



30 September 2024

Ms Meg Webb

Chair

Public Works and Committee and Joint Standing Committee on Electoral Matters

House of Assembly

Parliament House, Hobart, Tasmania 7000

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### **Submission to the Joint Standing Committee on Electoral Matters**

Thank you for the opportunity to provide a late submission to the Joint Standing Committee on Electoral Matters Inquiry into the Conduct of the 2024 House of Assembly General Election and the 2024 Legislative Council Elections.

We note the Committees terms of reference are:

*To inquire into and report upon aspects of the administration, operation and conduct of the 23 March General Election of Members of the House of Assembly and the 2024 Legislative Council Elections.*

The Jacqui Lambie Network (JLN) holds deep respect for the Tasmanian Electoral Commission (TEC), the Commissioner, and the staff who carry out its vital functions. However, the framework under which they operate is not without flaws. In this submission, the JLN would like to draw the Committee's attention to several key issues that impact the fairness and integrity of Tasmania's electoral system.

### **Financial influence and electoral inequality**

The imbalance in financial resources among candidates and parties can distort electoral fairness. Elections should be determined by a party or candidate's core values, priorities, strategies and engagement with voters, not by the size of a candidate's campaign budget.

The JLN believes that implementing measures to prevent financial disparities from undermining the democratic process will strengthen Tasmania's democracy. By improving regulations

around political advertising and tackling financial inequalities, we can improve the integrity and effectiveness of our electoral system. Issues include (but are not limited to) the following:

### **Taxpayer funded advertising**

Taxpayer funded advertising should be informative, educating Tasmanians about their rights and obligations. However, in practice, these campaigns can become politicised, especially during election periods. While guidelines exist to regulate taxpayer funded advertising, enforcement appears inconsistent and limited in Tasmania. This can allow for the strategic use of taxpayer-funded campaigns to promote government achievements and gain political advantage.

### **Taxpayer funded staffing**

Public servants, ministerial staff, and electorate officers have a responsibility to support government functions impartially. While they have the right to political expression, they must avoid conflicts of interest. During election periods, these officers should only engage in political activities on their own time. Ministers should not direct staff to participate in election activities. Unfortunately the line between official duties and political activities is often blurred. This, in effect, creates an imbalance in accessible resourcing between incumbents and new entrants.

### **Forced cessation of employment for independent and micro party candidates**

JLN candidates have experienced inconsistent and unfair treatment when forced to resign from public sector roles to maintain an “apolitical” stance. The lack of consistency across the sector has led to hardship for some candidates, particularly those in smaller, less-resourced political parties, further skewing the electoral process in favour of cashed-up major parties.

### **Inconsistent enforcement of regulations by local government areas**

Conflicting council signage regulations were applied inconsistently across Tasmanian electorates, ostensibly to the advantage of major parties. It is unclear whether this was due to an intentional strategy or individual oversight. The JLN can provide examples from the Clarence and Kingborough local government areas where non compliant signage from major party candidates was repeatedly overlooked, while minor breaches by independent or smaller party candidates were swiftly enforced.

JLN candidates also experienced the same signage challenges reported by other smaller parties and independent candidates, with corflute signage replaced or missing from approved locations. Missing corflute signage has a greater financial impact on candidates with less available resources.

## **Strengthen political donation disclosure legislation**

In 2023, the Tasmanian Parliament enacted limited laws for disclosing political donations, but these were not implemented prior to the 2024 state election. Yet even after these laws are implemented, Tasmania will still be subject to the weakest political donation regulations in the country.

The new donation laws will enable one of the highest rates of public funding for election campaigns in Australia, while still providing minimal oversight on the donations received. Unlike other Australian states that have either introduced or increased public funding, there will be no spending limits for general elections, and third-party campaigners will continue to face almost no form of regulation.

To improve the integrity of the electoral process, the JLN believes that several changes are necessary to strengthen donation disclosure requirements, including:

- Reducing the proposed threshold for donation disclosures from \$5,000 to \$1,000 and ensuring real-time disclosure of political donations.
- Expanding the definition of "gift" to include all payments that could influence candidates or politicians.
- Mandating that third-party campaigners disclose relevant donations (regardless of when they were made).
- Banning donations from traffickers, developers, and industries such as the fossil fuel, tobacco, arms dealing, producers of dangerous chemicals, and gambling industries; as well as those entities known to engage in aggressive tax avoidance practices or with a history of bribery or corrupt allegations.

The JLN's own Internal Donation Policy stipulates the above and requires that donations only be accepted from individuals or entities whose values and business practices align with the core principles and public positions of the party.

