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Legislative Council

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Katherine Morgan-Wicks
Secretary
Department of Justice
secretary@justice.tas.gov.au

Dear Ms Morgan-Wicks,

Thank you for providing the opportunity to raise issues on the Reforming of the Electoral Act 2004 and associated laws.

I am of the position that to make this Act contemporary, now is the time to review the entire Act – not just some specific sections. However, if for whatever reason the “reform” will only take into consideration specific sections, apart from the mentioned parts, the “reform” should also include:

1. Section 100 – ‘instructions relative to electors’ – currently the instructions are confusing on electoral ballot papers – at the top the papers read to the effect – “voters are to number candidates from 1 to 20 (if that is the number of candidates), and at a later position on the ballot papers there is a conflicting instruction where it says to the effect – “Electors need vote for only 5 candidates to record a valid vote”.

An amendment to the Act is needed to remove this conflicting instruction to electors.

Having regard to the fact that the reform of “associated election laws” is also referred to within this document, I am strongly of the position it would also be apt to consider an amendment to the *Legislative Council Electoral Boundaries Act 1995*.

The similar position may well apply to the House of Assembly Electoral Boundaries Act. I have not considered that Act.

The structures of the Redistribution Committee and Redistribution Tribunal, as provided for within the *Legislative Council Electoral Boundaries Act 1995*, Division 1, Section 4, are now not contemporary structures in my opinion.

According to the TEC Website, the Redistribution Committee:

consists of the Electoral Commissioner, the Surveyor-General and a representative of the Australian Statistician. The Committee makes the initial proposal and is then dissolved.

The Redistribution Tribunal:

consists of the members of the Committee as well as the Chairman and third member of the Tasmanian Electoral Commission.

The Tribunal examines the initial proposal and any submissions made in response to that proposal. A further proposal is then published and may be open to review and comment. The Tribunal then makes a final determination, which is tabled in Parliament.

As can be seen with the current structure, the people making the boundary adjustments are, for all intents and purposes, the same people to sit in on judgment of that decision, where an appeal is made to the Tribunal. This is a case of the same people being the judge and jury.

In my opinion this is an archaic piece of legislation and should not continue in the 21st Century. It is neither contemporary nor acceptable.

On a recent case involving Legislative Council Boundary adjustments there was much angst regarding the makeup of the Committee and Tribunal. It was seen as grossly unfair and it was properly termed, in my opinion, as the process being stacked and with only one likely outcome. That is, the Committee decision being re-affirmed.

I would urge the Government to consider both these reviews in the reform, being undertaken.

Forwarded for your attention and consideration.

Regards,



Ivan Dean APM, MLC

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