

# Tasmanian Electoral Commission

## Annual Report 2021–22

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3 am - 6 pm





# Tasmanian Electoral Commission

Annual Report 2021-22

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Seventeenth Annual Report 2021-22

To The Honourable Craig Farrell,  
President of the Legislative Council  
and  
The Honourable Mark Shelton,  
Speaker of the House of Assembly

We have the honour to submit the seventeenth annual report of the Tasmanian Electoral Commission for presentation to the Parliament pursuant to the provisions of section 13 of the *Electoral Act 2004*.

The report covers the period from 1 July 2021 to 30 June 2022.

Yours sincerely



Mike Blake  
CHAIRPERSON



Andrew Hawkey  
ELECTORAL  
COMMISSIONER



Karen Frost  
MEMBER

23 May 2023

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# Chairperson's introduction

## Drive-through voting

In the midst of the COVID-19 pandemic  
the need for safety drove innovation.



This annual report provides a comprehensive outline of the activities of the Tasmanian Electoral Commission. A quick scan might give, quite inappropriately, an impression that the Commission has had a quiet year. Nothing could be further from the truth and the Tasmanian community can be confident that its Electoral Commission continues to operate in line with our purpose of providing independent, impartial, and high-quality electoral services to the people of Tasmania.

In this context, ‘services’ is not only about running elections. In the current year there was only one of these, being the periodic Legislative Council elections, which this year also saw a by-election for the Legislative Council member in Huon following the resignation in January 2022 of the then sitting member, and multiple recounts resulting from casual vacancies. In response to COVID-related restrictions, the Commission once again demonstrated its agility in the best interests of voters by implementing drive through voting and secure telephone voting.

In addition, a strong focus this year saw our response to requests for advice and submissions on important electoral matters. When responding or submitting, as highlighted elsewhere in this annual report, the Commission did so by careful consideration of the matters being addressed without straying into policy.

A highlight for the Commission this year was the development of our northern office in Launceston. This facility will enhance the effectiveness of our electoral functions in the North and North West of Tasmania. It is likely that similar facilities will be needed in Hobart with consideration of our requirements already under way.

In conclusion, I remain proud of the responsive, proactive, and agile way the Commissioner and his staff deal with the many complexities and issues involved in running an electoral office. My thanks to all of you, and to Karen Frost for her wise contribution to our deliberations.

## **Mike Blake**

Chairperson  
Tasmanian Electoral Commission

# Electoral Commissioner's review

The only significant election event for the year 2021-22 was the 2022 periodic Legislative Council elections. The opening up of borders in early 2022 saw the likely increase in COVID cases in the community. In response, the Commission developed two innovations – telephone voting and drive-through voting – which are discussed in detail on pages 24-27 of the report.

The year included an increased number of local government recounts and by-elections – some resulting from the election of former councillors to the House of Assembly at the 2021 State election. The period also included House of Assembly recounts following the resignation of Premier Peter Gutwein and Minister Sarah Courtney. Details of the House of Assembly recounts are included in Appendix C.

## Significant legislative and policy changes

In May 2022, three pieces of electoral legislation entered the Parliament which will have a significant impact on electoral administration in Tasmania:

- » The Local Government Amendment (Elections) Bill 2022 was introduced to the Parliament on 24 May 2022, receiving Royal Assent on 16 June 2022.
- » The Electoral Disclosure and Funding Bill 2022 was introduced to the Parliament on 31 May 2022, but did not progress to the second reading speech before the end of the 2021-22 period.
- » The Electoral Matters (Miscellaneous Amendments) Bill 2022 was also introduced to the Parliament on 31 May 2022 and did not progress to the second reading speech before the end of the 2021-22 period.

Further details regarding these pieces of legislation are provided on pages 19-20 of the report.



On 25 May 2022, Premier Rockliff announced in principle support for restoring the number of seats in the House of Assembly from 25 to 35 seats. On 3 June 2022 the Premier wrote to me, requesting advice on the consequences of revising the existing House of Assembly electoral boundaries from 5 electorates to 7 electorates. My advice to the Premier was provided on 24 June 2022 and has been included in this report as Appendix E.

On 8 June 2022 the Government released its consultation paper: *An Improved Model for Returning Land to Tasmania's Aboriginal People – Consultation Paper on Proposals for Change*. The consultation paper included the following proposals to the Aboriginal Land Council of Tasmania (ALCT) elections:

- » removing the process for objection to a person's enrolment;
- » applying a method consistent with the intent of the Government's Eligibility Policy to determine eligibility to participate in ALCT election processes; and
- » implementing appropriate procedural reforms to reflect a reduced role of the Electoral Commissioner.

Submissions in response to the consultation paper are to be lodged by 24 July 2022.

## **The northern electoral operation centre**

During the year, major renovation works took place for the electoral fit out of the Commission's northern electoral operations centre. Pictures of the renovation appear across the report. It is expected that the fit out will be complete prior to the forthcoming local government ordinary elections commencing in September 2022.

As I have mentioned in previous reports, I am very appreciative of the hard work undertaken by Commission staff and the many casuals that work at the electoral coal face that enable our democracy to continue so smoothly.

# The Tasmanian Electoral Commission

This annual report of the Commission covers the period 1 July 2021 to 30 June 2022. It is submitted pursuant to section 13 of the Tasmanian *Electoral Act 2004*. Although the Commission is a statutory body, corporate support is provided by the Department of Justice and full financial and staffing reports are included in the Department of Justice Annual Report.



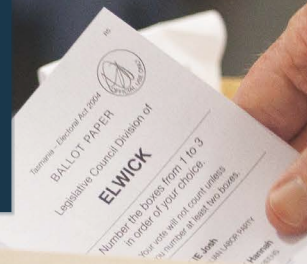
**Mike Blake**  
Chairperson



**Andrew Hawkey**  
Electoral Commissioner



**Karen Frost**  
Member



The Tasmanian Electoral Commission ("the Commission") is established under section 6 of the *Electoral Act 2004* ("the Act"). The Commission comprises the Chairperson, the Electoral Commissioner and one other Member.

### Commission functions and powers

The following functions and powers of the Commission are specified in section 9 of the Act.

- (1) In addition to the functions conferred on it by any other provisions of this Act or any other Act, the Commission has the following functions:
  - (a) to advise the Minister on matters relating to elections,
  - (b) to consider and report to the Minister on matters referred to it by the Minister,
  - (c) to promote public awareness of electoral and parliamentary topics by means of educational and information programs and by other means,
  - (d) to provide information and advice on electoral issues to the Parliament, the Government, Government departments and State authorities, within the meaning of the *State Service Act 2000*,
  - (e) to publish material on matters relating to its functions,
  - (f) to investigate and prosecute illegal practices under this Act.
- (2) The Commission may do all things necessary or convenient to be done, including employing persons, for or in connection with or incidental to the performance of its functions.
- (3) Without limiting subsection (2) and in addition to any power conferred on the Commission by any other provision of this Act or any other Act, the Commission, in addition to conducting Assembly elections or Council elections may conduct ballots or elections for a person or organisation and may charge fees for that service.

# The Tasmanian Electoral Commission (cont'd)

The Commission and the Electoral Commissioner have legal responsibilities under the following legislation:

- » *Electoral Act 2004*
- » *Electoral Regulations 2005*
- » *Local Government Act 1993*
- » *Local Government (General) Regulations 2015*
- » *Juries Act 2003*
- » *Legislative Council Electoral Boundaries Act 1995*
- » *Aboriginal Lands Act 1995*
- » *Water Management Act 1999*

## Electoral roll management

The Commission, and the Electoral Commissioner, have statutory responsibilities for the independent and impartial conduct of Tasmanian elections and referendums.

An up-to-date and accurate electoral roll is an essential prerequisite for the conduct of elections. The State of Tasmania and the Commonwealth of Australia have a joint management arrangement whereby the TEC and the Australian Electoral Commission (AEC) jointly manage and maintain the electoral rolls for Federal, state and local government elections. The Electoral Commissioner is a member of the Electoral Council of Australia and New Zealand (ECANZ) which regularly discusses strategies for maintenance of the electoral roll.

All electors enrolled on the State roll are entitled to vote at the local government elections for the municipal area in which their enrolled address is situated.

# Purpose, vision and values

## Purpose

To provide independent, impartial and high-quality electoral services to the people of Tasmania.

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## Vision

To maintain confidence in the integrity of Tasmania's electoral processes and make it simple for people to understand and participate.

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## Values

### Respect

**We will:**

- » be actively inclusive
- » be broadly accessible
- » be accountable
- » be mindful and considerate
- » support diversity

**We will not:**

- » be biased

### Integrity

**We will:**

- » be impartial
- » uphold our independence
- » be accurate
- » be transparent
- » comply with electoral law

**We will not:**

- » comment on political matters
- » hide errors

### Adaptability

**We will:**

- » be responsive
- » be flexible
- » be prepared
- » commit to improvement
- » work to find a solution

**We will not:**

- » be stuck in our ways
- » take unnecessary risks

### Collaboration

**We will:**

- » be supportive
- » be consultative
- » engage
- » empower
- » share knowledge

**We will not:**

- » set unrealistic expectations
- 

## Core business

### Advice

We provide appropriate and expert electoral advice.

### Management

We conduct accurate, transparent and accessible electoral events.

### Awareness and engagement

We provide clear and impartial electoral information that enhances understanding and participation.

### Organisation building

We develop and maintain an agile, creative and cyber secure organisation that empowers, supports and develops staff.

### Enforcement

We ensure compliance with electoral legislation.

---

Renovation work in full swing at the new  
TEC northern office location

Significant  
events of  
2021–22

# Legislative Council elections

Under the Legislative Council periodic cycle, elections for the divisions of Elwick and McIntyre were due to be conducted.

Following the resignation of the Member for Huon, Bastien Seidel, on Friday 7 January 2022, a by-election was also required to be conducted concurrently with the 2022 Legislative Council periodic elections.

