

New Elections Bill

Testing ideas on the format of local government elections	
Idea	GCC position
The future format of local government elections in Tasmania – changes to voting format – in person (Scenario A) vs hybrid model (Scenario B) Scenario A: Move to universal attendance elections with a weeklong polling period, or a polling day, including an extended pre-poll period and postal voting for persons on the supplementary electoral roll. Telephone voting would be made available for electors with barriers to participation or who are interstate or overseas. Scenario B Provide for a ‘hybrid’ postal model where: - all electors are mailed a ballot and candidate information pamphlet - there is a minimum four week polling period, enabling the earlier return of postal votes	The Government has presented two scenarios to improve the sustainability of Tasmania’s compulsory voting system. Council views Scenario B as the preferred option as it is the more flexible and accessible model. Council notes that the cost of conducting Local Government elections has increased over time and is expected to continue to do so, and Scenario B offers the more economical option. Council would like to see the four-week polling period could be shortened to two weeks to create urgency to vote and reduce risk of forgotten ballots papers. Council notes that this would impact those who need to continue to use the post to return their votes, and telephone voting may need to be bolstered. Scenario B would likely require some additional council staff resourcing to manage ballot collection as council offices would continue to be an ‘issuing place’, however it is proposed that the number of ‘issuing places’ in each LGA is to increase, so this may be mitigated. Staff resourcing to manage ballot reissuing would not likely increase as the ballot delivery method remains unchanged. The benefit of additional ‘issuing places’ may see a reduction in staff resourcing requirements.

• there are more issuing places in each municipality, to enable the hand return of ballots by electors until the close of polls • ballots may be returned to issuing places until the close of polls. Telephone voting would be made available for electors with barriers to participation or who are interstate or overseas.	
Reforming the franchise: should non-citizens enjoy a continuing entitlement to vote at local government elections? If this entitlement were to continue, it is proposed a person's ordinary place of residence must have been in Tasmania for the 12 months prior to making an application for enrolment (or otherwise must own property in Tasmania in a personal capacity). This would be, in effect, a 'non-citizens' electoral category.	Council does not support this idea. Council would like to see the eligibility to vote in Council elections aligned to the State and Federal requirements. Council notes that the proposed idea could be utilised in bad faith, with groups of community members being pressured into applying for voting status by a candidate.
Reforming the entitlement to nominate as councillor	Council supports this reform.

If an entitlement for non-citizens to vote is preserved, require that a person must appear on the House of Assembly electoral roll to be eligible to hold the office of councillor, in addition to appearing on that roll or the supplementary electoral roll at an address in the municipal area.	
Remove the direct election of the deputy mayor	Council does not support this reform. The current system works for the Glenorchy community. Around the table election of the deputy mayor can be over politized, could cause instability, and may not reflect the sentiment of the electorate as clearly as direct election.
Technical Reforms	
Reform 1: reduce prescription in the statutory framework to enable the Tasmanian Electoral Commission to approve the electoral process.	Council supports this reform.
Reform 2: enable the Tasmanian Electoral Commission to approve procedures for voting, including by telephone and electronic means, for interstate and overseas electors and electors with impediments to ordinary participation, or for other classes of person prescribed by regulation.	Council supports this reform.
Reform 3: legislate that the Tasmanian Electoral Commission is required to	Council supports this reform.

approve procedures in accordance with universal franchise principles, namely all electors, including electors with additional barriers to participation, are to be afforded an opportunity to vote in an independent, secret and verifiable manner.	
Reform 4: require the Electoral Commissioner to publish after each election a statement on the implementation of the accessibility principles, after information, including relevant statistics and initiatives undertaken to promote universal participation in the election.	Council supports this reform.
Reform 5: increase the number of elector signatures required to support a notice of nomination to the lesser of 30 or one per cent of the number of electors in the municipal area.	Council does not support this reform. This would create an unacceptable barrier to entry, in particular for new candidates. Council would prefer to see this remain at two signatures, or a compromise amount of 10 signatures.
Reform 6: move administration of the 'general managers' roll' from councils to the Tasmanian Electoral Commission, including administration of the process through which land occupier and corporate nominee (supplementary electoral roll) electors are to enrol.	Council strongly supports this reform.
Reform 7: provide a definition for the purposes of 'occupier' of land that establishes an occupier holds a	Council supports this reform.

leasehold interest or licence over land, and/or the person's ordinary place of residence is in the municipal area	
Reform 8: provide that a person seeking enrolment on the supplementary roll must complete a land occupier declaration and provide documentation of the leasehold or licence over land, or evidence of their period of residence in Tasmania to the satisfaction of the Commissioner.	Council supports this reform.
Reform 9: implement the 'one person, one vote' principle and require a nominee of a corporate landowner or occupier of land may nominate one natural person who is an officeholder of the company to be its nominee.	Council supports this reform.
Reform 10: provide that all intending candidates (other than incumbent councillors) must complete a prescribed program of pre-nomination training prior to their submission of a notice of nomination.	Council does not support this reform. This reform would create an unacceptable barrier to nomination for new candidates, particularly those without reliable internet access and CALD communities. If this reform were to be introduced, Council is keen to gain an understanding of what the training looks like, how it will be delivered, and who will bear the cost of delivery and monitoring training.
Reform 11: require that the TEC provides all people submitting a notice of nomination the opportunity to provide a candidate information statement (in an approved format, providing prescribed	Council supports this reform. Candidate statements should be mandatory as it is one of the only ways electors can gain basic information on all candidates prior to voting. Candidate information statements should also be made easily accessible online.

