

The Honourable Meg Webb MLC
Chair
Joint Standing Committee on Electoral Matters

By email to: electoralmatters@parliament.tas.gov.au

Dear Chair

Response to Public Hearing Questions on Notice – 16 February 2026

I write in response to your letter of 23 April 2026, requesting responses to questions taken on notice by the Tasmanian Electoral Commission (the TEC) at its appearance before the Joint Standing Committee on Electoral Matters Inquiry into the Conduct of the 2025 House of Assembly Election and 2025 Legislative Council Elections. On behalf of my Commission colleagues who attended the hearing alongside me, please find our responses below.

- 1. Could you please provide to the Committee the work conducted by the Australian Electoral Commission regarding arrangements for prison voting systems, as referenced by Mr Mike Blake AO at the public hearing?**

The TEC Chair, Mr Blake, spoke in reference to work conducted in 2025 by the Office of the Custodial Inspector, Tasmania, which resulted in publication of a report titled '[Overcoming barriers to voting in prison – review report 2025](#)'¹. The body of the report documents joint efforts undertaken by the Australian Electoral Commission (the AEC) and the Tasmania Prison Service to support prisoner participation in the 2023 Voice Referendum. Appendix 4 to this report is a submission from the AEC that highlights subsequent improvements to information and education resources intended to support eligible prisoners in exercising their right and responsibility to vote. These resources include:

- Easy Read guides on how to enrol and how to vote by mail, in up to 34 international and 25 First Nations languages, with some in audio-visual formats
- new, simpler resources specifically targeted to prisoners, including a flyer titled *A guide to assisting prisoners to enrol* and a plain English step-by-step guide to

¹ https://npm.tas.gov.au/_data/assets/pdf_file/0020/832214/Overcoming-barriers-to-voting-in-prison-review-report-2025.pdf , accessed on 23 April 2026

completing the associated enrolment form. Both these documents are included in full at Appendix 4 of the linked report.

The submission also sets out the AEC's engagement approach in advance of the 2025 Federal election, which included face-to-face enrolment services and sending mobile polling teams to Tasmanian prisons during the early voting period (noting that postal voting continued to be available to eligible prisoners also).

2. Could you please provide the Committee with the data breakdown, and any further relevant information, regarding complaints made under section 196 of the *Electoral Act 2004* during the 2025 General Election and 2025 Legislative Council Elections?

S.196 of the *Electoral Act 2004* is as follows:

196. Candidate names not to be used without authority

(1) A person must not between the issue of the writ for an election and the close of poll at that election print, publish or distribute any advertisement, "how to vote" card, handbill, pamphlet, poster or notice which contains the name, photograph or a likeness of a candidate or intending candidate at that election without the written consent of the candidate.

Penalty: Fine not exceeding 300 penalty units or imprisonment for a term not exceeding 12 months, or both.

(2) [Subsection \(1\)](#) does not apply to any matter printed, published or distributed by the Commission or the Commissioner in the course of promoting public awareness of elections and parliamentary matters.

The TEC notes that the [Electoral Amendment Bill 2025](#), which seeks to amend s.196(1) to refer only to 'how to vote' cards, remains before the Parliament.

Complaints about potential breaches of s.196 were received from candidates, parties and occasionally members of the public. These complaints were sometimes 'batched' - for example, a group of complaints relating to usage across multiple instances of the same piece of electoral matter.

Where the TEC was able to view the material, an assessment was made as to whether it appeared to breach s.196. If yes, efforts were made to identify the person who created the item and advise them of their obligations under the Act and to remove the item from circulation. In some cases - for example, where the material was anonymous or published in a closed online space - the TEC was unable to identify the person and/or could not reach a relevant individual, demonstrating some of the practical challenges of enforcing s.196.

Please see the table at [Attachment A](#) for a summary of the data, a deidentified description of the matter, and the outcome of the TEC's response.

Finally, you asked whether there is any new information the TEC would like to provide since the hearing in February. Although our current operational focus is on the delivery of 2026 elections, including the Legislative Council elections in Huon and Rosevears and the forthcoming statewide local government elections, the TEC also continues to administer all aspects of the Disclosure and Funding Scheme daily. The most up-to-date reports on donation disclosures, registrations and public funding payments are available online via: <https://www.tec.tas.gov.au/disclosure-and-funding/registers-and-reports/index.html>

Since the hearing we have also finalised and tabled in Parliament both the [2024-25 Annual Report](#) (which includes delivery of the Pembroke, Nelson and Montgomery Legislative Council elections) and the [2024 to 2025 Parliamentary Elections](#) report, which includes the 2025 House of Assembly election.

Please let me know if I can be of any further assistance to the Committee in concluding its inquiry.