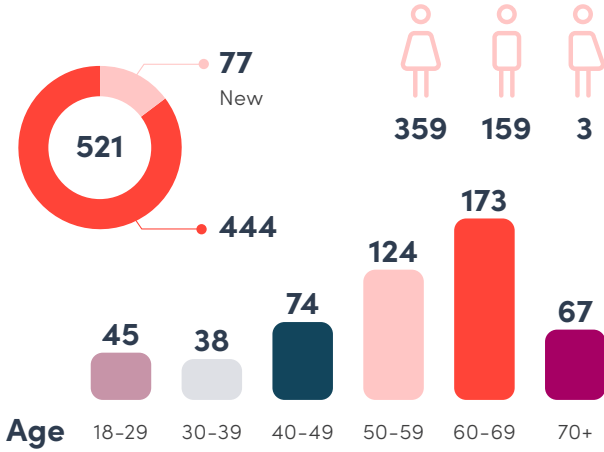
Michael Leyden (Elwick), Graeme Ingram (Huon) and Jenny Hart (McIntyre) were appointed as returning officers for these elections.

The writs for the elections were issued on Monday 28 March. When nominations closed at 12 noon on Thursday 7 April, 11 candidates (9 men and 2 women) had been nominated – 3 candidates for Elwick, 5 candidates for Huon and 3 candidates for McIntyre.

Josh Willie was re-elected as the Member for Elwick until 2028, Dean Harriss was elected as the Member for Huon until 2026, and Tania Rattray was re-elected as the Member for McIntyre until 2028.

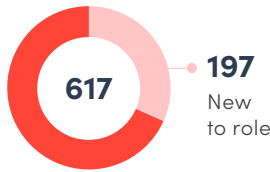
Legislative Council results are provided in Appendix B.

### Election staff



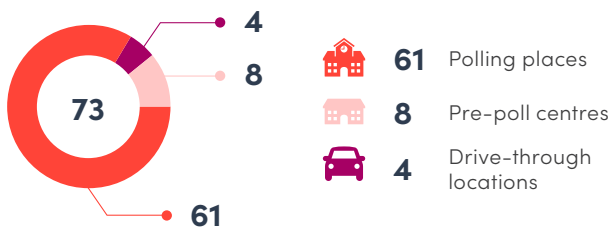
### Roles

Staff may occupy multiple roles



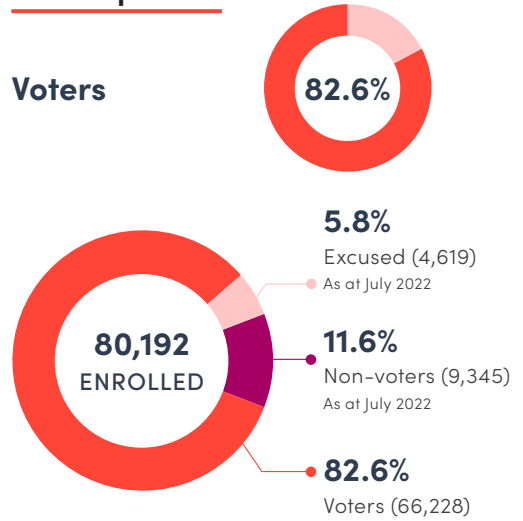
Returning officers and assistant returning officers	3	3	0	New to TEC 0 New to role 0
Polling place managers and polling place liaison officers	66	36	0	New to TEC 1 New to role 25
Issuing staff	218	66	2	New to TEC 55 New to role 87
Non-polling place staff	143	85	1	New to TEC 29 New to role 85

### Polling locations

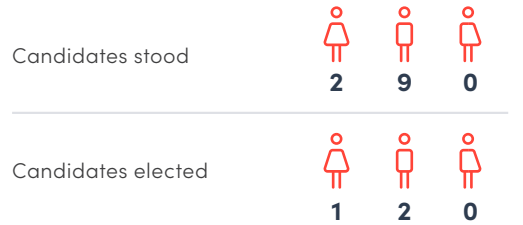


### Participation

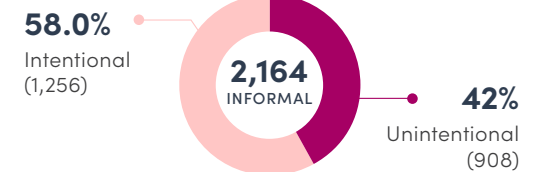
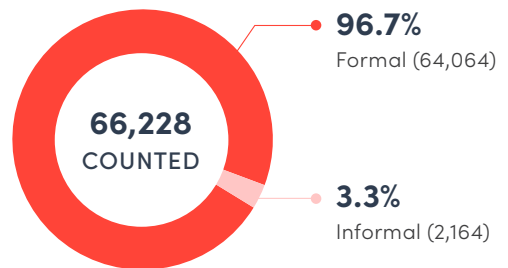
#### Voters



#### Candidates

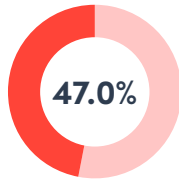


### Ballot papers








## Voted early



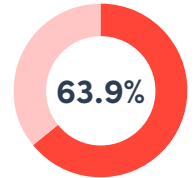
Pre-poll	10.99%
Interstate pre-poll	0.19%
Postal	34.64%
Telephone voting service	0.79%
Drive-through voting service	0.41%

## Postal returns

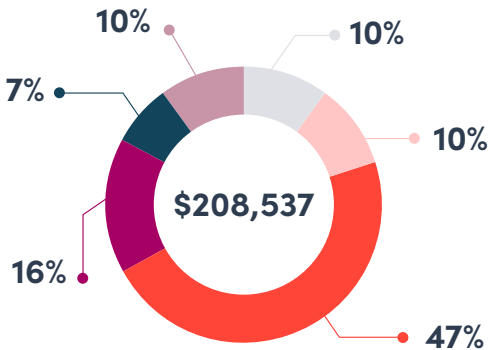
				Total
Issued (excludes GPVs)	24,839	352	58	25,249
Returned	23,114	281	1	23,396

## Voted in person

	Drive-through	Pre-poll	Polling day
In division	270	7,154	34,466
Out of division	0	126	285



## Election awareness




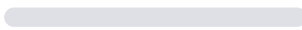



Elector cards presented when attendance voting

9,442

- TV
- Radio
- Social media
- Newspaper
- Production
- Elector mailout

## Cost per elector



2022 LC		\$17.71
2021 LC*		
2020 LC		\$22.08
2019 Fed		\$22.68
2019 LC		\$13.70

\*Legislative Council & House of Assembly elections held concurrently, actual costs difficult to quantify

# House of Assembly

## casual vacancies

Details of these recounts are provided in Appendix C.

### **2022 Bass recount (Sarah Courtney)**

On 25 February 2022, the TEC completed a recount to fill the vacancy in the House of Assembly for the division of Bass created by the resignation of Sarah Courtney.

Seven candidates nominated for the recount.

Lara Alexander was elected as a member of the House of Assembly for the division of Bass until the next general election.

### **2022 Bass recount (Peter Gutwein)**

On 26 April 2022, the TEC completed a recount to fill the vacancy in the House of Assembly for the division of Bass created by the resignation of Premier Peter Gutwein.

Five candidates nominated for the recount.

Simon Wood was elected as a member of the House of Assembly for the division of Bass until the next general election.

# Local government casual vacancies

Full details of all local government elections including recounts and by-elections can be found on the TEC website.

During 2021–22, the TEC conducted recounts to fill councillor vacancies for the following local government councils:

- » Meander Valley Council (July and September)
- » West Coast Council (July)
- » Circular Head Council (November)
- » Derwent Valley Council (December (two), and March)
- » George Town Council (December)
- » King Island Council (December)

By-elections for mayor and councillor positions were conducted for the following councils:

- » Glenorchy City Council (July)
- » Kingborough Council (July)
- » West Coast Council (July and February)
- » Brighton Council (August)
- » Derwent Valley Council (February)

# Other elections and ballots

During 2021-22, the TEC conducted the following non-parliamentary elections:

## **Statutory elections**

- » Elizabeth Macquarie Irrigation Trust
- » Mowbray Swamp Drainage Trust

## **Non-statutory elections**

- » Local Government Association of Tasmania
- » Tasmanian Rock Lobster Fishermen's Association Ltd
- » Tasmanian Seafood Industry Council

# Assisting other electoral authorities

The TEC assists other electoral commissions by issuing pre-poll votes for their election. Ballot papers were issued for the following elections:

## **Electoral Commission of South Australia**

- » South Australian State election

# Legislative changes

During 2021-22, three pieces of legislation were introduced to the Parliament which will have a major impact on electoral administration:

## **Amendments to the *Local Government Act 1993***

The Local Government (Elections) Bill 2022 was tabled on 24 May and received Royal Assent on 16 June 2022.

This Bill made the following important changes for the forthcoming 2022 local government elections:

- » Local government elections are now compulsory for all electors listed on the State roll. It is not compulsory for electors listed on the general managers' rolls.
- » Formality for councillor elections is now "number preferences 1 – 5" where there are five or more councillors to be elected.
- » All instructions on the councillor ballot paper template are now located above the list of candidates.

These changes will have a significant impact on preparation for the forthcoming elections including:

- » an additional advertising campaign to increase elector awareness of the compulsory nature of these elections,
- » the expansion of logistics and staffing required to handle the expected 50% increase in returned postal votes,
- » the re-auditing of the Computer Count software used for Hare-Clark counts due to the changes in formality, and
- » the establishment of non-voter processes following the election.

## **A Tasmanian disclosure and funding scheme**

The Electoral Disclosure and Funding Bill 2022 (tabled on 31 May 2022) establishes significant new responsibilities and powers for the Commission including the:

- » establishment of a funding and disclosure unit,
- » management of the lodging of reportable political donations and donation returns and election returns,
- » provision of online public access to reportable political donations and lodged returns,
- » establishment and maintenance of registers of: candidates, party agents, official agents, associated entities and third-party campaigners,
- » establishment of significant investigatory powers to investigate any breaches set out in the Bill, and
- » management of two types of funding (campaign funding and administration funding) for some House of Assembly political participants.

