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**THE LEGISLATIVE COUNCIL ADMINISTRATION B COMMITTEE MET AT HENTY HOUSE, CHARLES STREET, LAUNCESTON ON TUESDAY, 5 MAY 2015.**

**TASMANIAN ELECTORAL COMMISSION**

**Mr JOHN DOWLING**, STATE SECRETARY, ALP TASMANIA, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** (Ms Armitage) - Welcome. Would you like to give an overview of your submission?

**Mr DOWLING** - I thank the Legislative Council for doing the work they are doing. It is absolutely timely in Tasmania that there be an inquiry into the functions of the Electoral Commission, looking at the act and a whole range of matters pertaining to the act. I think it is clear from the submissions there is a consistent theme. It is very welcome that the Council is doing this work because from the view of our organisation there are a number of matters we believe need to be addressed. Last weekend's elections highlighted even more importantly that there are matters that need to be addressed in Tasmania to improve our democratic institutions - the House of Assembly and the Legislative Council. On behalf of our organisation, thank you for conducting this work. It is appreciated and I hope the findings the committee make are taken on board by the Government and implemented. I believe there are deficiencies in the way our elections are conducted in Tasmania. We can do it much better to suit everyone's needs, particularly the community's needs.

I will couch this in terms of priority from the ALP's perspective. Our submission dealt with a range of areas. The most pressing matter, from the ALP Tasmania Branch's perspective, is based on legal advice we have from the Australian Electoral Commission. There is no regulated funding and disclosure environment in Tasmania for a candidate, whether they be from a registered political party, an independent candidate, a local government candidate, or an upper House candidate. There is no payment disclosure requirement, no legal obligation on a candidate for election to disclose anything about where they receive their candidate donations from. To the credit of the Electoral Commission and the legislation there is an expenditure requirement for Legislative Council elections, but that is the only funding and disclosure requirement in the state based on the advice we have from the Australian Electoral Commission. Essentially, other than a small expenditure requirement for Legislative Council candidates, the environment, whether it be local government or state, lower House or upper House, is completely unregulated.

It is the view of the ALP that something needs to be done about that at the state level. Tasmania is the only jurisdiction in Australia that does not have a state-based funding and disclosure regime. I think it is time. I know the former government attempted to do something about that before the last election. Ultimately that did not succeed but at that time we did not have this advice from the Australian Electoral Commission either. The written legal advice from the Australian Electoral Commission I would submit demonstrates there is a very important need for there to be a Tasmanian state-based system in place. It will have ramifications for the resourcing of the Electoral Commission to administer. I know it is a tough budgetary environment but at the end of

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the day the community should have confidence in the system. People should be able to know where candidates are receiving their money from, for a whole range of reasons. The community should have confidence in the system. I do not think anyone in this room would disagree with that. That is probably the most pressing part of what the ALP submission talks about.

**Mr HALL** - Referring to the Legislative Council elections and returns, as you know, each candidate has to file a return within so many days, specifically laying out every bit of expenditure you have had, and indeed anybody else who has acted on your behalf or spent on your behalf. Don't you think, that being the case for a Legislative Council member, that covers it pretty well?

**Mr DOWLING** - As I said, to the credit of the legislation that is the only part in the whole regime where there is some regulation in Tasmania. For a House of Assembly candidate there is no requirement for them to do that. For a local government candidate I do not believe there is -

**CHAIR** - There is.

**Mr DOWLING** - But on the income side for a Council candidate, a local government candidate and importantly a House of Assembly candidate, where government is formed, there is no income or disclosure requirement for those candidates. They do not have to disclose where they got their money from nor do they have to disclose where they spent that money.

As a political party, we are covered by the Australian Electoral Commission. As a registered political party we provide an annual return to the AEC on our party's expenditure during campaigns, but then we have a state election in March 2014 and that information is not publicly available through the Australian Electoral Commission until the first Tuesday in February 2015.

**Mr VALENTINE** - Does that return include any money the party might spend on behalf of another candidate against a sitting member or whatever in the Legislative Council?

**Mr DOWLING** - I cannot speak for the other parties, but in our party - and I suspect the other parties are the same - we run what is called a central campaign. It would be war if you tried to favour one candidate over another candidate in a Hare-Clark election, so we would run a central campaign with a generic ALP message. I think the Liberal Party does the same with generic Liberal Party messaging, and the Greens party does the same with generic Greens messaging.

Our individual candidates in a Hare-Clark election, say we have five candidates running in Braddon for example, would then run their own individual campaigns. They would fundraise for themselves. They would run their own TV ads, run their own newspaper ads, their own flyers, and they run their own campaign. We run an overarching campaign over the top of the that. From a party perspective, I don't care whether they vote for Bryan Green, Shane Broad, Justine Keay, Darryl Bessell, or Brenton Best in the last campaign, as long as they voted Labor. We were trying to get people to vote Labor, just as the Liberals were trying to people to vote Liberal and the Greens people were trying to vote Greens. We don't care who they vote for, as long as they vote Labor. The

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individual candidates do care who votes for them and they run an individual campaign. That environment for candidates of any party, or independent candidates, is completely unregulated.

**Mr HALL** - I will focus on the Legislative Council elections at this stage and you talk about the low expenditure cap does not represent a level playing field for new candidates and you talk about the rewards of having incumbency and it makes it very difficult for anybody else to returned and you say it is an unhealthy situation. If a candidate is serious about knocking off an incumbent, they can put their name out there 12 or six months before. They can spend unlimited amounts of money until 1 January and it is only then that the election comes into play. How do you respond to that?

**Mr DOWLING** - That is correct. The Legislative Council elections has a range of issues. We have a low voter turnout and that is something you may wish to talk about later. The most recent Council elections were held last weekend. I think the turnout is going to be 13 per cent to 14 per cent less than the voter turnout at the most recent state election. There is a real issue with that. The successful member is Windermere, Ivan Dean, has made some positive suggestion as to how that turnout could be improved - this half in, half out model.

In terms of the expenditure cap, as you are saying, Greg, is correct. You can spend tens of thousands of dollars, if you wanted to, between your endorsement as a candidate or as an independent candidate. Just say you did get endorsed on 1 January 2014, you could spend \$1 million between 1 January 2014 to 31 December 2014. You could spend \$1 million and you would have to disclose where you get the money from. You could spend \$1 million if you wanted to.

As we all know, an ordinary member in the community is going about their daily life and people focus on elections when election campaigns are under way. The expenditure cap from 1 January to the first Saturday in May, particularly during that campaign period, is difficult. I know everyone around this table would know, when you speak to voters, when there is a Council election under way, lots of voters do not know there is an election on. They think it is a Council election. With this election, they say, I live in Lyons, I don't need to vote in Derwent or I live in Braddon, I don't need to vote in Mersey, I live in Bass, I don't need to vote in Windermere.

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

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

**Mr HALL** - Conversely, in answer to that, now being the second longest serving member - I am in my fourteenth year and the only person who is still there when I started is Jim Wilkinson. There has been a whole rotation of people in that time.

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**Mr DOWLING** - I agree, there is a rotation of retiring members over time. The reality is, at least over the last 20 years and I dare say, if you went back 30 years, once a person is elected to the Council they are there until they retire.

**Mr HALL** - Sometimes.

**Mr DOWLING** - Cathy Edwards lost her seat in Pembroke to Alison Ritchie and Tony Mulder defeated Lin Thorp.

**Mr HALL** - Geoff Squibb lost his seat.

**Mr DOWLING** - Yes Geoff Squibb lost to the member in Braddon.

**CHAIR** - Sylvia Smith to Ivan, and then there was George Brooks.

**Mr DOWLING** - I am saying it is not a high figure though.

**CHAIR** - It is probably as high as in the lower House. Let us get back with the issues.

**Mr HALL** - As we know it is predominately an independent upper House, and the parties stand, candidates, as we know. Yourselves and the Liberals and the Greens. Mr Dean made the point this morning, independent candidates have a limited resource base to work with in that respect. A party person has the party backing. They have a lot more resources, so in the case of this recent election, I presume there were 10 000 robocalls. Mr Finch had that issue last year with the Liberals. You have done 10 000 robocalls this year. I presume that they will all be documented as an expense for your candidate and any other expenses that your party have given in kind. Will they all be included in that count and how much did those robocalls cost?

**Mr DOWLING** - I know the robocalls have attracted a bit of interest. I do not know if anyone has taken the time to listen to the message.

**CHAIR** - I would hang up.

**Mr DOWLING** - It is an offence for the party to incur expenditure in the campaign and I will deal with that - it is in our submission. The practice is, whether it is the Labor Party, the Liberal Party of the Greens Party, if the party incurs expenditure then the candidate is invoiced and the candidate pays those costs. The party has not incurred any expenditure. If the party organise for a radio advertisement or a robocall, that cost would be paid for by the candidate.

It seems to me if there is an expenditure cap, who spends the money should not matter as long as the cap is not exceeded. Whether it is the ALP or if it is Jennifer Houston or whatever, as long as the cap is not exceeded, who spent it and that expenditure is part of the cap, should not make any difference where the money is spent. That is a sub-point. In terms of the robocall, the robocall has two components and we know from our own analysis, Rosemary is correct, people tend to hang up at a certain period through the call. They hear the opening part and then they hang up. Sometimes they will listen a bit longer. The first half of the call was essentially, 'Hello my name is Jennifer Houston, I

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am calling to remind you that there is an election on this Saturday in Windermere'. My words are not 100 per cent correct, 'you live in Windermere and I am just letting you know that voting is compulsory'.

The first half of the call was an attempt to turn out the voters, the second part of the call was a campaign message. A choice message. We know, from our own analysis, and as the Chair quite rightly says, people tend not to listen to the full call and the end part of the call has an authorisation, so it meets the requirements of the relevant Commonwealth legislation where you can call to get further information.

The principle purpose of the call was to turn out voters. I would have to say on the evidence, but I do not know, if that call was not made maybe the turn-out rate may have even been less. Who knows? You cannot measure the absolute success of those. Yes, that was the purpose of the call. Hopefully, that deals with that part of your question Greg.

**CHAIR** - The other part was the cost.

**Mr DOWLING** - The cost was about \$500.

**Mr HALL** - Five hundred dollars for ten thousand calls

**Mr DOWLING** - That party received an invoice. There will be invoices coming in the name of the Australian Labor Party Tasmania branch, Jennifer Houston, and the candidate will pay those costs. It is a very cheap form of campaigning.

