

24 February 2014

Our Ref: KS/FM
File No.:

The Secretary
Legislative Council Sessional Committee
Government Administration B
Tasmanian Electoral Commission
Parliament of Tasmania
Parliament House
HOBART TAS 7000

To Whom It May Concern

Operations of the Tasmanian Electoral Commission

The Local Government Association of Tasmania (LGAT) welcomes the opportunity to provide some input into this inquiry, noting that the issues raised by the Local Government sector, largely are incidental to the administration and structure of the Electoral Act and resourcing of the Tasmanian Electoral Commission (TEC).

The Legislative Council is of course aware, that significant electoral reform, in relation to Local Government, was enacted last year with the move to all-in, all-out elections, four year terms for Mayors and Deputy Mayors and the waiving the requirement of Mayoral candidates to have served 12 months as a councillor. This resulted in a significant shift in the makeup of elected members (14 new Mayors and around 90 new Alderman/Councillors).

The General Management Committee of LGAT, agreed in December 2014 that the Association would support exploration of other possible areas of electoral reform during the next year or two. Members have already commenced informal conversations about issues such as compulsory voting, postal versus ballot voting and disclosure of campaign donations and the Association will formalise the debate in the months ahead.

At this stage, there are no formal recommendations associated with these areas, but the matters of compulsory voting and postal vs ballot box voting have previously been debated and the formal position on record is that compulsory voting is not supported (by majority vote) nor is a move to ballot box voting. The Association is yet to test whether this general view has shifted in light of the returns last election.

In relation to political donations, early conversations have covered matters such as the limited period to which the advertising spending limits applies and that there is no requirement to disclose donors.

There would appear to be support for matters to be addressed through legislation, in line with other jurisdictions, but again, the Association is yet to formally test this through a vote at a General Meeting.

The LGAT notes that while there has been disappointment expressed in relation to voter returns and the number of informal votes, particularly in the major urban centres, that there is not a widespread view that a move to compulsory voting would automatically lead to improved outcomes in this regard (**see Attachment 1**).

Anecdotally, there is a view that there is more education required on how to vote and there needs to be greater consideration of the impact of low literacy. The Association was provided with anecdotes relating to requests for voting papers from the Council, questions of Councillors on “where to vote” and complaints that voting papers were not received at the last election - but the information was not quantifiable.

The LGAT provided Councils with a template resource for their websites prior to the October 2014 elections to both encourage potential candidates to stand as well as to encourage voters (**see Attachment 2**), however it would appear that there needs to be more detailed advice on voting. For example, the advice on the ballot paper that you did not need to number in preference all candidates, was in very small print at the bottom of the paper and easily missed. With such a large number of candidates at the last Local Government election, the perception that all candidates had to be ranked may have resulted in a reluctance to complete the ballot paper.

An understanding of the nature of informal votes (incorrect numbers vs no signature on the ballot envelope for example) would provide direction for future education campaigns. One council asked the question, how much rigour do the signatures add to the voting process anyway?

At the last Local Government election, some Computer Count was trialled, however it was noted that the results from those votes seemed to take longer to finalise and this was raised as an area of concern. It also appears that many were confused by the language thinking of online voting and there perhaps needed to be greater public explanation. Progressive tallies have mixed levels of support with some councillors reporting them as confusing to the public and media, and frustrating to the candidates who then ride the roller coaster of in/out conversations.

A number of other issues relating to Local Government Elections have been raised and ratified through voting at LGAT General Meetings and for completeness these are provided at **Attachment 3**. These include matters such as electoral signage, tax deduction of election expenses and Mayoral vacancies. The Association is also aware that some councils have raised concerns in relation to potential misuse of the General Manager’s Roll and that there is general support for a review of the eligibility for inclusion on the Roll and how it might best be administered.

Yours sincerely

Dr Katrena Stephenson
Policy Director

Attach.



**House of Assembly Standing
Committee on Community
Development**

**Inquiry into Local Government
Elections**

February 2012

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Introduction

The Local Government Association of Tasmania (LGAT) is the representative body of Local Government in Tasmania. Established in 1911, the LGAT is incorporated under the Local Government Act 1993 with membership comprising 28 of the 29 Tasmanian councils.

