

2 April 2025

Office of Local Government
Department of Premier and Cabinet
GPO Box 123
HOBART TAS 7001

Via Email: LG.consultation@dpac.tas.gov.au

Dear Sir/Madam,

FEEDBACK ON LOCAL GOVERNMENT ELECTORAL BILL

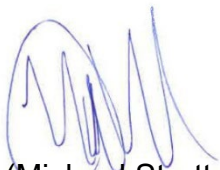
The City of Hobart welcomes the opportunity to respond to the discussion paper in relation to the Local Government Electoral Bill.

The enclosed submission was endorsed by the Council at its meeting held on 31 March 2025 and provides a response to the proposed changes.

In addition to the comments provided on the matters raised in the discussion paper, the City would also like to suggest that the proposed amendments to the Electoral Act be broadened to enable councils to adopt optional voting for residents aged 16-17 years.

Once again, I thank you for the opportunity to contribute to this important work.

Yours sincerely,



(Michael Stretton)
CHIEF EXECUTIVE OFFICER

City of Hobart Submission – Local Government Electoral Act

Reform Summary	Comments
The Future Format of Local Government Elections in Tasmania	
Scenario A: change to voting in person as the primary means of participation 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.	The Council has long supported a move to compulsory voting by attendance at the ballot box. It is recommended that the proposal to move to a polling day, including an extended pre-poll period and postal voting for persons on the supplementary electoral roll would be preferred.
Scenario B: flexible additions to the status quo (a ‘hybrid’ model) 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. - 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.	
Potential New Directions: Who should vote in Local Government elections, and how should we elect the deputy mayor?	
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).	It is recommended that non-citizens should continue to receive an entitlement to vote at local government elections. In most instances, this cohort of people are international students and business owners who are important to a city and as such the case for change is not really that clear. Equally, the requirement for this cohort of people to have been residing in Tasmania for the 12 months prior to making an application for enrolment lacks merit. New non-resident business owners/residents/international



This would be, in effect, a ‘non-citizens’ electoral category.	students should have a right to participate in elections which should not be curtailed by a short tenure.
Reforming the entitlement to nominate as councillor 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.	Support. This change would ensure that persons seeking nomination for office will be required to be on Tasmania’s House of Assembly electoral roll, and as a result, be Australian citizens or British subjects eligible to vote in parliamentary elections.
Remove the direct election of the deputy mayor 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.	The Council supports the maintenance of the status quo in relation to the election and role of the Deputy Mayor. However, the Council would like the Bill to include a requirement that should, during the term of an office, a Deputy (Lord) Mayor leave permanently, the replacement is selected from the election results system of the prior election (following the usual preferences approach) and not by direct election from the Elected Members. This is consistent with the method as recommended for the initial appointment.
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	Support. This reform would remove current barriers to using available assistive practices and technologies for electors with print disabilities and electors who are interstate or overseas.
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.	Support. This reform would enable the Electoral Commission to provide assistance to electors with impediments to participation or who are outside Tasmania during the polling period.
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	Support. This reform would enable methods of voting to include assistive technologies. For instance, voting by telephone with a human operator, or voting using internet-based systems.



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.	Support. This proposal is considered to balance appropriately the independence of the Commission, while providing a transparent accounting of participation at the election for electors with additional barriers to participation.
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.	Support. This change provides an initial test of credible public support for a candidacy, while not imposing a financial barrier on candidates.
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.	Support. The City has previously strongly supported and welcomed consistent proposals through various reviews to move the administration of the GM Roll from councils to the TEC. The Council considers it important that there is an appropriate division between the Chief Executive Officer's role and the local government election process. Moving administration of the GM Roll from councils to the TEC would improve the integrity of the democratic process by removing Chief Executive Officers / General Managers and council staff from the electoral process. It would also reduce the administrative burden on Chief Executive Officers / General Managers to maintain the accuracy and integrity of the Roll and achieve greater consistency across Tasmania.
Reform 7: provide a definition for the purposes of 'occupier' of land that establishes an occupier holds a leasehold interest or licence over land, and/or the person's ordinary place of residence is in the municipal area.	Support. This change would address ambiguity around the extent of association with land required to generate an entitlement to vote in local government elections in some specific instances (for instance, persons making regular use of a secondary property owned by a family member or associate).
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.	Support. This change would enhance the existing provisions for the electoral enrolment form for the supplementary roll, establishing clear evidentiary requirements for enrolment.
Reform 9: implement the 'one person, one vote' principle and require a nominee of a corporate landowner or occupier of land	Support. This change would ensure that a person may only have, in any circumstances, one vote in an election for a municipal area.



