

ELECTORAL AMENDMENT (LEGISLATIVE COUNCIL BALLOT PAPERS) BILL 2010 (No. 70)

Second Reading

[11.09 a.m.]

Mr HALL (Western Tiers - 2R) - Madam President, I move -

That the bill be now read the second time.

The purpose of this bill is to amend the Electoral Act 2004 to provide for equitable and consistent arrangements for Independent candidates with respect to the ballot papers in Legislative Council elections commensurate with those arrangements presently in place for a candidate of a registered political party in Legislative Council elections.

The bill will provide this equitable and consistent arrangement by -

- ensuring that a candidate in an Legislative Council election who is not the endorsed candidate of a registered party states in his or her nomination whether or not they want the word 'Independent' to appear on the ballot paper under their name;
- ensuring that if a person does state that he or she wants the word 'Independent' to appear on the ballot paper under his or her name then the word 'Independent' is to appear on the ballot paper immediately after the name of that candidate.
- Not applying these amendments to a Legislative Council election where a writ or the holding of that election has been issued before the commencement of these amendments.

Madam President, as an independent, let me be very upfront that this bill does not seek any special arrangements or special advantages for Independent candidates. It does no such thing. This bill merely

seeks to rectify an anomalous situation where Independent candidates are treated inequitably and inconsistently compared with endorsed candidates of the registered political parties.

In the present situation, candidates for Legislative Council elections who are endorsed candidates of registered political parties have their automatic entitlement to have the name of their registered political party appear with their name on the ballot paper. However, in the present situation, candidates for Legislative Council elections who are not candidates of registered political parties have no entitlement to the word 'Independent' appearing under their name on the ballot papers, should they wish.

Currently, the name of an independent candidate is on the ballot paper but it is blank as to whether they are Independent. This present situation is inequitable and inconsistent because candidates endorsed by a registered political party are able to indicate to voters on the ballot paper which political party they represent whereas Independent candidates cannot indicate that they are an independent. This bill rectifies this inequity by affording Independents the exact same opportunity as a party endorsed candidate, nothing more and nothing less, by being able to have the word 'Independent' under their name.

The bill does not make it mandatory for Independent candidates to have the word 'Independent' appear on the ballot papers but allows an independent candidate to choose whether or not to have the word 'Independent' under their name when they nominate.

Just as political parties value what the name of the registered political party stands for and means, so too do many Independents value what the word 'Independent' stands for and means to them and the voting public.

The amendments proposed in the bill provide a level playing field between party and Independent candidates with respect to the appearance of the ballot papers. This bill is merely designed to rectify the inequity and inconsistency where candidates presently cannot have the word 'Independent' appear under their name on the ballot paper in the same way as party candidates can have the name of their party appear.

In the case of a candidate who is a party member and chooses to have the word 'Independent' under their name on the ballot paper, then in these circumstances, it would be a matter for the voting public to ultimately pass judgment one way or the other. This bill is not seeking to change these types of present circumstances.

As already advised to members, following further consultation I am determined to additionally move a minor amendment in the Committee stage of this bill. If supported, this bill would not apply to a Legislative Council election where a writ for the holding of the election has been issued before the commencement of this amendment.

I commend the bill to the Council.

[11.13 a.m.]

Mr FINCH (Rosevears) - Madam President, this is a fairly simple and straightforward proposal which I do not see any members of this House opposing, whether they are dedicated Independent members or members of a party. Surely there would not be anybody here who would oppose it.

Mr Aird - We want to see either Independent Labor, Independent Liberal or Independent Greens on the ballot paper, then we would have fairness.

Mr FINCH - Sorry, I am speaking -

Madam PRESIDENT - Order, the honourable member for Rosevears has the Floor. Everyone else will have their opportunity, including the Treasurer.

Mr Aird - What would you be, Independent Liberal, do you think?