The objectives of the Association are:-

- To promote the efficient administration and operation of Local Government in the State of Tasmania;
- To watch over and protect the interests, rights and privileges of municipal Councils in the State of Tasmania;
- To foster and promote relationships between Local Government in the State of Tasmania with both the Government of Tasmania and the Government of the Commonwealth of Australia;
- To represent the interests of the members of the Association generally, and in such particular matters as may be referred to the Association by its members; and
- To provide such support services to the members of the Association as the Association may by resolution in meeting determine.

General Comments

This submission is based on the formal policy position of the LGAT as determined through a vote at a General Meeting. It represents a majority rather than unanimous position of the sector. Member councils have been encouraged to make their own submissions to the Inquiry.

History

Motions in support of compulsory voting have been considered by LGAT members on a number of occasions, particularly during the review of the Local Government Act 1993 and at the 2008, 2010 and 2011 General Meetings associated with the LGAT AGM and Annual Conference.

At the Annual Local Government Conference in 2008, the then Premier, David Bartlett announced that his Government would be introducing compulsory voting for Local Government. A working group was formed, with LGAT represented, and a discussion paper released to councils for comment.

Although LGAT was represented on the Working Group, compulsory voting was not supported by LGAT on the basis of its present policy position. However, a recommendation by others on the Working Group was submitted to the Premier favouring compulsory voting.

The State Government has argued that compulsory voting at Local Government elections would result in:

- Significantly increased voter turnout.
- Greater involvement in local government issues.
- Enhanced status of local government.
- Councils that are more representative of the broader community.

However, evidence to support those arguments is scarce for all but the issue of voter turnout and even that must be treated with some caution given that some Tasmanian councils are already attaining turn-out rates equivalent to those experienced where compulsory voting is in place.

For information, a brief comparison of Local Government election conditions and turn out to other jurisdictions is provided in Appendix 1.

The outcome of the most recent vote on the matter by LGAT members, on 20 July 2011, was as follows: The motion was LOST: 22/31 (see Table 1).

Councils For	Card	Vote	Councils Against	Card	Vote
George Town Council	Red	1	Burnie City Council	White	2
Launceston City Council	Green	4	Circular Head Council	Red	1
West Tamar Council	Blue	3	Central Highlands Council	Red	1
Huon Valley Council	White	2	West Coast Council	Red	1
Hobart City Council	Green	4	Latrobe Council	White	2
Derwent Valley Council	White	2	Dorset Council	Red	1
Central Coast Council	Blue	3	Sorell Council	White	2
Kentish Council	Red	1	Clarence City Council	Green	4
Northern Midlands Council	White	2	Kingborough Council	Blue	3
			Flinders Council	Red	1
			Tasman Council	Red	1
			Glamorgan Spring Bay Council	Red	1
			Meander Valley Council	White	2
			Break O'Day Council	Red	1
			Devonport City Council	Blue	3
			Brighton Council	White	2
			Waratah Wynyard Council	White	2
			Southern Midlands Council	Red	1
Total		22	Total		31

*King Island Council were not present at the Meeting.

The 2011 vote on the matter reflected a shift away from support for compulsory voting compared to 2010 (i.e. less councils voted in support of the motion).

LGAT Position

The Local Government Association of Tasmania does not support compulsory voting in Local Government Elections as determined through a vote of members.

Reservations around the introduction of compulsory voting are linked to the following:

- The introduction of postal voting resulted in a significant increase in the number of people voting in Local Government elections. This is done on a voluntary basis because people want to vote and to be involved. The introduction of compulsory voting might marginally increase the number of people voting but it would also bring with it the responsibility to pursue those who do not vote and the consequent enforcement costs.
- Compulsory voting has the potential to result in increased informal voting as people are being forced to vote rather than exercising their democratic right by choice.
- Compulsory voting may lead to an increase of party politics in Local Government with detrimental effect on community representation.

