



PARLIAMENT OF TASMANIA

**House of Assembly Standing Committee on Community
Development**

Report No. 2 of 2012

LOCAL GOVERNMENT ELECTIONS

*Brought up by Ms White and ordered by the
House of Assembly to be printed*

MEMBERS OF THE COMMITTEE

Ms White (Chair)
Mr Hidding
Mr Morris
Mr Shelton
Mr Sturges

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1 REFERENCE TO COMMITTEE

- 1.1 The Honourable Member for Lyons, Tim Morris, on 27 October 2011 gave notice of a motion in the House of Assembly (the House) that he intended to move that the issue of local government elections be referred to the House of Assembly Standing Committee on Community Development (the Committee) for inquiry into and report thereon.
- 1.2 Such motion was moved, debated and resolved with an amendment on Wednesday, 16 November 2011. The resolution was as follows:-

Resolved, That the House:—

- (1) *Notes:—*
- (a) *the disappointing turnout for the recent 2011 local government elections which saw approximately 54 per cent of voters state-wide return postal ballots; and*
 - (b) *increasing calls for the introduction of compulsory voting for local government elections to increase participation at this important tier of our democratic system.*
- (2) *Refers the following reference to the Standing Committee on Community Development:—*
- (a) *to inquire into and report upon whether it is appropriate and what is the most effective and efficient way to introduce compulsory voting for the State's local government elections, prior to the next round of council elections scheduled for 2013;*

- (b) *examine developments in electronic voting systems, and the capacity to have such a system introduced in Tasmania;*
- (c) *ensure appropriate public consultation is conducted on both matters (a) and (b);*
- (d) *any other matter incidental; and*
- (e) *and that the Committee reports by 30 June 2012.*

1.3 The House further resolved, on 21 June 2012, to extend the reporting date until Thursday 30 August 2012.

2 CONDUCT OF THE INQUIRY

- 2.1 The Committee resolved at its first meeting in relation to this Reference, to invite by way of advertisement on the Parliament of Tasmania Internet page and in the three daily regional newspapers, interested persons and organisations to make a submission to the Committee in relation to the Terms of Reference.
- 2.2 In addition to such general invitation, the Committee directly invited a number of persons and organisations to provide the Committee with any information they deemed to be relevant to the inquiry.
- 2.3 The Committee has to date received 21 submissions and in addition, many documents have been provided as exhibits.
- 2.4 The Committee has carefully considered the receipt of all submissions.
- 2.5 All submissions were received and taken into evidence, thus informing the Committee's deliberations.

- 2.6 The submissions received, taken into evidence and ordered by the Committee to be published and reported are listed at Appendix 'A.' Such documents have been published by order of the Committee pursuant to Standing Order 363 and are tabled herewith.
- 2.7 The Committee has, to date, met on six occasions in relation to this Reference.
- 2.8 The 'default' position for the Committee hearing evidence is to examine witnesses in public. The Committee has not resolved to hear any evidence *in camera*.
- 2.9 The Minutes of the meetings of the Committee held in relation to this Reference appear in Appendix 'B.'

3 TERM OF REFERENCE (A) – COMPULSORY VOTING

- 3.1 Term of reference (a) requires the Committee to inquire into and report upon whether it is appropriate and what is the most effective and efficient way to introduce compulsory voting for the State's local government elections, prior to the next round of council elections scheduled for 2013.
- 3.2 The Committee received a large number of submissions from Councils. It was evident from these submissions that there is no consensus among Councils as to whether compulsory voting should be introduced for local government elections in Tasmania.
- 3.3 The submission received from the Local Government Association Tasmania (LGAT) summarised the position of the local government sector as follows:

Motions in support of compulsory voting have been considered by LGAT members on a number of occasions, particularly during the review of the Local Government Act in 1993 and at the end of

2008, 2010 and 2011 General Meetings associated with the LGAT AGM and Annual Conference.

At the Annual Local Government Conference in 2008, the then Premier, David Bartlett announced that his Government would be introducing compulsory voting for Local Government. A working group was formed, with LGAT represented, and a discussion paper released to Councils for comment.

Although LGAT was represented on the Working Group, compulsory voting was not supported by LGAT on the basis of its present policy position. However, a recommendation by others on the Working Group was submitted to the Premier favouring compulsory voting.

The State Government has argued that compulsory voting at local government elections would result in:

- Significantly increased voter turnout.
- Greater involvement in local government issues.
- Enhanced status of local government.
- Councils that are more representative of the broader community.

However, evidence to support those arguments for all but the issue of voter turnout and even that must be treated with some caution given that some Tasmanian councils are already attaining turn-out rates equivalent to those experienced where compulsory voting is in place.

The outcome of the most recent vote on the matter by LGAT members on 20 July 2011 was as follows: The motion was lost 22/31.

The 2011 vote on the matter reflected a shift away from support of compulsory voting compared to 2010 (i.e. less councils voted in support of the motion).

The Local Government Association of Tasmania does not support compulsory voting in Local Government Elections as determined through the vote of the members.

Reservations around the introduction of compulsory voting are linked to the following:

- *The introduction of postal voting resulted in a significant increase in the number of people. This is done on a voluntary basis because people want to vote and be involved. The introduction of compulsory voting might marginally increase the number of people voting but it would also bring with it the responsibility to pursue those who do not vote and the consequent enforcement costs.*
- *Compulsory voting has the potential to result in increased informal voting as people are being forced to vote rather than exercising their democratic right by choice.*
- *Compulsory voting may lead to an increase of party politics in Local Government with detrimental effect on community representation.¹*

3.4 Those submissions to the Committee from Councils that supported the introduction of compulsory voting in local government elections in Tasmania focused on the potential for increased participation from voters, engaging the broader electorate, increasing legitimacy of local government and creating consistency with federal and state

¹ Local Government Association Tasmania Submission, p1-3

elections. The submissions in support of the introduction of compulsory voting are summarised below.