## **Amendments to *Electoral Act 2004***

In addition to a number of amendments to administrative processes, the Electoral Matters (Miscellaneous Amendments) Bill 2022 (tabled on 31 May 2022) proposes the following changes to the *Electoral Act 2004*:

- » the introduction of a new definition of ‘electoral matter’,
- » updating authorisation requirements for online, social media and digital communication ‘electoral matter’,
- » restricting the prohibition of using another candidate’s name without their permission to how-to-vote cards, and
- » updating and clarifying various compliance and enforcement provisions within the Act and providing the Commission with powers of investigation.



# Innovations







# Drive-through and telephone voting

For the 2022 Legislative Council elections the TEC trialled two new voting services to assist electors with COVID-19 or who were located overseas during the voting period, or interstate on polling day.

## Drive-through voting

In early 2022, the Director of Public Health issued a direction requiring individuals with COVID-19 to go into isolation and any close contacts to go into quarantine. Department of Health estimated that the daily COVID-19 cases across the state during May 2022 to be around 400 cases per day, which could translate into around 3 000 Elwick, Huon and McIntyre electors being in isolation for the last week of polling and on polling day.

In early March the TEC met with the Director Operations – COVID-19 Emergency Coordination Centre to discuss the establishment of drive-through polling stations that electors in isolation or quarantine could attend to vote in the week before polling day and also on polling day.

The Director for Public Health established these sites as acceptable places for those in isolation or quarantine to attend.

Configured similarly to a COVID-19 PCR testing station and staffed by Department of Health employees, these sites were appointed as special mobile polling places in Glenorchy, Ranelagh, Deloraine and Scottsdale. Across the four sites, 270 electors used the drive-through services for casting their vote.

## Phone Voting

On 11 April 2022, the Commission approved a telephone voting system for the 2022 Legislative Council elections for electors who were unable to access other voting services due to being in isolation or quarantine due to COVID-19, and for electors travelling interstate or overseas.

The telephone voting service was available:

- » the week before polling day (standard pre-poll hours), and
- » polling day (8am–6pm).

To ensure the integrity and secrecy of the vote, the telephone voting service consisted of three separate stages, undertaken by different staff teams:

- » a registration process,
- » a ballot paper transcription process, and
- » marking electors on the roll.

### The registration process

To register for the service the elector called a designated phone number and provided:

- » their full name,
- » their enrolled address,
- » confirmation that they had not already voted at these elections, and
- » confirmation that they are either overseas or interstate or in isolation due to COVID-19.

Electors were then issued a unique code and forwarded to the ballot paper transcription team. Staff members instructed each elector to not identify themselves to the transcription team.

## The ballot paper transcription process

The transcription team for each elector involved two staff; one to speak with the elector and record the elector's ballot paper preferences and the second to verify the correct recording of preferences.

When an elector connected for the transcription process, the first staff member:

- » provided a summary of the ballot paper transcription process to be undertaken,
- » asked the elector to provide the unique code issued during the registration process, and
- » entered the unique code into the Code Validation System, which confirmed the elector's right to a ballot paper and confirmed which division ballot paper was to be issued.

The first staff member then read the voting instructions and all candidate names and invited the elector to choose the candidate to receive each preference. The elector could choose to cast an informal ballot paper.

The second staff member read back the elector's preferences and, if the elector was satisfied with the preferences allocated, the first staff member:

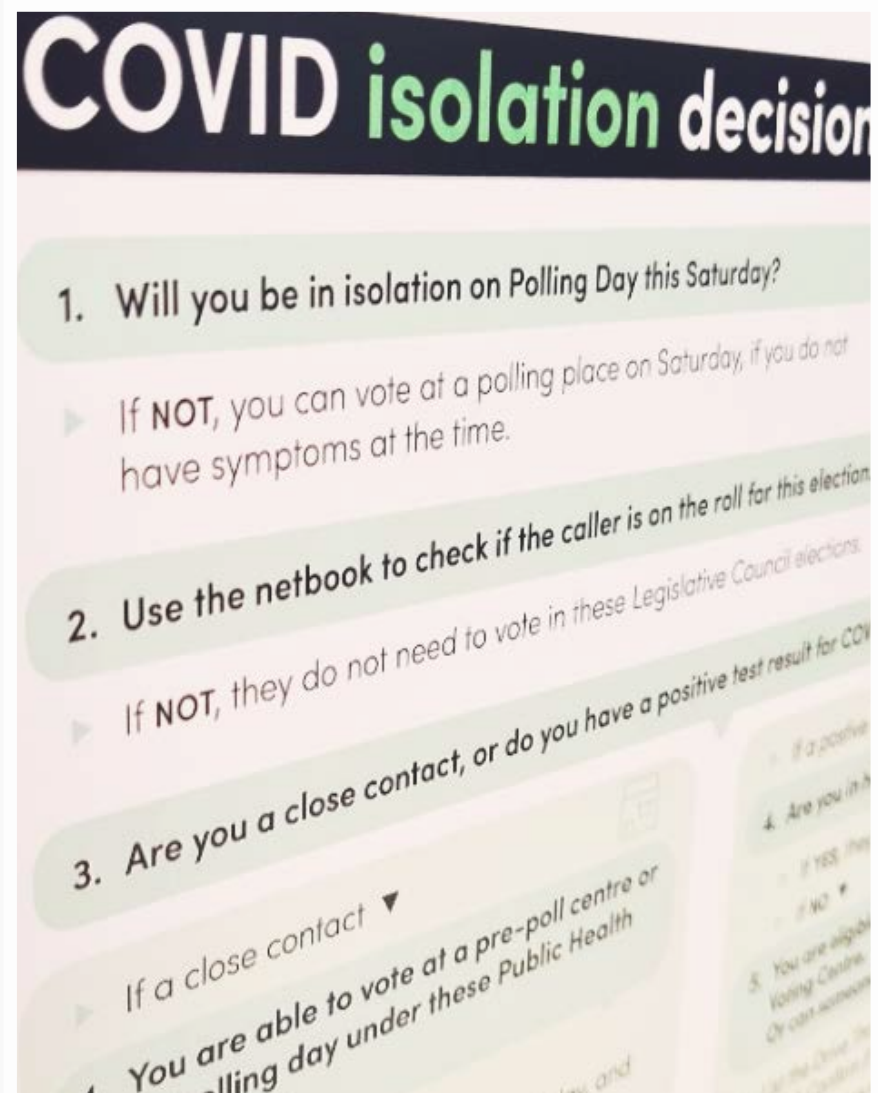
- » informed the elector that they have completed the telephone voting process,
- » placed the ballot paper in a ballot box,
- » marked the unique code on the Code Validation System as having a ballot paper cast, and
- » thanked the elector for using the service and ended the call.

Once a unique code was marked as having a ballot paper cast, the Code Validation System would not permit a new or second ballot paper to be issued for that code.

## Marking electors on the roll:

At the end of the election, IT staff matched the marked unique codes in the Code Validation System against the elector on the election roll in the Registration System.

Across the available period, 525 electors voted using the telephone voting service.





# Report on performance



# Report on performance

**Table 1: Electoral enrolment**

As at 30 June	2018	2019	2020	2021	2022
Tasmanian enrolment (excluding provisional enrolments)	381 348	387 466	389 227	396 792	403 200
Voting eligible population (VEP)	393 506	387 466	403 081	407 391	416 565
Enrolment rate (% of VEP)	96.91%	97.58%	96.58%	97.40%	96.79%

**Table 2: House of Assembly elections statistics**

Election year	2010	2014	2018	2021	
Close of roll enrolment	357 315	366 442	381 183	394 432	
Ballot papers cast	335 353	342 595	352 180	359 805	
Turnout	93.85%	93.49%	92.39%	91.22%	
Number of candidates	89	126	109	105	
Total number of counts	194	330	253	203	
Formal ballot papers	320 438	326 163	334 871	341 350	
Informality	Rate	4.45%	4.80%	4.91%	5.13%
	Apparent intentional	6 378	8 787	8 468	7 862
	Apparent unintentional	8 324	7 435	8 731	10 593



**Table 3: Legislative Council elections statistics by division**

Election year	2021			2022		
	Derwent	Mersey	Windermere	Elwick	Huon (by-election)	McIntyre
Close of roll enrolment	26 618	28 627	27 342	23 925	26 876	29 391
Ballot papers cast	21 730	Uncontested	22 360	18 668	23 166	24 394
Turnout	81.64%	N/A	81.78%	78.03%	86.20%	83.00%
Number of candidates	3	1	5	3	5	3
Formal ballot papers	20 513	N/A	21 276	17 988	22 551	23 525
Informality rate	5.60%	N/A	4.85%	3.64%	2.65%	3.56%

**Table 4: Legislative Council elections participation and informality rates**

Election year		2018	2019	2020	2021	2022
Close of roll enrolment		48 192	74 979	53 551	53 960	80 192
Ballot papers cast		39 194	62 929	45 613	44 090	66 228
Turnout		81.33%	83.93%	85.18%	81.71%	82.59%
Informality	Rate	4.01%	3.29%	2.26%	5.22%	3.27%
	Apparent intentional	1 037	1 504	707	1 211	1 257
	Apparent unintentional	535	564	326	1 090	907

# Report on performance (cont'd)

**Table 5: Local government elections statistics**

Election year	2007	2009	2011	2014	Glenorchy City <sup>1</sup>	2018 <sup>2</sup>	
Close of roll enrolment <sup>3</sup>	357 091	362 890	366 906	375 355	33 283	356 810	
Declarations returned	205 074	201 550	199 153	204 875	18 236	209 522	
Turnout	57.43%	55.54%	54.28%	54.58%	54.79%	58.72%	
Total ballot papers <sup>4</sup>	538 411	526 117	510 563	591 180	53 818	596 450	
Number of candidates <sup>4</sup>	444	449	421	716 <sup>5</sup>	32	718	
Number of counts <sup>4</sup>	602	553	489	1 365 <sup>5</sup>	71	1 319	
Formal ballot papers <sup>4</sup>	528 649	516 524	500 410	574 335	51 716	575 279	
Informality	<b>Rate</b>	1.81%	1.82%	1.99%	2.85%	3.91%	3.55%
	<b>Apparent intentional</b>	4 769	4 994	5 471	7 378	164 <sup>6</sup>	7 597
	<b>Apparent unintentional</b>	4 943	4 599	4 682	9 367	777 <sup>6</sup>	13 574

1. Following the passing of the *Glenorchy City Council (Dismissal of Councillors) Act 2017*, a stand-alone election was conducted. Polling closed Tuesday 16 January 2018.

