

For Council to Workshop After Meeting 17/3/25

[Department of Premier and Cabinet - Local Government Electoral Bill Discussion Paper](#) (click link for paper in full)

Background

- Reforms aimed at creating a more flexible format for LG election; strengthening donor disclosure and electoral advertising requirements, improving the quality of public information at elections and making changes around who can vote and run for office.
- Submissions close on 4 April 2025.
- A stand along Local Government Electoral Bill as an endorsed recommendation coming from the 2018 Local Government Review. COVID and the Future of Local Government Review meant the recommendations were not progressed.
- In the meantime, the Government introduced compulsory voting for Local Government in advance of the 2022 elections. At those elections voter turnout was higher than the 2018 elections and also higher than many other compulsory voting jurisdictions. It is likely this is in large part to being combined with a postal voting system which has seen Tasmania traditionally outperform other jurisdictions.
- The consideration of compulsory voting is out of scope of this review.
- For the 2022 election, amendments were also made which saw a reduction in informal voting rates.
- The move to compulsory voting highlighted a number of issues including
 - limited statutory ability to provide assistance for people with print disabilities or living interstate or overseas (who could have opted out without penalty previously).
 - The impact of changing postal service levels.
- The impending introduction of a comprehensive donor disclosure regime for State Parliament has influenced proposal around donor disclosure and candidate expenditure.

- The Government have made clear that councils will continue to bear the cost of elections regardless of the cost of change. They suggest (but don't provide evidence) that non-voter fines will defray additional costs.

Questions for consideration by Council

1. How should Local Government Elections Be Conducted in Future?

Despite consistently high participation rates (relative to other jurisdiction) since the introduction of postal voting in Tasmania, the change to postal services and costs mean this may not remain a viable long-term option.

The discussion paper suggests building in potential for change rather than 'hard-wiring' it but that the operational autonomy (on how an election is to be conducted) would sit with the Electoral Commission. They present two scenarios:

1. Voting in person as the primary means of participation (a polling period or polling day) with telephone voting for those with barriers to participation.
2. A hybrid post model where the ballot and candidate information is posted, there is a 4 week polling period and more issuing places in each municipality to enable hand return of ballots.

Some triggers for discussion:

- Staffed polling stations come at significant cost if for an extended period. Costs are not quantified under either scenario but might see an increase from current \$9.32 per elector to around \$20 per elector.
- The candidate information booklet is still a primary source of information for many voters.
- Pre-polling figures for Federal and State elections suggest people are not interested in a single polling day.
- Postal costs are increasing, and delivery is slowing, but traditionally the ability to vote by post has boosted Tasmanian Local Government return rates.
- There may be a need for issuing stations to receive out of municipality votes as this was an issue last election.

2. Should non citizens enjoy a continuing entitlement to vote at LG elections?

In 2014 and 2018 some councils experienced issues related to non-citizen voting with active enrolment by single candidates and guidance to vote. Whilst not outside legislation it could be perceived as coercive or vote stacking. As a consequence, in the 2018 review there was support from councils to allow only Australian citizens to vote. Some councils then raised concerns about non-citizens owning property or permanent residents/refugees not having voting entitlements under that proposal.

The suggestion being put forward is that those who have 12 months continuous residence in Tasmania (not just a single municipality) would be entitled to go on the supplementary roll.

Some triggers for discussion:

- It is proposed that the supplementary roll be taken on by the Electoral Commission. This would be on a fee for service basis. What cost might there be to establishing length of residency or additional numbers on the roll?
- Does allowing non-citizens to vote represent our changing and multicultural communities and ensure stronger local democracy and participation?

3. Should non-citizens be able to stand as a councillor?

It is proposed that persons seeking nomination to office will be required to be Australian citizen. This differential (between voters and candidates) is in place in Victoria and South Australia. The idea is to balance wider participation with risks of foreign influence and interference.

Some triggers for discussion:

- Currently to nominate a candidate is required to be enrolled on an electoral roll in respect of the municipal area. That includes the General Manager's roll which means they are not required to be a citizen.