3.5 The submission from the Kingborough Council states as follows:

Kingborough Council has previously considered the issue of compulsory voting in local government elections and has determined the following policy position:

- 1. That Council supports universal postal voting as currently provided for in the Local Government Act 1993.*
- 2. The Council supports compulsory voting for Local Government elections.*
- 3. That Council supports a full-spill of Councillors at each Local Government election compulsory voting for Local Government elections.*
- 4. That, as a necessary adjunct to the above motion, the frequency of Local Government election be subject to further review, with a view to extending the frequency to every four years.*

Council believes that all of the above are interrelated and if there is a move to introduce compulsory voting this should also entail a change to ‘all-in all-out’ elections every four years.²

3.6 The submission from the Hobart City Council states as follows:

... the Hobart City Council has supported the move to compulsory voting at local government elections for some years....the Council’s view is that the underlying principles that support compulsory voting include:

² Kingborough Council Submission, p1

- *Increasing participation in local democracy*

The participation rate in Hobart City Council elections for Aldermen from 2000 to 2009 has been between 50 and 55% (52% in 2009), with the State average around 57%. The statistics outlined in the issues paper state that compulsory voting will increase the participation rate to around 75-85%.

- *Engaging the full electorate*

An objective of any government should be to engage the full electorate and to encourage all ages to participate in local community building and decision-making. A narrow representative group of voters may not necessarily reflect the views of the entire community but are simply more politically or personally motivated to vote. Encouraging wide participation in government is an important part of local government's role and a key direction in Hobart City Council's long term vision for the city.

- *Building relevance*

It would be hoped that increased participation rates will not only provide a more representative voting response but will also help to build community interest in their local government and communities in which they live.

That interest and engagement will help to build the relevance of the local council to that community and in turn to other levels of government as the council is recognised as a legitimate community representative able to express and represent local interests.

Essentially the Council will have the confidence or mandate of the community in making difficult decisions.

- Consistency across governments

Voting is compulsory in State and Federal elections but remains voluntary in Local Government elections.

The Local Government sector continually argues for similar recognition and treatment as other spheres of government and compulsory voting is another step in that direction.³

3.7 The submission from the Huon Valley Council states as follows:

Council's resolution on this matter was that....A submission be made to the House of Assembly Standing Committee on Community Development's Inquiry into Local Government Elections advising of:

- Council's strong support for the amendment of the Local Government Act 1993 to see the introduction of compulsory voting for Local Government elections.
- Council's support of compulsory voting for Local Government elections is on the basis that the Local Government elections is on the basis that the Local Government Act 1993 is amended to:
 - Provide for a 4 year, all in, all out, electoral cycle with the Mayor and the Deputy Mayor and Councillors serving a 4 year term.
 - Remove the requirement for Mayors to have previously served in local government.

³ Hobart City Council Submission, p1-4

- Council's support for continuation of postal voting for Local Government Elections.
- Council's support for investigation or introduction of electronic voting to be available for Local Government Election in conjunction with Postal Voting subject to necessary privacy and security protocols.⁴

3.8 The submission from the Burnie City Council states as follows:

Traditionally the Burnie City Council has not supported compulsory voting in local government; however this view has waned in recent times. The views of elected members in 2009 were somewhat mixed and following changes after the 2009 and 2011 elections the Council views generally favor compulsory voting.⁵

3.9 The submission from the Central Coast Council states as follows:

The Central Coast Council at its meeting on Monday, 20 February 2012 reaffirmed its support for the introduction of compulsory voting in local government elections. While supporting compulsory voting it is also acknowledged that the system of postal voting works well for local government elections and it is their preference for this system to continue. It is also noted that the experience from Victoria (which has compulsory voting via postal voting) has shown no compatibility issues between postal voting and compulsion in terms of administration of elections and enforcement of non-voters following an election. While the Council has the position of supporting compulsory voting it also

⁴ Huon Valley Council Submission, p1-2

⁵ Burnie City Council Submission, p1

notes that there will be an increase in the cost of elections but that these costs could be offset by ensuring that elections are all-in all-out (with the whole council retiring at the same time) and with the elections being held only every four years.

Some of the Council's reasons for supporting compulsory voting include:

Increased Participation:

- *Democracy suffers when participation rates are low;*
- *Compulsory voting acts as a type of civil education and political stimulation which creates a better informed population;*
- *If only a small proportion of the community votes, then candidates can be elected with a relatively small proportion of the electorate's support. This provides opportunities for single issue candidates with a narrow support base to be elected to Council. If voting was compulsory, it is argued that candidates would need to appeal to a broader section of the community to be elected; and*
- *Followers of the Council and the Council's decisions are very likely to vote at local government elections. For others though, being compelled to vote is likely to raise an awareness of the Council prior to upcoming election and is likely to increase interest in the performance of the Council following an election.*

Consideration of the Full Electorate:

- *Those that vote in a non-compulsory election are not necessarily representative of the whole electorate (taking into consideration views from the entire electorate);*
- *Older residents are typically more likely to vote in voluntary local government elections than younger members of the community which can lead to a narrow reflection of the communities needs and interests;*
- *Generates higher levels of young voters, which in turn can lead to higher levels of younger candidates and councilors; and*
- *The community will be better represented if the full electorate votes to elect the Council.*

