

Hon Peter Gutwein MP
Premier
Via email: premier@dpac.tas.gov.au

31 March 2021

Dear Premier,

Re: Legislative Council Election Date

As independent members of the Legislative Council, we write to express our significant concern at your decision to set the House of Assembly election on the same date as the scheduled 2021 Legislative Council elections.

Your decision to align Legislative Council and House of Assembly election dates for the first time in the history of the Tasmanian Parliament risks undermining the important and separate role of the Legislative Council in holding the Government of the day to account. It is key to a healthy democracy.

Even had there been an imperative to select the date of 1st May for this House of Assembly election, a further option would have been to delay the 2021 Legislative Council elections to a later date in May, for which there is provision in both the *Constitution Act 1934* and the *Electoral Act 2004*. This option remains available.

Therefore, with regard to the 2021 Legislative Council elections our preference would be that the date for this election be immediately rescheduled for a later date in May to avoid the conflict of dates. Regardless we seek a firm commitment from you that, should the Liberal Party be returned to government in this state election, you progress and/or support legislative reform to ensure that in future such an alignment of election dates is not permitted as is the case with a conflict with the date of a Federal Government election.

The alignment of elections provides an undoubted advantage to party-affiliated candidates over independent candidates running in the Legislative Council election. This is clearly in opposition to the Legislative Council electoral system which, as designed, provides an even playing field to all candidates through measures such as a separate election cycle, election spending caps and the disallowance of electoral spending from political parties or third parties.

Party-aligned Legislative Council candidates will significantly benefit from activities related to the concurrent House of Assembly election, including whole-of-party election advertising, high visibility of party branding for House of Assembly election candidates, access to stakeholder functions, group media opportunities and public events organised and possibly funded by House of Assembly candidates, parties or third parties. It is unclear how financial benefit from these kinds of activities will be assessed against the legislated restrictions applied to Legislative Council elections.

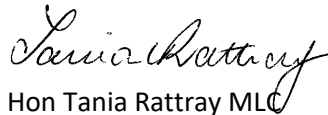
Legislative Council elections occur on a separate and distinct electoral cycle. This provides the opportunity for Tasmanian voters to more fully appreciate and respect the differing roles of both Houses of Parliament. House of Assembly elections are contested on a policy basis to form the government of the day. Legislative Council elections are contested to select members for the house of review whose primary function is to hold the government of the day to account.

In a shared effort to ensure a strong, healthy Tasmanian democracy and appropriately functioning Parliament for the Tasmanian people, we ask that you give this matter full and fair consideration and provide a prompt response to the undersigned.

Yours sincerely



Hon Ivan Dean MLC



Hon Tania Rattray MLC



Hon Ruth Forrest MLC



Hon Rosemary Armitage MLC



Hon Rob Valentine MLC



Hon Meg Webb MLC