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31 March 2025

Office of Local Government
Department of Premier and Cabinet

By email: lg.consultation@dpac.tas.gov.au

Dear Sir / Madam

Local Government Electoral Bill Discussion Paper

West Tamar Council (Council) appreciates the opportunity to provide a submission on the future of local government elections in Tasmania.

Council provides the following submission which was endorsed at its meeting of 18 March 2025.

THE FUTURE FORMAT OF LOCAL GOVERNMENT ELECTIONS IN TASMANIA

Scenario A: change to voting in person as the primary means of participation

A weeklong polling period based around physical polling stations needs to be viewed with a degree of caution. There will be expectations within our communities that polling stations will be provided in numerous locations and this will require a minimum of two persons at each polling place for the duration. Whilst this in some ways enhances accessibility, the cost of this exercise would be significant.

A single polling day with an extended period of pre-polling similar to what is in place for Federal and State elections would be the most logical under this scenario. The key benefit of mirroring this system is that people are used to the system.

	Trialing a telephone voting system has merit, further detail is required on how this might operate.
Scenario B: flexible additions to the status quo (a 'hybrid' model)	During the 2022 Council elections the system worked reasonably well. Noting that postal delivery services are on the decline greater clarity on the potential timeframe for the cessation of postal delivery services is required. Council supports the use of the 'hybrid' postal model as proposed. Locations for the hand return of ballot papers needs to be carefully considered. Locations need to be reasonably secure in terms of operation which from a Council perspective is a Council office. Returning them to a Council depot is not appropriate as these are places where heavy machinery and trucks are moving creating an avoidable level of risk. The Discussion Paper refers to "issuing places", this is typically a place where a ballot paper can be issued. This needs to be clarified by the Department of Premier and Cabinet as under the postal ballot approach the papers have already been issued. Reissuing a ballot paper should be restricted to certain locations who have the trained staff to undertake this task. Trialing a telephone voting system has merit, however further detail is required on how this might operate. Investigations need to be undertaken involving Federal and State requirements on an electronic system that could potentially be based around the MyGov system which could provide access to electronic ballot papers. Substantial challenges from a cyber security perspective will need to be addressed.
What would these scenarios cost?	The cost of an election is unavoidable. The charging regime must be based on the following:

	• Full transparency in relation to the costs being charged including the calculations relating to overhead percentages being applied. • Post election review of the conduct of each election to assess the performance of the approach and opportunities for improvement and cost reductions for future elections. The review is to include representatives from the sector through the LGAT. • Benchmarking against other jurisdictions to ensure that our system is cost competitive
POTENTIAL NEW DIRECTIONS: WHO SHOULD VOTE IN LOCAL GOVERNMENT ELECTIONS, AND HOW SHOULD WE ELECT THE DEPUTY MAYOR?	
Reforming the franchise	No comment
Reforming the entitlement to nominate as councillor	No comment
Remove the direct election of the deputy mayor Instead, the councillors are to elect the deputy mayor at the first ordinary meeting of the term of the council. Otherwise, the role of deputy mayor could be removed entirely or made optional in favour of provision for acting mayors, including supplementary allowances.	Not supported. Council firmly believes that the Deputy Mayor should be a person elected by the community to that position.
LOCAL GOVERNMENT ELECTIONS: TECHNICAL REFORMS	
1. A more flexible and accessible format for local government elections	
Reform 1: reduce prescription in the statutory framework to enable the Tasmanian Electoral Commission to approve the electoral process.	Reducing prescription is supported. This is in line with the general thrust within legislative review and a shift to a principles based approach. It will also allow flexibility to adapt to changes within the overall systems such as electronic voting and reduction in postal services.
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	Supported in line with the responses above. It also facilitates access and inclusion.

classes of person prescribed by regulation.	
Reform 3: legislate that the Tasmanian Electoral Commission is required to 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.	Supported.
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.	Supported
2. A better franchise for electors and changes to eligibility to run for office	
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.	Not supported.
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.	Supported. As noted in the Discussion Paper this was supported through the legislative review process. Shifting this process will address consistency in approach issues. It is also a task that requires a certain skill set and in terms of the overall activities which Council administration undertakes it is better to be shifted.
Reform 7:	No comment
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.	Supported. This is a logical inclusion to establish the 'bona fides' of a person seeking enrolment.
Reform 9: implement the 'one person, one vote' principle and	The proposed changes seem fair and logical requiring there to be a clear

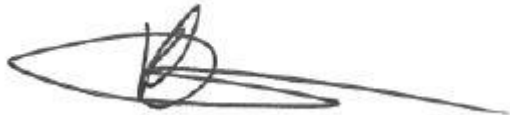
require a nominee of a corporate landowner or occupier of land may nominate one natural person who is an officeholder of the company to be its nominee.	connection to the office holders of a body corporate
Reform 10: provide that all intending candidates (other than incumbent councillors) must complete a prescribed program of pre-nomination training prior to their submission of a notice of nomination.	Not supported.
3. Better quality public information at elections	
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 information) and the Tasmanian Electoral Commission is to publish candidate information through appropriate means.	It is logical that this form part of the statutory scheme that governs the electoral system.
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.	The provision seems logical. It is noted that the Commission has the power to reject a statement with no recourse except it is presumed to provide a new statement.
Reform 13:	No comment
Reform 14:	No comment
4. Strengthened donations disclosure and electoral advertising requirements	
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.	It is logical to strengthen provisions by incorporating new prohibitions on the dissemination of misleading and deceptive statements.
Reform 16:	No comment
Reform 17: clarify the definition of electoral advertising.	Supported.
Reform 18:	No comment
Reform 19: institute authorisation requirements for electoral advertising and associated material.	Supported.
Reform 20: replace advertising expenditure limits with a general expenditure limit, with reference to	Supported. Logical to support this given the framework which has been introduced.

the expenditure limit for Legislative Council elections under the <i>Electoral Disclosure and Funding Act 2023</i> .	
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 featured the value of advertising featuring multiple candidates (for instance, multiple party candidates) will be retained.	Supported given it is a current requirement.
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.	Supported
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.	Supported given it is a current requirement.
Reform 24:	No comment
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	Supported given the framework which has been introduced.
5. Other changes to support the integrity of elections	
Reform 26: provide that a local government election or by-election	No comment

may not be held such that the polling period overlaps the date of a Tasmanian or Australian Government parliamentary election.	
Reform 27:	No comment
Reform 28: alignment of electoral offences and sanctions with the Electoral Act.	Supported
Reform 29:	No comment
Reform 30:	No comment
Reform 31:	No comment
Reform 32: provide that major policy or financial decisions of a council during the caretaker period are of no effect and provide that persons who incur loss or damage due to an ineffectual decision of a council, who acted in good faith, are entitled to recover compensation from the council.	It is logical to adopt this position, it will be incumbent on the Chief Executive Officer to ensure that professional advice in accordance with the provisions of the <i>Local Government Act 1993</i> are complied with.
Reform 33:	No comment

If you would like to discuss this matter further, please contact me on 6323 9300 or via email at wtc@wtc.tas.gov.au.

Yours sincerely



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