been a campaign donation made that should preclude you from making a decision, you should indicate that that has been made. Presently there is no requirement for that person to disclose where the campaign funds came from.

It is the same in your elections, the same in state government elections. Far be it for me to know about money turning up in paper bags for candidates of particular elections, not at local government level of course, but that happens. I know that there is a lot of money that washes through the system. The question is, should it? We think in local government perhaps it shouldn't. If other levels of government feel as though they want to keep theirs like it is, good for them. We would like to have a debate about whether or not in local government there should be disclosure of campaign contributions, and whether or not there is a limit for Hobart compared to Flinders. It could be a sliding scale. It could be appropriate that that is the case.

Ms RATTRAY - Like the three steps - small, medium, large.

Mr FINCH - Why do people want to donate? Because you are a good bloke or a good girl? They want to have some sort of influence generally.

Mr GARCIA - More particularly, if they are not your mate and they have played footy with you for the last few years and they have come across a bit of dough and they would like to give you a bit of a leg up and help out, maybe they don't want anything; maybe they are just mates. But when it's a corporation or somebody who is going to want to do something in your place, it needs to be a bit more discreet.

Mr FINCH - I had mates who wanted to help me in my last campaign and I rejected it, because when I didn't want to be beholden to them.

Ms RATTRAY - My next issue is around candidate compliance during the election. I am interested to know if there was any evidence following the last local government elections about candidates making complaints or putting in a request to the Electoral Commission about somebody perceivably doing something outside the terms of being a

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candidate and it never got followed up. Of course the election is run and won and somebody is potentially feeling aggrieved.

Mr GARCIA - I'm not sure about this last election, but certainly in the past there have been ones. For instance, I recall there was a campaign being run by somebody where, in their statement that went out to all electors, they actually named people. One was another candidate and one was a general manager of a council. They named those in their candidate disclosure statement in the actual election. Now, that is, under the Electoral Act, not allowed, yet the Electoral Commission first of all they let it go through. Secondly, they indicated that it wasn't a big issue. It either is or it isn't. This is where they need to be very severe - that's either in or out.

Ms STEPHENSON - Certainly the other one that I heard a lot of anecdotally this election was, particularly because we had so many new candidates, they would make statements about the existing council that were factually inaccurate. There was no ability to correct that prior to the election, either the council or individual councillors. Of course post facto there is no point, because then there is a cost to community. With that policing and that responsiveness, given it is not a very long time frame for local government elections, it has been very limited. The Electoral Commission perhaps have been seen as being not aggressive enough, not acting on queries.

Mr GARCIA - Our preference would be that they become very heavy handed in this place. If there are rules around what you can and can't do, if you overstep the mark, then I don't know that you could be disqualified, but at least you should be outed. If it's all very well for you to go out and have a go at an opponent, then if you are in the wrong there arguably should be a disclosure so that everybody who was aware of the fact that you were putting down somebody is equally aware of the fact that you shouldn't have been doing that. The danger in that is you get a double dose. You get the publicity for doing it in the first place because you did it, then you get the publicity for getting a smack about it, which gives you arguably another advantage because you're in the paper again. It raises the profile. Bearing in mind that's why a lot of people do this, to raise their profile.

Ms RATTRAY - One of the councils I am fortunate to represent made a submission in relation to casual vacancies and suggested it should be changed. The current situation is that only the person who is retiring or removing themselves, their votes are counted. They say it should be open. Is that something that has had some conversation around the local government traps at all?

Mr GARCIA - Not really. The one that comes up frequently is more the timing. If someone dies or retires, when that should occur. Moreover, given we've moved to a four-year circumstance where it's all-in all-out now. The one as to the restriction or limitation of votes, I haven't heard that.

Ms STEPHENSON - This is the first time that had been raised. It has always been more the timing issue because of the cost of a by-election.

Ms RATTRAY - So a committee such as this might write back to that particular council and suggest they put it on the agenda at the next LGAT conference?

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Ms STEPHENSON - They could bring it up for broader debate.

Mr GARCIA - You might suggest that when they do that they give all their reasoning and background behind it so other readers can understand what it is they're trying to achieve.

Mr VALENTINE - Have you received any feedback on the scrutineering side of things? Have you had any members say, 'The TEC needs to straighten up its act with scrutineers'?

Ms STEPHENSON - No.

Mr GARCIA - I suppose the reason we haven't is because it is quite remote from us. It's probably more the candidates and their representatives who are there on the day. We haven't had any feedback. Not to say there aren't issues, but they haven't come to us.

Mr VALENTINE - On the GMs roll, you were mentioning earlier about multiple voting and those sorts of things. I presume you don't have a LGAT position as to how that should pan out, whether it should be one vote one person? I picked up in your previous comments the issue of multiple voting. If a corporation has a vote and the head of the corporation might be the same person who is the owner of the property and they get a vote, and because they may give instructions as to how to vote, is this is the issue you're talking about?

Mr GARCIA - It's more about the franchise. There isn't an LGAT position. We will take that to the membership because it has been raised as an issue - the broad issue of the general manager's roll. Within the general manager's roll there is a range of issues about who should be on, who shouldn't be on, what the franchise should look like. As to the concern about whether the head of a corporation directs or has a vote, three votes, five votes, the fundamental question is should they even be there. That's not a position; it's more an issue in the context of why we have a general manager's roll. It is probably more an issue that needs to be looked at.

As an owner of a building at LGAT, I am the prescribed officer and I get another vote. I don't take it to my board to ask who we should vote for. That would probably be a bit problematic. I find it difficult and sometimes I've cast the vote and sometimes I haven't. It is more about what the franchise should look like and if it is continuing to be reasonable. I am assuming this is why it is, local government being a land-based taxed arrangement. Is that the reason we vote how we do and therefore corporations have always had a vote, or commercial building owners have always had a vote. If that is the case, why don't they get a vote under the state because they pay land tax there? If I am a renter, I don't own any land, so can I still get a vote because I get use of the services? The fundamental questions in terms of the general manager's role are why is it there, what should the franchise look like and, in the twenty-first century, is it still appropriate that that is the franchise?

Mr VALENTINE - Because the renter gets a vote as a business as opposed to a property owner. Is that right?

Mr GARCIA - The renter of a residential property can have a vote. I don't think the renter of a business can get a vote.

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Mr VALENTINE - It is an interesting question, though, to ask the TEC.

Mr GARCIA - That is the thing, isn't it?

Mr VALENTINE - Interpretation of the act.

Mr GARCIA - It is more one that we, as a sector, need to have discussions with the state Government about as to the franchise of the local government election process.

CHAIR - Because normal residents get a vote if they are on the electoral roll. The renter of a business doesn't go on the electoral roll.

Mr VALENTINE - No, but if you are not on the electoral roll you can still be occupying and renting a premises.

CHAIR - That would be through the general manager's roll.

Mr VALENTINE - That is right.

Mr GARCIA - What is the purpose of the general manager's roll?

Ms STEPHENSON - But at state and federal level, if you are not on the electoral roll you don't get a vote.

Mr VALENTINE - That's right, and you might own a property in Victoria and be Tasmanian based but you don't get a vote in their state elections. It is interesting.

Mr GARCIA - I look forward to Katrena pursuing it when I've gone.

Laughter.

Mr FINCH - Over recent years, particularly during our elections for the Legislative Council, I have been really impressed with the communication by the Electoral Commission to the community through the media and the way they expose the fact there is an election on, this is your obligation, the distribution through mailings and all those things. It has taken a quantum leap in recent years, maybe the last decade - it might be even shorter. I am wondering whether you would make a similar observation about LGAT and how they do that media exposure and the way they get the message to the community. You were talking earlier about educating people about the process. Do you think that reflects a diligent piece of work by the Electoral Commission to make sure people know the election is on?

Mr GARCIA - Absolutely, no question of that at all. The problem we have is the cut-off factor. For those who understand the process it is a great message, but those who don't have a clue, don't have a clue. They will understand there is an election on. They will understand the process of the election, they will get the thing in their mail and they will say, 'What am I supposed to do with this?'. That goes to a literacy issue, either an intellectual literacy or fundamental literacy issue. A lot of people don't care, and that is fine; in local government they don't have to vote. In fairness to the Electoral

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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.

Ms STEPHENSON - There is much more accessible information, particularly with their new online presence and having the mobile app. It is not dry anymore, it is very user-friendly and uses much more laymen's terms with the video aspects and things. It has definitely changed out of sight over the last decade.

Ms RATTRAY - You can only nominate online, through, which is a bit of a problem for some people.

CHAIR - Unless you have a disability.

Mr GARCIA - I don't know that is the case for local government.

Ms RATTRAY - Yes, it is. I had a complaint. You can't manually lodge your application anymore, you have to do it online.

Mr GARCIA - I wasn't aware of that.

So the answer is, yes, it is good. I don't know whether it is because there are so many elections that people lose touch with the whole process, but what we are finding in the feedback is that when you are voting for a Legislative Councillor, you are voting for one person. That is pretty clear. When you are voting at the state level, I think most people are aware they are voting for one person and their vote will be distributed through the process.

In more recent times, however, in the council space people have this feeling that they are voting for the whole council, because unlike when I am voting in Denison I get to vote for my person in Denison - I get my vote in my area - when I am voting for the whole council they are all in my area so aren't I voting for all of them? Aren't I saying I want that person, that person and that person? I think there is a bit of disconnect, and maybe that is our problem, not the Electoral Commission's problem. I think there is an issue where a percentage of the population believe they are voting for their council rather than voting for a single councillor.

Ms STEPHENSON - You see that follow-through in relation to people doing the mayor and deputy vote thinking that gives weight to the council. We have had a couple of instances over the last two elections -

Mr GARCIA - Bill Harvey was a classic.

Ms STEPHENSON - Yes, Bill Harvey is a good example, where he had a significant vote on the deputy mayoral side but did not get enough votes as a councillor altogether. I know it happened at the previous election on King Island.

Mr VALENTINE - And Oatlands central.

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Ms STEPHENSON - That is right. That is part of the confused perception about what your vote means.

Mr GARCIA - That is because we are different as a sector. We are a little bit different because you do not get to vote for your premier, your deputy premier and your members; we do all that at the one time. The state and federal elections come organically but we have that personal vote and I think that is where there is confusion about who people are voting for. Effectively on election day I get told I get to vote for one person but I actually get to vote for three people. I get to vote for the mayor, the deputy mayor and a councillor, so I actually get three votes on the day even though I am told I have only one vote.

Mr VALENTINE - They have to become a councillor before they can become the other two.

Mr GARCIA - That is right. So people get confused and say, 'If I'm voting for the mayor and the deputy mayor, aren't I voting for everyone else as well?'. There is a bit of work that needs to be done there, perhaps by us in concert with the Electoral Commission.

Ms STEPHENSON - I think the other one that anecdotally came up as a consequence of such a significant turnover in the last election was the fact that you are running for more than one position. As a mayor you are also running for councillor; it is not an either-or. But what does that mean when there is significant change? Is it destabilising and should you be able to only run for one position? We have not had that dialogue but I think that will come forward at some point.

Mr GARCIA - We have not had the circumstance yet where, say, it's 'Valentine for mayor' and he doesn't get voted in as a councillor, thankfully. We have had that happen with the deputies.

Mr VALENTINE - Yes, in the southern midlands. He got in as deputy but didn't have the votes as councillor.

Ms RATTRAY - One more issue while we are touching on this. It has been suggested that we never get the second-best person for the deputy mayor in many cases because they aspire to be the mayor and lose out so therefore we do not necessarily get the person who potentially could have been the deputy mayor. It has been suggested in one of the submission that it should be the mayor and the second person becomes the deputy mayor, the runner-up, if you like. What discussion has that had at local government circles?

Mr GARCIA - Brief. The concern has always been -

Ms RATTRAY - That you tick it.

Mr GARCIA - Not tick it, but let's assume there are two guys running for mayor and they're at loggerheads. Do they make a good team if ultimately one wins and one doesn't? One, there are sour grapes on the part of one because they didn't get there and two, these guys are throwing so much crap at each other and suddenly they have to work together as the team heading the council. The discussion has always been it is possibly best to separate. If you think you want to run for mayor, give it a run. If you think you have enough, then go for it. A more fundamental question is why does there have to be a deputy mayor?

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Why can't there be a rotational appointment process or a seniority process? The more fundamental question is why do you have to have a deputy mayor?

Ms STEPHENSON - Given the role of the deputy mayor under the act is only -

Mr GARCIA - To act when the mayor is not present.

Ms RATTRAY - But there have been times when deputy mayors have acted as mayors for significant time periods. I can instance one of six months because of the illness of the mayor at the time.

Mr VALENTINE - Or death.

Mr GARCIA - That is fine, but in the case where you need a person to act for the mayor, maybe the person who topped the poll as a councillor gets to be acting deputy mayor - or something. I don't think it's a question of how should you run the election for deputy mayor or mayor. The question is: do you need a deputy mayor? I'm not really sure that you do need one.

Ms RATTRAY - Thank you.

CHAIR - Just to go a little bit further. Albert raised the issue in his submission, which was filed, because of the situation that he and I actually had. You say that you don't think it's a good idea that the runner-up for mayor should be the deputy, but do you not think that everyone at council are all individuals who are standing, so there is no cohesion and there is no caucusing basically. In our case, you don't always have a bad relationship; you don't always throw mud. To go from being a previous deputy mayor back to being an alderman when you lose by something like three votes - would you not think that there are cases like that?

Mr GARCIA - There are always exceptions; that is my issue. You have the Smiths and Browns turf war, and then you have the lovey-dovey situation where people could work forever after. I don't think there is an absolute answer to the question.

CHAIR - But you see there is a problem at the moment in the fact that you might have three people standing for mayor, all equally able to be deputy, and you might have people standing for deputy mayor who don't quite have the qualifications of the other three, yet they come over them. You don't see deputy mayor as being in waiting, basically learning the ropes?

Mr GARCIA - No. Everyone who stepped up to mayor has indicated they had no idea what the job was until they got in there. Anecdotally, the issue has been, 'I sat around the table and I understood exactly what I was supposed to do as a councillor. I went to the meetings; I saw that happened. I had no idea of what I was required to do once I became the mayor'. That is coming from the councillor perspective, not necessarily the deputy perspective.

CHAIR - So it depends on individual councils whether the deputies work closely with the mayor.

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Mr GARCIA - It happens. I know in Launceston you did work very closely and did a lot more than perhaps the normal deputy mayor does in many councils. I'm not sure that in many circumstances the deputy mayor is used as an apprentice. That is my point. I ask the question: if the deputy mayor role is not being used as an apprentice role - and many will ensure that it doesn't, by the way - then what is the point of it? I understand the acting role; you have to have a mayor. But why do you have to have a designated one?

I sit on a board, and in the past we used to have a deputy chairman. Then we asked the question: why do we need a deputy chairman? We only need a deputy chairman when there is not a chairman. If there is not a chairman, why can't we just vote from around the table? That is what we did.

CHAIR - It would save a considerable amount of money.

Mr GARCIA - It would save money, and it gives a status to somebody - In general, if the mayor never relinquishes the role - and they could be there for four years and never step down as the mayor or provide an acting role - what have you done as the deputy mayor, other than have the title? In many cases, that is the circumstance.

Mr FINCH - In attachment 3 in the submission that came through to us there are some other LGAT motions here. What is happening with these motions?

Ms STEPHENSON - Some of them are being progressed to the Australian Local Government Association. Regarding the ones around taxation, we don't really have the influence at a federal level. They are raised across jurisdictions, not just by Tasmanian councils. They are things such as candidate election expenses and what they can deduct in their tax. In terms of the electoral signage, we anticipate that may get sorted through the single planning scheme. The mayoral vacancy is being addressed by the local government division; so that has probably grouped most of them.

Mr FINCH - So they are ongoing and being forwarded on and discussed.

Ms STEPHENSON - They're sort of in train.

Mr GARCIA - The tax stuff at the federal level is impossible. The Feds basically say, 'Go away', and they've said it not once, not twice, but 20 times.

