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THE JOINT STANDING COMMITTEE ON ELECTORAL MATTERS MET IN COMMITTEE ROOM 1, PARLIAMENT HOUSE, HOBART ON MONDAY 16 FEBRUARY 2026.

INQUIRY INTO THE CONDUCT OF THE 2025 HOUSE OF ASSEMBLY GENERAL ELECTION AND THE 2025 LEGISLATIVE COUNCIL ELECTIONS

The Committee met at 9.15 a.m.

Dr KEVIN BONHAM

CHAIR (Ms Webb) - We're here with the Joint Standing Committee on Electoral Matters for our Inquiry into the conduct of the 2025 House of Assembly general election, and the 2025 Legislative Council elections.

We have Dr Kevin Bonham here for the hearing. Thank you for appearing before the committee. The committee is very pleased to hear your evidence today. It feels like five minutes since we were in here talking about the last election. Before giving your evidence, I'd like to inform you of some important aspects of the Committee's proceedings.

Before I do that, I will introduce the committee, which would be polite to begin with. In the committee today, we have a full cohort. We have Michael Ferguson MP, Liberal member for Bass, online; we have Bec Thomas MLC, member for Elwick; Ella Haddad MP, Labor member for Clark; Cassy O'Connor MLC, member for Hobart; I'm Meg Webb MLC, member for Nelson; Vica Bayley MP, member for Clark; and Kristie Johnston MP, member for Clark. We have Scott assisting the secretariat and Terry from Hansard. Oh, sorry Mike - you were blocked and I thought, surely, that must be the end.

Mr GAFFNEY - You just forgot me.

CHAIR - Mike Gaffney - the honourable Mike Gaffney MLC, in fact, member for Mersey. That's our full cohort here.

This committee hearing is a proceeding of Parliament. This means it receives protection of parliamentary privilege. This is an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom without the fear of being sued or questioned in any court or place out of Parliament. It applies to ensure that Parliament receives the very best information when conducting its inquiries. It's important to be aware that this protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside the confines of the parliamentary proceedings.

This is a public hearing; members of the public and journalists may be present and this means your evidence may be reported. It's important that should you wish all or part of your evidence to be heard in private, you must make this request and give an explanation prior to giving the relevant evidence. Do you understand?

Dr BONHAM - Yes.

CHAIR - Thank you. Would you please take the statutory declaration.

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Dr KEVIN JAMES BONHAM, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - Thank you. Would you like to make an opening statement before we begin?

Dr BONHAM - Yes, okay. Just before starting, on minor indulgence, I'd like to pay tribute to the late Jon Kudelka, who I knew for over 40 years since we were at school together. I acknowledge his keen interest in the workings of our electoral system and desire that they be made better and not be made worse.

MEMBERS - Hear, hear.

CHAIR - Thank you for making that acknowledgement.

Dr BONHAM - A lot of this Inquiry overlaps with the previous one. There's a lot that I said in the previous Inquiry, particularly about section 196, that I haven't repeated in the current submission, but I'd still like that to all be considered. As I understand, the two [inquiries] essentially racketed together because the last one was not finished in time for this one.

The main theme that I pick up in my latest submission, specific to the 2025 election, is that there was an excessive number of independent candidates in the last state election. I think that we should be increasing the requirements for entry to elections to a more serious level, so we do not have ballot papers full of candidates who get very few votes, and so that people do understand that what they are running for is a serious undertaking and are encouraged to make a more competitive effort and to keep the process simpler for voters.

I've made some suggestions as to how that might be done, but it's more of a matter that there should be some step in this direction. There were too many independent candidates on the ballot of this election. Most of them got very few votes and it is confusing for voters.

Otherwise, I comment again on the matter of informal voting, which I also covered in the previous submission. My concern is that the informal voting rate is too high; too many voters are having votes invalidated through unintentional mistakes, and we should move in the direction of savings provisions. Most of that is what I said at the previous Inquiry.

CHAIR - Thank you. On that, you do note in your submission that 'None of the seat results were close enough for it to be remotely likely that a more generous interpretation of formality would have seen different winners.' We have evidence in some other submissions asserting otherwise and that's an issue and a problem, potentially, we face if we continue on this similar pattern of informal voting rates. Could you elaborate more on how you've arrived at your conclusion there and push back, if you wish to do so, on the idea it may have made a difference?

Dr BONHAM - The rate of unintended informal votes that could be saved by saving provisions is not huge. They tend to occur for any party or candidate but, historically, some parties and candidates tend to have higher shares of them than others. The Greens tend to have a somewhat lower share. Candidates who run on, as the TEC submission briefly acknowledges, tickets that are not complete tickets, that tends to be a big problem. That can also overlap with the fact that sometimes those tickets are appealing to a lower information voter base.

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I have sort of looked at the different rates and tried to gauge the impact. Where you have a margin of more than 100 votes, it's unlikely informals are going to change that margin, and we're going to have a different winner. You do from time to time in Hare-Clark get results that are closer than that, and so there is the potential there.

CHAIR - When you're making that assertion that it would be very unlikely to change the result, it's because we're not just looking at plainly the informal rate. You're looking at the rate that could be changed or saved by savings provisions being in place, which is an even smaller proportion of the informal rate and therefore very small numbers.

Dr BONHAM - Some of the informals are deliberate. Some of the informals are things that are sort of beyond all hope. Particularly, there is a problem with some voters trying to number votes in every column. They try to number one to seven in the Liberal column, one to seven in the Labor column, one to seven in the Greens column. You don't know what their intention was. You can't do anything with that. In terms of the number of votes where how you interpret the votes has made a difference, it only makes a difference in very close contests.

CHAIR - The Tasmanian Electoral Commission (TEC), in its submission to this Committee, has included some analysis that was done on informal voting rates in the past two elections, in 2024 and 2025. You may not have had an opportunity to take a close look at that yet. It may be that if you haven't yet looked at it and then you do take a look and do some analysis and have further comments to add for the Committee, would you be prepared to send something through to us or for us to send some questions to you on that?

Dr BONHAM - Yes, I would. It probably helps me to have an idea of when you would want that by.

CHAIR - We can correspond with you out of session on that.

Ms O'CONNOR - I want to pick up on your observation, your belief, that there are too many independents able to run and that we saw evidence of that in the 2025 state election. I guess, a counter to that, if we make it harder for people to run as an independent, you might have less diversity of views, less democratic engagement in some ways. There's a balance here, isn't there? Because you don't want to discourage good independents from putting their hands up outside the party system.

Dr BONHAM - No candidate who is remotely competitive will be discouraged by what I have suggested. The candidates who have trouble finding 50 signatures instead of 10 are not going to get elected. The comment I make briefly in my submission, there are other ways for people to engage. People do not have to engage with the political process by running for Parliament in a way that mainly causes people like me to be digging through social media posts trying to find anything whatsoever that I can say about these people. Running for Parliament should - people should run effectively. It's good to have a few colour candidates, I guess, to sort of add interest and quirkiness to the system, but there is a real feeling from voters - sort of like a 'Who are all these people? Why are there 38 candidates?'. This kind of thing.

Ms O'CONNOR - Does any other jurisdiction that you know of put in any kind of tightening up of candidate eligibility processes to deal with some of that?

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Dr BONHAM - The barriers vary by jurisdiction. I am obviously more familiar with the federal jurisdiction. I have not looked at exactly what the barriers are in other states, but we are different because of having Hare-Clark. That also comes into deposits, where in most states, you have to get 4 per cent or 5 per cent to get your deposit back. Here, you only have to get 2.5 per cent after preferences - very generous.

Ms O'CONNOR - A last question, if I could, on Hare-Clark? We saw, particularly after the 2025 state election, a chorus of calls - including from the Tasmanian Chamber of Commerce and Industry, from some Liberal members and some Labor members - to walk away from Hare-Clark. 'It's time', is what voters post the election were told. Do you have any observations or thoughts on that and the value of Hare-Clark?

Dr BONHAM - Yes, I have looked at that. I have commented about that in my submission where I linked to an article I wrote about that. There does seem to be a lot of that out there, more of it than in 2024. I think people possibly more saw the 2024 election as potentially a one-off, and then we had a similar result again. People don't actually realise how close this election came to being a majority result. It was within a few per cent if the few per cent fell in the right seats, so it's not impossible to get majority Government in this system.

The comment I make generally is that people who support a move to 35 single seats have not thought through the downsides of that, or don't want to admit to the downsides of that.

In terms of very small electorates, in a lot of cases the electorates would have fewer voters than some of the large councils, and that's not ideal. I tend to think that state electorates below about 20,000 have problems.

As to the question of whether it would actually avoid hung parliaments, I am very dubious that it would. I mean, when you have very lopsided results, you get majorities, but I think you would get them in this system anyway. You would still get a pretty substantial crossbench in such a system, but you might get more of a sort of Legislative Council independents rather than quite as many Greens, for instance.

Ms O'CONNOR - Even major party politicians potentially if it becomes that localised.

Dr BONHAM - Yes, it becomes a very localised system in terms of what individual candidates are running on. It's likely to become more parochial than running for larger electorates. We've had people talking about the difficulty of running for large electorates. It's not as if Lyons is exactly Parkes in New South Wales or O'Connor in Western Australia, or something like that. They're not that large.

CHAIR - You don't need a plane necessarily.

Dr BONHAM - It is also a fact that under Hare-Clark, although candidates are competing with each other to a degree, you also have multiple candidates covering the electorate and multiple members covering the electorate for the major parties that are elected. I am concerned about the lack of thought behind the 35 single seat proposal, and that the people putting it forward are not really addressing the concerns about it.

I've also mentioned that I think it's well known that there were problems with switching from five seats of seven to seven seats of five. It makes a complete mess of the electoral

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boundaries and requires you to create a whole new boundary process for very little gain because you are going to get very similar results. You will probably get rid of people winning seats on less than 5 per cent as an independent, but that was an unusual result anyway, caused by the fact that nobody had much left in the race for the final seat.

Ms O'CONNOR - Thank you.

Ms JOHNSTON - If I could take you back, Kevin, to your recommendations about being an independent candidate, obviously I was one who benefited from being an independent candidate in the last election. Your recommendation in relation to the number of signatures required is an increase to 50. On the ballot paper there are two pathways for an independent candidate to be recognised. One is in the ungrouped category, which requires 10 signatures and any other candidate who's only got 10 signatures as an independent goes in that ungrouped category, or an independent can have a column of their own on the ballot paper for 100 signatures, which are required.

Can you talk to us for a bit about your thinking around the recommendation for 50 and for why not maybe 100? Perhaps you can give us a bit of history, if you have it, or analysis around the number of candidates who've been elected from the ungrouped category as compared to their own separate column on the ballot paper and your thoughts about that.

Dr BONHAM - No-one has been elected from the ungrouped column in a very long time. Off the top of my head, it might have been the 1950s when there were fewer candidates running, but I would have said exactly when it was somewhere in all my work.

Ms JOHNSTON - Has anyone come close or performed particularly well?

Dr BONHAM - Well, Rebekah Pentland was actually not that far off winning at the last election because of that situation in Bass where there were a number of candidates with not very many votes fighting for the last seat. One thing that happens when there's a pile of ungrouped candidates in the column together is that some voters actually just preference all the ungrouped candidates even if they have nothing to do with each other.

It's not necessarily a bad thing, but that is more not necessarily a cause-and-effect thing. It's that candidates running from the ungrouped column tend not to win because independent candidates who are capable of winning will, in general, get a grouped column because it makes them stand out more on the on the ballot paper. It's not that you can't win from the ungrouped column; it's that people choose not to try.

Ms JOHNSTON - Your recommendation is to increase the number of signatures required from 10 to 50. Obviously, someone who has an individual column is required to get 100 signatures. Can you talk a bit about why you've suggested 50 as opposed to 100? Do you think it'd be better to have all independent candidates having their own column, having a higher threshold?

Dr BONHAM - Some might think just make it 100 for all candidates. One thing there is that people are going to go out and get their 100 signatures and then say, 'Since I've got 100 signatures, I might as well get my own ballot paper column as well'. Then you may have too many ballot columns. There's a bit of a balancing act there.

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I was just picking 50 as what I thought was a happy medium between the desire to make people demonstrate that they have more support than a bunch of their mates, and the desire that we're not putting up too many barriers to entry. I'm not too fussed about what the exact levels are; I'm just suggesting that there be some kind of increase so that we don't have people able to run for Parliament just for 10 signatures and a \$400 deposit, which for a lot of people is just nothing.

Ms THOMAS - Thank you for your submission and being here today, Dr Bonham. My question is along these same lines. In your submission you say there are plenty of other ways people can participate in elections without cluttering the ballot paper. I'm wondering what sort of things do you have in mind when you suggest that? What are these other ways? Often people will run for office because they're motivated personally to represent and serve the people. What other ways can people participate, not just in elections, but in public life more broadly, do you think, if that is their motivation?

Dr BONHAM - A lot of people run for election knowing that realistically they have virtually no chance of getting elected, or should, but they run anyway. Often they're doing it to draw attention to a particular idea, but when there are so many candidates running, running to draw attention to a particular issue is not very effective because there's so much coverage going on at election time. Citizen journalism is another way of participating in elections, covering elections, writing articles about elections that focus on particular themes. I'm involved in elections; I don't run for them.

There are plenty of activity groups, lobby groups. There are so many ways that people can get themselves involved in democracy. Not everyone has to run for Parliament to get involved.

I have this concern at a local council level too. The barriers for running for the bigger city councils - it's not so much smaller councils that often have trouble getting enough candidates to fill them - are just getting too many candidates running and not running effectively. What is the point of having someone run for a city council and get 20 votes? In general, this is something that really needs to be more of a push towards more serious barriers to uncompetitive candidates. It's a problem for voters.

Ms THOMAS - You mentioned, further and for my follow-on about candidates knowing what they're actually standing for, understanding the job they are applying for, effectively, or what they'd be required to do if elected. Have you ever considered any sort of requirements for some sort of training or information session that candidates ought to attend? It is something that's been brought in in the local government space. But do you think there's merit in actually having to be briefed on what the job is before you actually put your hand up and being able to tick a box to say, 'I understand that the job involves this, this and this and I'm putting my name forward.'

Dr BONHAM - That's something I haven't thought about in respect to state politics levels. Anything I might say about it will not be on the basis of much thought.

Mr BAYLEY - Exploring the two issues unpacked so far: the informal and exhausted votes and 'too many independents'. Do you see a correlation there? Does the 'too many independents' issue have an impact on the informal and how that data comes out in the end?

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Dr BONHAM - That will be difficult to tease out from all the other things that go on with the informal vote rate. One of them is the increase from five boxes required to seven boxes required. It seems we might have got a bit lucky in the 2025 election, as high as the rate was, because there were few of these not quite full-ticket parties running. There were a few cases where parties were only running three candidates in an electorate. Those [full-ticket parties] are associated with high informal votes.

I don't know that the number of uncompetitive candidates necessarily drives up the informal. It may. It makes things harder for people who do things like starting at the bottom and working back. A lot of people will try this. People who try numbering all the boxes will sometimes try starting at the bottom and working back and they're more likely to slip up somewhere and put in two fours and that kind of stuff.

Mr BAYLEY - And nothing in the conduct of this election has changed your view around the need for savings provisions in the future?

Dr BONHAM - No.

Mr BAYLEY - You're still 100 per cent committed to them?

Dr BONHAM - The theory is the same. The discussions I had with this Committee last year [2025] were somewhat helpful in terms of refining what I thought was the best solution. I've suggested that - I made a recommendation in my submission.

Mr BAYLEY - Yes, you do: 'Any vote where a voter has numbered at least seven boxes -

Dr BONHAM - Has numbered at least seven boxes with a unique one. So, catch votes where the voter has at least tried to follow the instructions and failed. Votes where the voter has got a ballot paper that says number seven boxes and only value one. The ACT saves those but maybe don't necessarily save them.

Mr BAYLEY - As the proponent of that, if you're playing devil's advocate, why wouldn't you do that?

Dr BONHAM - The concern that's raised is about driving up the exhaust rate, supposedly leading to unrepresentative results in the contest for the last seats; people getting elected with well short of a quota. But the point I make about this all the time is that the quota is actually a device for getting people out of the race as soon as they've got enough votes. It's not some sort of sacred indicator that this is the only way you can deserve a seat. If people get elected for the last seat with somewhat less than a quota, that to me is preferable to having a bunch of votes not counted where there is clear evidence that the voter had intended to vote for several candidates. It may be that error was not even material if you'd counted that vote.

Ms HADDAD - My question will sound a bit repetitive because it's similar to Vica's last one. I agree with your recommendation that we need vote-saving provisions, but wondered if you could explore more about how they would work practically, noting as you just did that the ACT saves any vote where there's a clear first preference recorded.

There was some discussion when we moved from five seats to seven seats per electorate that perhaps ballot papers that voted one to five in the 2025 election could have been counted.

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Notwithstanding what you said about the fact that it probably won't have a material effect on the results of anyone's seat, recognising we do have low literacy rates in Tasmania. While I feel Tasmanians are very engaged in politics, there is a big chunk of Tasmanians who aren't as deeply engaged in the merits of Hare-Clark and the merits of voting as many of us here might feel we are.

Could you talk us through what happens in other jurisdictions with vote-saving provisions? For example, if somebody voted just one to three, whether that could be a vote that is recognised if we were to adopt vote-saving provisions here? I know your recommendation is as long as seven boxes are clearly numbered, but if you could talk us through what the other alternatives might be or what happens elsewhere?

Dr BONHAM - The other lower House jurisdictions all differ, apart from the ACT; they're all single-seat jurisdictions. Apart from New South Wales, which has optional preferential voting so it doesn't arise, the rest of them are pretty restrictive, including federal. Basically, you have to complete a full ordering; otherwise, if you don't complete them, effectively your vote is informal. Federally you can leave the last box blank if you like and your vote will be saved, but that is effectively a full ordering. Any repetition, any omission, your vote is informal.

The variations from that - the South Australian lower House allows you to make a mistake and then your vote is saved if it matches a card lodged by the candidate you voted one for, but only if your vote matched that card up to the point where you made the mistake.

Ms HADDAD - Wow, that sounds messy.

Dr BONHAM - It's rather weird. It's a weird savings provision, but it does have some effect in reducing the number of informal votes, but there are some concerns associated with it.

Western Australia has a system where votes with skips in sequence - I think its only skips but it might be repetitions as well, but I think it's skips - where votes with skips in sequence can be counted up to the point where there's a mistake and at that point the vote exhausts. In Western Australian lower House elections you will see a very, very tiny rate of exhausted votes. It might be 20 votes per seat or something like that.

The ACT - anything with a unique one is saved and exhausts at the point of the first error. They have a unique system in the ACT where, when they're dealing with surplus votes, the votes that exhaust - the votes that stop at that point, either because the voter has only numbered a small number of boxes or because they've just come to the end of the number that they've numbered, or because they've made a mistake or whatever - the votes that would exhaust at that point are prioritised as being the votes that are left with the candidate. So you try to keep the votes flowing on as being the votes that have preferences to try to keep the exhaust rate down. That has some interesting consequences for recounts because in recounts those votes come back into play.

Ms HADDAD - What about the Senate?

Dr BONHAM - The Senate has semi-optional preferential voting. So you're only instructed to number one to six above the line if voting above the line, or one to 12 below the

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line if voting below the line. In the Senate, anything with a unique one above the line is formal and exhausts at the point of the first error. If you vote below the line, you must have a unique one, two, three, four, five, six without a mistake. Then if you make a mistake after that, your vote will exhaust at the first error. So, one to six below the line and then two sevens, it will go through the first six candidates and then it will exhaust.

Ms HADDAD - In the event of a double dissolution, does the federal [*Commonwealth Electoral Act [1918]*] change that to 12 for a formal vote, I wonder?

Dr BONHAM - No, it doesn't change it. It's the same for double dissolutions.

Ms HADDAD - Thank you.

Ms O'CONNOR - Much to the, at times, frustration of Tasmanian voters, we've been to three early state elections. The 2021 state election was about a year early, the 2024, again about a year early and then the 2025 state election was three years ahead of a notional schedule.

Tasmania's *Constitution Act* says the term shall be four years, but we've actually had some evidence presented to us in a submission by Dr Justin Harding about how we could potentially codify some of the Crown's prerogative in our own constitution in the way that New South Wales has, for example, with its *Constitution (Fixed Term Parliaments) Special Provisions Act 1991*, which provides for a stepped test and places more responsibility on the premier of the day in giving advice to the Governor to have satisfied some of the conditions within these amendments. Since this came into effect in 1991, New South Wales hasn't had a single early election.

Do you have thoughts on providing for a constitutional scenario that doesn't give the premier of the day untrammelled power to put a case to the Governor without having been through some more robust steps in terms of holding a Government together on the Floor [of the House]?

Dr BONHAM - My position is that I don't support fixed terms. I like it that the premier of the day can call an election - can request an election whenever they want. Then the voters can decide whether that request was justified.

Ms O'CONNOR - It places an enormous power in the hands of one politician, though, doesn't it? We've seen the results of that at the last three state elections.

Dr BONHAM - Oh, it does, but I think that the voters punish unnecessary early elections.

In terms of the workability of the Parliament, there can be cases where a Parliament is workable, but it no longer reflects the mandate that the voters gave it, because of defections. You can have a case where people defect from their parties, as was the case with the three Liberals over the stadium. They can defect from their parties and they can continue saying, look, we're going to continue to make this Parliament work and not actually bring the Government down, but we're going to vote our own way on things. That's the Parliament behaving in a way that's different from what the voters voted for because they no longer represent the parties that the voters voted for.

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I think, in cases like that, there's a danger of trapping a Parliament with an unrepresentative balance and not giving the Premier an escape hatch to say, 'I want to see if the voters will let me have a new mandate that's different'.

Ms O'CONNOR - I guess in the New South Wales case, the escape hatch is that there has to be a motion of no confidence in the Government - not the Premier, which is what led up to the decision to take us to a 2025 state election - which is passed by the current Assembly with three days of clear notice. Then, during the period commencing on the passage of the motion of no confidence ending eight clear days thereafter, the current Assembly has not passed a motion of confidence in the then Government. I guess in some ways it gives the Parliament some breathing space to consider whether there might be an alternative arrangement or some adjustment that could be made on the Government's part in order to enable the passing of a confidence motion and preventing advice to the governor that an early election is necessary.

Dr BONHAM - Yes, but that only applies in a case where the Parliament has lost confidence in the Government. I'm talking about cases where the Parliament notionally maintains confidence in the Government but in practice behaves in a way that does not reflect the mandate it was given at the previous election. My concern is that fixed terms can leave such a Parliament - the Government has to end up doing weird things like passing a motion of no confidence in itself, if the House will let it. That's one of my concerns about fixed-term arrangements, and it's why I actually like that premiers can call elections when they like.

Ms O'CONNOR - On potentially flimsy grounds. Because in the case of the last no confidence motion, it was no confidence in Jeremy Rockliff as Premier, not the Government of the day. The Premier sought to link those two and make them inextricably tied, but it's not necessarily the case.

Dr BONHAM - Well, the alternative that the Government was left with here is that it could put in a new premier on account of Jeremy Rockliff having lost the confidence of the House, but then it's putting in a new premier who it didn't take to the previous election and throwing its own leader under the bus to do that. I can understand that people were reluctant to do that.

Ms O'CONNOR - But every time you change a leader, for example, at a political level federally, there's not necessarily an election. Parties change leaders during the course of terms from time to time.

Dr BONHAM - Yes, parties change leaders, but most of those cases are where the party itself decides to change its leader. It's quite different to having a Government go on with a premier who's basically forced on the party by the Parliament because the Parliament has lost confidence in a particular person to lead that Government. The Government doesn't actually want to go on in this circumstance; it would actually rather go to an election. It's different.

You do get some of these cases - Nick Greiner is one that springs to mind - where the Parliament loses confidence, but the party actually wants to go on under the new Premier because there's a reason for that. In this case, the Government may have thought that there was no reason for it.

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Mr FERGUSON - Good morning, Dr Bonham. Thanks for your submission and your evidence this morning. I want to thank you for your comments and take you to your submission where you had a discussion around exhaust, and an earlier questioner looked at that as well.

I'm interested in your statement based on the exhaust that happened statewide and, in particular, in Bass where the exhaust was as high as 8 per cent. You seem quite unworried about that. One of the comments that you've made is that, to quote your submission, exhaust votes include votes coming from surpluses that have already helped elect somebody. I wondered if you could explain that position a little more clearly.

And, for background only, it's worth noting in my electorate of Bass, we actually had a very low voter turn out. Nearly 11 per cent of people did not vote; 6 per cent of voters voted informally, so I quite appreciated your comments around savings; 4500 people's votes didn't go toward electing somebody because it was informal; and 5383, nearly two-thirds of a quota, were exhausted. Therefore, those people, in my opinion, did not help elect an MP at all. I wonder again, if you could articulate the logic of how exhaust votes include votes coming from surpluses that have already helped elect somebody.

Dr BONHAM - Yes. When there is a candidate elected with surplus, for instance, let's say somebody gets twice as many votes as they need on the first count, half of the value of that vote effectively stays with that person and half of the value of that vote effectively flows on to other candidates. The ballot paper continues to be circulated to other candidates or potentially to exhaust.

So, when you see a certain number of thousand votes sitting in exhaust, that doesn't mean that that number of voters have had their vote make no contribution to electing anyone. In fact, the number of voters represented in that exhaust figure is higher than the number of exhausted votes. A lot of these are votes that have contributed part of their value to electing someone, at some point in the count, and part of their value has later exhausted. For instance, somebody might have voted one for Bridget Archer down the Liberal ticket and then stopped - that vote has contributed to electing Bridget Archer and probably to electing other Liberals as well, but if it reaches the exhaust pile at the end, then it is not doing so at full value; just some portion of its value is contributing to be exhausted.

It's not the same as having 8 per cent of the electorate having no say in the outcome. It's more that there are a lot of people who have partially contributed to electing somebody, but they've not kept their vote in the count and, as a result, part of the value of their votes has not contributed to electing anybody. Sometimes that can be a very small part.

Mr FERGUSON - Thank you for the very good answer. If I may supplement that, if you're representing the exhaust vote including as proportions of individual votes, isn't it the case that in the end the reported exhaust rate represents the equivalent of full votes? Without wanting to split hairs here, isn't that exactly what does happen during a count, that votes are split and they're exhausted by a proportion of vote? In the end, though, it's reported as the equivalent of whole votes. Isn't it reasonable to say that the equivalent of nearly 5500 people in Bass who voted formally didn't contribute to electing an MP?

Dr BONHAM - It's a somewhat misleading thing to compare them because it's hard to avoid it sounding like saying, 'This many thousand people's votes didn't have an impact', which is not actually true at all. It's more that it's a number of vote values that left the system. There

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are trade-offs between exhaust and formality and people having a meaningful say rather than having their preferences controlled by parties, as in the 'group to get' voting system. I think that a level of exhaust is not a problem because it is that trade-off. We see the same thing in Senate elections as well. We see a level of exhaust, but it's not a huge level of exhaust. It's commonly about 5 per cent of vote values.

Mr FERGUSON - Thank you for that, appreciate that. Back to you, Chair.

CHAIR - Thank you, Mr Ferguson. Do any other members have burning questions for the last couple of minutes? No? Thank you very much for attending the hearing today, Dr Bonham.

