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Senator the Hon James McGrath
Chair
Joint Standing Committee on Electoral Matters
Parliament House
CANBERRA ACT 2600

Sent via email: em@aph.gov.au

Dear Senator McGrath

New Inquiry: Future conduct of elections operating during times of emergency situations

Thank you for your invitation to make a submission to this Inquiry.

The Tasmanian 2020 Legislative Council periodic elections occurred earlier this year. I am happy to share some of our experiences and insights from conducting a Parliamentary election during a global pandemic, which required adaptability by the Commission and support from the Tasmanian Parliament. These elections raised a number of administrative concerns:

- the ability and lawfulness of conducting attendance ballots during a pandemic and
- appropriate changes to electoral management arrangements to ensure voting could take place in a safe environment.

Ability to conduct elections

In Tasmania, periodic Legislative Council elections are conducted in May each year, with the issue of writs occurring in late March or early April. The escalation of the pandemic and ultimate lockdown of the state created significant issues as to whether the elections would be able to comply with Tasmanian law.

On Saturday 30 March, the Director of Public Health issued a Direction creating significantly tighter restrictions on many public facilities in Tasmania — including those scheduled to be used as polling places — and placed new restrictions on gatherings of more than 2 persons. On 9 April, the Director formally advised the Commission that it was likely that it would not be possible to open polling places for the elections, and a person attempting to act to the contrary would be committing an offence under the *Public Health Act 1997*.

After seeking advice, the Commission came to the view that a Parliamentary election could not be conducted under the Tasmanian *Electoral Act 2004*, without polling places on polling day.

The Parliament of Tasmania passed the *COVID-19 Disease Emergency (Miscellaneous Provisions Act (No 2) 2020*, which [inter alia] extended the term of the current members going to election until the declaration of the poll for the 2020 elections, and empowered the Governor to appoint a new polling day on a Saturday in a month before 31 December 2020, if at the time the Director of Public Health was of the opinion that there was no longer a significant risk to public health.

Further details are available in pages 17 – 21 of the TEC's 2019-20 Annual Report (available here: <https://www.tec.tas.gov.au/Info/Publications/AnnualReports/TEC-2019-20-Annual-report.pdf>)

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New electoral management arrangements

Once new dates were established the TEC was responsible for providing safe working and voting environments and new arrangements for voting services in response to COVID restrictions.

Compliant with Tasmanian state of emergency requirements, the TEC developed COVID-safe plans, in line with requirements established by WorkSafe Tasmania, for all areas where electoral work was going to be conducted including polling places. The key elements are outlined in pages 22-23 of the Annual Report.

While the *Electoral Act 2004* requires the provision of attendance voting, in order to mitigate the impact of possible further restrictions coming into effect during the election period and to address public concern about exposure to the virus at a polling place, the Commission planned ways to enhance postal and pre-poll voting services by extending the election period. The Commission also took the unprecedented decision to mail out an information pack containing a postal vote application to every elector on the election rolls following the issue of the writ. Further details can be found on pages 24 - 25 of the Annual Report.

It is expected that similar arrangements may be required for the 2021 Legislative Council elections.

Election evaluation

Polling day for the 2020 Legislative Council elections occurred on Saturday 1 August. The Commission holds the view that the new arrangements for these elections were effective. This is evidenced by the participation rate of 85.2%. When these divisions last went to election in 2014 the participation rate was 83.3%. With the significantly increased focus on early voting:

- Postal voting as a proportion of votes increased from 5.9% (in 2019) to 47.8%.
- Pre-poll voting as a proportion of votes decreased from 19.6% (in 2019) to 10.0%

The delays to the election and the additional measures increased the cost of the election by an estimated \$5.62 per elector (25.6% of the total cost). However, this is not expected to be as high at future elections as some materials purchased, such as safety screens, will be re-used.


ECANZ as a mechanism for learning

The Electoral Council of Australia and New Zealand (ECANZ), of which I am a member, provides a critical forum for all Australian and New Zealand electoral commissions to discuss current electoral issues and brings together the best in electoral administration for dealing with future challenges.

ECANZ has met frequently since the outbreak of the pandemic to discuss the challenges of 2020 enabling commissions to share and learn from each other's experiences in planning for and conducting electoral events during the COVID-19 pandemic.

As illustrated in 2020, the TEC believes that ECANZ is essential for providing a highly effective independent environment for ensuring Australian electoral commissions are ready to address the impact of future emergency situations.

Yours sincerely



Andrew Hawkey

TASMANIAN ELECTORAL COMMISSIONER

11 November 2020