Mr FINCH - What I wanted to home in on here is the situation of the signage - when it goes up, when it comes down, and the size of it. I know some councils police that. Some must be beastly careless because the signs go up and stay there.

Ms STEPHENSON - There is so much variability in when you can and how you can.

Mr FINCH - I have a suggestion I want to put to you to get your response. Do you feel there should be stronger policing of it with assistance from the Electoral Commission, so they have a person who works with the council to make sure that the rules and regulations of an election are policed properly? Some councils are under-resourced and can't do that sort of thing, but should the Electoral Commission take a stronger role in making sure the signage is the right size, is put in the correct place, and put up and taken down at the appropriate time?

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Mr GARCIA - The notion of the policeman on a motorbike travelling the roads of Tasmania is a bit foolhardy, but to the extent a complaint could be made and there's a problem with it, I think there should be a prosecution. Councils are the best placed to do it. It is a planning issue; it is another sign. What it says basically is that you can have a sign that conforms with the planning scheme in a period from here to here. If it's outside the period, there should be a complaint to the Electoral Commission and they should come down like a ton of bricks.

Ms STEPHENSON - Possibly the new enforcement provisions under LUPA will give councils greater power to issue infringement notices in relation to electoral signage. I haven't thought it through but I suspect if you're in breach of the planning scheme through inappropriate signage under the new enforcement provisions - and the infringement notices will be able to be issued after April - they should be able to issue an infringement notice.

Mr GARCIA - Under a single planning scheme all signs will be going up on a day and all signs should come down on a day and if there are any variants, there should be a prosecution. If it's a prosecution, whatever the issue is, it should happen. Councils generally don't send people around looking at those things. What will happen is that if an opponent sees it and makes a complaint, then the complaint should be enforced.

Mr FINCH - So the complaint should go to the council rather than the Electoral Commission?

Ms STEPHENSON - Yes, to the planning compliance officer.

Mr GARCIA - It is the council because it is a planning issue. There's no reason why the complaint couldn't go to the Electoral Commission because the question is: which law is it? At one level, it has to comply with the planning scheme but at another level it has to comply with a date period in the context of the Electoral Commission. I'm not sure which one; I'll leave that to you to resolve.

Mr VALENTINE - On the hiring of commercial billboards on top of hotels and those sorts of things, do you have a view on that? There is one in North Hobart. They are commercial operations. Are you assuming they are governed by the same signage rules?

Mr GARCIA - I think there is a requirement under the present provisions of electoral signing that you can have so many posters of a certain size and those would not comply.

Mr VALENTINE - No, they don't comply.

Mr FINCH - Who polices that? That's the issue that's bubbling away for me.

Mr GARCIA - That should be the Electoral Commission.

Ms STEPHENSON - It's a compliance sign generally in its physical nature; it's just not compliant with the Electoral Act.

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Mr GARCIA - On that billboard, council would probably want to have an understanding of what's on the sign. If it was an explicit sex image they would not allow it, I assume. I don't know in the context of an electoral sign whether they have the jurisdiction to say 'no' because it doesn't comply or whether that's on the basis of a complaint to the Electoral Commission that it is outside the realms of what is allowed under the Electoral Act. I am not sure which one is the appropriate keeper of the faith but I expect it is the Electoral Commission in the fact that it falls outside, and if it was too big under the planning scheme or it went up on a wrong day, the council would do it but they would not necessarily police the size of it. Councils don't come along at the present time and say there are 20 signs there all in a row on a poster that say 'Kerry Finch' and then prosecute you. Someone would make a complaint to the Electoral Commission and they would ask you to take the signs down. I think that is how it works, but if they are there after a period, then I think the council can step in and do something.

Mr VALENTINE - In regard to the use of other candidates' names in an election, you did touch on that. Does LGAT have a position on that?

Mr GARCIA - The Electoral Act says you cannot use the name of another person without their permission and we abide by that. There has never been any dispute about the fact that should not be the situation.

Mr VALENTINE - There are those who wish to overturn that.

Mr GARCIA - There are those who like to name and blame and shame people, and that is very much a personal thing. Normally speaking, the only time you would probably want to name another person is if you were on [inaudible]. Even if you dislike someone or want to discredit somebody, that is probably not the place to do it. You do that in your public places. It is not quite the same as the state and the federal nasty stuff. No-one has raised the issue that you should be able to go and use people's names, and I don't think it is appropriate. That is inappropriate.

Mr FINCH - In my case, my name and image was used but in my complaint to the Electoral Commission his interpretation was that 'publish' did not cover television.

Mr GARCIA - There is the issue and that is what I am saying about this twenty-first century issue: all media needs to be reviewed in the context of what it is we are talking about now, not a newspaper. If someone puts something online, on a Facebook page, is a Facebook page published? Accordingly, it is published. If you are talking about the internet environment versus television, I struggle to understand how he could not say that something on television has not been published because I can retrieve it as a moving record. I suggest that if you went to the archives or went to the parliamentary library and asked them, 'Does this record represent something that has been published?', they would say, 'Yes, it does' - I would think.

CHAIR - Definition of 'published'.

Ms STEPHENSON - If that is a vague it is a legacy issue of the legislation interpretation not being up to date.

Mr GARCIA - I would set up a Legislative Council committee to resolve that issue.

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Mr VALENTINE - That brings me to the other issue of electronic advertising and the like, such as *Tasmanian Times* articles and all those sorts of things. Do you feel the act is not sufficient in those areas in controlling it?

Mr GARCIA - It is not just newspapers and brochures, it is about everything. *Tasmanian Times* is effectively an electronic medium.

Mr VALENTINE - Twitter and all those things?

Mr GARCIA - All those. That is what I am saying. You need to have a response from the Electoral Commission that takes account of how people communicate in the twenty-first century. If they do it electronically, if they do it by television, if they do it by Skype, whatever the medium is, it does not matter. If you get degraded or there is some degeneration of your reputation anywhere, I do not think it is appropriate that the Electoral Commission says it is not in a newspaper.

Ms STEPHENSON - In the context of social media, the case law around social media is that it is published. If you defame someone on Facebook, it is not considered a private message, it is considered a public one. Why would you treat social media differently in the context of elections?

Ms RATTRAY - More people read their Facebook page than they probably do any of the three dailies in our state, I would suggest. I don't have any facts but I am pretty sure.

CHAIR - Thank you very much. It has been wonderful and it shows there was a definite need for the committee to be meeting. Some of these questions can then go to the TEC when we meet with them.

Mr GARCIA - We wish you well in your deliberations. Thank you very much for the opportunity.

CHAIR - Thank you very much for giving up your time.

THE WITNESSES WITHDREW.

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Ms SOPHIA AVERY AND Mr AKSEL WAECHTER WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - We do appreciate your taking the time to come in. I remind you that any comments you make outside the hearing may not be afforded parliamentary privilege. The hearings within this room are protected by parliamentary privilege but should you go outside and speak to the media, bear in mind your comments will not be protected by parliamentary privilege. The evidence is being recorded and the *Hansard* version will be published on the committee website when it becomes available.

Ms AVERY - My name is Sophia, I am a Tasmanian, and I am a postgraduate University of Tasmania student. I completed my undergraduate degree at UTAS as well, a Bachelor of Pharmacy. I am a community pharmacist in Hobart.

I am making this submission as a postgraduate UTAS student who participated in the 2014 Tasmania University Union elections as a student representative candidate for one of the positions on the TUU committee. I am making this submission as a private citizen.

Mr WAECHTER - My name is Aksel. I use my middle name. The foreign accent is because I have lived overseas quite a lot, in Germany and Scotland. I am also a student of UTAS, currently an undergraduate doing a triple major in international relations, international business and legal studies. I am also doing this as a private citizen.

Ms AVERY - We welcome this inquiry and we were thankful for the opportunity to make the submission and to speak with you as well. As a summary, as we outlined in our written submission in the second half of 2014 we were candidates in the Tasmania University Union student representative election, which was administered on behalf of the TUU by the Tasmanian Electoral Commission. This was administered as a private fee-for-service ballot, as is authorised by the relevant section of the Electoral Act 2004.

During this election we as candidates repeatedly experienced quite upsetting and, in our opinion, grossly immoral and unethical behaviour from other candidates who were running on the opposing ticket. Some of the examples are outlined in our written submission.

We found ourselves in a regulatory and legislative no-man's land where the Tasmania University Union and the Tasmanian Electoral Commission were pointing to each other as the organisation which should be reprimanding this inappropriate behaviour. The TEC advised us it was administering the ballot according to the TUU constitution and the TUU advised us it had contracted the TEC to perform any and all the duties to do with the ballot and therefore was not going to take any action either. We then sought some help from the Department of Justice and were advised that the TEC and the commissioner cannot be given direction as they are acting in a statutory role.

We would like to state that we respect the autonomy of the TEC and think it should continue in its independence from ministerial direction and control, but we believe clarity is needed on whether the TEC, the commissioner and the returning officer in a situation where they are administering a private fee-for-service ballot are performing

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their actions as outlined in the Electoral Act 2004, or whether in this situation they return to the governmental structure and the relevant delegation of powers.

Mr VALENTINE - I understand the complexity of the situation. Does this simply come down to boundaries of operation and your issue mainly being that the University Union didn't see themselves as primarily responsible for the election as opposed to the people undertaking the process? Would you like to expand on exactly what the problems were with students interfering in certain ways?

Ms AVERY - I will address the first part of your question where you said the TUU may not have understood its position. I still see it as a two-part approach to what we experienced. The TUU is undertaking a review of its constitution and has advised me it is looking at a more stringent structure to the elections for next year, and I welcome that very much. I still think what we experienced places the commissioner, the department, and possibly the ministers at risk of another situation like this taking place and somebody going to the media or taking more action about it.

Mr WAECHTER - This reflects badly on the TEC as a whole because they are there to provide a service, they are being paid to provide a service, and the standards they employ for this private service is quite different than that of a state or federal election.

Mr VALENTINE - Do they use the same standard but don't have the same power under the fee-for-service arrangement? Is that what it is?

Ms AVERY - Yes, correct. Identifying this as a shortcoming is of value to your inquiry, in my opinion.

Mr VALENTINE - It could prove an interesting question to the TEC when they arrive.

Ms AVERY - The second part of your question was about what happened.

Mr WAECHTER - The elections took place from Tuesday 9 September to Thursday 11 September, over a three-day period, and there was a pre-election period as well where posters went up and so forth. The TEC and TUU jointly emails out rules and puts them up on noticeboards that elections will be held and tenants must obey the rules.

Mr VALENTINE - Do those rules include where they can put signage and how long they can be up for et cetera?

Mr WAECHTER - Sort of, but they can't enforce it.

Mr VALENTINE - The TEC can't enforce it or the union can't enforce it?

Mr WAECHTER - Both. The TEC says they have rules in place and when you point out what is happening they can't do anything about it; I have that in writing from Rod and Julian Type. On polling day I had to tell the TEC officers, Lynne Webster and Russell Levett, on the morning of 9 September that there were students being approached in the polling booths and being told, coached or coerced on how to vote. They witnessed it themselves; I made them aware of it, and only then did they take action. All they could do was tell the people to leave.

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Mr VALENTINE - Was this students across the board or those who may have had a problem with English?

Mr WAECHTER - Across the board. Even if they had a problem with English, they should have approached the TEC officers to get assistance, not students. What we observed throughout the campaign was that there were election booths in the Morris Miller library at UTAS - let's say there were two of them, for argument's sake - and there were computer tables placed several metres away with a group of students there. Every now and then a different student from that table would get up and approach somebody in a polling booth and tell them how to vote. It was candidates from the other party themselves, their relatives and friends.

Ms RATTRAY - Are we talking Hobart, Tasmania?

Mr WAECHTER - Yes. This is not a fair or democratic election. I don't know how you think this reflects on the TEC but I am appalled at that conduct. That is not the only conduct we observed. If I may read a letter to -

Mr VALENTINE - I read what your submission said about certain -

Mr WAECHTER - This is the actual email I wrote to Rod:

On Tuesday the voting commenced in the TUU elections, as you may know. On Tuesday at the Morris Miller library polling station a representative of [other ticket] was inside the polling booths with voters, coaching voters to fill out their forms. This behaviour went on for over 20 minutes until the TEC staff intervened. On Tuesday at the contact centre -

this is a secondary polling place -

voters were taking their forms outside the polling place so that other [opposing party] representatives could help them fill out their forms.

Students went into the polling booth, went out with the forms, asked them how to vote, and then went back in.

Your electoral officers Lyn Webster and Russell Levitt can fill you in on the incident details. Today at the contact centre a representative of [other ticket] was again inside polling booths with voters, coaching them how to fill out. Please advise what actions you are going to take to discipline those candidates for those actions. Please advise what action you are going to take to discipline those people on the ticket for ongoing blatant disregard of election rules. Refer attached.

That is just one of them, and it went on and on until I rang Julian Type, who basically said, 'Yes, this happens year on year and there's nothing we can do.'. That's it. I had a very hard time to get him to employ extra staff to oversee the elections. He had two officers there with big notebooks in front of them, they get the student ID, just cross them out and the polling booth stays in their peripheral vision. Only on the third day did

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they employ somebody to actually stand near the polling booths to make sure it was happening in an orderly fashion.

Ms RATTRAY - Like they normally do at any polling booth.

Mr WAECHTER - Often this happens for 20 or 40 minutes here and there, but this happened throughout the whole thing, apart from the third day in the Morris Miller library.

Mr FINCH - I want to explore how many candidates there were and over what period the campaigning happened.

Mr WAECHTER - Around 1200 votes were submitted over a three-day period.

Mr FINCH - Not compulsory?

Mr WAECHTER - Not compulsory, no. This is throughout all different voting polling areas because it changes. One is in the music school for a few hours, one is in the fine arts department for a few hours and so forth.

Mr FINCH - So the students from those areas would know the polling booth is going to be here at this particular time and they can cast their vote at that point.

Mr WAECHTER - Yes.

Mr FINCH - Okay. So there is no confusion about voting twice or anything like that. Is that covered well?

Mr WAECHTER - I believe that is covered well from where I stand, but I am not the administrator of those elections.

Mr FINCH - Right, okay. How many candidates were there for the elections?

Ms AVERY - There were two major tickets. Our ticket had 11 candidates. I could not tell you how many candidates the other ticket had.

Mr WAECHTER - Let's say 33.

Ms AVERY - And some independents.

Mr FINCH - So you vote for a ticket.

Mr WAECHTER - No, you vote for an individual.

Mr FINCH - Okay.

Ms AVERY - You vote for an individual. Candidates pull themselves together into tickets because - there is a word I am looking for -

Ms RATTRAY - Like-minded?

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Ms AVERY - Yes, that's a good one - thank you, Tanya. Essentially all the campaigning is done by the students themselves, so if there is a number of students promoting a number of matters at the same time you can reach a wider audience. That is the reason that students form themselves into tickets.

Mr WAECHTER - These candidates, once elected, get to administer over \$3.5 million worth of SAF funding. This is not a petty cash thing.

Mr VALENTINE - Is this \$3.5 million?

Mr WAECHTER - It is the total SAF that the TUU gets.

Mr FINCH - Through the campaign, in the campaigning itself, was there unease about the process? Did you feel you were being disadvantaged?

Mr WAECHTER - Yes. There is a set of rules. One of the rules was to not hand out food, the reason being that international students feel obliged to vote for that person.

Mr FINCH - On election day or prior to the election?

Mr WAECHTER - Prior to the election day. We didn't serve food but others did. They were told off and two or three days later they stopped.

Mr FINCH - Who did you complain to at that time?

Mr WAECHTER - I wrote a letter to Rod Huskins.

Ms AVERY - The returning officer. The direction was given to the candidates that for any problems, please report to the returning officer.

Mr WAECHTER - This is on 27 August.

Mr FINCH - The TEC took a hand in that and stopped that practice?

Mr WAECHTER - Sort of. Yes, they stopped that practice. They sent out an email and that was it - reminding candidates of the rules of conduct.