I'll just mention that, as I advised you at the commencement of your evidence, what you've said to us here today is protected by parliamentary privilege. Once you leave the table, you need to be aware that that privilege does not attach to comments you may make to anyone, including the media, even if you are just repeating what you have said to us. Do you understand that?

Dr BONHAM - I do.

CHAIR - Thank you very much. We appreciate your time.

The witness withdrew.

The committee suspended at 9.58 a.m.

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The Committee resumed at 10.00 a.m.

TASMANIAN LABOR

CHAIR - Thank you and welcome to the Joint Standing Committee on Electoral Matters. We're doing our Inquiry into the conduct of the 2025 House of Assembly general election and 2025 Legislative Council elections. Online we have Michael Ferguson MP, Liberal member for Bass. Here at the committee table we've got the honourable Bec Thomas MLC, member for Elwick; Ella Haddad MP, member for Clark; the honourable Cassy O'Connor MLC, member for Hobart; I'm Meg Webb MLC, member for Nelson; we have Kristie Johnston MP, member for Clark and the honourable Mike Gaffney MLC, member for Mersey. We also have Scott, the Secretary, and Terry from Hansard.

We welcome you appearing today and thank you for your time. There are some formalities I'm going to go through. Before giving your evidence, I need to inform you of some important aspects of the committee proceedings. A committee hearing is a proceeding in Parliament. This means it receives a protection of parliamentary privilege. This is an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom without fear of being sued or questioned in any court or place out of Parliament. It applies to ensure that Parliament receives the very best information when conducting its inquiries. It's important to be aware that this protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside the confines of the parliamentary proceedings. This is a public hearing, so members of the public and journalists may be present, and this means your evidence may be reported. It's important that should you wish all or part of your evidence to be heard in private, you must make this request and give an explanation prior to giving the relevant evidence. Do you understand?

Mr MOORE - Yes.

CHAIR - Thank you, Mr Moore. You might like to state the position you hold in terms of appearing before us today and who you're representing, and if you'd like to make an opening statement after that, you're very welcome to do so.

Mr JARRYD MOORE, STATE SECRETARY, TASMANIAN LABOR, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

Mr MOORE - My name is Jarryd Moore. I'm the state secretary of the Tasmanian Branch of the Labor Party. I thank everyone for the invitation to appear before the committee. It seems like it wasn't that long ago that I was here before.

I'll keep my opening statement brief. I think I sort of covered everything in both this submission and the previous submission we've made. Obviously this election had an additional aspect in terms of the new funding and disclosure legislation, a very complex piece of legislation, and I think the nature of that means that like every state that's introduced that, there's some reform that needs to happen to tidy up how it works and make sure it's doing its intended job.

One of the other things we focus on in the submission, and in our previous submission as well, is the need to sort of modernise some of the aspects of the operation of elections in

PUBLIC

Tasmania in terms of things like the voting count and digitising procedures and things like that. I might throw it open to questions and we can go from there.

CHAIR - Thanks so much for that, appreciate it. It's very useful to have reflections on the first time we've used some of these new provisions we have here in the state. I know that there will be matters of interest that we want to delve into with you on that. I will go to Ms Johnston first.

Ms JOHNSTON - Thank you, Chair. Thanks, Jarryd, for coming along today. One of the new provisions is in relation to campaign funding. You've made a number of observations about the process around that. Obviously, it's the first time we've done this, as the Chair has indicated, and there have been some hurdles, I suppose, in places, from your submission you've outlined.

I've had a quick look at the Tasmanian Electoral Commission website this morning and I think it's up to date, but it does indicate that - full disclosure to the Committee - I am the only person who's received final payment for the campaign funding application and that everyone else is still waiting for their assessment to be processed. Parties received provisional payment up to 90 per cent, but independent candidates did not receive any provisional payments. I make that very clear for the record.

It does look like, from what the TEC has on its website, that the Labor Party's potentially \$55,000 is still waiting for payment. Now, the intention was that payment will be made within 60 days for 90 per cent of that funding and the expectation that there would be, not long after that, finalisation of that payment. Can you talk a bit about the impact of having a prolonged period of assessment on that?

Mr MOORE - Yes, so as far as I'm aware - I'm not aware of other jurisdictions where that process has dragged on like this long. There is probably a gap in the Act¹ in terms of the legislated requirements. There's that timing for the provisional, but there's essentially an open-ended time on the remainder of that. That's probably something there would be reasonable agreement on that needs to be addressed, especially in the circumstance where people are answering any questions, providing the required information, complying as required. I'm not actually quite sure why it's taking so long.

In terms of the impact, various parties may be able to fill that gap, but others may not be able to do that. I would suspect it is harder for an independent candidate to fill that gap which is not the intended outcome of that provision. If there are parts of the Act² that are preventing the TEC from doing that in an efficient way, then we need to look at how we make that process more efficient.

One of the things we mentioned in there was there was a regulation established - I think literally days before the Act³ came into effect - requiring the submission of every piece of content. We received advice from the Department of Justice prior indicating to us that the intention of that was around the probity around that provision of that public funding, but what it ended up being, in practice, was actually a submission of everything, regardless or not that material related to funding. The material related to funding is only a very small subsection, like

¹ *Electoral Disclosure and Funding Act 2023 (Tas)*

² *Electoral Disclosure and Funding Act 2023 (Tas)*

³ *Electoral Disclosure and Funding Act 2023 (Tas)*

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every piece of content we post or advertise or whatever. But my understanding is that the TEC has taken an approach of reviewing and assessing every single piece that's been submitted, regardless whether it's related to the funding claim before paying the funding claim. I'm not sure why that's the case, but that's a pretty good example of the inefficiency of the current regulation.

Ms O'CONNOR - Can I get some clarity there; what sort of other material is the TEC looking at? Sorry, Kristie, but just to understand what they are sifting.

Mr MOORE - Every ad we placed on social media, every piece of material we posted out, every sign we produced, all of that has to be submitted regardless or not whether that material forms part of the funding claim. They are assessing all of it before approving the remaining 10 per cent.

Ms JOHNSTON - You talked about the impact and mentioned in your submissions that Tasmanian businesses are not necessarily getting paid on time for outstanding invoices. Parties at least have the opportunity to get a preliminary payment upfront. For independent members, there's no preliminary payment. It's a burden that they carry fully until the TEC decides to. So, in my case that was a mortgage payment, so I had to wait until that was paid before I could pay the mortgage back.

When you're talking about the requirement to provide information, can you talk a bit more about the level of detail the TEC is requiring and perhaps what your party's understanding was prior to the election, and then once you have submitted it? Certainly, I've heard information, and I have experienced myself that, for instance, with a brochure delivery, that they needed to know the precise dates on which - not only was the expenditure incurred in terms of the printing of the material, but the distribution of the material. In an electorate like Clark, it's possible that, for instance, you distribute the material over a number of days. You might not know how many brochures were distributed on each particular day, but you know the overall number and the period. But they wanted to know the level of detail in terms of granular detail per day.

Has that been the experience of the party? How has that impacted you doing this across five electorates, obviously seven candidates? How has it impacted on the ability to actually enter the data? Noting, of course, that we want the highest of probity when it comes to campaign funding, because it's public funding.

Mr MOORE - We haven't been asked for that like that specific example on the distribution of brochures. If we were, that would be highly problematic, because that is simply not information we record at that level. I'm not sure anyone ever would record at that level.

Ms JOHNSTON - No-one that I know does.

Mr MOORE - An example from us, though, I suppose, is something like social media advertising - it is a really good example. Many different platforms and advertising are distributed to voters in many different formats on a device. Even on a device it could be scrolling, could be on reels, could be on a desktop. So one ad may come in 10 more different formats. By a very strict reading of the regulation, we didn't provide every single one of those formats, which means that we have essentially hundreds and hundreds of pieces of material which is a very onerous task amongst 35 candidates.

PUBLIC

Ms O'CONNOR - For all concerned, too, because it then becomes onerous for the TEC.

Ms JOHNSTON - My understanding too is that Meta and Google, for instance, when they provide their invoices, which you are also required to provide to the TEC, don't necessarily provide that level of detail about the different formats, the times. Google, for instance, do it over a lump-sum period. You reach a threshold and they bill you. Has that been an issue for the party?

Mr MOORE - Yes, that is the case and I suspect probably one of the reasons for the delay - the ability to match those pieces of material and exact invoices is not a perfect system. We can't control how suppliers bill us, especially when we're talking about essentially monopolies on social media. The bill is what it is. It comes as it is. We do our best, but, yes, I suspect that's having an impact on the time it takes.

It is also worth noting, you mentioned the ability to fill that gap in the interim. We were able to do that this election. You mentioned your circumstance. The strongest argument for fixing that is actually that because of the legislation and its requirement you can only make payment from a certain pool of funds - you can't just go and borrow money from a separate pool and pay it for the interim. It's only allowed to come from -

Ms JOHNSTON - One account.

Mr MOORE - Yes. Only certain money, like money donated for that election can go into that account. Even if you've got money sitting over here, you can't loan that to yourself. You would have to go and get a commercial loan to fill that. The restriction on the use of those funds is right. That's the right place for the act to be. That has to be then balanced by the other parts of the act.

Ms HADDAD - Jarryd, I had questions about that issue with providing information around advertising. I wondered if you could describe to us - when we come to be making the recommendations in this committee's report - how you would like us to best describe that issue? It seems to me maybe the interpretation of the regulations is harking back to an era where a piece of electoral advertising was a static ad in a newspaper and it would be very simple to provide that information to the TEC.

By way of example, my own personal ad for the 2025 election, as a non-advertising person, I feel like I made one 30-second ad, but then that was chopped down into 15-second versions and a different version for Instagram and a different version for Facebook - but that head material, if you like, that core material would have still been just that 30-second ad. So, like Cassy said, it seems impractical for the TEC to be sifting through - I think there was something like 150 different versions of that 30-second ad - maybe not that many, maybe it was more like a few dozen, I'm exaggerating - but the core material was what was contained in that original 30-second ad in terms of anything that the TEC might need to assess in terms of probity.

Ms O'CONNOR - You're still expending from the other products that you've made from the ad, so you have to capture that somehow.

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Ms HADDAD - Yes, it has to be captured, but in terms of them assessing whether the material was appropriate to have money spent on it, or whatever it is that they are sifting through, could you describe for the committee the difference between, for example, a static ad in a newspaper versus how digital advertising works, how best you'd like us to communicate that in our recommendations?

Mr MOORE - I think there's a couple of aspects to the regulation that's changed. The very first top-line one is that the regulation should apply simply to the funding claim and not the whole electoral return, which would probably instantly make that quite a bit more manageable. For a funding claim, I think it would be relatively safe to say that most claimants would use their largest pieces of advertising and not something they spent \$20 on printing.

Second to that, I think having a provision that allows for a piece of material in a different file format, different size, and it's probably the two largest ones, but some sort of flexible variable where essentially a piece of material has the same message, the same audio, and is otherwise unchanged. It can simply be provided in that single format, rather than every individual version.

Ms O'CONNOR - I have a question but it's on a different part of the submission.

CHAIR - Okay, we can move on.

Ms O'CONNOR - Thank you, Jarryd. This is a question that I asked you last time and it relates to the pitch for us to move towards electronic voting and counting. We've seen in other jurisdictions, for example in the United States, how there can be a lack of trust, if you like, in electronic voting and counting systems. We've heard from the likes of Elon Musk, for example, that you can hack any electronic system. How do you prevent an erosion of election integrity in the count by moving towards an electronic system, where you're taking away what we've had for a long time here: a reliable hand-counting, many-volunteer system?

Mr MOORE - I think there are two parts to that. The American experience is certainly something that we want to avoid.

Ms O'CONNOR - Well, we have to.

Mr MOORE - Yes. I think a large part of that is the private outsourcing of the counting and the systems, which I think I could safely say the Labor Party would not be advocating for at any point.

The best example is our sister jurisdiction, the Australian Capital Territory, which has had an electronic process for quite a long time. It's got a number of measures that introduce additional checks and balances on that. I understand that there are paper backups of voting records and that the source code for the software itself is made publicly available and can be and has been reviewed. There have been very minor technical mathematical things that experts have found over the years that have been corrected in that software over time, which I think goes to the increase in trust in a piece of software like that where you can have experts actually analysing it and reviewing it.

Ms O'CONNOR - Okay, but what's wrong with the system we have now?

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Mr MOORE - I think this election is not a bad example. It took essentially two weeks, I think, in Bass to actually know the outcome of -

Ms O'CONNOR - That's pretty standard.

Mr MOORE - It depends on the jurisdiction you're in, I think.

Ms O'CONNOR - There's been a number. I remember Kim Booth's election in - I don't know, 2006 maybe - right out to the end of the two weeks. It's not unusual because you have to wait for postal votes to come in and that sort of thing. Is it a question only that it takes a bit longer to determine all the seats? Is that the sort of thinking behind why we might move in this direction?

Mr MOORE - I think that's the primary consideration, especially in a jurisdiction like Hare-Clark where you're obviously much more likely to have a process of negotiation after an election. I think knowing the outcome sooner is a better outcome and creates a greater sense of trust in the process. A long, ongoing kind of question mark over things I don't think is useful after an election.

The second part is the ability to 'know' countbacks. In a jurisdiction like the ACT you can have that data publicly available and you know the countback for any member of Parliament. It's not a roll of the dice. When someone resigns from Parliament, you know exactly what the outcome is, and that's not the case in Tasmania.

Ms O'CONNOR - So it's more really thinking around convenience, because the Senate results, for example, can take up to two weeks to be really clear. Tracking back to the state election, you do need to provide adequate time for overseas votes and postal ballots to come in. Once all those votes are in, the process of the count really does unfold pretty quickly. Are we not talking about in some ways just a margin of a couple of days here or there to get the final result if we move to an electronic count system?

Mr MOORE - There is a possibility that the inclusion of late votes, overseas votes and the like, could determine the outcome, but those pools of votes are small enough to unlikely to be the case. There could be edge cases where that is the case -

Ms O'CONNOR - Not the same for postal votes, though. Postal votes can sway a seat.

Mr MOORE - That is correct, but generally as you get the first few batches in, you tend to know what the pool of postal votes looks like and whether it's homogenised, so you can make a reasonable assessment. Now, obviously, there will still be cases where it comes down to literally a couple of votes. That might not be the case, but I think having a process where you at least have a better idea still creates more trust in the political process.

Ms O'CONNOR - I think that's a big call. Anyway.

Mr FERGUSON - Thank you, Chair, and good morning, Mr Moore. Thank you for your submission. There's a lot in the submission that I feel makes perfect sense. Some has been discussed already, in particular some of the housekeeping around finances under the new regime, so thank you for that. Also, I appreciated your contribution relating to vote-savings provisions.

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I want to take you to page 4 of your party's submission where you explore expenditure caps. This isn't a new idea. As I'm sure you'd be aware, the then Giddings Government in about 2011 or 2012 put a bill through the Lower House to achieve expenditure caps but it was not supported in the Upper House. I'm picking up on the proposal. I would like to understand a clarifying point before I go further, which is, is your policy proposal the same as was the case in that period of Government where it would be an expenditure cap by party, or is your proposal that it should be by candidate, given that it's a Hare-Clark system with independents.

Mr MOORE - I'm not familiar with the proposal from the former Labor Government, so I can't actually speak to that.

The proposal that I think I spoke about at the previous appearance before the committee would be some kind of model - and I don't have a particular view on exactly what that would look like. There are many ways to structure that. I think it would need to take into account the fact that parties do exist. They exist literally on the ballot and that advertising is not always simply related to a candidate. Obviously, parties put out generic party content. So, I think there needs to be a balance between those two things. Exactly how that model lands would need to go through a process of discussion, but I think just to have a model that applies individually to candidates, I'm not even sure how that would work in practice.

Mr FERGUSON - Alright, thank you for that answer. So, I would not, and I won't, try to put words in your mouth. But it seems that, if you're reflecting that it'd be very difficult to apply by individual candidate - look, I am puzzled by it, the proposal, and how it could work in either of those two scenarios in practice and in fairness. But for the point of this discussion, if it applies at a party level in our Hare-Clark system, candidates from the same party or no party are all competing for primary votes and preferences, within a mainstream political party like yours or mine, how would a cap avoid central spending decisions in the party, for example, disadvantaging new candidates, challengers, who are raising their own money and running their own campaigns and trying to build name recognition against incumbents who already benefit from incumbency and office, parliamentary resources? How is it possibly going to be consistent with the intent of Hare-Clark?

Mr MOORE - I think that's a question that's actually a bit unrelated to expenditure caps because that can already be the situation: a party has its own set of rules around the endorsement of candidates and it's able to manage that internally how it sees fit. I don't think that would be a new concept with expenditure caps.

Ms O'CONNOR - Also, a number of other jurisdictions have put expenditure caps in place.

Mr MOORE - I think we're in the minority now.

Ms O'CONNOR - We're not reinventing the wheel here, with the principle of a reform.

Mr FERGUSON - Yes, but we are Hare-Clark. Other states aren't, unless there's one in the ACT.

Ms JOHNSTON - There is.

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Mr MOORE - There is.

Mr FERGUSON - If I can just then - yes, okay. Well, I think we should - then in that case, I might conclude with a final question, Chair, and thank you, Mr Moore, for your answers.

If there's an expenditure cap, what is that motivated by? Is it because you see the Liberal Party having too many campaign resources and you want to be able to compete better? Is it a problem, though - as it was in the 2010 to 2014 era of Government - is it a problem to explain how it isn't advantaging, say, two parties that may form a coalition - let's say Labor and the Greens as it was back then - having double the expenditure capacity of its main rival, how would you reconcile that?

Mr MOORE - I think that the provision of expenditure caps is actually the second half of the component of public funding. The idea of public funding is meant to reduce the external influences on politics, but if you're simply putting public funding into the system, you are just increasing the pool of money there and not doing the other part of that job.

Ms HADDAD - It was the debate we had in the Chamber at the time, I think.

Mr FERGUSON - Alright, I will leave it there. Thank you, Chair.

CHAIR - There's certainly different thoughts on that. Hare-Clark does throw up particular challenges around expenditure caps, I agree, that are different from jurisdictions without Hare-Clark, and how you count all the different expenditure from the individual candidates and whether that has to go into the pool of the party's expenditure or not. That would seem to dissuade, maybe, candidates to go out of their way to fundraise for themselves if it's just going to be put into the central funding and counted towards the central cap. That's a comment, not a question.

Can I ask a question about another small part of your submission? Again, because I'm an Upper House member and didn't experience the 2025 Lower House election with this first iteration of some new rules and arrangements - the part where you talk about registration of official agents, though, is of interest to me. You talk about an unintended oversight that you believe is there in the drafting of the Act⁴ around official agents being required to be enrolled in Tasmania. Can you talk the Committee through that in a bit more detail so we fully understand the issue you're raising and can follow it up with the TEC?

Mr MOORE - Yes, my understanding is that the TEC may have included something about this, either in a submission or has indicated pretty clearly that it intends to make a recommendation around this. There is a part of the Act⁵ where official agents are required to be enrolled in Tasmania, and it only applies to one part of the Act⁶ and not others. Looking at it - and, forgive me I haven't pored over the Act⁷ before I came here, but the way it is written, I think, when you see it - clearly demonstrates that it's not the intention of the Act⁸ to do that because other parts of the Act⁹ approach that in a way that someone would not need to be

⁴ *Electoral Disclosure and Funding Act 2023 (Tas)*

⁵ *Electoral Disclosure and Funding Act 2023 (Tas)*

⁶ *Electoral Disclosure and Funding Act 2023 (Tas)*

⁷ *Electoral Disclosure and Funding Act 2023 (Tas)*

⁸ *Electoral Disclosure and Funding Act 2023 (Tas)*

⁹ *Electoral Disclosure and Funding Act 2023 (Tas)*

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enrolled. It's just an artefact, I think, of the way it was drafted. Possibly - you can see quite large parts of the Act¹⁰ are drawn, particularly from the New South Wales legislation and I think in drawing on some of that it may have missed one of the nuances in the way that it applies to Tasmania. So, you have a very weird situation where the official agent has to be enrolled in Tasmania regardless of where a company is registered or a donor lives or - it's just a very strange sort of situation

CHAIR - Constricting by the sound of it.

Mr MOORE - Yes. The TEC - to its credit - took a while - but, it has tried to find a pathway. There's a weird quirk of the Act¹¹, I understand it provided advice on, where there's essentially a default agent who doesn't have to be enrolled in Tasmania, but if you register someone who's not the default officer for an entity, that person has to be enrolled. You can have someone for the exact same entity default to the role - like default as the official agent - but you can't have them actively appointed as the official agent.

CHAIR - Yes, that seems an anomaly that does need to be addressed. Can I also ask in a more general sense, given that the 2025 Lower House election came about unexpectedly at short notice and it was right across a time when we were having new arrangements come into play relating to electoral funding and disclosure of donations and all that, all the like, it would have been particularly important, I would have thought, that there be really good communication back and forth both proactively and responsibly from the TEC to parties and candidates running in that election. Can you provide a reflection on how your party found those communication channels with the TEC across that time? Just in terms of effectiveness?

Mr MOORE - Yes. During the election period, we were certainly able to get advice, but given the urgency of it all, I think it's fair to say that the advice was delayed. In fairness to the TEC, it has certainly taken a non-punitive approach to that, if you are attempting to comply and seek advice from it; nonetheless, not ideal that it took that amount of time. We wrote to the [Electoral] Commissioner, not last year, was the year before now -

CHAIR - 2024?

Mr MOORE - Yes, that is correct. - and requested that the first set of guidelines around exactly how the implementation would work, ideally, would be issued about six months before, so in December 2024. I believe they weren't actually issued until - don't quote me on the exact date - but sometime in April 2025.

Ms O'CONNOR - Quite late.

Mr MOORE - Yes, which, for a very complex piece of legislation and complex administratively to comply with, even outside an election, is not a sufficient amount of time to properly get an organisation structured in a way that allows that compliance without significant disruption.

Ms JOHNSTON - I have one further question. It's not specific to the Labor Party, but perhaps you can talk about your experience. The campaign funding application form requires

¹⁰ *Electoral Disclosure and Funding Act 2023 (Tas)*

¹¹ *Electoral Disclosure and Funding Act 2023 (Tas)*

you to outline your expenditure, and you make a claim and you can be paid up to a maximum amount according to the value of your votes - I think it's \$6.12 per vote, up to a maximum. When you make that claim, are you required to discount for donations received? Obviously, you need to disclose your donations separately and there's a whole body of work around that too, but when you're making a claim for public funding, is that the total amount of expenditure less donations, or is it just the total amount of expenditure?

Mr MOORE - You're testing my memory. I can't, off the top of my head, tell you that. I don't believe we have to discount for donations. Part of the reason for that - because I'm not aware of any jurisdiction where that's the case - is that when donations are given and they are designated as a political donation, the thing under the Act¹² and can go into that particular bank account, that pool of funds in the bank account is not necessarily exclusively for use at an election. We can use them for our normal activity with our members or internal operations and administrative costs as well. It's not a requirement that it has to be spent exclusively on electoral material. It's simply a requirement that you can't spend money outside that on electoral material.

Ms JOHNSTON - Sure. That speaks to, again, your issue around the campaign account. You talked earlier about the restrictions around that, that you have to have a campaign account which is what you must expend out of to be able to claim it back into that account. I'm assuming that, in your situation, you would talk about that donation account, whatever it might be called, being transferred into the campaign account for the purposes of the campaign. Thank you.

CHAIR - In your submission on page 4 you talk about the value of having an online portal for managing the disclosures and people reporting into the system as being more efficient. My understanding from the TEC submission made to us is that it is looking at adapting a portal arrangement that is currently being used by Victoria. Is that a system you're familiar with? I'm interested to know, other than that, whether the TEC has been reaching out to parties to get input or feedback on how it might best adapt that portal to Tasmanian use?

Mr MOORE - No, the TEC has not reached out on that, which is a little bit concerning. I'm not familiar with the system, but I am aware that there are very varying experiences across the country in terms of political participants' happiness with the way an online portal works and how easy it is to use. I would hope there is a detailed, in-the-weeds consultation process on that before the TEC progresses that quite far, because it could get to a point where it progresses it, its locked into a concept of a Victorian system, but actually it turns out that all political participants in Victoria really hate that system.

I don't know the answer to that. It may be the best model, but consultation with all the people who have to use it is probably an important first step.

CHAIR - Yes, absolutely. In that sense, when you spoke about different jurisdictions having different systems and people being varied in their appreciation of those systems, is there any particular jurisdiction you're aware of where the various political stakeholders in that jurisdiction think they have a good or even a gold-standard system?

Mr MOORE - Not off the top of my head, apologies. I can say, though, that the AEC federally, with the introduction of that legislation coming in from 1 July this year [2026], is running a very extensive best-practice consultation process for that.

¹² *Electoral Disclosure and Funding Act 2023 (Tas)*

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CHAIR - To design its own system?

Mr MOORE - Yes, and I understand it's looked at various jurisdictions but is doing really detailed, deep user consultation on the development of its system. I think that's probably the most detailed I'm aware of that's being conducted around the country. Given that it is currently underway, that is probably a good first place to look. If the AEC is able to share those learnings it would make sense that we would draw on that.

CHAIR - Thank you. Any other questions? We might draw our hearing to a close, then. Thank you, Mr Moore, for your time today. We're really pleased that you could come and speak further to your submission on behalf of the Labor Party.

As I advised you at the commencement of your evidence, what you have said to us here today is protected by parliamentary privilege. Once you leave the table, you need to be aware that privilege does not attach to the comments you may make to anyone, including the media, even if you are just repeating what you said to us. Do you understand that?

Mr MOORE - Yes.

CHAIR - Thank you so much. We thank you for your time.

The witness withdrew.

The committee suspended from at 10.42 a.m.

PUBLIC

The Committee resumed at 11.00 a.m.

TASMANIAN CONSTITUTION SOCIETY

CHAIR - Welcome to the Joint Standing Committee on Electoral Matters Inquiry into the conduct of the 2025 after House of Assembly elections and the 2025 Legislative Council elections. This hearing today is taking evidence from a range of stakeholders.

The Tasmanian Constitutional Society (the Society) is here with us. I will introduce members at the table and on screen. We have Michael Ferguson MP, Liberal member for Bass; Bec Thomas, MLC member for Elwick; Ella Haddad MP, Member for Clark; Cassy O'Connor, MLC member for Hobart; I am Meg Webb, the member for Nelson; Kristie Johnston MP, member for Clark; and Mike Gaffney, MLC member for Mersey. Also, Scott, on our secretary duties and Terry from Hansard helping us today.

Before I ask you to interact with us, let me go through some formalities with you. Before giving evidence, I'd like to inform you of some important aspects of our proceedings. The committee hearing is a proceeding of Parliament. This means it receives protection of parliamentary privilege. This is an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom without fear of being sued or questioned in any court or place out of Parliament.

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WITNESSES - Yes.

Ms WEBB - Excellent. Thank you

Mr NEIL SPARK, PRESIDENT; **Mr PHILLIP JOHN JOSEPH KAUFMAN**, SECRETARY; **Fr PETER THOMAS CONFEGGI**, VICE PRESIDENT; AND **Mr RICHARD UPTON**, COMMITTEE MEMBER, TASMANIAN CONSTITUTION SOCIETY, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - Thank you. Neil, you introduce yourself as the President of the Society and I presume you have committee members here with you. Perhaps you might want to describe the Constitution Society and then make an opening statement for us.

