

Legislative Council
Hansard
Wednesday 3 April 2025

[excerpt]

**ELECTORAL AMENDMENT (ALTERNATIVE VOTING
PROCEDURES) BILL 2025 (No. 4)**

Second Reading

[11.05 a.m.]

Ms WEBB (Nelson) - I am delighted to be rising to speak on this bill, the Electoral Amendment (Alternative Voting Procedures) Bill 2025. It is one that has been in the works for quite some time. I am always delighted to be able to support efforts in this place to strengthen our democracy and electoral system, in particular, to do that by making it more robust in terms of accessibility and people's ability to be participating as is their right, which is certainly the fundamental intent of this bill.

The impact it is going to have is considerable for many Tasmanians. The fact of the matter is that there are a range of Tasmanians who have effectively been excluded from our voting system thus far. There are people who have not been able to give effect to their fundamental basic right in a democracy, which is to cast a vote in an election. There have been practical barriers and some legislative barriers to that. Hopefully, what we have here today to consider in this bill are really good solutions to a range of those matters. That will mean that, potentially, should the bill pass this place, as I hope it will, we will now see Tasmanians able to give effect to that fundamental democratic right of casting a vote.

Enfranchisement is such a cherished right in Australia. It is something that we as a country and, of course, as a state should be incredibly proud of in terms of our country's record here. The fact that we have the universal vote here and as a compulsory element of our democratic process is excellent and that is because it does two things. It puts an imperative both on individuals in our society to undertake that right in a democratic process; we must do it. By making voting compulsory in our country, and this is really important, it has also put an imperative on the state to ensure voting is able to be done safely and accessibly by all citizens; that people have information they require to do it and can undertake that required activity. The compulsory nature of our vote in this country is good on both those fronts; what it says to us as individuals regarding what we need to do as part of our citizenship, and what it says to us as the state in providing the facilities and the ability for people to meet their required voting as citizens. That is really positive.

Australia is very innovative when it comes to many matters relating to voting and electoral issues. Secret ballot initially comes from Australia, which is another obviously excellent democratic endeavour that ensures people can safely give effect to their political voice through a secret ballot at an election time.

Having said that, I am certainly a regular advocate for strengthening our democracy and strengthening our electoral system. That is why I was absolutely delighted, just last year, to finally have achieved something that I had focused on for a while. That was to put in place a Joint Standing Committee on Electoral Matters, our first ever in this state, which we have now established as of last year. What that is providing for us is, first and foremost, a statement from this parliament that it is a matter of importance to us. That, as a parliament, we regard the regular oversight, scrutiny and review of our electoral systems as such an important matter that it warrants a standing committee of this place to undertake that scrutiny and review. We have put that in place and people can see for themselves

on our parliamentary website that the committee is embarking on pieces of work related to reviewing elections from last year and also looking at legislation referred to it by this Chamber.

That is incredibly positive. Certainly, this issue relating to the accessibility of voting for people who have barriers in place to voting at the present time, whether that is people with disability or older people or people with low literacy, all sorts of circumstances might be a barrier. That has come up in the work of the Joint Standing Committee on Electoral Matters, in reviewing the 2024 elections. It was raised in submissions to that committee and it is something discussed by community advocates for some years now. I would like to acknowledge and thank those community advocates, whether it is organisations like Disability Voices Tasmania or Speak Out, Blind Citizens Tasmania, or COTA. Also, individual advocates in the community have been raising this now for some years, have engaged in processes internally with the Electoral Commission in recent years, and have worked with the government and with department to give effect to what we are seeing here today. Well done to those advocates. It does take persistence and time, but hopefully this is a demonstration of where that can pay off and result in a tangible change for the better.

We certainly have not had a level playing field when it comes to casting a vote in this state. That is something recognised in this bill, with the inclusion of the objective there, right at the start of these parts that are being inserted into our *Electoral Act*. The objective makes it really clear. I am going to speak to the wording of it because we did, in our briefings, have a little discussion about the wording of the Object of Division 9A, which is being inserted. It says:

The object of this Division is to ensure that electors of all abilities and needs are reasonably provided with the opportunity to vote at an election.

It is very specifically requested to be included here by those community advocates who have been working towards this change. They were right to do that. What it does acknowledge, by having an objective here at the beginning of this division, the new Division 9A, is basically to highlight the fact the act previously did not meet the needs of all Tasmanians. It presented barriers to a whole range of Tasmanians from undertaking the activities required in the act. Putting this objective here, to say that this is to ensure that electors of all abilities and needs are reasonably provided with the opportunity to vote in an election, is a nice clear indication that is the intent of this inclusion.