Mr FINCH - Okay. Action was taken by the TEC?

Mr WAECHTER - On that occasion.

Mr FINCH - Are there other examples that you have?

Mr WAECHTER - Posters were being taken down by other candidates.

Mr FINCH - That occurs through all sorts of elections.

Ms AVERY - During the campaigning, I did not feel a problem of what was going on. I felt the other candidates were being not nice but it was part of the campaigning. I am a

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mature age student and they are young people and they are passionate what they do perhaps. Some of these things maybe can be forgiven. But when the election day came, I did expect the TEC to administer it in a fair and appropriate way. During the campaign we had a two-pager with some rules prepared by the TUU, which is what the returning officer refers to as 'the rules'.

In the incident with the food being given out by the other candidates, we complained about that and action was taken which was an email reminding everybody, 'please do not supply food as part of your campaigning'. However, that bit about not supplying food is not in those rules, not in the constitution, and not in the regulations. In my opinion, it is evidence of selective application of the act because it is not mentioned anywhere.

Mr WAECHTER - What happened afterwards during the election time was totally off the board.

Ms AVERY - You need examples.

Mr WAECHTER - I know that students wrote to the TEC and the TUU, who have bullied in and around the polling booths. I have a letter here that I attached to Julian Type's email saying:

Also, I would like to share with you what a student who did not want to come forward emailed me. Please note Kate Davy - she used to work for the TUU - has witnessed this behaviour herself and I asked her attend the Morris Miller Library because this got so out of hand, but no-one would do anything. I went to the TUU and said, 'Come in and have a look yourself at what is going on here'.

On Wednesday I was in Morris Miller Library between 1.30 p.m. and 2.30 p.m. In this time I observed three different people regularly approaching persons while they were in voting booths, filling in their ballot forms. These three persons did not bring the voters in and did not appear to know them. They approached students who were already in the booths, leaned in over their shoulders and pointed to the places on the ballot to mark. These persons were wearing casual clothing and did not have any candidate-identifying information on them. Some of these 'helpers' were just hanging around watching voters and then approaching selected voters. One was occupying the computer station closest to the polling booths and would regularly sit at the computer for 10 to 15 minutes, then approach students a few minutes later and then go back to the computer and resume his work. I assume this was done so election officials would not see the same face around the voting booths all the time.

Casting a vote is a very private issue and a personal moment. To have someone approach you and see what you are marking must feel like a big invasion of privacy. This is really inappropriate.

I know of several other students who have emailed the TEC directly on this issue, saying they were bullied. They were shouted at outside polling stations. They were harassed. I have seen it myself.

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Mr FINCH - What was the end result? You were both candidates?

Mr WAECHTER - Yes.

Mr FINCH - With a platform, with supporters, with others who nominated in your faction? Were you unsuccessful?

Mr WAECHTER - Two members were in but we were not successful, because we did not want to engage in the same deliberate deception as other candidates.

Ms AVERY - We refused to engage in the deception. It is possible we may not have won and that is okay but running honestly with a fair chance is the way we wanted to see it done. Who can play against what would be in any other situation be election fraud? It is not in this case because there are no rules governing where we were.

Mr WAECHTER - I know one of the rules stated that you were not allowed to talk about other candidates from other tickets. I know that even Heidi Lapaglia was commenting to staff claiming we were Young Liberals, for whatever reason. I had staff approach me and say that she said it. I know the TEC received a complaint letter from a student regarding that deception. It was chaos. Why do they keep accepting that job if they know this happens year on year?

CHAIR - These are the questions we can ask the TEC when they come before us.

Mr WAECHTER - As far as I am aware, they get \$15 000 to do this. Why do they accept it if they have the same problems year after year?

Ms RATTRAY - This happens annually?

Mr WAECHTER - Yes.

Ms RATTRAY - Is there any reason why there could not be one polling station, one place where you go? I have not been a university student. My university was my local high school and then I went on to experience life so I do not have any major qualifications. Is the campus so vast that you could not get to the one station?

Mr WAECHTER - There are a lot of satellite campuses, yes. For example, in Hobart alone there is the main campus, the medical campus, the fine arts campus and music. Then there are the Launceston and the Cradle Coast campuses, so it is very spread.

There used to be online voting, through a computer at uni. I am speculating here but I think Alex West, the former TUU president, got rid of that for whatever reason.

Ms AVERY - It is a vast campus and I think students would be disadvantaged if there were to be just the one spot. You would certainly need to cover the other two campuses in the north and north-west separately. Even within Hobart, music students, for example, would probably only come to the main campus to sort out their enrolment at the start of the year.

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To illustrate the question of value of the many polling booths, even with the number of polling booths we had this year, as Aksel just quoted, 1 100 students voted out of 33 000. So even with the spread of polling booths, the numbers of votes that are collected is still small so I think shrinking the number of places would affect that further.

Ms RATTRAY - It would make it even a smaller sample of students who would be inclined to participate in any voting.

Ms AVERY - That is right. Perhaps if the Electoral Commission needs more funds to effectively administer an election across a number of voting places, then maybe that should be reflected in the contract rather than in the quality of the service that is given.

Mr VALENTINE - With regard to online voting being discontinued, do you know why it was discontinued?

Mr WAECHTER - I can only speculate.

Ms AVERY - You do not know why.

Mr WAECHTER - I do not know exactly, but I can only speculate.

Ms AVERY - No, we do not know why.

Ms RATTRAY - I am stunned to be honest.

Mr VALENTINE - It is disturbing.

Mr WAECHTER - I even asked Julian Type in a follow-up email saying, 'There has been so much abuse here to this process, disqualify all candidates, including us; I am happy with that'. He could not do it.

CHAIR - Did you find, from the members who were standing in your group, that this was also happening in the north and north-west, or was it just purely in the south?

Mr WAECHTER - I cannot comment.

CHAIR - You would have had members standing in the other areas?

Mr WAECHTER - We did not.

Ms AVERY - We did not have members standing in the other areas. I had one SMS exchange towards the end of the day, so I am going to say either Thursday or Friday, with an independent member in Launceston to clarify whether there were issues with the actual polling place as opposed to the time beforehand and, no, there wasn't - from what this one member told me.

CHAIR - So you have no evidence of that from the other areas?

Mr WAECHTER - We can only say it's Hobart.

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Mr FINCH - Can you tell me about your contact with the Electoral Commission - with the personnel who were there on the day and also your contact with the office, getting through to the Electoral Commission to voice your concerns?

Mr WAECHTER - They were disinterested; they weren't interested in responding.

Ms AVERY - During August there were emails from both of us and one other candidate on our ticket - we don't know of any other students. Before the election there were emails directly to the returning officer, which is what the election rules in the two-page entirety said we should do if there are problems. There were emails directly to the returning officer during that time, with a response from him in a few days, as would be expected for a department. On the first day of the election we became aware of voter tampering and there was an email, followed by at least a phone call on that day -

Mr WAECHTER - I rang, I emailed, and on the last day I emailed but got no response.

Ms AVERY - By the Wednesday we stepped it up to speaking to the commissioner and on the following day, whilst the election was still running, we stepped it up to speaking to the secretary of the Department of Justice. We didn't realise the secretary couldn't give direction to the commissioner because of the commissioner's statutory role. Afterwards, in our frustration, we spoke with the Attorney-General's office as well.

Mr VALENTINE - You said you escalated it to the commissioner.

Ms AVERY - From the returning officer to the commissioner to the secretary of the Department of Justice.

Mr VALENTINE - And the commissioner said at that point that it was outside his jurisdiction?

Ms AVERY - Correct, that they are delivering a fee-for-service service and are bound by the hiring body's constitution and regulations.

Mr WAECHTER - I have spoken to Julian Type on the phone and followed up with an email that has remained unanswered until today.

CHAIR - Can you table that to the committee?

Mr WAECHTER - Yes.

CHAIR - Thank you very much for coming in, we appreciate it. We will be looking at the issues and look forward to asking the TEC some of the questions when they appear before us.

Mr FINCH - Have you submitted a complaint to the TUU? Is the situation going to be redressed by them or are they carrying out an investigation?

Ms AVERY - We wrote to the board of management of the union directly after the election, to which they responded.

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Mr WAECHTER - I wrote to the secretary of the Department of Justice, Simon Overland, who also is the head of the board of management for the TUU. I was at that board of management meeting and basically they said, 'We don't really believe this happened and we'll write them a nice letter saying we will take action'. They were very wishy-washy. That's my impression of that meeting.

Ms RATTRAY - I hope you're not put off by continuing to strive for some representation in the future. That's something I have never heard of in our state before and I hope I will never hear about it again.

CHAIR - We appreciate you bringing it before us because it is important that when it does happen it is brought forward.

Mr WAECHTER - Thank you very much for taking the time to see us and also, ask the TEC what complaints they have had from other students at this election. I'm sure they have had several.

CHAIR - We will be seeing them at the end and it will be worth asking them a lot of questions. We appreciate you taking the time to come in and to raise the issue you have.

THE WITNESSES WITHDREW.

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LORD MAYOR SUE HICKEY AND Mr NICK HEATH, GENERAL MANAGER, HOBART CITY COUNCIL, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - You are aware that the evidence you give is protected by parliamentary privilege within the committee here but whether you make comments to media outside is not protected by parliamentary privilege. The evidence is being recorded and the *Hansard* will be published on the committee website when it becomes available. Would you like to make a short verbal submission of what you put forward?

Mr HEATH - Thank you very much for the invitation to appear today. When we first looked at the terms of reference for the committee, we were concerned it may not have the breadth to cover some of the issues we wanted to raise and we are very pleased and happy that it does.

Ms RATTRAY - 'Any matters incidental thereto.'

Mr HEATH - That's right - I clarified that and it was fantastic. We have made a written submission which summarises the council's position but it is worthwhile refreshing what is in that submission and why we put it in there. A lot of the comments we are making today in the inquiry before you relate to the recent local government elections, so it is rather topical and contemporary in that sense.

We have four overarching positions we would like to discuss with you today. First, the council is committed to the concept that candidates for local government elections should be required to disclose political donations. That has been something we have been saying for some time and we are happy to chat more about that.

We want to have some review done of the general manager's roll. There were some stories in the media leading up the council elections about the general manager's roll, so that is on the public record. What we will say about the general manager's roll is that there is a need to look, in our submission, at the eligibility for inclusion on the general manager's roll.

I don't think we take any issue about absentee landowners. We certainly don't take any issue with voting on behalf of business, but there is a need to have a discussion about what is meant by the term 'occupier' in the act. The council's position is that it should be eligible citizens who vote and this has been looked at in other jurisdictions in Victoria most recently where that term has been defined. The council would be looking for some clarity around what is meant by the term 'occupier' and/or a substitute terms such as 'eligible citizen'. That would be one of our main submissions.

The other issue we want to raise about the general manager's roll is that in the recent inquiry into Victorian local government, the electoral review panel found that the general manager's roll should be handled by a third party - in other words, the Tasmanian Electoral Commission. It removes it from the administration of the council and puts it into a statutory third party that has the carriage of the election. We would encourage you to review the Local Government Electoral Review Panel's decisions in Victoria which came out in the middle of last year, I think.

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There are two other issues we wanted to quickly raise. 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. I suppose the council was concerned there was not much transparency in the way the count was conducted. In the old days you saw when people were excluded et cetera. We had the 20 per cent count and then the count on the Friday, which was the final count. The transparency issues around that may be something the committee ought to look at.

Ms RATTRAY - And the false expectations, did you get any feedback about that?

Mr HEATH - I don't know about specific feedback but I understand the point you're making. They were doing the count and people appeared in the middle column as 'likely', 'maybe', 'could be' or 'potentially' - and then bang. It may have raised hopes amongst certain candidates and then they were eliminated. I believe there were various iterations of that with different names appearing at different times. The transparency, effectiveness and accountability mechanisms around are something that probably need to be explored. We have always had a council position that there should be compulsory voting at the ballot box. That's not a new position, we have put that before.

Ms RATTRAY - How many local government council meetings have you put that to? How many times has it been lost?

Mr HEATH - Quite a few. I recall two-odd years ago the House might have been looking at an amendment to the local government electoral provisions and we came along and made a submission to the House about it but it didn't get up. The council's position still remains that we are a legitimate sphere of government. Federal and state elections are all compulsory voting at the ballot box so what is the difference with local government if it is going to be taken seriously as the third sphere of government? That is the council's position. The council is also of the view that voting at the ballot box removes the opportunity for fake signatures on postal votes. The ballot box scenario at least removes any opportunity for tampering with, or reduces the potential for that sort of activity to occur.

Mr VALENTINE - As to the Electoral Commission's role as a fee-for-service provider, do you have any comments about how that process happens? Are there any deficiencies or problems you see from an administrative perspective in terms of how they perform, what the boundaries of operations might be between what council does and what the electoral commission does?

Mr HEATH - From my point of view as general manager, I believe the current system, subject to the tweaks we've been talking about, is the correct one. You may recall going back to the mid-1990s that the process for local government elections was run in-house by councils. The law was then changed to enable councils to engage the services of the TEC to run the elections for the council and I think that was the best decision ever taken. I don't think council administration is geared up to run elections. It's hard enough running the day-to-day business of council let alone running an election. With all the queries that come during the election period such as advertising, I think it is much better handled at arm's length by the Electoral Commission. As to the fee and the cost of

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running it, I have never had cause in my time as general manager and running elections before that, to query the cost. I think it is a fair and reasonable cost. We are not here to make any submissions about how it is run or the cost of running it. I think the system that is in place for local government administration is the best one because it is at arm's length from the council.

Mr VALENTINE - What happens with regard to subsequent costs? For instance, do you pay upfront or do you pay after the election?

Mr HEATH - The way it works for us is that we speak to the Electoral Commissioner and get an estimate so we can budget for it. We sit down and talk to the Electoral Commissioner about the likely costs, and it is done on the cost per elector and multiplied out by the number of electors you have on your roll.

Mr VALENTINE - What happens in the case of, say, a recount, which obviously costs more money? Do they bill that separately or after you have paid the initial bill, or what?

Mr HEATH - If there is a recount, as you know, under the act we would write to the Electoral Commission, then they would conduct the recount for us and bill us separately.

Mr VALENTINE - They would bill separately.

Mr HEATH - We don't budget for recounts.

Mr FINCH - On this first point of disclosing political donations, perhaps if we could flesh that out a little bit. Is there anything anecdotal that has prompted the council to focus in on this? Have you found the situation becoming untenable, or that there is more of it, or that it is creeping into local government elections, with this lack of disclosure and not having to declare it, that it muddies the operation of the process?

Ms HICKEY - I think it is inherently dangerous. We have had situations where we know developers have donated to campaigns by aldermen, when really the public expect us not even to be shouted a cup of coffee with them. I think particularly when one candidate is favoured over another - it's not a free lunch, there is obviously some expected trade-off later on. Whilst we claim to be independent and all the rest of it in the local government sphere, I think it's inherently dangerous that these disclosures are not made.

There were a lot of rumours around last time, and a lot of denials. There were some significant players who we believe supported one candidate in particular, and another one openly declared on radio that he had had funding, admittedly for another election. There was a very close relationship there, and this person went on to support many decisions in favour of this particular developer. As far as I am concerned, it should be an absolute no-no - not even a matter of declaring, it should just not happen.

Mr FINCH - You don't donate unless you expect something in return. In the process, do you need to declare that you've had a donation? You have your expenditure that you can spend on the campaign, your \$5 000 a councillor and your \$8 000 for mayor and that sort of thing. Do you need to say in your declaration that you have received a donation and that it needs to go towards your expenditure for the campaign? Or can it just be like a brown paper bag donation to a person?

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Ms HICKEY - I don't remember it being requested. An independent organisation was trying to put it up online and some of us answered to that and said we weren't receiving donations. I want to set the record straight. The \$8 000 only applies to media advertising and social media is taken out of it. If you run ads at the State Theatre, they don't count. If you run television ads or newspaper ads or radio ads, they are the only things that are recorded in the \$8 000. It is not taking out the cost of posters or literature or brochures or anything, unlike I know in the Legislative Council you have to include all those things. This \$8 000 is purely for covering media.

