

Electoral Act Review

Submission by the Australian Labor Party

Introduction

The Tasmanian Branch of the Australian Labor Party welcomes the opportunity to submit to this public consultation into reform of the Tasmanian Electoral Act.

Tasmanian Labor believes a robust electoral system is an important part of any democracy. The community must have confidence in the systems in place, to guarantee its integrity.

Tasmanian Labor believes the current laws are manifestly inadequate and are indeed the weakest in the nation. They need change to ensure public confidence in the political process.

Tasmanian Labor supports real time disclosure of donations to candidates and parties, a lowering of the disclosure threshold and regulation of third parties involved in the political parties. Tasmanian Labor also supports expenditure caps for the election campaigns of parties and candidates.

Terms of Reference

Term of Reference 1 - Modernising the current Tasmanian *Electoral Act* with specific examination of certain sections.

Section 191

Section 191 of the Electoral Act deals with electoral material being appropriately authorised. Tasmania Labor supports retention of this section in some form, including the need for printed and electronic materials to be appropriately authorised. However, the section needs to be updated to clarify the treatment of material on social media and other digital communication platforms.

Section 196

Section 196 of the Electoral Act prevents the use of a candidate's name without their permission. Tasmanian Labor believes an important of the political process is being able to hold politicians and candidates to account.

The provision as it stands is out of date and does not reflect the way elections are conducted. In particular, this provision is impractical to follow and difficult to monitor in online and social media campaigning.

The use of opponents' names and images is commonplace in today's political landscape. To disallow this after writs are issued is outdated and serves no tangible purpose. Continuing to use an opponent's image or name would not change the tenor of the way elections are conducted.

It is also noted that this provision does not reflect current practice in other Australian jurisdictions or the Commonwealth.

Tasmanian Labor supports removal of section 196 of the Electoral Act.

Section 198

Section 198 of the Electoral Act prevents certain campaign activities on election day.

Tasmanian Labor supports the general intent of this section of the Act to preserve the character and nature of Tasmanian elections, including limiting overt campaigning on election day around polling places.

However, Labor believes the definitions of what constitutes campaign activity need revision and refinement.

Further clarity should be provided in the Act in terms of what the blackout means for print, and online media. The blackout could, for example, apply to election advertisements, but provide for general reporting of political issues.

Term of Reference 2 – Whether state based disclosure rules should be introduced and, if so, what they should include.

Tasmanian Labor supports the introduction of state based disclosure laws. It is a crucial tenant of a functioning democracy that political parties and candidates for election are free and seen to be free from undue influence from others.

Tasmanian Labor recommends:

- A disclosure threshold of \$1000 (increasing annually by Hobart CPI) for candidates, political parties and registered third parties (see below)
- Real time disclosure of donations within 14 days of receipt of one-off or accumulated donations from a single source, as has been implemented in other jurisdictions.
- Prohibition of anonymous donations to candidates or parties above the disclosure threshold
- Prohibition of donations from tobacco companies and foreign investors to candidates or parties.
- Changes to the Act to enable Tasmanian Electoral Commission to determine a register on which all donations to parties, candidates and elected members are to be recorded and disclosed within 14 days of one-off or accumulated donations from a single source above the disclosure threshold in any financial year.

Term of Reference 3 – The level of regulation of third parties, including unions, during Election campaigns

Tasmanian Labor supports reform of the way in which third parties contribute to election campaigns in Tasmania.

It is often the case that significant amounts of money are spent in election campaigns but people do not know by whom. Members of the public have the right to know who is funding political activities. Tasmanian Labor believes in a level playing field including regulation that ensures people know who is funding elections.

Tasmanian Labor recommends changes to the Act allowing for the Tasmanian Electoral Commission to determine the form of a register of third parties participating financially in the electoral process, and for the Commission to maintain such a register.

Further, Tasmanian Labor recommends the requirement for disclosure of financial spending above the disclosure threshold of registered third parties.

In addition, Labor recommends an expenditure caps for registered third parties participating in the electoral process of \$100,000 increasing by Hobart CPI

Other comments

Tasmanian Labor also supports expenditure caps for political parties and candidates. While this is not within the terms of reference of this consultation, it is relevant to mention in the context of this review. We note that expenditure caps have been implemented in other jurisdictions, including the ACT, which also operates under the Hare Clark electoral system.

Tasmania Labor recommends

- Expenditure caps for political parties of \$1 million increasing annually by Hobart CPI
- Expenditure caps for candidates in House of Assembly elections of \$100,000 increasing annually by Hobart CPI
- Increasing the expenditure cap for candidates in Legislative Council elections to \$30,000 increasing annually by Hobart CPI
- A registration system for third parties participating in the electoral process, administered by the Tasmanian Electoral Commission
- Expenditure caps for registered third parties participating in the electoral process of \$100,000 increasing by Hobart CPI

In conclusion, the proposals in this submission reflect long standing Labor Party policy. We have consistently argued for electoral reform over many years and we sincerely hope that this review will bring about necessary and long overdue changes to strengthen democracy and transparency in Tasmania.