

# Local Government Electoral Reforms

## Consultation draft legislation overview

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# Local Government Electoral Bill 2025

## Overview of key reforms by Part

Part	Key Reform
2 - ELECTION OF MAYORS, DEPUTY MAYORS AND COUNCILLORS	<p>Provides for the election of the Deputy Mayor ‘around the table’ by councillors, rather than by direct elector ballot.</p> <p>This must be done by vote of the council (simple majority), and within the first two general meetings of council.</p> <p>The Bill allows councils to determine the term of deputy mayor to be either the term of council or a lesser period.</p>
4 - ELECTORS AND ELECTORAL ROLLS	<p>Amends the definition of “occupier” for enrolment purposes, to refer to actual occupation and use, and clarify that tenants and licensees are occupiers for the purposes of the Act.</p>
	<p>Preserves a supplementary roll (‘general manager’s roll’) for electors not entitled to be on the House of Assembly (HoA) Roll in respect of an electoral area, as well as clear and consistent criteria for applying to be on this roll.</p> <p>This supplementary roll is now named the Local Government Electoral Roll.</p> <p>This roll is for persons with property-based entitlements (landowners/occupiers, corporate bodies) and non-citizen electors <i>who have lived in the electoral area for a continued period of at least 12 months</i>.</p> <p>Provides that responsibility for keeping and maintaining the supplementary rolls for electoral areas is to transfer to the TEC (currently council General Managers must maintain their council’s supplementary rolls).</p>
	<p>Tightens the criteria for who can nominate to vote on behalf of corporate bodies, including that they:</p> <ul style="list-style-type: none"> <li>• Must not be a director or the secretary of the corporate body</li> <li>• Must not be already enrolled on the HoA roll for the electoral area</li> <li>• Not be the corporate body nominee for another corporate body in the same area.</li> </ul>
	<p>Provides for ‘one vote, one value’ by providing that each elector is entitled to one vote in an election for an electoral area.</p>

Part	Key Reform
	This changes the current situation where a person may have up to two votes (e.g. one in their own right, and one on behalf of a body corporate).
5 – COMPULSORY VOTING	<p>Preserves compulsory voting for those on the HoA roll (status quo).</p> <p>Voting remains optional for electors on the supplementary Local Government Electoral Roll.</p>
6 – ISSUING AND RECEIVING PLACES, POLLING PLACES AND ELECTION OFFICIALS	<p>Reduces prescription and introduces flexibility to 'future proof' elections, allowing the Electoral Commissioner to determine the method of voting at an election. This can include one or more methods, including attendance voting at a polling place and/or postal voting (including provision and receipt of ballots in person and by mail).</p> <p>These provisions provide flexibility for the Commissioner to determine multiple methods of voting, supporting the position of moving to a hybrid postal electoral format, allowing for continued mail voting, with provision of pre-polling and polling places for in-person completion of ballots.</p> <p>The provides for the postal method (allowing for and encouraging for hand returns) as the default election method and allows for an attendance ballot only where the Commissioner is satisfied available postal services are inadequate to ensure the reliable conduct of the election by postal ballot, a postal ballot would be more expensive to conduct than an attendance ballot.</p> <p>The Commissioner will be required to issue a notice as to the chosen method of election at least six months in advance of the notice of an election.</p>
	<p>Preserves issuing and receiving places, which allow for issue and return of ballots during mail (or hybrid) elections.</p> <p>Provisions from the <i>Local Government Act 1993</i> are expanded for accessibility, including allowing the Electoral Commissioner to appoint a hospital, convalescent home, nursing home or other similar place at which a mobile facility may be operated as an issuing and receiving place – similar to polling place provisions in the <i>Electoral Act 2004</i>.</p>
	<p>Allows for appointment of polling places, pre-poll polling places and mobile polling places in the event of an attendance ballot.</p> <p>Accessibility provisions mirror those for issuing and receiving places. There is also an additional clause (35) which provides for</p>