4. Should the direct election or the position of deputy mayor be removed.

While changes to the election of the deputy mayor were suggested in 2018, there was not a strong view either way. It is suggested that high participation rates arising through the introduction of compulsory voting and increased election costs means the cost-benefit of direct election of Deputy Mayor's may not longer stack up. Tasmania is the only jurisdiction with direct election of the Deputy Mayor.

Anecdotally, running for Deputy Mayor has sometimes been seen by some as a means of boosting profile for councillor election. When there is a casual vacancy the Deputy Mayor is elected around the table.

A number of scenarios are outlined in the paper.

- Second ranked mayoral candidate appointed Deputy Mayor.
- Election of the Deputy Mayor around the table.
- Abolish the position of Deputy Mayor and appoint an Acting Mayor when required.

Some triggers for discussion:

- Is there a difference in the role of a Deputy Mayor in a larger council vs a smaller council?
- Would having no direct election of DM simplify voting, lessen confusion and informal votes or the chance of not being elected as councillor and reduce the cost of elections significantly?
- How easily could different councillors Act as Mayor?
- Would around the table election of DM's deliver more or less harmony/cohesion on Council?
- The paper suggests the DM allowance could be used to cover Acting Mayor fees or be redistributed amongst councillors – is this a significant factor?

To capture council's views:

Proposal	Supporting Information	Position of Council (to be completed at workshop) <i>Support/No Support/Comments</i>
Change how election are conducted to: A. In person voting OR B. Hybrid model	Fee for service basis. Electoral commission manage supplementary roll. Has not traditionally been supported through votes at LGAT AGMs	Hybrid modelled preferred given high return rate from post. Allows candidates statements to be posted noting this is a key source of information for voters on candidates and accessibility and utilisation may be reduced if moved online. A hybrid model gives more options to votes. The caveat is to balance accessibility and expense. A hybrid model you have limited returning stations/polling places and polling duration to minimise cost.
Allow non-citizens to vote.	If they have been resident in Tasmania for the 12 months prior to making an application for enrolment or who own property in Tasmania in a personal capacity Different to position taken in 2018.	The majority view as that non citizens embedded in the community should be able to vote, noting it can take a long time to qualify for citizenship and that residents can be active community members and that non property owners indirectly contribute to rates through their rent. 12 months of residency was deemed a reasonable marker for community engagement and connectedness. It was felt this was still likely to be a relatively small number of voters proportionally and that if they are applying to the

		supplementary roll it demonstrates a level of engagement. A minority dissenting view was that no non-citizens should be able to vote or at most only property owning non-citizens should be able to vote. Noted that services and amenity of a municipality can be enjoyed without needing to be engaged in the election of councillors. The question raised was why should it be different than other levels of Government? Another minority dissenting view was that anyone should be able to vote regardless of residency period on the basis that there should not be taxation without representation. Local Government provides infrastructure and services to the community, spending rates that every ratepayer and resident contributes to. Councillors were interested in how residency period would be verified.
Require candidates for election to be an Australian Citizen	Even if non-citizens can vote.	The majority view was that you should be a citizen – if you want to stand for council becoming a citizen is a path open to you and that standing for council is a privilege granted to Australian citizens.

		There was some discussion about those with permanent residency with a minority supporting a broader approach “if you can vote, you should be allowed to stand”.
Remove the direct election of Deputy Mayor	Increasing cost to direct election of DM. Tasmania the only one to still do direct election.	This was not supported. A key role for the Deputy Mayor is to support and act for the Mayor. They are potentially the “leader in waiting” should anything occur with the Mayor (ie resignation, death etc). For this reason it has to be someone who has been also democratically chosen by the community who they have confidence in to be a leader of the Council in this event. It was felt that the rationale for this proposal, namely cost savings and alignment with other states, did not outweigh the benefit of having a democratically elected Deputy Mayor. If there is conflict between the Mayor/Deputy Mayor it disrupts the effectiveness of council. Choosing a second place getter (from Mayoral Election) for Deputy Mayor might lead to an adverse, tense outcome. If there are a large number of newly elected councillors it might be hard to choose a DM internally.