2. These elections included only 28 of the 29 councils.

3. Comprises those electors on the House of Assembly roll for an address within the municipal area as well as other owners, occupiers and company nominees who have enrolled on general managers' rolls.

4. Includes all ballot papers for mayor, deputy mayor and councillors.

5. Increase in number of candidates and number of counts due to the move to "all-in, all-out" elections in 2014.

6. These figures only apply to councillor ballot papers, as an informal ballot paper survey was not conducted for the mayor and deputy mayor ballot papers for the Glenorchy City Council.



Financial  
performance  
2021-22

# Financial performance

This section contains breakdowns of election costs and historical comparisons. Expenditure and revenue statements can be found in the 2021–22 Department of Justice Annual Report. To provide an accurate comparison between the cost of Federal, House of Assembly, Legislative Council and local government elections, the salaries of permanent TEC staff are not included in these calculations.

**Table 6: Cost of House of Assembly elections**

Election year	2006	2010	2014	2018	2021
Total cost (\$'000)	1 897	2 271	2 743	3 039	3 937 <sup>1</sup>
Number of electors on the roll	341 481	357 315	366 442	381 183	394 432
Cost per elector on the roll	\$5.56	\$6.36	\$7.49	\$7.97	N/A <sup>2</sup>

**Table 7: Cost of Legislative Council elections**

Election year	2018	2019	2020	2021	2022
Total cost (\$'000)	561	1 027	1 183	N/A	1 420
Number of divisions	2	3	2	3 <sup>3</sup>	3
Number of electors for these elections	48 192	74 979	53 551	82 587	80 192
Cost per elector	\$11.64	\$13.70	\$22.08 <sup>4</sup>	N/A <sup>2</sup>	\$17.71

1. Combined cost for the 2021 Parliamentary elections where polling day and associated electoral services were shared for the State election and the 2021 periodic Legislative council elections.

2. Costs per elector for the 2021 Parliamentary elections are not clearly quantifiable and are inconsistent with other years, due to sharing of costs related to overlapping elections.

3. A ballot was not required for one of these divisions.

4. The cost per elector for the 2020 elections included \$5.78 cost per elector due to the COVID-19 pandemic.

**Table 8: Cost of local government elections**

Election year	2007	2009	2011	2014	Glenorchy City	2018 <sup>5</sup>
Total cost (\$'000)	1 211	1 248	1 337	2 098	233	2 470
Number of electors on the roll	357 091	362 890	366 906	375 355	33 283	356 810
Cost per elector on the roll	\$3.39	\$3.44	\$3.65	\$5.59 <sup>6</sup>	\$6.99	\$6.92

**Table 9: Cost of Federal elections**

Election year	2007	2010	2013	2016	2019	2022
Cost per elector on the roll	\$8.36	\$7.68	\$9.48	\$14.28	\$22.68	N/A <sup>7</sup>

These figures were obtained from the *Australian Electoral Commission 2019 Electoral Pocketbook*, published following each Federal election. Federal election costs do not include a component for the decentralised structure of permanent divisional returning offices.

**Table 10: Cost of managing and maintaining the electoral roll**

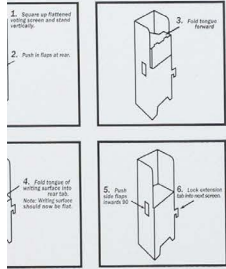
Financial year	2017-18	2018-19	2019-20	2020-21	2021-22
Expenditure on roll (\$'000)	435	449	501	476	495
Number of electors on the roll at June 30	381 348	387 466	389 227	396 792	403 200
Cost per elector on the roll	\$1.14	\$1.16	\$1.29	\$1.20	\$1.23

These costs include the cost to the State of the State/Commonwealth joint roll arrangement, associated IT infrastructure and the provision of rolls to members of the Tasmanian Parliament, registered parties and other organisations approved by the Commission under section 40 of the *Electoral Act 2004*.

5. These elections included only 28 of the 29 councils.

6. Increase in cost reflects the move to "all-in, all-out" elections in 2014.

7. At the time of publication, the 2022 figure was not yet available.

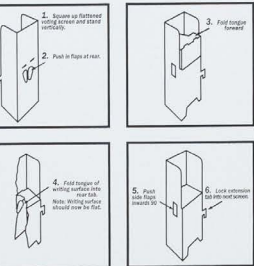


ASSEMBLY INSTRUCTIONS

# Appendices



ASSEMBLY INSTRUCTIONS



# Appendix A

## Appointments, approvals and determinations

The Commission met formally five times during the year. It also made a number of out-of-session resolutions (between meetings) in accordance with the procedures set out in clause 6 of schedule 2 of the *Electoral Act 2004*.

The Commission made the following appointments, approvals and determinations under the *Electoral Act 2004*.

No procedures, forms or other requirements were approved during the year under the *Local Government Act 1993*.

### Appointments (*Electoral Act 2004*)

Section no.	Subject	Date approved
24(1)	Appointment of returning officers for the 2022 Legislative Council elections	09/03/2022
93(1) & 93(2)	Appointment of polling places for the 2022 Legislative Council elections	09/03/2022
92, 93, 108(1)(c)(ii), 131(1)(b) & 131(2)	Special COVID-19 arrangements for the 2022 Legislative Council elections	09/03/2022
92(3), 92(4), 93(1) & 108(1)(c)(ii)	Appointment of drive through COVID-19 polling places	07/04/2022*

### Approvals (*Electoral Act 2004*)

Section no.	Subject	Date approved
36, 118 & 132	Approval of declaration form for Parliamentary elections	15/12/2021
40(6)	Electoral roll additional data request – Supreme Court	14/09/2021*
131(1)(b), 131(1)(c), 131(2), 132(b) & 132(c)	Approval of procedures for telephone voting	11/04/2022

\*Out-of-session resolution



## **Determinations** *(Electoral Act 2004)*

<b>Section no.</b>	<b>Subject</b>	<b>Date determined</b>
27(1)	Determination of remuneration and allowances	15/12/2021
27(2)	Determination of additional condition of employment	15/12/2021

There are no delegations or terminations for the period 2021-22.

# Appendix B

## Legislative Council elections

### Periodic cycle as at 30 June 2022

Year	Division	Current Member
2023	Launceston	Rosemary Armitage
	Murchison	Ruth Forrest
	Rumney	Sarah Lovell
2024	Hobart	Rob Valentine
	Prosser	Jane Howlett
2025	Montgomery	Leonie Hiscutt
	Nelson	Meg Webb
	Pembroke	Jo Siejka
2026	Huon	Dean Harriss
	Rosevears	Jo Palmer
2027	Derwent	Craig Farrell
	Mersey	Michael Gaffney
	Windermere	Nick Duigan
2028	Elwick	Josh Willie
	McIntyre	Tania Rattray

Elections are conducted on a 6-year periodic cycle.

Elections for three members are held in May one year, with elections for two members held in May the following year and so on.

## Election calendar

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Monday 28 March	6pm	Issue of the writs and close of roll
Thursday 7 April	12 noon	Nominations close
Friday 8 April	12 noon	Announcement of nominations
Friday 29 April	4pm	Postal vote applications close
Saturday 7 May	8am–6pm	Polling day

## Elwick election summary

---

Retiring member – Josh Willie	Electors enrolled	23,925
Returning officer – Michael Leyden	Electors who voted	18,668 (78.03%)
Josh Willie elected to serve until May 2028	Informal votes	680 (3.64%)

## Huon by-election summary

---

Retiring member – Bastian Seidel	Electors enrolled	26,876
Returning officer – Graeme Ingram	Electors who voted	23,166 (86.20%)
Dean Harriss elected to serve until May 2026	Informal votes	615 (2.65%)

## McIntyre election summary

---

Retiring member – Tania Rattray	Electors enrolled	29,391
Returning officer – Jenny Hart	Electors who voted	24,394 (83.00%)
Tania Rattray elected to serve until May 2028	Informal votes	869 (3.56%)

## 2022 Legislative Council elections - Elwick

### First preference votes and informal ballot papers by polling place

ELWICK	Tasmanian Greens	Independent	Australian Labor Party			
	BELLAMY Hannah	CAZALY Rick	WILLIE Josh	Total formal votes	Informal	Total ballot papers counted
Collinsvale	68	67	135	270	18	288
Glenorchy	375	545	1,213	2,133	119	2,252
Glenorchy Central	119	101	228	448	35	483
Goodwood	61	60	175	296	16	312
Lenah Valley	306	210	416	932	43	975
Lutana	207	154	292	653	35	688
Merton	288	359	716	1,363	91	1,454
Moonah	258	184	392	834	29	863
Moonah East	221	189	363	773	24	797
Moonah North	225	167	471	863	37	900
Rosetta	100	180	277	557	20	577
<b>Total ordinary</b>	<b>2,228</b>	<b>2,216</b>	<b>4,678</b>	<b>9,122</b>	<b>467</b>	<b>9,589</b>
Mobile	33	20	86	139	0	139
Pre-poll	478	590	1,177	2,245	80	2,325
Pre-poll (out of division)	8	8	9	25	2	27
Postal	995	1,890	3,438	6,323	127	6,450
Provisional	13	11	30	54	0	54
Out of division	33	15	32	80	4	84
<b>Totals</b>	<b>3,788</b>	<b>4,750</b>	<b>9,450</b>	<b>17,988</b>	<b>680</b>	<b>18,668</b>
% Formal vote	21.06%	26.41%	52.54%	informal 3.64%		
			<b>WILLIE elected</b>			