Improved Legitimacy:

- *The Council's legitimacy will be increased in virtue of receiving the support of the majority of the entire electorate; and*
- *The community will be more aware of their civic obligation to keep the Council accountable for their decisions at subsequent elections.*

Consistency with Other Spheres of Government:

- *Local government should seek consistency with other spheres of government;*
- *Voting is compulsory in federal and state elections but remains voluntary in local government elections (which can convey a negative message about the standing of local government); and*

- *The local government sector continually argues for similar recognition and treatment as other spheres of government, and compulsory voting would be another step in this direction.*⁶

3.10 The Committee also received two submissions from members of the public who supported the introduction of compulsory voting in local government elections. These are summarised as follows:

*As an advocate for compulsory voting since 1999 the debate has been around the logic that if here in Australia it is deemed important at the other two levels of Government then WHY NOT for the part of the Government which can truly affect your life with the way they spend your money.*⁷

*With local government handling more infrastructure than the state government it is about time that elections for candidates to fill the positions of aldermen be made compulsory.*⁸

3.11 The Committee also received a number of submissions from Councils which did not support the introduction of compulsory voting in local government elections in Tasmania. The primary reasons advanced in these submissions were the potential for increase in informal voting, a reduction in freedom of choice associated with compelling people to vote, increased costs associated with local government elections, the difficulty in enforcement, difficulty in the application of compulsory voting to people on the General Manager's roll, the difficulty in applying compulsory voting to the current postal voting system, and the potential for compulsory voting to result in an increase in the involvement of party politics in local government elections. The submissions from Councils which did not support the

⁶ Central Coast Council Submission, p1-2

⁷ James Graham, Submission, p3

⁸ David Jackson, Submission, p1

introduction of compulsory voting in local government elections are summarised below.

3.12 The submission from the Central Highlands Council states as follows:

Central Highlands Council does not support compulsory voting for local government elections. This issue has been discussed many times by Council, and on each occasion, Council has not been in favour of compulsory voting.⁹

3.13 The submission from Bob Loone, Deputy Mayor, Meander Valley Municipality, states as follows:

To my knowledge, no person has been able to put forward any valid reason or community benefit that would support the change to forced voting in Local Government elections. To force people to do something just because it is what is done and perceived as the norm in another area of jurisdiction obviously is lacking in logic and integrity. If there is any small benefit that can be identified it would appear that it would be far outweighed by the listed known disadvantages compulsory voting in Municipal elections would impose.

To push to force people for no known valid reason or community benefit to vote against their will in council elections will result in:

- *Increased donkey voting.*
- *Increased anger and stress levels on many people who are already finding it difficult to cope.*
- *Party politics in councils which we do NOT want because it will cause stagnation and instead of all councilors using their abilities to benefit the communities much of the time*

⁹ Central Highlands Council Submission, p1

and energy will be wasted on political grandstanding, arguing and ganging up on each other.

- *The integrity of councilors will be considerably lowered as party politics virtually prohibits independent thinkers and entrepreneurial skills in favour of self-serving party hacks.*
- *More of our freedom and right of choice being denied and eroded away for no benefit whatever. Indeed it could be claimed that it is just another step towards a police state.*
- *Increase cost of elections, checking rolls to ascertain who did and didn't vote, and imposing and enforcing penalties on decent law abiding people all costs and antisocial, unproductive work which is totally unnecessary.¹⁰*

3.14 The submission from Clarence City Council states as follows:

...Council reaffirms its previously adopted position of being opposed to compulsory voting in Local Government elections.

In considering this matter Council has previously noted the following issues:

- *The introduction of postal voting resulted in a significant increase in the number of people voting. This has occurred on a voluntary basis as people want to vote and be involved.*
- *The increase in compulsory voting might marginally increase the number of people voting but it would also bring with it the responsibility to pursue those who do not vote and the consequent enforcement costs.*

¹⁰ Bob Loone Submission, p2-3

- *Compulsory voting has the potential for increased uninformed voting as people are being forced to vote rather than exercising their democratic right by choice.*
- *The General Manager's roll enables non resident property owners, companies and other entities owning property in a Council district to claim voting rights. If compulsory voting is introduced, will the company or the company's nominee be responsible for failure to vote? Will the absentee landlord living outside the State or country be liable to a non voting penalty?¹¹*

3.15 The submission from Latrobe City Council states as follows:

At the 2011 (LGAT) Annual General Meeting and Conference the gap between those for and against compulsory voting was even greater than the 2010 result...Latrobe Council does not believe it is appropriate to introduce compulsory voting and does not support compulsory voting in Tasmania's Local Government elections.¹²

3.16 The submission from the Dorset Council states as follows:

Dorset Council at its meeting on 20 February 2012 passed the following resolution when considering the terms of reference of the House of Assembly Committee Inquiry into Local Government Elections – That Council maintains its current position of not supporting compulsory voting in local government elections. The following arguments were put forward in support of the Council's resolution and in response to the terms of reference:

¹¹ Clarence City Council Submission, p1-2

¹² Latrobe Council Submission, p1

- A non-compulsory system is a 'true' democracy as it gives an individual a right to chose to vote or not to vote.
- Since the introduction of postal voting for local government elections in 1994, participation rates for local government have shown a high participation rate increasing from 22 per cent to between 55 and 60 per cent (in Dorset between 60 and 70 percent).
- Voter participation in a non-compulsory system is an indicator of community engagement with local issues, whereas a compulsory system does not indicate satisfaction or dissatisfaction with local issues.
- A compulsory voting system would potentially increase costs to local government through both costs of additional participation and enforcement for non-participation. Previous reports have indicated cost increases of up to 20 per cent and double if compulsory attendance voting were introduced.¹³

3.17 The submission from the Tasman Council states as follows:

Council has considered this issue over the years with the consistent position of not supporting the introduction of compulsory local government voting.