Mr SPARK - The Tasmanian Constitution Society was formed back in 2011. I think some of you will be familiar with that from previous appearances I've made at this committee. It was formed to campaign for the restoration of the House of Assembly from 25 to 35 seats. When that was achieved, the Society decided to continue activities to support, encourage, and

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campaign for accountability, democracy and transparency in our bureaucracy, in our Government and in Parliament.

The Committee we are before today, we think, is a great addition to our democratic toolkit. As you will know, every other state has a similar committee and think it's very beneficial that there is such a Committee in Tasmania. It gives us an opportunity to learn from experience and to make improvements about elections. It gives various groups and individuals the opportunity to have some input into the parliamentary process, which is an important part of democracy.

I might just start with a couple of comments before I talk about the submission we made. First, and I've mentioned this before and I'm sure all of you share my concern, Australians are losing faith in politicians. In 2021, the ABC's Australia Talks survey found that six out of 10 of those surveyed agreed that politicians cannot generally be trusted to act in the interests of the people they represent. I think that that's a problem for our institutions because when people lose faith in their representatives and their institutions, they look to other areas. I think we've seen this in the United States. I think we're seeing it here as well.

Independents and minor parties, their success in the past two House of Assembly elections, I think, are an indication of the electorate's dissatisfaction with political parties. I think that we can't be complacent about this shift that's going on. The loss of faith in Government and institutions can have, in the long term, disastrous consequences. As history shows us, once democracy is gone, it's very hard to get back.

I will just turn, if I may, to the points that I made in our submission. The first one is about the Constitution itself. This might seem like a fairly minor thing, but we thought we'd put this in as a way of, perhaps for want of a better word, 'tidying up' the Constitution. Section 8B(3) is what I'm referring to. It became part of the Constitution in 1978 and was designed to create certainty. At that time, the then Government made a couple of reforms to improve our democracy, particularly the role of the Attorney-General, and that was the context of 8B happening. The section says that a Minister can hold office for no more than seven days after the return of election writs. But this creates difficulties if the election result is not immediately clear. For example, this year's election [2025] was on 19 July [2025], but the count wasn't completed until 14 days later on 2 August [2025]. We make no criticism about the length of time that it took to count the votes. Prof Richard Herr has said that this section requires the Governor to act without knowing the composition of the House. Our recommendation is to get rid of section 8B(3).

CHAIR - I know you might be running through your submissions, but perhaps we might stop to put questions on various aspects, and we might make our way through in that fashion, if that's all right?

Mr SPARK - Certainly.

CHAIR - I wanted to pick up on that part of your submission to check in with you. It is seven days after return of the writs, so the results of the election would be known in terms of the individuals elected to seats, but what wouldn't yet be known is the make-up of, perhaps, who's going to be governing and what sort of arrangements or collaborations or deals have been made in order to form a majority on the floor of the Chamber. That can take some time in negotiating.

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As you've identified, the issue here is that within seven days after the writs are returned, there has to be a Cabinet in place to replace the one that will no longer exist because of this provision. My understanding is it can be a mini-Cabinet, if you like, for example. The person who's going to most likely be the Premier could be sworn in as Premier. You might swear in an Attorney-General and a Treasurer and that would be sufficient. I think that's maybe even what happened after the 2010 election. There was a small Cabinet sworn in before full arrangements for a full Cabinet came about as a result of negotiations between Labor and the Greens.

Do you see that there is some flexibility there in that provision, or are you proposing that it shouldn't be there at all? That it should be extended in terms of a period of time, or that there's a different sort of arrangement we should look to make sure we still have at least Ministers of the Crown responsible in place at all times?

Mr SPARK - Yes, because technically what happens after the seven days - so, I think the seven-day limit is what we need to clarify - and when you codify something, you're really setting it in concrete. I guess our preference would be to abolish the provision.

CHAIR - Okay. Does anyone else want to pick up on this section?

Ms HADDAD - Yes. I'm not expressing any kind of preference, this is a genuine question about how the operation of the Acts. I think what Meg alluded to is important too, in terms of the time it takes to potentially negotiate for Government in the event there isn't a majority Government returned. What would be the merits, in your view, of extending that seven-day period rather than removing it? Extending it, say, for 14 days or 21 days or something of the like?

Mr SPARK - I don't think we have any objection to extending it.

Ms O'CONNOR - Isn't there a risk there, if you're extending it and they're a Minister appointed from the opposite party who has, arguably, another three more weeks to make decisions involving the disbursement of public funds or whatever it is, even though they would not be able to argue they had a mandate to do that because the result didn't confirm that?

Mr SPARK - Yes. Well, perhaps caretaker conventions would cover that where you couldn't do anything major.

Ms O'CONNOR - Unlike what happened in the last state election, when there was some major decisions made, as I understand it, around Marinus [Link], even though we were in caretaker.

Mr SPARK - And the TT[-Line] bailout.

CHAIR - It's an interesting conundrum, certainly. Any other Members want to follow up on the questions around that section? I know Ms Johnston wants to go to another section to ask questions.

Ms JOHNSTON - At the end, but that's all right.

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Ms O'CONNOR - Maybe if we could have some real clarity over what is the problem with this clause, in simple terms, in allowing a Minister to hold office for no more than seven days after the writs are returned?

Mr SPARK - What happens after the seven days are up?

CHAIR - If negotiations haven't concluded in forming Government?

Mr SPARK - Yes, yes. Let's say an agreement hasn't been reached, and we don't know who the Government is going to be -

Ms O'CONNOR - But, part of the Crown's prerogative, wouldn't that be up to the Governor?

Mr SPARK - Yes, Richard Herr argues that it puts the Governor in an invidious position and not having the clause would alleviate that.

CHAIR - A further thought, maybe. I'm mindful that we are limited in time; can I go to Members' questions, so we can go to the particular parts of your submission we're interested in to question further?

Mr SPARK - Yes.

Ms JOHNSTON - Thank you, Chair. If I can go to the end of your submission, to recommendation 7 that you've made in relation to reform of community grants programs. This is a particular bugbear of mine. You note in the recommendation, 'That the Integrity Commission recommendation that Government introduce mandatory grant rules that modelled those of the Federal Grants Rules and Guidelines' - be implemented, I'm assuming you mean there.

Can you speak a bit more about that? I note that one of the fears of running to an early election was elections are very expensive. Parties tend to spend a lot in that particular time. We do note that in this 2025 election, they were far more restrained, perhaps because of our fiscal situation. Can you talk to how that might be a negative influence on our electoral democracy system, if there is a community grants program that the Integrity Commission describes as 'indirect electoral bribery'?

Mr SPARK - Yes, well we support community grants programs. They're obviously a necessary part of our democracy, but it seems to us that there isn't the framework around that to ensure that these grants are made with due process and integrity. I think that reform of that would alleviate that concern. I'm not sure if any one of my colleagues wants to add anything to that?

We just think there's a need there to have a framework, guidelines - you know, better governance of it, to take away the doubt because, as it is, it does look open to untoward events happening and grants being made to people where they perhaps may not be as entitled as other people or what have you. Does that answer your -

Ms JOHNSTON - Yes, I think so. You would like to see the recommendations of the Integrity Commission adopted by Government?

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Mr SPARK - Yes.

Ms JOHNSTON - There's a merits-based system to the application of community grants programs?

Mr SPARK - Yes, that's right.

Ms THOMAS - Can I follow up on that, if you're done?

Ms JOHNSTON - Thank you.

Ms THOMAS – Thank you. In relation to that, one question I had when I was reading through, was when you're talking about reform, the community grants program - just to be clear, are you talking about election commitments that then get funded through what becomes the community grants program? There is no community grants program per se until there's an election called and election commitments are made. Then, after the fact, there's something created - a bucket of money - called a 'community grants program', but effectively -

Ms O'CONNOR - It's pork-barrelling.

Ms THOMAS - Yes, that's right. I think the language is important, though, in how we talk about this, because it's not a grants program, it's election commitments that then have to be funded through an agency. Grants programs, by their nature, are competitive; election commitments aren't, and there's not that due diligence process that applies -

CHAIR - Just to confirm what you're talking about, you have concerns about election promises made to community groups during elections, which subsequently then get funded in a budget, but they're made at election time for electoral purposes.

Mr SPARK - Yes. Election promises are clearly quite separate things, in our mind.

Mr UPTON - If I can just interrupt, I think that phrase 'electoral programs for electoral purposes' sort of encapsulates the issue with this, that they're not made on merit.

Ms O'CONNOR - Part of your submission makes a recommendation for fixed four-year terms. We've had other evidence presented to us in a submission arguing for fixed four-year terms, noting that Tasmania went to an early election in 2021, 2024 and 2025. When I put the question to Dr Kevin Bonham this morning, he's not such a fan of fixed four-year terms. I'm not going to verbal him in his response, but he appreciates and thinks there's value in the premier of the day having the capacity to go to the Governor and say, 'Look, I can't make it work on the floor', or, 'I've just been hit with a no confidence motion and I ask your authority to go to an early election'. What are the best arguments for fixed four-year terms?

Mr SPARK - The first point to make is that every other jurisdiction except the federal Parliament and Tasmania have fixed terms. That tells me that there might be some benefits in that. As you pointed out, Cassy, 2021, 2024 and 2025 were all early elections that didn't need to be. We think that money could be saved by having fixed four-year terms. Elections are expensive exercises. We all know that an election disrupts the economy and society generally.

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Everything sort of comes to a halt during the campaign and then we have to wait until a Government's formed, so there's a break in continuity there.

Also, from a Government's point of view, three years is not a long time to implement your program. Everyone knows that in the 12 months before an election, you start getting into election mode. In your first-year you're sort of bedding things down and I guess your second year is when you can do things. I think the period of four years would give Governments a bit more time to implement their policies and it would save the community money by not having as many elections. No-one wanted the last election. I think it would provide stability and certainty for Governments, the private sector and the electorate; it would reduce voter fatigue and, as I said, it would align Tasmania with other jurisdictions.

Ms O'CONNOR - Thank you for that. Within our constitution it does say that a Government exists effectively for four years. It's just one reference to a four-year term in the *Constitution Act 1934*.

In New South Wales, they made some amendments to their *Constitution Act* that required more steps to be undertaken by the Premier particularly before being able to request an early election from the Governor. What you're saying - is this correct - is that you would like to see potentially more codification of the Crown's prerogative and more responsibility put back on the Parliament to try to make an arrangement work if there's a problem - for example, the Premier of the day suffers a no confidence motion? How would you like to see it manifest?

Mr SPARK - I think it does need to be codified. I think that the power, for want of a better word, should be with the Parliament rather than the Premier.

Ms O'CONNOR - The Governor, you mean?

Mr SPARK - The Governor. When there's a no confidence motion, we're not saying that that should be ignored. Obviously not. I mean, if there's a no confidence motion in the Government, there has to be an election. We'd like to see some codification to strengthen the four-year terms. How that would be gone about, I would presume there'd be an inquiry or committee that would look into that.

Ms O'CONNOR - Thank you, Neil. Just quickly, the *Constitution (Fixed Term Parliament) Special Provisions Act 1991* of New South Wales does provide for there to be a motion of no confidence in the Government. Then it provides a sort of eight-day cooling-off period, if you like, where there could be a motion of confidence put in the Government, should the Government change some of its personnel or whatever it takes. It's not automatic in New South Wales that should the Government face a no confidence motion, the ultimate consequence is an early election. Since these amendments were made to the New South Wales Constitution, there hasn't been an early election because there's been a step test that the premier needs to argue put to the Governor after Parliament's done all it can to stitch something back together. Does that sound reasonable?

Mr SPARK - Yes. That would be good to see here.

Ms HADDAD - I wanted to ask about your comments in part 5 of your written submission. You've noted there that we have spending limits for Legislative Council elections. We don't have spending limits or caps currently for the House of Assembly. I wondered if you

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would like to elaborate on where you see the benefits of the House of Assembly in adopting spending caps, if you have any general comments about that.

Mr SPARK - I think it is incongruent that the Legislative Council and the House of Assembly don't have the same rules where candidates who aspire to office in either Chamber, it seems to us, should be subject to the same rules, guidelines and spending limits. It just seems odd that there is that substantial difference. We think the spending limits should be the same.

Ms HADDAD - There's currently no limit in the House of Assembly. I'm not sure where the figures in your written submission come from, but currently, as the law stands, there are no spending caps for parties or candidates in Assembly elections, only Legislative Council elections.

Mr SPARK - That just seems to me hard to understand why. You could argue that a candidate for the Legislative Council is being penalised because they can't spend as much as a House of Assembly candidate. It seems incomprehensible. Does anyone have anything to add to that?

Mr UPTON - I think as a more general point, the risk of very large amounts of money being put into certain areas, which as we've seen overseas -

Ms WEBB - You might need to speak up into your microphone.

Mr UPTON - I'm sorry. Large amounts of money being spent overseas, billions, to try to support certain -

Ms HADDAD - Very unhealthy.

Mr UPTON - It's not something we want here. It's not necessary to try to stop people spending money, for good reason, but that excessive spending and therefore power from outside Parliament is a concern.

Ms HADDAD - I agree. Thank you.

Mr GAFFNEY - Yes, following up on that. There's always going to be a sense of disadvantage though for independents and people in parties when you get to election time. For example, the Premier comes up with a community grant allocation and then in the background of that photo in the paper is their candidate for that election. Now, that's X amount of dollars of publicity where an independent just doesn't get that exposure.

Whilst I understand the issue regarding capping, it could actually be offputting for an independent thinking, 'I can't come up with more money than \$20,000. I don't have that behind me. I'm just not going to put my hand up'. Whilst I can see some advantages of a spending cap, it's fraught with danger to say to an independent, \$20,000, and then to a party member, \$20,000, plus you will get all that exposure you have because you're part of a group that will get on TV that will get their name recognised and stuff. Any comments or thoughts on that conundrum?

Mr SPARK - Yes, I think you make a good point. The federal legislation at the moment greatly favours parties over individuals and we wouldn't support that. Any change needs to include fairly rigorous rules around party funding because the points that you make, Mike, are

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quite valid: that party candidates have an advantage over independent candidates. Anyone else want to say anything to that?

Fr CONFEGGI - It's about building trust in the community, isn't it, and protecting democracy. God forbid we get to the stage we see overseas where you can just bankroll your way to the presidency. We want to protect community involvement in democracy and transparency. I accept your point, Mike, that it does favour the parties that are well funded rather than independents, but if there's a way to deal with that -

Ms HADDAD - Can I follow up on that?

Mr GAFFNEY - Yes, I've finished. Thanks.

Ms HADDAD - Do you have anything in mind? Obviously, there are complexities with us having a Hare-Clark environment. Noting though the Australian Capital Territory does have spending caps that work quite effectively there. If you have any suggestions on how you think spending caps might apply in the House of Assembly, noting Mike's concerns, of course. I'm not sure what the mechanisms would be to get around the fact that there are advantages of running for a political party that aren't just monetary benefits. There's collective action and there's joint events and advertising and so on that can be beneficial.

In the Federal Parliament there are spending caps and yet right now there's the greatest number of independents in the history of the House of Representatives are elected right now. There obviously are ways for independents to overcome those barriers. Have you put your mind to - if not, let's not take the time of the committee - but do you have any suggestions for how you think they might work in the Lower House here?

Mr SPARK - We haven't addressed our thoughts to the details of that, unless anyone has anything to add about how that might work?

CHAIR - It's the basic principle that you're making the argument for. Yes, makes sense. I'm mindful that we're coming to a close of our time, unless there's another burning question from the committee.

Mr FERGUSON - I will if I may, Chair.

CHAIR - Yes, sure, Michael. Go ahead.

Mr FERGUSON - Thank you. I think we are coming to the end of our time. Thank you, gentlemen, for your submission and your answers to the questions. Just a follow up to that earlier line of questioning. I'd just be happy for a comment. Do you not see a problem where, for example, the case cited in the Australian Capital Territory, where Ms Haddad described it as working quite well, which is, of course, a Labor-Greens Government, do you see a problem that the Labor Party in the Australian Capital Territory has an expenditure cap equivalent to the Australian Capital Territory Greens expenditure cap, equivalent to the Liberal Party expenditure cap? If we were to bring that system to Tasmania, do you see a problem that parties that would be aligned can spend twice what their Liberal opposition would be allowed to spend under the -

Ms O'CONNOR - What a ridiculous notion.

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Ms HADDAD - The Greens are not in Government at the moment with the Labor Party.

Mr FERGUSON – They are.

CHAIR - Just let the question be put, and then the response be put.

Mr FERGUSON - I'd ask the question: do you see a problem with two parties that are aligned being able to outspend their opponents two-to-one?

Ms O'CONNOR - We are not that aligned, just to be clear.

Mr FERGUSON - Lots of interjections.

Ms O'CONNOR - Well, telling the truth.

CHAIR - Please, I prefer there not to be interjections. We are short on time, so a response to that question.

Mr SPARK - Well, the quick answer to that is we haven't really addressed our thoughts to that, Michael. We take your point but yes, we would need to give some more thought to that to come to a position.

Fr CONFEGGI - I would just say clearly, Michael, the Liberal Party and the National Party nationally have aligned and joined their finances together.

Ms HADDAD - And campaigning.

Fr CONFEGGI - And campaigning.

Mr FERGUSON - Do they have expenditure caps?

Ms HADDAD - Labor and Greens don't go together.

Ms O'CONNOR - No, we don't, nor would we.

Mr FERGUSON - No, they don't. I appreciate the answer, thank you.

CHAIR - We've run out of time. Thank you so much for your time here today with the committee. May I just advise you, as I did at the commencement of your evidence, that what you have said with us here today is protected by parliamentary privilege. Once you leave the table, you need to be aware that privilege does not attach to comments you may make to anyone, including the media, even if you're just repeating what you said to us. Do you understand that?

WITNESSES - Yes.

CHAIR - Excellent. Thank you so much.

The witnesses withdrew.

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The committee suspended at 11.31 a.m.

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The Committee resumed at 11.33 a.m.

PROPORTIONAL REPRESENTATION SOCIETY OF AUSTRALIA

CHAIR - Welcome to the Joint Standing Committee on Electoral Matters here in the Tasmanian Parliament. We're doing our Inquiry into the conduct of the 2025 House of Assembly election and the 2025 Legislative Council elections here in this state. We have the Proportional Representation Society of Australia (PRSA) joining us, Geoffrey Goode. Thank you very much for your time online today.

Let me introduce you to the committee members who are who are participating in the hearing. Also online is Michael Ferguson, MP, Liberal member for Bass. With us here is Bec Thomas MLC, member for Elwick; Ella Haddad MP, member for Clark; Cassy O'Connor MLC, member for Hobart; Kristie Johnston MP, member for Clark; Mike Gaffney MLC, member for Mersey; and I am Meg Webb, member for Nelson. We have Scott in secretariat and Terry on Hansard. That's our group at the table.

Normally, at this point in time I'd read some material about parliamentary privilege protection and have you sworn a statement, but because you're interstate, we don't need to do that. Would you like to introduce yourself and explain your connection to the Proportional Representation Society and make an opening statement if you would like to?

Mr GOODE - Yes. I'm here in place of the secretary who wasn't able to attend, and I am the current vice-president. I have been involved with the society for a long time, so I'm pretty familiar with not only its operations but its operations in Tasmania because I have had the privilege of staying with and knowing reasonably well, Neil Robson, who was made an honorary life member of our Society (PRSA), and the other Tasmanian I had interaction with and met on occasions was Dr George Howlett. They're both now deceased but they made a valuable contribution to Tasmania.

CHAIR - Thank you for your time today, Mr Goode. Would you like to make some opening remarks in relation to your submission, before we go to questions from committee members?

Mr GOODE - Yes. The position we're taking is in accordance with a policy that we've developed and put to a ballot about membership several years ago. We are promoting that policy, which is support for the system used in the Assembly. It has been used a very long time and it's been improving over that time, which is an interesting contradiction to the Senate, which was late in adopting proportional representation and certainly didn't adopt as good and democratic a system as Tasmania, and then proceeded to make it worse when, in 1984, they introduced group voting tickets.

As most of you would probably be aware, in Tasmania there was a talk of that about that time too, in the 1980s, of introducing group voting tickets. The Tasmanian House of Assembly had sufficient wisdom to commission Dr George Howlett, who was an academic in the University of Tasmania whose specialty was Tasmania's electoral system. He wrote a paper - which is on our website, and I can give links to any Member of the committee who would like it - that was advising strongly against group voting tickets being adopted in Tasmania. That advice was taken; the Parliament did not adopt it and continued with pure Hare-Clark.

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The other great thing that happened, of course, was Neil Robson, former Liberal member for Bass, who, during the period of Doug Lowe's Labor Government, brought in a Private Member's Bill. That Private Member's Bill, I believe, was passed unanimously by both Houses. I spoke to Neil on the phone shortly after the bill had passed and he was very happy, of course, because he'd been pushing it for some time. He told me that Doug Lowe, the Premier, had certainly added his support to it very strongly.

That Robson Rotation was also taken up in the Australian Capital Territory when they introduced a similar sort of electoral system, as you probably know. They introduced it and had it confirmed under Commonwealth legislation for their territory Government at a referendum. At that referendum, Hare-Clark got 65 per cent of the vote, which shows that the electors of the Australian Capital Territory were fairly confident with Hare-Clark. There had been another very poor, party list-type system imposed by the Federal Government beforehand which was criticised left, right and centre. That disappeared from history, fortunately, as have three other party list systems that were attempted in Australia - in New South Wales, in South Australia, Australian Capital Territory and Tasmania.

The first one attempted in Tasmania was way back in the early 19th century and a committee like this, a select committee of the Tasmanian Parliament, had the privilege - well, I think they had the privilege, anyway - of listening to the secretary of the British Proportional Representation Society, who had actually travelled out from Britain by ship during the First World War when the German Navy was going round the world sinking enemy ships. He came before the committee and testified and was well received and that's how countback was established and we're very supportive of countback.

CHAIR - Thank you, Mr Goode. In terms of your submission, we appreciate the effort that has been made to go into it and the admiration that it contains for our Hare-Clark system and things like the Robson Rotation obviously are things we're quite proud of here, many of us anyway, in Tasmania.

One of the things you point to in your submission is the degree of fairness in the results in terms of reflecting the will of the community in how seats are arrived at and the proportion that different parties and independents win, and I think that's quite notable. As you say, it's quite a striking result.

One of the things you pick up on is assertions made that somehow there are problems about the fact that minor party candidates or independent candidates could be elected off a small first preference vote and might not therefore be warranted as being elected. You push back on that in your submission. Would you like to speak about that in some more detail?

Mr GOODE - There's a bit of misunderstanding in some sections of community. Some of them might be real misunderstandings. Others might just be trying to capitalise on general misunderstanding to ridicule a system like Hare-Clark.

Regarding first preference votes, obviously, if you get a quota of first preference votes you have an absolute right to take the seat. If you don't get a quota from first preference votes, then there will be more first preference votes floating around for other people, and if they happen to lodge on somebody who's got a surplus, why should that surplus just be thrown away

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and disregarded? Under Hare-Clark, it is used because it's voters first preference and their wish, and therefore, as the system's called a transferable system, it's duly passed on.

There's nothing wrong with somebody being elected without any first preference votes. In the Senate, for instance, you have what Dr [Herbert] Evatt called a regimented system when he introduced it. I don't know why they're so keen on that word, regimenting the voters, but he was, and that system means that votes tend to be concentrated because people follow their party's recommendations on the leading candidate.

That doesn't apply under Hare-Clark with the Robson Rotation, because there is no leading candidate on the ballot paper. The ballot positions are rotated and if voters just want to vote for the party but have no particular preference among the candidates, that spreads evenly among that party's candidates. We're rather interested in this idea that there's a natural majority person in an electorate. If you look at the history of Assembly elections in Tasmania, only one person ever has received an absolute majority of first preference votes. That's quite amazing when you think of the number of people who've been elected to the Tasmanian Parliament since 1909. That person was Doug Lowe, who ended up rather famous out of the special circumstances that allowed it. He was the Premier of the day and the *Electoral Act 2004* had just gone through a little gradual change.

Before the Robson Rotation, from 1999 you had alphabetical listing on the ballot paper and the party columns were alphabetically listed. Unfortunately, there did turn out to be quite a few 'Amos' and 'Batt' and other people whose first initial was high up the alphabet.

Ms WEBB - Bad luck if you were a Webb like me.

Mr GOODE - But no criticism of them; you can't help what surname you ended up with. It was gradually recognised as not a bad idea and it's one of the reasons that the Robson Rotation was adopted.

Ms O'CONNOR - Thanks, Mr Goode, for your submission on behalf of the Proportional Representation Society and the evidence you're presenting now.

I'm interested in what you describe as a flurry of opposition to the Hare-Clark electoral system, particularly following the 2025 early state election where we had the Chamber of Commerce and Industry come out, we had the Murdoch press via *The Australian* come out, the passage of a motion at the Liberal State Conference, I believe, and we had state Labor MPs calling for a rethink of Hare-Clark. I know you make some observations about why that might be the case in your submission. What are your thoughts on why there'd be such a flurry of opposition and particularly some of the characters who popped up in relation to Hare-Clark?

Mr GOODE - Well, of course, it's difficult to actually realise their ultimate personal intentions, but it would seem given their positions as spokespersons for the larger parties, they would be hankering for a good old system that throws out half of the people's votes, so in a single-member electorate, half of the votes don't matter. They don't elect anybody, they don't count. They could be votes for the man in the moon or Chairman Mao or anybody, but they don't elect anybody. Even if they were good people and current real-life viable candidates, they don't elect anybody. Whereas, under Hare-Clark, there is a very small percentage of wasted votes that elect nobody. That's the slightly under a quota that you get with the group quota, and

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that's the best you can do. You can't please everybody, but the Tasmanian system does allow 7/8s of each Lower House electorate to be represented.

Ms O'CONNOR - Thank you. Given what we're seeing in voting trends nationally, and in Tasmania where it's all very fluid, but there's unarguably been a shift away from major parties, there's more interest shown in independents and minor parties, do you think partly this reaction to Hare-Clark comes from a reaction to a shifting voting demographic as well? In the old days people were often raised Labor or Liberal voters, or in more recent decades, Greens voters, but now it's much more atomised. Do you think that's part of major parties and interests like the TCCI coming out against a proportional representation system?

Mr GOODE - Yes, I think you're right and you've put the case well. I think back to my younger days when we would get ballot papers with only two candidates' names on them in our Lower House electorates. I've been voting since I was 21; I wasn't able to vote before that. The idea that you would have just two people to choose from when there might be 80,000 or 100,000 people in the electorate did seem to me to indicate either a marked lack of interest - and I knew that wasn't the case; people were interested in the elections - or instead suggested to me a system that wasn't very representative. I started to enquire more as I got older and realised that the Senate system, which I knew about as a Senate voter, was fairer than the lower House system.

You're right. These people are understandably sorry if their position is threatened, I understand that. If you're getting more than your fair share and somebody wants to trim you back to your fair share, some people might resent that and do something about it.

Ms O'CONNOR - Out of political self-interest.

Mr GOODE - Well, it's a natural thing. I think Paul Keating made some statement about self-interest and how successful it tended to be.

CHAIR - It's the horse to back, apparently.

Ms O'CONNOR - That's right.