		It was strongly felt this could lead to factional decision making.
Remove the role of Deputy Mayor	Instead, delegate functions of Mayor as required to address absence and pay mayoral allowance for that period.	This was not supported and perceived as a backwards step. It was felt that the rationale for this proposal, namely cost savings and alignment with other states, did not outweigh the benefit of having a democratically elected Deputy Mayor. As above the Deputy Mayor needs to support the Mayor and act for them and being able to build knowledge and skills in an ongoing way means an smoother transition to Acting role as required. The Deputy Mayor is a key part of the leadership team of Council and when working properly they play a role in assisting the Mayor in working through issues, proving differing viewpoints as well as support. They are another important contact point for the community. While one councillor saw benefits in sharing the role to enable councillors to further develop skills, in general it was felt that if the Acting Mayor was determined on an adhoc basis performance would be variable. At Kingborough the Deputy Mayor is having regular meetings with the Mayor and CEO (weekly) and undertaking delegated functions on a regular basis enabling a smooth transition

		particularly when the Mayor's absence is not planned. Councillors expressed the view that in keeping a Deputy Mayor role there would be benefit to strengthening both the expectations of that role in terms of being prepared and connected but also in making it clear the Mayor must work collegially with the Deputy Mayor to ensure they have capacity act. That is, it should not be reliant on personal preferences and style. The role of the Deputy Mayor was articulated as supporting the Mayor, keeping up to date with issues affecting Council and neighbouring councils, being a party to decision-making and advice from staff and attending Council's executive meetings, gaining experience as a Chair and 'understudy' for the Mayor and acting as the Mayor in times of the Mayor's absence. It was noted that there may be a difference in the role of the Deputy Mayor between urban and rural councils.
Any matters Council wish to suggest		There was some conversation about the introduction of a requirement to have a Working with Vulnerable People Card as a candidate but ultimately this was

		not supported by the majority of council, being perceived as a potential financial barrier to standing. Some discussion but no firm position on recounts for Mayoral vacancies rather than by-election. The cost was noted, particularly when the vacancy occurs soon after an election (within 18 months) but it was noted that later in a term the environment may have changed sufficiently that it would be fairer to put the choice back with voters again.
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Technical Reforms

Proposal	Supporting Information	Position of Council (to be completed at workshop)
1. Reduce statutory prescription to allow the Tasmanian Electoral Commission (TEC) to approve the electoral process?	See also Question 1 and 2 below. This is about future proofing election processes. Would be good to see a requirement for the TEC to consult with councils on any change (given they would have autonomy to decide). While current Commission good at that, not guaranteed as proposed.	Supported
2. Enable the TEC to approve procedures for voting, including by telephone and	As above, and we have seen this already to some extent last LG election	Supported

electronic means, for those with impediments to ordinary participation.		
3. Legislate that the TEC is required to approve procedures in accordance with universal franchise principles.	Again about more flexibility and future proofing for the TEC. Not unreasonable.	Supported
4. Require the Electoral Commissioner to publish a statement on implementation of accessibility principles etc.	No real impact for councils.	Supported
5. Increase number of elector signatures required to support a notice of nomination to the less of 30 or 1% of the number of electors in the municipal area.	a. This is proposed as an alternative to a nomination fee which was not supported in the last review as potentially deterring genuine candidates and having an equity impact. b. Currently only 2 electors required. c. A non-party candidate for House of Assembly Elections requires 100 nominations. A non-party candidate for the Legislative Council requires only 10 but for	Not supported as currently proposed. The number of nominations required was felt to be too high and likely to benefit incumbent councillors with a high profile or would more strongly favour the political party system. It was suggested that 10 was a more reasonable threshold although this was not unanimous with a minority preferring it remain at 2.