You can letterbox to your heart's content, and you can go on all these other platforms. For example, to go online on the *Tasmanian Times* is not included, and yet you can pay for an ad on there and it is considered some sort of online tabloid. It's an odd thing that it's even there at all as far as I'm concerned.

Mr FINCH - So it's not contemporary.

Ms HICKEY - No.

Mr HEATH - I think we would make an even stronger submission than that. Tasmania is the only jurisdiction in the Commonwealth that does not have political donation requirements for local government candidates. I do not know why that is so and I make no comment as to why it is so. This hearing today has the opportunity to look at what is going on in other jurisdictions, to satisfy yourselves that what I have just said is true because it is, and fill that gap. As the Lord Mayor said, the current system requires you to do a reconciliation of your advertising costs associated with the campaign and that is only within a certain period as well. I think it's 45 days.

Ms HICKEY - No, it was from August, wasn't it?

Mr HEATH - I think it is from August to a time after the election.

Ms HICKEY - It's 14 August to October -

Mr HEATH - Anything outside of that window you do not have to declare either.

Mr VALENTINE - You could spend three or four times the -

Mr HEATH - You could run a \$1 million television program up until the middle of August.

Ms HICKEY - This did happen. There were many commercials for another candidate outside of this period - getting a really big build-up. It is unfair that someone is able to do that outside of the special time.

Mr FINCH - With recriminations after the elections, were there a lot of discussions that took place about that? Did you get a sense people were disgruntled about the process and what others were able to achieve, with others being disadvantaged because of the lack of financial wherewithal?

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Ms HICKEY - I think there were a few candidates for other positions, not necessarily for that one. There were a few people who thought it was not kosher - not unexpected because it is an opportunity. If you have good resources and you have people supporting you or funding you and prepared to do that in your name, then there is a loophole and they are able to use it.

Mr FINCH - I suppose your suggestion is that this needs to be reviewed, looked at, tightened up and more specific in respect of what might be achieved by candidates?

Mr HEATH - I think that is right and the other part we have been fairly consistent about and talking about in recent times is transparency, accountability, openness, probity - all those terms would suggest this ought to be looked at.

Mr VALENTINE - From my memory, there are many instances where people have taken the opportunity to display advertising on a developer's property that might be vacant or whatever and the developer does not mind. In a sense, that is dollar value, isn't it? The value of that advertising is not taken into account in the act, as far as I can see. No dollars have changed hands. When it comes to voting on that particular developer's developments, some would quite freely vote for that and that is a conflict.

Mr HEATH - I have a rather pious view that members of the public should have nothing but absolute confidence in the decision-making processes of government, whether that is local government, state government or the federal government. The way to deal with this is to make sure there is transparency, accountability and there are rules. The issue of political donations in the local government sphere is one that needs to be tightened up, to address the overarching position.

Mr VALENTINE - As much as we always focus on people giving money to candidates, it really comes down to what that candidate does as a result of that money being given to them. If they are not declaring that they have been given money, or not absenting themselves from a vote which involves the particular individual who supported them, that is where the real problem comes in, isn't it?

Mr HEATH - It does, and if you do not know -

Mr VALENTINE - It is not transparent.

Mr HEATH - That is right.

Ms HICKEY - It is going to be very difficult to manage. We know of other tiers of government where somebody has sent money through the mother's account and not their own development account. It will be very difficult to police but however said, I think there should be strong moral rules around it should somebody then be found wanting. It is not a matter of saying anything under \$2 000 is free; it is anything.

Ms RATTRAY - In the scheme of things, when you only have \$8 000, \$2 000 is a large amount.

Ms HICKEY - People have funded other things. They have put posters through their company's printing business or bought the sticks and things. I know a developer who

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provided an alderman with sticks, posters, advertising and fliers rather than give cash. It was in-kind but it was significant money. They are all expensive things.

Mr VALENTINE - That is what I was saying before about the value of advertising, it is a similar circumstance you were talking about.

Ms RATTRAY - It used to be about \$12 each. I will find out next year how much they are again. In relation to the amount that candidates are allowed at the moment to spend on their campaign and given that you have small, medium and large councils around the state, people have been saying we need an increase in what you can spend to run an effective campaign. Do you have any comment on that? Do you think it would need to be tiered to accommodate small, medium and larger councils?

Ms HICKEY - You don't get much for \$8 000.

Ms RATTRAY - If you don't have to count your pamphlets or anything else, is that fair?

Ms HICKEY - I wouldn't mind the system that the Legislative Council has where it is all fully accounted so it is quite fair and equitable for everybody. In local government there is the opportunity to spend \$30 000 to \$50 000. It was rumoured during the campaign the time before that one candidate was well up into the \$60 000 to \$70 000 bracket. That is obviously a distinct advantage over someone who might only be able to afford \$5 000 or \$10 000. You are always going to have rich man, poor man and it is a commercial risk. If somebody wants to invest that much and not get elected, that is their thing, but if they are able to lean on people because of position to get funding, which is another thing we have seen happen, I do not think that is fair either. You should not take advantage of your title and position in subtle ways to increase the donations made to you or assistance given.

Ms RATTRAY - Realistically, one capped price or one capped quantum right around local government wouldn't really be fair, wouldn't you agree? What about Flinders Island?

Ms HICKEY - In this day and age you may not need to do that. If you know everyone on the island, if you are very small council - and some councils are 2 000 or 693 people - clearly you have a huge advantage. You can just go around and knock and tap and ring until you do. When you are dealing with 50 000 residents it is completely commercially ridiculous to try to go doorknocking in the short time you may have. It doesn't make sense. You can also send mailouts that ends up at the tip or don't go out because of the mail service and it is a waste of money. I send stuff with Australia Post and over 50 per cent didn't get out.

Mr VALENTINE - Is that right?

Ms HICKEY - Yes, I am still having that issue. If you do television commercials your \$8 000 will probably buy you 30 15-second ads. It is really hard to quantify. There was one candidate who did mainly social media and a little bit in her party backing and she did really well with no money, just a couple of little brochures and things like that, because she had a core group of supporters. I don't know that the figure -

Ms RATTRAY - One size doesn't fit all.

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Ms HICKEY - No, it doesn't fit all and it is not realistic over an election campaign. I'd say \$20 000 is probably going to buy you a reasonable campaign, but look what they do in the other tiers of government, they'll spend \$100 000.

CHAIR - It's within the writ time as well.

Ms HICKEY - If you buy posters now, they are somewhere between \$25 and \$50 for a full-colour poster and then you have to have the sticks and things and you have to have some to replace them when they have been damaged or you find yourself with a moustache and devil ears.

Mr VALENTINE - With regard to donations, is it the case that donations are allowed at all to candidates?

Ms HICKEY - Sometimes family want to support you. I know of one candidate who declared on this particular Facebook page or whatever it was that her partner and a couple of people from her party gave her money.

Mr HEATH - Is your point that you think donations just should not exist?

Mr VALENTINE - I'm just asking the question. If giving donations buys favour, then why have donations at all?

Mr HEATH - 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.

Mr VALENTINE - Yet it has to be workable, doesn't it?

Mr HEATH - It has to be workable and it has to be transparent.

Mr VALENTINE - If it gets pushed underground you have no way of knowing who has been given what.

Mr HEATH - To have a state that does not have any rules around political donations for local government elections to me is a gaping hole that needs to be addressed.

Mr FINCH - An observation I make with Mr Valentine and his concern about pecuniary interest in the Legislative Council, which he brings from his local government experience, I hear what he's saying about no donations, because with us, unless you declare or if you declare, if there is any voting around the issue that might advantage somebody who has made a donation to you, it should be that you declare pecuniary interest on that and don't take part in the vote. I was saying earlier that I was offered

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money during my campaign from friends, which I didn't accept, because I would have felt that if they came to me on an issue and wanted to influence me, I wouldn't want to have that hanging over me and feel that I needed to give them an advantage in a vote.

Ms HICKEY - There was one candidate who ran a function at \$50 a head and there was supposed to have been a couple of hundred people there. It was a fundraiser, plus raffles, plus auctions, items, et cetera. This was for local government. Now, that's a serious amount of money and when they were questioned on radio it was, 'I've got no idea how much money I made.'

Mr FINCH - Well, how could you make a declaration?

Ms HICKEY - They wouldn't admit how much it had cost to run the function either, because that was supposed to have been donated. Where did the rest of the money go, and is that treated as income with no tax?

Mr VALENTINE - If you pay for it yourself you don't have any problems.

Mr FINCH - When the general public hear of those sorts of incidents and that way of dealing with the situation, they become a little sceptical about the democratic process that takes place in voting.

I want to talk about the general manager's roll. I've not focused on this in previous experience and you are recommending that it go to the TEC to administer. Nick, about this general manager's roll and giving it that title, the general manager is going to wave a wand and say, 'You're accepted and you're not', and you have that say as to who is admitted and who isn't. Why would you want to pass that responsibility over to the TEC?

Mr HEATH - The general manager's roll has a history. I think the general manager's roll is an unfortunate term, because when the law was changed back in the mid-1990s, anyone who was on the House of Assembly roll for the municipal area was automatically entitled to vote in elections. That's fine, good and dandy, I think. The general manager's roll was a term I think invented by legislators - because it is in the act - to say that everything else can go on a separate roll which they call the general manager's roll. The absentee landowners voting on behalf of business and occupiers went onto the general manager's roll. My strong personal view about it is if you are running elections it should be at arm's length and totally independent from the administration of the council.

You are right about the process for getting onto the general manager's roll. We have a robust internal process for checking the validity of the people who go onto the roll. I know Julian Type at the Tasmanian Electoral Office double-checks it as well; so there is a process in place. My strong personal view is that it should not be a matter the council handles. If you want to go onto another roll - let's call it a second roll as distinct from a general manager's roll - it should be handled by the TEC. They handle the state roll and the federal roll is handled by the AEC. I don't think there is a case to mount that council administration - the general manager, whoever he or she might be - should be there responsible for compiling a roll. That is the view the Local Government Electoral Review Panel came to in Victoria - that it should be handled by a statutory arm's-length body and not by the council administration. I am not saying this happens but if it is

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handled by the council administration there is the potential for candidates to put undue pressure on officials. That's not proper in my book and if it is handled at arm's length it is handled independently and by someone who is skilled at compiling and using electoral rolls. I am not sitting before you here saying I am an expert in that field. I am just a humble general manager doing my job. Compiling an electoral roll is not something I find particularly compelling.

Mr VALENTINE - So you're saying the TEC should be managing that roll?

Mr HEATH - Yes. They are the experts in the state in running state elections. That responsibility should be theirs. It's not just my view; it is the view that the Local Government Electoral Review Panel found in Victoria when it did its review last year.

Ms RATTRAY - Should there be a general manager's roll? Should there be a second roll?

Ms HICKEY - I would like to say absolutely 'yes', otherwise I would not be mayor of this fine city. I own two properties in the city and I choose to sleep in Rosetta, which is another municipality. When you think of the investment I make in the city and the hours I physically spend over Creek Road, 99 per cent of me is in this city. I would not be eligible to be the lord mayor if I was bound by the fact that you couldn't have a general manager's roll. You can only get onto the general manager's roll if you represent a business that pays rates or if you have a property in the city in which you don't reside - in other words, an investment property. In my case, I get two votes because I am a business operator and the other property I use as a property investment. You can only have two votes at the best. If you lived in the city and were the representative of, say, Woolworths or some big organisation that pays significant rates to the council, you get a vote on behalf of that rate-paying business. If you have 10 properties in the city, you do not get 10 votes.

Mr VALENTINE - But you can allocate those, can't you, to other people to vote?

Ms HICKEY - Only if they are a representative of the business. I know somebody whose business is statewide and the headquarters are in Devonport but they run an operation in Hobart. They had to apply and have permission and certified documents to say they were a legitimate manager of that business in the heart of the city. I don't have a problem with that. In other words, they have investment in the city and have a right to how the rates are handled and who is representing them. The problem is - and I think the general manager will vouch for this - that I went to him with some concern before the election and I also went to the electoral office with the same concern. At the election previously a friend of mine had told me how excited he was being on this certain person's campaign. I asked him, 'What was so much fun?' and he said, 'We went to this house and were told to get there by 12 o'clock because there are 36 votes there and 20 votes here and so many votes there'. He was laughing that these people weren't actually residents of the city; they were from Blackmans Bay et cetera. They were international students. At the time I thought it did not sound kosher at all and as it had no direct impact on me, I put it in the background. However, realising it could be the difference of a quota, I went to the general manager and the TEC. The TEC more or less said, 'Are you starting Chinese Whispers?'. That was the terminology. I said, 'No, but is this the potential for fraud?'. They said, 'It is only fraud if you fill in the form on behalf of somebody else'. So somebody soliciting votes, in other words, coming to you and arranging for you to be

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able to vote, is not a crime; filling in the vote is a crime. By pursuing it relentlessly and driving the general manager mad on 'When did we do an audit? How do we know when people fall off the register?' which was not what was happening. We found out one of the aldermen went around to one house that had eight voters registered against it. It was padlocked with cobwebs on it. No-one lives in that house. We had several examples of this.

In the end we went to the police who said it was not a crime unless someone filled in the form. It was quite daft. In the end the TEC did contact the general manager and asked for an update of everyone who had signed up for the last 12 months to see who had signed them in, et cetera. There were something like 10 people who lived in a post office box in Moonah for the Hobart City Council elections. There were some discrepancies.

The TEC I believe dealt with the ones they could pick up on. Another friend of mine received five letters for students who had not lived there for nearly five years. The potential there is for someone to fill in those votes.

Mr FINCH - Is it expected now that you would pick that up through your administration under the general manager's role?

Mr HEATH - There is a process we go through in order to put someone on to the general manager's roll. There is also a process we go through to cull the general manager's roll to make sure it is as contemporary as we can possibly make it. The things we do before we put someone onto the roll is to check to make sure it is properly signed, properly dated, that it is witnessed by an elector, and that they are living at a legitimate address in the city - all those sort of precursor checks that you would expect someone to do, we do. Once those checks are done, they go on to the roll. Then it is checked by Mr Type as well. We check that the person is not dead, for instance, so we check against the registry of births, deaths and marriages, and does the TEC. So there are multiple checks and balances in the system.

At the end of the day, there is a deal of reliance on the form that is submitted. It is not the role of the council I do not think or the council administration to go running around knocking on every door checking to make Bill Smith is living there because he is registered. It would cost us a fortune. If someone fills out a form, it is not as if you are filling out a shopping list form; it has obligations attached to it.

Ms HICKEY - With respect, general manager, the weakness is that we have this term 'occupier' and this is the problem. It means you can be a tenant, a temporary student or a visitor to the city for two months -

Mr VALENTINE - Or five or six weeks for that matter.

Ms HICKEY - Yes, and then move out to Glenorchy or some other suburb. You are able to be persuaded to go on to that roll and it could be used to support a certain candidate. I was also watching every single day how the roll fluctuated. The roll closed off at 6 o'clock at night and in the last 15 minutes I think 176 applications came in of which all but 15 applications were non-English names. They were suddenly eligible to go on the roll.

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Mr HEATH - I think that is one of our primary submissions - that we should not only get rid of the roll but also have a look at the term 'occupier' under 254(2)(a) of the act and get rid of it.

Ms HICKEY - To avoid manipulation of the roll.

Mr VALENTINE - With regard to the general manager's roll and people who have a business or a company in the city that is paying significant rates, it has been said by some, 'We do not operate on that basis with the state or federal governments'. So if you are a significant individual in Tasmania who has properties all over the place and you have properties in Victoria, you do not actually get to vote in the Victorian state elections. Do you have any comments to make on that? What is different about the local government situation compared to the state or federal situations?