Regardless of the lack of support from the Local Government Sector for compulsory voting, a number of key issues would need to be resolved should the State Government decide to move forward. These include:

- Postal or Ballot box? (integrity of the system vs cost and intensity).
- Relationship with other electoral reforms – eg terms of Mayors, all in –all out.
- The voting franchise ie, is voting limited to individuals in the same way as State and Federal elections or do businesses continue to have a vote?
- Do property owners in different municipalities have a vote per property or a single vote as per other elections?
- Will the absentee landlord living outside the state or country be liable to a non-voting penalty?
- Cost vs benefits of implementation and compliance.
- Penalties for non-compliance and identification of acceptable reasons for failure to vote.

Further, it should be noted that a feature of the conversations between the State Government under David Bartlett's Premiership was that the State Government would meet any new costs related to implementation, compliance monitoring and enforcement.

The Local Government Division have estimated (in the Joint Working Group Issues Paper) that "compulsory voting would cost an additional 20 per cent and compulsory attendance voting would double the current cost of local government elections"¹.

¹ Although this might be reduced if elections were held every four years instead of every two years.

APPENDIX 1.

	COMPULSORY	% OF RETURNS AT LAST ELECTION	PARTY POLITICAL	TERMS
TAS	NO	Average statewide participation rate of 54.31% in 2011. Best return rate was 77.52% Postal Voting	No, although some 'green' candidates in recent elections	Four Years Half in, half out every two years October 2007. Popularly elected Mayors and Deputy Mayors. Two year terms. Mayors/Deputy Mayors must be elected to council.
NSW	Yes for residents, optional for non-resident ratepayers.	Average overall participation rate 83.4% in 2008. Attendance Voting	Yes, parties can register	Four Years. All in-all out. May be popularly elected Mayor. A Mayor is councillor by virtue of being a Mayor. 4 year Mayoral terms if popularly elected. 1 year Mayoral terms if councillor elected.
QLD	Yes	79.6% (Postal Voting), 85% (Attendance Voting)	Yes	Four Years. All in-all out. March 2008. Popularly elected Mayors with 4 year terms.
WA	No	Average participation rates 33.4% in 2009 (Postal Voting). (2011 figures not yet on electoral commission website)	No	Four Years Half in, half out every two years Mayors may be popularly elected or council elected.

		Postal voting only fully rolled out in 2011.		
SA	No	Average Participation rate of 32.9% in 2010 Attendance Voting	No, although six endorsed 'green' candidates at recent elections	Four years. All in-all out.
NT	Yes	Average participation Rate of 49.8% Attendance Voting	No, although two 'green' candidates at 2008 municipal elections	Fours years.
VIC	Yes, for those on roll which includes residents	Average overall participation rate of 74.68% (Postal Voting) vs 70% (Attendance Voting)	No although some 'green' candidates at 2008 elections	Four years. All in-all out.



Local Government Elections

Council Website Advice

1. Purpose

This resource has been developed to aid councils in promoting the October 2014 Local Government elections to prospective candidates and voters.

2. Acknowledgements

Thanks to the Tasmanian Electoral Commission for use of the “Make Your Mark” image and to the Local Government Association of South Australia for use of their resource materials.

3. Home Page

- a. It is suggested you use the following on your home page with a link to a separate ‘Election’ page.



- b. Two versions of associated text are provided. One is deliberately brief, with reliance on links to other information. The second is more comprehensive (i.e. all the information together).

4. Election Page/s

Note: Formatting should align with Council's own style guide. Links are highlighted yellow as needing to be inserted.

a. Model 1 (Short)

Councils have a significant impact on the lives of all Tasmanians, enabling the economic, social and cultural development of the community, supporting individuals and groups, and providing a wide range of services for the wellbeing of the community.

Aldermen/councillors play a vital leadership role, working together to create and implement their community's vision, strategic direction and the values within which they operate.

Mayors, deputy mayors and councillors are all elected for four-year terms. Mayors and deputy mayors are popularly elected.

The next Local Government elections will be held during October 2014.

Voting

By voting, you can help influence what sort of place your community will be. It is about your future so vote for the representative(s) you want. Talk to other people you know and encourage them to vote too.

Almost everyone over 18, living, owning or leasing property in a municipality (or Council area) can be eligible to vote.