**Ms RATTRAY** - You would want to get on that plan would you not?

**Mr FINCH** - The first part of the call was about, what did the second part of the call say.

**Mr DOWLING** - The second part of the call talked about how Jennifer was standing up against cuts in health and education, and expressed a view that the incumbent had not stood up against those cuts. So there was a 'choice' message in the second part of the call.

**Mr FINCH** - So it was just an opinion that she gave, rather than a personal attack on the incumbent?

**Mr DOWLING** - Yes, absolutely. And I have publicly congratulated Ivan on his success on a number of occasions. Sadly, our friends in the media have not reported those public congratulations, other than when the ABC did an interview with me. There was never through the entire campaign, I don't believe - not from the ALP's perspective - any personal attack on Ivan in relation to his family, friends, or personal life. There was definitely scrutiny of the member for Windermere's voting record and support of the state Liberal's position. But the candidates - the voters' choice - it is a debate of ideas.

We were saying, 'We believe the Government should not be cutting health and education.' The Labor candidate could not find anywhere, in media releases, or parliamentary speeches, where the sitting member had opposed cuts to health and education. So the campaign was saying, 'I am opposed to these cuts.' The candidate had

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a view that the sitting member had not opposed the cuts. There you go, community, you make your decision. Ultimately the community made the decision to support the sitting member. You respect the outcome of the election.

**Mr FINCH** - John, I have digressed from what I was focussing on. Tell me, if somebody wanted to complain about robocalls in this campaign - if they wanted to contact you or the Labor Party - what number would they call?

**Mr DOWLING** - The number was the party office in Hobart. The party office received two phone calls - two complaints.

**Mr FINCH** - You said that on radio. But I must say, they must have gone another route to complain, because in my campaign, my phone ran hot for five hours.

**Mr DOWLING** - I know the ALP has made robocalls in the past that have been very controversial. The first part of the call was simply to remind people that they had to vote and voting was compulsory.

**Mr FINCH** - Yes. I hear that.

**Mr DOWLING** - Just to try to impress them with that message, because we know there is an issue with that.

**Mr FINCH** - Yes. But the robocalls are so controversial. It seems every time they are used, they sour the opinion of people in the community - the voters. They do not like that approach from political parties.

**Mr VALENTINE** - It works in reverse.

**Mr FINCH** - I think so.

You have this advice that other states require disclosure. So how does it work? Does that include the territories as well? How does it work? What do they submit?

**Mr DOWLING** - Basically it is a similar mechanism to what we currently do with the Australian Electoral Commission. This will not be 100 per cent accurate - I am just speaking in general terms, bearing in mind the declaration I made at the start of the hearing. Every year you submit an annual return to your relevant electoral authority. In that annual return you would declare your receipts above a certain threshold.

You do not declare every \$20 or \$50 receipt. That is just ridiculous. Every year you declare your receipts above a certain threshold. Say if the threshold is \$1000 or \$5000, you declare every receipt above that threshold. Conversely, every expenditure above a certain threshold, you declare that as well. Then within a certain period those declarations are made publicly available. That applies both to candidates and political parties, as a state-based scheme.

The current Commonwealth scheme that we operate under is a requirement for registered political parties to report nationally on an annual basis. The flaw in the system, because we have Hare-Clark elections in Tasmania and upper House elections - there is no

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requirement for any candidate for any election in Tasmania, whether it be local government, House of Assembly or Legislative Council, to declare where they receive their campaign financing.

**Mr FINCH** - Could that be implemented in Tasmania without too much of a mechanical dislocation?

**Mr DOWLING** - The administrative arm of that process would have to be the Department of Justice. Whether that be the Tasmanian Electoral Commission or an election authority, resources would need to be provided to administer such a scheme.

On balance, considering all the various submissions that came in from all the parties, the community wants some sort of transparency about where political parties and candidates receive their income, and where they spend their money. We have made some suggestions in our submission, which we consider to be reasonable. They are not over the top, they are not ridiculously cheap, but, particularly for a candidate in an assembly election - you want your parliament, I would have thought, to be representative of all Tasmanians. You would want corporate people in Parliament, and community workers, lawyers, teachers, someone who works in the local early learning centre, or the local council. You want a representative parliament but it is an ongoing arms race between candidates and political parties.

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

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

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

**Mr FINCH** - Historically, how have we come to this position where we are the only ones? Do you think there would be some objection to that? If we were to make a recommendation along these lines, would it be disputed?

**Mr DOWLING** - In terms of the historic position, we were, in good faith, providing all our candidate expenditure to the AEC. At the most recent election the state leader - and I won't get this figure 100 per cent right - Bryan Green took \$30 000 from his own bank account. He transferred \$30 000 - or got a loan, I can't remember the exact circumstances - to his campaign account to run his campaign. Bryan spent that money

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on his campaign, paid for his TV ads et cetera. When we sent our return to the AEC, we voluntarily reported Bryan Green donating \$30 000 to the ALP, when in fact it was a donation to his own campaign. Historically we have always voluntarily disclosed candidates receipts. It causes mass confusion and the media thinks there is something suspicious in that Bryan Green has donated \$30 000 to the ALP. In the Liberals return - not from the most recent campaign but for the one before - Adam Brooks and a couple of the other Libs had put their own money into their own campaign, but the Libs do the same thing. They voluntarily disclose and then the media says, 'Adam Brooks has donated \$50 000 to the Liberal Party. What's going on here?'. There is nothing going on, they have simply put their own money into their own campaign but the way in which the forms from the Commonwealth are set out we are voluntarily disclosing information to them that causes great confusion amongst the community. There is nothing sinister in it, it is simply declaring candidates' contributions to their own campaigns.

**Ms RATTRAY** - So maybe the forms are wrong.

**Mr DOWLING** - It is legislated by the Commonwealth. Following our last campaign we are in the process of pulling together our annual return. We contact all candidates to provide all the information to us. One of the electorate officers - and because the person is an electorate officer I will not name them unless you compel me to - said this does not seem right. The electorate officer cross-referenced the Commonwealth Act. The electorate officer rang the AEC off their own bat and said this does not seem right. This person was running around getting bank statements for the candidate, driving the person insane, trying to pull this information together for their MP so we could lodge this consolidated return. The electorate officer rang the AEC and the AEC said, no, you don't need to. Then I got a phone call from the electorate officer saying we do not need to do this. I said you are joking, we have always done this.

I contacted the officer in the AEC and had a discussion with him and he said that is what you have always done. I will check with some people and come back to you. He then checked with his legal people and said, 'I think the electorate officer is right. Can you send us a formal request to get us to clarify what the situation is? We will get the advice and we will come back to you.' I sent an email off to them, set out the circumstances of the matter, and they sent the letter back and said, no, the electorate officer was correct. There is no requirement for state candidates to disclose where they received their income from or where they spend their money. That is how we came to this position.

**Mr FINCH** - Do you think there is an appetite to make the change?

**Mr DOWLING** - If you look at the submissions, and with all these things it can be easy to organise a campaign for people to lodge submissions, but I reviewed the submissions this morning and in some respects you can sort out the form ones. We have all been around the block long enough to know what a form submission is. You have the Hobart City Council, the *Mercury*, you have a whole range of organisations as well as, and I am probably saying the wrong words, the form submissions. You have a whole range of community and interest groups around the state submitting that there needs to be a state based scheme for funding and disclosure.

The Liberal Party submission says this is our submission, not the Government submission. When the Opposition contacted the Government on this specific matter, the



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Government said this inquiry is underway, if you have matters, bring it to their attention. That is why we brought this matter to the inquiry.

**Mr VALENTINE** - You were mentioning that you think the cap could be lifted. Doesn't that work against what you are talking about? When you are dealing with individual versus parties, especially for the Legislative Council where they are largely independent, don't you think that lifting the cap is only going to exacerbate the situation with regard to expenditure?

**Mr DOWLING** - In the submission we have suggested that the state candidate's cap should be somewhere between \$40 000 and \$70 000. We recognise that Hare-Clark elections are a different beast to a single member electorate, upper House election, and we have suggested that the cap for a Council election perhaps be \$30 000, which is less. It gives that person the opportunity to get out there and compete during the campaign.

**Mr VALENTINE** - Don't you think that discourages individuals from even thinking of standing because they could never afford it?

**Mr DOWLING** - I know I am up against it here. I recognise that.

**Mr VALENTINE** - No, I am asking the question. I am interested in your answer.

**Mr DOWLING** - If I was an MP and I hope I know how an MP operates, I get around \$30 000 a year as an electorate allowance. That is from the taxpayer, for me to stand in my electorate, which I can spend at the local show, I can sponsor a kid to go to a national sporting event, community barbeque, a whole range of things. I am not saying it is improper, it is not. It is the function of a member of Parliament working in their local community, servicing their community, which is what MPs should be doing. I am not opposed to that. But if you have had six years of \$30 000, spending \$180 000 in your community -

**Ms RATTRAY** - Communities.

**Mr DOWLING** - Yes, communities. I recognise that. You have a vast electorate to service and get around. Even in Hobart, or Western Tiers, a massive electorate. You have the Plateau, and everywhere, and of course you have to service your electorate. Equally, I am being sponsored, and I am not under 18, to go to a national sporting team. If my local MP is looking after their community, spending money in the community, then they come up for election, I would submit that, I will not say an unfair advantage, it is rewards of incumbency. You can have up to \$180 000 spent in your community over six years. A candidate can spend \$13 000.

**CHAIR** - I think it is \$15 000 at the moment.

**Mr DOWLING** - It is \$90 000 over six years. I can be pre-selected in July or January, spend \$1 million between now and Christmas. I would submit that is a complete waste of money because an ordinary member of the community is not even interested in voting at that point.

**Mr VALENTINE** - What is the balance?

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**Mr DOWLING** - I don't think there should be massive, open slather for upper House candidates or state candidates, just a reasonable figure. We would submit that \$30 000 is reasonable. I know that the Labor candidate, in Windermere in this case, there is no way that candidate would have reached that spending threshold if she was allowed to spend that. Maybe more, maybe less, but there needs to be some reasonable threshold put in place.

Equally, I would strongly submit that where the person gets the money from for a Legislative Council election - and I know a lot of the submissions have focused on where local government candidates get their money from - that Legislative Council members have much greater influence over policy and decision-making in Tasmania than an alderman on the Central Coast Council. Where Legislative Council candidates receive their money from, there should be a mechanism in place that there is some transparency in that process. I would hope no-one would disagree with that proposition.