Part	Key Reform
	assistance to vote at a polling place to be provided for those who need it.
PART 7 – NOTICES OF ELECTIONS AND NOMINATIONS	Provides 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.
	Provides for continuation of non-citizen voting via the supplementary roll, while requiring <u>candidates</u> for council to be Australian citizens eligible to vote in parliamentary elections.
	<p>Retains a single-phase nomination process, with additional requirements in the notice of nomination – including:</p> <ul style="list-style-type: none"> <li>• A statement as to whether or not the candidate is formally endorsed by a registered party or is running under a group name not associated with a party.</li> <li>• An attestation that a candidate has completed the proposed mandatory pre-election training module. (does not apply to incumbent councillors).</li> </ul> <p>A notice of nomination must also be signed by at least 30 electors or 1% of electors in the municipal area (whichever is smaller). Currently a notice of nomination must be signed by only two electors.</p>
	<p>Requires the TEC to publish and distribute a candidate information package. This is currently done as a matter of convention and is the primary way electors become aware of the range of candidates, their reasons for seeking election, views and propositions. However, this is currently not a part of the formal legislative framework.</p> <p>At a minimum, this will include for each candidate - the candidate's name, a personal statement (if provided), and whether the candidate is endorsed by a registered party, running under a group name or is an independent candidate. This information is gathered as part of the notice of nomination.</p>
PART 8 - BALLOTS	Provides guidance around ballot material, and provisions on issuing, completing and returning ballots based on various election methods enabled under Part 6.
PART 10 – ALTERNATIVE VOTING PROCEDURES	This is a broad Part which allows the Electoral Commission to approve and deliver alternative voting procedures for classes of electors who face barriers to traditional means of voting. This includes, but is not limited to electronic voting methods such as online voting or voting by telephone.

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	<p>This supports universal franchise principles, consistent with recent reforms to the State <i>Electoral Act 2004</i>.</p> <p>Requires the TEC to approve procedures which enable and support accessible voting practices for electors with additional barriers to participation.</p> <p>The TEC is also required to publish after each election a statement on the implementation of the accessibility principles.</p>
PART 13 – OFFENCES RELATING TO ELECTIONS	<p>Introduces a range of offences related to polling and conduct at polling places consistent with the <i>Electoral Act 2004</i>, while also retaining offences relating to elections under the LG Act.</p> <p>It also contains offences relating to electoral bribery and treating and intimidation.</p>
PART 14 – INVESTIGATORY POWERS	<p>Provides standard investigatory powers for the Electoral Commissioner (or authorised officers) – consistent again with the <i>Electoral Act 2004</i>. This includes:</p> <ul style="list-style-type: none"> <li>• Power to enter and inspect places</li> <li>• Power to require production of documents or information</li> <li>• Power to seize and detain</li> <li>• Power to require attendance and questioning</li> </ul>
PART 15 – ELECTORAL ADVERTISING AND PUBLICATION OF ELECTORAL MATTER	<p>Introduces new prohibitions on the dissemination of misleading and deceptive statements (corresponding to the Electoral Act Review Final Report and the amended section 197 of the <i>Electoral Act 2004</i>).</p> <p>Repeals an existing provision that prohibits the publication of a candidate's name or image without their consent. This aligns local government elections with state and federal practices where no such restriction applies.</p> <p>Updates and clarifies what constitutes “electoral advertising” to ensure consistency and legal certainty.</p> <p>Seeks to align definitions with the <i>Electoral Act 2004</i> and reduce ambiguity for candidates and regulators.</p> <p>Requires electoral advertising to include information identifying who authorised the material.</p> <p>Aims to promote transparency and accountability in campaign communications.</p>

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PART 16 – ELECTORAL EXPENDITURE	<p>Limits electoral expenditure to the candidate, intending candidate, or their formally nominated agent.</p> <p>Aims to prevent unregulated third-party campaigning and increase transparency.</p>
	<p>Replaces current advertising-specific limits with an overall cap on total electoral expenditure.</p> <p>Aligns local government elections with Legislative Council spending rules.</p> <p>Expenditure caps are as follows:</p> <ul style="list-style-type: none"> <li>• for a candidate for election to the Hobart City Council, Clarence City Council, Glenorchy City Council, Kingborough Council or Launceston City Council – \$16 000 plus the applicable annual increment for that financial year.</li> <li>• for a candidate for election to any other council – \$10 000 plus the applicable annual increment for that financial year.</li> </ul> <p>The annual increment is a cumulative increase to this limit of \$500 every year for the councils referred to in the first bullet point, and \$300 for all other councils, applying annually from 1 July 2027.</p>
	<p>Requires candidates to report not only their own spending but also any expenditure made on their behalf.</p> <p>Confirms that shared advertising must be fully attributed to each candidate featured.</p>
	<p>Prevents third parties from incurring expenditure on behalf of a registered party to influence election outcomes (strengthens transparency and restricts indirect or unregulated campaign spending).</p>
PART 17 – GIFTS AND DONATIONS	<p>Extends gift and donation disclosure obligations to all candidates. Maintains the \$50 threshold and introduces disclosure via the TEC website during the election period.</p>
	<p>Prohibits indirect donations through intermediaries or third parties (ensuring all electoral donations are transparent and reported through candidates).</p>