Mr HEATH - I think the simple answer to that question is that it is the history of the franchise that local governments had over the years. If you went back to 1906 and did a historical analysis of local government enfranchisement and came forward, you would find that in those days it was only property owners and businesses that were voting. When the legislators changed the system in the mid-2000s they said, 'Okay, you can see absentee landowners and businesses operating in the city have skin the game', so they are going to continue that enfranchisement. It's the occupier part of the triangle, if you like, that hasn't been thought through. The term 'occupier' has not been defined. It doesn't denote any degree of permanency, so it picks up the comments the Lord Mayor is making about itinerant people coming through the city, whether they be students, workers or whatever. The term 'occupier' needs to be defined. I like the term they have used in Victoria which is 'eligible citizen' because we are talking about giving citizens enfranchisement, not necessarily occupiers, and there is a difference between the two.

Mr VALENTINE - Further to that, are you suggesting that people who aren't Australian citizens don't get to vote, or -

Mr HEATH - That is not our submission. At the moment you don't necessarily have to be an Australian citizen to vote, you just have to be an occupier, an absentee landowner or -

Mr VALENTINE - So it's the period of time you are the occupier that matters more than whether you are a citizen.

Ms HICKEY - My personal theory is that we are a legitimate tier of government and you should be on the House of Assembly roll. It doesn't matter that you live 12 minutes away from the GPO and by some weird boundaries of small councils you don't actually live there, providing you have investment in that space, I think you should be eligible for the House of Assembly roll, just as you are to vote for the Legislative Council or the state parliament. If you are going to have a say in the state government at any tier, you should be eligible. If it's good enough to be eligible for state government you should be eligible to go for local government.

Mr FINCH - On the electoral roll.

Ms HICKEY - Exactly. To me that should be the qualifier, not whether you are an occupier or loose terms.

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Mr VALENTINE - Yet 40 nations, apparently, according to the submissions we received, allow people who are non-citizens to vote in local government.

Mr HEATH - I think it is important to distinguish that the Lord Mayor is expressing her own personal view. The view of the council is that we should get rid of the term 'occupier' and replace it with 'eligible citizen' because there are many people who live in our city, migrants for instance, who may be going through a process, who have some skin in the game and have some degree of permanency in the city. They should be able to vote.

Ms HICKEY - Can I clarify that they are not allowed to vote at state elections, are they?

Mr HEATH - No.

Ms HICKEY - Well, I don't really see the difference, but it is okay -

Mr HEATH - I have to put the council's position, the Lord Mayor is putting her own.

Ms HICKEY - Can I also say, too, that if you own property in Melbourne or Sydney there is a general manager's roll there as well. You know the Clover Moore example, where they are giving the -

Mr HEATH - Sydney is an interesting example, where business gets two votes to a citizen's one. I think there might be some history behind that. There were some issues around that, and I think they're Clover Moore-rated issues.

Ms HICKEY - Yes, so it's not just a Tasmanian quirk.

Mr VALENTINE - No, I'm sure it exists elsewhere.

Mr FINCH - In respect of this general manager's roll, is the TEC cognisant of all the information needed to make an assessment compared to the general manager or the council having access to information that might give you the better decision? Does it need to be a shared responsibility to share the information to make sure the decision is right? Could the TEC - if the responsibility is given to them - have the necessary information to hand to make the appropriate decision?

Mr HEATH - I believe they could. There are, as I said, three categories. It's pretty easy to determine if it's an absentee landowner; you can do a list search. It's not a complex process to determine who goes onto the roll. My overarching position is I don't think the council administration, from a point of view of separation of roles, ought to be doing the roll. I think it compromises that independence, if you like, and the TEC is skilled at doing it.

We have had discussions with the TEC, not specifically on this issue, but we talk to the TEC about checking the veracity of the roll. What they do is very similar to what we do - check the births, deaths and marriages to see if the person is alive or dead, check the residence to make sure it is a legitimate address in the city. Those sorts of checks and balances are similar to the ones we do so I don't think it's a great issue to move it off to the TEC. There may be other issues around TEC's capacity and resources and cost, but

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that may just come back to an extra cost to the council we have to bear for the TEC maintaining that roll. I think that would be a good thing.

Ms HICKEY - It's a significant area for potential influence. It can make the difference of a quota. When we did the sums on it, there were several of us very concerned about its use at the time and what was going on. A quota can completely alter the outcome of an election.

Mr HEATH - Especially when they're small quotas.

Mr FINCH - On the computer count, I want to share a story in Launceston as this unfolded. I remember applauding the appointment of at least one person to the council because of the way the information was disseminated and then found the next day that that person was not elected to council. I felt for that person and I can imagine they would be pretty dirty on the process and the way this sort of count unfolded, which was new to everybody.

Mr HEATH - We applaud the TEC for doing that. I think it was a great initiative but where it fell down a little was the point you're making, that so-called middle column with 'likely to be elected' on it. Some candidates would have been quite excited or disappointed, and your example is a good one. About six o'clock on Friday night up popped the result. People like to see the cut-up, the rough and tumble. It is quite exciting seeing that, but we didn't get that.

Ms HICKEY - I was quite surprised the way the university did it. I recently did an MBA and when we did subjects you were given a paper and you marked the right or wrong answers, they were then scanned and you had your results back straight away. What happened - and this probably happens in all elections - say, for example, my own one for mayor, you were supposed to put a '1' and many people put an 'x' and nothing else on the page with the intention to say, 'I want to vote for Sue Hickey', or whoever, but because it was an 'x' and not a '1', it went in the rubbish bin. It is a silly thing anyway. It would be different if there were three 'x's and you couldn't work out who was first, second or third. If you had to put a dash and it was scanned, we would get the results back. Some people waited more than a week - nail-biting, stressful and a horrible thing to have to do after a hard campaign.

Mr FINCH - But no doubt the TEC as well has learnt lessons from this.

Mr HEATH - No doubt. We are not here to provide criticism, we are just here to say that the count could have been more transparent and maybe there are ways of improving it going forward.

Mr VALENTINE - Your council's position is compulsory voting, isn't it?

Mr HEATH - At the ballot box.

Ms HICKEY - We believed we were trading off the four years all-in all-out et cetera for ballot box voting. We see a lot of cost-shifting coming down onto local government and a lot more work. We are expected to work in a more social space dealing with drugs, kids, elders and all sorts of social issues. That is fine, no-one is whingeing about that,

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but we want to be treated with some sort of status and I think the only fair thing to do is make it compulsory to vote, because when you are getting results of only 50 per cent of eligible voters, at the end of the day that means they really don't care.

Mr VALENTINE - This is primarily about the Electoral Commission as opposed to some of those issues.

Ms HICKEY - Now it is only every four years.

Ms RATTRAY - It is interesting, though, that smaller communities have a much better turnout. Your cities are not engaged.

Mr HEATH - That is right. What does it mean? We take it that the city is well run but you can take it any way you like.

Ms HICKEY - It would be interesting to see what result you would get if you said that voting in state government elections was no longer compulsory.

Ms RATTRAY - Don Wing would love the words that just came out of your mouth.

Ms HICKEY - I don't think it is good enough - people should be engaged.

Mr FINCH - In respect of the ballot box, you mean not postal voting, it is people having to turn out to a location to go through the normal process at the ballot box

Ms HICKEY - Real people really voting.

Mr FINCH - Have we moved on from that, do you think? Is it hard to come back to the ballot box situation?

Ms HICKEY - That is what you are doing for Legislative Council and state government elections and all the rest of it. Somewhere down the track I think it will go to online voting but there also clearly needs to be a lot of scrutiny around that. I do not think the city or any level of government is quite ready to go 100 per cent over to that. If they did, they could still do it so the person comes in and does it in there. It is about making sure the person is real and they are really voting. If they choose to get in there and make a donkey vote, that is stupid but that happens at all tiers of government as well. The real thing is that we don't want other people voting. Another thing that happens with postal voting is that they think they're doing you a favour by telling you, 'Oh, I was in charge of six votes and you received them all because my son doesn't give a shit and so-and-so doesn't give a shit so I made sure you received the lot.'. If that was true, thank you, but it is still illegal.

CHAIR - Thank you very much for coming in. It is very interesting. I would have assumed the general manager would have had some discretion but you must go by the criteria. We appreciate the fact you took the time, particularly when you are very busy and you have a delegation here.

Ms HICKEY - We consider this pretty important, so thank you.

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THE WITNESSES WITHDREW.

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Mr SIMON JAMES OVERLAND, SECRETARY, AND **Mr STEPHEN GEOFFREY MORRISON**, DIRECTOR FINANCE, DEPARTMENT OF JUSTICE, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - You are aware the evidence that is given in here is protected by parliamentary privilege. I am reminding you that if you go outside of parliament and speak to the media, you are not protected. The hearing is being recorded and the *Hansard* transcript will be published on the website as soon as it becomes available.

Mr OVERLAND - We have really come to answer questions you may have of us with respect to a number of the issues you are inquiring into. It is not appropriate for us to express a view about matters of policy, for instance; that is a matter for government. I do not know there is much I can say about the operation of the commission itself. I think the Electoral Commissioner is much better placed to do that.

The role of the department is almost that of a host for the Electoral Commission. We are very happy to have them as part of the department but they are statutorily independent, as are a number of the functions we host. Our role is really about supporting them through the provision of finances, human resources, infrastructure and information technology support, which is what we do. About those matters we are very happy to answer questions.

Ms RATTRAY - I have a question in relation to resourcing. Obviously the TEC has demands on its resources at different times: high demand in the recent local government elections down to potentially a much smaller demand, although there are three seats in the Legislative Council coming up in May so that lifts again, but we are still 18 months out, potentially, from a federal election. Can you walk me through how the resources for the TEC are overseen in any way by your department when it fluctuates so much, potentially?

Mr OVERLAND - That is an interesting question, thank you. As the Electoral Commissioner said when he appeared here, there are three sources of funds that come into the Electoral Commission. There is that appropriated through the Consolidated Fund as part of the normal government budget process. There is what is called 'reserved by law' funding which, again, is government funding but it comes as a different source to fund electoral activity. Then there is revenue that is raised primarily from local council elections -

Ms RATTRAY - But they do a few others as well.

Mr OVERLAND - They do a few other things but they are primarily their revenue sources. With respect to 'reserved by law', in a way that looks after itself. It is for particular statutory purposes and the level of activity is funded; that is the way it tends to work.

As for local government elections, again, it is a cost recovery basis. The Electoral Commissioner has pointed to the fact we have moved to the all in, all out system and there are now only local government elections every four years, opposed to half and half every two years, and that does create some real difficulties for the Electoral Commission in cash flow. Every fourth year they will raise considerable revenue through that source

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and then they will have three very lean years because there will be no revenue from that source. That does create some issues for them.

The money that comes through the Consolidated Fund comes through the department but in a sense it comes through us. It goes to the Electoral Commission and we monitor expenditure against that. The Electoral Commission is good enough to meet with me on a quarterly basis where we review how all of that is tracking. It is a funny arrangement where I have the financial responsibility for that money. I am responsible for the expenditure of that money but the Electoral Commission are independent and they have their statutory function they need to discharge. It is done very much on a cooperative basis and it is the only way it can work where we work with the Electoral Commissioner in particular on ensuring the Electoral Commission comes in on budget with respect to the Consolidated Fund. Some of the money that is appropriated also pays for the services that the department provides to the Electoral Commission - financial support, human resource support -

Mr VALENTINE - The back office?

Mr OVERLAND - Yes, it is the back office stuff, the corporate stuff, which is a process we use across the department. We support the Supreme Court and the Magistrates Courts. There is a range of independent bodies that we support.

Mr VALENTINE - Fifty-three, aren't there?

Mr OVERLAND - There are quite a number of them and we take a portion as a corporate overhead to provide all the back office support to the various outputs that sit within the department. The Electoral Commission is no different in that regard.

Ms RATTRAY - A question to Stephen: four and five years ago there were a couple of seats in the Legislative Council that did not require an election. Do you hold back on some funds to the TEC in those circumstances? That will not happen this year but is that something that happens? Are their resources fluctuating all the time because of what activity is going on, or is there a core group of employees and a core amount of funding?

Mr MORRISON - The commissioner has 7.8 FTEs at the moment and that is their permanent staff. With the various elections for local government, Legislative Council and the state House of Assembly, they bring on casuals as required. In the case where there are no elections held for those two seats, they will need to bring on the casual, time-limited staff. Those casuals are funded from 'reserved by law' operation.

Ms RATTRAY - Sometimes there is money left over from the allocated 'reserved by law' budget if it is not required. Where does that go, just back into the Consolidated Fund or does it go into the department?

Mr MORRISON - It is just not drawn down from the Consolidated Fund.

Mr VALENTINE - It is not rolled over, is it?

Mr MORRISON - No. It lapses at 30 June.

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Mr OVERLAND - The 'reserved by law' provision essentially works almost on the basis of whatever is spent by the area is funded.

Ms RATTRAY - It is not an allocation as such?

Mr OVERLAND - Not in the sense of the Consolidated Fund.

Mr MORRISON - It is a notional allocation as part of the budget process. The various individual acts allow us to spend what is needed for the purpose of the act.

Mr VALENTINE - If there are four recounts, for instance, associated with one election in certain seats, the extra costs associated with those are simply provided? There is no stricture on how much the Electoral Commission receives or is needed to run that election fully? There is no way that the Electoral Commission would have to cut its cloth to suit its budget?

Mr MORRISON - Not for the running of that election with the recounts.

Mr VALENTINE - No, for the 'reserved by law' funding.

Mr MORRISON - We just advise Treasury that because there are four recounts it has slightly overrun the allocation provided.

Mr VALENTINE - They are not constrained?

Mr MORRISON - No.

Mr FINCH - Stephen, can you give us a quantum of what has been expended by the TEC, let's say in the last four or five years? Do we know how much has actually been reserved by law for funding over the last five years? What I would be really interested in is just how their costs might have increased because of the changes that are taking place and developments such as the council going to four-year funding. How has the TEC had to be resourced in an extra way, perhaps, to cover the new requirements that have been placed on them?

Ms RATTRAY - Like a software update or something like that.

Mr MORRISON - Over the last five years - this is particularly related to state House of Assembly and Legislative Council elections, because there are other boundary expenses and Aboriginal Lands Acts which are pretty minor - in 2009-10 they spent \$3.1 million; in 2010-11 it was \$1.2 million.

Ms RATTRAY - We had a state election in that year, but the seat of Apsley saved a few dollars there.

Mr MORRISON - In 2011-12 it was about \$1 million; in 2012-13 it was \$1.1 million, and in 2013-14, being the last state election, it was \$3.7 million. It is around about \$1 million when there is no state election and it ticks up to round about \$3 million when there is a state election.

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Mr FINCH - Regarding the resourcing of the TEC, in your conversations with the Commissioner, Julian Type, does he apprise you of what might be occurring as far as the office is concerned and impending elections, or the way things should be run, or the exploration of perhaps new ways of doing things that might require extra resourcing? Do you have those sorts of discussions?

Mr OVERLAND - Yes, we do. Again, he actively participates in the annual business plan process that we run right across the department. It is designed to do a number of things, but it does include identifying those initiatives that areas want to run that are, what I would call improving or developing the business. They are not actually delivery of a service per se, but things such as a new information technology system. They were supplemented - I think two years ago for -

Mr MORRISON - I think it might have been last year, \$350 000 - development costs of an IT platform.

Mr FINCH - That would not be in these figures that you have given us?

Mr OVERLAND - Not in reserved by law; that would actually show up in the consolidated funding that is provided to the TEC, remembering that there are the three separate strands: consolidated funding, reserved by law, and revenue that they raise.

Ms RATTRAY - Would that have been a request for additional funding?

Mr MORRISON - It would have been a RAF and the public can actually -

Mr FINCH - Is that a regular occurrence - that there might be a figure of that quantum that might be requested by the TEC, or was that just a one-off?

Mr OVERLAND - I don't think there has been anything else. They have been very good at managing within their budget over the last 10 years. I think there is only one of the last 10 years where they had a slight - and it was very slight - over-expenditure. Other than that, they have been extremely good at managing within their budget.