Mr FINCH - I am speaking on behalf of dinky-di Independents. This merely allows people like me, Independent candidates, to in fact declare their independence on ballot papers just as members of parties declare their membership, and why not have the opportunity to have the others? Some years ago the member for Windermere stood and declared herself as independent Labor and I think that should be the case, that she should be able to declare that -

Mr Aird - Under this legislation you couldn't do that.

Mr FINCH - No, but when the person is elected next, under that situation they might want to bring that legislation forward as well and have things changed.

Mr Wilkinson - Some change after the election, of course. They stand as an independent and then they join a party.

Mr FINCH - When they come to their senses.

Mr Wilkinson - And the other way around.

Mr FINCH - I am incredulous of this unfair situation. It has really gone on for so long without it being noticed or corrected, and as the proposer of the bill put in his speech, this present situation is inequitable and inconsistent because candidates endorsed by a registered political party are able to indicate to voters on the ballot paper which political party they represent whereas Independent candidates cannot indicate that they are Independent.

Madam President, whilst most parties continue to make inroads - or try to - into the composition of the Legislative Council there is plenty of evidence that many electors prefer their Legislative Councillors to be free of party ties and those restrictions. The year 2010 may well become known as the 'year of the Independents' in the Federal sphere. We only have to look at the way people chose to vote, not only Federally but here in Tasmania for our Federal counterparts where party adversarial politics were on the nose with a proportion of Australian voters and I am reading that that is the way of the world. It is going to be our future as well.

Madam President, you do not have to be of a particular view on the value of Independents when considering this bill, all you have to do is have a notion of fairness. I strongly support this bill and I thank the member for Western Tiers for bringing the anomaly to our attention and for writing my speech.

Members laughing.

[11.17 a.m.]

Mr WILKINSON (Nelson) - Madam President, I think this just comes down to a situation of fairness and I am not going to speak very long at all because in my mind, when one looks at fairness and one looks at equality, equity or whatever you want to say, it should be a situation where a person is able to put 'Independent' beside their name if they wish to do so.

My belief is - and I am just trying to recall - that Andrew Wilkie, I believe, in the Federal elections - did he have 'Independent' beside his name? I cannot recall but it was obvious that he was Independent.

Ms Forrest - Do they do it in other States?

Mr WILKINSON - I do not know. We had that argument of course last week that if it does not happen it does not mean we should -

Ms Forrest - Yes, I was wondering about that.

Mr WILKINSON - I am just trying to counter what may be another argument opposite to what I am saying.

My view would be without a doubt if we are looking at fairness, if we are looking at sameness across the situation -

Ms Forrest - A level playing field.

Mr WILKINSON - a level playing field, as you say, then why should it not be allowed and therefore I will be strongly supporting the bill. Just like the honourable member for Rosevears, I believe that every fair-minded person in this Chamber would more than likely support the bill.

[11.18 a.m.]

Mr WING (Launceston) - Madam President, I too support this bill. It is logical. I imagine it was an oversight that it was not included in the original legislation and I also imagine that it was assumed by

honourable members that that would be possible, but as that has proven not to be the case it is important to rectify that situation.

I think as a matter of principle any candidate standing for an election in this State ought to be able to describe themselves as a candidate in any way they choose, provided it is not offensive and provided it is a logical way; even Independent Labor, Independent Liberal or Greens or whatever. Certainly when we have so many Independents in this Parliament and in this House it should be automatic that candidates are permitted to describe themselves as such on ballot papers.

Mr Wilkinson - As you stood up to start your comments the TV showed your name, your electorate and 'Independent' beside your name, and that is on TV.

Mr WING - Yes, I see, and it is important for the electors to know what the other candidates stand for when the party members have their party name after their names on the ballot paper. It is just logical. I support this, and if somebody wished to move an amendment to include anything about Labor or Liberal I would be supportive of that as well.

[11.20 a.m.]

Mr PARKINSON (Hobart - Leader of Government Business in the Legislative Council) - Madam President, the Government is opposed to this for very obvious and logical reasons -

Members laughing.

Mr PARKINSON - quite apart from the submissions that have been made so far about this amendment being logical and fair and whatever else you want to attach to it. The Government's position is that it is not logical nor is it fair. In fact it is quite misleading.