Whilst each Council is associated with varying levels of voter participation, this could be attributed to a number of factors including council performance, ratepayer satisfaction, knowledge and inclusion (particularly between urban and rural councils) and individual elected members and party lobbying. Tasman has generally had higher levels whereas Brighton is in the lower levels

¹³ Dorset Council Submission, p1

of participation. Does either scenario necessarily follow that a council is performing better than another or that there is greater ratepayer interest in a council's activities or its councilors?

Council wishes to advise the Standing Committee of the following matters for consideration with regard to this debate:

The number of non-resident ratepayers on the General Manager's roll may decline if voting becomes compulsory and particularly if postal voting is discontinued. This may have a significant effect in Tasman (and similar 'shack' municipalities) with only 2400 permanent residents and a seasonal population that increases three to four times this.

Will non-resident tax-payers still be permitted to vote?

Will it increase the likelihood of party politics further permeating local government and particularly in rural areas which has generally been unaffected by this to date? Is this in the best interests of a service based organisation in rural and remote communities?

Will it increase invalid voting practices and the incidence of 'donkey' voting practices to the detriment of the composition and quality of the elected local government body?

Council is fundamentally of the view that there does not appear to be any particular or substantive need or benefit to be derived from a change to the current situation.¹⁴

3.18 The submission from the Kentish Council states as follows:

The subject of the inquiry was discussed at an informal Council workshop held on 7/2/12....Generally there was strong opposition

¹⁴ Tasman Council Submission, p1-2

to compulsory voting around the table. The arguments used in previous discussions were again mentioned. There was disappointment and frustration expressed that the general public did not automatically feel that voting was a special privilege that should be exercised. Also that the issues of Council were of significant value to ensure that the public remained interested and concerned. However, it was expressed amongst Councillors that making voting compulsory would not change this at all. The percentage of electors actually voting was discussed, and while Kentish had a low voter turnout at the last election, it was considered to be as a result of their being no divisive issues. There was support for retaining the present system due to its simplicity, especially relating to the GM's Roll. If an out of area landowner or tenant wishes to enroll and vote, they may do so, and if they choose not to vote for some reason there is no penalty.¹⁵

3.19 The submission from the James Walker, Clarence Alderman, states as follows:

All of us would like to see greater engagement of voters and increased participation by voters in local government elections, however moving from voluntary voting to compulsory voting does not improve democracy. How does coercing people to return a ballot paper for fear of a fine lead to more informed voting?

There is an increased cost and administrative burden with compulsory voting. The committee would need to demonstrate how local governments currently operating under compulsory

¹⁵ Kentish Council Submission, p1

voting are performing better and more responsively to their communities than those elected under voluntary voting.

Jurisdictions with compulsory voting at local government elections tend to have councils that are dominated by party endorsed candidates...

It is presumed that the general managers roll would be abolished under compulsory voting because administering fines for corporate nominees, out of area ratepayers or occupiers of land would be profoundly challenging...it should be noted that the general manager's roll enfranchises a wide range of individuals in local communities who would otherwise be unable to vote.¹⁶

3.20 The submission from the Waratah-Wynyard Council states as follows:

Council considered this matter at its February meeting when it resolved as follows....it does not support the introduction of compulsory voting for local government elections in Tasmania because it does not believe that the mooted benefits outweigh the costs imposed directly upon the community.

The Council does not doubt that compulsory voting would increase voter turnout and if that were to result in a significantly greater proportion of young people participating than is currently the case...it believes the change would certainly benefit local government in the future, but it does not consider that the benefit would be sufficient to justify the implicit additional cost of making such a change.

The available statistics from other states indicate that even with compulsory voting, the voter turnout for local government

¹⁶ James Walker Submission, p1

elections will not reach the 90% level that is normally exceeded at state and federal elections.

It is also likely that compulsory voting will lead directly to increased politicisation of the Tasmanian local government landscape in line with that experienced by the other states that currently impose that requirement.

It does not believe that increased politicisation is in the state's best interests and it does not support any change that fosters the increased participation of political parties in the local government scene.¹⁷

- 3.21 Given that there was no consensus between Councils as to whether or not compulsory voting should be introduced for local government elections, the Committee considered the possibility of an 'opt-in' system whereby those Councils wishing to move to compulsory voting could do so, while the remaining Councils could remain with voluntary voting. The Committee sought the advice of the Tasmanian Electoral Commission on this matter. The Tasmanian Electoral Commission pointed out a number of issues that would require consideration with such a model.
- 3.22 The Tasmanian Electoral Commission raised the following issues with respect to an 'opt-in' model:

Mr HAWKEY – *As you are aware, the proposal is that an opt-in option be provided to individual councils to choose whether to have compulsory elections or not, and there is a range of questions relating to that. If you are opting in, is there an opt-out option? I understand that there isn't at the moment and if that was the case the chances of getting a public understanding would*

¹⁷ Waratah-Wynyard Council Submission, p1

become more of an issue in the sense that it would not be advantageous to have a council opt-in for one election, choose that they didn't like it and necessarily opt out. That is an issue that needs to be addressed and identified.