information) and the Tasmanian Electoral Commission is to publish candidate information through appropriate means.	
Reform 12: provide that the Director of Local Government may provide a statement to be published by the Tasmanian Electoral Commission alongside the candidate information.	Council supports this reform.
Reform 13: establish that nomination by a registered party is to be included in the information published by the Tasmanian Electoral Commission, and printed on the ballot paper, with the candidate's name to be printed alongside the name of the registered party.	Council supports this reform.
Reform 14: provide for candidates whose nomination form is not lodged by a registered party to request to be identified with a group name.	Council supports this reform.
Reform 15: corresponding to the Electoral Act Review Final Report and the amended section 197 of the <i>Electoral Act 2004</i> , introduce new prohibitions on the dissemination of misleading and deceptive statements.	Council supports this reform.
Reform 16: remove the general restriction upon a person, without the consent of the candidate or intending candidate, printing, publishing or distributing any electoral advertising that contains the	Council does not support this reform. Council would like to see the restriction continue in the new Act.

name, photograph or a likeness of a candidate or intending candidate at an election; other than 'how-to-vote' material intended to instruct an elector in the completion of their vote.	
Reform 17: clarify the definition of electoral advertising.	Council supports this reform.
Reform 18: provide that only a candidate, intending candidate, or a person so nominated in the notice of nomination by a candidate, may incur electoral expenditure; and provide that expenditure by other persons to promote or procure the election of a candidate or intending candidate is an offence.	Council supports this reform.
Reform 19: institute authorisation requirements for electoral advertising and associated material.	Council supports this reform.
Reform 20: replace advertising expenditure limits with a general expenditure limit, with reference to the expenditure limit for Legislative Council elections under the <i>Electoral Disclosure and Funding Act 2023</i> .	Council supports this reform.
Reform 21: require that a candidate is to report expenditure made on their behalf in their electoral expenditure return, in the same manner as personal expenditure. The present requirement to attribute, in full, to each candidate so	Council supports this reform.

featured the value of advertising featuring multiple candidates (for instance, multiple party candidates) will be retained.	
Reform 22: prohibit any person from incurring any expenditure for or on behalf of a registered party with a view to promoting or procuring the election of a candidate or intending candidate.	Council supports this reform.
Reform 23: maintain the \$50 threshold for the disclosure of gifts and benefits and extend this requirement from incumbent councillors to all candidates, who will be required to lodge two candidate donation returns with the Tasmanian Electoral Commission. The new Bill will also require the publication of initial donations disclosures on the Commission's website during the polling period and until the certificate of election.	Council supports this reform.
Reform 24: provide that it is an offence for a person other than a candidate or intending candidate to accept a gift or benefit for the purpose of promoting or procuring the election of a candidate, or for the dominant purpose of influencing the way electors vote in an election; and that it is an offence to make a gift or donation to a person other than a	Council supports this reform.

candidate or intending candidate for this purpose.	
• Reform 25: provide that it is an offence for a councillor, intending candidate or candidate, at any time, to accept a donation for the purpose of promoting or procuring the election of a candidate or intending candidate at a local government election: • over \$50, including services or goods valued in kind, without recording the basic details of that donor • over \$50 in cash • over \$50 from a foreign donor.	Council supports this reform.
Reform 26: provide that a local government election or by-election may not be held such that the polling period overlaps the date of a Tasmanian or Australian Government parliamentary election.	Council supports this reform.
Reform 27: provide the Tasmanian Electoral Commission with powers of investigation.	Council supports this reform.

Reform 28: alignment of electoral offences and sanctions with the Electoral Act.	Council supports this reform.
Reform 29: provide a statutory caretaker framework, applying from the notice of election to the date of the issue of the certificate of election for all elections other than by-elections and countbacks.	Council supports this reform.
Reform 30: provide that during the caretaker period, prohibit a council from making any major policy or financial decisions, namely decisions: - relating to the appointment, reappointment, remuneration or termination of a general manager, other than a decision in respect of the appointment of an acting general manager under section 61B - committing the council to expenditure greater than one per cent of general and service rating and fees and charges revenue raised in the preceding financial year, or \$100,000, whichever is the larger	Council supports this reform. Council's Election Care Taker Period Policy also provides that: 'During the Caretaker Period Aldermen will not submit notices of motion to Council or Council Committees pursuant to clause 16(5) of the Local Government (Meeting Procedures) Regulations 2015 (LGMPR). Additionally, Aldermen will not ask a question without notice at a Council meeting, pursuant to clause 29 LGMPR. During the Caretaker Period an Alderman may submit a question on notice to a Council meeting pursuant to clause 30 LGMPR.' This provision provides a more general protection for Council from inadvertently directing resources in a manner that is likely to influence voting at an election, reduces the risk of weaponised activity in the chamber, and still allows for effective dialogue between Council and the administration through the acting of Questions on Notice.

• directing council resources in a manner intended, or likely to, influence voting at the election • relating to a matter the council considers it could reasonably defer until after the election period, other than: ▪ decisions relating to a matter the council is required to determine in that period under statute decisions of a routine and operational nature.	
Reform 31: provide that during the caretaker period, it is an offence for a council to: • publish any material in any format which promotes any candidate or group of candidates for election, or otherwise seeks to influence voters in the election • publish material in relation to the election other than information to	Council supports this reform.

promote participation in the election and in relation to election process, or other material of a kind published by the Electoral Commissioner • make resources available to the advantage of any candidate, which are not equally available to all candidates for election.	
Reform 33: increase the proportion of electors signing a petition required to compel a council to hold an elector poll to 20 per cent; while restricting the matters about which an elector poll may be held to matters with a legitimate connection to the exercise of a council's functions or powers or to the incorporation of the council, as determined by the council.	Council supports this reform.