**Mr VALENTINE** - I don't have a problem with that. I think you said it is illegal for parties to spend money and yet individual offices of elected members within parties - and I can draw on one experience - where a Labor Party member who organised the staff to deliver leaflets opposing a certain candidate. The fact they were delivering them in the wrong electorate is possibly an issue. It might be trying to confuse the voters. I don't know if there is any problem there. The fact is they were doing so and that should form part of that return, shouldn't it?

**Mr DOWLING** - Any person can volunteer to work on a person's campaign.

**Mr VALENTINE** - But if it is the staff of a member?

**Mr DOWLING** - Yes, I will come to that point in a minute. I am sure your staff work flexible working hours, but I could be wrong. Having worked in a political office with the state leader for many years, you would work weekends, you would work public holidays and you would go to a whole range of places and you would have a flexible working arrangement.

If you wanted to take some time off, whether to go with your family to do something or work on a campaign, that was allowed. I know the Federal staff have a flexible working hours agreement. They are allowed to do things in their lunch breaks. They are allowed to take a day off to do something. They work under those flexible working arrangements. For example, when Parliament is sitting in Canberra, they could work from 8 a.m. to 3 a.m. the following morning. They build up a large amount of time in lieu and in rostered days off

**Mr VALENTINE** - Let's assume they are volunteer hours. What about the resources of that office printing material?

**Mr DOWLING** - They are taxpayer funded offices. If those offices are found to be doing that, the Commonwealth department -

**Mr VALENTINE** - I don't know whether that is the case, I am just saying, putting a scenario.

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**Mr DOWLING** - Those offices are not allowed to do that. There has been the odd case from time to time. It is reported in *The Examiner*, and Barry Prismall is right onto it if he finds out any political office is using taxpayer's money to print campaign material for people other than the MP. You normally read about it in the paper and Tasmania is a small place. If people want to engage in that type of conduct, they usually get caught fairly quickly. . Like poor old Guy Barnett when he was a senator. Barry is right on to that type of stuff, and you normally read about it.

**Mrs TAYLOR** - I am all in favour of disclosure about where funds come from, but part of the difficulty is that it does not happen until afterwards. So, whatever the person spends, and gets elected, you do not know until afterwards, and by then the deed is done. It is only if there's been wrongdoing that you can do something about it. Chances are you can stay within the system and still spend a lot of money. In our case, for the next six years you're safe.

**Mr DOWLING** - If there is a cap on how much you can spend, that would limit the arms race and also limit the amount of money. If there was timely disclosure after a campaign - in our submission we have recommended 60 days after polling day or 60 days after the declaration of the poll - say, John Dowling is elected to the House of Assembly as the member for Franklin and I receive \$10 000 from Huon Aquaculture and it's declared on my return.

Then I am in the House of Assembly and the marine farming planning development bill comes before the Parliament. I would have a lot of scrutiny on me - how I vote and how I conduct myself in that process, and rightly so. Currently, though, John Dowling gets elected to parliament and I get \$10 000 from - I'll pick a different company - Cadburys.

**Mrs TAYLOR** - No chance. That is definitely hypothetical.

**Mr DOWLING** - So I get \$10 000 from -

**Mrs TAYLOR** - Anybody.

**Mr VALENTINE** - Company A.

**Mr DOWLING** - Company A. And the company A confectionery bill comes before the Parliament. You people in the Legislative Council and the media people would be keeping a very good idea on me, and rightly so. It is important for the wider community. They want to see transparency and make sure the process is clean.

On balance, there is absolutely no evidence that anyone has done anything wrong in Tasmania. Let's protect our reputation - that we are the best state. Let's protect our reputation - that we do not have a cavalcade of ministers and leaders appearing before ICACs, like in New South Wales and Queensland.

**Mr HALL** - On that theme, there is some protection in the case of Legislative Council elections, where we have that cap. If Greg Hall spends \$20 000 instead of \$15 000, somebody else who was standing might look at my return and say, 'I think he spent money on TV', and if I am found to have gone over the cap, my understanding is I could lose my seat. So that is a big stick, which is fine. I don't disagree with that at all.

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**Mr FINCH** - It is not strict. I think there is a bit of leeway given over the \$15 000. That is my understanding.

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**Mr JULIAN TYPE**, COMMISSIONER, TASMANIAN ELECTORAL COMMISSION, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**Mr TYPE** - Regarding the previous matter, there is \$1 000 leeway.

**Ms RATTRAY** - I wanted to ask a question about your view, or your party's view, on half-in half-out elections for Legislative Councillors.

**Mr DOWLING** - Ivan put that proposition forward, and it is a good first step. Everyone around the table would acknowledge that there is an issue with the voter turn out in our Legislative Council elections. That is a fantastic suggestion. The tail end of our submission received some media reporting, but our party platform is not to abolish the Legislative Council. It is not to abolish Hare-Clark. Our current party position -

**Mr VALENTINE** - We are all very useful, according to you. Which is very good.

**Mr DOWLING** - Our position has changed.

**CHAIR** - At the moment. We were not a year or two ago.

**Mr DOWLING** - That changes as our members debate matters at the annual conference. Our current party platform, which is on our website, basically says we think a panel of eminent persons should look at the parliamentary structures in Tasmania. I have given evidence today that the Council and the lower House system works very well.

We are now in 2015. Let us have a look at the system of government in this state. Let us not have people with perceived vested interests involved in that process. Let us have an independent panel of eminent people have a look at our parliamentary structure and systems. They have served the state well, but will they continue to serve the state well into the future. If so, tick. If not, what do we suggest. The suggestion of a half-in, half-out election for the Legislative Council is fantastic.

**Ms RATTRAY** - So are you saying it is not broken?

**Mr DOWLING** - Yes.

**Ms RATTRAY** - You agree that it works quite well, but we should look at it?

**Mr DOWLING** - Our members are saying to us, 'If it is not broken, why fix it', but we should always try to do things better. The world is changing, Tasmania is changing. You have the debate about 29 councils, we have the debate about the number of members in the Parliament?

**Ms RATTRAY** - We are not touching the 29 councils issue in this committee, or I am leaving.

**Mr DOWLING** - I agree. We are saying, in a broader sense, let us just have a look at the structures of government in Tasmania. We have a good system in place. Can we do it better? Let us have a look at that. Nothing more, nothing less.

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**Ms RATTRAY** - Do you not consider that half-in, half-out elections would benefit parties more than independent?

**Mr DOWLING** - Given that I only read about it in the paper yesterday.

**Ms RATTRAY** - Then you have a bloc - you are able to support five or six members really strongly.

**Mr DOWLING** - But there is a cap on expenditure.

**Ms RATTRAY** - You can still support a bloc.

**Mr DOWLING** - Yes, we can support a bloc but -

**Ms RATTRAY** - Get more traction across the state that you would with one candidate?

**Mr DOWLING** - There would be more - this the wrong word - there would be more interest in the election. There would be more 'hutzpa' because more elections would be happening in the state, so people might -

**Mr VALENTINE** - Greater profile.

**Mr FINCH** - Stronger turnout.

**Mr DOWLING** - Yes, you would get a stronger turnout. Whether that means better results for the parties, whether it be our party, the Liberals or the Greens or any other party for that matter.

**Ms RATTRAY** - The networking party, any party.

**Mr DOWLING** - I believe the community makes those decisions. I get really frustrated when people say, 'The parties are going to do this, and they are going to that'. At the end of the day it is John Smith and Mrs Smith, from Smith Street in Smith Town that walk into the ballot box and vote. The political parties do not take them in there and make them vote for them, they make the choice. I have had experts from the university say, 'The political parties are going to do this, and they are doing that'. It is the people that make choice, it is not the political parties.

**CHAIR** - We do have ten minutes left and I know there are few questions. Do you have any more questions Tanya?

**Ms RATTRAY** - No.

**Mr VALENTINE** - Just a quick question about the timing of half-in and half out elections. Would be at the same time as the House of Assembly or a different time?

**Mr DOWLING** - This is my personal view and not the party view, because our party has not debated the question. It was only raised less than 24 hours ago.

**Ms RATTRAY** - But you would have had a discussion about it, as a party.

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**Mr DOWLING** - As an organisation, we have, but it is not in our current platform, so I put that on the record. We have talked about simultaneous elections. If you are having half-in and half-out then maybe it is eight-year terms. There are eight-year terms in other jurisdictions in Australia.

**Mr VALENTINE** - Do you think there is a possibility that it if is at the same time as the lower House that it then gets confused with the policy issues that have been debated on the lower House? The upper House is there for review. It is not there to set policy, largely. So that could be detrimental.

**Mr DOWLING** -Yes. Being realistic and given that the Council is going to be making the recommendations to the Government, whether the Government chooses to adopt or not -

**Ms RATTRAY** - Only on the evidence.

**Mr DOWLING** - Yes. The Committee will make the recommendations. The half-in half-out on the first Saturday in May every six years or three years, I think that is a really good first step. If that is effective, if we can get the turnout from 77 per cent to 87 per cent, as opposed to 93 per cent, that is a massive improvement on where we are now. Thousands of Tasmanians do not vote when they, I believe, should be voting.

**Mr FINCH** - Your submission was really very good. I wanted to touch on resourcing available to the Tasmanian Electoral Commission, informal voting and resourcing.

**Mr DOWLING** - Yes. I am not sure whether the Commission has published their report on the last state election yet. I know from those previous reports that have been published by the Commission, they publish what is called the unintentional informal vote. They do an analysis of those results from the election. Consistently over many elections that figure is around 8000 Tasmanians who cast what is called an unintentional informal vote. So they have actually gone into the polling booth with all good faith to cast a ballot, but for one reason or another they do not actually cast a formal vote. Personally if I did that I would be really disappointed and upset with myself. People should have the ability to cast a formal vote. What we have recommended in our submission is that the government of the day should resource the Commission to actually do the right sort of education programs to allow people to cast a formal vote.

If someone wants to write, 'Get stuffed', or, 'You're a bunch of crooks', on the ballot paper, well, good luck to them. If a person genuinely goes into a polling booth to cast a ballot and through no fault of their own gets it wrong, gets the numbers wrong, then I do not think that is fair. I do not think anyone would think that is fair. We think maybe if the Commission was given some resources to try and increase that education, and maybe have some more volunteers on election day to help people. I know people are there, if you are really stuck, to ask. But it is an issue that you have 8000 Tasmanians every state election that are casting an unintentional informal vote.

**Mr FINCH** - John, have you heard any reports or complaints or issues with the scrutineers, that they might be overzealous in the way they judge, or their guidelines might not include people making those unintentional informal votes?