The second issue is in relation to compulsory – what is meant by 'compulsory' in that we have two rolls for local government elections: the House of Assembly electoral roll and the general manager's roll, so would compulsory voting be for both rolls? As I understand it the key, and probably the only real function of being on the general manager's roll is so you are entitled to vote. So you could argue that they are doing that with a request to want to be on the roll, but that has its own flow-on consequences in relation to enforcement. So making a decision about those sorts of things has an impact on the practicalities of running an election.

The key areas in relation to costs and practicalities will be public awareness and public understanding of the process. An opt-in process is, as you can understand, messy from the public's point of view. You could have someone who lives in Clarence and has a business in Hobart who may have a compulsory vote for one and a non-compulsory vote for the other. We would suggest there is reasonable merit, although not a necessity, in separating the compulsory voting from the non-compulsory elections, otherwise people will say, 'My mum, who lives four streets on the other side of Creek Road, didn't have to vote but I do have to vote.' By providing a separate window of, say, two or three months apart, there can be a clearer message to say the elections that are going on this month are compulsory and the elections that are happening at another time are run under the same arrangements

as previously held because you don't want to encourage people not to vote.¹⁸

If we were to look at public awareness again – we have raised the fact that a separate election period would have advantages, again not required, but it is trying to reduce the confusion. From a costing point of view you would need to look at a full revamp of our advertising awareness campaigns. There would need to be a separate one for the compulsory elections and a new one for the non-compulsory elections. We would also look at how we sent mail out to individuals, the main point being that electors get to be aware of when elections are on and when they receive the postal ballot pack it says, 'Here are where the elections are.' There will be a proportion of people who say that voting is not compulsory and not open the envelope. So we will have to consider how we make sure it is, whether it would include changes to the envelope to say voting is now compulsory in this election. There are a whole range of elements, but the instructions would have to be changed to make it clearer. This shows what the difficulty would be if someone gets two envelopes if elections are on at the same time because then they have a message on one but not on the other.¹⁹

3.23 With regard to enforcement, the following exchange occurred:

Mr SHELTON – What processes would need to be put in place? It is a compulsory election so everyone is expected to put it back in. Somebody says, 'I never received it in the mail' or 'I posted it off and it didn't get there in time' – it closes on the Friday but the Tuesday before is the last mail in. Those issues of compulsion are

¹⁸ Hawkey, Hansard, 8 August 2012, p2-3

¹⁹ Hawkey, Hansard, 8 August 2012, p4

there but there is no guarantee that people doing the right thing will be able to achieve the outcome they seek.

Mr HAWKEY – The first question is, who enforces it? Is it enforced by the TEC or is it enforced by the council, which I believe that some councils do interstate? Who is going to cover the costing of that enforcement process and what happens to the fees that are collected as part of that non-voting process? You could run them similarly to a House of Assembly or Legislative Council enforcement process, which includes things like MPES at the end of it.

Coming back to the question you raised, as part of the process of parliamentary compulsory voting follow-up, there are valid and sufficient reasons why an elector may not have been able to vote, and that is generally within the discretion of the commissioner to decide on. So you would argue, yes, if we are looking at compulsory postal voting you have to revisit the question of a valid and sufficient reason, and it is not as easy. I believe they do it in other states where they have compulsory postal votes, so there is probably a precedent as to what to do, but I am not across what they do in other states.

DEPUTY CHAIR – But that in itself would also need additional resource for a period of time?

Mr HAWKEY – It would, and how that was funded would depend on what you do with the whole process, whether it was done by the government, and what happened to the fines, whether it was done by the TEC or the councils. There is a range of questions that need to be answered. The most simple thing is probably that the

*TEC has a system already but how that is funded becomes the next question.*²⁰

3.24 In respect of the timing of any changes, the Tasmanian Electoral Commission stated as follows:

Ms GILLAM – *Another issue of interest to us would be the timing of this. We are already rapidly moving through 2012, and 2013 would be a real push.*

Mr HAWKEY – *For just compulsory, the biggest issue is doing a campaign, shoot the campaign, produce the campaign and get it out there. That is the biggest lag time...One other point of consideration with the opt-in is: when is the last time that a council can choose to opt-in leading up to an election? If we have to print 50,000 envelopes for the Launceston election, we can't print them in the week leading up to an election; they would be printed over an earlier period. If Launceston said, 'We want to opt-in' the week before the issue of the writ for the election, we are going to say, 'We don't have envelopes for you to reflect a compulsory vote.' So there are practicalities even with that opt-in process separate from whether it is 2013 or 2015.*²¹

3.25 The Committee sought feedback from the Local Government Association Tasmania (LGAT) in relation to the possibility of introducing an opt-in model for compulsory voting in local government elections. The following response was received:

This matter was discussed in relation to a Motion to the meeting made by Hobart City Council. The motion, that the Local Government Association of Tasmania ask the State Government

²⁰ Hawkey, Hansard, 8 August 2012, p5

²¹ Hawkey/Gillam, Hansard, 8 August 2012, p10

to amend the Local Government Act 1993 to provide councils with the option to request compulsory voting for their communities at future Local Government elections was LOST.