Mr FINCH - So there would not be a situation where Mr Type might be saying, 'Look, we need extra resources. We feel under-resourced but there is no money in the kitty. Everything has been cut back and we haven't been able to build our resources'.

Mr OVERLAND - I think it would be fair to say that, like pretty much every area, they would all like more money, because that would allow them to deliver an enhanced range of services, or to do things that they currently can't do. But I don't think the TEC is any different to any of the other outputs operating in the department. We would all like more money.

Mr FINCH - You don't get a sense that you have been at loggerheads with Mr Type, in that he is requesting more than you are able to provide?

Mr OVERLAND - Ultimately, government provides the money. It's my job to administer the way it is expended. I am accountable for the expenditure of the department's funds but with people such as the electoral commissioner, in particular, because they have a

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statutory role, that is an interesting process to go through. Ultimately, I don't manage them in the same way I manage other areas of the department where they are in the line and directly answerable to me, and the accountabilities are a bit clearer. The Electoral Commission has been very good at managing its budget but it is a tough environment for them.

Mr VALENTINE - In reading the TEC's submission:

In addition to the electoral commission, the TEC has 6.8 full-time equivalent staff.

I believe they mentioned there is a need for them to go back to a certain level of staffing because they seem to be lower than they should be to deliver effective services - that's the way I read it.

Mr OVERLAND - There are 7.8 FTE in there at the moment, as of April 2015.

CHAIR - That's including the commissioner, though.

Mr OVERLAND - Yes. Their staffing has been reasonably stable going back to 2007. It has reduced by 2 FTE this financial year, and that is as a consequence of cuts to funding.

Mr VALENTINE - Their submission says:

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.

That is the line I was looking for. Clearly they believe that to be sustainable they need to have a few more FTEs to make that happen.

Mr OVERLAND - According to our records, in 2007 they had 9.58 FTE. In 2008 they had 10.48 FTE; in 2009 it was 9.48. These are all as of April - in 2010 it was 9.9; in 2011 it was 9.5; in 2012 it was 8.8, in 2013 it was 9.8, and in 2014 it was 10. In 2015 it was 7.8 FTE. Their staffing has been very stable over that period but this year it has dropped as a consequence of the savings that have had to be made.

Mr VALENTINE - Clearly, they must be measuring something differently in making that statement.

CHAIR - Could we have a copy of that table? It would be good to have that.

Mr OVERLAND - Yes, I am happy to make that available. I would defer to Mr Type's judgment about what he needs in order to have a sustainable commissioner, so I wouldn't dispute his evidence if that is his evidence.

Mr VALENTINE - My other question was, who has responsibility in the circumstance where they do a fee-for-service? Does the TEC have responsibility to run just the

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election process or are they responsible for making sure it is democratically run, which might be outside their remit? Do you have a view on that?

Mr OVERLAND - I don't claim to be an expert in these matters so I stand to be corrected, but my understanding is that it depends. If they are running elections under the Electoral Commission Act, they are responsible.

Mr VALENTINE - Or the Local Government Act.

Mr OVERLAND - Or the Local Government Act where there is a clear statutory responsibility. Some of their other -

Mr VALENTINE - The Aboriginal one, perhaps?

Mr OVERLAND - Again, it would depend on what the relevant legislation has to say and the rules of the organisation they are conducting the ballot for. It varies depending on the fee-for-service activity they are performing.

Ms RATTRAY - I want to follow on from the TEC's roles and functions in relation to complaints. It appears that through an election campaign the TEC receives complaints but they do not have the resources or the wherewithal to act on any complaints. Of course an election is run and won and it looks a bit like sour grapes if you are still bashing on about something that happened three weeks ago; there is a result and what happened is of no consequence. Have you had any of those issues raised with you and any concerns about the resourcing and their statutory obligations in this case to act on those complaints during an election or pre-election?

Mr OVERLAND - It depends what you mean by election. Certainly in terms of their statutory responsibilities I have not had issues raised with me but they should properly be raised with the Electoral Commissioner because, as you say, it is part of the commission's statutory responsibility. That would be the place for them to be raised. If it does relate resourcing then I would expect at some point in time I would have a discussion with the commissioner about that.

Ms RATTRAY - We are not suggesting that we need a designated police person, if you like, to be running around in any given electorate looking at who is potentially doing the wrong thing, but somebody who may be able to take complaints, investigate them and resolve them before a vote is completed, because after the event it is almost of no consequence. None of that has ever come to the department's notice?

Mr OVERLAND - Again, that is really part of the statutory responsibility of the Electoral Commission and the commissioner. As I made the point at the outset we host the commission but we are clearly not responsible for their statutory duties; that very much sits with them. It is not that we are not interested. It is not our proper place to be in there unless there is some particular issue a statutory officer holder wants to raise with me as secretary or with the department that requires some action on our part.

Mr VALENTINE - Even in a fee-for-service situation where there is no act that necessarily governs them except the Electoral Commission Act? There is an issue in one instance with the university union elections. They went to the commissioner, they received

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responses to certain things, and I think they may have come to you but I am not sure where else they went after that. Clearly it seems to be that the buck stops here sort of thing.

Mr OVERLAND - In that regard I think quite clearly the issue there sits with the Tasmanian University Union board not with the TEC.

Mr VALENTINE - So the TEC is providing the service to run the election and any complaints about the democratic process associated with the election itself, people going into polling booths and those sorts of things -

Mr OVERLAND - It is a little bit more complex than that but in that case. It depends on what election you are talking about. If you are talking about this particular type of election, that I happen to know a little bit about, the TEC has a responsibility to run that election in accordance with the rules of the TUU. In the moment that is about ensuring fair, transparent voting and so on and so forth. They have to rely on the rules of that organisation in this particular incidence.

Mr VALENTINE - So voter coercion, for instance, would come under the TUU not under the TEC?

Mr OVERLAND - Ultimately, but the TEC, if in managing or administering those elections, saw voter coercion going on then they would be expected to do something about it.

Mr VALENTINE - Take a degree of action.

Mr OVERLAND - To take some action but ultimately the sanction and the force, if you like, needs to sit with the TUU board. I am here as secretary of the department but I also happen to be chair of the TUU board. The board understands this. We know there is an issue there that needs to be dealt with. There were allegations made. Without an investigation, it is very difficult to know the substance of those things. There were clearly some problems and the TUU needs to look at that in terms of how they set up voting centres, so there are some very basic things that need to happen. There is an absence of rules and that does need to be looked at and is being looked at by the TUU board. The fault there is not with the Electoral Commission.

Mr FINCH - Is there an investigation going to take place?

Mr OVERLAND - Not an investigation as such because there is almost nothing to investigate because there is an absence of rules. We need to make sure there is a set of clear rules that govern -

Mr FINCH - A review?

Mr OVERLAND - Yes, a review to ensure there are appropriate rules in place to govern those elections.

Mr FINCH - The evidence we heard was that this occurs year in, year out.

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Mr OVERLAND - Yes, I know these claims are often made, Mr Finch, and sometimes it is very difficult to know whether it is -

Mr FINCH - It was Mr Type who made that comment, not to us but anecdotally that is what we have heard.

Mr OVERLAND - It is also student politics, might I say. It is interesting to say the least.

Mr FINCH - Yes, but it is still not good for TEC to be involved in that process and to have their reputation not so much besmirched but come under question if the process is not working as democratically as you would like it to occur.

Mr OVERLAND - The commissioner has made that point, that he needs to be satisfied they are elections that he can and should be involved in for precisely the point you have just made.

Ms RATTRAY - We fund the TEC and to have them involved in an organisation in a process that should be fair and transparent and fit in the democracy of our state, almost appears not to be happening. Isn't there some concern about the TEC role in that?

Mr OVERLAND - That is a matter you would have to ask the commissioner about.

Ms RATTRAY - But as the department hosting the TEC, you allocate the funds, make sure they are doing their work or else they would not get their funds, so you would have to have some role.

Mr OVERLAND - We pass through some of the funds. The consolidated funds come through the department. They are allocated by parliament ultimately, not by me. I have accountability around financial expenditure so I need to keep an eye on those things. But I need to do that in a very respectful way, given the fact that Mr Type is independent. The thrust of your question is really a question for Mr Type, not for me.

Ms RATTRAY - As you might appreciate I was taken aback by what we heard this morning. We are concerned that it will reflect on the TEC.

Mr FINCH - As a statutory authority, the TEC, through the commissioner, is answerable to parliament only?

Mr OVERLAND - Yes.

Mr FINCH - He doesn't answer to you specifically?

Mr OVERLAND - Not on statutory matters. It is only around budgetary and other corporate support matters. I don't know that he answers to me; I think we work together to achieve an outcome.

Mr FINCH - There are issues and things that people probably want to bring through the commissioner and feel they are not dealt with as efficaciously as they would like. Then the process is for it to come back through parliament and at budget Estimates and times like that.

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Mr VALENTINE - There was a circumstances where some of the students had written requesting information or requesting a response but they said they had not received a response. Are you aware of anything that is outstanding in that regard?

Mr OVERLAND - No, I am not.

Mr VALENTINE - They told us they wrote to the Commissioner and they didn't receive a response. I would have to go back to *Hansard* but I think they said wrote to the Department of Justice.

CHAIR - They contacted the Department of Justice.

Ms RATTRAY - They did get a response from the Department of Justice saying that it wasn't the department's role because they were statutory officers, which is my understanding of what we heard.

CHAIR - They tabled the letter they had written.

Mr VALENTINE - I couldn't remember the outcome.

Mr OVERLAND - Again, I can't comment on whether the TEC responded or not. As to whether the students know what is happening, there are student representatives on the TUU board. The minutes of the board are made public. It is no secret that the TUU board needs to develop an appropriate set of rules to govern future elections.

CHAIR - Any idea of a time frame for that?

Mr OVERLAND - It needs to be done before the end of the year when the next student elections are up.

CHAIR - Is it likely it will be?

Mr OVERLAND - It will be, absolutely, yes.

Mr VALENTINE - When are they due?

Mr OVERLAND - I think it is around October, November, at the end of the year. It is the end of each year for the incoming year.

CHAIR - Thank you very much for appearing. We really appreciate your being here.

THE WITNESSES WITHDREW.

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Dr KEVIN JAMES BONHAM WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - I need to advise you the evidence is protected by parliamentary privilege within here but once you go outside these walls and if you speak to the media you will not be protected by parliamentary privilege. The evidence is being recorded on *Hansard* and will be put up on the committee website as soon as that is available.

If you can advise the committee of your field of interest and maybe give an overview statement.

Dr BONHAM - I am appearing in a private capacity. I am an electoral analyst and frequent scrutineer at Tasmanian elections, mostly local council elections going back to the late 1980s. I publish a website on electoral studies in Tasmania and Australia dealing with opinion polls, election results, electoral systems and political commentary. I am sometimes a consultant in various areas to do with elections on a freelance basis. I did two consultancies for the Electoral Commission in the last year or two mostly dealing with the damage to ballot papers in Denison and their relationship to the result, and also dealing with verification of the new computer counting system for local government.

I have also been a paid commentator on election night, and a paid commentator for *The Mercury*. I should probably disclose that.

CHAIR - Do you have any comments you would like to make regarding the actual investigation that we are doing?

Dr BONHAM - Yes. First I would like to apologise for not making a written submission. 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.'

I personally find, when following the elections of other states, a degree of frustration at the slowness of the count and the incomplete information that is provided in other states, even though they have simpler electoral systems than us. I think that there are things that the TEC does really well, and that it would be good if it remained that way.

I looked through the submissions that were on the website, and I had comments about a number of the issues that were flagged in the submissions. These were mostly not the resourcing matters, these are basically the matters to do with the Electoral Act and ways in which it could be improved. Probably I should just seek clarification whether the Local Government Act electoral processes are under review before I comment on those.

Ms RATTRAY - Not the Local Government Act per se, but because of our reference to matters into thereto, I think it's relevant. It's whether we can -

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CHAIR - We are happy to have the information, then we can look at whether there is an issue that we can deal with.

Mr FINCH - From LGAT this morning we got a sense that they are constantly debating, discussing, moving motions, reviewing these circumstances. We had a list of motions in the submission from LGAT. They are fine tuning, it seems, all the time, their involvement with the election process, but particularly with the all-in, all-out four-year voting, that sort of thing.

CHAIR - That's right, so we wouldn't really preclude something that could be very valuable. So feel free.

Dr BONHAM - On that basis I will say that if there was one thing I could wave a magic wand and fix in the running of elections in Tasmania, it would be the formality of rules for council elections in local government elections. We just had council elections that were all-in, all-out for the first time, and they were marred by very high informal vote rates. The informal voting was mostly intentional. I will quote from one of the articles on my site:

The informal vote rate increased in all 28 councils that had councillor contests. It was up by more than 50 per cent in 22 of those councils, including 10 in which it more than doubled. The informal votes in Hobart (7.47 per cent up from 3.24 per cent), Launceston (6.19 per cent from 3.48 per cent), and Clarence (5.68 per cent up from 3.22 per cent) were especially severe.

As a scrutineer, I observed the informal votes for Hobart, and the Electoral Commission were very helpful in showing me through those. The increase in informal voting was largely because of unintentional informal votes. 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. There is a need to reform the formality rules, to add saving provisions to deal with these unintended informal votes and to let them exhaust at the point of view where the voter makes a mistake rather than having the vote declared completely informal, as is done with the below-the-line Senate voting. In the Senate if you mistakenly put two 4s then your vote exhausts after number 3 if you are voting below the line.

Mr FINCH - We heard also in evidence, Kevin, that in marking of mayor, for instance, I think it needed to be a '1', but if an old-timer put a cross that became informal. Did you hear about that?

Dr BONHAM - The ruling of a single cross as formal or not formal for those ones where you only have to mark one box is something that is often debated. I could not be absolutely certain what ruling was being used at this election, from memory.

CHAIR - We were advised they were ruled out.

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Dr BONHAM - I will check with the electoral commissioner as to what they said about a single cross.

Mr FINCH - What is your reaction to that suggestion, Kevin? Do you think that increase in the informal vote is a bit too strict?

Dr BONHAM - A lot of these things highlight a need to communicate very clearly to the elector what will and will not be counted. If you want a cross to be informal you need to say prominently, 'Do not use ticks and crosses or your vote will not count'. I sometimes run elections for community groups and you need a lot of explanation to make sure people do not vote informally.

Mr FINCH - Do you think there's not enough explanation of the process? I am thinking here about an educative process that needs to be in place to constantly let people know about the processes. We are quite different from federal, state and local government and people find it hard to grapple sometimes with the minutiae of detail that pertains to each one.

Dr BONHAM - People get confused between the formality rules of different systems. People do confused things with the council votes. You sometimes get people who try to vote across all the three papers. You even get some on state elections who vote 1, 2, 3, 4, 5 down each of the party lists, not realising they only need to vote for one lot of candidates. You get confusion of that kind. To some degree it helps if you can spell out rules as much as possible. There are limits to how much of that you can fit on a ballot paper and people have to be able to read it.

Ms RATTRAY - Those little instructions at the bottom are tiny: 'You only need to vote for 4 candidates'. It would be better if that if that was on the top, rather than on the bottom, after you've done it.

CHAIR - So you are saying consistency is what we are looking for?

Dr BONHAM - Yes, but also 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. There were quite a few who voted, for instance, 1-10 or 1-11 on the 12-candidate ballot paper and then stopped. Maybe the thought, 'I am close enough. It will be counted as good enough. I didn't realise the vote would be declared informal'. There is also scope for looking at reducing the number of squares required.

Ms RATTRAY - Brighton Council identified that in their submission. The examples that Kevin has raised are real because we have them in our submissions, and some local government areas have identified exactly that. I know myself you want instruction at the top of your ballot paper, not right down the bottom, after you have perhaps not taken your glasses with you and you have finished. You need to line up again and get another ballot paper; people probably don't bother.

CHAIR - Or even the fact that you cannot identify yourself on your ballot, which is another interesting one. If someone signs the ballot, I know in local council it is ruled out.