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**Mr DOWLING** - Since I have been party secretary I have not been scrutineering on election night for quite a few years now. But it is my experience that people are absolutely professional. If the voter's intention is clear, they will include the ballot paper. They do a fantastic job. If someone has just gone, 1, 2, 4, 5, they cannot count it because they have missed the '3'. It is an unintentional informal vote. It is an error where someone has made a mistake. The polling officials and the officers in charge, in my experience, do the absolute best they can to have every voter's ballot paper counted if the intention is clear.

**Mr FINCH** - You say that 'Tasmanian Labor recommends additional resources allocated to the TEC to allow greater promotion of Legislative Council elections'. Would you agree that over the past decade they have lifted their game tremendously to get that communication out to the community.

**Mr DOWLING** - I would agree; with the resources they've got, they do a fantastic job. They have written to every person in the most recent elections telling them there is an election on. We know what it is worth from our own research. If people get political mail in the mailbox, whether from the Labor Party, the Liberal Party or even the Electoral Commission, they tend to just rip it up and throw it out and do not even read it.

**Ms RATTRAY** - There goes my mailout then.

**Mr VALENTINE** - Damned if you do and damned if you don't.

**Mr DOWLING** - The Electoral Commission try their absolute hardest. They run TV ads but the medium where people receive information from is constantly changing. People's lives are so much busier. Julian and his office do a fantastic job. I agree with you, but whilst they are doing more the world is changing, the community is changing. People are on Facebook, they are on the internet, Netflix, Austar, watching Sky News. They are doing a whole range of different things. They are not picking up *The Examiner* and reading it; they are not switching on the news, or watching the show before the news, then watching the news, or putting their kids to bed and then watching telly, and then get up and go to work. People's lives have completely changed.

**Mr FINCH** - Do you think these additional resources that go to the Electoral Commission would be used to investigate better ways or more of contemporary ways of getting the message out to those recalcitrant voters?

**Mr DOWLING** - If the Commission had the resources to do that investigation. I do not know if they have advertised online. You can target Facebook ads, the post codes, a whole range of things but it all costs money.

**Mrs TAYLOR** - Robocalls are cheap.

**Mr DOWLING** - They are cheap. We know that Facebook ads are relatively cheap. We know that. Busy mums with their kids, they work hard and spend their evenings on their Facebook, so if you put information on those news feeds then at least that is an attempt. We have to do something.



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**Mrs TAYLOR** - I hear what you are saying, but we are one of the rare countries that has compulsory voting. Obviously it is your party's platform that there should be compulsory voting, but is that not an issue that maybe we should think about? You are really talking about people throwing out electoral mail and whatever because they choose to. I am not sure what percentage of informal vote is deliberate or unintentional. I have worked on polling booths in the past and I understand what you are saying, but for me it was often that if the person's intention is clear, even if they vote 1, 2, 4, 5, that one vote may well be counted because it is obvious what the person's intention is. But there are a lot of people, as you say, who are not interested, so should we make everybody vote?

**Mr DOWLING** - If we were an inclusive democracy then voting should be compulsory. I do not think we would want to be in a situation where people can opt in or opt out of participating in their democratic rights and democratic processes.

**Mrs TAYLOR** - Most other western countries have got it wrong?

**Mr DOWLING** - That is up to them to decide. This is Australia; we are an inclusive country where everyone is treated equally. Everyone should be given the equal opportunity to vote and compulsory voting -

**Mrs TAYLOR** - They are given the opportunity. I am not questioning that, but should they be made to vote?

**Mr DOWLING** - I would submit that voting should be compulsory. If we are truly an inclusive democracy, which I believe we are, then people should be made to go and have their say in elections.

**Mrs TAYLOR** - Do we need all three levels of government in Tasmania? It is a big question that people often talk about. Do we need local government, state government and federal members for a population of 500 000 people?

**Mr DOWLING** - It is an interesting question and I would draw you to the closing remarks of our submission. We are saying that the systems we have got in place have served the state well and probably will no doubt continue to serve the state well. Let us be honest, I do not think there is ever going to be a change where local government is going to be abolished in Tasmania, but let us have a look at the best system of governance for the state.

**Mrs TAYLOR** - It might not be local government that goes.

**Mr DOWLING** - I do not think it will be the Legislative Council either, so maybe it is the House of Assembly that is in the firing line.

**Mrs TAYLOR** - I don't know, but people tell me we spend a lot of money on being governed for 500 000 of us. Are we not over-governed? I think it is a fair question.

**Mr DOWLING** - That is why we have said to have a look at it. Let us not get people with perceived vested interests. I hope the position I have put forward today has not been taken from a context of having a vested interest.

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**Mrs TAYLOR** - But you are representing the party.

**Mr DOWLING** - Yes, I am representing the party, but the view I am putting forward, I hope, is accepted as trying to get a better outcome for the state.

**Mrs TAYLOR** - One of the difficulties I see - and many other people see - are the small numbers we have in the lower House. One of the reasons for that is this question of being overgoverned. If we have 35 instead of 25, that is going to be much more expensive. It is a difficulty. I see the difficulty ministers have in the huge portfolios they have. It is related to this question of being overgoverned. Does your party support we go back to a bigger lower House?

**Mr DOWLING** - We haven't formed an absolute view. We have a view there should be a review of the parliamentary structure. I know during David Bartlett's tenure as leader, all three party leaders signed a commitment to return to a larger House. The Leader of the Liberal Party is now the Premier and he no longer supports that position.

**Mrs TAYLOR** - So they were party positions, not individual?

**Mr DOWLING** - They were party positions. The Leader of the Labor Party, the Leader of the Liberal Party and the Leader of the Greens Party, all signed a document -

**Mrs TAYLOR** - On behalf of their parties? Has that party position changed?

**Mr DOWLING** - Yes. Our current platform talks about reviewing the parliamentary structures, but it is silent on whether you go to 35 members, single member lower House, proportional upper House. Our current position has changed to, 'Let's have a look at it. Let's find the best model for the future of the state'.

**Mr HALL** - What is your party's position on the Hare-Clark system?

**Mr DOWLING** - The party's current position on the Hare-Clark system would be the same answer I give you there. Personally speaking, as a party official, I can't stand it. You have candidates fighting each other over poster sites and other ridiculous, inane things. As to the broader position of Hare-Clark, it is exactly the same answer: let's have a look at it, let's find the best model for the state.

I think Hare-Clark has some positives going for it. Equally, it has a range of unhealthy negatives. I could cite an example from 2002 - and I may not get a great deal of disagreement in this room - where the Labor Party vote increased. It went up by 4 or 5 per cent and the Labor Party lost the seat to Kim Booth, which I was personally very disappointed in.

You get situations where a party might get 44 per cent of the vote and another party gets 33.4 per cent of the vote and yet they are equally represented in the Parliament. Another party could get 48 per cent of the vote and another party gets 28 per cent of the vote, yet from that electorate they both get two members in the Parliament because of the final distributions and the cut-ups. I would say that's not fair but on the other side of the equation, a proportional system where members are elected, lots of people in the community will say, 'That's great because I'm represented through this person'. In

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summarising, let us get some people who are going to have a look at this and make some recommendations for the Government and the broader community to consider what the best model is for the state.

**Mrs TAYLOR** - When are you planning to do this?

**Mr DOWLING** - We are saying if the committee has looked at other matters here as part of your terms of reference, we are saying that's something the Tasmanian -

**Mrs TAYLOR** - That would be one of the recommendations you would suggest to us?

**Mr DOWLING** - Yes, but we're not in a position to do anything with seven members in the House of Assembly.

**Mrs TAYLOR** - I understand that, but saying this does not happen, you must have party positions for the next election. What if this does not happen? Even if we made the recommendation, there is nothing to say the Government is going to do it.

**Mr DOWLING** - If you're talking about our party's policy development process, our current platform at our last state conference, where hundreds of members come together and make a decision on where we go in the future, our members said our current platform will stay in place but we are essentially starting from scratch. We have new policy committees, developing policy. The state leader has already alluded to some policy announcement in the near future. There will be policies adopted by a state conference this year and then -

**Mrs TAYLOR** - In September?

**Mr DOWLING** - In August. At the 2017 state conference, our platform will be finalised before the election and the election is in March 2018. We go through a four year policy development process. Our existing platform is what I have referred to in the submission because that is the current position of the organisation. Noting that as a party, our members are currently reviewing our policies, whether it is health, education, electoral reform, financing, all those policies are up for debate and the new platform will be finalised in plenty of time before the March 2018 election.

**Mrs TAYLOR** - That refers to my earlier question. Are your policies in place at the moment about 35 member lower House?

**Mr DOWLING** - Our policy in place, in terms of -

**Mrs TAYLOR** - Sorry, I am trying to be clear about what the party policy is at present.

**Mr DOWLING** - Our party's position, in terms of the size of Parliament in Tasmania, as it currently stands, is that there should be a review of those structures by an eminent panel of people. We are saying no-one is an expert in their own right. We are saying let us get the right people together, have a look at the parliamentary structures in the state, see what is the best model as we look to the future. That is our current position.

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In 2017, when our platform comes to our members, we have policy committees that are doing that work. In 2017, that may be something different. I can't predict what is going to happen in five minutes time, let alone two and a half year's time.

**Mr VALENTINE** - Your view on independence, being able to identify as independence on the voting paper?

**Mr DOWLING** - They should be able to.

**CHAIR** - Thank you very much for coming along, we appreciate the time you have given.

**THE WITNESS WITHDREW.**

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**Mr DON WING** AM, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** (Ms Armitage) - Welcome, Mr Wing. I am sure I don't need to remind you that you are afforded parliamentary privilege within these rooms, but when you leave, if you speak to the media outside, you are not covered by parliamentary privilege.

Would you like to start off with an overview and then members can ask questions?

**Mr WING** - My submission and evidence is confined to one point: the wording on the ballot paper and the conflicting and confusing nature of some of that wording. Although it's in accordance with the act, it causes confusion. Having referred to the ballot paper, I would like to tender a sample copy of a ballot paper, which I think was for the election of 2006. It was supplied to me by the Electoral Office. I would also like to read from a statement I prepared some time ago - and I have copies of the statement.