may nominate one natural person who is an officeholder of the company to be its nominee.	
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.	Support. This change would ensure that all people contesting local government elections will have a common threshold understanding of the particular role and functions of councillors and the day-to-day functioning of councils
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.	Support. This change would see the candidate information become part of the statutory elections framework and candidates be afforded a right to submit an information statement as part of the notice of nomination.
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.	Do not support. It is up to electors to inform themselves and make their own decision in respect to a local government election and this change would enable the Director of Local Government to influence people in disproportionate ways which could influence their vote.
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.	Support. This reform would improve the transparency in respect to candidates nominated by a registered party.
Reform 14: provide for candidates whose nomination form is not lodged by a registered party to request to be identified with a group name.	Support. This reform would improve transparency in respect to candidate affiliations.
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.	Do not support. It is not considered feasible or desirable for the Electoral Commissioner or similar to adjudicate on the truthfulness of candidates' comments during elections to the extent that defamatory material is published during elections, it is noted candidates have the same recourse to civil litigation as do all members of the community
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 name, photograph or a likeness of a candidate or	Support. The Bill will contain substantial and enhanced protections, including authorisation requirements that attribute electoral advertising to the candidate for whom benefit is intended, alongside continued limits on election expenditure. This is considered to achieve



intending candidate at an election; other than 'how-to-vote' material intended to instruct an elector in the completion of their vote.	similar objectives to the repealed provision without so directly impinging on speech and expression.
Reform 17: clarify the definition of electoral advertising.	Support. Electoral advertising will be defined to include (whether paid or unpaid) unsolicited calls (including automated calls) and direct unsolicited electronic messages and direct mail, including letterboxing.
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.	Support. The new Bill will require that only intending candidates, candidates and persons nominated by candidates themselves may incur expenditure which would be more effective and easier to administer and enforce.
Reform 19: institute authorisation requirements for electoral advertising and associated material.	Support. The change would require that electoral advertisements and associated material can be authorised by a candidate or intending candidate or a nominated person, identifying the candidate or intending candidate who has provided their endorsement for the advertising or material.
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> .	Support. The proposed change would more flexibly (and appropriately) capture the range of campaigning activities open to candidates at contemporary elections.
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.	Support. This change would attribute expenditure made on behalf of candidates (who must have authorised that expenditure) to individual candidates, to enable the effective regulation of electoral advertising and other campaign activities using individual candidate expenditure limits.
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.	Support. This change is meant to complement the above requirement that all electoral expenditure, including advertising, only be made by candidates or intending candidates themselves (or their nominees), which enables regulation and disclosure for individual candidates. It is considered appropriate to apply the same prohibition as stands for Legislative Council elections, given advertising (now to be general) expenditure limits are an existing feature of local government elections.



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.	Support.
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 candidate or intending candidate for this purpose.	Support. This change is intended to prohibit donations made to intermediaries which could otherwise obfuscate the origins and purpose of gifts or benefits intended to promote or procure the election of a candidate or influence the outcomes of elections.
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.	Support. The provision of information collection requirements is intended to support the submission of complete donations disclosure by candidates at the time of nomination and following the certificate of elections.
Other Changes to Support the Integrity of Elections	
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.	Support. As the timing of local government elections is fixed in legislation, with their closing on the last Tuesday in October (absent an order of the Governor) these elections coinciding is not likely, other than for a Legislative Council by-election. However, the making of an express provision removes any need for the Minister for Local Government to seek an order to this effect, as the impact on the community and the Tasmanian Electoral Commission of simultaneous elections (the latter in the case of a state election) is foreseeably unmanageable and would discourage participation and engagement at council elections.



Reform 27: provide the Tasmanian Electoral Commission with powers of investigation.	Do not support. There are other existing jurisdictions (i.e. Integrity Commission) established to investigate these types of matters, so it seems like a duplication to provide the Electoral Commission with powers of investigation.
Reform 28: alignment of electoral offences and sanctions with the Electoral Act.	Support. As per the above.
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.	Support. The Council already enacted caretaker provisions on a voluntary basis at the last election.
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 • 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.	Support. As per the above comment.
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	Support.



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 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 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.	Do not Support. This provision is a step too far. Council compliance with the caretaker provisions would be assured by the reform 31 and the creation of a legislated ability for a party to recover compensation from the council under the <i>Local Government Act 1993</i>, is manifestly excessive.
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.	Do Not Support. The Council considers that elector polls are expensive, especially when held out of cycle with local government elections and are a non-binding process. Accordingly, it is considered that the current threshold is currently too small which can trigger elector polls to easily. A higher threshold would ensure that a poll is called for matters which impacts a substantial proportion ratepayers, however, the Council believes that the proportion of electors signing a petition required to compel a council to hold an elector poll should be changed to 10 per cent, rather than the proposed 20 per cent.

