

the Joint Standing Committee on Electoral Matters

Inquiry into the Conduct of the 2024 House of Assembly General Election and the 2024 Legislative Council Elections

The Terms of Reference for this inquiry are:

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

As the independent administrative body responsible for the operation and conduct of the state election and Legislative Council elections during 2024, the Tasmanian Electoral Commission is central to ensuring Tasmania's democratic processes are run according to law. If there are internal problems within the office of such an organisation, this presents a huge potential risk to the conduct of Parliamentary elections.

The office of the TEC is only small, currently with 15 permanent staff positions. Since 2017 there has been an exodus of staff. The office has lost collectively over 100 years of electoral knowledge and experience with 15 permanent staff departing.

The cumulative risk this has built up over the past 7 years is that with each election there are less permanent TEC staff with electoral knowledge and experience to administer the election processes, who are working in a stressful environment, with an increasing risk of significant mistakes being made. The worst case scenario is that such mistakes could cause or significantly contribute to the failure of an election.

This submission will bring to the Committee's attention issues within the office of the TEC which are relevant to the terms of reference of this Inquiry including:

- The lack of external oversight of the internal workings and management practices of the TEC;
- The high numbers of staff departures since 2017;
- Staff leaving because they feel that the TEC office is a psychologically unsafe workplace.
- TEC management attributing staff losses to the toll of elections on staff.

This submission is based on my experiences and what was witnessed during my time with the office of the TEC.

No external oversight

It is important for electoral authorities to be fully independent of political influence. It is also important to ensure that the electoral office staff who are employed as members of the state service have the support and processes of the state service available to them.

It was interesting that when a motion was brought to Parliament to establish the Joint Standing Committee on Electoral Matters some members of Parliament stated that it would be an unnecessary

duplication or public resources, would not add any further value, or would bring into question the legitimacy of an election outcome.

It is submitted that through this Joint Standing Committee process there is now an opportunity for more oversight of internal operations and management of the office of the TEC where it may negatively impact on Parliamentary elections. After all the TEC is, by law, accountable to Parliament.

The TEC is an independent entity. While the office of the TEC falls within the Department of Justice for administrative support (see page 14 of the 2022-23 Department of Justice annual report), the Department keeps it at arm's length on the basis that this ensures the independence of the TEC.

The current Electoral Commissioner (EC) was appointed in February 2016, with the current deputy (DEC) appointed in October 2016. Within 12 months of the EC's appointment, the exodus of staff began.

Staff of the office of the TEC are employed as State Service employees under the State Service Act, and are governed by the Code of Conduct. However, most staffing issues are handled within the TEC with recruitment and pay processes formally finalised by HR in Justice.

The TEC produces an annual report and election reports, and sometimes the Commissioner may be required to attend Parliament for budget estimates. The TEC is required to produce some business information to the Department for the Departments reports.

There is no other process under which the management of the office of the TEC can be scrutinised.

The loss of 15 permanent staff since 2016

While election work can be stressful work at times during an election period, electoral work generally attracts people who believe strongly in our democratic system and work hard to protect its integrity.

Staffing numbers, and arrivals and departure of staff is publicly available in the TEC annual reports. At the time of this submission the annual report for the period 2023-2024 had not yet been tabled in Parliament.

- Annual Report 2022-23
https://www.tec.tas.gov.au/info/Publications/AnnualReports/TEC_Annual_Report_2022-2023_WEB.pdf
At page 45 - 1 permanent staff member departed
- Annual Report 2021-22
https://www.tec.tas.gov.au/info/Publications/AnnualReports/TEC_Annual_Report_2021-2022_WEB.pdf
At page 32 (footnote 1) it states that (in that financial year) the TEC consists of a permanent staff structure of 15 people.
- Annual Report 2020-21
https://www.tec.tas.gov.au/info/Publications/AnnualReports/TEC_Annual_Report_2020-2021_WEB.pdf
At pages 62 and 63 – 5 permanent staff and 1 fixed term staff member left.
- Annual Report 2019-20
<https://www.tec.tas.gov.au/info/Publications/AnnualReports/TEC-2019-20-Annual-report.pdf>

At page 5 – “During 2019-2020, the TEC welcomed 5 new staff...”