- You can vote if you are on the State Electoral Roll and are resident in the municipality (you don't have to own a property).
- You can vote if you own or manage property in the municipality but are not resident, but you need to complete an enrolment form for owners/occupiers or corporate bodies.

You must be enrolled by *6pm, Thursday 18th September*. Polling is conducted by post from *Tuesday 14th October to 10am, Tuesday 28th October*.

Standing as a Candidate

Whether you are a resident, property owner or business operator, becoming a Local Government councillor can be the most direct and rewarding way to contribute to your local community.

Standing for election provides you with a great opportunity to influence the future direction of the local community and help those who require support. It can be daunting and time-consuming, but also rewarding. Councils are complex and vibrant organisations that require talented and dedicated individuals to participate in making the decisions that count. It is an important decision.

The nomination period for candidates closes at noon on *Monday 29th September*.

Elections are conducted by the Tasmanian Electoral Commission (TEC). Information on dates and for those considering standing as a candidate is available from the [TEC](http://www.electoral.tas.gov.au/LocalGovernmentElections2014/index.html).

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The Local Government Association of Tasmania (LGAT) has produced a presentation and handbook for candidates, *Becoming a Councillor* (www.lgat.tas.gov.au/page.aspx?u=334) and are currently updating their resource guides for newly elected councillors and Mayors.

b. Model 2 (Long)

(introductory text)

Councils have a significant impact on the lives of all Tasmanians, enabling the economic, social and cultural development of the community, supporting individuals and groups, and providing a wide range of services for the wellbeing of the community.

The next Local Government elections will be held during October 2014.

2014 Tasmania Local Government Elections Key Dates

Notice of Election	Saturday 13 September
Electoral Rolls Close	6pm Thursday 18 September
Nominations Close	12noon Monday 29 September
Announcement of Nominations	12 noon Tuesday 30 September
Polling Period	Tuesday 14 October to 10am Tuesday 28 November
Counting and announcement of results	From Tuesday 28 October 2014

The rules for elections are set out in the *Local Government Act 1993* (Part 15).

Then separate the information below into three headings (Enrolling to Vote, Standing as a Candidate and voting) or three linked pages

1. Enrolling to Vote

Almost everyone over 18, living, owning or leasing property in a municipality (or Council area) can be eligible to vote.

- You can vote if you are on the State Electoral Roll and are resident in the municipality (you don't have to own a property).
- You can vote if you own or manage property in the municipality but are not resident, but you need to complete an enrolment form for owners/occupiers or corporate bodies.

For more information visit the Tasmanian Electoral Commission [website](http://www.electoral.tas.gov.au/LocalGovernmentElections2014/Enrolment.html)

<http://www.electoral.tas.gov.au/LocalGovernmentElections2014/Enrolment.html>)

You must be enrolled by *6pm, Thursday 18th September*.

2. Standing as a Candidate

Whether you are a resident, property owner or business operator, becoming a Local Government councillor can be the most direct and rewarding way to contribute to your local community.

Aldermen/councillors play a vital leadership role, working together to create and implement their community's vision, strategic direction and the values within which they operate.

Mayors, deputy mayors and councillors are all elected for four year terms. Mayors and deputy mayors are popularly elected.

Standing for election provides you with a great opportunity to influence the future direction of the local community and help those who require support. It can be daunting and time consuming, but also rewarding. Councils are complex and vibrant organisations that require talented and dedicated individuals to participate in making the decisions that count. It is an important decision.

Eligibility

To nominate you must be an elector in the Municipal Area and must not:

- Be a councillor of another council whose term of office is to end after the issue of the certificate of election;
- Have been barred by a court;
- Be an employee of the council in that municipal area;
- Have previously been removed from office of councillor because of inadequacy or incompetence;
- Be bankrupt;
- Be subject to an assessment or treatment order under the Mental Health Act 2013 or an order under the Guardianship and Administration Act 1995;
- Be undergoing a term of imprisonment; and
- Have been sentenced for a crim but he sentence has not been executed.

You also cannot be a candidate in more than one Municipal Area.