## 2022 Legislative Council elections - McIntyre

### First preference votes and informal ballot papers by polling place

McINTYRE	Independent	Tasmanian Greens	Independent	Total formal votes	Informal	Total ballot papers counted
	DOWNIE David	HOUGHTON Mitchell	RATTRAY Tania			
Avoca	40	11	58	109	9	118
Bracknell	121	24	178	323	7	330
Branxholm	22	17	116	155	9	164
Bridport	71	49	461	581	9	590
Carrick	186	93	296	575	34	609
Chudleigh	41	45	132	218	9	227
Cressy	213	36	195	444	15	459
Deloraine	336	271	610	1,217	69	1,286
Derby	12	13	38	63	2	65
Elizabeth Town	60	39	115	214	11	225
Epping	62	13	44	119	5	124
Evandale	244	99	267	610	40	650
Fingal	45	26	132	203	9	212
Gladstone	14	9	89	112	4	116
Hagley	109	23	84	216	7	223
Lady Barron	12	8	79	99	1	100
Longford	493	138	510	1,141	77	1,218
Meander	49	39	94	182	5	187
Mole Creek	64	51	119	234	8	242
Perth	560	188	617	1,365	90	1,455
Railton	144	78	314	536	35	571
Ringarooma	12	13	141	166	5	171
Scamander	45	64	159	268	16	284
Scottsdale	100	67	645	812	28	840
St Helens	121	165	424	710	45	755
St Marys	62	85	213	360	18	378
Westbury	262	135	487	884	48	932
Whitemark	48	46	161	255	9	264
Winnaleah	15	12	86	113	3	116
<b>Total ordinary</b>	<b>3,563</b>	<b>1,857</b>	<b>6,864</b>	<b>12,284</b>	<b>627</b>	<b>12,911</b>
Mobile	14	4	45	63	3	66
Pre-poll	851	451	1,873	3,175	117	3,292
Pre-poll (out of division)	4	15	12	31	0	31
Postal	1,939	1,208	4,728	7,875	114	7,989
Provisional	10	13	30	53	5	58
Out of division	10	18	16	44	3	47
<b>Totals</b>	<b>6,391</b>	<b>3,566</b>	<b>13,568</b>	<b>23,525</b>	<b>869</b>	<b>24,394</b>
% Formal vote	27.17%	15.16%	57.67%	informal 3.56%		

**RATTRAY**  
elected

# 2022 Huon Legislative Council by-election

## First preference votes and informal ballot papers by polling place

HUON	Liberal Party	The Local Party	Tasmanian Greens	Independent	Australian Labor Party	Total formal votes	Informal	Total ballot papers counted
	ANTOLLI Aldo	CAPLICE Pat	CORDOVER Gideon	HARRIS Dean	THORPE Toby			
Adventure Bay	17	6	23	25	17	88	9	97
Alonnah	24	14	61	32	27	158	7	165
Blackmans Bay	371	68	352	283	400	1 474	55	1 529
Cradoc	91	38	70	83	82	364	12	376
Cygnets	204	108	385	259	263	1 219	35	1 254
Dover	106	23	47	98	113	387	17	404
Franklin	72	25	100	125	159	481	18	499
Geeveston	172	36	84	175	206	673	30	703
Glen Huon	27	17	46	85	38	213	4	217
Howden	78	19	57	41	62	257	11	268
Huonville	147	67	124	281	360	979	38	1 017
Judbury	35	10	35	58	54	192	12	204
Kettering	86	37	120	98	68	409	16	425
Margate	375	130	296	284	367	1 452	78	1 530
Middleton	32	22	44	39	35	172	15	187
Mountain River	76	21	90	109	113	409	15	424
Ranelagh	124	32	113	235	209	713	25	738
Sandfly	143	69	189	155	157	713	25	738
Snug	126	73	194	182	200	775	33	808
Southport	17	15	13	19	30	94	1	95
Woodbridge	45	33	89	53	59	279	9	288
<b>Total ordinary</b>	<b>2 368</b>	<b>863</b>	<b>2 532</b>	<b>2 719</b>	<b>3 019</b>	<b>11 501</b>	<b>465</b>	<b>11 966</b>
Mobile	17	5	12	12	18	64	1	65
Pre-poll	387	99	313	328	382	1 509	28	1 537
Pre-poll (out of division)	7	3	32	10	14	66	2	68
Postal	2 289	766	1 755	2 234	2 161	9 205	108	9 313
Provisional	12	1	19	14	14	60	3	63
Out of division	31	11	41	23	40	146	8	154
<b>Totals</b>	<b>5 111</b>	<b>1 748</b>	<b>4 704</b>	<b>5 340</b>	<b>5 648</b>	<b>22 551</b>	<b>615</b>	<b>23 166</b>
% Formal vote	22.66%	7.75%	20.86%	23.68%	25.05%	informal 2.65%		

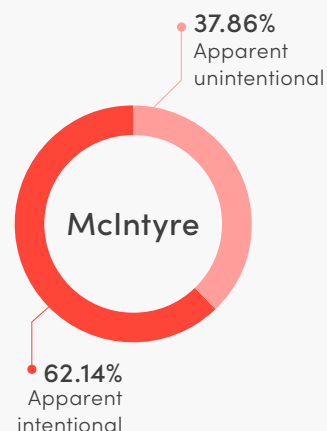
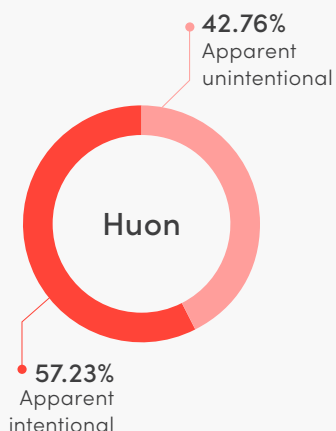
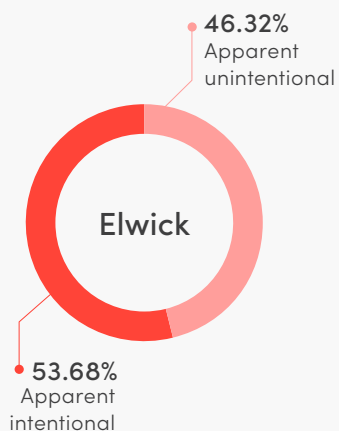
## Distribution of preferences

HUON		Liberal Party	The Local Party	Tasmanian Greens	Independent	Australian Labor Party	Exhausted votes	Formal votes	Absolute majority	Remarks
		ANTOLLI Aldo	CAPLICE Pat	CORDOVER Gideon	HARRISS Dean	THORPE Toby				
Count 1	Total votes	5,111	1,748	4,704	5,340	5,648		22,551	11,276	First preferences
Count 2	Votes transferred	107	-1,748	759	572	310				CAPLICE excluded
	<b>Total votes</b>	<b>5,218</b>	<b>0</b>	<b>5,463</b>	<b>5,912</b>	<b>5,958</b>		<b>22,551</b>	<b>11,276</b>	
Count 3	Votes transferred	-5,218		294	3,898	1,026				ANTOLLI excluded
	<b>Total votes</b>	<b>0</b>		<b>5,757</b>	<b>9,810</b>	<b>6,984</b>		<b>22,551</b>	<b>11,276</b>	
Count 4	Votes transferred			-5,757	2,030	3,709	18			CORDOVER excluded
	<b>Total votes</b>			<b>0</b>	<b>11,840</b>	<b>10,693</b>	<b>18</b>	<b>22,551</b>	<b>11,267</b>	<b>HARRISS elected</b>
<b>Percentages</b>					<b>52.55%</b>	<b>47.45%</b>				

# 2022 Legislative Council elections

## Informal ballot paper analysis

	Elwick	Huon	McIntyre	Total
<b>Apparent intentional informal voting</b>				
Blank	155	136	217	508
Deliberate informal or scribble/messages only	210	216	323	749
<b>Total</b>	<b>365</b>	<b>352</b>	<b>540</b>	<b>1 257</b>
<b>Apparent unintentional informality</b>				
Contains writing identifying elector	0	5	5	10
Contains only ticks or crosses	250	146	260	656
No first preference	5	15	4	24
Repetitions or omissions	57	80	45	182
Two or more first preferences	3	17	15	35
<b>Total</b>	<b>315</b>	<b>263</b>	<b>329</b>	<b>907</b>
<b>Total</b>	<b>680</b>	<b>615</b>	<b>869</b>	<b>2 164</b>







# Appendix C

## House of Assembly recounts

### Bass Recount (Courtney)

On 25 February 2022, a recount was conducted to fill the vacancy in the House of Assembly created by the resignation of Sarah Courtney MP on 10 February 2022.