- Annual Report 2018-19
<https://www.tec.tas.gov.au/info/Publications/AnnualReports/TEC-2018-19-AR-spreads.pdf>
At page 43 – 4 permanent staff and 1 fixed term staff member left.

- Annual Report 2017-2018
https://www.tec.tas.gov.au/info/Publications/AnnualReports/TEC_201718_AR_w.pdf
At page 5 – the office has 14 permanent staff.
At page 38 – a summary of the staff.

(NOTE: 10 of the 14 permanent staff in that summary no longer work at the TEC.)

- Annual Report 2016-2017
https://www.tec.tas.gov.au/info/Publications/AnnualReports/TEC_201617_AR%20w.pdf
At page 5 – one long standing staff member left and six new staff.
At page 25 – an organisational review occurred, with the new structure increasing the permanent staff from 8.5 to 14.

Staff who have resigned from the TEC include both long term staff and relatively newer members of staff, of all ages. Only 1 member of staff remains from February 2016 when the EC was first appointed.

Staff who have left the TEC have tried to raise issues about TEC management with HR in Justice directly or through exit interviews. The Departmental grievance process is inadequate to prompt any type of review of management practices in the TEC.

The union is aware of the concerns of numerous former staff members about TEC management.

While staff may be invited by the Department to participate in the periodic State Service Survey, the small size of the office and other factors have meant that reaching the minimum of 10 responses, in order for specific output results to be identified, is unlikely to occur.

A psychologically unsafe workplace

During my time at the TEC the staff felt unsupported by management and that there was no leadership or effective management.

Other issues that staff experienced were a lack of strategic thinking or clear decision making by management, poor communication between management and staff, micromanaging, bullying, gaslighting, and inconsistent approaches in management in adhering to Department/TEC values and policies. Despite the small size of the office, staff felt they were siloed within specific areas of the office (operations, communications, policy etc.) and discouraged from speaking to staff in other areas. For many of us, the workplace felt psychologically unsafe and this is the main reason that many staff left.

The attitude of management to public funding is also problematic, illustrated by the way they refer to the reserved by law funding that the TEC receives for election. Other staff and I heard management refer openly to this funding as “the magic pudding”.

TEC management position is that staff losses are a toll of elections.

Some staff who have left have attempted to convey to the EC and DEC that they feel unsupported by management and that the TEC is a psychologically unsafe workplace.

The official narrative that is repeated constantly by management is that elections are highly stressful and take a toll on staff.

Some examples:

The TEC Annual Report 2018-2019 at page 4 in the EC's report "The responsibility and pressures of working in the electoral sphere can take its toll" before talking about staff leaving.

The TEC Annual Report 2020-21 at page "The most critical element to any organisation is its workforce. The workload from the 2021 Parliamentary elections tested all staff — new and experienced. The tenacity, resilience and professionalism of the TEC team enabled them to rise to the challenge."

In the TEC Strategic Plan 2023-27, on page under the heading "Other critical business issues" is listed "An increasingly challenging workplace that impacts staff resilience and sustainability..."

Most recently the EC talked about the psychosocial hazards of elections in a hearing before the House of Assembly Government Administration Committee B into the Inquiry about the Green's Electoral Funding and Disclosure Bill (Transcript at page 9, 2 August 2024).

Conclusion

It is ironic that an organisation that advertises the importance of voting by telling electors to have their voice heard is staffed by people who feel unheard by management.

As stated at the start of this submission, the TEC has lost over 100 years of electoral experience in just 7 years. It has also lost its good reputation, with the TEC now widely known in the state service as an employer to avoid.

The volume of staff who have left in 7 years is a big indication that there are issues within the office of the TEC.

If things continue as they are, there is an increasing risk that mistakes will be made in the conduct of a Parliamentary election which could undermine the election.

According to the Strategic Plan 2023-27 the TEC is undergoing a restructure in order to take on new responsibilities such as funding and disclosure. Given the number of staff that have left the office of the TEC since 2016, and the different views of those staff and management as to the reasons why staff have left, there needs to be some scrutiny of the management practices of the TEC to ensure the TEC can continue to meet its electoral responsibilities.