Mayors and deputy mayors are popularly elected and must also nominate. You cannot be a candidate for both mayor and deputy mayor. You must successfully stand for and be elected as a councillor before you can accept the office of mayor or deputy mayor.

Currently to stand for Mayor or Deputy Mayor you must have served as a Tasmanian councillor (at any council) for at least 12 months. Parliament is currently considering removing this requirement.

Resources

The Tasmanian Electoral Commission has produced a candidate information booklet to help you comply with the legislative requirements and election processes.

www.electoral.tas.gov.au/LocalGovernmentElections2014/Printables/2014%20LG%20Candidate%20Handbook%20WEB.pdf

The Local Government Association of Tasmania (LGAT) has produced a presentation and handbook for candidates, Becoming a Councillor (www.lgat.tas.gov.au/page.aspx?u=334) which focuses on

what councillors do (functions), campaigning and other relevant information. The LGAT is also currently updating their resource guides for newly-elected councillors and mayors.

The nomination period for candidates closes at noon, on *Monday 29th September*.

3. Voting

By voting, you can help influence what sort of place your community will be. It is about your future so vote for the representative(s) you want. Talk to other people you know and encourage them to vote too.

Voting in the Local Government Elections is about voting for who decides about some key things that happen in your local community. The people who get elected to the Council will help decide what happens locally – for now and into the future. Each candidate standing for election to the Council is likely to have different views about what should happen in your community. Find out what they are to help you work out who you want to vote for.

A short statement from each candidate will be posted to you with your postal voting papers and this year there will also be photos of candidates. Contact candidates to talk to them about what they want for the area and why they want to be elected. You may decide that some candidates will be better at representing you and your views than others.

Voting in the Local Government Elections in Tasmania is conducted by Postal Ballot. You will receive a ballot pack containing:

- Ballot papers
- A booklet of candidate statements and voting instructions
- A ballot paper envelope (which must be signed)
- A reply paid envelope for returning your ballot paper.

The Hare-Clarke distribution of preferences is undertaken for all councillor elections. For more information on Hare-Clark click [here](http://tec.tas.gov.au/pages/ElectoralInformationMain.html). (<http://tec.tas.gov.au/pages/ElectoralInformationMain.html>)

Polling is conducted by post from *Tuesday 14th October to 10am, Tuesday 28th October*.

Other LGAT Motions

- That LGAT through the Australian Local Government Association (ALGA) mount a campaign with the Federal Government to remove the income tax deductibility limits on claiming electoral expenses for Local Government elections. (2003)
- That LGAT support the proposition that candidate spending on council election campaigns be tax deductible up to the limits of expenditure prescribed by the electoral laws and that LGAT's support be notified to ALGA, the Federal Government as well as to the Labor, Liberal, National and Green parties. (2010)
- That an amendment to the Electoral Act 2004 be sought with the effect of overriding Planning Schemes to bring uniformity across Tasmania in terms of the timing of permitted billboard electoral advertising by or on behalf of candidates. (2010)
- That the Association lobby and encourages the Federal and Tasmanian State Governments to amend their respective electoral acts in relation to:
 - a. physical electoral advertising on land and buildings to mirror, or be substantially the same as, the restrictions applying to candidates for Local Government elections, imposed by the Local Government Act 1993 and the Local Government (General) Regulations 2005 in relation to the size and quantity of temporary electoral signs within each municipal area, and
 - b. the period of time that electoral signage can be displayed in the lead up to and following all elections, federal, state and local. (2010)
- That the Local Government Association of Tasmania request that the Federal Government:
 - a. Review the current maximum thresholds set for Local Government candidate election expenses which it recognises as a legitimate deduction for income taxation purposes; and further,
 - b. Consider the introduction of a suitable indexation mechanism to enable currency of the revised threshold to be maintained. (2012)
- That the Local Government Association of Tasmania urge the Australian Local Government Association (ALGA) to lobby the Australian Taxation Office to consider greater taxation relief for candidates who stand at Local Government elections. (2012)
- That the LGAT request a change to the Local Government Act to ensure a Mayoral vacancy does not trigger a by-election if the vacancy occurs within 12 months of an election. (2014)