

19 July 2018

Department of Justice
Office of the Secretary
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Dear Sir/Madam

Reform of the *Electoral Act 2004*

Thank you for the opportunity to provide a submission on the reform of the *Electoral Act 2004*.

The Local Government Association of Tasmania (LGAT) is incorporated under the *Local Government Act 1993*, our functions being:

- (a) to protect and represent the interests and rights of councils in Tasmania;
- (b) to promote an efficient and effective system of local government in Tasmania; and
- (c) to provide services to member councils, councillors and employees of councils.

The views and opinions expressed in this submission are representative of the Local Government sector, having been developed in consultation with member councils. LGAT fully supports councils who have made individual submissions to the consultation process and in turn, supports the content and opinions expressed within those submissions.

There are two key areas of our electoral system in Tasmanian where Local Government believe improvements could be made. They are the regulation of election signage and the General Manager's Roll, each of these will be discussed in further detail below.

Election Signage

The regulation of election signage has historically caused confusion for candidates, with most unaware that Local Government Planning Schemes have an important role. This confusion stems from the fact that for all other aspects of our electoral system, the *Electoral Act 2004* is the key regulatory instrument. Given this, it is suggested that election signage be regulated under the Electoral Act and not Planning Schemes. The rationale for election signage to be regulated under the provisions of the Electoral Act includes:

- The Electoral Commission is the accepted, independent overseer of the fair and transparent administration of the democratic voting process in Australia;
- Planning Schemes are the mechanism for regulation of land use and development in municipal areas, including associated signage - whereas signage for election purposes is not related to use or development, but rather is used for specific campaigns to promote the election of a candidate to office;

- From a practical perspective it is always difficult at a local government level to regulate election signs because of the various party interests / influences represented on the Council;
- The current approach of regulating election signage through application of planning schemes opens council officers to accusations of bias and partiality at every election campaign - something that the Electoral Commission is less vulnerable to, given its independent role of oversight of the election process;
- The powers available to local government to address breaches of the planning scheme do not readily allow for non-compliant signage to be removed within a reasonable timeframe - candidates can and do take the chance on leaving non-compliant signage in place until after the polling day in anticipation that an infringement notice is unlikely to be issued after that time; and
- Physical removal by enforcement officers can lead to accusations of bias and requires resources such as presents a burden to the ratepayers for what amounts to the policing of election campaigns.

Put simply, election signage is an integral part of an election campaign and should be regulated within the Electoral Act.

GMs roll

The administration of the General Manager's Roll has been raised by Local Government as an issue for many years and while it currently sits within the *Local Government Act 1993* and not the *Electoral Act 2004*, we believe it is a matter of relevance to the current review.

Since July 2015 the sector's view has been that the administration of the General Manager's Roll should be transferred to the Tasmanian Electoral Commission, as it is the Electoral Commission that is accepted as the independent overseer of elections and as such has the requisite experience and resources to manage the Roll.

Councils' have also raised concerns in relation to potential misuse of the General Manager's Roll, stemming from the difficulty that councils have in verifying the eligibility of occupiers in relation to identity and residency in their municipal area when they receive an enrolment form. Further it is suggested that the State Government review the eligibility for inclusion on the General Manager's Roll by reviewing the definition of occupier to better capture all citizens, inclusive of refugees and permanent residents living in a Local Government area.

If you have any questions or would like further information, please do not hesitate to contact me at [REDACTED] or via phone on [REDACTED]

Yours sincerely



Katrena Stephenson
Chief Executive Officer