Councils Voting for:

Hobart City

King Island

Northern Midlands

Launceston City

Huon Valley

Kingborough

Glenorchy City

Councils Voting Against:

Tasman

West Tamar

Sorell

Brighton

Devonport City

Waratah Wynyard

Clarence City

Glamorgan Spring Bay

Southern Midlands

Kentish

Meander Valley

Central Highlands

Circular Head
Flinders
Central Coast
Derwent Valley
Dorset
Break O'Day
George Town
Burnie City Council
Latrobe
*West Coast*²²

FINDINGS

- 3.26 **An appropriate lead in time is needed for any changes to local government elections, having regard to the time required for the education and public awareness campaigns required, and consideration of the other practicalities involved with implementing compulsory voting.**
- 3.27 **It is not appropriate to recommend changes for the 2013 elections given that there would be insufficient lead in time for these changes to be implemented.**

RECOMMENDATIONS

- 3.28 **The Committee recommends that no changes are implemented for the 2013 local government elections.**
- 3.29 **The majority of the Committee recommends that, respecting the clear difference of opinions amongst Councils as to whether or not**

²² Letter to the Committee from Local Government Association Tasmania dated 1 August 2012

compulsory voting should be introduced, for future elections, an 'opt-in' model for compulsory voting be considered by Government, whereby councils who wish to move to compulsory voting are permitted to do so, while the remaining councils can retain voluntary voting.

3.30 The majority of the Committee recommends that, should an opt-in model be adopted, the following matters would require further consideration:

3.30.1 Whether Councils who have opted in to compulsory voting should subsequently be entitled to opt out and the process by which that should occur.

3.30.2 Whether compulsory voting should apply to those on the General Manager's roll who own property in but do not live in the area.

3.30.3 Whether compulsory and non-compulsory elections should be held at different times to avoid voter confusion.

3.30.4 How issues of enforcement are best dealt with, having particular regard to the current postal system of voting.

3.30.5 An appropriate deadline for a Council to opt in to compulsory voting in the lead up to an election.

3.31 Mr *Hidding* and Mr *Shelton* dissented from paragraphs 3.29 and 3.30 in their entirety and provided the following reasons:

- Paragraphs 3.29 and 3.30 provide many reasons why an opt-in model for compulsory elections would be problematic. In the absence of the committee deliberating on these problems and providing recommendations to their solutions, the State

Liberals believe these two paragraphs should not be part of the report.

- **Indeed, the State Liberals believe that these two paragraphs of themselves should form the basis of a recommendation that opt-in compulsory voting for local government is poor public policy, particularly given the confusion that will occur amongst neighboring councils where not all choose the same option.**
- **Further, the extra costs of a compulsory election will add to the cost of living burden of ratepayers of Councils who opt in to the system.**
- **In addition, the State Liberals are concerned over the party politicisation of local government that will likely flow from compulsory voting for this sector of government.**

4 TERM OF REFERENCE (B) – ELECTRONIC VOTING

- 4.1 Term of Reference (b) requires the Committee to examine developments in electronic voting systems, and the capacity to have such a system introduced in Tasmania.
- 4.2 A number of submissions received by the Committee were supportive of the introduction of electronic voting. These are summarised below.
- 4.3 The submission from the Kingborough Council states as follows:

An examination of development of electronic voting systems and the capacity to have such a system introduced in Tasmania is also worthy of investigation. Any form of electronic voting which is

introduced should apply to all forms of elections not just local government.²³

4.4 The submission from the Burnie City Council states as follows:

*The Council supports the postal voting system and considers that this should be the base method of voting in any change. A polling booth system is not supported; however the development of an electronic voting system is supported and considered mandatory in this day and age. In particular an electronic voting system will enable better engagement with Generation Y.*²⁴

4.5 The submission from Mr. David Jackson states as follows:

*New Zealand has the option of voting online and it is a simple procedure and ensures that a person can only vote once. Local government elections could easily be conducted in this manner here also.*²⁵

4.6 The Committee received some submissions that did not support a move to electronic voting. The submission of the Kentish Council states as follows:

Electronic voting systems – There was general support for the present postal system. Council has been encouraged to experiment with new social media communications and has so far been disappointed. Emails and internet communication has been very successful for communicating with our Council, but beyond this there seems little point in experimenting further until a

²³ Kingborough Council Submission, p1

²⁴ Burnie City Council Submission, p1

²⁵ David Jackson Submission, p1

*different demographic demands a different voting system. Let it be community driven rather than imposed top-down.*²⁶

- 4.7 The Committee noted that there is work currently underway in other jurisdictions to progress electronic voting. The Committee examined developments taking place in Victoria in this regard. The Committee noted that the developments in Victoria currently centre around electronic voting which occurs at a polling place, as opposed to internet electronic voting from a remote location.
- 4.8 The Committee heard evidence from Mr Craig Burton, Director of Electronic Voting, Victorian Electoral Commission, who explained the current progress of the Victorian project in this area as follows:

When we talk about electronic voting, or e-voting... it generally refers to polling place electronic voting, which is typically supervised. So when I say we are building an e-voting application here at the VEC I mean to say that we are providing a new application that runs in the polling station that's supervised. Internet voting means that the voter is unsupervised and they're voting from home or work. It is a remote voting mode in the same manner as postal voting... so far the VEC hasn't provided internet voting, but should we get legislation through parliament here, we are considering providing a very small amount of internet voting aimed at people who really can't get to our early voting stations and for whom a postal vote is also not an option. We're really thinking here of people who are blind and vision-impaired or may have other problems that make attendance

²⁶ Kentish Council Submission, p1

*difficult and make the postal vote difficult to use, so we'd be thinking of less than 10,000 people.*²⁷

4.9 In regards to the timelines for the project, Mr. Burton stated as follows:

Because it is quite a risky project and the project has a number of innovations in it, if you like, a kind of mini-deadline at the end of this financial year to deliver a prototype. All the aspects of this system that are the newest, that includes the verification system and a number of other things we want to try, will be implemented in the working model, a kind of working toy version of the system. That will be put together here at the VEC around the end of June and anyone can come in and have a look at it, and it will be peer reviewed by academics involved in the project. Once that's done, we'll be able to show the operations people here what will be involved for their ground staff. Ultimately we would be aiming to train hundreds of people to use it to support the voters and so it is very important that we convince the operations people and training people here that it's not difficult or risky to operate, that it's straightforward. Of course, the other reason is, in building a prototype we are forcing the design to be realised at least once in advance of the major deployment efforts which will take place between July this year and May 2014.