Without legislating or enforcing political donation standards, the implementation of ethical donorship policies unfairly disadvantages smaller political parties and independent candidates. This is inconsistent with the principles of integrity in democracy and leaves the door open for a form of legalised bribery and corruption.

Insufficient oversight of political donations creates an environment that risks fostering, and in fact, potentially encourages, undue subversive influence. Tasmanians deserve to make

informed choices about the candidates and parties they support, which includes transparency regarding the sources of political donations.

### **Improve and enforce higher standards of conduct (particularly from cashed-up majors)**

The 2024 Tasmanian Election saw a concerning decline in political conduct, particularly from the cashed-up major parties who resorted to “grubby” and unethical campaigning tactics.

One example involved the purchase of a web domain nearly identical to the official JLN website. This website was intentionally used to mislead voters and deceive them by creating the deliberate perception that it was associated with the Jacqui Lambie Network. The link to the website was included at the end of a text message sent from the phone number of a Liberal Party candidate (from the electorate of Franklin) to approximately 7,000 Tasmanian voters. This deceptive tactic involved an excessive \$20,000 spend by the Liberal party and violated the spirit of Tasmania’s Electoral Act, which prohibits misleading electoral material.

Despite this obvious violation, no action was taken by the Electoral Commission. Additionally, the website featured a photo of Senator Jacqui Lambie. As the Committee is aware, it contravenes the law in Tasmania to print, publish or distribute election material which uses the name, photograph or a likeness of a candidate without their written consent. However, this did not apply to Senator Lambie, as she was not herself a candidate in the State Election.

Conversely, Juice Media, a satirical YouTube channel, received a notice from the Electoral Commission for briefly featuring the Premier in a humorous video which clearly did not fall under the category of “electoral advertisement”. This inconsistency in enforcement highlights the need for greater clarity and more effective oversight of electoral conduct.

### **Improve electoral fairness by reinstating fixed terms in the House of Assembly**

Fixed terms provide certainty regarding election dates and prevent the incumbent premier from calling an election at a politically advantageous time. The practice of holding “snap” elections intentionally places new entrants, independents, and minor parties at a disadvantage, as they typically lack the continuous resources and campaign funds available to the major parties. In 2021, the Gutwein Liberal Government in Tasmania called an early election for the House of Assembly. This was about a year before the expiration of the standard four year term. In 2024, we saw this tactic repeated by the Rockliff Liberal Government.

In contrast, Tasmania’s Legislative Council, the upper house, already operates under fixed six year terms. All other Australian states and territories have fixed four year terms for their lower houses.

The JLN believes that reintroducing fixed four year terms for the House of Assembly would demonstrably promote fairness and stability in Tasmania's electoral system.

### **End voter bribery through taxpayer funded community grants (ban "pork-barrelling")**

The Tasmanian Liberals have been repeatedly accused of using taxpayer funded community grants to win votes during successive election campaigns, a practice known as "pork-barrelling". Public confidence in election funding is vital, and commitments should be transparent, accountable and policy driven, not politically motivated. Taxpayer funds should be directed to areas that best serve our community, and not used as an unethical means for securing community support or additional votes.

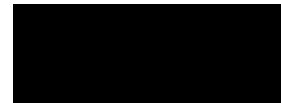
The Jacqui Lambie Network supports the Integrity Commission's recommendations to restore transparency and fairness to these grants. Key measures include:

- Introducing legislation aligned with section 71 of the Commonwealth's *Public Governance, Performance and Accountability Act 2013*, which stipulates that a Minister must not approve proposed expenditure of relevant money unless satisfied that the expenditure would be a 'proper' use of relevant money.
- Implementing mandatory grant rules modelled on the Commonwealth Grants Rules and Guidelines, including compliance mechanisms that apply to Ministers and ministerial staff; grant commitments made during an election-period; ad hoc and discretionary grant commitments; and the Premier's Discretionary Fund.
- Adopting the remainder of the Tasmanian Auditor-General's 2011 recommendations for the former Premier's Sundry Grants Program (now known as the Premier's Discretionary Fund).

These reforms will help ensure that public funds are used transparently and responsibly, and that trust in the democratic process is maintained.

## **Conclusion**

The Jacqui Lambie Network appreciates the Joint Standing Committee's consideration of these concerns and recommendations in its review of Tasmania's Electoral Matters. By addressing financial inequities, improving transparency in political donations, raising standards of conduct, reinstating fixed terms, and eliminating voter bribery through taxpayer funded grants, Tasmania can strengthen its democracy and ensure fairer electoral outcomes for all Tasmanians.



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