Mr Wilkinson - So you're quite willing to take Labor away from your name?

Mr PARKINSON - It can be misleading for the very reason that the terms that are currently permitted, such as Liberal Party, Labor Party, Greens, Communist Party or any other political party that people may wish to belong to, registered political parties, are descriptive terms which accurately describe the

colour or the banner under which those candidates are standing. With a Labor Party candidate, a Liberal Party candidate or a Greens candidate there should be no doubt in the voter's mind, as to where those people stand when they represent them, the electors, in the Parliament. The problem with the word 'Independent' is that, even though it is a descriptive term, it has various meanings to various people, and if you are going to allow it on a ballot paper as being definitive, then that is misleading and it should not be allowed, and that is the reason why it has not been allowed in the past. Independents can take all sorts of positions on all sorts of issues.

Mrs Taylor - Isn't that what 'Independent' means?

Mr PARKINSON - Well, it does not necessarily mean that at all, and one of the problems is that, if I can put it this way, to some people Independents are put forward as being of a higher level of honesty or integrity. I am sure that is what Independents in this House like to be thought of, as being somehow better than members of political parties, whereas in fact the term 'Independent' can be used as something to hide behind by people running for politics who are not Independent at all. In the 16 years that I have had in this place there have been certain individuals in this Chamber in the past who were elected as Independent members but who I could say almost never voted for anything that the Labor Party or Labor Government put up. They were always opposed, notwithstanding that they were elected as Independents. To me the sign of a true independent is a person who will consider an issue on its merits and vote accordingly, but not all Independents can do that, and not all Independents elected to this place since I have been here have done it either.

Mrs Taylor - So we should disadvantage all Independents because some of them may not be truly Independent?

Mr PARKINSON - It is not a disadvantage to a person who stands on a ballot paper simply under their own name. There is no disadvantage there at all. The disadvantage to other candidates occurs when you attach the word 'Independent' to that name because it is misleading whereas having the political party attached to a person's name is very informative - informative in an accurate way because it specifically allows electors to know how that person will behave in representing them. Calling a person independent does not allow them to know at all - in fact it misrepresents the position. I am starting to go around in circles.

Mr Wilkinson - Are you saying that putting 'Independent' there gives that independent candidate a benefit over and above a person who has 'Labor' or 'Liberal' beside them? That seems to be what you are saying.

Mr PARKINSON - It may well do. Some people might look at that and think that person is a better candidate than the Liberal Party or the Labor Party or the Greens because they have the word Independent attached to them. That can afford an advantage.

Mr Wilkinson - But then if you have that reasoning you are saying that by having 'Labor' or 'Liberal' beside them that gives that person too an added advantage over the person who has not anything beside their name. The same type of reasoning could occur.

Mr PARKINSON - No, it does not. It simply informs the voter of the clear difference between the party people and the non-party people. 'Independent' is a term that has many meanings. It covers a whole spectrum of meanings. You cannot just pick out the word Independent and say what it means in relation to politics as far as the behaviour of the member in the House when they vote is concerned. That is my problem with it.

[11.27 a.m.]

Ms FORREST (Murchison) - Madam President, this is probably a bill that is a bit close to my heart, particularly with an election coming up in May next year. I commend the member for Western Tiers for finally bringing it on.

Mr Finch - In a timely manner.

Ms FORREST - Yes, but mind you it may well not be timely anyway.

Mr Harriss - And also writing your speech.

Ms FORREST - The writs for the election in May will be issued in April I think.

Mr Wing - Yes.

Ms FORREST - There are a couple of sitting weeks in March if this was successful in this House, which I would assume it would be, but it is another matter with another place, as we are finding with another private member's bill at the moment. I would like to make a few comments and also comment on a couple of things the Leader has said. It is true that when you establish yourself as a member of a party then people are able to look at the information relevant to the party, whether it be on the party website or wherever to see what they believe in and what they stand for.