In that time, as you can tell, we are targeting the Victorian state election in November 2014 but it would be very desirable if we can do it and if we have legislation to deploy some part of this system, or all of the system, as a kind of beta version in a Victorian state bi-election should one come along next year. We would be ready

²⁷ Burton, Hansard, 15 May 2012, p1-2

to roll if there was a state by-election around the middle of next year but our main election that we are targeting is the state election.²⁸

- 4.10 The Committee raised the issues surrounding security of electronic voting (both polling place based and remote internet voting) with Mr. Burton. He stated as follows:

*I always see internet voting as being more risky than polling place voting for a number of reasons. There's the obvious reason as providing who your remote voter is. Considering the remote voter and their exposure to coercion, remote votes are easier to buy and sell, but in my career providing internet voting before working at VEC I haven't ever seen any evidence that internet voting elections had been exploited in those ways. I feel that the internet was never a great place to hang out and it's now not a very good place at all to hang out. It's just had its worst year for crime and hacking in 2011. It was a very bad year, so I'm even more nervous now about internet voting, especially at the government level and especially where it's what I would call a high stakes public election where very many people are involved and the outcomes are very important.*²⁹

- 4.11 The issue of security was also raised in a submission received from the Latrobe Council, which stated as follows:

Unfortunately, the danger of tampering with electronic voting systems is a real concern for some community members (as evidenced in other areas of electronic transactions, e.g. banking, etc.) Whilst there may be some financial savings using electronic means (although I am not personally aware of any financial

²⁸ Burton, Hansard, 15 May 2012, p3-4

²⁹ Burton, Hansard, 15 May 2012, p2

modeling that has been undertaken) a community uncertainty or perception in the validity of the results could be associated with electronic voting.³⁰

FINDINGS

- 4.12 **There are concerns about the security of electronic voting, particularly remote internet based voting.**
- 4.13 **A move to electronic voting would require significant resources and public education.**
- 4.14 **There is significant work being done in other jurisdictions in relation to the development of electronic voting.**
- 4.15 **The Committee noted that the Victorian project is currently based around electronic voting conducted at a polling place, and questioned whether this would be appropriate for Local Government elections in Tasmania, give that it would be a step back from postal voting which does not require the voter to attend a polling place.**

RECOMMENDATIONS

- 4.16 **Given the current concerns in relation to security, resources and education, the Committee does not consider it appropriate to recommend a move to electronic voting at this stage.**
- 4.17 **The Committee notes that technologies in other jurisdictions are still developing and recommends that the issue of electronic voting be re-visited in a few years time, keeping abreast of what happens with the project in Victoria.**

³⁰ Latrobe Council Submission, p2

5 TERM OF REFERENCE (C) – PUBLIC CONSULTATION

- 5.1 Term of Reference (c) requires the Committee to ensure appropriate public consultation is conducted on both matters (a) and (b).
- 5.2 The Committee’s public consultation is outlined under “Conduct of the Inquiry” at paragraph 2 above.

6 TERM OF REFERENCE (D) – INCIDENTAL MATTERS

- 6.1 Term of Reference (d) requires the Committee to report on other matters incidental.
- 6.2 Matters incidental to the Terms of Reference have been discussed above under Term of Reference (a) under paragraph 3 above.

**Parliament House
HOBART
23 August 2012**

**Ms Rebecca White MP
CHAIR**

APPENDICES

APPENDIX 'A' – Submissions

No.	Name
1	Kingborough Council
2	Central Highlands Council
3	James Graham
4	David L. Jackson
5	Bob Loone, Deputy Mayor, Meander Valley Municipality
6	Tasmanian Electoral Commission
7	Hobart City Council
8	Huon Valley Council
9	Clarence City Council
10	Latrobe Council
11	Burnie City Council
12	Dorset Council
13	Tasman Council
14	James Walker, Clarence Alderman
15	Local Government Association Tasmania
16	Northern Midlands Council
17	Central Coast Council
18	Kentish Council
19	Waratah-Wynyard Council
20	Margaret Long
21	The Premier

APPENDIX 'B' - Minutes

2 December 2011

The Committee met at 2:00pm in Committee Room 2 Parliament House

Members

Mr Groom (Acting Chair)
Mr O'Halloran (by telephone)
Mr Shelton
Mr Sturges

Advertisement

The draft advertisement circulated by the Secretary was taken into consideration by the Committee.

Resolved, That 24 February 2012 be the closing date for submissions (Mr O'Halloran).

The Committee deliberated further, and it was noted that advertisement of the inquiry throughout the holiday period may be problematic due to interested parties being away.

Ordered, That the advertisement as amended be adopted and placed in the three major daily newspapers on the first Saturday possible, and also on 28 January 2012 (Mr O'Halloran).

Invitation for Submissions

Ordered, that the Secretary write to the following organisations inviting them to put in submissions for this inquiry.

- Local Government Association of Tasmania.
- Each Local Council in Tasmania (Mr Shelton).

