

25 March 2025

Department of Premier and Cabinet  
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To whom it may concern,

I am writing on behalf of Break O'Day Council to provide feedback on the Local Government Electoral Bill Discussion Paper. We recognise the importance of ensuring that electoral processes at the local government level are fair, transparent, and accessible. This submission highlights our key considerations and recommendations aimed at strengthening the proposed Bill and improving the electoral system for the benefit of our communities.

Below is our formal response to the proposals outlined in the Discussion Paper:

THE FUTURE FORMAT OF LOCAL GOVERNMENT ELECTIONS IN TASMANIA	
<p><b>Scenario A: change to voting in person as the primary means of participation</b></p> <p>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.</p> <p>Telephone voting would be made available for electors with barriers to participation or who are interstate or overseas.</p>	<p><b>Council Response:</b></p> <p>Compulsory voting would need to remain in place, previously when voting occurred through this Scenario voting was not compulsory.</p> <p>A weeklong polling period based around physical polling stations needs to be viewed with a degree of caution. There will be expectations within our communities that polling stations will be provided in numerous locations and this will require a minimum of two persons at each polling place for the duration. Whilst this in some ways enhances accessibility, the cost of this exercise would be astronomical and would be a quite inefficient approach at smaller polling stations.</p> <p>A single polling day with an extended period of pre-polling similar to what is in place for Federal and State elections would be the most logical under this scenario. The key benefit of mirroring this system is that people are used to the system.</p>

	<p>Trialling a telephone voting system has merit, further detail is required on how this might operate to enable a position to be formed.</p> <p>This should be the least favoured option to pursue.</p>
<p><b>Scenario B: flexible additions to the status quo (a 'hybrid' model)</b></p> <p>Provide for a 'hybrid' postal model where:</p> <p>all electors are mailed a ballot and candidate information pamphlet</p> <p>there is a minimum four week polling period, enabling the earlier return of postal votes</p> <p>there are more issuing places in each municipality, to enable the hand return of ballots by electors until the close of polls</p> <p>ballots may be returned to issuing places until the close of polls.</p> <p>Telephone voting would be made available for electors with barriers to participation or who are interstate or overseas.</p>	<p><b>Council Response:</b></p> <p>During the 2022 Council elections the system worked reasonably well, we did have the situation where a section of the community failed to receive ballot papers through the post and given this was a geographic based issue one would think it related to an issue with delivery at the local level.</p> <p>Noting that postal delivery services are on the decline greater clarity on the potential timeframe for the cessation of postal delivery services is required, it may be 10 years away and during that time electronic voting systems will continue to evolve.</p> <p>Council should support the use of the 'hybrid' postal model as proposed. Locations for the hand return of ballot papers needs to be carefully considered. Locations need to be reasonably secure in terms of operation which from a Council perspective is really a Council office. Returning them to a Council depot is not appropriate as these are places where heavy machinery and trucks are moving creating an avoidable level of risk. If additional returning places are required then it would be logical to use the existing Australia Post network of post offices for this purpose.</p> <p>The Discussion Paper refers to "issuing places", this is typically a place where a ballot paper can be issued. This needs to be clarified by the Department of Premier and Cabinet as under the postal ballot approach the papers have already been issued. Reissuing a ballot paper should be restricted to certain locations who have the trained staff to undertake this task.</p>

	<p>Trialling a telephone voting system has merit, further detail is required on how this might operate to enable a position to be formed.</p> <p>Investigations need to be undertaken involving Federal and State requirements on an electronic system that could potentially be based around the MyGov system which could provide access to electronic ballot papers. Substantial challenges from a cyber security perspective will need to be addressed.</p>
<p><b>What would these scenarios cost?</b></p> <p>Tasmania's 2022 local government elections cost \$9.32 per elector, an increase of 34 per cent over the 2018 elections (\$6.92 per elector). This is largely attributable to the very large increase in participation (driving increased postal and counting costs) and the costs associated with the returning, processing and counting those additional ballots. By comparison, the 2024 Tasmanian state election cost \$12.37 per ballot.</p> <p>Jurisdictional comparisons demonstrate a wide range in potential costs. 2021 local government elections in the Northern Territory and New South Wales (which are primarily run on an attendance model) incurred costs of \$15.10 and \$29 per elector, respectively (noting that a range of factors may underpin that, including higher participation at the NSW elections).</p> <p>It is not possible to quantify with confidence the costs of future Tasmanian local government elections under either alternative. It is reasonable to assume that the slower pace at which electors would take to complete their votes, and so move through the polling place, would increase costs of attendance elections relative to state elections; as may the provision of a polling period, rather than polling day (though this would vary with operational decisions regarding the number and distribution of polling places). As at present, local government elections are a more complex counting process than for state elections, though as discussed elsewhere in this document, this</p>	<p><b>Council Response:</b></p> <p>The cost of an election is unavoidable The charging regime must be based on the following:</p> <ul style="list-style-type: none"> <li>• Full transparency in relation to the costs being charged including the calculations relating to overhead percentages being applied.</li> <li>• Post election review of the conduct of each election to assess the performance of the approach and opportunities for improvement and cost reductions for future elections. The review is to include representatives from the sector through the LGAT.</li> <li>• Benchmarking against other jurisdictions to ensure that our system is cost competitive</li> </ul>