That is positive. It might be there are conversations to be had about the wording, but in checking with those stakeholders, I know they are comfortable with this wording. I support that and their advocacy to see an object included.

This is a bill that recognises we have had gaps, that we have not had a level playing field, that people have been prevented. In fact, we heard, during our briefings today, of people even being reluctant to become citizens who are not actually able to then give effect to their right as a citizen to cast a vote at an election because of the gaps that we have had and the insufficiency of our arrangements to provide the opportunity for everyone to cast a vote.

That is incredibly sad. We do not want people deterred or prevented from thinking that they can become citizens and have full rights of citizenship because of an insufficiency in our legislation. Hopefully, this bill will see an end to that. I would like to thank the department for the briefing they provided to us, as well as the advocates we heard from in briefings. We were able to clarify a few points there, which I was really pleased about. I am going to talk through a couple of aspects of the bill and make sure I have my views on some of these matters on the record.

Things that are very positive in the bill, for sure, are the fact that there is a stated obligation that there should be consultation, so when the commission is doing its two key roles here in this legislation. Those two key roles are to identify that there is a need for a special procedure for a cohort of people, or certain people, to be able to cast a vote, so identifying that there is a need; then,

if that need is identified, designing appropriate procedures for those persons or people to be able to cast a vote. At those two stages, there is a requirement that consultation should occur. I believe that is an important recognition that there needs to be discussion, particularly, I would say, in the design of the appropriate procedures for voting, in that design process, to ensure that it will meet the needs of people who have faced a barrier to voting. Consultation will ensure that we get it right, that we do not potentially have unintended consequences where we are trying to do the right thing but have not quite hit the mark.

I am also pleased about the fact that not only will we have that expectation set with this legislation that consultation occurs, we will then, because we have our Joint Standing Committee on Electoral Matters, have a mechanism in the parliament to be able to then check back. When we review election processes via that committee, we will have the opportunity to interrogate and look at the way in which consultation perhaps occurred around the identification of the need for special procedures and then the design of those procedures. We will be able to identify if consultation occurred adequately and effectively. We will be able to hear about that process and document it. Not only is it good to have a requirement in the legislation, it is also useful to know that we will be able to have that closing-the-loop oversight through the electoral matters committee.

I am also very pleased that we are ensuring that we are preserving that really precious concept of a secret vote in any procedures. We know that has been in place in the current act, where we have had arrangements for people to be able to make phone votes, for example, when they are geographically afar. When they are not here, people have been able to vote by phone, and that is a two-stage process to ensure that the secrecy of their vote is preserved - that at the first stage of that voting process, we are able to authenticate that they are a valid voter and registered. Then it shifts to a second stage of the process, at arm's length, for them to cast their vote in a secret fashion.

The expectation is set that, as we have had those arrangements in place for phone voting for people who are outside the state, we will now also look at other sorts of procedures here, internally in the state, for people who need a variety of procedures to make their vote. We will have the expectation that those two stages are also preserved - the authentication of them as voters and the secrecy of their vote able to be maintained.

There were some concerns that were raised with us by advocates, but they were at pains to tell us that these were matters they did not see as urgent, in terms of addressing today in this bill with, for example, amendments or the like. This was something that could be an ongoing conversation, that we might monitor how things play out, should this bill pass and we see it begin to be utilised in coming elections. Then it may be that, on reflection and review down the track, we continue to tweak or improve arrangements or identify other people we may need to consider in relation to these measures.

Some of the things that were raised that we may have further discussion on down the track were in relation to the *Local Government Act 1993* and the elections in the local government sphere, and how arrangements we are putting in place here might also be replicated, for consistency, in a local government context. We have a clear indication there is a likelihood, given that there is some reform right now in relation to local government, that we might see that play out nice and straightforwardly. We are pretty good about consistency across elections at a state and local government level, and I am sure that intention is to continue.

One of the matters that was potentially a concern related to where the resourcing might become a constraint here in giving effect to the intention of this legislation. Because of some of the wording that is in the bill - it is where we are inserting a section 130C, which relates to 'The commission may approve alternative voting procedures'. In terms of that approval of those procedures, 130C(4)(a) says the commission has to be satisfied that the approval is warranted, having regard to:

- (i) the practicality and security of the alternative voting procedures; and
- (ii) the resources required to establish and maintain the alternative voting procedures...