Section 102 of the Electoral Act 2004 is clear and unambiguous. It provides that in a House of Assembly election, to make a valid vote the elector must vote for five candidates in order of preference. It then provides further that the elector may in consecutive numbers vote for any or all of the remaining candidates. The conflict and confusion comes about because the provisions of section 100 provide that instructions on the ballot paper require an elector to vote for *all* - my emphasis - candidates in order of choice. That section also provides later that the elector's vote will not count unless the elector numbers at least five boxes. We therefore have the position that although there is no law requiring an elector to vote for all candidates, there is an instruction on the ballot paper to do so. The Electoral Office has implemented the provisions of these two sections by placing them at the top of the ballot paper for Bass, in the example I have given, the following instructions - 'Number the boxes from 1 to 20 in order of your choice.' That should read 1 to 19 in order of your choice.

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

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

Nothing in section 102 requires an elector to vote for more than five candidates in an election for the House of Assembly. Whereas section 100 of the principal act requires electors to be instructed to vote for all candidates. There is therefore an inconsistency between these two sections, which should not be allowed to continue.

I have copies of those two section, which I submit in evidence and hand out copies.

**Mr HALL** - Don, I understand where you are coming from. Have you any anecdotal evidence that the current system causes votes to be cast in an invalid manner, because of the way the ballot paper is worded at the moment?

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**Mr WING** - I know it causes confusion. I think it was the 2006 election - I gave a ride to Launceston to three Launceston university students studying in Hobart. They had all been told at the Albuera Street polling booth, where they lodged an absentee vote, that they had to vote for all the candidates. I know someone who had the same experience at the Summerdale Primary School booth, and I had the same experience at St Mark on the Hill.

I cannot recall which election it was, whether it was the 2006 or 2010 election, but I was told by the polling booth clerk that I had to vote for all candidates. I said, 'No, I don't. I need vote only for five or as many others as I wish.' She said, 'That is what we were told to say at first. But then we were told to say, "You should vote for all candidates".'

The last state election, I was told to vote for five candidates to record a valid vote, which was accurate. I don't think it went on to say I could vote for others. The instructions seem to vary from time to time at the whim of the Electoral Office, I suppose, and I can understand the difficulty they have, having to implement such conflicting provisions.

In direct response to your question, Mr Hall, I can't say I know of anybody who has recorded an invalid vote for that reason, but there is certainly a greater risk of that if people are, for example, infirm, or have poor eye sight and need help from others. It is a struggle for them if they have to vote for each of 19 or 20 candidates. It is possible they could make a mistake in the first five, feeling under pressure.

**Mr VALENTINE** - Apropos to that, if they vote validly 1, 2, 3 and then miss one and then go 5, 6, 7 or whatever, in your view should that vote count for 1, 2, 3?

**Mr WING** - No. I assume it wouldn't.

**Mr VALENTINE** - Under the present system it would not. Do you think it should?

**Mr WING** - Oh, I see. I do not have a view that it should. I have not felt uncomfortable about the requirement that the votes should be consecutive. I think that is well understood by most electors, if not all, that they have to vote in consecutive order and they would appreciate that if they missed one or put two 4s or two 5s, they would not complain about that being regarded as an invalid vote.

**Ms RATTRAY** - In relation to the voting paper, Don, I agree with the points you have made because, 'your vote will not count unless you number at least five boxes' should be up the top.

**Mr WING** - That is right.

**Ms RATTRAY** - That is where people read first. Then when you have got down to the bottom and people are thinking I did not need to vote for all those 19. I think people get a bit disinterested if they have no interest in anyone past about 6 or 7, say. That needs to be across the top and boldly across the top, where people see. I am just saying I agree with you.

**Mr WING** - I wholeheartedly agree with you. I believe both messages should be together and at the top. I know there are submissions that the wording on the ACT election ballot

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paper may lead to more exhaust votes but that is up to the elector. Any electoral system should reflect the will of the elector and if the elector does not want to vote for all candidates because it might mean less exhaust, they should not have to. They should have the freedom which they do have and they should not be misled into thinking that they have to vote for more just because it might reduce the number of exhaust votes.

The will of the electors is absolutely important. That should be the main consideration and the electors should be properly, accurately informed. I think the best way to do that is to follow the system in the ACT and have the message at the top to the effect that to record a valid vote - I am not quoting the exact wording - you need to vote for at least five candidates in order of choice, but you may vote for all or any of the other candidates in order of your choice. It is all clear. You do not have a situation which must exist now in many cases where somebody looks at the top and thinks they have to vote for them all. They do that and get to the bottom and find they did not have to.

**Ms RATTRAY** - And mess the numbers up often as well.

**Mr WING** - It is very confusing. It is very misleading and it should not be allowed to remain. Whatever the solution is that needs to be changed.

**Mr FINCH** - You would think some confusion arises from the fact that there is a different procedure for each election. Federal election, when you are voting for the Senate, you are voting for the House of Representatives, you are voting for the state election, House of Assembly, your Legislative Council is different, local government is different. That is where it needs to be clear as to what your voting instructions are and what your opportunities are.

**Mr WING** - You are right. A fair percentage of voters probably would find it difficult to detail what the voting system is at each of those levels - local government, state and Federal. I hope that nobody would think of adopting the above the line voting system in Tasmania, because that needs to be changed too. I do not hold much hope of it happening in the near future. At least I think people understand that. I do not know of any other system that has conflicting, confusing and misleading provisions as is the case here.

**Mrs TAYLOR** - Thank you for bringing this to our attention. I do not think the two sections conflict. Isn't it more about the fact this is what is written on the ballot paper? It seems to me that neither of these provisions say where you should put it on the ballot paper. Do you think this might be a matter of whoever draws up the form could be encouraged to put those? It does not say where you have to put it. My question will in the end be to the Electoral Commission - who draws up the form? Could they not more sensibly put the instructions in the right order?

**Mr WING** - Yes. In the legislation they are in the order.

**Mrs TAYLOR** - They are in that order. You are quite right.

**Mr WING** - The electoral office is following that same order.

**Mrs TAYLOR** - That is right.

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**Mr WING** - They have the discretion to do it otherwise and have it all in one at the top. I think they are conflicting because one of them is as an instruction to vote for all candidates and the other one makes it clear that according to the law, even though there is no requirement, they have the option to vote for all candidates. There is a conflict there.

**Mr VALENTINE** - There is a 'however' missing, isn't there? 'However, you may.'

**Mr WING** - Yes. That is right. Or, 'And you may.' I would like to see the legislation changed to make a requirement that the two sets of instructions about the requirement to record a valid vote and the opportunity to vote for as many other candidates in order of preference as they wish, encompassed in one instruction at the top of the ballot paper.

**Mrs TAYLOR** - I hear what you are saying. What I am saying is there is nothing to prevent the ballot paper doing that, is there?

**Mr WING** - No, there is not.

**Mrs TAYLOR** - It is just the custom. We have just done it this way.

**Mr WING** - We have heard an argument that this could be done administratively and not by legislation. But when you see what has happened administratively with people being told different things at different elections when you have the same set of legislation, it should not be at the whim of the electoral office or the Electoral Commissioner about these matters.

**Ms RATTRAY** - It would be better in legislation.

**Mr WING** - It needs to be set out precisely. People should know their democratic rights. They should not have to stumble on them after voting unnecessarily for 19 people.

**Mr HALL** - Mr Wing, being a politician, long standing, and respected for many decades, and not quite germane to your submission, but a generic question, with the indulgence of the Chair - several of our witness submissions advocate strongly for compulsory voting across all levels of government. Have you a view on that?

**Mr WING** - Yes, a definite one. I am not in favour of compulsory voting generally. It seems an irony that in a democracy we place great emphasis on freedom and freedom of choice, except perhaps among other things, in terms of voting. We are compelled to vote or compelled to go along to a voting booth and register and get the ballot paper, not necessarily to vote. I do not think there would be many people who go to a polling booth and not vote unless they wanted to write something particular on the ballot paper about somebody.

I do not favour compulsory voting. I strongly favour everybody over the age of 18 having the right to vote, but not being compelled to vote. It seems strange that we say that we live in a country that prides itself on freedom, except in the case of voting. You are compelled to vote and go along to the polling booth. If you don't you are punished. That is not freedom.



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**Mr HALL** - I wasn't quite sure of your position on that.

**Mr FINCH** - We have the opportunity for people to vote. They are compelled to vote in some elections but in others they are not compelled - in local government, for example. There needs to be a match-up of requirements. In the case of the Legislative Council, we know approximately 5 000 people don't vote and yet it is compulsory. Is there a way we can get more people to vote?

**Mr WING** - It is up to the people. As long as they know they have the right to vote, it is up to them. If they don't, they know they will be punished, but the punishment is minor. I don't favour punishing people for not voting. They should have the free choice. It's an irony really when you look at elections in some other countries, perhaps most African countries, where people line up for a kilometre or two waiting to vote because they value the vote more than many people living in a democracy, where they have the right to vote.

The same applies to education, but we are not dealing with education. People in Africa, the average family, would place much greater value on education even though it is more difficult to get than here.

I don't think compulsory voting should apply automatically to local government just because it applies to other elections. People at local government level should have the right to vote but not be forced to do so.

**Mrs TAYLOR** - Since you have raised the question of the ballot paper, and the confusion, I have quite a large number of people in my electorate who are either not as literate as they would like to be, or who are new arrivals in this country and whose English is therefore not good. A number of them came to me and said they found the ballot paper very difficult because they don't understand the names. They wanted to have photos of the candidates. They said, 'We know who we want to vote for. We want to vote for this person but we can't read her or his name'. I thought that wasn't a bad idea. I don't know whether it is possible to do that on a ballot paper. Do you have a view on that?

**Mr WING** - I have never thought about that. It reminds me of an occasion when Mr John Barker was a candidate and *The Examiner* published the names and a photograph of each candidate statewide at a particular election. I noticed beside the name 'John Barker, Denison' it had a photograph of our former governor, Sir Guy Green. I phoned Government House and spoke to the official secretary and said, 'I'm very pleased to see that Sir Guy is standing. I only wish he was standing in Bass because I certainly would have voted for him'. Provided you have the right photograph and it shows a good likeness, it would probably be helpful to those people.

But it would involve a lot of extra expense. It would be better to allow newcomers who are in that situation to have a local person help them, the same as people with defective eyesight can have somebody assisting them. That would be better, because in the great bulk of cases, you would not need photographic identification.

**CHAIR** - Thank you.

**Mr WING** - They should have some right of assistance.

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**CHAIR** - Yes, that is a big issue.

**Mr VALENTINE** - That is a another issue in itself.

**Mrs TAYLOR** - It is a huge issue. But even 'how to vote cards' - you cannot take those in with photos on them. Is there some way of addressing that?

**CHAIR** - We have strayed off the submission, but that is all right. We were looking for the benefit of your experience. It is well worth it. If you are happy to stray a little from the submission, as we have already.