<p>could be addressed by adopting an alternative means of selecting the deputy mayor.</p> <p>It is similarly difficult to quantify costs of the hybrid election model, though this is anticipated to be less than for attendance elections. Postal services are expected to be more costly over time as overall letter volumes decline.</p> <p>Under either alternative, the costs of local government elections are expected to increase at the next ordinary elections and beyond.</p>	
<p><b>POTENTIAL NEW DIRECTIONS: WHO SHOULD VOTE IN LOCAL GOVERNMENT ELECTIONS, AND HOW SHOULD WE ELECT THE DEPUTY MAYOR?</b></p>	
<p><b>Reforming the franchise: should non-citizens enjoy a continuing entitlement to vote at local government elections?</b></p> <p>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).</p> <p>This would be, in effect, a 'non-citizens' electoral category.</p>	<p><b>Council Response:</b></p> <p>This entitlement should continue with a 12 month timeframe in place, it is a question of how this is proven which needs to be resolved.</p>
<p><b>Reforming the entitlement to nominate as councillor</b></p> <p>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.</p>	<p><b>Council Response:</b></p> <p>No change required</p>
<p><b>Remove the direct election of the deputy mayor</b></p> <p>Instead, 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.</p>	<p><b>Council Response:</b></p> <p>No change required, leave as elected by the people.</p>

<b>LOCAL GOVERNMENT ELECTIONS: TECHNICAL REFORMS</b>	
<b>1. A more flexible and accessible format for local government elections</b>	
<b>Reform 1:</b> reduce prescription in the statutory framework to enable the Tasmanian Electoral Commission to approve the electoral process.	<b>Council Response:</b>  Reducing prescription is supported, this is in line with the general thrust within legislative review and a shift to a principles based approach. It will also allow flexibility to adapt to changes within the overall systems such as electronic voting and reduction in postal services.
<b>Reform 2:</b> 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.	<b>Council Response:</b>  Logical to support this in line with the responses above. It also facilitates access and inclusion.
<b>Reform 3:</b> 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 an opportunity to vote in an independent, secret and verifiable manner.	<b>Council Response:</b>  Logical to support this focus on access and inclusion.
<b>Reform 4:</b> 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.	<b>Council Response:</b>  Logical to support this focus on access and inclusion.
<b>2. A better franchise for electors and changes to eligibility to run for office</b>	
<b>Reform 5:</b> 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.	<b>Council Response:</b>  This provides an alternative to the introduction of a nomination fee which had been previously considered and dismissed.
<b>Reform 6:</b> move administration of the 'general managers' roll' from councils to the Tasmanian	<b>Council Response:</b>

Electoral Commission, including administration of the process through which land occupier and corporate nominee (supplementary electoral roll) electors are to enrol.	As noted in the Discussion Paper this was supported through the legislative review process. Shifting this process will address consistency in approach issues. It is also a task that requires a certain skill set and in terms of the overall activities which Council administration undertakes it is better to be shifted.
<b>Reform 7:</b> 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.	<b>Council Response:</b> Logical to provide a definition proposed.
<b>Reform 8:</b> 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.	<b>Council Response:</b> This is a logical inclusion to establish the 'bona fides' of a person seeking enrolment.
<b>Reform 9:</b> implement the 'one person, one vote' principle and require a nominee of a corporate landowner or occupier of land may nominate one natural person who is an officeholder of the company to be its nominee.	<b>Council Response:</b> The proposed changes seem fair and logical requiring there to be a clear connection to the office holders of a body corporate
<b>Reform 10:</b> 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.	<b>Council Response:</b> Council is not supportive of pre-nomination training and notes that insufficient detail has been provided. Council felt that if there was an onerous training program it may turn away potential candidates. Councillors questioned whether it should be a requirement to attend an information session prior to nomination.  Council is supportive of training modules being completed as the more training completed the better quality councillor you have.  Councillors should be required to commit to completion of mandatory training when they sign the Declaration once they have been elected as a

	Councillor and prior to taking their seat at the Council table.
<b>3. Better quality public information at elections</b>	
<b>Reform 11:</b> 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.	<b>Council Response:</b> It is logical that this form part of the statutory scheme that governs the electoral system.
<b>Reform 12:</b> provide that the Director of Local Government may provide a statement to be published by the Tasmanian Electoral Commission alongside the candidate information.	<b>Council Response:</b> The provision seems logical, it is noted that the Commission has the power to reject a statement with no recourse except it is presumed to provide a new statement.
<b>Reform 13:</b> 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.	<b>Council Response:</b> Council supports what is proposed.
<b>Reform 14:</b> provide for candidates whose nomination form is not lodged by a registered party to request to be identified with a group name.	<b>Council Response:</b> Council supports what is proposed.
<b>4. Strengthened donations disclosure and electoral advertising requirements</b>	
<b>Reform 15:</b> 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.	<b>Council Response:</b> It is logical to strengthen provisions by incorporating new prohibitions on the dissemination of misleading and deceptive statements.  Unfortunately this is a fact of life when it comes to political processes and an ongoing source of frustration as accountability never seems to be reflected in justice.