There are any number of political parties around the country and I challenge any of the members here to tell me what the What Women Want Party stands for. I guess none of you knows. The What Women Want Party was a party that was established in not the election just gone -

Mr Wilkinson - It raises a myriad of questions.

Members laughing.

Ms FORREST - It does, doesn't it. I could see you pondering that very question. This party was established by Justine Cains, who is a homebirth advocate. She was the President of the Maternity Coalition and a consumer representative on the Australian College of Midwives executive for a number of years. I cannot remember how many babies she has had now but I think that she is up to about six or seven, with twins included in her family - all born at home. That is a bit about her background. She established the party at not the election we just had but the one before that when we were trying to achieve some of the maternity reforms that I spoke of last week. That was one of her big driving forces. They stood a Hobart-based Senate candidate for What Women Want. For any elector in Tasmania who wanted to give What Women Want their vote in the Senate they would have had to look at the website.

Dr Goodwin - It is quite easy to find on the website. Apparently what they want is to be heard, to be valued and to be respected.

Ms FORREST - Yes, so fairly basic.

Mr Wilkinson - They've done pretty well and they're not even in Parliament.

Ms FORREST - That is their overarching core values, I guess. I believe for someone to make a decision to vote for that candidate they would then need to look at their policy positions. I had some discussions with Justine around that time and suggested that they needed policies on things other than just issues relating to birthing options for women.

Dr Goodwin - They have a heap of policies.

Ms FORREST - They have. When they first launched the party they did not have a lot of other areas but I said they needed some policies on economic matters and a whole range of things. If someone stands as a member of a party, you have the capacity to find out a bit about them through that sort of process. Some of us have websites, and even Independent candidates before being elected may have a website. I think that when the member for Mersey Mr Gaffney was elected a couple of candidates had websites. There were other candidates who were also Independent who had websites. Out of interest I went to the website of those Independent candidates and had a look to see what they were on about. I had a fair idea about a couple of them but I had a look. That information is out there. During an election campaign you promote yourself to get elected. In any advertisements you take out in the newspaper you will state that you are independent, so how can it be misleading on a ballot paper if it is not misleading in an electoral ad that has to meet certain requirements under the Electoral Act as it stands? You have to have your advertisements authorised and if you put in anything that is not accurate you could be taken to task for it. If it is okay to put it in an advertisement in the paper - and trust me, I will be putting it on my advertisements - then why is that okay but not to have it on a ballot paper that is the final documentation that is presented to people before the election? Why is that inequitable or misleading, as the Leader seems to suggest?

Mr Wilkinson - You've swayed me.

Ms FORREST - The word 'Independent' is descriptive and it can mean different things to different people, but when we are talking in the political sense I do not think we are going to be dragging in a whole range of other definitions. The Leader also suggested that this is something people could hide behind when they are assumed to have a particular political leaning. When you have the Government of the day accuse you of being something other than that you are -

Mr Dean - That is perfectly fair.

Ms FORREST - They have done, they did it to me. As an independent -

Mr Aird - I'm glad it hasn't left any scars.

Ms FORREST - No, it has not left any scars because I think it was in my favour at the time.

Members laughing.

Ms FORREST - I think it was of great help to start the campaign. When that sort of thing happens, it is up to me to convince the electorate that I am independent, that I will make up my own mind based on what the people I represent inform me of and, in that overall view, that we all as Independent members, as members of parliament as a whole, should look at what is in the best interests of the State. Of course you represent the people and it is important for me to assure people who believed I was independent and have seen me act in a very independent manner and oppose Liberal Party and Labor Party policies at different times. That is then the task. I will include it in my advertisements and anything I put out to the electorate. I do that all the time now when I am undertaking a constituency visit as Ruth Forrest, Independent member for Murchison. It is on my car, I think. Why is it misleading to put it on a ballot paper and not misleading to put it on all the information that goes out at any other time?

As the member for Western Tiers rightly said, it does not seek any special arrangement or special advantage. The Leader seems to think that having an independent there perhaps makes you a more credible candidate than a party member. Well, that is a problem with the party structure rather than a problem with the Independent as such. I think that could be more accurate. It does, as the member for Western Tiers rightly said, basically give an independent candidate access to the automatic entitlements that a party member has.