BASS		Liberal Party			Australian Labor Party	Tasmanian Greens		Shooters, Fishers, Farmers TAS	Exhausted votes	Lost by Fraction	Total votes (the quota)	Absolute majority	Remarks
		ALEXANDER Lara	KIESER Greg	WOOD Simon	HINDS Adrian	DAVENPORT Jack	HALL Tom	HARVEY Andrew					
Counts 1 – 6	Total votes	4,851	1,394	4,146	205	148	81	210	176	15	11,226	5,526	Courtney distributed
Counts 7 – 12	Total transferred	14	2	8	3	23	- 81	7	16	8			Hall excluded
	<b>Total votes</b>	<b>4,865</b>	<b>1,396</b>	<b>4,154</b>	<b>208</b>	<b>171</b>	<b>0</b>	<b>217</b>	<b>192</b>	<b>23</b>	<b>11,226</b>	<b>5,518</b>	
Counts 13 – 17	Total transferred	26	10	21	23	- 171		11	71	9			Davenport excluded
	<b>Total votes</b>	<b>4,891</b>	<b>1,406</b>	<b>4,175</b>	<b>231</b>	<b>0</b>		<b>228</b>	<b>263</b>	<b>32</b>	<b>11,226</b>	<b>5,598</b>	
Counts 18 – 23	Total transferred	58	14	46	24			- 228	78	8			Harvey excluded
	<b>Total votes</b>	<b>4,949</b>	<b>1,420</b>	<b>4,221</b>	<b>255</b>			<b>0</b>	<b>341</b>	<b>40</b>	<b>11,226</b>	<b>5,443</b>	
Counts 24 – 29	Total transferred	81	34	64	- 255				76	0			Hinds excluded
	<b>Total votes</b>	<b>5,030</b>	<b>1,454</b>	<b>4,285</b>	<b>0</b>				<b>417</b>	<b>40</b>	<b>11,226</b>	<b>5,405</b>	
Counts 30 – 35	Total transferred	641	- 1 454	766					49	- 2			Kieser excluded
	<b>Total votes</b>	<b>5,671</b>	<b>0</b>	<b>5,051</b>					<b>466</b>	<b>38</b>	<b>11,226</b>	<b>5,381</b>	<b>Alexander elected</b>
<b>Percentages</b>		<b>52.9%</b>		<b>47.1%</b>									

## Bass Recount (Gutwein)

On 26 April 2022, a recount was conducted to fill the vacancy in the House of Assembly created by the resignation of Premier Peter Gutwein MP on 8 April 2022.

BASS		Liberal Party		Australian Labor Party	Tasmanian Greens	Shooters, Fishers, Farmers TAS	Exhausted votes	Lost by Fraction	Total votes (the quota)	Absolute majority	Remarks
		KIESER Greg	WOOD Simon	HINDS Adrian	DAVENPORT Jack	HARVEY Andrew					
Counts 1 - 10	Gutwein distributed	3,132	6,633	383	287	446	341	4	11,226	5,443	Wood elected
	Percentages	28.8%	61.0%	3.5%	2.6%	4.1%					

# Appendix D

## Party register

Political parties may apply to “register” under the *Electoral Act 2004* with the TEC.

Party registration enables endorsed candidates to be listed under the name of the party on Parliamentary ballot papers.

**As at 30 June 2022, the following 8 parties were registered under the Act (alphabetical order):**

- » Animal Justice Party
- » Australian Federation Party Tasmania
- » Australian Labor Party
- » Jacqui Lambie Network
- » The Liberal Party of Australia, Tasmania Division
- » The Local Party
- » Shooters, Fishers and Farmers Party Tasmania
- » Tasmanian Greens

# Appendix E



## **Advice to the Premier in relation to revising Tasmania's electoral boundaries from 5 to 7 divisions**

Andrew Hawkey – Electoral Commissioner

24 June 2022

## Executive summary

Following his announcement to commit to restoring the House of Assembly from 25 to 35 seats, the Premier wrote to the Electoral Commissioner on 3 June 2022, requesting advice on the consequences of revising the existing House of Assembly electoral boundaries from 5 electorates to 7 electorates, including but not limited to the impact on quotas and any related costs of administering such a change. The Premier also raised the impact of such a change on the current geographical divide in the division of Franklin and the expanse of the division of Lyons.

This paper outlines the current arrangements for setting electoral boundaries in both Houses of the Tasmanian Parliament, explores and compares the possible processes to change the House to either five 7-member divisions<sup>1</sup> or seven 5-member divisions, including discussing possible impacts on the operation of the Hare-Clark system and electoral administration costs. The paper then provides analysis on the impact the two models have in relation to the quota and how the creation of seven House of Assembly divisions might impact the current configuration of Franklin and Lyons divisions.

Changing the House of Assembly to five 7-member divisions would involve minimal legislative and administrative changes. The additional cost per State election is estimated at \$100,000.

Changing the House of Assembly to seven 5-member divisions would break the nexus between Commonwealth and State lower house electoral boundaries and would require:

- the enactment of new House of Assembly electoral boundary redistribution legislation, likely along the lines of the *Legislative Council Electoral Boundaries Act 1995*,
- the appointment of an independent body to conduct a redistribution process,
- the creation of seven new divisions and new names for each division,
- the process of allocating the new House of Assembly divisions codes to all Tasmanian addresses in the national enrolment address database, and
- a significant multi-faceted education and awareness campaign for all Tasmanian electors, including a direct mail-out to every Tasmanian elector.

A very rough estimate of the time and cost in adopting the seven 5-member divisions model for the House of Assembly would be around two years and over \$2,500,000. The additional cost per State election is estimated at \$300,000.

When analysing the impact the two models have on the quota, the paper outlines that both models will produce a quota lower than the current five 5-member division model, with the five 7-member model providing a higher quota than the seven 5-member model.

The last section of this paper discusses the processes and considerations undertaken when creating and reviewing electoral boundaries and what issues may either be solved or created as a possible consequence of seven divisions. While a possible example of seven divisions can remove the circumstances of a divided division, it is likely to create a major split through the Hobart City municipal area and create community of interest concerns for northern Tasmania. Due to the geography and concentrations of the Tasmanian population, it is highly likely that a central expansive division, similar to the current division of Lyons, will be created under all models.

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<sup>1</sup> From 1959 until 1996 the House of Assembly consisted of five 7-member divisions.

## Current arrangements

Section 22 of the *Constitution Act 1934* provides [inter alia] that the Assembly is to be constituted of 25 members and, for the purpose of returning members to serve in the Assembly, the State is divided into 5 divisions, each of which is to return 5 members. The electoral boundaries of these divisions are described in Schedule 4 of the Act, which specifies the Central Plan numbers (survey plans) for each electoral division. Section 22(4) of the Act establishes the names of the divisions.

There is no legislative process in Tasmania for the redistribution of House of Assembly electoral boundaries. The longstanding convention has been that after a Federal redistribution, the Tasmanian Parliament passes amendments to the *Constitution Act 1934* to adopt the Federal electoral boundaries and, if required, names.

The adoption of Federal electoral boundaries in the House of Assembly dates back to 1906, when the *Constitution Amendment Act 1906* reduced the number of Assembly districts (divisions) to five (Bass, Darwin, Denison, Franklin and Wilmot), the boundaries of which were to be identical with the five Commonwealth electoral districts. The last time the State adopted the Federal boundaries was under the *Constitution Amendment (House of Assembly Electoral Boundaries) Act 2018* which came into effect on 28 September 2018 and included adopting the division name of Clark (replacing Denison).

The *Legislative Council Electoral Boundaries Act 1995* established an independent process to determine electoral boundaries for the Legislative Council divisions to give effect to the principle of “one vote, one value” so that each member represents the same number of electors (within a tolerance of plus or minus 10%). Prior to this, Legislative Council Members had been responsible for varying the boundaries.

## Changes to the size of the Houses of the Tasmanian Parliament

The size of the Tasmanian House of Assembly has changed from 35 to 30 to 35 to 25 members through its history. The size of the Legislative Council varied between 18 and 19 members from 1885 until 1998 when it reduced to 15 members.

In July 1998 the Tasmanian Parliament passed the *Parliamentary Reform Act 1998*, which had the effect of reducing the number of members of the Tasmanian Parliament from 54 to 40.

The House of Assembly was reduced from 35 to 25 members. This change was implemented by reducing the number of members elected within each of the five divisions from seven to five at the 1998 State election. Minimal amendments to the *Constitution Act 1934* and *Electoral Act 1985* were required to enable this change.

The Legislative Council was reduced from 19 to 15 members. This required a full electoral boundaries redistribution that created the 15 new Legislative Council divisions.

## Consequences from changing to five 7-member divisions

From 1959 until 1996 the House Assembly consisted of five 7-member divisions. Returning the House of Assembly to five 7-member divisions would involve minimal legislative and administrative changes as discussed below.

### Legislative implications

It is expected that increasing the number of members to seven for each of the existing five House of Assembly divisions would involve minimal legislative changes to the *Constitution Act 1934* and the *Electoral Act 2004*. Without pre-empting legal advice, the following amendments may be required:

#### **Constitution Act 1934**

Section 22 – *Constitution of Assembly*. The number of members would need to be increased to 35, with each of the 5 divisions returning 7 members.

Section 25 – *Quorum of the Assembly*. The quorum is currently 10 and it is expected that this would be restored to 14.

Section 8A – *Limit on number of Ministers of the Crown*. The limit is currently 9 and it may be appropriate to restore the limit to 10.

#### **Electoral Act 2004**

In essence, the provisions listed below require amendment to increase the reference to the number of candidates from "5" to "7":

- Section 90 – *Death of a candidate*
- Section 100 – *Instructions on ballot papers*
- Section 102 – *Marking on ballot papers*
- Section 103 – *Informal ballot papers*
- Schedule 3 – *Printing and collation of ballot papers*

### The procedural and electoral administration consequences

The change to 7-member divisions would have little impact on general electoral preparation and would involve no changes in relation to the management of the electoral roll.

There would be increased costs at each State election. As the TEC noted in its submission to the Independent Appointee to the *2010 Report on the Size of the House of Assembly*, such a change would likely result in:

- an increase in the number of candidates,
- a requirement for voters to record a minimum of seven, rather than five, preferences, and
- an increase in the time taken to check ballot paper formality and conduct the scrutinies.

A rough estimate of costs for the increased processes would be \$100,000 per election.

### Public awareness and education

The current election awareness campaign would need to be modified to highlight the new formality requirements.