Adjournment

At 2:20pm the Committee adjourned until a time and date to be fixed.

1 March 2012

The Committee met at 10:45am in Committee Room 2 Parliament House.

Members

Mr Hidding (by telephone)
Mr Morris
Mr Shelton (by telephone)
Mr Sturges
Ms White (Chair)

Confirmation of Minutes

The Minutes of the meeting held on 2 December last were read and adopted as an accurate record. (Mr Sturges).

Local Government Elections Reference – Submissions

Resolved that submissions number 1 to 19 in relation to the Local Government Elections Reference be received and reported to the House (Mr Morris).

Adjournment

At 11:20 a.m. the Committee adjourned until 3 April 2012 at Parliament House.

3 April 2012

The Committee met at 11:00a.m. in Committee Room 2, Parliament House.

Members

Mr Hidding

Mr Morris
Mr Shelton
Mr Sturges
Ms White (Chair)

Witnesses

The following witnesses appeared, made the Statutory Declaration and were examined by the Committee in public:-

- Julian Type, Electoral Commissioner, Tasmanian Electoral Commission.
- Liz Gillam, Chairperson, Tasmanian Electoral Commission.

Confirmation of Minutes

The Minutes of the meeting held on 1 March 2012 were read and adopted as an accurate record. (Mr Morris).

Submissions

Resolved, That the following submissions be received and reported to the House:

- Margaret Long Submission on Local Government Elections Reference – Submission No. 20 for that Reference (Mr Morris).

Local Government Elections Reference

Ordered that Mr Craig Burton, Director of Electronic Voting, Victorian Electoral Commission, be requested to attend via telephone at the Committee's next meeting on 15 May 2012 (Ms White).

Ordered that the Tasmanian Electoral Commission provide the following information to the Committee:

- Their comment on a proposal for a referendum or elector poll to be conducted at the next Local Government Election asking voters whether they think voting in Local Government Elections should be compulsory, particularly advice on the mechanism, legislative requirements and cost of such a proposal (Mr Hidding).

Adjournment

At 1:00p.m. the Committee adjourned until 15 May 2012 at 1:00p.m. at Parliament House.

15 May 2012

The Committee met at 1:11p.m. in Committee Room 2, Parliament House.

Members

Mr Hidding
Mr Shelton
Mr Sturges
Ms White (Chair)

Witness

The following witness appeared by telephone and was examined by the Committee in public:-

- Craig Burton, Director of Electronic Voting, Victorian Electoral Commission.

The witness withdrew.

Confirmation of Minutes

The Minutes of the meeting held on 3 April 2012 were read and adopted as an accurate record. (Mr Shelton).

Submissions

Resolved, That the following submission in relation to the Local Government Elections Reference be received and reported to the House:

- Department of Premier and Cabinet (Submission No. 21 for this Reference). (Ms White).

Correspondence

Resolved, That the following correspondence be received and taken into evidence:

- Letter from the Tasmanian Electoral Commission dated 24 April 2012. (Mr *Hidding*)

Adjournment

At 1:50p.m the Committee adjourned to a time and date to be fixed.

29 June 2012

The Committee met at 10:31am. in Committee Room 2, Parliament House.

Members

Mr *Morris*
Mr *Shelton*
Mr *Sturges*
Ms *White* (Chair)

Apologies

An apology was received from Mr *Hidding*.

Confirmation of Minutes

The Minutes of the meeting held on 15 May 2012 were read and adopted as an accurate record. (Mr *Morris*).

Local Government Elections Reference

The Committee deliberated in relation to this reference.

Ordered That the Tasmanian Electoral Commission be invited to attend the Committee's next meeting to address the following:

- The practicalities, cost and changes to the law required to allow those Councils who wish to move to compulsory voting to do so, while allowing remaining Councils to remain with voluntary voting (Mr *Sturges*)

Ordered That the Local Government Association Tasmania provide the following information to the Committee:

Feedback from member Councils as to a proposal to allow those Councils who wish to move to compulsory voting to do so, while allowing remaining Councils to remain with voluntary voting (Mr *Sturges*)

Adjournment

At 11:04am the Committee adjourned until Wednesday 8 August at 10:30am.

8 August 2012

The Committee met at 10:30am in Committee Room 2, Parliament House.

Members

Mr *Morris*
Mr *Shelton*
Mr *Sturges*
Ms *White* (Chair) (by telephone)

Election of Temporary Deputy Chair

Nominations were called for the position of Temporary Deputy Chair, to be called upon in the event that the Chair was unable to be in attendance until the end of the meeting. Mr *Morris* nominated Mr *Sturges*, who consented to the nomination.

There being no other nominations, the Chair declared Mr *Sturges* elected as Temporary Deputy Chair.

Witnesses

The following witness appeared, made the Statutory Declaration and was examined by the Committee in public:-
Andrew Hawkey, Deputy Electoral Commissioner, Tasmanian Electoral Commission

The following witness was recalled and was examined by the Committee in public:-
Liz Gillam, Chair, Tasmanian Electoral Commission

Mr Sturges took the Chair

Mr *Hidding* joined the meeting (by telephone)

Mr *Hidding* and Ms *White* left the meeting

The witnesses withdrew.

Confirmation of Minutes

The Minutes of the meeting held on 29 June 2012 were read and adopted as an accurate record (Mr *Morris*).

Correspondence

Resolved, That the following correspondence be received and taken into evidence:

- Letter from Local Government Association of Tasmania dated 1 August 2012 (Mr *Morris*).

Adjournment

At 11:50am the Committee adjourned until 21 August 2012 at 1:00pm.