Mr Wilkinson - Through you, Madam President - the Commonwealth Electoral Act 1918 at section 214, subsection (3), says: 'Where a candidate in an election has made a request under section 169A' - they just have to make that request - 'the word 'Independent' shall be printed adjacent to the name of the candidate on the ballot papers'.

Ms FORREST - So at the Commonwealth level you can do it; it is not misleading in the Commonwealth -

Mr Wilkinson - That is right.

Ms FORREST - so how could it mislead here?

Mr Wilkinson - I have some copies if you want them. I got them just then.

Mr Harriss - Aye.

Ms FORREST - I will not go on as I think I have made my point, but I just wanted to refute a couple of those comments by the Leader to suggest that it gives an unfair advantage, or that it is misleading, or that it does not truly reflect what that person is. It is up to the person who is standing for election to demonstrate what they mean by 'Independent'. If it is appropriate everywhere else leading up to that day, why not on the day?

Madam President, I commend the member for Western Tiers for bringing it on. I do not know if I am going to receive the benefit this time, but I support the bill.

[11.36 a.m.]

Madam PRESIDENT - The honourable member for Derwent.

Mr AIRD (Derwent - Treasurer) - Thank you, Madam President, and I will get used to that.

Madam PRESIDENT - So will I; I am practising.

Mr AIRD - So am I.

There is a fundamental difference here. There needs to be a level of candour in terms of the way candidates present themselves. How we label ourselves is a point of differentiation to the electorate to encourage political support. That is the reality of the situation. It is in some people's interests, because if they want to be identified with a political party they will do so as that is what that party represents. It represents their philosophy, it represents their policy position and it represents the way they want to be seen in the electorate. Where you have an identification on a ballot paper identifying that you are associated with a political party, you are identifying what you are, what you believe in and what you support. If you have 'Independent' on the ballot paper it indicates what you are not.

Mr Wing - Well -

Mr AIRD - It does. It indicates you are not a member of a political party. That is what it means.

Mr Wing - That's an important thing. It means you have a freedom to vote according to your conscience.

Mr AIRD - It does not indicate what you are.

Mr Wing - Somebody -

Madam PRESIDENT - Order.

Mr AIRD - The idea about identifying yourself on a ballot paper is to indicate to the electorate what you believe in. It may be true that in some electorates Independents are more supported than political parties; in fact, there is evidence to testify to that in some electorates.

Mrs Taylor - Not in mine.

Mr Wing - What you believe in as a party member is regimentation.

Mr AIRD - Political parties have represented your electorate, I think, up until you.

Mrs Taylor - So it was a disadvantage to me to stand as an independent?

Mr AIRD - No, not necessarily, because at the time it suited you and -

Mr Finch - It suits us.

Mr AIRD - It does suit you. When you are putting 'Independent' on, it only identifies what you do not believe in and what you do not represent.

Ms Forrest - No.

Mr AIRD - All you are saying to the electorate is that you do not belong to a political party.

Mr Wing - And you have a freedom, a freedom to vote according to your conscience.

Mr AIRD - We do that too. We vote according to our conscience.

Mr Wing - Independents to a much greater extent.

Mr AIRD - No, that is your argument and that is a political argument.

Mr Wing - It is a fact.

Mr AIRD - That is not a fact.

Mr Wing - Absolutely.

Mr AIRD - It is a fact in your head, but not in mine.

Mr Wing - It's in everybody's except yours.

Mr AIRD - Well, a lot of people's - in fact I find that offensive.

Mr Wing - It is illogical.

Mr AIRD - It is a way you view your political representation, how you want to portray an argument.

Mr Wilkinson - I accept what you say, but isn't it a situation whereby you vote according to your political conscience, but you vote in the party room in accordance with your political conscience? If the others vote differently, you have to vote in accordance with the majority and as a result of that you vote the same way, which could be contrary to what your political conscience says you should vote when you are actually in Parliament where people can hear what is exactly going on.