**Mrs TAYLOR** - We are talking about the voting paper.

**Mr FINCH** - A peccadillo by the member for Western Tiers - I am surprised he has not asked about this. Having the word 'independent' alongside independent members names on ballot papers - do you have any thoughts on that?

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

**Mr VALENTINE** - It might be that they group Independents together and say, 'These are the Independents', but some Independents might not want to be grouped with other Independents.

**Mr WING** - They can avoid that in the Senate, for example, by having at least one running mate and then they are removed from the 'Independents' group.

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

**Ms RATTRAY** - In relation to half-in, half-out Legislative Council elections, do you have a view on that? Is it something you have ever given any consideration?

**Mr WING** - Yes I am opposed to that. Any change like that would be the beginning of the destruction of the Legislative Council as an effective house of review. I have met up with members of parliament from other countries and they are surprised but impressed with the consistent independence of the Legislative Council - that has never been controlled by any party. So half-in, half-out elections would be a retrograde step in my view. Having rolling elections for the Legislative Council means that at least two, and sometimes three, candidates are under review each year. To some extent, the performance of the Legislative Council is also under review, through those candidates, every year. Not every four years, not every six, but every year. Every year there is an opportunity for the community to express a view. If there were half-in, half-out

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elections, it would increase the opportunities for parties to get a grip on the numbers in the Legislative Council.

**Ms RATTRAY** - In relation to getting the profile of Legislative Council elections to the community, every time someone is re-elected or elected to the House, it is a standard quote, 'I'm going to do my best to raise the profile.' Can you think of anything we could do, as a state, to say, vote at Legislative Council elections other than what we do already? Happy if you take it on notice, Don.

**Mr WING** - I don't have any particular view. Probably, if it were understood that candidates could put their electoral material in letterboxes in their electorate, even though they have 'no junk mail' on it, that would help because there are so many who have that. Whilst I don't regard electoral material as junk mail, it helps people understand there is an election. If any candidates don't put the material in those letterboxes, those people have less chance of knowing they are in the electorate. I understand it is confusing for people to know which electorate they are in. One solution is to put it all in 'no junk' mail boxes and hopefully no reaction.

**Mr FINCH** - I cover them all with 10 000 letters I have personally delivered and I received one complaint from a 'no junk mail' person.

**Mr WING** - Very unreasonable person.

**CHAIR** - What is your view of increasing the spending limits? The proposal from some of the submissions has been to increase from \$15 000 at the moment with the \$500 increase each year, to around \$30 000. What is your opinion of increasing the limit for Legislative Council elections?

**Mr WING** - It is getting closer to the opportunity of buying a seat and that is undesirable. The most extreme example of buying seats happens year after year in America. This is a minor step but it is a step in that direction. I think \$15 000 is adequate, bearing in mind the size of Legislative Council elections and the numbers there. People say the incumbent has an advantage, having been a member for the previous six years. That is an advantage but it is not one that cannot be overcome. People intending to stand as candidates do something about raising their profile in the meantime and they have the opportunity to do that through community service.

What we tend to see is people we have hardly heard of before, coming along and making a big flourish at the time of the election and not being elected and then you do not hear from them again in so many cases.

**Mr VALENTINE** - What about the view of the electoral allowance is something that a current occupier of one of the seats can use that electoral allowance to heighten their profile by giving money to x, y and z out there in the community for six years and that being an unfair advantage. Do you have a view on this?

**Mr WING** - That is part of their income and if you had a business man or woman standing for the Legislative Council, that person would have had the same opportunity, probably at a higher salary than the sitting member of Parliament, to create the same opportunity to give donations to worthy causes and organisations. If they have not been doing that,

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they should, as a member of the community has the capacity to help support these organisations and support worthy causes. Everybody has the same opportunity.

Generally, members of Parliament, certainly in this state, earn less in Parliament than they would if they were carrying out their own business or profession.

**CHAIR** - Thank you very much, Don. We really appreciate your advice and the benefit of your experience. It has been wonderful to have you along. Thank you very much.

**Mr WING** - Thank you very much Madam Chair, it is a great pleasure to be with you all again.

**THE WITNESS WITHDREW.**

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**Mr BASIL FITCH** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** (Ms Armitage) - Basil, I'm sure you are aware the evidence you give is protected by parliamentary privilege within this room but should you go outside and say something untoward it is not protected by parliamentary privilege. Would you like to give an overview and then members will ask some questions?

**Mr FITCH** - I am mainly concerned about the minister bringing in all-in all-out local government elections. There was virtually no consultation and the problems that turned up should be corrected. For instance, the election of the mayor and deputy mayor. If they are elected as mayor or deputy mayor, but not as an alderman, a by-election has to be held for the mayor's position, and the aldermen need to elect another deputy mayor. That situation has occurred, and Mr Type is certainly aware of this.

How do you overcome this? In Launceston there are 46 000 odd ratepayers and sending out 46 000 postal votes at \$5.60 a throw is running into \$260 000. If you are going to have a by-election for mayor - and that is also necessary in the case of death or resignation from either position - it could cost Launceston City Council \$260 000.

If an elected deputy mayor does not get elected as an alderman, the aldermen then elect another deputy mayor. Should that not apply also to the mayor? The other alternative - and I had a discussion with Julian about this - is the same procedure as if a member of the House of Assembly resigns or dies. The second choice of those who voted for the departing member is taken into account. If someone is elected as second on the mayor and deputy mayor list, should they become the mayor in these circumstances? The main focus is the cost involved. It is an unnecessary burden on a local government that can be fixed very easily, in my opinion.

The voting process is another very concerning thing for mayors and deputy mayors. The top of the ballot paper might say 'Vote 1 to 4' or 'Vote 1 to 5' or whatever, and on the bottom it says, 'You must vote for at least one candidate for a valid vote'. That throws up an enormous number of problems. I have been a scrutineer for 50 years and I have seen a lot in my time. But at the last election, because of the all-in all-out and the voting pattern, there were so many exhausted votes it was not funny. I should have asked Julian how many exhausted votes there were for mayor and deputy.

I know when Jim Cox was cut up, there were 758 at one stage. When Alexander was cut up, Howlett was elected because he already had 44 per cent of the vote. He got 50 per cent plus 1 and was elected, but Alexander's exhausted votes were nearly half of his vote.

I heard on the ABC that in Queensland they have a similar system. I'm sure there were 1.3 million exhausted votes in their election. I could be quite wrong. Julian said it was a lot out of 3.5 million votes, but as he said, they promote everyone just voting for their number one choice, not preferential voting.

I believe in preferential voting because it tells the story. If you look at the election on Saturday in Windermere, preferential voting came to the fore. The voters needed to vote 1 to 3. This eliminates the exhausted vote. There would not have been one exhausted

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vote in that election with four candidates standing, because number 4 and number 3 were cut up and that was the end of it, and Ivan was elected.

In local government, instead of voting for one candidate for a valid vote, if there are three or more candidates, you must vote 1 to 3. If there are two, you vote 1 or probably still vote 1 and 2.

The election of aldermen also threw up some grumbles because of the electronic voting system.

I don't know about all-in all-out voting. You can get what happened at this last council election. You get a lot of people putting up their hand, and a lot of others wishing they had a go. They probably have no hope of winning, but who knows? The electorate is very volatile these days. Look at Queensland, Labor were out and then they were in again three years later.

In the election of aldermen, 25 were put up and some had no earthly idea about canvassing or winning a seat. But it was their democratic right to stand. Julian did exactly the right thing and brought in electronic counting, and I give him full credit for that. Counting and exhausting votes for all those candidates manually could not possibly be done without a lot of mistakes. There were already enough mistakes with counting. If you lost by three votes, you fully understood how the manual system works.

**CHAIR** - After five recounts, yes, I do.

**Mr FITCH** - I was scrutineer for Albert, and a parcel of votes went into the wrong pile and it was checked again. It was counted about five times. Under an electronic system, that would not have occurred.

We have done exhausted votes, and we have done all-in all-out elections. I am not very happy with the system. The exhausted votes - we have to do something about that system, members. We have to delete that and make it a fair dinkum 1, 2, 3 vote similar to your own electoral voting pattern. Should only ratepayers vote, not residents? I haven't had time to really look at it. I rang Julian yesterday. What is clearly showing up is that the younger people and the residents in that age group are not voting. If they are not going to vote, or if any person is not going to vote, when a vote is delivered to their door, for the address paid envelope receipt and return, the cost to councils is enormous and will continue to be. It will go up each year. Julian said it was \$5.60, he thought. I thought I heard that it was \$7. Julian is going to check that. It is of no purpose to me any longer, but I will give it to you, Madam President and I hope that all the members will read it.

**CHAIR** - You would like to table that?

**Mr FITCH** - Yes. It is a problem. Should we only go back to the ratepayers who are the people who are paying out the money for the council? I believe there is a very good argument for it when you see the voting patterns.

**CHAIR** - Does that include the general manager's roll?

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**Mrs TAYLOR** - What do you think about ratepayers who do not live in the area, like business owners, for instance?

**CHAIR** - And the general manager's roll.

**Mr FITCH** - That wants scrubbing - it's irrelevant and should be thrown out the door. People are on that roll that shouldn't be. I further await Graeme Beams, the mayor, and what have you, sold his house in Whitford Street and got on the manager's roll. There were heaps of others too. No, get rid of it. I believe those people who rent the shops should have a vote. Rental properties in this city, such as businesses -

**Ms RATTRAY** - So businesses, but not necessarily owners, Basil? If you're not an operating owner. Is that what you are saying?

**Mr FITCH** - No, there should not be, say, two votes because the owner of the premises has a vote and the shopkeeper. You should only have one vote. That is where it needs a good look at because you can live at Greens Beach and own a property. You get a vote in another electorate where you live, but then the operator of the shop gets a vote. It is not right.

**Mr FINCH** - Basil, is the general manager's roll transparent? Are you able to view that?

**Mr FITCH** - No, not really. It is transparent around the - that's another thing - CEOs have too much power. They want stripping of power -

**Ms RATTRAY** - 1993.

**Mr FITCH** - Tell me about it. I went, and Scott and Mason and the gang. I went and I went and I went, but no. Our dear friend Mr Cox, he took the document, and brought it to you all. You all passed it.

**CHAIR** - We are up to number 8, compulsory voting.

**Mr FITCH** - Compulsory voting. Never, because of that reason I have just given. They are not voting now and you have done everything bar fill them out a form. Why should there be compulsory voting?