## Consequences from changing to seven 5-member divisions

The request for advice specifically refers to a model that contains seven 5-member divisions across the State. This model would require new legislation, a new independent body charged with the responsibility of the creation and cyclic review of electoral boundaries and names for seven divisions, a period to create these divisions and establish them against all addresses in the national enrolment address database and a significant education, production of new electoral material, increased State election costs and an extensive awareness campaign for all Tasmanian electors.

### Legislative implications

The creation of seven House of Assembly divisions would mean the State could no longer adopt Federal lower house electoral boundaries or division names. A separate Act along the lines of the *Legislative Council Electoral Boundaries Act 1995* or the redistribution provisions contained in the *Commonwealth Electoral Act 1918* would be required to be enacted. Amendments to the *Constitution Act 1934* and possibly the *Electoral Act 2004* would also be necessary.

### The procedural and electoral administration consequences

#### The creation of seven House of Assembly divisions

If a redistribution process similar to that contained in the *Legislative Council Electoral Boundaries Act 1995* were to be enacted, this would involve the appointment of a Redistribution Committee (comprising the Electoral Commissioner, the Surveyor-General and a nominee of the Australian Statistician) and the Augmented Electoral Commission, which comprises the members of the Redistribution Committee together with the Chair and Other Member of the Tasmanian Electoral Commission.

As a first step, the Committee makes and publishes an initial proposal. Any person or organisation may lodge with the Augmented Electoral Commission a written comment, suggestion or objection in relation to the Initial Redistribution Proposal.

The Augmented Electoral Commission is to consider all comments, suggestions and objections lodged and give notice of its intention to hold an inquiry – including public hearings.

After the Augmented Electoral Commission has finished its inquiries, a further redistribution proposal is made and published together with the substance of the Augmented Electoral Commission's findings and conclusions. The Augmented Electoral Commission will state whether its further redistribution proposal is significantly different from the initial proposal.

If the Augmented Electoral Commission stated that its further redistribution proposal is significantly different from the initial proposal, a person or organisation may lodge a further written comment, suggestion or objection with the Augmented Electoral Commission.

The Augmented Electoral Commission must hold an inquiry into any further comment, suggestion, or objection, and may have occasion to consider further objections at a later time before making a final determination. These later stages may be repeated if the Augmented Electoral Commission states that a further proposal is significantly different from the proposal preceding it<sup>2</sup>.

The Augmented Electoral Commission will make and publish a final determination of the names and boundaries.

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<sup>2</sup> At the 1998 Legislative Council redistribution, the Redistribution Committee made an initial proposal, and the Tribunal made a further proposal and a second further proposal before the final determination of names and boundaries.

In relation to any transition arrangements, as the adoption of this model would increase the number of members and divisions in the House, it would seem appropriate that the new divisions would take effect at the next State election, which could be set out in the legislation.

A redistribution to create seven House of Assembly divisions would likely take over 12 months. The initial redistribution under the *Legislative Council Electoral Boundaries Act 1995* (undertaken in 1995) is understood to have cost approximately \$700,000. This may provide a guide to the likely expected costs of an initial redistribution of the House of Assembly divisions, which would equate to a current cost of around \$1,300,000.

### **Establishing new boundaries on the national enrolment address system**

The national roll, which includes the Tasmanian State roll identifies all Federal, State and local government boundaries at the individual address level. The establishment of seven new divisions would require the Australian Electoral Commission to incorporate the new House of Assembly division codes for all Tasmanian addresses. It is unclear what the workload and cost for undertaking this process would be. The timeframe to complete the works would also need to not coincide with any other significant election event in Tasmania, including a federal election.

### **New election material and training resources**

Changing to seven House of Assembly divisions would then require all House of Assembly election material and training resources to be replaced with the names of the new seven divisions and be adjusted for any increased complexity due to the additional divisions. This will involve amendments to a broad range of manuals, returns, packing material, online training information and training videos. There would also be IT programming costs of election systems due to the new configuration. The rough estimate of costs for these changes is estimated at \$300,000.

### **Increases for each State election**

Conducting the State election involving seven divisions would significantly increase costs. The new structure would require for each State election:

- two additional returning officers, assistant returning officers,
- the production of rotated ballot papers for seven divisions, rather than five,
- rolling out ballot papers for seven divisions to each polling place, rather than five,
- increased provisional and other declaration votes due to elector confusion,
- a more complex exchange of material between divisions following polling day,
- an increased casual workforce for scrutiny processes,
- additional workspaces for the additional divisions, and
- conducting two additional Hare-Clark scrutines.

The costs for additional material, processes and staffing is estimated at \$300,000 per State election.

### **Public awareness and education consequences**

The long-standing stability of shared divisions has produced the situation where awareness of State and Commonwealth division names and boundaries is uniquely high amongst Tasmanian electors. Further, a model where new House of Assembly division names stand alongside the continuing Federal divisions would create high levels of confusion and possible disenfranchisement for some electors. This may be accentuated by the real possibility that the next Federal and State elections could occur concurrently in May 2025.

The education and acceptance by the broader public of separate House of Assembly divisions would take time and require an extensive multi-faceted education and awareness campaign leading up to any elections.

Prior to the first occurrence of the new divisions, the Commission would look to produce a direct mail out to every Tasmanian elector. The mail out would need to explain the creation of additional divisions and include the names of the divisions the individual was now enrolled for. For example, the card for an elector enrolled at 100 Steele Street Devonport would show:

- House of Representatives division (Braddon),
- House of Assembly division (name of new division),
- Legislative Council division (Mersey), and
- local government area division (Devonport City).

## The Hare-Clark system and the configuration of the House of Assembly

The Hare-Clark counting system was introduced alongside the adoption of the Federal electoral boundaries in 1906. Hare-Clark enables parties, groups and independents to be elected to the House of Assembly in proportion to their support in the division. In other words, compared to other counting systems, the composition of the House more closely reflects the proportion of primary votes for each party on a state-wide basis.

### History of Party Representation in the House of Assembly 1959-2021

	Liberal Party		ALP		Tasmanian Greens		Other		
	Proportion of seats	Seats won	Proportion of seats	Seats won	Proportion of seats	Seats won	Proportion of seats	Seats won	
2021	12.18	13	7.05	9	3.09	2	2.67	1	25 members
2018	12.56	13	8.16	10	2.57	2	1.70	0	25 members
2014	12.80	15	6.83	7	3.46	3	1.91	0	25 members
2010	9.75	10	9.22	10	5.40	5	0.63	0	25 members
2006	7.95	7	12.32	14	4.16	4	0.57	0	25 members
2002	6.85	7	12.97	14	4.53	4	0.65	0	25 members
1998	9.51	10	11.20	14	2.55	1	1.74	0	25 members
1996	14.42	16	14.17	14	3.90	4	2.52	1	35 members
1992	18.94	19	10.10	11	4.63	5	1.33	0	35 members
1989	16.42	17	12.15	13	6.86	5	0.14	0	35 members
1986*	18.97	19	12.30	14	2.22	2	0.93	0	35 members
1982*	16.98	19	12.90	14	0.71	1	5.13	1	35 members
1979	14.46	15	19.01	20			1.53	0	35 members
1976	15.57	17	18.36	18			1.07	0	35 members
1972	13.43	14	19.22	21			2.35	0	35 members
1969	14.68	17	15.91	17			4.41	1	35 members
1964	13.47	16	17.97	19			3.56	0	35 members
1959	14.37	16	15.58	17			5.05	2	35 members

\*Independents in 1982 and 1986 elections became members of the Green Independents

The greatest impact on the degree of proportionality achieved is determined by the number of members to be elected per division. As a rule, the more members to be elected, and the smaller the quota, the more proportional is the result achieved.

## How would each model effect the configuration of the House?

When discussions arise on the Hare-Clark system, one aspect often raised is how hard (or easy) it is for minor parties or independents to be elected — in particular, what proportion of the vote should be required for a candidate to be elected (or more specifically to reach the quota).

For 5-member divisions, the quota is one sixth (or 16.7%) of the formal vote. While for 7-member divisions, the quota is one eighth (or 12.5%) of the formal vote. The higher quota the higher the bar for minor parties and independents to win a seat.

One might then assume that minor parties and independents have a better chance of winning a seat whenever there are 7-member seats rather than 5-member seats. But this is not always the case.

### Which is the lesser: an eighth of a fifth or a sixth of a seventh?

The models being discussed in this paper — seven 5-member divisions and five 7-member divisions — both create a 35-member House. So the proportion of the vote required to reach the quota within a division is only part of the assessment. A more accurate way to consider the impact of the two models on the quota is to analyse the estimated number of votes required to reach the quota under each model.

Put another way, both models will have lower quotas compared to the current five 5-member divisions structure, but which will be lower? Increasing from 5 to 7 members divisions will reduce the quota - by reducing the proportion of the vote required to be elected. However, increasing the number of divisions from five to seven will also reduce the quota - as the number of electors within each division will be lower.

In short, the current arrangement and two proposed models can be summarised as follows:

	Five 5-member divisions	Five 7-member divisions	Seven 5-member divisions
Proportion of the State roll (per division)	1/5 (20%)	1/5 (20%)	1/7 (14.3%)
Quota as a proportion of the vote (within division)	1/6 <sup>th</sup> (16.7%)	1/8 <sup>th</sup> (12.5%)	1/6 <sup>th</sup> (16.7%)
Quota as a proportion of the State roll (across the state)	1/5 x 1/6 or 3.33%	1/8 x 1/5 or 2.50%	1/6 x 1/7 or 2.38%

The tables below illustrate the differences between the models by looking at the relevant statistics from the 2021 State election and providing extrapolated estimates of how the two proposed models are likely to effect the quota using the 2021 election as a base.