<p><b>Reform 16:</b> 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 intending candidate at an election; other than 'how-to-vote' material intended to instruct an elector in the completion of their vote.</p>	<p><b>Council Response:</b></p> <p>Removal of this restriction is going to lead to behaviours and actions which will be a source of frustration for candidates and intending candidates. The lack of accountability through social media platforms, a situation which is only going to become worse through recent politically induced changes further afield, is going to result in greater frustration and anger by candidates.</p> <p>Given the impact of behaviours by 3<sup>rd</sup> parties on Councillors in recent times and the lack of protection which is provided through the legal system a watering down of even these basic restrictions is going to further expose candidates and intending candidates to inappropriate behaviours potentially resulting in the loss of candidates.</p> <p>Council does not support this change at all noting that it is bad enough as it is.</p>
<p><b>Reform 17:</b> clarify the definition of electoral advertising.</p>	<p><b>Council Response:</b></p> <p>Logical to support this</p>
<p><b>Reform 18:</b> 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.</p>	<p><b>Council Response:</b></p> <p>Logical to support this given the framework which has been being introduced.</p>
<p><b>Reform 19:</b> institute authorisation requirements for electoral advertising and associated material.</p>	<p><b>Council Response:</b></p> <p>Logical to support this</p>
<p><b>Reform 20:</b> 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>.</p>	<p><b>Council Response:</b></p> <p>Logical to support this given the framework which has been introduced.</p>
<p><b>Reform 21:</b> require that a candidate is to report expenditure made on their behalf in their</p>	<p><b>Council Response:</b></p>



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.	Logical to support this given it is a current requirement.
<b>Reform 22:</b> 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.	<b>Council Response:</b> Logical to support this
<b>Reform 23:</b> 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.	<b>Council Response:</b> Logical to support this given it is a current requirement.
<b>Reform 24:</b> 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.	<b>Council Response:</b> Logical to support this.
<b>Reform 25:</b> 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	<b>Council Response:</b> Logical to support this given the framework which has been introduced.

over \$50 from a foreign donor	
<b>5. Other changes to support the integrity of elections</b>	
<b>Reform 26:</b> 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.	<b>Council Response:</b> Logical to support this.
<b>Reform 27:</b> provide the Tasmanian Electoral Commission with powers of investigation.	<b>Council Response:</b> Logical to support this.
<b>Reform 28:</b> alignment of electoral offences and sanctions with the Electoral Act.	<b>Council Response:</b> Logical to support this.
<b>Reform 29:</b> 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.	<b>Council Response:</b> Break O'Day Council has a policy in place to address this situation which was adopted prior to the last Council election, LG55 Local Government Election – Caretaker Period Policy.  Council has demonstrated support for this approach, careful consideration of the detail will be required.
<b>Reform 30:</b> 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	<b>Council Response:</b> Break O'Day Council has a policy in place to address this situation which was adopted prior to the last Council election, LG55 Local Government Election – Caretaker Period Policy.  Council has demonstrated support for this approach, careful consideration of the detail will be required.  The detail within the discussion paper seems logical as a starting point.

<p>relating to a matter the council considers it could reasonably defer until after the election period, other than:</p> <p>decisions relating to a matter the council is required to determine in that period under statute</p> <p>decisions of a routine and operational nature.</p>	
<p><b>Reform 31:</b> provide that during the caretaker period, it is an offence for a council to:</p> <p>publish any material in any format which promotes any candidate or group of candidates for election, or otherwise seeks to influence voters in the election</p> <p>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</p> <p>make resources available to the advantage of any candidate, which are not equally available to all candidates for election.</p>	<p><b>Council Response:</b></p> <p>Logical to support this, noting that the responsibility for this will rest with the General Manager.</p>
<p><b>Reform 32:</b> 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.</p>	<p><b>Council Response:</b></p> <p>It is logical to adopt this position, it will be incumbent on the General Manager to ensure that professional advice in accordance with the provisions of the <i>Local Government Act 1993</i> are complied with.</p>
<p><b>Reform 33:</b> 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.</p>	<p><b>Council Response:</b></p> <p>Restriction on the matters which an elector poll may be held is a logical approach and would avoid Councils being required to undertake a poll on matters which are outside the scope of Council's activities.</p> <p>Councillors support maintaining the percentage at 5%</p>

Break O'Day Council values this opportunity to contribute to the discussion and looks forward to continued engagement with the State Government on this important matter. Should you require any further information, please do not hesitate to contact us.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'Raoul Harper', with a stylized flourish at the end.

Raoul Harper  
**ACTING GENERAL MANAGER**