	both houses a nomination deposit of \$400 is required. d. A 2-stage process is possible. Notice of intent to nominate submitted then 2-4 weeks to get signatures, complete required training and prepare candidate statement.	The question was asked as to “is this really a problem” noting that the larger candidate numbers last election were more likely related to the change to compulsory voting (as was seen after the introduction of four year terms) and may well settle over time. A question was raised as to what information would be collected from nominees and the protection of that information.
6. Move administration of General Managers Roll to the TEC, including administration of the supplementary roll (land occupier and corporate nominee)	• Endorsed by sector in 2018 • Will improve consistency in administration and application. • TEC to do vetting. • Will come at a cost to council, not quantified. • Would commence after 2026 elections.	Support
7. Provide a definition for the purposes of 'occupier' of the land that establishes the occupier holds a leasehold interest or licence over the land and/or their ordinary place of residence is in the municipal area.	a. Aims to resolve ambiguity and ensure a person may only have one vote in an election for a municipal area. b. Requires a nominee of a corporate landowner or occupier to be an officeholder. Single nominee only.	Support

8. Require that a person seeking to be added to the supplementary roll complete a land occupier declaration and provide supporting documentation of leasehold/licence or evidence of their period of residence in Tasmania.	If roll goes to TEC won't have direct impact on council processes.	Support
9. Implement one person one vote principle in relation to corporate landowners or occupiers.	• As above. • Can be appealed. •	Support
10. Require all intending councillors (other than incumbent councillors) complete a prescribed program of pre-nomination training prior to submission of their nomination.	This concept was supported by councils in the 2018 review provided the learning materials were robust and easily accessible.	Support but must remain accessible.
11. Legislate that a candidate information statement (in approved format) may	Really just giving statutory weight to current practice and allowing more direction from TEC on what is submitted and how as well as some ability to reject offensive or misleading statements.	Support being able to prescribe format but do not support vetting powers.

be provided by candidates.		
12. Provide for the Director of Local Government to provide a statement to be published by the TEC along with candidate information.	a. To provide relevant public information as to matters of broad council performance. Eg inform at a high level where to locate relevant performance information (eg dashboard), code of conduct panel determinations etc. b. The Commission can reject the statement provided if it will have an undue bearing on the consideration of candidates by electors. The TEC's view would be final.	This seemed to be possibly circular, maybe because it was light on detail. It seemed that anything likely to be published around an individual council, as opposed to all councils, would likely have an undue bearing on the election and be rejected by the Commission. More detail is needed.
13. Nomination by a registered party to be included in the information published by the TEC and printed on the ballot paper.	a. Proposed as a public information measure not as a mechanism to compel candidates to seek nomination by that party. They can still nominate individually. b. Could also provide for candidates to have printed names of affiliated groupings or independent on ballot paper – see 14.	
14. Provide for candidates to request to be identified with a group name.	a. 2 or more candidates could request to be identified next to a common group name (eg No UTAS Move). This would not require them to be registered as a party. Idea is to improve transparency.	Not supported as giving too high a profile to single issue candidates especially where sometimes the issue might not be truly in LG domain.
15. New prohibitions on the dissemination of misleading and deceptive statements.	a. In line with Electoral Act 2004 revised s197. Offence to print, publish or distribute electoral matter that contains incorrect or misleading information about party endorsement, uses a party name or derivative to	Supported

	mislead, could result in an informal vote, implies or states that voting is not compulsory, contains a statement intended or likely to be taken as official communication from the TEC.	
16. Remove restrictions on using the name, image or likeness of a candidate without their consent.	a. Has been introduced to Parliament with respect of State Elections (not yet passed). b. Assertion that current restriction is inconsistent with freedom of political communication. c. Notes exemptions currently exist regarding broadcasts. d. Would be matched by substantial and enhanced protections including authorisation requirements that attribute electoral advertising to the candidate for whom the benefit is intended alongside continues limits on election expenditure.	Not supported It is felt that in the absence of a high level of formal political party activity at the Local Government level, local government elections are comparatively less negative. Removing these restrictions significantly heightens the risk of negative advertising and campaigning.
17. Clarify definition of electoral advertising.	a. Ensuring it encompasses all paid communications in print, broadcast. Internet and social media. Will include unsolicited calls and direct unsolicited electronic messaging as well as direct mail and letterboxing.	Supported
18. Provide that only a candidate, intending candidate or person nominated by a candidate formally may incur electoral expenditure and expenditure by other	a. Aligned with Leg Co changes commencing 1 July this year. b. To address the possibility of broadly unregulated third party campaigning of a negative character in relation to candidates to a degree (as only relates to expenditure).	Supported