### 2021 House of Assembly election statistics

	Enrolment	% of State Enrolment	Elected	Formal vote	% Division Enrolment	Quota	Last elected candidate's votes	% of quota
Bass	78 182	19.8%	5	67 352	86.1%	11 226	11 183	99.6%
Braddon	81 211	20.6%	5	69 961	86.1%	11 661	10 859	93.1%
Clark	73 998	18.8%	5	63 753	86.2%	10 626	9 970	93.8%
Franklin	78 130	19.8%	5	69 258	88.6%	11 544	11 548	100.0%
Lyons	82 911	21.0%	5	71 026	85.7%	11 838	13 405	113.2%
Total	394 432	100.0%	25	341 350				
Average					86.6%	11 379		

The 2021 House of Assembly election statistics table provides:

- the enrolment of each division – note the variations in the proportion of the State enrolment,
- the number to be elected – which is a central element for calculating the quota,
- the formal vote – note that the proportion of the division enrolment is consistently around 86%<sup>3</sup>, which assists us with our extrapolation of the two models shown below, and
- the number of votes received by the last elected candidate – whose final votes total can vary considerably above and below the quota.

With 85-88% of electors casting a formal vote, the quotas for the current five 5-member divisions range between 2.69% and 3.0% of the State enrolment (average 11 379).

### 2021 House of Assembly election estimate – five 7-member divisions

	Enrolment	% of State Enrolment	Elected	Formal vote	% Division Enrolment	Quota (Extrapolated)
Bass	78 182	19.8%	7	67 352	86.1%	8 420
Braddon	81 211	20.6%	7	69 961	86.1%	8 746
Clark	73 998	18.8%	7	63 753	86.2%	7 970
Franklin	78 130	19.8%	7	69 258	88.6%	8 658
Lyons	82 911	21.0%	7	71 026	85.7%	8 879
Total	394 432	100.0%	35	341 350		
Average					86.6%	8 535

As the five 7-member divisions model maintains the current House of Assembly divisions, the table only differs from the first table in relation to the number to be elected and the adjusted quotas.

Under this estimate, the quotas for the five 7-member divisions range between 2.02% and 2.25% of the State enrolment (average 8 535).

<sup>3</sup> The remaining ~14% of electors either did not vote or cast an invalid or informal vote.

**2021 House of Assembly election estimate – Seven 5-member divisions**

	% of State Enrolment (Estimate)	Enrolment (Extrapolated)	Elected	Formal vote as % Enrolment (Average)	Formal vote (Extrapolated)	Quota (Extrapolated)
Division 1	13.0%	51 276	5	86.6%	44 380	7 397
Division 2	14.5%	57 193	5	86.6%	49 502	8 251
Division 3	14.3%	56 404	5	86.6%	48 819	8 137
Division 4	16.0%	63 109	5	86.6%	54 622	9 104
Division 5	15.1%	59 559	5	86.6%	51 549	8 592
Division 6	13.1%	51 671	5	86.6%	44 722	7 454
Division 7	14.0%	55 220	5	86.6%	47 794	7 966
<b>Total</b>	<b>100.0%</b>	<b>394 432</b>	<b>35</b>		<b>341 350</b>	
<b>Average</b>				<b>86.6%</b>		<b>8 129</b>

The table for the seven 5-member divisions model needs to include other extrapolations such as the proportion of the State vote located within each division. The table attempts to mimic the slight variations between divisions existing across the current five divisions. It is important to note that all three tables have the same State enrolment figure. The table also uses the average of the proportion of formal votes from the 2021 election statistics to extrapolate the expected formal votes and quota for each division.

Under these extrapolations, the quotas for the seven 5-member divisions range between 1.88% and 2.31% of the State enrolment (average 8 129).

In this analysis, the average quota under the five 7-member division model is 406 votes higher than the average quota under the seven 5-member division model.

Undertaking a similar process for the last six State elections shows that the average quota is consistently higher under the five 7-member division model than the seven 5-member division model.

Year	State enrolment	Formal vote as % of enrolment (average)	Average quota		
			Five 5-member divisions	Five 7-member divisions	Seven 5-member divisions
2021	394 432	86.6%	11 379	8 535	8 129
2018	381 183	87.8%	11 163	8 372	7 972
2014	366 442	89.0%	10 873	8 155	7 766
2010	357 315	89.7%	10 682	8 012	7 631
2006	341 481	90.7%	10 321	7 741	7 372
2002	332 473	89.2%	9 883	7 412	7 059

## The configuration of seven House of Assembly divisions

The Premier's request for advice also seeks clarification as to how seven House of Assembly divisions might address the Franklin division divide and the expansion of the division of Lyons. This section discusses the processes and considerations undertaken when creating and reviewing electoral boundaries and what issues may either be solved or created as a possible consequence of seven divisions.

### The development of electoral boundaries

Modern Australian redistribution legislation includes three priorities when establishing or reviewing electoral divisions:

- 1<sup>st</sup> priority: "one vote, one value"— as far as practicable, the number of electors in each division is close to the average division enrolment.
- 2<sup>nd</sup> priority: a shared community of interest within each division.
- 3<sup>rd</sup> priority: consideration of other matters, such as:
  - the means of communication and travel within the division,
  - the physical features and area of the division,
  - existing electoral boundaries, and
  - distinct natural boundaries.

The process of establishing new electoral boundaries involves the combining of small geographical areas defined by the Australian Bureau of Statistics (ABS) as Statistical Area 1s (SA1). Using ABS data, each SA1 has a current total for adult persons and a projected (5 years) total for adult persons. Prior to 2017, ABS CCD areas were used as the basic geographical areas in which to build divisions.

### The current Franklin divide and the expansion of Lyons

Creation of electoral boundaries within Tasmania are heavily affected by the geography and elector concentrations across the state.

The creation of the 15 Legislative Council electoral boundaries in 1998 was based on understood key community of interest elements within Tasmania. The Committee commenced the allocation of CCD building blocks to divisions from three positions:

- building divisions from the far north-west corner (in recognition of the strong north-west community of interest),
- the community of interest of the greater Tamar valley (which had an elector base equating to three Legislative Council divisions), and
- building divisions from the far south (in recognition of the impact of the southern mountain topography as limiting factors on transport, population and community of interest).

Due to these strong factors and the low density of populations within the central and east coast areas of the State, divisions such as Apsley and Rowallan covered larger areas.

Electoral divisions are usually required to be contiguous, that is, all areas within a division are connected. The division of Franklin is the only national or Tasmanian electoral division that is not considered contiguous — although it can be argued that all areas of the division are connected by either land or the Derwent River.

The establishment of a capital city division (of Denison/Clark) under historical Commonwealth redistributions would suggest that those who created the division held the view that this was an important community of interest factor that overrode the need for a contiguous division of Franklin.



It could also be argued that the stable longevity of the division of Franklin has created its own sense of community and political interests as 12 Federal and 72 State members have represented and created political debate and dialogue with those communities over the last 100 years.

Essentially, the division of Lyons (previously Wilmot), which is the largest Tasmanian division, has always taken the central regions of Tasmania that do not fit into the north-west corner, the Tamar and the north-east corner or the Hobart region. Interestingly, the physical size of Lyons is currently smaller than for previous redistributions where it included the west coast region, the Latrobe and West Tamar region or both. Following the 2000 Commonwealth redistribution of Tasmania, the division of Lyons contained a northern, southern, eastern and western coastline.

### **A possible structure for seven House of Assembly divisions**

Development of electoral boundaries is an intricate process that cannot be simply predicted or pre-empted. Furthermore, it would not be appropriate or accurate for this paper to provide anything more than general comments on what might have to be considered if establishing seven House of Assembly divisions. That said, a cursory examination of enrolment levels within local government municipal areas and Legislative Council electoral boundaries<sup>4</sup> can provide us with one possible scenario and a broad brush of the associated issues arising from the scenario.

In line with the 1<sup>st</sup> priority (shown on the previous page), the seven House of Assembly divisions would be designed to contain around 56,000 electors each. In broad terms, seven House of Assembly divisions would likely create three southern, three northern and one central division.

#### **The three southern divisions**

Using current local government enrolment totals the following configurations may be possible:

- Combining the electors within the municipal areas of Huon Valley, Kingborough, Hobart City and Glenorchy, which would equate to 112,317 electors — provides sufficient numbers for two of the seven House of Assembly divisions.
- A third southern division could incorporate either:
  - Brighton and Clarence municipal areas (57,9250 electors), or
  - Clarence, Sorell and Tasman municipal areas (59,234 electors).
- Whichever southern municipal areas are not included in the third southern division would then become part of the central (final) division.

While the divided Franklin division would no longer exist, the delineation of the first two southern divisions would require splitting the Hobart City municipal area as around one third of Hobart City electors would need to be included in the new southernmost House of Assembly division. This delineation may be a point of objection for the redistribution process.

#### **The three northern divisions**

Using current local government and Legislative Council enrolment totals we can deduce the following:

- The far north-western division seems an easy fit as the elector totals for the Legislative Council divisions of Murchison and Montgomery equates to 57,303 electors. These boundaries also essentially align to the combined municipal areas of King Island, Circular Head, Waratah-Wynyard, West Coast, Burnie City and Central Coast.
- Combining the municipal areas of Kentish, Devonport City, Latrobe and Meander Valley equates to 50,296 electors, which is most likely too low to equate to a House of Assembly

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<sup>4</sup> Divisional enrolment numbers are as at 22 June 2022.

division. The northern region of West Tamar municipal area could be added to the Devonport-based division to increase its enrolment.

- The Launceston City municipal area (49,274 electors) is not far short of being a House of Assembly division. However, it is more likely that the Launceston City municipal area would need to be split as the remaining area of West Tamar would contain far too many electors to simply be added to the Launceston City Council municipal area (~63,000 electors combined).
- North-eastern municipal areas would then become part of the central (final) division.

#### The central (final) division

Under the scenario outlined here, the central (final) division would include the municipal areas of George Town, Flinders, Dorset, Northern Midlands, Southern Midlands, Break O'Day, Glamorgan-Spring Bay, Central Highlands, Derwent Valley and either Brighton or Sorell and Tasman.