Mr AIRD - But you see that is another issue altogether. In fact, on issues of conscience we can, in terms of our personal conscience, put forward our views independently if we want to here.

Mr Wilkinson - But you can't tell me -

Mr AIRD - Yes, we could if we wanted to. If we wanted to. It is a matter of conscience. It is about my conscience. The shop trading hours was a good example of conscience. When I first promoted deregulated shop trading hours I was the only person in the Labor Party who supported it, the only person, but I persuaded them over a period of 20 years to agree. That is the virtue of a political party, to persuade it, to get to a position of changing public policy. That is why we belong to political parties, is it not?

Mr Wilkinson - But that is a different argument, though, in the end. It is like the honourable -

Mr AIRD - It is, ultimately. Anyhow, it is a red herring.

Madam PRESIDENT - Order. We are moving off the principle of the bill, so perhaps we could move back to it.

Mr AIRD - I made my point. There is a code of understanding within the electorate that a political party represents a point of view, and that is very clear. If you have 'Independent' on the ballot paper it shows that you are not a member of a political party. It is simple. On one hand it shows by having a political party on a ballot paper what you do believe in, and showing 'Independent' shows that you do not belong to a political party.

Mrs Taylor - I am not sure in the end what you were trying to persuade us of.

Mr Aird - You should have paid attention.

[11.42 a.m.]

Mr DEAN (Windermere) - Madam President, there has been a lot said already, and I do not think it really serves great purpose to go back through all of that information, but I raised this matter when I first stood to be elected. I had a meeting with the Electoral Office telling them that I wanted to disclose on my ballot paper that I was independent, and I was told then that I could not do it. It was not provided for under the Electoral Act. I identified very clearly then that I felt that was unfair and was not affording us the similar conditions or position that it was affording a party member, so I am very pleased that the member for the Western Tiers has brought this matter forward.

Mr Wilkinson - In fact if you stood for Federal Parliament you could have been.

Mr DEAN - That is right. Could have done. And that is why I have asked the Treasurer and the Leader what is the difference. If it can be used in that forum in that area, why is it seen as being so bad here, in a State situation? I just cannot quite follow that argument at all.

Mr Wilkinson - The argument is, because it could be of a disadvantage to either of the parties.

Mr DEAN - Quite obviously that is the reason for it.

Mr Wilkinson - That's the logic, isn't it.

Mr DEAN - Quite obviously. There is no doubt about it, the Independents -

Mr Parkinson - Federally there have been so few of them over a period of time. That is probably one of the reasons that they have tolerated the idea. It has only been of recent times that being an independent has made any difference Federally, whereas in Tasmania it has often made a difference.

Mr DEAN - The fact is, Independents in upper House elections is really a big issue, and very clearly in my electorate there is a big sway towards Independents. Throughout my campaigning on both elections people would say to me time and time again, 'if you are Independent we will support you'. And that came through. I would probably say 70 to 80 per cent of the people I spoke to would raise that issue, 'Are you really an independent?' And as members know, in both my elections I had quality Labor candidates standing against me, one who has continued to say that she was 'Independent Labor', and that was interesting in itself as to why she wanted to use 'Independent', and she used it on all of her material, advertising material, right through the papers and handouts and so on.

Mr Parkinson - So if you had accepted John Howard's phone call, you wouldn't have been Independent, would you?

Mr DEAN - There were quite a number of reasons, and I will talk about that one day, as to why I did not accept his phone call.

Madam PRESIDENT - And that has nothing to do with the principle of the bill in front of us.

Mr DEAN - And it has nothing to do with this. Thank you, Madam President. It has nothing to do with this whatsoever.

Mr Parkinson - But what I am saying is, at one point in time you gave consideration to whether you would be Independent or not.

Mr DEAN - Yes, I did.

Mr Wilkinson - You did not ring him, he rang you, didn't he?

Mr DEAN - He rang me and if he were here today he would simply say that I said to him, I could not toe -

Mr Aird - He is here today. He is in Hobart.