**Ms RATTRAY** - What about for Assembly and Legislative Council elections, do you aspire to the same sort of thing for them.

**Mr FITCH** - No, I do not. That voting is vastly different. What is happening in local government is the media gives very little attention unless there is a blue-up somewhere or something controversial, and you would know a little about that, those of you who have been in local government. They give very little attention and these people do not know, even though the vote is given to them, who their candidates are but when it comes to politics, because it is Labor, Liberal, Greens and in the media every day, on television, they become known, and for some reason it is drummed into them and they understand what is going on.

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With local government, for argument sake, on the hill which is marked Ravenswood, Waverley, Mayfield, Rocherlea - Housing Department homes - 'we do not have to vote' but when it comes to a compulsory election for these other seats, that is vastly different because it is more pronounced in my opinion. Candidates they get to know better. When the ward system was in, that was the best system ever. You were accountable to that ward. I was accountable to the east, so was Cramp, so was Stackpole when we first went in after amalgamation.

**Mr VALENTINE** - That is a single seat system, you are talking about?

**Mr FITCH** - Every year

**Mr VALENTINE** - Every ward has one seat.

**Mr FITCH** - Every ward had three seats.

**Mr VALENTINE** - Three.

**Mr FITCH** - But then it was rotated. I stood this year, Cramp the next.

**Mr FITCH** - So you have an election every year.

**Ms RATTRAY** - A bit like the Legislative Council.

**Mr FITCH** - Yes.

**Mr HALL** - In one of the submissions they argued that local government elections, because it is postal, everybody has time to do it, then maybe it ought to be compulsory because you have it in front of you, it makes it easy. You do not have to go to a polling booth. What do you think about that?

**Mr FITCH** - That may occur with compulsory voting. My argument is that they would be donkey voting. Fifty per cent that do not vote, another fifty per cent if they did, force the vote. I would not say who they would vote for and I say that in all honesty. I would not like to say on the hill. After all, about forty per cent are on ICE, as well as alcohol, so goodness gracious me. I do not know who would get a vote.

**Mr VALENTINE** - You are in favour of the postal voters?

**Mr FITCH** - I question whether they are getting value for money. I think it deserves a good look at - Hobart and the North West Coast - and see what is happening. Please do not go compulsory voting.

**CHAIR** - You have covered electronic vote counting already, and the by-election for mayor. Did you want to go on to retention of the Hare-Clark voting, number eleven?

**Mr FITCH** - I believe in the Hare-Clark system. There are arguments. Most of these arguments coming forward are because of the Greens and other minor parties. If you removed the Hare-Clark system, there are going to be candidates that would still make it in that vein. I do not think it would eliminate them altogether, but if you went to a system



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of 25 single electorates then I still say you could find an electorate where the Green vote would still stand out. This business of getting rid of the Greens and getting rid of these minor parties, why are the Greens and minor parties so powerful over so many years when you know yourself that the numbers in the state Parliament were dropped back purposely to get rid of the Greens, and they didn't do it.

**Ms RATTRAY** - They did for a little while. We all remember Peg and her deck chair.

**Mr FITCH** - Then that throws up a very good point. When you say it did for a little while, back they came. Why did they come back? Because Labor and Liberal people gave up voting Labor and Liberal and went to the Greens because of their policies, because of their system of everyone following the rule. They will stay; you won't get rid of them. Watch Jacqui Lambie at the next Senate election. She will bolt in. I don't care what they say or what they do. She has taken it up to Abbott and she has given him a thrashing over the pay for the defence force, and the \$200 million he raced down here, and gave her the platform for a new party. So he raced here the next week with Joe Hockey. Joe is down the lavender farm and he is running round with Nikolic telling everyone \$200 million, but he did not tell you it is only for four years. After that it is up for grabs. These are the things that are coming into politics that everyone has had a gutful of including people like myself. I am an activist and I don't mind admitting it.

**CHAIR** - What do you think about the election spending?

**Mr FITCH** - Election spending, buying a seat. I just mentioned Brooks - \$150 000 reputed to have been. Is that right? Your spending is about \$15 000. Should it be a little more? Then have a look at what has been spent in the other area - the House of Assembly. I guess the spending can bring into part what I was saying that people have had enough. For instance, an ex-member of your Council received donations from a forestry company and went away. That may have been quite legal. Nothing every came of it. I do not agree with the rule you have where they can take gifts, and then if there is anything untoward that you people make the decision of whether that member made a wrong move. All these donations can come into play and they are behind scenes, because who is policing them? I remember quite clearly Jim Cox telling me, even after the Rouse affair, he went down to John Gay and he wrote out a cheque for \$1 000 for his campaign. He told me personally. Now this is going on into the rank and file. I believe it has got to be tightened up.

I am 78 and I have never known in my lifetime how in the eyes of the voters the politicians have dropped from up here back when I canvassed for Lance Barnard in 1959. There is not a lot of respect now for members and it is because of these rorts and grafts that now surface that didn't surface so much then, even though it went on. Now you have all this electronic media, and it flows. Get onto Tassie Times and have a read of that.

**Mr FINCH** - We're in the 'politicians' grab bag, so it doesn't matter whether it is international, national or state. The politician is a miscreant and we get tarred with that brush.

**CHAIR** - Electronic costs not included in candidate's statement? Are you talking about the robocalls?

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**Mr FITCH** - Yes. This year Ivan complained about the Labor Party doing it. Last year I rang Julian and he said, 'I can't do a thing about it. It's not covered in the legislation'. I think you have to because it is put out not by the candidate but by the party. Therefore, if they told lies about Ivan then it is the party saying it, not the candidate.

**Mr FINCH** - We've heard the suggestion today that the 10 000 phone calls had cost \$500, so it's not an expensive operation to use the robocalls. The idea is that the party invoices the candidate and the candidate declares it?

**Mr HALL** - Yes.

**Mr FINCH** - How does that operate?

**Ms RATTRAY** - Telstra, I think. Where else would they get the numbers from? We might follow it up.

**Mr FITCH** - Thank you.

**THE WITNESS WITHDREW.**

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**Mr BILL HARVEY** WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

**CHAIR** - All evidence taken at this hearing is protected by parliamentary privilege. Of course, outside this room, it is not. Just bear in mind that anything you say in here is fine, but if you say the same outside, it is not protected. If you would like to start by making a few statements. Then perhaps members will have some questions for you. Thank you.

**Mr HARVEY** - I wanted to reiterate what I put in my submission, basically with regard to the general manager's roll. I think we need to get rid of it. I think one person, one vote, not multiple votes for some people. That is one part of it. That is multiple votes for individuals who own businesses or other property.

The main issue I have is with the stacking of the electoral roll, or the potential to stack the electoral roll, by anyone who lives in Tasmania. Anyone is eligible. Anyone who owns or occupies property is eligible to vote on the general manager's roll. During the last local council election we had a concerted effort to stack the roll. I have had it told to me first-hand by someone who participated in that, one of the candidates, that they think they enrolled about 400 people on the roll. They expected about 200 of them to vote.

I knew this was going to occur and I interrogated the general manager's roll and I sorted it electronically into addresses, which clearly demonstrated the concerted effort to enrol students from the University of Tasmania based on the addresses of numerous people enrolled. I will pull up the roll here and give you some examples.

**Ms RATTRAY** - A lot of people living in one property in Moonah, I think, Bill. Was that right?

**Mr HARVEY** - There was a post office box in Moonah and 15 of them were registered at that post office box. There was one particular house I was concerned about, which was owned by a very well-known person in Hobart. I am not sure about naming names but they have seven people enrolled in this particular large house. When I went around to doorknock and say, 'G'day' to meet the people who lived there, the front gate was padlocked, covered in spider webs. The side gate was padlocked, covered in spider webs. So I went around the back, down the back lane. The neighbour lent over the fence and said, 'Hi. Can I help you?' I said, 'I am trying to say g'day to the people in this house.'

He indicated that you do not see much action at that house. But seven people are enrolled in that particular house and there was no access. I went back in the evening to see what was happening with the lights, to see if anyone was home. One little light up in the roof was on, but I could not gain access to the house to say, 'Hi,' to the people that lived there. So it is difficult to say, but there is the possibility that we have had some fraud occur with regard to the general manager's roll.

The Electoral Commission were aware of it. They had looked at the roll and they are aware of how many multiple enrolments there are at various addresses. They were going to monitor the ballot papers. They were going to check the ballot paper signatures with

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the enrolment signatures. I understand there were a number of ballot papers that were rejected because the signatures did not match. For me, that is fraud.

How many there were, we don't know yet. There has not been a report released that I am aware of. I would like to get a report from the Electoral Commission so we know how many signatures, how many ballot papers were rejected. If there were false signatures, that is fraud. Whether the people who orchestrated the campaign to enrol people are responsible for that, I do not know but it is of concern to me.

We should be looking at changing the enrolment eligibility. At the moment anyone who owns or occupies property is eligible to get on the General Manager's roll. That means you could be here on a holiday for two weeks, living in a hotel room, you are occupying property, so you could enrol. Probably that has not been the case. It is more likely they are mostly students who have been encouraged to enrol and it is not illegal.

It is a bit immoral to encourage people who have no stake in Hobart - who are not citizens, and not permanent residents - to enrol. They might be visiting while they do a course, but they can influence the outcome of elections in Hobart. Those of us who have been on local councils know you can win and lose seats by a handful of votes, and that has happened several times. I think the Mayor of Launceston was decided by a couple of votes. When you have several hundred people enrolled it can affect the outcome of an election.

There was a serious campaign to influence the outcome of the election and I do not want to see that happen again. We need to change the eligibility so we can prevent people who are not citizens, or not residents, from voting. There is room for people who live in our state and are not citizens, but are on their way towards being citizens or they are permanent residents - I think they have a right to vote. I don't have a problem with that.

**CHAIR** - Have a look at the criteria.

**Mr HARVEY** - Yes. That criteria at the moment, which says owners and occupiers of property, is crazy. It open to anybody to enrol on the general manager's roll.

**Mr FINCH** - What was your motivation to investigate? Were you a candidate?

**Mr HARVEY** - Yes. I was a Hobart councillor from 2007 to 2014 and I was aware of a stacking of the roll in 2011 that occurred with one alderman who had a connection with a particular group. I estimate about 125 people from that group enrolled, who may or may not have been eligible. They didn't necessarily have a stake in Hobart but they were legally able to enrol. It is whether they had an interest in local government, whether they were here for any long period.