I am sure none of us would like to think that we would not facilitate access to voting for a Tasmanian citizen on the basis that we have decided it is not valuable enough to put the resources into it. What that recognises is that, while the Tasmanian Electoral Commission has reserved-by-law funding, which means it should be able to be provided with funding it requires to do its job, it also has to be mindful of using taxpayer resources in a responsible fashion. We want to be as targeted as possible in giving effect to the accessibility outcomes of this legislation. We do want people who have genuine barriers in place, who are experiencing genuine barriers to voting, to have those addressed. This is not necessarily, for example, about making voting more convenient for people who might not have genuine barriers in place. We do want to be targeted and mindful that resources required are there and available to be used to remove barriers for people who genuinely have them, but we are not necessarily extending a whole range of measures of voting to everybody in the community just because it happens to be more convenient.

That was the impression I had anyway about why we would put something in here relating to being mindful of resourcing, not in order to block. This is something that, through our electoral matters committee, when we review elections, if we were to begin to hear from Tasmanians who had sought to have access to voting to address genuine barriers they experienced under this legislation, and then had been told 'no, we do not have the resources to do that', the committee would be very interested to hear, I am sure. That could be addressed and scrutinised and looked at through that mechanism for future consideration. Because we now have an excellent closed loop there for review and oversight, we will be able to keep an eye on how that plays out in practice.

I note when we had the briefing from stakeholders, we talked about some outdated terminology, which is in the interpretation section. I know that the member for Elwick jumped on that straightaway and will be talking to us about an amendment there to perhaps remove that outdated terminology. I will leave it to the member for Elwick to speak on that in more detail if and when that opportunity arises. I certainly agree with removing outdated terminology and making sure that we have good, contemporary language in our legislation. If that is something we come to consider as an amendment, that is something I am inclined to be supportive of.

One of the things that advocates had raised with us was that they hoped that there would be some form of ongoing consultative arrangement with the TEC, such as a working group that could be available to look at implementation of this legislation, providing feedback and working with the TEC to ensure that the outcomes that we are aiming for are actually delivered.

We have been given to understand - obviously, we did not have the TEC to brief us, so we cannot ask for a commitment on that from them directly - that the TEC has recently recruited a position relating to accessibility and inclusion. This may be a very good area of focus within the TEC to be working with external stakeholders. It may be that there is a decision made to establish an ongoing working group. I would hope to see, if not that specifically, then at least some sort of intention and mechanism to ensure ongoing connection with community stakeholders, active seeking of their input, and review of how things are being rolled out. I am interested to see in practice how we go with this.

We have had little efforts before to try to make our voting more accessible. We have had voting machines, but only for people with vision impairment or print disability, and only in very limited locations around the state. Given that Tasmania's population is very dispersed and outside of main city areas, having a couple of locations in the urban areas of major cities has not really helped many Tasmanians so far with those efforts. We have had the procedures in place for phone voting, but only for people outside of the state. That has not helped people within the state who might have a certain

print disability, vision issues or are otherwise not be able to access their voting right here. We have had these efforts in the past.

Hopefully, what this legislation does is tie things together to have a much more comprehensive approach and empower the commission. Effectively, what it is doing is empowering the commission, taking away any doubt that the commission has the ability to, firstly, identify a need to have special procedures considered, and then to consider what those procedures should be for that specifically identified need. Giving a head of power to the commission to do that will remove any of the doubt that we have had hanging over in recent years about what the commission could or could not do in terms of authorising other forms of voting for people with barriers.

I am quite interested, too, to see where this conversation will take us next. Once we introduce this - and I hope we do pass the legislation today - and empower the commission to address the barriers in this way, I think that we will see further discussion about some specific types of barriers people are experiencing and how we might best go about solving them. Here I am thinking particularly of people with non-English speaking backgrounds. I am thinking about people who are housebound and for whom postal voting is not particularly accessible at the moment. They still face very significant barriers, even if technically they could be making arrangements for postal voting. I think that we have issues around literacy which we need to be thinking more about for empowering people to give effect to their basic democratic right to cast a vote. I think there are lots of good conversations to come.

I am very happy today to be part of this Chamber's consideration of the bill to bring this long-worked-for change into our *Electoral Act* and into the way we conduct elections. I think it is going to be so positive for the Tasmanian Electoral Commission to know that it now has the power to address the needs of Tasmanian voters where they are facing certain sorts of barriers. It is a good, explicit statement that we, as a state, recognise our responsibility to ensure that all Tasmanians can give effect to their democratic right and place their vote secretly and safely for any elections that we hold in this state, whether that is at a state level, a local government level, or whatever. I think we will ultimately see that statement flow through, and make the requisite changes elsewhere too.

I certainly support the bill and I look forward to hearing from other members.

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