CHAIR - Mr Goode, one thing I did want to put to you, which is related in a way to the answer you were providing there, that it can be very problematic, is that we would see it, potentially, as undemocratic if we only had two candidates to choose from. But we've heard from another submitter this morning about a concern, certainly expressed by him, about there being potentially too many assorted independents presented to the electorate on a ballot paper and that can potentially be a problem if the bar is too low to enter the contest. When I say that I mean, for example, if you don't have to front up too much money for your registration fee, if you don't have to get too many signatures on a registration form to become a candidate for election, you could end up with quite a lot of miscellaneous independent candidates or minor party candidates and that somehow is a problem for voters. That's a view expressed by one person.

Is this a view that the Proportional Representation Society has given any thought to in terms of whether there can be too many people running for election and that becomes problematic for voters?

PUBLIC

Mr GOODE - We believe that there can be too many. You can also have too few, as I have explained, but the other hazard is having too many just bewildering people and trying to sort out the sheep from the goats and winnow the chaff, et cetera. I remember going to an evening held by our local council when we were having state elections in Victoria and were having Upper House people. For the Lower House, there were just obviously two serious candidates; the others everybody knew weren't going to win and it didn't take long to give them their five minutes or whatever time was allotted to them, but when it came to the Upper House in Victoria, it became a bit of a joke.

Fortunately, the Lower House candidates were able to present their case first, so people were still there. By the time the - I don't know - 16 candidates, or some number like that, had gone through their five minutes each, a lot of people had left the hall and lost interest and a person sitting next to me made a rather wry comment. At that stage, we had Derryn Hinch's Justice Party and then we had another party, which was the Animal Justice Party, and the idea that you had these people who we didn't know who their candidates were, never heard of them before, it splinters and fragments things and drives people away.

You can have too many and I believe that voting above the line was one of the really damaging things that was introduced in the Senate. Fortunately, Tasmania has never gone that way and I hope this committee wouldn't recommend it.

CHAIR - Thank you for that response. If there are no other questions from members, we will say thank you very much for your time today, Mr Goode, and please thank your colleagues on the Proportional Representation Society of Australia. We appreciate the submission and the evidence provided today. We will bring this hearing to a close. Thank you.

Mr GOODE - I wondered if I could make one more point, which wasn't actually included in this submission but should have been. That is, it is the firm policy of our organisation that there should be an entrenchment, as there was in the Australian Capital Territory, under a separate Act¹³ that was passed to ensure this, a referendum of the voters in the Australian Capital Territory by, again, 65 per cent, and that must have included quite a few Labor voters too; it's a multi-party thing because the Australian Capital Territory is dominated by Labor voters, candidates and MPs, or has been over a fair time, that there be entrenchment.

That was duly passed, so if there's any attempt to opportunistically suddenly remove Hare-Clark and introduce a single member system or some other variant, that attempted tampering would have to go to the voters first for a simple yes or no majority. We believe that should be included in the *Electoral Act 2004* or the *Constitution Act 1934*, one or the other, as Parliament sees fit.

CHAIR - Thank you for raising that, and as that wasn't included in your submission, we appreciate you mentioning it here today. If there is more detail you wish to provide to the committee about that particular point the society's welcome to send us a piece of correspondence with some more detail about that if you would like to provide it.

Mr GOODE - Thank you. I will take up that offer and will be sending you something.

CHAIR - Excellent. Thanks very much, Mr Goode.

¹³ *Proportional Representation (Hare-Clark) Entrenchment Act 1994 (ACT)*

PUBLIC

The witness withdrew.

The committee suspended at 11.56 a.m.

PUBLIC

The Committee resumed at 12.10 p.m.

OUR PLACE

CHAIR - We're here for the Joint Standing Committee on Electoral Matters, our Inquiry into the conduct of the 2025 House of Assembly and 2025 Legislative Council periodic elections.

Mr Roland Browne, thank you for attending this hearing with us. The Committee present today, we have Michael Ferguson MP, Liberal member for Bass, who is online. We have the honourable Bec Thomas MLC, member for Elwick; Ella Haddad MP, member for Clark; the honourable Cassy O'Connor MLC, member for Hobart; Meg Webb, Independent member for Nelson; we have Kristie Johnston MP, Independent member for Clark; and the honourable Mike Gaffney MLC, Independent member for Mersey. We also have Scott assisting on secretariat duties and Terry on Hansard.

As you would be familiar, I need to make you aware of some matters before we begin, important aspects of committee proceedings, that the committee hearing is a proceeding of Parliament. It means it receives a protection of parliamentary privilege. It's an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom without the fear of being sued or questioned in any court or place out of Parliament. It applies to ensure that Parliament receives the very best information when conducting its inquiries. It's important to be aware that this protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside the confines of the parliamentary proceedings.

This is a public hearing. Members of the public and journalists may be present or listening, and this means that your evidence may be reported. It is important that should you wish all or part of your evidence to be heard in private, you must make this request and give an explanation prior to giving the relevant evidence. Do you understand?

Mr BROWNE - I do.

CHAIR - Thank you. If you would like to make the statutory declaration and then perhaps an opening statement, if you'd like, in relation to your submission.

Mr ROLAND ALEXANDER BROWNE, OUR PLACE, WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED.

CHAIR - Thank you. Would you like to make an opening statement?

Mr BROWNE - I would, thank you. I made a submission to this committee on 17 November 2025. Since then, quite some water has travelled under the bridge. I'm here representing an organisation named Our Place, which has played a role as a major contesteer in relation to the proposed Macquarie Point stadium. The statement that I'm making and the evidence that I'm going to give today is to be seen through that prism.

The Terms of Reference for this Inquiry refer to the conduct of the election as one of the issues to be considered, but it does not descend into the detail of just what that involves. I would like to refer the Committee to the equivalent committee of the Parliament of Victoria where the

terms of reference for that committee have been expanded by reference to international bodies, and its own experience with electoral matters to ask a number of particular questions. They are: was the election inclusive? Was the election trustworthy and transparent? Did the VEC [Victorian Electoral Commission] meet its obligations? Lastly, and most importantly, was the election fair? They explained that as being a question as to whether a fair election has provided all candidates an equal opportunity to make their case to voters and to compete in the election.

I suggest these criteria ought to be considered by this committee to be adopted and even broadened to look at the use and abuse of Government resources in elections. I'm going to return to this later, but when you're looking, and if you are going to look, at whether the conduct of an election is fair, that concept embraces the electorate being well informed about the issues that they're asked to vote on.

My submission to this committee, the submission of 17 November last year [2025], focused on how the most significant political issue over the two years before the 2025 election was not discussed by the major parties in the course of the July 2025 election. In general terms, the stadium as a topic was avoided at all costs. The state Government had another plan, enabled by an impotent and silent Labor opposition - it decided to inject the stadium into the election campaign through the vehicle of the Planning Commission hearings, which started in June 2025, but we need to go back a bit in time to put all of this in perspective.

On 13 April 2025, the Tasmanian Government announced it would introduce enabling legislation to progress development approval for the Macquarie Point multipurpose stadium. It wanted to bypass the very statutory assessment system it had previously invoked. On 21 May 2025, the Secretary of the Premier's Department [the Department of Premier and Cabinet] wrote to the Tasmanian Planning Commission, saying:

I write to advise that the Government has formed the view that the integrated assessment process under the State Policies and Projects Act is no longer the preferred approach for the Crown to secure approval for the multi-point stadium proposed to be developed at Macquarie Point. The Government considers that special purpose legislation represents a more expeditious and clearer path for approval for the stadium and will introduce this legislation into the Parliament in early June 2025.

On 27 May 2025, as part of the release of the draft Macquarie Point Planning Permit Bill, the Government provided a revised cost estimate for the Macquarie Point multipurpose stadium of \$945 million. Subsequent to this, the Government told the Planning Commission to pull up stumps on its integrated assessment. The Government effectively said, 'We will take it from here', but the Planning Commission stood its ground, pointing out it had a legislative responsibility to complete the assessment.

On 4 June 2025, the Labor opposition moved a motion of no confidence in the Liberal Premier, Jeremy Rockliff. The motion was passed by the Lower House. The substantive argument for the no confidence motion related to the budget. From here on, the government was in limbo. Meanwhile, the first Tasmanian Planning Commission directions hearing was to be held on 10 June 2025. The Government approached the Planning Commission and sought an adjournment of this hearing, but it was rejected and the hearing proceeded.

PUBLIC

On 11 June [2025], Premier Rockliff advised Her Excellency to call an election for 19 July 2025. Then, on 13 June 2025, the state's lawyers wrote to the Tasmanian Planning Commission and demanded the Planning Commission hearings be deferred until August [2025] as, they claimed, the state was prejudiced in presenting its case and because it was constrained by the caretaker convention, an election having been called. On 17 June 2025, the Planning Commission roundly rejected this proposal and dismissed the Government's rationalisation.

The Government then decided on another plan. In correspondence to the Planning Commission, it proposed it would just make an opening address and they said possibly call some witnesses at the hearing, which was then due to start on 25 June 2025. This is just under four weeks before the election. This was what was intended to be a cursory involvement in the Planning Commission hearing.

Then at some point critically, between 17 and 25 June 2025, the Government changed its plan again. It now decided to run its pro-stadium election campaign through the Planning Commission and present all its witnesses. It decided on the glossy presentation approach. At the time, this should have been condemned by the Labor opposition and most in the media for the misuse of public funds that it was and for the faffing around over the regulation of such a major infrastructure project. But it was not.

The next event of great significance in the context of the forthcoming election was that the Treasury produced the 2025 Tasmanian Pre-Election Financial Outlook Report, which revealed a severe structural deficit, with net debt projected to reach \$13 billion by 2027 and 2028. The alarm bells were rung by that report. They noted that there was a current cost estimate of \$945 million at that time, but the actual cost of construction of the stadium would not have been known until the project was put to tender.

The authors noted a range of issues could further impact on the cost of the stadium, including the tight construction market and the pressure imposed by the 2032 Brisbane Olympics; the bespoke nature of the roof design not previously delivered in Australia, which could lead contractors to either place a large price premium on the roof element or to be deterred from tendering to deliver the design; and the cost of related projects to support the stadium not included in the \$945 million estimate, including the northern access road then estimated to cost \$75.9 million and the underground car park, which we now know has since gone.

CHAIR - Mr Browne, if I could just note we're 12 minutes into our 30 minutes allocated for the hearing. I know members will have questions, so if I could encourage you to perhaps consider some space for questions.

Mr BROWNE - The writing was on the wall, it's just that neither the ALP nor Government were interested in reading it. Clearly, the cost trajectory since the initial announcement in May 2023 of \$750 million was going only in one direction, upwards and rapidly so.

Much of the media continued on, as did the Labor opposition of not asking the critical questions in the course of the election campaign. All of this during an election campaign in relation to one of the largest infrastructure projects in the state's history, set against a budget deficit projected to go through the roof.

PUBLIC

In the last part of June and early July 2025, the Government poured massive resources into the Tasmanian Planning Commission process as its contribution to the election campaign. Two senior counsel, one junior counsel and at least four mainland solicitors, plus a bevy of expert witnesses and consultants from interstate flown down and accommodated to present the greatest show on earth. My estimate is that the costs conservatively would have been around \$2 million for that exercise, but I expect it would be much, much more.

At this point, the Government's about face and decision belatedly to participate in the Planning Commission's hearings became a serious misuse of public funds. What to the Government in May and early June [2025] was a waste of time in the wrong approach to assessment, became a massive promotional opportunity for the Government and its election campaign. It mounted its campaign in support of the stadium and the claimed massive economic benefits in the middle the election campaign, but otherwise generally refused to talk about it.

Of course, in the context of the election, we had the benefit of the 31 March [2025] Planning Commission report telling everybody this infrastructure project was in the wrong location, was going to smash the Cenotaph, was going to disfigure the heritage sight lines in Sullivans Cove, cause significant disruption in the course of construction, and that everything was basically wrong about it.

I make this point not to re-agitate the many problems with the stadium, but to highlight the failure of key players in the election to ask and answer the most basic questions. The way the election should have been conducted was for the opposition and its compliant media companions to press the Government to reveal the true costs of the stadium and the true problems it faced in construction, location and management, and to tell us how it was going to manage the budget disaster that was made worse by the size of the cost of the stadium. Yet the Premier was allowed to get through an election campaign without being required to disclose the latest estimated cost of the stadium. How was this possible? The latest cost was not revealed until after the election and after the Planning Commission hearings had concluded. How could this be? The figure, \$1.13 billion, did not suddenly arrive for the first time in September 2025. It would have been well known to the Government's consultants at the time of the Planning Commission hearings and certainly at the time of the election. We were all misled.

More significantly, the democratic process failed us because the Labor Party and many in the media failed to pursue these important questions. The opposition's questioning about the status of the budget throughout the election campaign, commencing from well before the no confidence motion on 4 June 2025, seemed to be directed to every major infrastructure and service cost to the state apart from the stadium. To the Labor opposition, and most in the media, the stadium was not a visible budget expenditure item. It's a tragedy that the Government was never held to account for the entirety of the costs of the stadium project during the election campaign.

Of course, it's not just the stadium. It's the high-performance centre at Kingston, with its budget blowing out before our very eyes even before a sod has been turned; it is the high-performance centre for cricket; it's the northern access road; it's the purchase of 80 buses; it's the cost of making accommodations to appease the Tasmanian Symphony Orchestra. The list goes on. These are all to be funded from money that belongs to the people of Tasmania.

PUBLIC

Alternative uses for that money were never debated. Voters had no idea of what they stood to lose from the construction of an unfunded stadium and the channelling of public funds into the Planning Commission hearings from 25 June [2025], after the Government had all but withdrawn from the process two months earlier, calls for an investigation.

Can I remind this committee that the Integrity Commission is currently looking at the use and misuse of public resources during election campaigns? I suggest the Planning Commission hearings by the Liberal Government warrants a close look by the TIC [Integrity Commission Tasmania] as an example of this misuse.

The state has not been well served by the major parties in their attitude to the last election. They could do so much better. They could reach for the sky. They could seek to inspire. They could protect what people value and lay down foundations for a secure financial future. They could invest massively in education and bring Tasmania forward. They could have debated ideas and ways to deliver AFL teams without the unmitigated disaster that is the proposed Macquarie Point stadium. Instead, they viewed the election as a race to the bottom, ignoring the budget, the stadium and our collective futures. The Government misused public funds on the way through. We all deserve a much better deal from our major parties. After all, it's our money that they are spending. Sorry to have run on.

CHAIR - No, thank you, Mr Browne. I wanted to draw your attention in the middle there that we did have questions. I appreciate the extent of your statement, and we will go now to questions.

Ms O'CONNOR - Thank you, Mr Browne, for your submission and your advocacy for integrity in politics and your defence of our democratic institutions. Your case study is, we can agree, a travesty. Do you believe the Tasmanian people were lied to or misled during the last state election campaign about the stadium?

Mr BROWNE - If you're leading people to believe a state of affairs that's incorrect, that's effectively a lie and it's misleading people. That's certainly the point I've tried to make in relation to the costs of the stadium and the budgetary problems that it will be causing.

Ms O'CONNOR - The question is: how do you prevent or mitigate that kind of scenario? Because, for example, truth in political advertising laws wouldn't account for that absence of truth telling. Do you have any suggestions for how you might create a legal framework that drives the cultural change that prevents that kind of deliberate misleading of the electorate - or, in fact, lying to the electorate - from happening during campaigns?

Mr BROWNE - In my opinion, it all depends on accountability. The accountability will derive from opposition parties dealing with the Government, but also the media. I think the media has the most critical role to play in taking up opportunities to ask the difficult questions of Ministers and Government representatives, but also opposition parties and even independents, but asking those difficult questions and persisting with them.

Ms O'CONNOR - That's not something you can legislate for, though, is it? It's a cultural shift we're looking at here. I might just say the Greens did ask those questions repeatedly during the campaign and put forward alternatives to the stadium spend. It was, in fact, the major parties who were not entirely truthful with voters around the stadium.

PUBLIC

Mr BROWNE - My organisation issued 20 questions to the Minister, Eric Abetz, and only one of those questions was answered. When I went back to him and said, 'You haven't answered the other 19 questions', I never heard anything from him. We tried to hold them to account, and you can't legislate it but it's cultural and it's a slide. If it doesn't get better, it slides and we lose our respect for the electoral process. There's so many countries in the world at the moment that either have no elections or their elections are farcical, and we have an electoral system that can work really well. It just takes a commitment to integrity from the major players in it and from the media, and it has been lacking.

Ms THOMAS - My question, and perhaps you have just touched on it in your response to Ms O'Connor, is around your submission, where you say:

Electoral integrity requires parties to argue for their policies in the course of an election, not run dead on them and claim later they have a mandate.

Is there a specific legislative change you would like to see in order to address this? You mentioned it's about culture and cultural change, but if there's something you were hoping this committee would recommend in terms of amendment to legislation to address what you're seeking there, what would it look like?

Mr BROWNE - I regret I can't offer a legislative solution. I believe it's cultural and it has to be driven by the people.

Ms O'CONNOR - Do you think the election was not fair on the basis of the fact that voters didn't have all the information before them? Going back to your suggestion that we adjust the terms of reference for this committee.

Mr BROWNE - I don't think the election was fair. I think, and I say this in a considered way, the election was a disaster in the sense of fairness and informing voters. It was a failure. There was so much that people didn't know about the stadium and, of course, everybody would have heard the bad news about the budget that would trickle out through various networks and heard other problems such as contamination issues.

It's very common, but it wasn't being released by the Government and we were in a position where critical information was kept from the electorate and, I suggest, most of the Members of Parliament. In fact, what we saw was at the very final moment- and this is an example- when the Order¹⁴ was being debated within the Upper House, the Government started to talk to some of the independents and negotiate how it was going to get that Order¹⁵ through the Upper House. What came out of that process was a series of statements and commitments that had not previously seen the light of day.

That was all material. I mean, in a way I can say good on the independents for getting that material out, but it was six months too late. That all should have come out in the course of the election. We should have known the Government was going to have another crack, yet again, at another cap on the costs. We should have known that there was going to be a proposal that the budget and the oversight was going to come back to the Parliament. We didn't know anything about that, not until it had all been drawn up and finalised with Members of the Upper

¹⁴ *State Policies and Projects (Macquarie Point Precinct) Order 2025*

¹⁵ *State Policies and Projects (Macquarie Point Precinct) Order 2025*

PUBLIC

House that were in that small bloc. I make no reflection on them. I'm using this as an example as to what material there was that should have come out six months earlier. I mean, we didn't get to vote on any of this.

Ms JOHNSTON - Thank you, Roland. I take your point that both the major parties ran dead on the issue around the stadium. It's difficult to legislate a change of culture, but in the absence of that, the community had to look to organisations, such as yourself, to give information and other candidates.

The PEFO report¹⁶, though - because the stadium was such a major project and had significant budget implications - do you think there is room for the PEFO report to be expanded to provide greater independent analysis of the budgetary implications of major projects such as the stadium, or it might be Marinus [Link], or whatever the next major project might be, to be able to drive that information provision to the community in the absence of cultural change in the parties to put information out about major projects they might be campaigning on? Is there room there? I'm trying to find a legislative way of creating greater information for the community to make a decision upon. Is there room there in the PEFO? It obviously noted the stadium is a significant budget risk, but it didn't particularly do a lot of analysis or detailed risk analysis to the community about the stadium. Is there room for PEFO to be more detailed, do you think?

Mr BROWNE - Well, there is, but it would need some careful consideration. This economic report [the PEFO] came out three-and-a-half weeks before the election, and I would expect that the authors of that report had very limited notice that they were going to be writing that report. It wasn't until 4 June [2025] or thereabouts at the earliest that they might have thought, 'We'd better get onto it', and that gave them three weeks. I don't know how those economists and financial experts could possibly analyse a project like the stadium and Marinus Link or anything else in such a short period of time. I'm identifying that as a challenge, but that can be rectified with requirements that they have to have notice of these projects and perhaps be assessing them on an ongoing basis.

Ms JOHNSTON - I suppose that's a fair comment where the project's new, but a project such as the stadium has been a longstanding project of the Government and you would assume Treasury would have significant advice and analysis on that particular project that it can independently, because PEFO is independent of Government, provide the community to help inform the community on major issues or projects.

Mr BROWNE - That might be right. They weren't asked anything about the stadium before it was announced. They knew nothing about it. I mean, if you say that they would have had this ongoing knowledge of it –

Ms JOHNSTON - Well, we'd hope.

Mr BROWNE - We would hope.

CHAIR - I might pick up on that. Do you think there's other structural things around our electoral cycle that might assist at least with the best opportunity for an informed electorate

¹⁶ *Pre-election Economic and Fiscal Outlook 2025*

PUBLIC

and the best opportunity for media to do its job and discuss things in a public way that are being contemplated as election priorities or promises or policies? For example, fixed four-year terms, except in situations of very particular sorts of disintegration of the Parliament, may well be a structural thing. Is that something you've contemplated in terms of whether that's at least supportive towards an informed electorate and the opportunity to hold a Government of the day or an opposition or whoever to account for the policies they take to an election?

Mr BROWNE - In your example, would the no confidence motion on 4 June 2025 have been one of the exceptions to the four-year -

CHAIR - No, probably not. In some of the things put to us by people who are making assertions about the need for fixed four-year terms, they identify that that wouldn't necessarily have been a trigger then to go to an election; that could have been dealt within the Parliament, and similarly for the previous elections.

Mr BROWNE - Personally, I think four-year terms would be ideal, but it's not a solution to the disastrous election campaign around the stadium, because if we had four-year terms we would have gone from early 2024 to 2028 without any analysis of that, apart from what happened in the middle of 2025. The time for the analysis was in the first and second half of 2025. Maybe what it comes back to is - I haven't had any notice that this was going to be asked of me -

CHAIR - No, sorry, I sprung it on you. I apologise.

Mr BROWNE - You don't have to apologise. I'm just explaining why I'm just coming up with ideas as I'm sitting here. The stadium project is a really good example of what I'm going to talk about because it's fully state-funded. There's no equity that you have to worry about and secrecy around equity and who's involved in it. With a state project like that, there's every reason to require the *Right to Information Act 2009* to mandate that this kind of information is released publicly. All the information about these huge projects should be released publicly because otherwise we're indulging the Government of the day in a cat-and-mouse game.

CHAIR - When you say that, you mean released publicly at the time of the election, like during an electoral period when both parties are taking it to the election?

Mr BROWNE - No, rolling release. All the information should be released. This is such a good example of it because it's an entirely publicly funded project and the state is the proponent, the landowner, the developer and the funder.

CHAIR - The other major funding from the Federal Government is also public money, therefore the same argument applies. I'm mindful we've run out of time, so unless there's a burning question from any other members who haven't had that opportunity yet, I'm prepared to bring our hearing to a close.

As I mentioned at the beginning of your evidence, what you've said to us here today is protected by parliamentary privilege and once you leave the table you need to be aware that privilege does not attach to comments you may make to anyone, including the media, even if you're just repeating what you said to us. Do you understand that?

PUBLIC

Mr BROWNE - I do.

CHAIR - Thank you very much, and we really appreciate your time today and the submission you've made.

The committee suspended at 12.41 p.m.

PUBLIC

The Committee resumed at 1.45 p.m.

JACK DAVENPORT

CHAIR - Welcome to the Joint Standing Committee on Electoral Matters and our Inquiry into the conduct of the 2025 House of Assembly election and 2025 Legislative Council periodic elections. This hearing is taking evidence from Jack Davenport. Thank you for joining us, Jack.

I'm going to make you aware of some matters related to the committee before we begin. Before you begin giving your evidence, I'd like to inform you of some important aspects of the committee's proceedings. The committee hearing is a proceeding of Parliament, that means it receives the protection of parliamentary privilege. This is an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom without fear of being sued or questioned in any court or place out of Parliament. It applies to ensure that Parliament receives the best information when conducting its inquiries. It's important to be aware that this protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside the confines of the parliamentary proceedings.

This is a public meeting, members of the public and journalists may be present and this means your evidence may be reported. It's important that should you wish all or part of your evidence to be heard in private, you must make this request and give an explanation prior to giving relevant evidence. Do you understand?

Mr DAVENPORT - I do.

CHAIR - Thank you, Jack. Now we're going to do the statutory declaration, and because you're not here on site, I'm going to ask you to introduce yourself, I'm going to read the statement, and then you're going to affirm the statement. Is that all right?

Mr DAVENPORT - That's fine, yes.

Mr JACK DAVENPORT WAS CALLED, MADE THE STATUTORY DECLARATION AND WAS EXAMINED via MICROSOFT TEAMS.

CHAIR - Thanks very much for that, Jack. Now, the way we normally do it is if you would like to make an opening statement, you are welcome to do so now and then we can move to questions from the committee.

Mr DAVENPORT - Thank you, Chair and thank you to the committee for giving me this opportunity to speak. I don't really have any opening comments, to be honest. I'm quite happy just to go straight into questions.

CHAIR - Okay, that's fine then. I will begin. Thank you for the submission you've made. It's useful to have submissions made from people who've run as candidates in elections that can reflect in good, structural ways on their experience and suggest areas of consideration for this committee and for us more broadly in the community.

I will start where you did in your submission, in terms of your employment as a public servant by the state. You've made observations about confusing and contradicting messaging.

PUBLIC

What I'm gathering from your submission - and perhaps I'm looking for you to confirm it here, and perhaps add some detail to it - in terms of what you would recommend or what you would like to see changed, it would appear to me that there's an opportunity for there to be a much clearer and centrally consistent piece of communication that's available at all times for public servants about their entitlements and their responsibilities if they are to run for election. Would that be an accurate way to summarise what you've put in your submission?

Mr DAVENPORT - Yes, that definitely would be the case. I particularly found the issue on the leave entitlement, I think from memory, it was two months unpaid leave entitlement, which was fine, but this kind of idea that you prioritise that over other kinds of leave, particularly in the circumstances, just doesn't seem practical to me. It's also about the lack of flexibility on the labour arrangements. I mean, if you can't access something like recreational leave, for example, it would be useful to know why that was not actually an option. I wasn't really understanding that requirement at all.

I mean, yes, making it clearer and being consistent across the entire board, you would hope that would be the case. But clearly, there was a lot of disparity in not just where to access that information, but also how it's been presented and the way - and the mechanism that was being presented to some staff but not others. I think that was all highly problematic.

CHAIR - It's obviously exacerbated by an election that's called unexpectedly early, and people who may wish to run as candidates then have to very quickly figure out if they're in a position to do so and how they will go about arranging that in terms of their personal life, their work situation and financially.

Do you also see that potentially fixed-term elections are going to be an issue that could provide some more surety around situations like this, particularly for people running as independents?

Mr DAVENPORT - That's definitely possible, but I'd be wary, as putting it as being a primary consideration around fixed-term periods because I feel like that fixed-term is a much bigger issue. Yes, it would, on the basic level, provide more surety. If we look at something like this election, where I wasn't too fazed about taking that much time off, I wasn't really preoccupied with trying to go all out on an election campaign, given how late it was and the limitations of being able to campaign.

For me there's pressure to actually take leave as well - it was not particularly helpful either. I mean that that was quite inflexible in terms of - again, I wasn't quite clear on what the thinking was as to why I had to take the leave, why that pressure was coming forward and what they were worried would happen. Yes, that too is also a bit of a factor in that. You can have more time to prepare, like if you're going to take unpaid leave, you have time to prepare your finances, et cetera, so you can do that, but at the same time, why would you be compelled to take leave at all? Other than the assumption that it might be helpful.