Madam PRESIDENT - Order. This is not about who had telephone calls from a former prime minister, this is about the principle of whether 'Independent' is on a ballot paper or not. Let us go back to it.

Mr DEAN - Thank you, Madam President. But it was interesting when I was campaigning because those who were supporting me at the time, my wife and my sons and those others were saying, what do we tell people when they ask us the question, which they were, about 'Independent Labor'; my being Independent and 'Independent Labor'. What I said to them was that there are two or three things that

you can do, and one is to either shake your head and just throw your hands in the air or the other thing is to simply say, very clearly, she does not know what she is and therefore she is simply throwing it up at this stage to try to get the electors to support her. So I told them to take the pick of what they wanted to do. But I think most of them, on each occasion, threw their hands in the air and just shook their head in dismay. But, very clearly, it does benefit an Independent member, there is no doubt about that.

What I did, Madam President, because of the 'Independent' thing in my last election, not my first but my last election, I included on my signs in very big writing '100 per cent Independent' because -

Mr Parkinson - So you told a fib then?

Mr DEAN - other members were using 'Independent' in many other forms, so I included the written form, numerical numbers, '100 per cent Independent' and that certainly caused a lot of discussion and a lot of -

Mr Parkinson - That is absolutely impossible.

Mr DEAN - Not impossible at all. The Leader made comment about 'Independent' in this House, and what does it identify with. What I see is that it identifies with being exactly that, and that is not having to tow a party line, not being told how to vote by a party and being able to take a position in line with your electorate or with the strong field out there that you talk with and that raise issues with you. That is what it does. It is not about trying to get an unfair advantage over anybody. It is not about that at all. That is not the way I see it. Some might, but I certainly do not see it that way. I see it as being in a position where I do not have to tow a party position and I am free at all times to take the decision that I believe is right in all of the circumstances. I will not be swayed by any party. I do not think I have indicated that in this Chamber to this date and I am not likely to.

The Treasurer raises that issue as well and I am not going to go back over it anymore, other than to simply say that, very clearly, independence is important to those people who are truly Independent. If you are independent you ought to be able to identify that on your ballot papers. That is, if that is an accurate statement and if that is a statement that is reasonable in all of the circumstances. People use it and they throw around the word 'Independent' for a number of reasons. I raised it at the first election that I stood for, where the member was using 'Independent' and very clearly was trying to get in on the 'Independent' thing in that electorate because of what was being said and all the publicity around being Independent. Very clearly, that is what it was all about. To me, a person needs to be honest, upfront and very clearly, it ought to be accepted.

The bill should be supported by all and I think it will in this House, with the exception of probably two or three members. I would just hope that this bill, when it is passed in this House, will be supported in the other place moving forward. I just hope that there is support there for it. It would be good to see this change in accordance with the Commonwealth position and I will be supporting the bill.

Mr Aird - What is the Liberal Party's view on this, I wonder?

Madam PRESIDENT - Order. The Liberal Party member is not in the House.

[11.49 a.m.]

Mr HALL (Western Tiers) - Madam President, I would like to thank members for their support and input, or most of them. It really is an uncomplicated piece of legislation, which is aimed simply to deliver fairness and equity. I hear the honourable Leader's arguments that he put up but I am surprised that a government which says it is committed to fairness and equity would not support this motion.

As I said earlier, people who are members of a political party can stand as an independent on the ballot paper. There is nothing to preclude that. It is up to the electorate then to decide one way or the other. The honourable Leader talked about so-called Independents and the manner in which they have voted in this House. That is a matter of opinion of course, but my view is that Independents in this Chamber do vote and address the issue at hand. We can be all over the place in some legislation and I think it was demonstrated very clearly last week when we talked about the public holidays bill and the motion from the honourable member for Launceston. It was quite evenly split, but people had formed their own judgments quite independently. That is what democracy is all about, in my view.