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Mr VALENTINE - You have never seen an election where a cross, even though it is not a 1 or a 2, for a single seat has been taken as a valid vote because the voter intention is clear? A 1 is required, but the X clearly shows the voter's intention.

Dr BONHAM - I could not say for certain whether I have or have not seen crosses being accepted as valid, but I know it is an area which is constantly debated. I may have seen elections where a single cross was counted as valid because usually a single cross is that the voter does intend to vote 1 for that candidate. They may come from some country where that is the normal method of voting. The difficulty is that you cannot be certain. A cross might be a negative intention. It might be anyone but, whereas you can be certain about a tick. A cross is a bit more ambiguous. The proportion of people voting with ticks and crosses is not high, as I understand it. I don't see a lot of them.

Mr FINCH - You were saying the informal vote is up 50 per cent.

Dr BONHAM - More than that. It was up by more than 50 per cent in 22 out of 28 councils, and that included 10 in which it more than doubled in a local government election. For example, in Hobart it is two-and-a-half times; statewide it was up more than 50 per cent.

Mr FINCH - Were a lot of those intentional informal votes or do you think it was just overzealousness in respect of making sure everything was correct and above board?

Dr BONHAM - The increase was largely, but not entirely, because of unintentional informal votes. It was people making mistakes in the number of boxes they numbered.

Mr FINCH - They felt when they went in that they were making a valid vote, but they were discarded?

Dr BONHAM - Yes. This is postal voting. They posted what they thought was a valid vote. They made a mistake. They had gone 1, 2, 3, 4, 4, 5 or something like that, and because of some mistake in the first 12 or however many numbers and because the rules allow no latitude at all within the number of candidates to be elected, the vote is completely discounted.

Mr FINCH - What about in the booths for state and federal elections?

Dr BONHAM - In state elections you get a similar thing. You get some people who don't vote from 1 to 5 correctly. They double up, they miss numbers, they only vote to 3 and their votes are discounted. The Electoral Commission compiles statistics on the rates of those informal votes that they include in their reporting. There is less scope for error because you only have to get to 5 and then you can make any mistake you like after 5. So long as you have 1, 2, 3, 4, 5 each once only, you are fine after that in a state election for the lower House. Lots of people do make mistakes at 7, 8 or 10 but that doesn't matter.

Ms RATTRAY - Because you only have to vote for 5.

Dr BONHAM - Yes.

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Mr VALENTINE - What you are saying in relation to the local government situation is that if you are supposed to vote for 12 and they only vote for six, then there may be value in considering their vote valid up to the six.

Dr BONHAM - Yes.

Mr FINCH - Kevin, did you take it further with the TEC or are you revealing this to us in the hope that it might see the light of day?

Dr BONHAM - It has already seen the light of day on my website.

Mr FINCH - Is that enough though, Kevin?

Dr BONHAM - I publicised it and I was quoted in at least one media article as drawing attention to it. I also predicted before the election that it was going to happen.

Mr FINCH - Do you have communication with the TEC that you would make a submission or highlight that to the commissioner?

Dr BONHAM - No, I have not discussed with the TEC that I was going to make this submission. I am acting completely unilaterally in coming here.

Mr VALENTINE - You were saying no-one does it better than the TEC, but we have received some submissions about the time it took to reveal certain votes this time around in the last local government election. Do you have any comment on why that might have been? Various submissions have said that e-vote counting, not e-voting, caused the problem. Do you have any observations on why it may have taken longer this time to reveal the counts than other previous elections?

Dr BONHAM - The new system for ballot entry involved every vote in a number of councils being typed into a computer. This is a slow process compared to throwing them in a box. The method has its pluses and minuses in terms of the rate at which information comes out. In the old system, and the system is still used for a number of councils, the primary vote comes out much faster, but have no indication of where the preferences are going until the end of the preference distribution, which takes a few days. This time at a certain point you get something that is 20 per cent of the primary count with a preference distribution based on that 20 per cent. Then you get the one with 50 per cent and a preference distribution based on 50 per cent, and so on. A similar system is used in the ACT in their tertiary house elections. It is slower in terms of getting out any indication of the primary vote for the local councils.

Mr VALENTINE - There were concerns expressed that the candidates were buoyant when they saw the first count and thought I have made it across, but in fact it was revealed they certainly had not - because of this process. You do not have any comment on that in terms of the agony people go through?

Dr BONHAM - Yes. This is about managing the information that is communicated, making it as clear as possible to anyone reading the information that this is a provisional result based on the votes counted thus far - 20 per cent, 50 per cent - and that some candidates will change through the process as more figures are released. Someone who is elected

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on the first 20 per cent, especially if they are down the tail end of those elected, should not be getting their hopes up. It needs to be communicated to candidates that is all that is going on. My impression was it was being made reasonably clear.

Ms RATTRAY - Maybe it was more the media speculating on who might be successful. Where I live the local paper flagged this person was going to get a seat. They did not and that was quite distressing. It was on the front page of the paper the next week, and regrettably they were not successful.

CHAIR - I think it was more that centre column. Other people probably saw the centre column which said 'possibly elected'.

Ms RATTRAY - I suppose the media would take it as this being from the Electoral Commission. They know, they are looking at the votes, and have accordingly put an article together on the strength of it.

Mr VALENTINE - To follow up on that, summarising the e-counting arrangement, do you have any comment on whether it is beneficial, at the end of the day, to have that system over the manual system in this whole process?

Dr BONHAM - I think that it is more accurate. In fact I am certain it is more accurate. I did cover this in my testing report, which is up on my website somewhere, where I looked at processes where they have re-entered past elections. It was consistent with the automatic entry having cleared up mistakes in the original data entry, miscountings. Local council elections are quite often very close for some of the automatic seats. You quite often get seats decided by one to five votes at local council levels.

Mr VALENTINE - In your observation as a scrutineer, do you have any issue with the way the votes going into the computer may have been verified or otherwise? Did you observe any of that process at all, as a scrutineer, whether there are any data entry errors or anything like that? How was that handled, do you know?

Dr BONHAM - This is also covered in my report to a degree based on my observations when they did test runs using fictitious candidates and using known vote distribution. They are not using a real election, they are using a distribution where they know exactly what total they are aiming to get. They can pick how many errors are getting through. A small number of errors will get through in any system, but I am very confident that the number of errors that get through this system, with the double-checking of the computer entry, is very much lower than the number that have been getting through manual counting. I personally saw votes that had been incorrectly manually counted originally during this test process.

Mr FINCH - You have developed this verification of the new computing system. What other observations might you have? You say it's more accurate, but has it helped the speed with which the results come through? Does it make it more efficacious for those people who are doing it? Were people savvy with the process? Did they handle it well, those sort of observations, Kevin?

Dr BONHAM - My impression was that the counts overall, under the process, were, if anything, maybe a little bit slower than under the old process. There is a bit of a

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trade-off between speed and accuracy. 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. That would be my comment on that.

Mr FINCH - The computing just made it more accurate.

Dr BONHAM - Yes.

Mr FINCH - Okay.

Dr BONHAM - This also was raised in the context of local government, so I will mention it while we are on local government, but it also applies to state elections. One of the submissions, submission 7, by one of the local councils, recommended a change to the recount.

Mr VALENTINE - Break O'Day Council.

Dr BONHAM - Yes, that is right, it recommended a change to the recount provisions when you have a member who retires under Hare-Clark and needs to be replaced by another member and you need to find the best replacement for them. They recommended you recount the whole election to fill the vacancy. This is the solution that has been proposed a number of times but there are some problems with it. I would like to say that I do not support that solution.

Ms RATTRAY - Could you give me an example of what you think the major pitfall is in going down that path, Kevin?

Dr BONHAM - Yes. There were two big pitfalls with going down that path. The first one is that where a candidate retires and you then reconduct the election for 12 places, or however many places, from the same ballot papers, but without that retiring candidate, in some cases you can actually 'diselect' someone who was originally elected. There might be a way around that by quarantining them so they cannot get 'diselected' but it is very difficult.

Ms RATTRAY - That would be fiddling with the democracy part, wouldn't it?

Dr BONHAM - It is an extremely difficult mathematical problem and I do not know the answer to it.

The other problem is that in some cases a candidate who is resigning might have been elected very narrowly and then, if the full election is thrown without that candidate, instead of a like-minded candidate getting elected, the candidate elected could be someone from the other party who was competing with them. The example I give is Kim Booth in Bass in 2006 where he won by less than 200 votes. If he had then retired during that term and had to be replaced, it is quite possible he would have been replaced by the unsuccessful Labor candidate rather than by a fellow Greens candidate. Any situation where someone gets replaced by a candidate who is very different from themselves is a situation that discourages someone from resigning in circumstances

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where they probably should - if it is ill health or something like that. If there is a risk of them being replaced by another candidate, they will tend to hang onto their seat to avoid that.

Ms RATTRAY - People often do have a look to see who would be the likely replacement before they step down. I have known that to happen. They get some indication of who that person might be and then decide whether they are going to say, 'I am going to withdraw now'.

Dr BONHAM - I get questions of this kind constantly. I get, 'Hey Kevin, if so-and-so retires from Hobart Council this term, who will be their replacement?'.

Ms RATTRAY - Probably if Lara Giddings retired, who might get the seat?

Dr BONHAM - Yes, those kinds of questions. There is a lot of misunderstanding of how that process works.

Ms RATTRAY - It is interesting, thank you.

Dr BONHAM - There are problems with the system as it is, but I do not support that solution.

CHAIR - We have 15 minutes left. What other issues would you like to raise if there are no other questions on that matter?

Dr BONHAM - I have a few more points concerning the state's Electoral Act.

CHAIR - If you want to bring up yours and then we could ask some questions. It is important hear from you.

Dr BONHAM - Section 191(1)(b) of the Electoral Act was mentioned in a few submissions. This concerns the authorisation of online material. Some social media platforms, such as Twitter, do not provide room for an authorisation statement to be included. The section in 191(1)(b) that reads at the end of the 'electoral matter' should be loosened to allow for a statement to be carried on an associated profile or link accessible from a profile so that you do not have this problem of not having enough room to put your authorisation statement and technically being in breach of the law in Tasmania. You have said something about an election in broad characters.

Mr VALENTINE - How do you work that? I am standing for an election; I have a statement somewhere else which is authorised. I then put out a tweet which is not authorised. Do I have to refer to that tweet in my original statement? Do I have to refer to the fact that I do tweets?

Dr BONHAM - I would have it so that either your Twitter profile had the authorisation statement or, alternatively, your Twitter profile would have a link to something like a website - a blog or something like that - and that will carry the authorisation statement.

Section 195, expenditure in Legislative Council elections. I agree with the Tasmanian Electoral Commission's submission that it is a problem that third parties cannot incur

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expenses to promote the election of a single candidate but can incur expenses to promote the election of one of a number of candidates or even the defeat of a candidate, because that is not covered. It only covers 'a candidate', and that was show up in the Nelson election where Jim Wilkinson was re-elected but there were groups promoting a number of candidates and those groups were not covered by the expense rules. If they had endorsed one specific candidate, they would have been covered. I am not sure what the solution is but I agree with the Electoral Commission that that needs to be reformed with the current discrepancies.

The last one I had is section 196, prohibiting the use of candidate names without authority. I also agree with the Electoral Commission's submission on that matter. I believe that that is not necessary. The bans on how-to-vote cards on the day are something Tasmanian voters like a lot and should be retained. However, banning someone from mentioning the name of a candidate without that candidate's permission - and only applying that ban to certain kinds of advertising - is an unnecessary restraint on debate. In this day and age, if someone puts out something slagging off a candidate, within hours the candidate will probably have something up on line refuting it. Anybody can Google and see for themselves what the candidate has to say about that.

Mr VALENTINE - In the circumstance where somebody is using somebody else's name in pamphlets, if they are a rich individual who has the opportunity to put out lots of pamphlets, the individual they are complaining about might not have anywhere near the resources. You don't see that as an issue?

Dr BONHAM - No. It's for the voters to decide what they make of that material and voters are very cynical about being letterboxed with negative campaigning of other candidates.

Ms RATTRAY - Hence people don't like the how-to-vote cards as you are walking into the polling booth.

Mr FINCH - In my campaign last year when the Liberal Party ran the television campaign using my image and my name without my permission, I think that backfired on them. I complained to the electoral commissioner, with no response. He thought the word 'publish' in that section didn't refer to television, which I thought was bizarre. In the final analysis, when we got down with the push polling, the robo-calls and those sorts of things, I think they turned out to be negatives that helped my campaign. By the same token we were operating under a system whereby, I believe, that was not permissible in the way the act is written - using the word 'publish'.

Dr BONHAM - Without having it in front of me, I wouldn't comment on what 'publish' means. It is obvious that some things are published and some are not. It is obvious there are ways to name people - I can put up a website attacking someone if I want to and that is not covered.

Mr FINCH - I remember the kerfuffle over Brett Whiteley when he in a pamphlet put Jeremy Rockliff down the bottom of the voting list. Because he had used his name without permission, which I thought was quite innocuous, it was blown up out of all proportion. He was bashed around the head with it and suffered quite dramatic consequences because of that.

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Ms RATTRAY - Was that one where he lost his seat?

Mr FINCH - No, but he was frowned upon for that action.

Mr VALENTINE - I have a question about ballot box versus postal voting for local government elections. Do you have any comments on that?

Dr BONHAM - For local government elections, I prefer postal voting because you have more time. You can decide for yourself when you want to vote.

Ms RATTRAY - And you can read the candidates' statements.

Dr BONHAM - Yes. I prefer the current system.

Mr VALENTINE - You do not see any shortcomings in terms of security, validating who the voter actually is and all those sorts of things?

Dr BONHAM - There are always slight risks. I anecdotally hear of cases of people standing over someone with a ballot paper in their hand and saying, 'You are going to vote for so-and-so'. I generally think the risks are minor and overblown. These things apply to people casting postal votes before the day in ordinary elections as well.

We notice that with ordinary elections voters are increasingly moving towards not voting on the day if they can possibly avoid it. They are increasingly moving towards any kind of early vote.

CHAIR - They do have that in local council as well because you can go and vote earlier. You can go into a ballot. They have the option, don't they?

Dr BONHAM - Yes. There is also the cost of running on date and this will have to be looked at as well.

Mr VALENTINE - Compulsory versus non-compulsory?

Dr BONHAM - I have a view that council voting should not be compulsory, mainly based on personal liberty. I think when you are restricting somebody's liberty, you need good reasons. I do not think there is an overwhelming case for compulsory voting in local government elections or in elections more generally. Most of the world does not do this.

CHAIR - You don't think it is easier to slant a result when it is a voluntary election - that certain groups will lobby their members to get people elected?

Dr BONHAM - I think it is definitely the case that voluntary voting produces results that are less representative in terms of the people who are actually voting. In local government elections, you do have a skew towards older voters. However, I am not sure that dragging under-informed voters to the booths by force and getting them to cast a vote in an election that they are not very interested in is actually fixing anything. In my case, it is more a philosophical position that I do not like forcing people to do things unless I am absolutely certain it is a good idea.

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Mr FINCH - A comment about political donations - people offering money to candidates. What is your reading of that and the payback that might be expected in doing that?

Dr BONHAM - I like the idea of encouraging more disclosure of donations and particularly more timely disclosure. Ideally, there should be real-time disclosure if possible so that as soon as a significant donation is made it goes up very quickly. I am in favour of more disclosure rather than more restrictions on donations - let people donate, but let it be known they have donated and let the candidate be accountable for accepting that donation to the electorate.

Mr FINCH - Should it come down to pecuniary interest in that respect? Let's say in local government there is a developer who might support a candidate and it might be perceived that that might be to curry favour with that candidate if they are successful in voting for their development and what they might want to achieve. Should it come down to the fact, if it's exposed, that that donation came from that developer to that councillor? That councillor is now making a decision on a development that that developer is undertaking, so there might need to be a declaration of pecuniary interest.