persons to promote or procure the election of a candidate is an offence.		
19. Institute authorisation requirements for electoral advertising.	Will be an offence to publish or transmit without the authorisation particulars in the advertising.	Supported
20. Replace advertising limits with a general expenditure limit	a. Suggest alignment with Leg Co limits b. Would provide more flexibility but also capture all campaigning activities	Supported
21. Require reporting of expenditure made on a candidate's behalf in their return in the same manner as personal expenditure.	a. Retain the requirement to attribute in full to each candidate in advertising promoting multiple candidates. b. Retain current limits (\$16,000 in Kingborough).	Supported
22. Prohibit persons from incurring expenditure for or on behalf of a register party with a view to procuring the election of a candidate.	Same as currently stands for Leg Co,.	Supported
23. Maintain \$50 threshold for disclosure of gifts and benefits and extend to all candidates (not just incumbent councillors).	a. Candidates will have to lodge returns with TEC. b. Initial donations disclosures would be published on TECC website during polling period. c. Would apply from 30 days after the certificate of election of the last ordinary	Supported

	election for the council to 30 days after the certificate of election of the current council. d. Successful and unsuccessful candidates would be required to do a donation return at the same time as electoral expenditure return. e. Non incumbent councillors would also have to lodge a donations return at the time they submit their notice of nomination. f.	
24. Make it an offence for a person other than a candidate to accept a gift or benefit for the purpose of promoting or procuring the election of a candidate or for the purpose of influencing the way electors vote.	a. Prohibit donations made to intermediaries in order to hide the origin of the donation. b. Note these are far reaching but not as complex as requiring third party returns from campaigners and agents as is intended for State Parliament.	Supported
25. Offence for a councillor or candidate to accept a donation for purpose of promoting or procuring the election of a candidate	a. Over \$50 in kind b. Over \$50 in cash c. Over \$50 from a foreign donor.	Supported
26. LG elections or by-elections not to	Removes the need for a ministerial order should this eventuate.	Supported

overlap with a Tasmanian or State election.		
27. Provide the TEC with powers of investigation	a. Helps in relation to prosecuting offences. Will mirror Electoral Matters (Miscellaneous Amendments) Act 2023	Supported
28. Align electoral offences and sanctions with the Electoral Act	Introduce fault elements to offence of bribery and undue influence, alignment of treatment of offences.	Supported
29. Provide for a statutory caretaker framework applying from notice of election to date of issue of certificate of election AND 30. Provide that during the caretaker period councils are prohibited from making any major policy or financial decisions.	a. Kingborough has one voluntarily b. This would ensure incoming councils not bound inappropriately c. Includes appointment/reappointment/termination etc of GM, committing council to expenditure greater than 1% of general rates and fees revenue or \$100k whichever is the larger d. Directing council resources in a way which would influence voting e. Matters that could reasonably be deferred	Supported
31. During caretaker it would be an offence for council to publish material which would promote any candidate or group of candidates for	For instance, councils must refrain from publishing material, including through newsletters or social media posts, promoting initiatives or works completed by council which associates those works with incumbent councillors.	Supported

election, election material other than how to participate/process information as published by the TEC and make resources available to the advantage of any candidate.		
32. Any major policy of financial decisions made during caretaker period would be of no effect and persons who incur loss or damage due to an ineffectual decision of council are entitled to recover compensation.	Variations of this provision have been implemented in Victoria, South Australia and Queensland. While the proposal may lead to public funds being expended on financial penalties in the future, it is considered that strong incentives towards compliance are in the broader public interest.	Supported
33. Increase the proportion of electors signing a petition required to compel an elector poll.	a. Currently 2% or 40 persons and significant cost e.g. \$200,000. b. Threshold would be raised to 20% of electors. c. Also restrict matters with a legitimate connection to the exercise of councils' functions or powers, as determined by Council.	Not supported at 20%. This is deemed too high. 10% is more acceptable and still represent a significant number of people. The lower threshold Support the restriction of matters as proposed.