In my time it is pretty rare for government legislation to be vetoed in this place. There can be amendments, but that is our job on behalf of the people of Tasmania and we should not resile from that. I disagree with the honourable Leader's and the Treasurer's comments in that respect. I think the honourable member for Nelson brought up a very interesting point that under Commonwealth legislation, under the provisions there at the moment, you can have the word 'Independent' put beside a person's name and I think that tells one story. I am not sure what happens in other jurisdictions. The honourable Treasurer asked what the opinion was of other parties but I do not know at this stage. My job here today is to try to get this bill through this Chamber and we will worry about what happens later on. I urge members to support the bill.

The Council divided -

AYES 11

NOES 3

Mr Dean
Mr Finch
Ms Forrest
Mr Gaffney (Teller)
Dr Goodwin
Mr Hall
Mr Harriss
Ms Rattray
Mrs Taylor
Mr Wilkinson
Mr Wing

Mr Aird (Teller)
Mr Parkinson
Ms Thorp

Second reading so agreed to.

ELECTORAL AMENDMENT (LEGISLATIVE COUNCIL BALLOT
PAPERS) BILL 2010 (No. 70)

In Committee

Clause 1 to 4 agreed to.

Clause 5 -

(Names of registered parties and independents on ballot papers)

Mr HALL - Madam Deputy Chair, I move -

That clause 5 be amended in proposed new subsection (3) after 'then' by leaving out 'provided he or she is not a registered member,'.

I move that because originally I had a proposition that perhaps registered members of a political party should not be able to put the name Independent on the ballot paper but on further investigation I found that under the Electoral Act what that means is that all parties have to carry a registered list of only 100 names to prove their bona fides as a party. That list changes - people die or fall off the perch so people are then added or subtracted from that list.

I explained to members via e-mail that I thought it unnecessarily complicated the bill, it was not necessary, and so that is the reason.

Mr PARKINSON - Madam Deputy Chair, I move -

That clause 5 be postponed.

I so move so that I can have an amendment prepared.

Mr WILKINSON - Madam Deputy Chair, I have no objection to the postponement but I just wonder if we can have an indication as to the type of amendment that is going to be drafted. I do not want to know it word by word but just some understanding as to the nature of it.

Mr Parkinson - I just want to put in the words 'independent labor'.

Clause 5 postponed.

Clause 6 -

(Design of Council ballot papers)

Mr HALL - Madam Deputy Chair, clause 6 is simply a repetition of clause 5; it has the same wording. Therefore the explanation I gave for the amendment to clause 5 applies; it is the same deal. I move -

That clause 6 be amended in proposed new subsection (1A) after 'then' by leaving out 'provided he or she is not a registered member,'.

Mr PARKINSON - Madam Deputy Chair, the amendment that I am proposing would also apply to clause 6 and also clause 4 so it would be of general application. I move -

That clause 6 be postponed.

Mr DEAN - I rise to ask what is the period of postponement - when is it proposed that the amendment come back or is this a process that is going to go on and be brought back next year? What is the position in relation to the postponement, the timing of it, or is this just a stalling tactic?

Mr Parkinson - No, I propose to amend it and it will not take long to have a simple amendment like that drawn.

Ms FORREST - Just on that point, Madam Deputy Chair, on the postponement, the Leader has indicated the inclusion of the words 'independent labor' or 'labor' after 'independent'. I guess it is a matter for debate at that time. But if it is 'Independent Labor', 'Liberal' or 'Greens' or any other party, we are going to have to come back with another postponement if someone else wants to consider that part.

Ms Thorp - But the Liberals do not want to. Vanessa voted with the legislation.

Ms FORREST - Maybe, during the debate, Madam Deputy Chair, that could be an issue and I think timing is the issue here, raised by the member for Windermere, and we should consider that it is not drawn out over too long a period.

Clause 6 postponed.

Clauses 7 and 8 agreed to.

Postponed clause 5 -

(Names of registered parties and independents on ballot papers).

Mr PARKINSON - Madam Deputy Chairman, I am not in charge of the bill but I move -

That you do report progress and seek leave to sit again at a later hour.

Progress reported; Committee to sit again.