CHAIR - Indeed. If you don't mind me asking and you don't necessarily have to disclose the detail of it, but I wasn't quite clear from your submission, in the end, were you compelled to take two months or whatever extent of time you were campaigning in - were you compelled to take unpaid leave during that entire time rather than take bits of leave, recreation leave or personal leave, in an ad hoc fashion? Did you have to take the whole period off?

Mr DAVENPORT - No, I didn't in the end. I did get the impression there was some keen desire for me not to be working. I kind of - I took more leave than I anticipated I would be doing, but that was through paid leave. I felt like the greater concern was about me working during that period rather than necessarily the mechanism of the leave.

I mean, the whole thing left me very bemused. The whole situation was just - I didn't really understand the pressure and why it was coming. I guess that's also the other part of - whether this is the departmental characteristic or something broader within the State Service and departments, but not really explaining the rationale; I should just understand the rationale and go with it. It seemed a very traditionalist, old school way of thinking around the relationship between the employer and worker. That, too, was not particularly helpful or productive.

Ms HADDAD - Thanks, Jack. It's Ella Haddad here, member for Clark. Thanks for your submission and the information you're providing today. It sounds to me from what you've shared today and in your written submission, that part of the problem is that there's a lack of structure and consistent rules around what happens when a State Servant nominates for Parliament. Do you know and, again, as Meg said, don't disclose anything that you can't or shouldn't, but do you know whether the information that was provided to you was generated and provided within your department or was coming, for example, from the State Service Management Office; or whether there was any kind of whole-of-Government lens over the issue of State Servants running for Parliament.

Mr DAVENPORT - I'm not entirely clear. My impression was that the Department [DECYP] was pulling guidance from elsewhere, which I think must have been from the Office of Prime Minister and Cabinet, but then they put their own slight interpretation on that. Unfortunately, if you already have access to the original, then you see what you're being sent, you can make an immediate comparison. It's almost like they haven't considered that was going to be a possibility or there'd be questions. Whether or not - in the terms that you put - that was happening, I don't know but certainly I just felt like they put their own twist on it in the end. I mean, they may have a different opinion, of course, about how they went about it, but that was certainly my impression. They were just taking an existing piece of information and slightly rewording it for - again, I don't know and that's probably one of the most confusing parts about this. I don't really know what the rationale was because they didn't explain it.

Ms HADDAD - Could I ask, to your mind, would it make sense for there to be some kind of whole-of-Government policy, whether it's legislated or it is a policy that sits within State Service management or elsewhere, for how the entitlements or responsibilities that each State Servant has if and when they nominate for Parliament? I know something like that exists at the federal level.

Mr DAVENPORT - Yes. I mean, it would make sense to do that. I imagine there might be some particular areas where you might want to add some additional guidance for some of the positions that might be a bit more - I can't really think of anything on top of my head but certainly, if I think of my position, I'm sure the department would want to just add some caveats around like, 'Just be careful what you say about schools', for example, and your work, but that would be useful for candidates in this situation, so they are not overstepping the mark and breaching, say, the *State Service Act 2000*, that kind of thing.

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But, having a basic broad-brush rule that everyone can work around would definitely be the way forward because I think it's easy to take it for granted with the federal because of the constitution and it places the limitation on public sector workers in a way that you don't have that limitation here in Tasmania, thankfully, because the constitutional requirements are ridiculous. At the same time, the responsibility and onus should be on the Government to make sure that the guidance is clear and that, as much as possible, the [inaudible] shouldn't be any different for me compared to someone in the Department of Health or Parks, et cetera. We should all have an equal understanding of it.

Ms HADDAD - One final question to finish off. One thing that really concerned me in your written submission is that you were asked to submit your candidate media releases to the departmental media office. Do you care to elaborate, again, not sharing anything that you cannot or shouldn't, but would you like to elaborate on that pretty concerning request any further?

Mr DAVENPORT - Not really, not beyond what I have stated in terms of the facts of what was occurring. I mean, it was concerning, but I have to say, I found it slightly amusing that they were making the request. But also, that they weren't doing it in writing because when that happened, it did make me realise that they knew they were on shaky footing. Like the very intent of it was - again, I'm not too sure on the rationale, like what they thought was going to happen there and why they thought that was a good idea. The whole thing just suggests to me there's some other issues going on there in considerations within the Department. But the very idea of asking for that for any candidate. I mean, if I was in a political party, I don't know what would have happened to that. Actually, you probably wouldn't be asking someone in a political party that because - just all of it seemed very - yes, it was just very bizarre.

Yes, it is concerning. I found it amusing in the context of I knew it didn't really have any teeth to it but, at the same time, it is concerning that that was even where that mindset went because I was also kind of astonished that was even considered as being a request.

Mr BAYLEY - Thanks, Jack. Thanks for the submission. Vica Bayley here, Greens member for Clark. Just a couple of quick questions. One, I think I hear the answer in your responses there already but, obviously, the election is now six months ago, you've been through this exercise where the Department obviously responded to your candidacy. Has there been any follow-up with you to understand your needs and feedback as to how the Department's going to treat this going forward, whether there's any more work being done to sort of formalise protocols? Has there been any follow-up whatsoever?

Mr DAVENPORT - No, none at all.

Mr BAYLEY - I guess, just to try to understand your position in terms of what should happen in relation to leave as a candidate and an employee of the State Service, am I hearing that your preference would be that you keep working and you take days off, whether it's whole days or you take leave as and when you need it for campaign activities, but otherwise your professionalism is trusted and regarded such that you can manage your work commitments alongside the campaign commitments. Is that the sort of ideal leave structure you were looking for? Or you think should happen in the future?

Mr DAVENPORT - I think in terms of the leave arrangements, first of all, giving the two-month option in unpaid leave is a very good one. I think that's not a bad offer for

a candidate, bearing in mind that the earlier the election the more difficult for someone to access that.

Mr BAYLEY - To organise?

Mr DAVENPORT - Yes, and that's why flexibility is important. The leave arrangement would be you can take the unpaid leave but can also access, for example, recreation leave. With long service leave allowance, I don't know how complicated that is in terms of how that's managed. If there's any other kind of viable leave, I can't think of anything off the top of my head, but being able to access recreation leave will not be unreasonable with that flexibility.

Yes, in terms of trusting someone to organise that and make sure they do things on their own time and not on work time, et cetera, not using work materials or anything like that. There should be that respect and trust with your employees to do that. By all means, offer guidance around it and what that looks like, and guidance around what will be an unacceptable kind of comment be in the context of making a statement. Just being mindful about some explicit examples of where someone has definitely gone over, gone too far.

Beyond that, just trust your workers to be able to manage that because if you're running to be a candidate, you would hope that they have the nuance to understand the ramifications and responsibilities that go with it. Yes, that would be a reasonable approach.

Mr BAYLEY - Is it workable in your mind of what is appropriate or not appropriate? How do those decisions get made? Do you believe that's workable?

Mr DAVENPORT - Could you just -

Mr BAYLEY - I guess your examples in terms of comments, particularly if they pertain to an area of expertise that you're actually employed in the State Service. You made reference to what would or wouldn't be appropriate and what is your view as to who would make the decisions about what's appropriate? How that's going to be policed or regulated and whether you, as a candidate, believe that it is indeed workable.

Mr DAVENPORT - There's probably a limit to how workable it is. This is why I put the caveat about an explicit breach as opposed to something that's a bit more borderline. Ultimately, there's always the code of conduct, and even if you are on unpaid leave, you're still employed by the Department. It's kind of saying to the employees it's your responsibility to also tread carefully and get your own advice about what may or may not be a breach, et cetera. That's always going to be a challenge.

In terms of actual examples, maybe that would have to be thought out quite carefully. But in terms of the mechanism, would it be any different than some state employee explicitly going to the media and being quoted in terms of an actual Government policy without, say, trade union support? Often employees would be stood with trade unionists, their trade union and making a comment in that basis. But just going gung-ho to the media, there's some common sense elements there. It's just trying to work out where that guidance lies. But that's why you would have consultation, for example, with trade unions, and politicians and other people and put that question out there.

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What is a workable system here? What's the extent to which we can advise? And when does the advice become onerous and overbearing? That's definitely a question. In terms of the leave, flexibility is going to be the issue there. That's what I'd be expecting and hoping for.

Ms O'CONNOR - Hello, Jack, it's Cassy O'Connor here, member for Hobart. Thanks for your submission.

I guess if I just sort of put my hat on pretending I'm the Government of the day, and I've heard what you've said about flexibility around leave; ostensibly, public servants are to be apolitical. We know that that's sometimes brought into question, but ostensibly they are. I guess - I mean, you could see why there'd be a caution on the part of Government agencies in just saying to a state servant, 'Yes. No worries. You run your campaign. We trust you not to campaign on the public purse, not to bring the agency into disrepute or use any information that you've obtained in the course of your employment during your campaign.'

Do you agree that there does need to be some level of separation for a period of time, probably the campaign period or the two months that's potentially allocated there, between your role as a state servant and your role as a candidate for election in a democracy?

Mr DAVENPORT - Yes, but I don't see how that would necessarily - I mean the examples you actually gave there were the kind of examples where you would be overstepping the mark. That guidance already exists in terms of other policies like social media, for example, the media, that kind of thing. I don't think it's too much of a stretch on that basis.

This idea of being apolitical is - I just don't think that works really because there are thousands of public servants in Tasmania, in terms of the State Service. We pay taxes, we have children, they go to school, we access services like anyone else, we have opinions. The idea of being completely apolitical, I just don't see how that's really viable in that regard. You're going to have to start considering that if the assumption is apolitical to even some degree, it's apolitical in terms of our service delivery. If I'm with anyone, I can't start promoting my political beliefs in that regard. But, in terms of having those views - ultimately, if someone's going to stand for election, in that case, why allow state servants to stand if you're that bothered about that? I feel like that's - you are getting too much into a dimension. I just think there are other procedures that already account for speaking out in public and what is acceptable and what isn't and framing that. I don't see that it would be too much of a stretch. I think it's not going to be too difficult to apply that to an election context.

Ms O'CONNOR - I know we're all ultimately political creatures, but my point was that the bureaucracy was established to be non-partisan political and people, I think, expect that from the bureaucracy. What I'm hearing you say is that there should be a mechanism in your view for someone to retain that they're actually working, so they're not taking leave for the entire period of their campaigning as long as there are good guidelines and firewalls, or whatever you want to call it, in place to protect the public interest instead of - against partisan, political operations as well as protect the rights of people to participate in democracy by standing as a candidate.

Mr DAVENPORT - Yes, I would say so. I can see there's probably - I mean, think about what you've said. I could see maybe there might be a challenge in terms of, say, if as a candidate you put out, say, a media release, and then the next day when you're at work, a journalist tries to contact you. You probably want to have some - what is the process of being able to answer

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your phone or speak to them - although most of us have an unpaid lunch break. It's kind of like this - as long as you're not explicitly in your office in front of other people having that conversation. You have to have some professional ability. But I don't think, again, that's not too different from many other kinds of conversations or interactions.

I'm not pretending I've got all the answers here, but I do think there's enough scope to be able to start framing it up and put it out for a consultation. But I do think having that flexibility and trust, I think the Government can afford to do that while at the same time expecting its employees to abide by expectations, for example, under the code of conduct. I think there's give and take on both sides. I think it's quite manageable to find a common ground.

Ms O'CONNOR - Thank you. Can I ask, what guidance, if any, were you given by your agency employer for your conduct during the campaign?

Mr DAVENPORT - Beyond what I shared with you, I can't recall there was anything else. I think I gave you a thing that was relevant in that context. It was really any of the guidance that I got were variations on the theme of the information I've given you, if I recall correctly. There was nothing new; it was simply rehashing the same lines or slight turn of phrasing on the same advice.

Ms O'CONNOR - More about leave than conduct.

CHAIR - I'm going to move us along.

Ms JOHNSTON - Hi, Jack, it's Kristie Johnston, Independent member for Clark. Thank you for your submission and thank you also for raising the issue of Registration to Work with Vulnerable People (WWVP) within your submission. That's something that, in my 15 years as an elected representative of both local government and Parliament, I've never been asked until this recent election when a survey went out asking candidates if they had Working with Vulnerable People registration. We, obviously as candidates and as Members of Parliament, interact with a whole range of people, including vulnerable people, as you highlighted.

Perhaps, you can elaborate for us some of the experiences that you had, or you maybe have seen other candidates have during the election campaign where you thought it would be relevant to hold a registration to work with vulnerable people, and perhaps, elaborate why that might be important.

Mr DAVENPORT - In terms of an election campaign, if you think about going door-to-door and you being a complete stranger in that context, talking about particular issues, but also if you were elected and meeting constituents, you're privy to a whole range of personalised information. There would be some conduct guidance around it, but at the same time the language is changing; the whole 'vibe' around how we operate in the space of vulnerable people, particularly around children and being safe with children, is taken less and less for granted, even around some of those other systems.

Therefore, it's about applying that standard because you're operating in a position where you are able to access potentially intimate and important information about people. They're coming to you, as MPs, and they're giving you information on the basis of trust and faith. It can be about issues affecting their children, for example, or it could actually be young people themselves, under 18, who are wanting to try to get some level of advocacy about something.

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Being able to have the basic level of trust that they would expect from any public servant or many other positions, I don't think is unreasonable. That for me is just about that the bar - we're talking about the bar being raised and Working with Vulnerable People checks are not perfect - there are a lot of improvements to be made.

If we have that expectation for a whole range of people in various positions and volunteers, we should be having them for elected representatives because you are there to be leaders and you should be promoting by role-modelling that expectation. That's where that attitude is beginning to change.

Again, the mechanism of how that might work might need more thinking. But the basic principle, if you're holding on to those checks now, I think we're beginning to move beyond that kind of discussion and into more how we're going to make that work.

Ms JOHNSTON - Thank you for that. Also, you've outlined there the kind information that people will share with candidates and with members of Parliament and the scenarios in which you might find yourself in physical environments and other environments where you might be exchanging information.

You also raise in your submission your issues on the electoral role. Is there a link also between the two issues you get given - not confidential, it's publicly available - access to the electoral roll, which has some significant detail in that and the connection between working with vulnerable people? Is there a connection there you see particularly for incumbent members of Parliament- they get an access to electronic roll which is much easier to search than a physical copy of the roll. Do you see a connection there between the two issues?

Mr DAVENPORT - Yes, I do, because many people would probably be quite surprised, we get a copy of the electoral roll. I've had not a huge number, but I've had a couple of responses in elections with our leaflets, where I've done a direct mail or something, so someone is saying, 'How did you get my name and address?' et cetera - and having to explain why we have access to the electoral roll because we're a candidate or a political party. Many people are not even aware we have access to that as candidates. They probably just don't think necessarily on those terms. Again, applying a level of security, as basic as it may be, there's still an important principle around how you use that. It's just one extra measure of saying you're not going to use that to exploit someone who you know is vulnerable to access information you might not otherwise be able to get.

CHAIR - Thank you, Jack. I'm mindful that we've run out of time with our session today. I also realised as we were having the discussion then that I think I neglected to introduce everybody at the table when I was doing my introductory things in your hearing, Jack. I apologise that I didn't do that at the start and to my colleagues as well for not doing that. It must have been after-lunch oversight - brain torpor.

We will conclude, but I need to just advise you, as I did at the commencement, that what you've said here today is protected by parliamentary privilege. Once you leave the hearing you need to be aware that privilege does not attach to comments you may make to anyone, including the media, even if you're just repeating what you said to us. Do you understand that?

Mr DAVENPORT - Yes, I do.

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CHAIR - Well, thank you so much, Jack. We really appreciate your time today.

Mr DAVENPORT -No worries. Thank you very much to the committee for the time. Appreciate it.

The witness withdrew.

The Committee suspended at 2.16 p.m.

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The Committee resumed at 3 p.m.

TASMANIAN ELECTORAL COMMISSION

CHAIR - Welcome to the Joint Standing Committee on Electoral Matters Inquiry into the conduct of the 2025 House of Assembly and the 2025 Legislative Council periodic elections. We're taking evidence today from the Tasmanian Electoral Commission. Thank you for joining us.

In terms of your evidence today, I need to inform you of some important aspects of our proceedings. A committee hearing is a proceeding of Parliament, which means it receives the protection of parliamentary privilege. This is an important legal protection that allows individuals giving evidence to a parliamentary committee to speak with complete freedom without fear of being sued or questioned in any court or place out of Parliament. It applies to ensure that Parliament receives the very best information when conducting its inquiries. It's important to be aware that this protection is not accorded to you if statements that may be defamatory are repeated or referred to by you outside the confines of the parliamentary proceedings. This is a public hearing. Members of the public and journalists may be present and this means your evidence may be reported. It's important that should you wish all or part of your evidence to be heard in private, you must make the request and give an explanation prior to giving relevant evidence. Do you understand?

WITNESSES - Yes.

CHAIR - Thank you. Now let me introduce you to our committee. Online we've got Michael Ferguson MP, Liberal member for Bass. At the table we've got the honourable Bec Thomas MLC, member for Elwick; Ella Haddad MP, Labor member for Clark; the honourable Cassy O'Connor, MLC, member for Hobart -

Ms O'CONNOR - Greens member.

CHAIR - Greens member for Hobart - sorry, Cassy. I'm Meg Webb MLC, Independent member for Nelson; we have Kristie Johnston MP, Independent member for Clark; Vica Bayley MP, Greens member for Clark; and the honourable Mike Gaffney MLC, Independent member for Mersey. We have Scott assisting with secretariat and Terry from Hansard with us.

Can I ask you please to introduce your team and then I will ask each of you to make the statutory declaration, if you would, before your opening statement.

Mr ANDREW ROBIN DENNIS HAWKEY, ELECTORAL COMMISSIONER, **Mr HOWARD MICHAEL (MIKE) BLAKE AM**, COMMISSION CHAIR; AND **Ms ALLYSON WARRINGTON**, COMMISSION MEMBER, TASMANIAN ELECTORAL COMMISSION, WERE CALLED, MADE THE STATUTORY DECLARATION AND WERE EXAMINED.

CHAIR - Thank you. Would you like to make your opening statement?

Mr HAWKEY - We are the three members of the Tasmanian Electoral Commission. Mike Blake is the chair, I'm the Electoral Commissioner and Allyson is a Commission Member, all established under the *Electoral Act 2004*.

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The Commission [the Tasmanian Electoral Commission] thanks the committee for the opportunity to appear today at the Inquiry into the 2025 Tasmanian parliamentary elections. The commission welcomes the transparent review of our election processes and the opportunity for broader discussion on Tasmanian electoral matters provided by these hearings. By chance, today the Tasmanian Electoral Commission is 21.

CHAIR - Happy birthday. Adulthood at last.

Mr HAWKEY - During this time it's had three Commission chairs, four Commission Members, three electoral Commissioners and three Deputy Electoral Commissioners. Last week I clocked 10 years in the role as Commissioner and yet to look at me, you'd think it was 20.

As widely commented, in the last seven years Tasmania has had four state elections, one which shared a polling day with the Legislative Council elections for the first time in Tasmanian history.

At last year's [2024] Inquiry¹⁷, we informed the community of the independent review in 2023 of our structure, which recommended our staff numbers increase from 16 to 34. Today, thanks to the assistance of the Department of Justice, we have our full staff complement which allows us to move forward instead of simply holding on. As an expanded organisation, we have talented and engaged staff who bring new skills and expertise who are already making a positive impact in the electoral environment.

Last year the Inquiry showed we had work to do in expanding our services to electors facing barriers to voting. Our submission to this Inquiry outlines our improvements in this area. Last year [2025], the state was awaiting the commencement of the Tasmanian disclosure and funding scheme. Our submission to this Inquiry outlines the great strides of introducing a very different scheme under complex legislation partway through the snap 2025 state election.

In 2016, the Office of the Commission was only nine staff. Then, the biggest issues were the availability of ballot paper stock and postal envelope stock, or which buildings around the state were available to hire on polling day. Whilst these issues are still critical, the breadth of issues and services commissions need to be focused on before, during and after elections is far greater.

Thankfully, the Commission is in a far stronger position than ever before, which is timely with the increasing challenges it faces. Those challenges include diminishing social cohesion; the rise in use of mis- and disinformation; the rise and uncertainty of AI in elections; changing views on the safety and suitability of available polling places; changes to traditional voting services, including increased costs; the ongoing reduction of postal services; and the reduction of supply capacity to produce election material. In addition to working with other electoral commissions and state agencies, the TEC is better equipped to face these challenges and provide better electoral services to the Tasmanian people.

Also in the room from the Electoral Commission are Ngaire Edwards, the Deputy Electoral Commissioner; and Kylee Rumble, the Director of Legislative Compliance.

¹⁷ Joint Standing Committee on Electoral Matters, Inquiry into the Conduct of the 2024 House of Assembly General Election and 2024 Legislative Council elections.

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CHAIR - Thank you very much, that's an excellent little overview to start us off. I know we have a lot of interesting things to talk about, because who would have thought, we'd hit an election right when we were getting to the time of implementing such a raft of new measures.

The one that I want to talk about first, though, is an important one that we were pleased to see progressed in recent years, and that is to extend the telephone voting service to local people who have a print disability or vision impairment, those sorts of arrangements. So that, for the two elections last year [2025], was the first time we had extended that service locally. Are the numbers that you've provided in your submission, for both the LegCo elections and the House of Assembly election in terms of using the telephone voting service, the total that includes local, national and international, potentially, or are they just the local users of the telephone voting service? Are you able to give us a breakdown of the people who are ringing in locally versus from another state versus from international?

Mr HAWKEY - Yes, for the Legislative Council, there were 1229 across the whole elector base. Out of that, 66 of them were identified as having a print disability.

CHAIR - Are you able to give us a breakdown of that 66 having a print disability? Are they only local people who used it within Tasmania, or can you give a breakdown of the Tasmanian users versus the interstate versus the international?

Mr HAWKEY - I don't believe we have that as a separate thing. Basically, the elector was asked the basis of which they were claiming the ability to claim the entitlement to telephone voting, and it was: 'Are you interstate, are you overseas, or are you someone with a print disability?' It wasn't a -

CHAIR - Well, that probably would have picked it up, then, largely we could equate people who said on the basis of a print disability are probably local Tasmanians.

Mr HAWKEY - Yes, most likely. That would be my assumption.

CHAIR - Thank you. That helps to clarify. I noticed, too, the very low numbers using the VI[-Vote] terminals in polling places; there were just six in the LegCo elections and six in the statewide House of Assembly election. Is it your anticipation that that is a service we may see end at some point because it's just not well utilised, now that we've got the telephone option?

Mr HAWKEY - My personal feeling is it probably should be maintained. Part of the reason is it's a very cost-effective additional resource, other than it's not broadly spread. Telephone voting is great because it broadens the accessibility from particular locations, but even when we started the VI vote back in about 2010, a large proportion of the blind community had things in place around elections, so a lot of them may have been postal voters. I remember in our very first year, one person who came into the Office to use it as a pre-poll got upset because she had not come to the city for 10 years and she got overwhelmed coming into the city after 10 years, even though she wanted to use the system for voting.

The advantage of the telephone voting [sic VI-Vote System] is truly independent. People go there, sit there with their headset on, or if it's something like macular degeneration, they can have an increased screen size and they can fill in the vote fully independently and put it in the

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ballot box. It has that one thing over telephone voting, which is always having to be second-hand through other people.

CHAIR - So the VI system is fully independent, as opposed to the telephone, which is assisted to some extent.

Mr HAWKEY - Fully independent, yes.

CHAIR - In terms of the telephone voting, have you done any kind of quality assurance on the experience of users of the telephone voting system to see if there are ways it can be improved or smoothed? I have some anecdotal stories from people who have used it and there are things like being interrupted between the first - because it's a two-stage process, you make the first call to identify that you're eligible to use it and you're a voter and then pass to somebody different to actually do your voting, so some cutting-off issues between those two points.

Mr HAWKEY - It's a separate phone call. Part of that is to maintain the secrecy of the ballot. The computer - they're given a number, which basically just gives them a special ID, but also a reference to the Division. All that the second person - or the two people that take the vote down - they have confirmation of the Division and nothing else about that individual. What we find is that it's a work in progress. Now that we've expanded our organisation, we have a business improvement manager and a data analyst, so we'll be doing more and more work to refine it.

We've had small issues around the system of being able to check people off because you get surge periods. Again, the other problem is it's a much slower process to complete a ballot paper, especially for a House, than it is for the checking off of someone and getting them into the system. We had only a small number of people who didn't complete the process, but it's not a perfect system.

CHAIR - Was there any recording done of some of those - there could be some spot auditing or checking in of quality assurance?

Mr HAWKEY - I don't believe we had any recording established on the process but, again, now that we have our broader staffing, we're looking to review a lot of those processes moving forward. It becomes - sorry, one last thing on that - I'm expecting that, from a local government point of view, which is where some of these issues were initially triggered by compulsory voting, that there will be a push to bring telephone voting into local government. There you're looking at three ballot papers, plus an elector poll, plus 29 councils. That's not going to be a quick process. How broadly is that acceptable? Is that only for people with a print disability? Is it people overseas? I think this is an area that's going to grow, especially with postal voting continuing to decline, especially overseas, but it's something we can improve on going forwards.

Ms O'CONNOR - Thank you for your submission and all you do to uphold democracy in Tasmania. I was interested in and, almost, pleasantly surprised that the informal voting rate in 2025 had fallen, not a massive fall, but in 2024 it was 6.3 per cent of votes and, correct me if I'm wrong on the numbers, in 2025, 5.84 per cent. Again, too high. But, I know you've undertaken some analysis of informal voting of the 2025 state election, remembering that this is an election where we had 35 members to elect as it was in 2024.

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Do you want to talk through some of the steps that the TEC took to lower the level of informal voting and to engage people with the new 35-seat House, even though it was the second election within a year that that was happening?

Mr HAWKEY - Certainly. I think the first thing to note of value, and I'll come back to it a little bit later, is that we've essentially identified two different types of informality: those where there seems to be an apparent deliberate attempt to be informal, and those where it appears, to the best of our knowledge, an error. Now, that's not thorough, that's not scientific. It's just general sort of groupings of the types. For example, a blank envelope, a blank ballot paper could be, 'I don't want to pay a fine, I'll get my ballot paper and I'll shove it in the ballot box,' or it might be someone going over who can't read it - 'don't know what to do' - and close it. It could be either. That's why we call it apparent. There are two different types.

Some of our processes are trying to address - we can only address the unintentional a lot more than we can the apparent -

Ms O'CONNOR - The mistakes.

Mr HAWKEY - With the expansion to 35, we had our second lot of advertising campaign with people with their seven fingers bouncing up and down. We involved - they had that across buses, across social media, in different places, as a way to try to provide a visual thing as much as a verbal thing rather than sort of a written thing to try to show that it was seven - greater than five. I think one of the things that the report brought out was, it showed that since 1992, there'd been a considerable increase in ticks and crosses, which may be because of our broadening diversity of migrants across that period. I don't know; this is speculation. But we saw a downturn of that at this last election. Again, maybe because the visual thing of seeing seven fingers was a good trigger to try to go, 'Oh, that's right. Not ticks and crosses, it's seven.'