I checked it this time around. I thought I would keep an eye on this and I knew there was one team - the 'Home Team' they were called - which was Alderman Christie, Mao Ding, Patrick Barlow and several others, who were part of the orchestration of this campaign. It was Patrick Barlow who informed me after the election. I met him in the street and we sat down and had a chat for a while and he said, 'We estimate we enrolled about 400 and we anticipated at least 200 of them would return their ballot papers'. I did have an interest, yes.

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**Mr FINCH** - We you re-elected?

**Mr HARVEY** - I was not re-elected.

**Mr VALENTINE** - To clarify, did you stand for deputy as well?

**Mr HARVEY** - I stood for deputy.

**Mr VALENTINE** - Did you not get a significant vote?

**Mr HARVEY** - I won the deputy race. I received the most votes.

**Mr VALENTINE** - You won the deputy race but you didn't get in as an alderman?

**Mr HARVEY** - Correct.

**Mr VALENTINE** - That points up an issue.

**Mr FINCH** - Getting access to the roll - is it easy, difficult?

**Mr HARVEY** - It is difficult. You are not supposed to have access to an electronic version. You are only supposed to get a paper version. I managed to get an electronic version and last time I scanned the roll and converted it. I assume the same thing has happened this time around.

**Mr FINCH** - So, the electronic version is not available to just anybody to look at?

**Mr HARVEY** - Yes, if they can scan the roll - and it pretty basic to scan a PDF document and convert it to an Excel spreadsheet. It is simple for anyone who knows how to turn on a computer.

**CHAIR** - It just takes time.

**Mr HARVEY** - Yes.

**Mr FINCH** - Do you feel you were disadvantaged? Do you think it cost you the opportunity to be elected as a councillor?

**Ms RATTRAY** - You were elected deputy mayor. That's pretty good.

**Mr HARVEY** - Probably not. I don't think I ran a good enough campaign. I was not up against much for deputy mayor, but with councillors, there was a very strong field.

**Mr VALENTINE** - Isn't that the point - that in the election there could be confusion. People thinking, 'I voted for him for deputy so I don't need to vote for him as an alderman?'.

**Mr HARVEY** - Yes, there was confusion, but I am specifically concerned about the number of people who are voting who I do not believe are entitled to have a vote.

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**Mr VALENTINE** - That is not the point you made in your submission.

**Mr HARVEY** - No. There were 400 people, many of whom shouldn't have enrolled for this election. They were invited to enrol, they were guided to enrol -

**Ms RATTRAY** - 'Encouraged', would you go that far?

**Mr HARVEY** - I think it was orchestrated. They were probably given the forms and told, 'Sign here'. That's how I imagine it occurred. One of the candidates did quite well but I don't know many votes he got from those on the electoral roll. It would be interesting to see that analysis - to see how one particular candidate, who came in higher than I did, benefited from the 400 votes.

**Mr FINCH** - How does that work, as far as the general manager is concerned? Does the GM personally oversight the registration of names on the roll?

**Mr HARVEY** - Yes.

**Mr FINCH** - How investigative does he or she need to be?

**Mr HARVEY** - Thank you for reminding me of this. Just prior to the closing of the roll the council received a big stack of enrolment forms. They all came in at the very last moment and a significant proportion of that stack was rejected straightaway. I can't remember the exact number now, but about 90-odd forms were rejected by the council straightaway.

**Mr VALENTINE** - For what reason?

**Mr HARVEY** - I assume the signatures were wrong, but I don't really know. We would need to ask the GM why they were rejected. A significant number of a big pile that arrived at the last moment were rejected for some reason.

**Mr HALL** - In your submission you make the statement that 'many business owners do not pay rates'. I wonder if the word 'many' is correct? When I think about the country areas I represent, virtually every business owner I know pays rates. Is there an exception in Hobart, or perhaps 'many' is not the right word?

**Mr HARVEY** - Anyone who owns a business is entitled to have another vote on behalf of their business. That could be a sole operator who is renting a desk in an office. I would think it is significant - the number of people who work in a building. There may be dozens of businesses operating in one building - in one office, sharing facilities - and they are all entitled to a vote. Built into their rent structure is probably a component of the rates and land tax et cetera, but they don't pay the full rates. They pay a component and it may be insignificant. Anyone who owns a business is eligible to vote.

**Mr HALL** - We have had evidence that lots of residents and young people aren't voting in local government elections. They are not interested, even though it is postal. Should it just be ratepayers who are eligible to vote?

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**Mr HARVEY** - It should be anyone who is on the House of Assembly roll, which makes them eligible for state and federal elections. The same roll for all three spheres of government.

**Mrs TAYLOR** - But they could also be on the general manager's roll?

**Mr HARVEY** - Personally I would like to get rid of the GM roll. It should be one person, one vote. If you are on the main roll for federal and state elections, that should cover you for local council elections as well. That eliminates all those who own multiple properties in different council areas, and who have multiple votes.

**Mr VALENTINE** - With respect to people who might be here for four or five years studying, living in the city, affected by the decisions that councils make, what is your feeling on those people getting a vote?

**Mr HARVEY** - If you have permanent residence in Australia, you can justify people voting in local council.

**Mr VALENTINE** - That is not an official Australian citizen?

**Mr HARVEY** - No, but it is permanent residency. It means you are here, you have a stake in the country, in the state, in the local government area. It becomes difficult when you are trying to mix and match and some are in, some are out, and it creates a grey area like we have at the moment with owner occupied property. To make it simple, I think the House of Assembly roll is the easiest way of looking at it, and I would probably accept if you were a permanent resident in the country and you are here, you have a stake, you are here for a number of years, you intend to become a citizen at some stage, then I am lenient towards that.

**Mrs TAYLOR** - Just supplementary to the previous question. There is this argument that says that if a person has a big investment, personally in a business, in any place, and does not live there then surely their business interest ought to give them a vote. That is the reason behind that. I struggle with it myself because I have seen some of the anomalies that I have been very unhappy about but I understand that if a person has a big investment in a business in a place they feel they have a right to have a say in local government.

**Mr HARVEY** - They have a vote on the House of Assembly roll if they are on that roll.

**Mrs TAYLOR** - Not in local government, if they don't live there.

**Mr HARVEY** - It is tricky. I would rather make it clean. It is easy to say if you are on the main roll, federal and state, it is easy. It is one vote, but it is not just one vote for business. If you are a business person who has ten businesses, you are entitled to a vote for each of those businesses. You just nominate a different person and if you look at the roll there are well known developers on the roll who have five extra votes for their children who are nominees for other businesses. It is really tricky but one vote, one value is the proper democracy we should be aiming for.

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**CHAIR** - Kerry had a question he wanted me to ask you about your concern about the word 'occupy' and what alternative would be better.

**Mr HARVEY** - I would like to drop that. It is too vague. You occupy a property. It means that there are maybe two people in a room, a hotel room, a boarding house, you are staying here for a short period, you are just occupying space, occupying a room, occupying a house. That needs to be taken out of the criteria for the general manager's roll.

**CHAIR** - Anything else you would like to add because that is very clear in your submission. It is really good. Thank you very much for that. Any other comments you would like to make?

**Mr HARVEY** - Just to say thank you for the chance to come in and talk to my submissions. I think it is a big issue and it is only going to continue to grow because we are encouraging international students to study in Tasmania and that is fantastic. I would love to see the number of international students continue to grow, but if they are being manipulated to help affect local council elections then I have concerns.

Imagine in five years time, or three years time, at the next election and there is another thousand international students and whichever team is the best organised team to enrol those people on the roll will benefit from that. I do not want to see a race where everybody is out there soliciting votes from international students or visitors.

An interesting point is if you compare Hobart to Glenorchy. Glenorchy only have 69 people on the general manager's roll and the migrant population in Glenorchy is quite high and they are not necessarily voting.

**Mrs TAYLOR** - Don't let anybody know about that and make that suggestion, Bill.

**Mr HARVEY** - In Hobart it is 1 401 people on the general manager's roll which is the biggest for the state and I do not want to see that roll continue to grow by people who do not necessarily have a stake or the right to be voting and influencing the outcome.

**CHAIR** - Or may not be here next time around.

**Ms RATTRAY** - Bill, can I just clarify? You are not opposed to the owning part of that, it is just the 'occupy' part or are you sticking to your one vote, one value type of thing.

**Mr HARVEY** - I think one vote, one value is the best outcome for a democratic society we are. I think in the past people had multiple votes depending on how much land they owned and that has shrunk back now to you getting multiple votes for how many businesses you own. It is still a bit tricky democratically.

**CHAIR** - Thank you for that.

**Mr VALENTINE** - Talking about this, people can galvanise others to come through on the roll. People might also go around nursing homes and try to gather votes that way. Do you see any issue with that? Is that not a similar circumstance where people in nursing



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homes may not have been out, they might have come in from another electorate, into a new situation, and have not registered.

**Mr HARVEY** - I think the nursing homes are a different scenario, because most people in nursing homes have been voting all their lives, they are used to voting, they are on the roll.

**Mrs TAYLOR** - They are on the roll. This is different. This is not general managers' rolls, they are not general managers.

**Ms RATTRAY** - This is helping them to exercise their vote more than anything.

**Mr HARVEY** - Being a postal vote it is probably really convenient for them.

**Mr VALENTINE** - Yes, as long as they are not voting for them.

**Ms RATTRAY** - No. That would never happen, they have family come and go.

**Mr VALENTINE** - Yes.

**Mr HARVEY** - It is interesting if you look at the statistics of who votes. For Hobart, 73 per cent of the voters are over 65, and 27 per cent of voters under 35. It really is skewed to towards one particular demographic. Young people do not engage with local council elections, I would love to see that change, but how do we do that, how do we encourage people to vote? They do not feel they have a stake in the game. They do not own property, they feel that they do not have a say.

**Mrs TAYLOR** - You could do it by making it compulsory voting.

**Mr HARVEY** - Well thank you, that would be good, happy with that.

**Mrs TAYLOR** - Are you in favour of compulsory voting? We should also be considering looking at another way of doing it, online. I do not know what the ins and out would be but it is worth investigating online voting.

**Mr VALENTINE** - What do you say to the people who say it is a democratic society. Forcing people to vote is not democratic.

**Mr HARVEY** - I think it is a slippery slope, when you take away the voting. If people have to vote, then they have to engage for a short period of time.

**Ms RATTRAY** - They might think, that is interesting. I might do it again.

**Mrs TAYLOR** - Have you worked on a polling booth?

**Ms RATTRAY** - No, I have not.

**CHAIR** - Thank you very much for coming in. We are very grateful.

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