Dr BONHAM -Yes. It is not an issue that I thought about in great detail, but in principle I would agree.

Mr FINCH - There is a bit of a debate at the moment with the Legislative Council elections coming up, about the amount that can be spent by candidates, who need to make a report to the TEC at the end of their campaign as to what they have expended their money on and how much. They have a limit to which they must work. Do you have a comment on that limitation?

Dr BONHAM - Yes, I do think that the current limits are on the low side. I think the Labor Party proposed that they be roughly doubled. I thought that was reasonable. I also think that there are problems with those things in terms of expenditure on signs, that candidates who have run in previous elections and recycle their election signs and not counting that as an expense - an advantage over candidates who have not run and have to produce new signs from scratch.

Mr VALENTINE - It should be a notional value?

Dr BONHAM - I think that should be addressed in some way - perhaps expenditure on signs exempt from the expenditure requirement. I do understand that people don't want uncapped elections for Legislative Councils in case it results in political parties flooding the system. I'm not sure whether that would actually happen. I think that \$15 000 in the context of a six-year term is not a huge amount of money. It is my general feeling that the current expenditure cap is lower than it should be.

CHAIR - Thank you very much for coming in.

THE WITNESS WITHDREW

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Mr MATT DEIGHTON, EDITOR, AND Mr DANIEL ZEEMAN, LAWYER, *MERCURY*, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - Thank you. You would be aware that all the evidence taken here is protected by parliamentary privilege within these walls but once you speak outside the hearing it will not be covered by parliamentary privilege. The evidence will be recorded and Hansard will put it up on the committee website as soon as it is available.

Mr DEIGHTON - I am the editor of the *Mercury* and Daniel is our counsel. He is my technical adviser on these matters if I get stuck on anything.

The first one I would like to draw your attention to is section 196 which prevents, amongst other things, the publication of advertisements during election campaigns containing the name, the photograph or the likeness of the candidate without the candidate's written consent. As Daniel and I are aware, Tasmania is the only state which has that requirement and at the *Mercury* and *Sunday Tasmanian* we would probably argue that it is unnecessary and outdated. Our contention is basically that this section has the potential to prevent proper discourse, as well as shielding candidates from proper scrutiny. Hypothetically, judging on a fairly topical issue at the moment, if a minister was re-elected on a platform opposing any change to the GST, for instance, and once elected then supported the broadening of the GST tax base, we would argue that it would be in the public interest for his political opponents to point this out during the election campaign, which currently cannot be done.

We would also argue that, given the amount of political discussion which now appears on social media, which I think swamped us all and caught us all by surprise about how quickly the new cycle and the political cycle changes in this day and age, we would argue that such measures are largely redundant from a print perspective because so much of this conversation is already happening on line.

Mr ZEEMAN - It is not in Matt's letter but one of the commentaries we use in my profession is a commentary called *Halsbury's Laws of Australia*. The editors of the various parts of *Halsbury*, which cover the field about the law in Australia, are often senior counsel. There is an observation about section 196 of the Evidence Act in the current edition of *Halsbury* that suggests that it is unconstitutional. There was a High Court decision of Australian Capital Television and the Commonwealth of 1992 and they cited that authority as probably the authority to suggest that the section is unlawful. The case was talking about the freedom of political communication and where you are going to inhibit that by statute. If you are not going to offend the constitution and the implied rights in the constitution, then you can only enact legislation to inhibit that right of communication where the public interest requires it. It is a balancing test and the authors of *Halsbury* come down on the side of saying it's likely to be unconstitutional.

There was a Magistrates Court decision. I do not want to demean the state's magistrates but the Magistrates Court of Tasmania is not a court of superior record such as the Supreme Court is. In 2004, the then chief magistrate, Mr Shott, considered section 196, and I assume it was a prosecution for breaching section 196. The case was Taylor and McLean of 9 June 2004. Chief Magistrate Shott, at that time, seemed to be of a view that

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the section did not breach the Constitution. However, the learned authors of *Halsbury* disagreed with him and they do cite his case. Unfortunately I haven't been able to track down the case, but I could certainly forward it to the committee. I am told it would take about a week before it might arrive.

CHAIR - It would be good if you could.

Mr ZEEMAN - They have to get it from the archives office, apparently.

CHAIR - I was thinking, it might be an idea to ask questions as we go through this. That would be a nice idea. It would be the best way to go.

Mr FINCH - The suggestion here, in the submission, is that section 196 is unique. Is Tasmania the only state in Australia that has it?

Mr ZEEMAN - Yes, it is. I did significant research on the legislation in the other states and territories, and I couldn't find an equivalent. When I looked at *Halsbury*, it doesn't identify an equivalent provision in any of the other jurisdictions.

Mr FINCH - Any knowledge at all comes through as to why that might have been included?

Mr ZEEMAN - No, I am giving evidence on a statutory declaration, but I recall that I checked *Hansard* in relation to that provision and could not find any commentary about it. I can't find a rationale for it. Certainly there is no rationale that would be expressed in any of the other jurisdictions when they don't have that provision.

Ms RATTRAY - Would there have been clause notes and on that when that was put in?

Mr ZEEMAN - I haven't found any.

Ms RATTRAY - That might be some homework for us too.

Mr ZEEMAN - Certainly I will forward that to the Secretary and the Clerk.

Mr VALENTINE - It would be interesting to see *Hansard* when it was brought in.

Mr FINCH - In respect of this, and including this in your submission, do you just have a sense of this blanket discourse that might take place in respect of the debate at election time, or generally?

Mr DEIGHTON - Generally at election time. I think for us it is just about keeping the whole processes open and as transparent as we can. I cannot, for the life of me, see any logical reason why these sorts of things would not be allowed. If people are objecting about the way they are portrayed in an ad or from another candidate's perspective, there is recourse that they can take to deal with those sorts of things. In an open and democratic process I can't see any factual basis or any necessary basis for this type of law.

Mr FINCH - No. Recourse is not necessarily available.

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CHAIR - Or quickly available.

Mr FINCH - During the heat of an election campaign I felt that I was besmirched by being painted as a Green during my campaign. My name and my image were used in a television campaign on both channels, which I had not agreed to. I felt that using the word 'publish' in section 196, I thought publish was as close as you could get to presenting something on television, but I was pooh-poohed on that point, that this was not actually the case. I had nowhere to go with my concern in the heat of the election campaign.

Mr DEIGHTON - I guess I argue in that case, if we attempt to be fair and balanced media, there should be the opportunity for you to state your case. There should be an opportunity for you to come back and have your say in a letter to the editor, an opinion piece, another story - I am talking purely about a print media environment. If we are going our job properly then there should always be the opportunity for you to come back and say this is rubbish.

Mr FINCH - The point was made earlier that when you are dealing with unlimited funds being thrown against you while you are set to a budget like your \$15 000 for your campaign - or \$14 500, as mine was - you don't have the ready funds at the tail end of a campaign to throw it into a television campaign; it is hugely expensive.

CHAIR - And they are not likely to do it for nothing for you.

Ms RATTRAY - This is not a campaign issue, but some of us at different times have had some pretty ordinary media coverage. I have rung to have a discussion about it, but it looks like sour grapes if you write something. Then you have to get it printed as well.

Mr DEIGHTON - That's a wider discussion about it. I would encourage you, if you feel you have been unfairly portrayed or feel aggrieved, that is the role of the media. You as public figures have the opportunity to take that action and I would encourage you to take it.

CHAIR - It always makes for good print, doesn't it?

Mr DEIGHTON - I believe any good paper is a community talking to itself. You are never going to have sides that agree on everything but the beauty is we live in a society where you can have those discussions.

Mr VALENTINE - Hopefully the press print the alternative viewpoint to their own viewpoint, so to speak.

Mr DEIGHTON - The *Mercury* is not Matt Deighton's world view. What we try to do is create a view of Tasmania, which is one of the most diverse places in the world.

Mr ZEEMAN - The *Mercury* has a record of being open about those sorts of things. As an aside, some years ago when Justice Underwood criticised the *Mercury* in a report prior to the sentencing of a person who had been found guilty of an offence, the *Mercury* published His Honour's comments in full. It has a record. Bearing in mind this discussion about section 196, even though we are making these submissions on behalf of

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the media, whether the law is going to change is to the benefit of the wider political discourse, including all of the print media.

CHAIR - It is worthwhile having the discussion.

Mr DEIGHTON - Section 198 - we would argue that if it ever could be justified, it probably can't anymore and it is an anomaly in the context of our modern electronic world. Also, it is at odds, as section 196 is, with the laws of the other states and territories. No other state or territory has legislation of this nature, which makes us the only jurisdiction to have a newspaper blackout for advertisements on election day. It is compounded by the fact that it only applies to newspapers and not to electronic media. In my business, that doesn't make a whole of sense.

CHAIR - With social media as it is now.

Mr ZEEMAN - Electronic media generally - the ABC, WIN, Southern Cross. They can all do it and one would wonder why Parliament thought to discriminate against newspapers.

Mr DEIGHTON - Perhaps it just does not take into account the changing face of the media landscape. It is changing faster than any of us can keep up with.

Mr FINCH - I offer an example of when smoking advertising was going to be curtailed in the early 1960s. Radio was the first to go, 10 years later newspapers were the next to go, 10 years later television was the next to go. It was graded to different sections of the media, which was quite bizarre. It should have been all in, all out rather than favouritism in some aspects.

Mr ZEEMAN - Maybe they didn't want to have the complete battle all at once.

Mr DEIGHTON - We have all seen how quickly the landscape has changed. There has been a revolution in the last five or six years and I think it probably needs to keep up with that.

The other issue is political donations. Daniel can probably speak to the technical specifics of this. We would argue there is a loophole which exists in legislation whereby political candidates at state elections can receive cash donations without the public's knowledge. Under the Hare-Clark system, because we have endorsed candidates of the same party, having the capacity to run individual campaigns which are separate from the main party campaign, given they are often in direct competition with each other, there can be the capacity to take direct donations that don't have to be declared and that were not received by or on behalf of the party which endorsed them. We contend this loophole could be closed by supporting state-based disclosure laws.

Mr ZEEMAN - You would almost believe it was an unintended loophole; it is just an oversight.

CHAIR - You would hope so.

Mr ZEEMAN - Yes, I think that's right.

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Mr FINCH - We have discussed it through today with the various submissions that those donations, particularly at local government level, are to curry favour with candidates, and the public has the right to know.

CHAIR - Or they could be to curry favour.

Mr FINCH - Yes, could be used to curry favour - and the public has the right to know who could be compromised in their future voting if elected.

Mr VALENTINE - Do you think this might lead to underground donations, not revealed through the normal?

Mr DEIGHTON - There is always a risk of that but I don't think there is evidence of that in our state. The other states have quite open processes.

Mr ZEEMAN - They do. The fact that the loophole is there means it might be - we don't have evidence of it. As a reasonable person, you would have assume that it has been taken advantage of.

Mr DEIGHTON - I think that is the final one. We were not sure which came under the terms of reference of the committee. I think you would like to speak to that one.

Mr DEIGHTON - Only if the committee wants to hear about it.

CHAIR - Absolutely.

Mr DEIGHTON - We were not sure. Matt asked me to do a comprehensive review of what the other states do. Again, unfortunately Tasmania finds itself in a unique position where there is very little accountability, if any, on candidates for local government. The legislation in the other states and territories is quite comprehensive about their requirements. If Matt is content for me to do it, I can hand out a file note that sets out what I found in the other states and territories.

Ms RATTRAY - Okay, the comparisons.

Mr ZEEMAN - Yes, including, I thought rather helpfully, I added the form that is attached to the West Australian regulations which is the form that a candidate has to complete. If the committee is happy with that and Matt is, I will hand that out, rather than me going on endlessly about it.

CHAIR - That would be really good to be tabled.

Mr ZEEMAN - It gives you the information I found in the other jurisdictions.

Ms RATTRAY - There is not any other state that operates -

Mr ZEEMAN - That doesn't have those onerous requirements. That is right. In the other states and territories there are fairly onerous requirements to declare what you receive by way of donation. There are varying time periods for which you have to make those declarations but you will see it in that memo in general terms. I would be happy if the

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committee wanted any other information to go back to any of the research I did if anyone has any subsequent questions.

Mr FINCH - There is no point of transparency in respect to the Tasmanian electoral process?

Mr ZEEMAN - So far as local government is concerned -

Mr DEIGHTON - Not with regard to donations to local government at election time.

Mr ZEEMAN - No. Basically, you can take what you are given and you don't have to tell anyone about it.

Mr DEIGHTON - From our perspective, this is the one we feel most strongly about because it is where the biggest opportunity for corruption or the biggest potential for corruption exists.

CHAIR - This is where someone's electoral employment starts. A lot of people start with local government and there are a lot of anomalies between the three - local, state and federal.

Mr DEIGHTON - If you see the rigorous processes in the other jurisdictions, there is an argument to be made that it protects people from themselves anyway. The West Australian form is an excellent form. I commend it to the committee by saying it walks you through the steps and it is very clear about what you have to do.

CHAIR - You are right, it does protect people, particularly when you go into planning issues as an alderman.

Mr VALENTINE - Is it the case that no donations be allowed?

Mr ZEEMAN - You asked me a question and I have to react to it, so it has to be my personal view. I do not know that I would agree with that. I say that only because I am pretty much convinced by what the other jurisdictions have done. They seem to have done it fairly well by saying, 'This is not a case where you cannot have donations, but you have to declare them. They have to be available on the public register so people know'. If I am advocating for developer A, the public can see whether developer A has given me any money, or whether I am doing it for utilitarian purposes. That is the point.

Ms RATTRAY - The submission was really valuable in the way it was set out and concisely presented. It is very useful to receive them in that format and much appreciated.

CHAIR - We appreciate too that it is about what is happening in other states. We appreciate the fact that if you do not take any money because you are independent, others might think, 'I would like to know if you did'.

Mr VALENTINE - Listing it leaves it beyond doubt, other than relying on an individual to declare it at the time a vote is about to be taken - 'I am sorry; they gave me money and I have to step out of the room'.

Mr DEIGHTON - How would you know there was a conflict of interest at this point?

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Mr VALENTINE - You would not know.

CHAIR - It is a very good point.

Mr VALENTINE - Quite often during my experience in local government there were people who would be advertising on a developer's vacant site, for instance. There are half a dozen signs around a developer's vacant site. No money changes hands but it has a value.

Mr ZEEMAN - It has.

Mr VALENTINE - Do you have a comment on that? How do you deal with that?

Mr ZEEMAN - I think if you look through that memo, at least one of the jurisdictions talks about a donation of money or kind.

CHAIR - Conflict of interest.

Mr ZEEMAN - It can be dealt with.

Mr VALENTINE - So it can be in-kind which has a value of the advertising space or whatever.

Mr DEIGHTON - Absolutely.

Mr ZEEMAN - A reasonable person would not say, 'I let him do it out of the goodness of my heart' because that is not the real political world.

Mr FINCH - During the recent election campaigns - and we have had quite a lot of them - do you get a sense from the editorials people present or from letters you receive that there is any discontent with the Electoral Commission or the Electoral Act itself or the way things are unfolding as far as elections are concerned?

Mr DEIGHTON - Probably the biggest concern we get is the lack of disclosure around local government. We saw a lot of that around the Myer development fiasco as well. So I think if I am trying to sum up a public mood, it is about a lack of transparency and secrecy around local government is front-of-mind for a lot of people. There has been a bit of a line in the sand drawn in recent times and people actually want to see a lot more openness at that level. That would be my view.

In terms of around the election time with some of the other matters I have raised, the first section is probably more of an internal matter than something I see externally. I think any of that adds to secrecy when it is not necessary. I think that is always a dangerous place to be.

CHAIR - Thank you so much for coming in and thank you very much for your submission. As Tania said, it is very clear and it is great to get submissions for the committee.

Ms RATTRAY - Thank you for the excellent work.

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Mr DEIGHTON - I hope it is useful.

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.

CHAIR - Thank you very much.

THE WITNESSES WITHDREW.