Again, there are very few countries in the world where you put numbers because they have to be a preferential voting system; otherwise it's basically a tick or cross or other form of strike-off. So, that was our key area of development. We try to assist people in polling places with reading instructions or providing assistance for people who need it, but the core thing was the advertising campaign of vote seven or more.

Ms O'CONNOR - This issue came up with Dr Kevin Bonham this morning. Obviously, he is a strong advocate of some saving provisions to make sure that people's intent, when they vote, is captured. Of the informal votes, and I'm not sure you would have the exact numbers here, but one of the findings was, I think, that those groups which had fewer than seven in a column were more likely to fall into an informal vote category. Does the TEC have a position on savings provisions? How often do you see a vote where someone's intention is quite clear but, because they haven't numbered one to seven, it won't be counted?

Mr HAWKEY - From my perspective the Commission will administer whatever the Parliament passes -

Ms O'CONNOR - Yes, of course.

Mr HAWKEY - As I often say at these gatherings, for me, personally, and as I've said at other times, I think it's really important to set that bar at seven and I'm always of the view that seven is a savings provision. I think we heard earlier today that most states have full

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preferences required. Although, that said, most have single seats with much fewer candidates. But I think if we were to say - we normally say, 'Vote all the preferences you can and if you want your vote to count, you have to vote one to seven.' Now, if we have savings provisions, then that's actually not a true statement. So, do we then say, 'We want you to vote for all of them, you really should vote seven, but you're probably going to be okay with three?'

There always has to be a point where you find a happy balance. For me, seven is a good one because, as I have said in committees like this in the past, it allows two things. It allows parties that are organised to have seven candidates because they don't want people to vote informally and that has a flow-on effect of two things. It reduces, to a certain degree, our exhaustion. More importantly, for me, it allows there to be reserve members of a party to fill a vacancy that may occur from people resigning from Parliament. Two or three times in my time, a party has run out of extras to backfill those recounts. If that occurs, under our legislation, the party director has the right to say, 'I wish to have a by-election.'

One of the great aspects of Hare-Clark is it allows us to have recounts that allow the mind and the will of the people to be maintained even through vacancies because it is still their choices at that point in time. It doesn't become a later by-election on a mandate of an issue or, if Ms Johnston had a running mate, that that person wouldn't have a chance at a by-election where they would [on recount]. We saw that with Mr [Bruce] Goodluck when he stood as an Independent for Franklin many years ago and he resigned and he had his running mate replace him, I believe.

So, recounts allow the will and the mind of the people - and having seven and having parties maintain that seven has the advantage of the formality vote, but it also allows depth of field for recounts.

Ms O'CONNOR - Thank you for that. I mean, there are people who might just make a genuine mistake and put two fours on the ballot paper or two fives even though their intention is clear. I mean, can you not see the value in there being some sort of discretion, for example, for the Electoral Commissioner to examine that vote?

Mr HAWKEY - I appreciate that there is - the other thing that could be said is that some votes don't get that far in the preferences. Some people's votes might stay at number one; your primary votes, they all stay with you, so they only need one preference, but others go further. We saw pointed out this morning that we had 5000 exhausted votes, about 8000 ballot papers; that happened in Bass when there was only a 200-vote difference between the one who missed out and the one who got elected.

So, it's a balance of a range of things there. If you said - because, again, if you have savings provisions, it also makes it more complicated to administer. It's possible, but I like the current system personally. I wouldn't say it'd be terrible to have other systems and, certainly, the Parliament may wish to have that debate, but I think that the seven is a savings provision and provides that happy medium between ensuring parties have enough candidates - and I know I had a range of directors when the Parliament went from 25 to 35 saying, 'I can't get seven candidates in each of the five divisions, can we run with less?' I said, 'Of course, you can run with less, but you will only have - you know, there won't be the same with informality without having the full formality and the recount'. So, I appreciate that there are pressures on parties as well, but again, the Parliament can choose what it wishes to do and we will all administer it.

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CHAIR - Can I follow up on that before we move into another topic. Is it possible if there was, for example - I'm not personally, necessarily, a fan of savings provisions beyond what we have either, but for devil's advocate - if we were to put savings provisions in place, in order that the votes, as described by Ms O'Connor a minute ago, don't become wasted in that sense, is it possible to put those savings provisions in place in legislation, have them be part of the processes that occur during counting, but not something that's part of the public educative messaging? We still do the public educative messaging about what we want people to be able to vote and how we want them to vote - the seven -

Mr HAWKEY - You could, but again, you would have to change the messaging.

Ms O'CONNOR - You'd want to be truthful.

Mr HAWKEY - It won't be truthful [if the message isn't changed]. And we want to be transparent and truthful.

CHAIR - Yes, sure.

Mr HAWKEY - There were cases at the federal level, and I cannot remember the name, but at one stage a 1-2-2-2 was a formal vote. That was a way of someone trying to upend the federal system because - I can't remember the details, but we don't want people to game the system. Yes, we can probably do with more education, maybe we can do more. One of the other key things that we're looking at doing - local government elections. Since we went to all-in all-out for local government a few years ago, the Commission went to a data entry of physical ballot papers for all councillor elections. We do that across about a four- or five-day period; that's from the day after the polling closes.

We've been in the process of trying to develop that system for a multi-column version for a House of Assembly and that is getting very close now. The system again was based on the Victorian system and that now has cons and we're adjusting it to the Tasmanian environment. Our intention at the next election will be a data entry and that will allow then a quicker result.

But, other things, like these things that will give us a better understanding of how many people's preferences only go so far or how far through a ballot paper the preferences are used for counting. So, look, I think there are ways to explore it in the future; I'm not saying it shouldn't, but I am happy with where it sits at the moment.

Ms O'CONNOR - Can I just check you're not talking about electronic counting are you?

Mr HAWKEY - No, data entry of ballot papers. So, people still do the physical version, but then there's a process of data entry of what's put on that ballot paper. So, there's no broader system across external -

CHAIR - It's a closed system?

Mr HAWKEY - It's a closed system, just within the Electoral Commission and it's just data entered of what's on the ballot paper. So, it doesn't have the IT issues of an online system, and there are many of those, and it also - it still doesn't discriminate against people who aren't

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comfortable with IT systems either. So, from the electors' point of view, it's still the same process of a print; it's just that we, essentially, do a data entry rather than the hand count.

CHAIR - In terms of saving time, it doesn't save the time that we need to wait for the postal votes, but it does save the couple of days afterwards when we are doing the counting process?

Mr HAWKEY - It will probably save the couple of days afterwards, yes.

CHAIR - When we're doing the counting process and for any countback purposes later?

Mr HAWKEY - It will make it momentary for [countback]- so there are big savings. When we did one like the [Will] Hodgman, that's sort of 30 staff for a day and three staff for - or [Peter] Gutwein - because we're throwing 28,000 votes and everyone's being looked at individually and thrown between candidates. Now with local government, we do it in 30 seconds, for all local government. So, it saves them money and it's a good, accurate process. So, it is a good advancement and we're happy that it's a more accurate process when it comes to big counts as well.

Mr BLAKE - Could I add to one thing you've said. As you explore the savings provisions concept, don't put us in a position where we have to work out somebody's intent, because I think that would be difficult.

Ms THOMAS - Sorry, can you speak into your microphone?

Mr BLAKE - I beg your pardon, sorry. I'm just looking at the savings provision idea that you've been and others, a number of your submissions have made a recommendation that you go that route. And as you explore it, don't put the Commission into a position where we have to decide somebody's intent because that's very difficult to do.

Ms HADDAD - Thank you again, all of you, for the work that you do and for making yourself available to provide more in-depth information at this Committee. I agree that it's a good thing the committee exists.

Thanks for providing the information about prison voting. I had a few questions about that if I could ask those. You have listed the Legislative Council elections: was the mobile voting available for the state election as well?

Mr HAWKEY - Yes, and I believe it's in our submission there.

Ms HADDAD - I might have missed that, sorry.

Mr HAWKEY - It was slightly broader use in the House - I'm just trying to see what page it was on.

Ms HADDAD - While you're looking for it - so prior to -

Mr HAWKEY - Page 7.

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Ms HADDAD - Thanks. Oh, down there. Okay, yes, I'm just up on the top here where you talked about it being the first time that you provided that mobile voting facility. Prior to that was it postal vote applications - they were available within the prison system?

Mr HAWKEY - They could become a general postal voter as well through there. Historically, electoral commissions used to go into them - and there is a range of reasons around security and suitability and just general feel, that it disappeared.

We were in discussions with representatives in relation to the prisons and their concern about the fact that post is opened and different things through the prison. Also, that the AEC [the Australian Electoral Commission] with the referendum felt that with such a high proportion of Aboriginal people incarcerated around the country that it was important to try to lift their game there and make sure people had a say, that they had an entitlement to it.

That basically brought up a slightly newer model. Historically we'd send our own staff in there. Now, it's more collaboration of individuals who already work in the prisons and electoral staff, and it's worked pretty well for this one year. Basically, it started with their referendum, and we followed it in 2025.

Ms HADDAD - Thank you, that's good to hear. Because it's a small number of ballots that were actually cast, I'm assuming there's a high number of people who would be eligible to enrol and to vote who aren't enrolled. Did you get any sense of that proportion of prisoners who -

Mr HAWKEY - I don't think we've done any stats on that, have we?

CHAIR - I was keen to ask that, too; I'm very interested in those stats.

Mr HAWKEY - I mean, it's certainly an area we can look at and look into.

Ms HADDAD - On that, if they - because it did say in your submission that you provided information about how to update their enrolment if they sought to cast a vote but weren't on the electoral roll correctly.

Mr HAWKEY - Yes

Ms HADDAD - I'm wondering, for people in that cohort of prisoners, where they would enrol, whether it's at their last address before they're incarcerated or whether they all become Franklin voters. I think it's in Franklin. It might just be into Lyons, the prison.

Mr HAWKEY - It is in Franklin. They had the choice of designating an address. Under the electoral roll there are things such as like itinerant electors, where people don't have a formal address. There are mechanisms under enrolment for different circumstances and fly-in fly-out staff. I'm not across the full details of it. We can certainly look at more details there.

Mr BLAKE - Sorry, just in response to your previous question. The AEC has done some follow-up work on that issue. We can see what they've done and have a look at it here.

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Ms HADDAD - That would be great. That's what I was wondering: if you're happy to provide that out of session by correspondence to the committee chair or secretary, that would be really interesting for us.

CHAIR - We will send a question on notice to prompt that if that's all right.

Mr HAWKEY - Great.

Ms HADDAD - I have other questions, but they're on other topics, so move on to others in between.

Mr BAYLEY - Thank you. Upfront, I would like to acknowledge the work you do as well and the fact that this was another early election a year after the last and we know you scrambled to get it together. I commend you and all your staff for pulling it together. I think the fact that we have a raft of submissions here that aren't raising significant structural or logistical issues is a credit to you all. Well done, thank you.

I guess the main thing that's happened between when we had you in here last year looking at the 2024 election and this one, the 2025 election, is the electoral donation disclosure legislation and requirements, which kicked in basically at the start of the [2025-2026] financial year. I know you've touched on it in your submission, but I invite you to, I guess, reflect on the little bit of administration you've done, particularly that last seven-day period in the election; how it rolled from your perspective, if you've identified anything that could be improved in that space and also - no, I'll come back to a follow-up question in relation to some concerns.

Mr HAWKEY - There's probably a lot I can say in relation to it. As a broad process, yes, the legislation was set to start on 1 July [2025]. We received our initial funding to start resourcing the year before that, on 1 July 2024 and we started the process of recruiting staff and undertaking the very big and long process of establishing a scheme.

Now, when you say establishing a scheme, this isn't just a single form that gets handed out and handed over. It has a lot of complexity in relation to the participants and the different - there are about six different processes that are under this scheme, slightly different structures under the scheme. On top of that, of course, we had the *Electoral Disclosure and Funding (Donation Disclosure) Amendment Act* that was passed on 16 April 2025 with the commencement date 1 July [2025]. That had major implications.

Again, we try to work to a Tasmanian environment. We have a lovely core staff, but we felt the easiest way to provide information in the modern era was primarily to put a lot of the stuff online, but the Commission had special meetings to do a lot of approvals of different forms and processes and policies, so there was a huge amount of work.

I argue that we can see a big chunk of work, which is a state election, but funding disclosure is at least half again of the workload of the TEC, as much because it has ongoing elements, whether it's now monthly reporting. Again, some of our regulations weren't actually in place when the state election started, so we also had the additional complexity of part way through a state election when it came in, which carried some other broader complexities. But, I'm - and I think the Commission is really happy with the amount of work going from nothing to having it ready for 1 July [2025].

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Yes, there are some things that don't work. There are bits where the legislation is slightly hard to interpret. There were times when we needed to - and, in responding to some good requests from political participants, legal advice because of the peculiarities of Tasmania. Even though we picked up the New South Wales legislation, which is a good, firm foundation stone, Tasmania is still different. We still have our Upper House election separate, we still have separate rules and separate caps. So the New South Wales [setting] couldn't directly be applied easily. It didn't quite understand our relationship of party-endorsed candidates in the Upper House, but have to be official agents. It did some things to try to make it better, but when the rubber hits the road, there's always going to be complexities or areas where there's uncertainty.

I think we have a lot done and, as you can see on the website, there's a lot of information. Our submission shows all the different registers that are established and the returns that are in. I think, given that we were cutting our first path, I'm really happy that we have -

CHAIR - You were building the train as the train was starting from the station.

Mr HAWKEY - Yes, we were, pretty much.

Mr BAYLEY - In terms of reflections on improvements, I noticed there are no recommendations or anything in your submission. Do you have another format apart from this committee to be -

Mr HAWKEY - Well, the Act¹⁸ actually provides for it. The Act¹⁹ actually provides - section 182 of the Act²⁰ talks about a review of the Act²¹ which is to be done by an independent person not employed by the state, the State Service agency, a member of the party and so on, the Minister, that is appropriately qualified. That can either be triggered now by the Minister after one election or must be done within 12 months after the second. That's probably - there are some things that we are looking to build. We're very happy to work with that independent arbiter to work on some bits and pieces, because there's a lot of little things.

Mr BAYLEY - Last one on this, the Labor Party raised some concerns around the need to supply copies of all electoral material. Has that presented any challenges at your end?

Mr HAWKEY - Again, this was a big locomotive that got from stationary to - that's not just from the Electoral Commission. That's from all political systems of which many of you would have been involved in some capacity, especially yourself, Ms Johnston, because you're doing it for yourself there. There are some things that be can be fixed. Sorry, what was your question again? Go back to the question.

Mr BAYLEY - It was in relation to the electoral materials and the provision of electoral materials, just noting the Labor Party -

Mr HAWKEY - From returns.

Mr BAYLEY - That's right.

¹⁸ *Electoral Disclosure and Funding Act 2023 (Tas)*

¹⁹ *Electoral Disclosure and Funding Act 2023 (Tas)*

²⁰ *Electoral Disclosure and Funding Act 2023 (Tas)*

²¹ *Electoral Disclosure and Funding Act 2023 (Tas)*

Mr BAYLEY - Copies of ads and things.

Ms O'CONNOR - Applications for public funding.

Mr HAWKEY -Yes. The broad context here is that we have election returns and we have our claims for funding. In relation to the Act²², it sets in its objectives quite clearly the different elements that need to be achieved. The election return, as to the transparency of all election expender as defined as electoral matter.

Now, the definition for electoral matter was changed and that was a good thing, but it became more complicated. For us to administer the Act²³ we have to make sure that people are claiming what is truly electoral matter. The admin funding is much broader. Basically, if you're not getting it through an allowance, you can claim for it under the admin funding. But the election claim, which is the post-election funding, that needs to be referenced as electoral matter. We've got more complication at this event because the scheme didn't start till 1 July even though people's expenditure started prior to 1 July.

There are complications around that, but the defining of what is 'electoral matter', the assessment of it is quite a complicated process. Issues we've encountered broadly across are that we've had participants failing to provide invoices and receipts; incorrect characterisation; unclear descriptions of electoral expenditure; failure to establish a user campaign account - and again, we were straight into election but everyone had to, before 1 July [2025], have a campaign account; failure to use provided templates, and those templates had prompts in them to assist people through the process, but if people did not use those prompts, they didn't necessarily provide the right information; delays in responding to requests for further evidence; and evidence being provided in inaccessible formats - so they provided in something, but we couldn't necessarily read it.

These are all teething problems. These are all, 'Boy, we've got to run a state election, oh but now they're asking us for all this stuff', let alone the fact that there were some good questions and we had to clarify things, sometimes with advice. I think it's gone extremely well from the perspective of where it was six months prior, from 1 January [2025], but there are things that are teething, there's learning, there's education, there's better processes we can establish.

Ms JOHNSTON - As everyone has said, thank you very much for all that you do. I can only imagine the implementation of things, like this carrying on 1 July [2025], are the stuff of election commissioners' nightmares occurring. On the issue around the election campaign fund, in your submission that you made last year [2025], you noted at 30 November 2025 that there were 16 valid claims received from eligible parties and there were four received from eligible Independents, and that none of the payments have been processed as at 30 November [2025].

Looking at your website today, you've got updated figures there from Friday 13 February 2026 and, as you noted, I'm the only one there who has received a final payment, noting that many have received a preliminary payment.

²² *Electoral Disclosure and Funding Act 2023 (Tas)*

²³ *Electoral Disclosure and Funding Act 2023 (Tas)*

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Can you explain to the committee the reasons for that lengthy decision? I note that on your website it says that payments will be made within 60 days of lodging a claim. What's the reason - I mean, we're talking about the election from 19 July [2025], I believe it was beginning of October [2025] that they needed to be submitted by; we're now almost halfway through February [2026] already - the reasons for those delays?

Mr HAWKEY - I would basically refer to those lists of items that I mentioned, that there aren't many applications that are coming in that just comply, and so there's work in negotiation between the two. There's arrangers, as the director of the Labor Party said, where there are issues around records that are required by the Act²⁴ and we are charged with the responsibility of checking in relation to suitability of that. Again, we're looking at \$2 million worth of public funding being given to political participants. We have a responsibility to be sure and be accurate that they comply with the legislation. I think that's part of it, from my perspective.

If you look at places like New South Wales, this is not a thing that happens quickly anywhere in the country. There are cases where it's taken two years. I think in one case, the Electoral Commissioner in New South Wales suspended all payments because they weren't getting appropriate information. Again, we are wanting to build compliance and build understanding, but there are a lot of people who are not getting things cleared to the suitable level to get their final payment.

As you say, the Act²⁵ allows within 60 days that political parties can have that 90 per cent payment and they've all been done on time, but the finalisation of their full claim hasn't yet been finalised and that's all the information I can give you right now.

Ms JOHNSTON - One of the issues that's been raised and, certainly, I understand from experience, in the challenges in administering it, is that one of the requirements is you need to provide evidence, the date on which the expenditure occurred. It's not often the date that the bill is invoiced at, or the date the payment was made, it was when the expenditure was incurred and the challenges around that for some of the things that we do in election campaigns. For instance, putting up of posters: you might order the poster, the bill might be invoiced on a particular date, you pay it on a particular date, but the posters might not go out until another date and, indeed, over a whole range of dates in the election period and trying to provide evidence of when the expenditure is incurred, if it's interpreted to be incurred at the time the public sees it.

How is the Commission working through the sort of the logistics of it and the practicalities, I suppose, of what a modern-day election campaign might look like? Same with social media. You might pay Google ads, for instance, in a lump sum instalment, but it might run over a number of days, but the expenditure is incurred on a unique day - if that makes sense. How's the Commission reviewing that kind of information and practicalities of it?

Mr HAWKEY - It's probably best if we provide a broader response outside of the meeting because I think it'd be better to give a more accurate response than what I could give here now.

²⁴ *Electoral Disclosure and Funding Act 2023 (Tas)*

²⁵ *Electoral Disclosure and Funding Act 2023 (Tas)*

Again, I think part of the complication came from this 'part election in, part election out', but I have confidence that our team will keep undertaking a good thorough process and are compliant with the legislation. Again, under the objectives we are charged with the compliance, ensuring the compliance to the legislation. Again, this is the sort of stuff that a review might be looking at to say, 'Does this still fit in a modern environment or are there ways that it can be broadened?' The Commission certainly commenced with wanting to make sure we had a very consistent approach and a fair approach. As we move forward, that may change as we get a broader understanding of it. But I'm confident in what's been done at the moment.

Ms JOHNSTON - I certainly didn't want to imply that there wasn't compliance. But I suppose my question really relates to if there are some language issues in the Act²⁶ itself, or regulations, that's perhaps not matching to contemporary practices, how is the Commission feeding that information back through so that we can make those changes? Because I think, as Ms Haddad noted beforehand, once upon a time you'd print an ad in newspaper and it'd be very clear, but that's not necessarily modern day campaigning these days.

Mr HAWKEY - No, it's not. But that's where I think, again, having the independent review, absolutely I would assume that those sorts of things are a part of it. Again, I think that we've had a perfect storm of difficulty. We were expecting our first roll-up to be this current LC election [May 2026]. That's why 1 July [2025] was chosen, to give everyone a monthly, after going from six month to monthly reporting, let's sort of start walking and crawling and then we will do an LC and see how that works. Then we will get to a state election, and everyone will know that they're registered officers or they're party registered, will have their candidate campaign accounts organised. None of that could occur.

Even though I was very happy that we didn't bring - I know there were calls for bringing the commencement earlier, we didn't even have regs ready for it to be any earlier. Dare I say, I think it came up once, about people being determined as their official agent, we actually were helpful that the close of nominations announcement was two days before the commencement because there would have been a whole lot more issues with people advertising immediately and all breaching the Act²⁷ if we'd started early because no one was caring about our campaign account or being registered. But because we had the close of nominations, we could deem all the candidates immediately registered, rather than saying, 'Wherever you are, please come and comply with the Act²⁸'.

I think there are so many overlapping things and people having to learn: 'What do I now need to keep?' Legislative Councillors have had an understanding of having to do their expenditure term for years; but the Lower House hasn't, the parties haven't because it's only been - even with a party candidates, they're still an endorsed individual. There's a lot of learning, a lot of complexity, which I'm hoping won't ever happen again.

Mr FERGUSON - Good afternoon to the team. I have a few questions, but I will try to pace them through our time together. If I can come to the subject matter that we've been discussing. Can I please have a brief form answer, commissioner, if you were asked what is the reason why seven, eight months after a poll, the remaining 10 per cent of an eligible claim hasn't been paid yet, but the 90 per cent has been - what would be your explanation for that,

²⁶ *Electoral Disclosure and Funding Act 2023 (Tas)*

²⁷ *Electoral Disclosure and Funding Act 2023 (Tas)*

²⁸ *Electoral Disclosure and Funding Act 2023 (Tas)*

given that 90 per cent of a claim has been paid out using, as you referred to, those taxpayer dollars and making sure it's done right?

Mr HAWKEY - Again, the process doesn't start post-polling day. There is a period of time, I think it's 60 days after polling day, in which people can still be incurring costs for them to lodge their return. An election claim and a return are two different things that have different rules around them.

The Act²⁹ says it's within 60 days of after that election claim being put forward - funding claim being put forward - they are entitled to 90 per cent, so we've done that in compliance with legislation. But the legislation also says that if the final review finds that they didn't incur that expenditure, we can request further monies back. It's essentially to maintain our compliance, but the full process of the review hasn't occurred yet. Independent members haven't had that 90 per cent, it's only the political parties under the Act³⁰ that allow them to have that and therefore that is their entitlement and that's what's been done.

Mr FERGUSON - I think that's an area of some further exploration later. Thank you for your answer. Can I also now ask about the postal votes in general? I think that this is a new subject now. I want to ask you if you are prepared to offer an opinion? Do we wait too long for postal votes? The election polling day was 19 July [2025]. I understand that it was 10 days later before you opened - if you like - before you started the distribution of first preferences based on waiting for the final cut off of mail on 29 July [2025], which was a Tuesday, a full week later, six business days and a couple of hours. Could I invite you to offer an opinion on that? Because of course, the whole state's waiting for a result and it's a pretty unsatisfactory position for us as MPs and candidates to have to say to our supporters often, 'No, we don't know how many seats this or that party have won'. I invite an opinion for further consideration.

Mr HAWKEY - Two elements about that: I'm very much in the camp that an election takes as long as it takes. You're electing people for four years, hopefully, and therefore you want to get it right. The election gun goes off with the proroguing of Parliament or the announcement of an election. We wait X amount of weeks for people to get to a polling place and then we wait for the votes to come back. My key focus is an accurate and clear - accurate result and accurate, timely processes. The issue around postal voting, which I think is a really good question, is how long - if anything, there's a need, there's a greater need now for the 10 days than there was 20 years ago or 30 years ago -

CHAIR - Mr Ferguson, could you please mute it at your end? There's quite a lot of background noise.

Mr FERGUSON - Of course.

CHAIR - Sorry to interrupt.

Mr HAWKEY - That's okay. What I mean by that is that when I started in electoral in the mid 1990s, you put in the post in Smithton in the afternoon and it arrived in Hobart the next day, or you did it Smithton to Smithton and it just went to the local post office and got put from one box to another. That is not what Australia Post is anymore. Any mail goes all the way to

²⁹ *Electoral Disclosure and Funding Act 2023 (Tas)*

³⁰ *Electoral Disclosure and Funding Act 2023 (Tas)*

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a sorting centre, even if it's from Smithton to Smithton. Basically the MOU [the Memorandum of Understanding] that Australia Post has is that - my last recollection was that 96 per cent of post in Tasmania should get to its destination within up to five days. That means, and we find this for recounts, if someone gets sent a request in the mail to say, 'Would you like to stand for a candidate', it takes five days to get to them on King Island or Scottsdale. Then they've got to put it back in the post, another five days. There's the 10-day limit for consenting to the nomination, which is why we now try to ring people and do things electronically. There is a greater need for timeliness of postal voting. The question I think that's most relevant is: for how long in the future will we have postal voting?

Australia Post is not shy at saying that the letter postal process will have an endpoint, and it is of great concern to all electoral commissions. We meet about three to four times a year, and about once a year we talk directly with the hierarchy of Australia Post. That said, Australia Post has been extraordinarily good, a high level of service and achievement here in Tasmania. They delivered 4.5 million postal votes for Victoria last year and 3 million back. Again, it's such a small part of their normal work plan now. I'm not begrudging Australia Post at all. They've got a changing environment. But from a postal voting point of view, and this is what is a broader issue leading to the review of legislation for local government, is when do we get to a date when postal voting is not available?

Ms O'CONNOR - Then what do we do?

Mr HAWKEY - This is part of why we're expanding telephone voting now. In 2025, for the first time we said, 'If you're overseas, give telephone voting a try'.

Ms HADDAD - Some countries overseas don't deliver letters anymore.

Mr HAWKEY - No.

CHAIR - We're just going to stay with Mr Ferguson's line of questioning.

Mr FERGUSON - Thank you, Chair. Commissioner, I just invited an opinion on that, but you've - if I can just quickly say, I'm just asking you - and I thought you might have said, 'Well, by the Thursday, Friday, they've really dwindled down. By Monday, Tuesday, we're getting just dribs and drabs', but I wondered if you would have said that we could have brought it forward or not, but you've actually drifted into a different topic, which is wondering if we will have postal voting at all in the future.

Mr HAWKEY - Yes.

Mr FERGUSON - I recognise, and I think we all agree with the challenges around postal voting. I think what I'm hearing is that perhaps you don't have an opinion that it should change.