# Local Government Amendment (Electoral Reforms) Bill 2025

## Overview of key reforms by Part

Part	Key Reform
5 – PECUNIARY INTERESTS	Expands the definition of a close associate to a councillor to include: <ul style="list-style-type: none"> <li>a person who has provided a gift or donation (as defined in the <i>Local Government Electoral Act 2025</i>);</li> <li>a relative of the councillor or member who resides with that councillor or member on a regular basis.</li> </ul>
	Establishes defence provisions for a councillor where they believe a pecuniary interest (where they receive or expect to receive a pecuniary benefit) is one held with a substantial proportion of electors in the municipality (meaning at least 5% or 1 000 electors, whichever is the lesser).  This defence also applies to an application or request for approval, authorisation, licence, permit, exemption or other right, or beneficial interest in shares of a company or other body.
	Requires that the existing register of pecuniary interests kept by the general manager to be published on a council's website.
5B – PERSONAL INTEREST RETURNS	This is an entirely new Part which requires a councillor to lodge a personal interest return (PIR) with the general manager, within 28 days after a certificate of election is issued.
	A PIR is to be made by Ministerial Order – and may specify a range of matters including: <ul style="list-style-type: none"> <li>the assets and classes of assets to be disclosed, including real property and financial interests;</li> <li>the liabilities and classes of liabilities to be disclosed;</li> <li>the associated persons and classes of persons whose interests are to be disclosed, including individuals, bodies corporate and trustees;</li> <li>employment, offices and other sources of income to be disclosed;</li> <li>gifts, donations or contributions to other entities, and the classes of such gifts, donations or contributions, to be disclosed;</li> <li>memberships of associations, including trade or professional associations, political parties and other organisations to be disclosed;</li> </ul>

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	<ul style="list-style-type: none"> <li>• thresholds for disclosure and time periods to which the disclosures relate;</li> <li>• management strategies to be documented by councillors for managing actual, potential or perceived pecuniary interests or non-pecuniary interests arising from the matters disclosed.</li> </ul> <p>As with all Orders pertaining to councils, the Minister must consult with councils before amending, revoking or substituting the PIR.</p> <p><i>Note: a draft PIR has been released alongside the consultation draft legislation package.</i></p> <p>The general manager must publish each personal interest return, and any revised personal interest return, on the council's official website as soon as practicable after it's lodgement.</p> <p>The general manager must not provide to a councillor any information, other than information included on a public agenda or otherwise available to members of the public, if it is reasonably apparent to the general manager, from a personal interest return or other information known to the general manager, that the councillor has a pecuniary interest in the matter.</p> <p>Likewise, a councillor must not seek to obtain any information on the above grounds.</p> <p>The council must retain each personal interest return, and each revised personal interest return, until 2 years after the expiration of the term of the council during which the return was lodged.</p> <p>Offence provisions are included for providing false information, omitting known information, or refusal to lodge a PIR.</p>
PART 5C - Conduct of Council During Election Period	<p>This Part introduces 'caretaker' provisions related to the conduct of councils during election periods. During an election period a council cannot make any decision defined as a 'prohibited decision'. This includes a decision:</p> <ul style="list-style-type: none"> <li>• that relates to the appointment, reappointment or the remuneration of a general manager, other than the appointment, reappointment or remuneration of an acting general manager</li> <li>• that relates to the termination of a general manager</li> <li>• to enter into a contract, arrangement or agreement the total value of which exceeds whichever is the greater of – <ul style="list-style-type: none"> <li>○ \$100 000; or</li> </ul> </li> </ul>



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	<ul style="list-style-type: none"> <li>○ 1% of the council's revenue from general and service rating and fees and charges in the preceding financial year</li> <li>• that would enable the use of council resources in a way that is intended to influence, or is likely to influence, voting at a council election.</li> </ul> <p>A council may, if they determine it is necessary and in the public interest for a prohibited decision to be made during an election period, make an application to the Minister for an exemption.</p> <p>Prohibited decisions do not apply to decisions or actions required by councils under statutory timeframes.</p> <p>This Part also prohibits the use of any council resources or publication of information promoting or advantaging a particular candidate or group of candidates.</p> <p>It also prohibits councils from making resources available that advantage a candidate which are not equally available to all candidates.</p> <p>Information in relation to an election can only be published if it has been published by the Electoral Commission.</p>
PART 6 – PETITIONS, POLLS AND PUBLIC MEETINGS	<p>The threshold for petitions requesting elector polls or public meetings has been raised to 20% of electors (from 5% or 1,000 electors, whichever is lesser).</p>
GENERAL CHANGES	<p>Electoral parts are repealed and replaced by the new standalone <i>Electoral Bill</i> – including:</p> <ul style="list-style-type: none"> <li>• Part 4 – Elections</li> <li>• Part 15 – Council elections.</li> </ul>