Mr HAWKEY - Look, I don't believe so.

Mr FERGUSON - That six-day - 10-day period.

Mr HAWKEY - People have until 6 p.m. on polling day to fill in their postal vote, and then they can put it in the post. Over 90 per cent of our postals are inside Tasmania, because they're people generally who are general postal voters, and others who may be travelling to

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another address. I still see this advantage. Yes, it dwindles away considerably afterwards, but that's also because we have postal voting open from a very early period, so people can get their postal votes as soon as the candidates are announced and ballot papers produced. Again, it's a little bit of a - this issue about accessibility, if someone is entitled to a vote, and can vote later, and still get it in in 10 days.

Mr FERGUSON - Thank you. It did lead me directly to the next, and perhaps the last question I had for this round, which was exactly where you took us, which is to the increased use of telephone voting, which I think this is a really important reform that everyone around this table has supported through the Parliament. We've seen a greater use of telephone voting now for visually-impaired, and because it was a principles-based approach, it gave you and the team the flexibility to utilise more telephone voting for more voters who may be somewhat disenfranchised.

If I can just repeat from this morning: we had nearly 11 per cent of voters in Bass not vote at all, 6 per cent were informal, and 8 per cent exhausted. That's 25 per cent of voters, in one way or another, who could be said to have been somewhat removed from electing an MP. Dr Bonham strongly contested the exhaust component of that. Can I ask you, are you in a strong position to extend telephone voting to more groups of people? For me, as I said in the House, I'm particularly thinking of people who are frail, aged or house-bound and maybe even low literacy who are simply not voting at the moment, so I'd invite your comments on that.

Mr HAWKEY - Again, part of our expansion is we now have an education and engagement officer in our group and so we have better resources to talk with communities and see where they are. The legislation that was put through - and thank you, federal election for stealing our polling day, because the delay allowed us to use it for the Legislative Council, otherwise we wouldn't have had it in time - the legislation changed, and we thank the Government for that. The Commission has the authority under that change of legislation to consider groups, so again, I think it will be evidence-based and a request-based - but with a bigger organisation and expansion into work with broader communities, I could see that as a possibility in the future.

CHAIR - Any follow up there, Mr Ferguson?

Mr FERGUSON - No, I'm happy with that, I'm just encouraging that to happen. Thank you.

CHAIR - Agreed. Mr Gaffney has a follow-up point.

Mr GAFFNEY - Thank you. Following on from Michael's first question regarding postal voting, and I will apologise in advance if I didn't hear it: do you have to wait the whole 10 days before you start to count? If so, why? Because in all the other electorates, you start counting as they come in. Why with the postal voting do you have to wait for the 10 days before you can start counting?

Mr HAWKEY - When you say counting, are you talking about the Hare-Clark scrutiny or just adding the postal votes first preferences?

Mr GAFFNEY - Just the first preferences.

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Mr HAWKEY - We count postal vote first preferences earlier. This last election, we delayed it slightly because we had to reallocate some resources. One of the changes that we made for - one of the issues that's become more and more obvious for electoral administrations is work health and safety in elections. It's very easy for people with enthusiasm - I'm sure you will find with your own campaigners - people just keep working and keep working. We had a circumstance where someone in the north of the state in 2024 worked far too long, many hours. We followed what has happened in New South Wales and other states where we had a firm shut-off time of our organisation.

On election night, we had to make sure everyone was out by 11 p.m., and we rejigged some of our processes. Postal was a little bit later, but we still only - I think by Wednesday we had the majority of our postals counted that had come in until that point.

The delay of 10 days is so that people have up until 10 days to have their postal vote returned, so we have - there's like five counts that make up the postal count. One of them is telephone, so the telephone voting is like count two, because we assume there would be small numbers, therefore we should hide the secrecy of the vote in the postal counts. I think they're sort of done on Monday, Tuesday and Wednesday, those early counts of postals, but the final postal isn't done until that final lot have come in 10 days later, and we can't start the Hare-Clark count until we finalise the formality of every ballot paper, because that's where we strike the quota which is set for the whole election.

Mr GAFFNEY - My second question there - at the time, I understand about the OHS, but everyone said, 'Why aren't they counting on the Sunday? Why don't you have rotation teams? Why is there no feedback coming to the community?' This is one election every - well, it's supposed to be four, but whatever - but do you know what I mean? People just said, 'Oh, why isn't there more information coming through?' Why do we have that delay in now when everybody works in a busy part of this season?

Mr HAWKEY - We're working. We're definitely working; we're just not counting. For example, we have 220 polling places around the state, and everyone can go to any of those polling places to vote. Every polling place in the state has ballot papers: Bass, Lyons, Franklin, Denison, Clark. They're spread all the way around the state, so we have to bring them back to central points, reorganise them and send them through. We have declaration votes where people aren't on the roll or they're silent electors. We have to do processing to check them against the roll. There are huge amounts of tasks that happen that aren't necessarily public-facing. And we counted the pre-polls on Sunday. Yes, thank you for that comment. In that sense, there are a lot of things that are happening, but, again, it's about measuring and maintaining our standard of work and the health and wellbeing of our staff because the hours can rack up very, very quickly.

On a particular point, we did have some counts at the last election for pre-polls. One of the things we set as an expectation is, for previous elections - basically, if we look at 2024, we had people working till 2 a.m. trying to get pre-poll figures done, that had started early in the day - and that was not cleaning up the offices and packing things away; we have separate teams for return of materials. But the processes went on. I made the decision, the Commission made the decision, that for health and wellbeing was to have it at 11.00 p.m., and, therefore, we would work out that we would concentrate our efforts on getting pre-poll figures that could be done by 11.00p.m. in. We had, I think, six pre-poll figures into the tally room on the night, which we didn't have the year before because our staff were spread broader. We had a more concentrated effort - we actually provided more information on election night during the tally

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room before the leaders spoke in previous elections. Then, on the Sunday, we brought fresh teams in to do those other ones.

Launceston, I think, had 26,000 electors vote at their pre-poll centre this year [2025]. We will set up more next time to make sure that's spread. But again, there's a growing sense of wanting to do pre-polls. You can't - even just the unfolding - if you've got five ballot papers - it took two and a half hours for 40 staff to unfold the ballot papers for Launceston before you threw them to first preferences and counted them and balanced them. These things aren't done just around a table like this; they're much bigger logistics and Commissions are being far more conscious of the risk that we're creating for our staff and therefore not complying with work health and safety.

Mr GAFFNEY - Don't get me wrong - nobody is suggesting that you're not -

Mr HAWKEY - Sorry, I didn't mean to infer that. What I'm saying, is we are changing then the way we're working to have better structured things.

Mr GAFFNEY - I think the comment that I received - every time you used to go on to say, 'Is there an update?' there didn't seem to be an update. I think people were getting frustrated saying, 'God, why has it been so long?'

Mr HAWKEY - Is this on a Sunday you're talking about?

Mr GAFFNEY - Yes, even into the count further on, too. There would seem to be a lot of delays and updating - I don't know. I understand the reasons, so thank you for that, but perhaps somewhere within the system you need to be able to flag that with the people who may have gotten on board who have not heard you say that here. I think that that would be -

Mr HAWKEY - Yes. We could look at our communication. I know we did a bit with the media and the parties, but not necessarily with the people just looking at our website.

Mr GAFFNEY - Yes, I think that would be helpful.

CHAIR - Yes, people perhaps looking for updates that were a result of some sort - but no, it was just numbers being updated, which didn't necessarily change the mix of things.

The things I wanted to pick up on to come back to ask about were in relation to the review. Yes, the Act³¹ has the requirement that there is a review at the latest after the second use of the new disclosure requirements, et cetera. Given that this all occurred in pretty unusual circumstances, with an election hard on the heels of the outset, and there are so many rich lessons to learn, no doubt, from this particular experience. Two things I wonder if you could respond to: one is, do you think it's advisable to bring forward that review to now, essentially, so that we can pick up on all that rich learning in the immediate sense? There seems to be some issues that definitely should be ironed out before it's used again. If not bringing forward that external independent review mandated by the Act³², are you doing an internal review to capture the issues that have been observed from the TEC side of things? The questions that were raised, the things that people told you weren't working properly, the issues people had about practical

³¹ *Electoral Disclosure and Funding Act 2023 (Tas)*

³² *Electoral Disclosure and Funding Act 2023 (Tas)*

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compliance with your interpretation of what the Act³³ required? Are you capturing that internally now and if so, how?

Mr HAWKEY - Yes, we are capturing it. We're logging a range of interactions with individuals. We're doing timings. Again, this summary of the issues that we've faced is a part of that record-keeping.

CHAIR - But does that reflect the issues faced by candidates and parties, for example? I'm wondering how that's been considered.

Mr HAWKEY - Some of them are because they're just not being compliant. The question is whether they have it or not. Again, I think it's a broader one. Going back to your question, I think that - I would not be against it, again it is the Minister's decision, but I wouldn't be against it happening before the second election. I think it's probably best to have got through a Legislative Council because then at least have one full cycle, and let us to finish the creating of the path that we are now doing with this first election. I wouldn't be against it being earlier.

Again, I wouldn't argue I'm across all the elements. I think it's part of the commission's view, or staff at the commission, is a slightly different take on some of the things that have been raised, so it would be good to tease that out, but we're not quite in a position to do that fully yet. We're still cleaning up the debris. I don't think it would be worth doing the independent review until we've done that full cycle.

CHAIR - I understand that. That makes sense to wait till after this Legislative Council periodic election that's coming up in May [2026] and then you'd have one of each to be part of a review, but it just concerns me that if we wait too long, we don't want to go to another election, where there's questions like, for example, what Ms Johnston raised before. What date are we talking about that we have to report on? The date we invoiced for it, the date we paid it, the date it went out into the community? If that was spread over four days, which of those dates do we have to report to? All the Labor Party's -

Mr HAWKEY - I can't say I'm fully across those for now. I'm not sure how much of that was related to issues around the crossover of the dates or the start of the process or the regulations. I'm not across it enough.

CHAIR - It sounds to me like an interpretation of the Act³⁴. If you're requiring people to report a date that something happened and then there's a question over what date are you talking about and what you're asking of people physically can't be done because of say the way Google invoices you, that's obviously something we can't go to another election.

The other issue that the Labor Party raised that we discussed this morning in a hearing, it's in their submission, was around - and it comes back to that electoral matter and you determining and having to provide to you to determine all the iterations of an ad. If all you've got is one core, say, social media ad, that's then put into 16 different versions for different platforms, it's exactly the same core material used, but there are literally 16 different versions because different platforms and different - this one's 15 seconds, this one's 20. It's all from the

³³ *Electoral Disclosure and Funding Act 2023 (Tas)*

³⁴ *Electoral Disclosure and Funding Act 2023 (Tas)*

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same filmed core. Do they have to give you every iteration of that, or can they just give you the core material made?

Mr HAWKEY - Again, I can't say.

CHAIR - These are the things I'm wondering about internal review or an earlier iteration.

Mr HAWKEY - We're doing recordings of different things at the moment, but we haven't finished the process yet. I'd prefer to get through that process.

CHAIR - Yes. I'm not asking you to rule on those things right now. I'm just putting it forward as a suggestion as to why there's something required, reviewed internally or externally.

Mr HAWKEY - All I could say is -

Mr BLAKE - Reflecting on what they said in their submission that was submitted to the TEC, every piece of material, I think was the wording used - because it's there, that's what we've got to comply with. If it was simplified in some sort of way, then go ahead and make the change. We haven't thought of what that change should be.

CHAIR - It's an interesting one, isn't it? Anyway, I suggest that that's problematic and it needs to be addressed before you use it again in - particularly in a broad sense in a House of Assembly election. The Legislative Council election will be an interesting one to test.

Mr HAWKEY - Three years away, we will have time.

CHAIR - We will see. We're going around again, I believe, so I'm going to come to Ms O'Connor.

Ms O'CONNOR - If yours was more specific to that then I'm happy to -

Ms HADDAD - I don't want to be repetitious, but I think from the perspective of what we heard this morning from the Labor Party and in their written submission, it seems to them, from having complied with that request, that it isn't so much about not being compliant with the Act³⁵, it's about a question of interpretation of the regulations. The example that the Chair gave is a good one, that there could be one 30-second ad - I'm an example of that, I made one 30-second ad and I didn't realise that it's chopped into all sorts of different formats for different platforms. Their view, as expressed this morning and in their written submission, is that it's creating an unnecessarily administrative burden both for parties and for your staff to have to sift through what's actually very repetitious material, and it might just be an interpretation issue rather than the Act³⁶ is insufficient in terms of describing what is and what isn't electoral matter.

That's not really a question, it's just maybe something for, as Meg said, if there's an internal review, to be mindful of consulting with the parties. Unfortunately, the committee hasn't heard directly from the Greens and the Liberal Party on this matter for this review, but I would stagger a guess that they probably had similar administrative hurdles at this last election.

³⁵ *Electoral Disclosure and Funding Act 2023 (Tas)*

³⁶ *Electoral Disclosure and Funding Act 2023 (Tas)*

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The other part of the recommendation that the Labor Party made in their written submission on this is that they would like to see a change in the interpretation, so that only material that relates to the claim for public funding needs to be submitted as a requirement for the purposes of this part of the Act³⁷. I will read it to you, it says:

Recommendation 1: the regulations are amended to only require the submission of material related to a claim for public funding and that should be submitted with the claim and not the electoral return.

That's part of the administrative confusion during this 2025 election, is submitting everything regardless of whether the spending came from the claim under the EDFA [the *Electoral Disclosure and Funding Act 2023 (Tas)*] versus other funds. I just invite you to reflect on that, but before you do, I do just want to preface that it was unexpected that you'd have to be building the plane while we were flying it. I'm highly cognisant, as I think everyone around this table is, that it was expected by all parties - I don't mean political parties, all individuals and people involved with the process - that you'd have another three years to implement these changes, and I'm highly cognisant of that in raising those administrative issues. I wondered if you take that on board for an internal review or reflect on those recommendations.

Mr HAWKEY - Yes. We should reflect on that.

Ms O'CONNOR - Can I reflect: I think you're trapped by the Act³⁸, because electoral matter - the definition of electoral matter seems to me to be really clear in the *Electoral Act 2004*, and it applies to each creation, recreation, communication or recommunication of matter to be treated separately for the purposes of determining whether or not it's electoral matter. Perhaps that's something that can be looked at in the review process because it doesn't seem to me to have a lot of choices there which has created this administrative burden.

Mr HAWKEY - We haven't just sort of taken an opinion around a table. We've worked very closely with the Solicitor-General on a broad range of matters, and so we believe we're being as compliant to the legislation as we can.

Mr BLAKE - Sorry, can I just check: the review that's required under the Act³⁹, is that only of the state funding disclosure requirements or -

Mr HAWKEY - That's in relation to the Act⁴⁰ and the whole of the functioning of that Act⁴¹ by the independent -

Mr BLAKE - Then it looks as though the review of the electoral acts should be done at the same time.

Mr HAWKEY - It could flow and make recommendations for that, yes.

³⁷ *Electoral Disclosure and Funding Act 2023 (Tas)*

³⁸ *Electoral Disclosure and Funding Act 2023 (Tas)*

³⁹ *Electoral Disclosure and Funding Act 2023 (Tas)*

⁴⁰ *Electoral Disclosure and Funding Act 2023 (Tas)*

⁴¹ *Electoral Disclosure and Funding Act 2023 (Tas)*

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Ms O'CONNOR - Mr Hawkey, I was pleased to hear you say in your opening statement that the TEC now has a full complement of staff. What's the level of funding surety that the TEC has? We've gone from a time when obviously there wasn't quite enough resourcing there for the full allocation of staff; at this point in time, you have the full allocation. What does the next four years look like, and how much of the TEC's funding is, for example - or should be - reserved by law?

Mr HAWKEY - We have established a structure with [the Department of] Justice that it essentially locks in most of our funding of staffing into the different reserve by law. We have reserving by law primarily in the *Electoral Act 2004* that says we can have funding appropriation for the conduct, but also the preparation of elections and so how broad - thankfully, from my perspective, that's a broad take on things, but also things like the - so most of one new directorate - the new directorates is under the EDFA because we need to have staffing in relation to that.

We also have election role appropriation. The question is - I don't see immediately any concerns around that structure. Again, we will wait and see how the budget goes and what happens in relation to freezing of staffing recruitments and other bits and pieces; but I feel that we're in a reasonably confident position. Part of what the Office of the Commission has undertaken is a strategic review, which is on our web, that we're formally launching this week, which is for 2026 to 2030, because we are a different structure to the one we had three years ago. So there's a whole lot of new things that we're wanting to do and needing to do. Part of that will be how do we budget that and what are those projects going forward. There has been historically not a great budget for engagement of other groups, but we now have a staff person to do that, so there will be flow-on effects. I'm reasonably confident that where we are at the moment is a solid place to be.

Ms O'CONNOR - Can I clarify: is that a statement of intent or an agreement from the Treasurer or from the Attorney-General?

Mr HAWKEY - No.

Ms O'CONNOR - Or how does that work in terms of your level of confidence about the adequacy and the certainty of the TEC's vital funding?

Mr HAWKEY - Primarily again, it comes from our independence and our current arrangement with the Department of Justice.

Ms O'CONNOR - So you negotiate that with the Department?

Mr HAWKEY - Yes.

Ms O'CONNOR - Okay. Can I go back to an issue that you raised earlier about processing votes into a data system? We have a submission from Tasmanian Labor encouraging us to make recommendations around electronic voting and counting. Maybe I'm showing my age here, but I look to the United States and I shudder at the prospect of putting something as sacred as the votes in the hands of machines entirely. One of the arguments that the State Secretary [of Tasmanian Labor] made was around having more certainty earlier in the count. It's more a convenience - knowing the result earlier. Are you able to lay out how your data

systems, the data system you're working towards, will save time, and you did that in part; but also any reflections you have on the merits or otherwise of electronic voting and counting.

Mr HAWKEY - Certainly. Electronic voting and counting can be a very broad brush of things. In Australia we are currently seeing, and have seen since the late 1990s, the Australian Capital Territory have sort of a shopfront, where they have screens in polling places and that's a reasonably controlled environment. New South Wales for many years had an online system and that had a broad range of problems and was very costly, and the review said we don't want to continue this process.

Ms O'CONNOR - Was security of the vote raised in that, do you remember?

Mr HAWKEY - There was a broad range of issues and I wouldn't be across it going on here. The fundamental problem with electronic voting in the broader sense, on an app and other things, is the juxtaposition between the fact that your vote needs to be secret but accurate. At the moment you have a ballot paper: you have a piece of paper, you go behind the screen, you fold it, and you put in a ballot box. People can see this transaction and see that it works and it's secure. Then the ballot box is left until they're all thrown out. We can see that there is a process of control over what happens to that ballot paper, and then scrutineers can see how each ballot paper is thrown to first preferences. There's transparency, but there's a secrecy to the ballot.

The problem with an electronic transaction is: how can you be sure that you're using computers to pass it from one place to another and it not be changed, but that no one know how you voted? Then there's the fact that if you have an online system, then it can be attacked anywhere in the world, not just someone at the polling place trying to knock over a ballot box or something. The risks are much, much higher. I know, from a national security point of view, having a paper-based system reduces a lot of reality of risk. There's a lot of experienced electoral administrations around the world that really don't want to be heading into that full-on electronic voting.

Then broader: it's then how much do we use electronic systems to allow us to enhance what we're doing. We already have that and we had that since 2010 where we had electronic computers in polling places that allowed every division to be there, to be marked off, to be time stamped, which meant we don't have absent voting. We have them for federal elections but we don't have them for Tasmanian. You go get your name marked, after your ballot paper goes in. We used to also have to have the printed rolls that we sent interstate, and it cost thousands of dollars and took weeks and weeks to have that physical process done.

So electronic systems are helping us absolutely in improving the way we run elections. When we get to the system, we're talking about the further process, it is a data entry system. That means within our structures, in our offices - not even polling places - within our offices, within a controlled environment, we have a number of computers. For local government, we had 40 in our northern-based office in Launceston and 50 at the Grand Chancellor where a ballot paper is brought up, the rotation is brought up, so you have to put the rotation at the top. It brings the right order. You re-confirm them at the bottom, and you enter the ballot papers in every preference down the ballot paper.

Ms O'CONNOR - Is that information stored on a cloud or on a hard system?

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Mr HAWKEY - No, on the system, but I can't tell you any more of the broader specifics. That's a very controlled environment. It's not external at all. Then that's data captured in a database of just basically, here's a ballot paper here, here are the preferences down. Then there's a computation element which then translates those votes as they stand in digital form into the count.

The system was based again on the Victorian system that they had, which we adopted in 2015, and now we're looking to the multi one. The Hare-Clark counting system is independently audited by a company out of New South Wales, so every time we make an amendment - so when local government went from formality being the number to be elected to just five as a standard, we had to then go through and have another audit because we had to change a part of the legislation.

But it then allows - I was surprised, as being an old dinosaur in the system who's done things for a very long time - I was surprised that the improvement of the accuracy that we also found with data entry over hand counts. The first time we ran at Hobart City Council, in the middle of their election, had three candidates within one vote of each other, and the middle one ended up getting elected. The accuracy and the consistency, I have more confidence in the data entry process than people throwing it to here and throwing it to there - 'there's a McMillan and McMahon and I've accidentally thrown it in the wrong box'. I think it's a more accurate system. It certainly will speed up most likely the - especially if we keep our 10 days for postal voting because it will still take quite a while to do the data entry. It will make recounts much faster and it will, I think, be more accurate.

One comment I noticed that the director of the Labor Party said is that in the Australian Capital Territory where they have a system, they're allowed to simulate recounts. In local government, the Parliament found fit to not allow anyone to have access to the data because it believed that individuals having access to that could allow for gaming rather than individuals and choosing it. So the Commission is of the opinion that we wouldn't be looking to make it broadly available, but because we believe that the individuals should be choosing, the electors should be choosing rather than - because it might be that if you three are standing, you're not going to win either case, but if you're not standing, you will win rather than you will win because of the order of the ranking of votes. It allows for manipulation if people can access it and game that system, which we don't believe is in the spirit of what the recount's about. We wouldn't necessarily provide that. We don't follow local government.

Ms O'CONNOR - Thank you so much for that. Following that thread, you also talked in your opening statement about the risks of AI and how the TEC is now better equipped to identify and deal with some of those risks. If you are, that's amazing because I'm not sure the rest of the world is. Anyway, just briefly because we need to move on to other questions, what are the risks to a robust democratic electoral system posed by AI as we understand it now?

Mr HAWKEY - I think what I was meaning was, here are the changing environments and we're better equipped as a whole. I wouldn't say that we're better equipped for AI. AI is expanding in every aspect of elections, of our society, and it is a growing one in other parts of the world. Now, there are broader issues of deep fakes and other things. There was one person, I believe in England, at their national election a year or so ago, who was essentially allowing AI to make all his policies. He was an individual, and had to be to be able to stand, but everything and every correspondence he made to any elector who supported him, he let AI do all of that.

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AI will be an interesting area. Like fire, like the combustible engine, there will be things that it improves, but there will be risks of it being weaponised. We've seen that with other things in the past. It's a broader issue at a national level. It's a broader issue in relation to national security as well and overseas interference, but I can't say we've got any solutions yet.

Ms JOHNSTON - I think when you were here last year giving evidence around the 2024 election, you spoke about the challenges of snap elections and trying to find practical things like polling booth locations and the challenges around disability access and making sure that they're in convenient locations. I'm assuming that there was no difference with the 2025 snap election much earlier than we anticipated. Certainly, the feedback I got from members in the community, particularly on the Glenorchy pre-poll, for instance, was whilst it was an accessible venue itself, getting to the venue was a challenge for many people in terms of public transport and things like that.

It begs the question that, when there's an election on the horizon, whether it's sort of coming close to, hopefully, a four-year term, obviously the Commission turns its mind to all the things it needs to do logistically. But when there's a snap election, or one in the offing like there was from May/June last year [2025], are you consulted at all about the timeframes you need to be able to pull everything together logistically to have polling booth locations, mailing, all those kind of things in terms of potential dates, either from the Government itself or from Government House, from the Governor herself, in terms of 'This date works, but not the following weekend or not the weekend before,' or the logistics around that?

Mr HAWKEY - There's no straight answer to that. It probably depends on the era. I will reveal something from my first election, 2018: we were given no real indication, and the dates were originally announced and because it was a February election, they had the close of nominations on Hobart Regatta Day. We said, 'No, you can't do that because how does that work for closing the noms?' 'Oh, we push it out here, but it's not in the north', and 'What does it mean for Lyons - part of Lyons is in Regatta [Day public holiday]. Other times we've been given general sort of, 'Does this timeframe work?' And we will go yes or no. With 2021, I was just given a call to say, 'Is there a lawful reason why not to run this election?' It ebbs and flows. Sometimes they do, sometimes they don't. The legislation sets the minimums and the maximums. Again, I'm not just talking about the current Government, this is previous Governments as well, and that's the prerogative of the current system.

Even when you say that, we have Legislative Council elections every year, so we have 12 months out or so to pick them, but we still can't necessarily get a good pre-poll centre because either they want a year's lease or they're just not available. The space is still unavailable. One of the things for me going forward is we are getting better at understanding what accessibility is and what's our base-level of work health and safety. There are towns in rural Tasmania where there might be one community hall in a 50 kilometre radius or 40 kilometre radius and it's a 70-year-old hall. Where's the responsibility about maintaining that? Or we might then have suddenly 3000 people through it a day. There aren't easy answers to this. Even the timing doesn't necessarily solve it, but it's something that the Commission and part of our broad strategic plan, a broader review of polling places and how they fit with accessibility and other things.

We talked about in our submission about the quiet hour, which was a really good first go, but some of our pre-polls just really didn't work for community hours because we just can't

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make it quiet or we can't sort of dim the lights. We may look at a slightly different way to that. I know Victoria has special polling places that are like one in three across the state which are fully set up for a whole range of diverse and challenging elements. Maybe we look at something like that. We started this one with trying to get the breadth across our pre-polls and have an hour, but it's all work in progress.

Ms JOHNSTON - My question obviously referenced polling places as a challenge. It was more about the issue and the timing of an election. Obviously, there are minimum requirements in terms of when things have to occur, maximums of when things have to occur, but it seems that Governments of the day are very keen for quick elections as opposed to longer elections, mostly because it often benefits the Government to have a quick snap election. Do you get any chance to provide feedback on the logistics, whether it be polling, whether it be staffing?

Mr HAWKEY - Not broadly, no. The language would only be in relation to other times within the appropriate timeframe. That's probably appropriate. We like to keep a very separate arm, be a separate independent space. The Government isn't necessarily in a place to make things available in the sense that we already have a great relationship with Australian Department of Education and so we do a bulk arrangement.

The broader public sector absolutely assists us in finding what we can where we can, and modern buildings and schools are our go to, number one place. We get support broadly, but it's not a Government-of-the-day type of arrangement. It's a broader one.

CHAIR - I'm going to come up to Mr Ferguson, before he has to leave shortly, for any further questions.

Mr FERGUSON - Thank you, Chair, and thank you, commissioner, to you and your team again. I wish to ask you about the extent of voter fraud which you might have detected at any elections in the recent one or two years. And secondly, regardless of your answer, how would you describe your surveillance system to detect voter fraud if it were occurring? As to satisfy all of us on the committee that, if voter fraud is happening and to what extent, it can be in some way apprehended.

Mr HAWKEY - It's an interesting topic - voter fraud. We are seeing more disruption in our voting across the country from single-issue groups wanting to disrupt democratic processes. In Tasmania, it's been fairly small. Voter fraud is a very broad title and could mean a whole range of things. Areas where there appears to be more evidence of voter fraud interstate have been through postal voting processes, and where there are people stealing postal votes.

We monitor that to a certain degree through supplementaries. What you find is that's usually picked up because a whole street suddenly wants a supplementary list. We work with Australia Post in relation to the security they've undertaken.

The broader voter fraud in a sense could occur in relation to people attending polling places, but that's probably the most sound thing because of compulsory voting. We have 90-odd per cent now and it's continuing to decline, but it's still over 90 per cent of people who vote at an election of which the vast majority are attending a polling place. The fact that we have that and we monitor any dual voting, dual cases, is part of how we manage that.

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Compulsory voting means everyone knows they have to turn out so there's less likely people don't vote, but it doesn't stop someone saying, for example, 'I know Jim's overseas, I'll go in and pretend to be Jim and vote for him'. That can happen. And part of the tension then becomes, do we have to ramp up certain elements of security which might reduce accessibility or timeliness of voting services.

One of the things about our netbook system is we have date stamps, so when we have duplicate votes we can identify whether that's occurred. And predominantly, historically, our dual voting has been elderly people who have done a mobile polling vote in their nursing home and then been taken by one of their kids to a polling place. There are ways you could look at restraining that, but again it has accessibility issues.

We had a case a few elections ago where people on Facebook were saying, 'Hey, let's have a laugh and let's go and vote at multiple places', and we had evidence on our system where they'd gone through five different polling places. We reported that to police and they undertook some work, but nothing came of it in the end. Again, these are still very small numbers across a 400,000 election base.

Mr FERGUSON - If I could quickly jump in and supplement. Thank you again for your answer. But it takes me to part two of my question, which is if it were happening in any way that was a problem, would you have the systems in place to detect it? And do you have any systems in place that, for example, help your staff to learn about tactics that might be engaged by somebody trying to manipulate an election? Do you do dummy runs of people trying to fool your staff, for example, as training? I'm just looking for something that supports an opinion that you're doing everything you can to detect it.

Mr HAWKEY - Yes, I'm a bit of the old guard with elections - that you can't desktop plan much in elections. One of our interstate commissions recently undertook 50 different scenarios of possible issues around elections of which one turned up and two that they hadn't picked in the 50 occurred. You've got to establish a range of things, whether it's good process and good culture around it, but there is always the risk of certain things. With our postal vote, for example, we have an online system which allows us to check the signature on the application to the signature on the declaration envelope, so there are mechanisms in place that check for different types of fraud along the way. There are things in polling places about single screens and other things.

Is it possible for someone to impersonate someone else? Of course it is, but hopefully you pick it up, and there are no trends compared to some of the other places in the state. If we got a complaint that said, 'I believe such and such,' then obviously we'd look at investigating it, but other than our core processes that do certain levels of integrity checking, there's no broader fraud.

There's a book on the rise and fall of democracy, and it has in it a thing called 'the Tasmanian' - I can't remember what it's called, but I never heard of it before. Let's call it 'the Tasmanian stunt'. It was a case reported in Australia where, years ago, as in a century ago, someone would have a ballot paper at the door and give it to someone already filled in. The person would go in, get a blank paper, put the other ballot paper in the ballot box, and then bring the blank one out and get paid a bob. 'The Tasmanian dodge' it was called.

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People are going to have ingenuity, but again, you can't stay around a polling place - it has a hundred metres clearance. We have a person standing at the ballot box, so if someone just picked up a ballot paper, put something in their pocket and put something else out, we've got people observing it. You never know quite what sort of fraud could occur, but we have a range of structures, processes, cultures and learnings to try to evaluate what is fraud. We would be very happy to investigate anything that's brought to our attention.

Mr FERGUSON - Thank you, Chair, and commissioner, I will wind up there. Thank you for your answers. I invite you, based on this conversation, to consider, as we move increasingly to different forms of alternative voting, that special consideration is going to have to be given to the integrity of those systems going forward. Thank you again.

CHAIR - There's a quick follow-up from Ms O'Connor on this.

Ms O'CONNOR - Yes. Thank you for your answers to that series of questions. I guess the question is partly about using a sledgehammer to crack a nut. We've just seen some really draconian legislation pass in the United States which will disenfranchise women, amongst other marginalised groups. What is the extent of the voter fraud issue? Even when I say that, it sounds Trumpian. What is the understood extent of the issue here in Tasmania?

Mr HAWKEY - I don't have a direct answer for you there. We could look at some particulars. I don't have any concerns around our nomination process. I don't have concerns around our staffing process or our roles at creation process or our management of that. Yes, each voting service has its own risks, so postal voting absolutely has a risk, because even if you sign it, someone else might fill it in for you. We can't be sure. However, then do you say, 'It's not safe,' and remove postal voting?

Is it possible for one person to impersonate someone else? Yes, it is, but with our process, at least from our point of view, trying to maintain the integrity of the Commission and the commission's process is all we can really do. Telephone voting only has two people - so there's always a listener and a witness that the vote's being filled in properly. If someone goes and impersonates their brother or sister or someone, you can't necessarily do that. So yes, you could say everyone has to provide ID when they vote. You could do that.

Ms O'CONNOR - You'd disenfranchise a lot of people.

Mr HAWKEY - It either disenfranchises or it delays the process. And what is a satisfactory version of ID? Compulsory voting, to a certain degree - our world is changing, absolutely - but it has historically helped us with that, because we have high turnout and high involvement; but I certainly wouldn't exclude that we may need to bring some of those things in the future.

Ms THOMAS - Thank you. My question is on a totally different topic and something that didn't come up so much in the submissions this time around. On section 196 of the Act⁴², in relation to use of name and image without permission, did you receive any complaints through either the House of Assembly or Legislative Council elections in 2025 under this section of the Act⁴³?

⁴² *Electoral Act 2004 (Tas)*

⁴³ *Electoral Act 2004 (Tas)*

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Mr HAWKEY - I might need some assistance with that. I haven't got it on me at the moment, but I think we might have the information.

Ms THOMAS - Okay. Thank you.

CHAIR - I might ask another quick question while you look for the information, and we can break into it when it's available to you. Quick question about - in your submission you talk about the fact that you're getting together an online portal to help with the administration of the donation disclosure scheme and you're working with the Victorian Electrical Commission on that. We discussed it this morning with the Labor Party representative who was here and it came up - are you consulting with parties about that portal - and independent candidates and successful independent MPs who are elected - so that you can adapt it appropriately and make sure it is user friendly for people on that side of the system?

Mr HAWKEY - In the broad, the answer is not to a great degree. We have had feedback in relation to Victoria and that it's well received. The current director of the Liberal Party used it when he was in Victoria and he found it very good and easy to use. I think one of the advantages, again without seeing it in its full detail, it will streamline some of these compliance elements because it will require a certain document structure for it to be brought in. It will allow things to happen in a more real time for parties to do, rather than waiting three months and then trying to find all their bits and pieces. So, the answer is no.

At the moment we're going through the process of adjusting it to Tasmanian legislation -

CHAIR - Requirements.

Mr HAWKEY - and the fundamental difference there is registers - the Victorian system doesn't have registers. But otherwise, the other elements are all pretty similar.

CHAIR - May I suggest to you that consultation with end users is probably fairly essential before you lock something in as a system, I would have thought. I hope at some point in this process you're factoring in consultation, before you've rock-solid locked it in.

Mr HAWKEY - There will certainly be more before it's live. The aim is that it will be ready before 1 July of this year [2026] and that there will be a sandbox environment for involvement and use by the political participants.

CHAIR - Prior to it being formally adopted?

Mr HAWKEY - Prior to going live, yes. There is still stuff coming in relation to that absolutely, but we're not at that point just yet.

CHAIR - Right. Maybe you have some answers there, for Ms Thomas's question.

Mr HAWKEY - Yes. Thank you. For our Legislative Council elections: in relation to the 196⁴⁴, we had five complaints on that one. For the House of Assembly, we had 38.

⁴⁴ Section 196, *Electoral Act 2004 (Tas)*

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Ms HADDAD - Quite high.

Ms THOMAS - Oh, 38, wow. Are you able to elaborate on the nature of those or the nature of the response to those in terms of their -

CHAIR - Were they upheld as complaints?

Ms THOMAS - Yes, the action that occurred as a result.

Mr HAWKEY - All I can say at the moment, and again, with our new structure I'm a little bit more at arm's length than in the past, but none of those, that I can recall, was accelerated to me. In general, what we look to do is:

Matters were logged at a point of contact. There were several additional issues or pieces of material that were raised with a single email, phone call or letter. Then they were brought in and tagged. As a result, the breakdown -

Basically, yes. We get a complaint that comes in and we then connect to the people who are involved, both the person who's making the complaint and the person who appears to have breached the Act⁴⁵. Historically, we've brought it to the attention of the people who have done that and they've addressed the circumstance whether they were removed or otherwise.

I can't say any broader particulars, I don't believe any came to me - which can happen - that were unresolved. Elections have a lot of bumps in them and sometimes you don't want a little bit of gaming or an inadvertent error to become the main story of an election day. So, we work with all parties and directors to clean up their act. We certainly didn't see any events like we did in 2024 on polling day where - that was a different issue actually. My understanding is we had a pretty good run with people, and part of that might have been that there were more things to worry about. There was funding to get, campaigns to run, and funding disclosure to do that we seemed to have fewer issues arise at this election, from my understanding.

Ms THOMAS - So, is there anything to say whether - is there any record of whether they were legitimate complaints under that Act⁴⁶?

Mr HAWKEY - We can provide you with more information if you'd like and provide that to the committee.

Ms THOMAS - Yes, that would be helpful.

CHAIR - If you have a data breakdown, we can put that to you as a question on notice, just to request the data.

Can I go back to a topic that we talked about earlier? I'm mindful we're in our final 20 minutes or so of our time with you today. I want to return to the informal voting topic, if I may.

⁴⁵ *Electoral Act 2004 (Tas)*

⁴⁶ *Electoral Act 2004 (Tas)*

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From our discussion earlier this afternoon, clearly you've expressed somewhat of a disinclination towards more savings provisions being introduced, that what we have is in effect a savings provision as it is because people don't have to number everything, they just number up to seven if they wish. What I'm interested to hear from you then is, in the absence of introducing further savings provisions, we don't go down that path as a state, what do you believe are the most important strategies now to be implementing, to be bringing down our informal voting rate? Given that, we would all accept that it's higher than we'd like it to be and higher than, in a democracy, we'd want to see. Where do you believe, then, are the effective strategies to bring that rate down?

Mr HAWKEY - It's a really interesting question because I think it comes back to what we had a few conversations earlier with Mr [Geoffrey] Goode and Kevin Bonham is that democracy is always a balance of many different things, whether it's about accessibility, it's about integrity. This is another one of those sorts of elements.

The Commission wants to bring forward a range of things which we believe should be reviewed in relation to legislative change. We're working with the Department of Justice on that. One of the issues is around the nomination process. Essentially, the nomination process - first, it's about how you make a deposit. That's very antiquated. It's a bank cheque which isn't necessarily easy to get. We have had people scramble because they've come an hour before the close of noms and realise they've got to go and get a banker's cheque, or money. This is big money -

CHAIR - Cash money.

Mr HAWKEY - When you're looking at 35 candidates for a major party, that's a lot of cash, which is better as a banker's cheque. That's one element, but there are other elements that probably need reviewing.

The width and depth of a ballot paper is getting more complicated. The fact that, as Kevin [Bonham] brought up, there's an opportunity to review how many nominations are reasonable - and I'm sure Tasmania's population is much greater now than it was in 1985 when the number of electors and the deposit were both set.

We're happy, without necessarily setting a policy, that these are the sorts of things that are reasonable for a committee like yours or the Parliament to consider; are they still relevant in a modern day? Also interesting to note that the local government changes that are being proposed are looking to increase from three to 30 nominators for a candidate. But I agree with Kevin [Bonham] in the sense that if you are someone who seriously is looking to be elected to the House, then you should have more than 10 people supporting you. It's a balance between enabling people to access as a candidate but also keeping it a manageable, reasonable thing.

The thing that really came out of the report for us was that the complexity of the ballot paper had the biggest impact. Not that we want to encourage superfluous candidates to make groups of seven or not groups to stand, the reality is that people find it more confusing to vote, to not have that error of repetition or omission, if they've got a three and then they've got to find another three and a one or whatever. That's statistically a significant impact. That's the thing that sort of addressing us now. Where do we balance democracy and the right to stand and the right to only have two or three, and the simplicity of the ballot paper? There's an impact that could happen in relation to nominations.

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CHAIR - Can I test you a little bit then on that? From Dr Bonham's suggestions, and thinking about not wanting to put democratic barriers to people's participation in democracy, but also wanting to ensure people can demonstrate a genuine kind of footing in which to be participants as candidates, do you think that increasing the number of people who you need to get signatures from to nominate as a candidate is assistive for democracy? Whereas putting up the amount that it might cost to nominate is potentially a barrier. Would you favour one over the other, or do you see them - do they have to be connected? If you're increasing one, do you have to connect it to the other?

Mr HAWKEY - I'd see them as different issues and again, the Parliament to look at because it's 1985 that these things were set. In modern day, they're very different. Again, I don't have a view because I agree with the principle that should there be a financial barrier of a deposit that is increased, but again, it was \$400, but what is that equivalent in today's money? I wouldn't know. And it maybe feels too high, so maybe it was too high back then. But, certainly, the number of electors who support you, I think there should be room to increase that as they're looking to do with local government from three to 30. I don't see any reason why there isn't a good justification for going from 10 to 50. You could argue the same thing then for a group. Should it be more than 100? Then if it's 50 just to get on the paper or is 100 still fine or should it be more?

The issue that you have is like the snap election now, how easy is it to get? And there's a member; who could probably talk about that. Does it take two days, five days or 10 days to get 150 names to support you when you know the election is called and you've got eight days to get your nomination in.

There is a range of things there. Similarly, if you're lifting these other items, a registered party only needs 100 registered members. They have to do a lot more because they have to be registered members, they have to support the nomination, they have to have their name on the paper. But should that be more than 100, which was set quite a - not as long ago that was a more recent one that one - that was late 1990s.

Again, from our point of view, it's been a long time and some of these things are reasonable to have considered.

Mr BLAKE - No, I agree with that but some of you will know I attended one of those meet-the-candidate things at Sandy Bay Yacht Club. The people who spoke there all had genuine reasons why they were standing, and two of them only got 200 votes or something of that sort. Does that mean they don't stand? It's a hard one that; I don't know what the balance is.

CHAIR - Personally, I'm not particularly enamoured of the idea that we put barriers to people's participation in democracy, so there's another suggestion I wouldn't mind getting your response to in Dr Bonham's submission, which concerns me to some extent. I'm interested whether you perceive that there's any material difference to be made by it and if so, what? Where we might change the percentage of total votes that allows you to get a refund on your nomination fee. At the moment it's a fairly low percentage of votes and you can get a refund if you're an unsuccessful candidate. Dr Bonham suggests potentially raising that so you've got a greater penalty if you get a very small number of votes because you won't get your deposit

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back. That might deter people who are only going to get, say, the 200 votes. Are we wanting to deter people in that way because of financial disbenefit?

Mr BLAKE - I don't think so.

Mr HAWKEY - I don't have a great view on that. You've got to throw into the equation now that the funding disclosure that the fact that there's a certain percentage, 4 per cent, I think, I'm not sure about that one, can get a certain amount of their money back. That's a new element now because people can essentially cover their cost where others can't.

My gut feeling is I don't necessarily think we do need to increase it. Without much thought, you're standing for election and therefore you're standing for people to support you so the nomination element should be a starting point of - if you can't find 20 people or 50 people to support you, more than necessarily the money or the refund, I haven't thought about it in great detail. But I think for me, the nominators is certainly an area that could increase even if we bring that on par because it's not about where you stand financially, it's about your interaction with other Tasmanians and them supporting you.

Mr BAYLEY - You've taken the time in the submission to highlight the fact that you facilitate the tally room on election night and there's a lot of romanticism around the tally room and it's a really fantastic place - certainly, if you're in the south of the state to be able to access. It's a great backdrop for the media. I imagine it does present some budgetary and potentially security concerns as well in this new environment. Where are you at with the tally room? Does the TEC have a strong commitment to maintaining it going forward? Are there live conversations that question its merits or its security going forward?

Mr HAWKEY - We don't have a current conversation. It's a little bit of a case by case. We still ran one through the COVID years of 2021. Tasmanians and the media certainly see a real advantage in it. From our point of view, as I've used before, it's a bit like the cake at a birthday party, you know - in Tasmania, you know the election is on, you have the tally room, we know we're going to see what people do. I think it's part of our tradition and it's well received. Part of the thing, for me, in the longer term is, it is people seeing Tasmanian democracy in action. As mis- and disinformation grows, people still, at the moment, have the possibility to turn on the television. So, if someone says, 'No figures coming in,' on social media, 'No figures coming in for Braddon,' they can turn on the television and go, 'No, there they are and here's how it's going.'

It is still, in a place like Tasmania, a good place to have a good profile on election night to show that all is well - hopefully, all is well. As well as it being a part of our tradition and a part of, therefore, our acceptance and understanding of what a Tasmanian election is.

Mr BLAKE - Two elections ago the commissioner for New South Wales came along on the night and said to us, 'Gosh, I wish we were doing this.'

Ms HADDAD - I wonder if they will start.

Mr BLAKE - They haven't yet.

Ms HADDAD - Or return to, I should say.

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Mr BAYLEY - Yes, I think from our perspective, it's a very welcome initiative as well - an initiative thing. But there are some real-world challenges that are increasing, I suppose, with this kind of forum.

Mr HAWKEY - We work with Tas Police, protective services and others to manage those things. The biggest risk is, can we find a location. Two elections ago, 2024, we were basically without a location until everyone agreed that they would try to set up in three days what normally takes five. Actually, 40 hours is all they had and they did. It still adds value, I think.

Ms JOHNSTON - Just a request for the nomination or the nominator form - if you can make the print bigger. The number of people who think that 'enrolled address' is 'email address', or read it as 'email address' and fill in their email address rather than - so, if you could just take that on board and make the font a little bigger it would be much appreciated.

Mr HAWKEY - Oh, okay.

Ms JOHNSTON - Back to the campaign fund, there's the ability to have advanced payments from parties; did any parties acquire or use that particular provision?

Mr HAWKEY - Sorry, which one? For -

Ms JOHNSTON - The advance payment for campaign -

Mr HAWKEY - the administration payment?

Ms JOHNSTON - No, for the campaign fund.

Mr HAWKEY - So, the campaign fund -

Mr HAWKEY - Yes, so it -

Ms JOHNSTON - It wasn't available?

Mr HAWKEY - It wasn't available for this election because we didn't have a base level. So, part of it is, it's based on the previous election, so, because we had no previous election data, the Commission took the position that it wasn't available for anybody.

Ms JOHNSTON - So, you didn't use the 2024 data on number of votes for each -

Mr HAWKEY - We didn't have funding expenditures for parties.

Ms JOHNSTON - Okay. My understanding was that the campaign funding, if I read it on your website correctly, it was based on 50 per cent of the previous election.

Mr HAWKEY - That's the legislation.

Ms JOHNSTON - A total amount of funding, sorry. A total amount of funding, rather than the total amount of votes.

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Mr HAWKEY - Yes, funding, so we had no evidence to base it on.

Mr GAFFNEY - A very quick one. I've had a constituent want me to find out whose responsibility is it for political advertising signs to be down after an election because they're still some up on the north-west coast from the last election. Whose responsibility is it, and is there a fine imposed, or how does that work? People want to complain to somebody, so I thought I'd ask here.

CHAIR - This is your chance to say, 'Not us.'

Mr HAWKEY - Not us is the answer. It's nice to be able to say that. The *Electoral Act 2004* and now the funding and disclosure Act⁴⁷ set our remit. From electoral poster point of view, it is authorised during an election period, not in relation to whether it's up or down. That is a bylaw of the councils; I understand that there might be a part of the Tasmanian Planning Commission. My understanding is it's controlled by councils, so they probably need to go to the local council to raise the matter.

Mr GAFFNEY - Okay, thank you. That's good.

CHAIR - Can I ask a question quickly, while we still have a few more minutes. I'm interested in pre-poll duration. I think we've had other private conversations about this, Mr Hawkey. I'm wondering on what policy research and work have you made the decision previously and consistently, I think, to have a pre-poll period of three weeks, for example? For example, to my mind, that is potentially not as democratic as it could be because of the principle that we all go to the polling and cast our vote on the same information available as voters.

Obviously, a lot happens in the final three weeks of a campaign. A lot happens in terms of policy announcements, advertising, a lot could happen in terms of things coming to light that may not have been to light before that. I appreciate that you're probably going to talk about balancing accessibility with that democratic imperative, but I'd like to understand on what research and basis - policy basis - you've decided three weeks, for example, rather than two is what is appropriate.

Mr HAWKEY - One is, it's a historic arrangement that we've had, but also there are people - which is now more an issue - who will be travelling very soon after or around the beginning of the early voting period. In the past, we might have said, 'We'll send a postal vote out,' or they would say, 'No, I want to vote straightaway.' So, there is a certain proportion of our community that will be away from being able to vote and, therefore, that's provided.

Again, it is fundamentally an accessibility - we have numbers that break it down. We don't provide all pre-poll at the beginning of an election period, so we'll have our core ones, like a Glenorchy or somewhere, but Smithton will have a pop-up in the last two days or three days.

CHAIR - But your major centres have pre-polls for three full weeks?

Mr HAWKEY - Yes.

⁴⁷ *Electoral Disclosure and Funding Act 2023 (Tas)*

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CHAIR - People who are travelling could now do telephone polling, right? So, we don't have to accommodate them with an extra week.

Mr HAWKEY - Yes.

CHAIR - That doesn't sound like a strong policy reason. What's your policy base?

Mr HAWKEY - Well, telephone voting is only very new.

CHAIR - Sure, but as things like that are emerging, will you be reassessing the democratic appropriateness of a three-week pre-poll period, balanced against that democratic imperative that we go to vote with the same information?

Mr HAWKEY - Yes. There is no legislative requirement for us, in a sense, for everyone to hear the same information. The *Electoral Act* doesn't say all electors must have the same information when they vote. There is a requirement under our legislation that they must vote on polling day unless they have a reason they can't vote on polling day, but that is all the restriction. What you're bringing forward is a principle.

CHAIR - A principle. That's right. It's not legislative.

Mr HAWKEY - The Commission would be happy to look at that as a principle, but from a legislative point of view - so, the drag away from that, is - just look at our annual reports and look at our participation rates in Legislative Council and state elections, at any one around Australia, and they are on a slide. That is a big concern. We believe we have a responsibility to keep participation high. Again, that's not actually legislated other than that there's a non-voter process for people who aren't. That's the key thing - what are the initiatives we can do to try to keep people voting? If we took a week off, what if we drop by 4 per cent? We can't tell who would have pre-poll in that first week, but if we saw that 3 per cent of people are voting in pre-poll on that first week and we're 4 per cent down, is that the right direction to go?

CHAIR - Who knows, because it's just hypothetical as you put it to us here. We don't know that that would happen.

Mr HAWKEY - It is, but what I'm saying is, the drag of trying to - but we'll have a look at it.

CHAIR - The other thing that has changed in recent years, of course, just now, is our donation disclosure. We've made a specific decision to have seven-day disclosure periods during an election period, knowing that voters need to have information that's up to date while they're in an election period before they go to vote. Again, that's another thing that would tell you it's important for voters to have all best information as close to the time we all expect to vote, on polling day. Given that change, I would think that points you towards a compressed -

Mr HAWKEY - It's another thing to consider, absolutely.

CHAIR - Anyway, that's my hobby horse. My apologies to members.

PUBLIC

Mr GAFFNEY - Yes, it was, because it would be interesting to discuss that with the community as well.

CHAIR - Sure.

Mr HAWKEY - We're hoping to do a lot more of this with broader engagement. Even to the fact that we know who voted in that first week because we have their elector details and their date and time stamp. This is an area where we can certainly grow a lot more in our engagement. I'm not saying we definitely will, but there's a lot more opportunity for us to do better evidence in this sort of thing.

Mr GAFFNEY - One could say that all parties should have their policies well and truly out in community at least three or four weeks before an election, so there's no spot or snap policy decisions -

CHAIR - An election might only be four weeks -

Ms HADDAD - That's right. Realistically, in a snap election, if you want properly costed and deliverable policies released, which I would argue we do -

Mr GAFFNEY - You should have a policy there, shouldn't you?

Ms HADDAD - Yes, but in a snap election it's almost impossible to have that before pre-poll.

Ms JOHNSTON - If you have that data available, are you intending to do some analysis in terms of demographic, age, or area, or -

Mr HAWKEY - I haven't spoken to anyone other than talking to you about this, but what I'm saying is we now have a better capacity to do that sort of investigation. So, we're happy to take that on board, and this is part of why our expansion to 34 [employees] was great because we actually expanded into things like a system process officer, a data analyst and an engagement officer to be able to get on the front foot. Rather than just, 'Quick, there's another election, let's respond and get it done', we can learn and say, 'How do we improve telephone voting? What does the community actually want in relation to voting services? Are there grounds for these things?' We're very happy to take on those questions and we have a better capacity now to do some evidence in it. I think there's a good opportunity going forward, and the commission's happy to receive broader queries about that sort of thing going forward from this environment, but also from community groups, hopefully, as well.

CHAIR - There's certainly consideration around even being able to - and again, this is probably more relevant to independent candidates, especially if an election's cropped up out of nowhere and you've had to stand quite quickly - to then have material ready to, even to send out - you might not have it ready to send out until those final three weeks. You might only be able to afford one letterbox drop or whatever it is. You might be relying on door-knocking and you haven't been able to get around to everybody yet. Plenty of considerations about that.

Mr HAWKEY - You might not get access to the printer because of the Electoral Commission using it for all the ballot papers.

PUBLIC

CHAIR - There you go. That's right. Exactly. Anyway, it's my hobby horse.

We've come to five o'clock, which is the end of our time. Thank you very much for making yourselves available to come into the hearing today and for the submission. Please thank your staff who have contributed the submission to us and the wonderful work that they do on in making our electoral system work well. We really appreciate it. There is a number of matters I think we're going to follow up with you. We'll write to you about those. My understanding is that you're tabling your reports; your annual report and your report on the 2025 election -

Mr HAWKEY - To the Parliament.

CHAIR - To the Parliament. You're tabling that in Parliament next month.

Mr HAWKEY - When Parliament re-sits, yes.

CHAIR - That will be interesting for this committee to also look at, and if we need to come back to you to have another interaction or ask more, we'll do so.

Thank you for your time today. I need to, as a formality, remind you, as I did at the commencement of your evidence, that what you've said here today is protected by parliamentary privilege. Once you leave the table, you need to be aware that that privilege does not attach to comments you may make to anyone, including the media, even if you're just repeating what you've said to us. Do you understand that?

Mr HAWKEY - Yes.

CHAIR - Thank you so much. We appreciate the time.

The Committee adjourned at 5.01 p.m.