Yours sincerely



Andrew Hawkey

Electoral Commissioner

24/04/2026

Attachments

Attachment A – Complaints received under s.196 of the *Electoral Act 2004* during 2025 elections

Attachment A: TEC actions in response to s.196 complaints received during 2025 Legislative Council (LC) and House of Assembly (HoA) elections

Issue Count	Election type	Complainant type	Summary	Response/Outcome
1 - 2	LC	Candidate	Concerns that written consent was not obtained to endorse candidate in printed material	Candidate provided evidence of written consent. No further action.
3	LC	Candidate	Administrator of community Facebook group made a post endorsing two other candidates by name	Candidates confirmed that consent was given for endorsement (but may have been verbal or after post was made). Page administrator contacted, who advised post had now been removed and written consent since received, with new version of post made. No further action.
4	LC	Candidate	Candidate listed without their permission on a handwritten how-to-vote card that was posted in a private Facebook group (with large number of members)	Voicemail left for page administrator. TEC unable to see whether request for removal was actioned.
5	LC	Advocacy organisation	Query as to whether material rating candidates was likely to breach 196, given it was not in the format of a how-to-vote card	Advised that the proposed material may be at risk of breaching s.196 as the section is broader in scope than how to vote cards.

Issue Count	Election type	Complainant type	Summary	Response/Outcome
1	HoA	Party	X post using initials of candidate without permission	Link and screenshot provided, but no posts or contact information visible to TEC at the link. Complainant advised as such and invited to provide further evidence/information.
2	HoA	Member of public	Facebook group using image of a candidate, likely without consent given critical nature	Several posts in the FB group appeared to breach s.196, but no verifiable contact information of authors or administrators available. Complainant advised as such; no further action.
3 - 5	HoA	Party	Three complaints regarding broadcast of radio advertisement using candidate name	Radio station and relevant party advised of possible breach, removal requested. Agreed material to be removed from broadcasting schedule, noting there may be some delay.
6	HoA	Party	Complaint regarding Facebook post by candidate A, naming a party candidate without permission	Candidate A contacted, removal of party candidate name requested. Post amended.
7	HoA	Party	Further complaint regarding television ad using same script as radio advertisement	Complainant advised relevant parties have agreed to cease broadcasting material as soon as possible.
8	HoA	Party	Facebook post by party naming a candidate	Relevant party contacted and removal requested, post edited

Issue Count	Election type	Complainant type	Summary	Response/Outcome
9-12	HoA	Party	- Three complaints regarding use of part of candidate's name in advertisement. - Further complaint regarding broadcast of previously mentioned video ad	- Response provided stating Commissioner does not believe use of part of name in this context offends against s.196, given name is also an ordinary dictionary word - Again advised authorising person has agreed to remove video ad
13-15	HoA	Party	- Several further examples of previously mentioned use of part of candidate name. - Two further complaints regarding online video of candidate A referring to party's candidate by name. - Additional complaint regarding amended Facebook post by candidate B where party's candidate name is still visible in edit history	- Advised no action will be taken on use of phrase containing part of name in this context - Contacted authorising person to request removal of video or editing to remove candidate name - Advised complainant of Commissioner view that edit is sufficient
16	HoA	Candidate	Request for clarification on s.196 regarding Facebook video where candidate A is mentioned by name by candidate B	Candidate B advised of s.196 and requested to remove mention of Candidate A. Candidate B removed content.
17	HoA	TEC initiated	Follow-up with party regarding previously raised online video (issue 14) not yet having been removed	Party now suggests use of name refers to their own candidate who has similar name. TEC notes this seems unlikely given context of

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				use, but requests written consent of party's candidate.
18	HoA	Party	Further complaint regarding content not yet removed, with a request that penalties be imposed	Advised that TEC would not seek penalties at this stage, in line with its educative compliance approach
19	HoA	TEC initiated	Further request video (issue 14) be removed or amended given no further context provided as to how content refers to party's own candidate and no evidence of consent provided	No response from party
20	HoA	Member of public	Query regarding whether posting how-to-vote material online is acceptable	Advised how-to-vote material in any context that lists candidate names may breach s.196
21	HoA	Anonymous	Forwarded X post from individual who has scanned a copy of an unauthorised letterboxed flyer naming candidates without consent	Emailed individual to request removal of scanned image – TEC aware of material but unable to act given anonymity, however reproduction online risks distributing further. Post eventually removed.
22	HoA	Party	Link to X post by member of public criticising a candidate	General email to address linked in X bio regarding s.196 obligations
23	HoA	Party	Further complaint regarding additional X post by member of public, featuring video parodying two candidates	General email to address linked in X bio regarding s.196 obligations

Issue Count	Election type	Complainant type	Summary	Response/Outcome
24	HoA	Party	• Photo of sticker in public place featuring candidate image • Screenshot of Facebook post by party featuring same image	• Advised TEC unable to act given insufficient evidence as to who produced or placed sticker. • Facebook screenshot dated prior to issue of writ, insufficient evidence image produced by party rather than reposted – no further action.
25	HoA	Party	Link to community Facebook page where discussion criticised candidate and party by name	No available contact details for page administrator, no action
26	HoA	Party	Link to TikTok video on preferential voting using actual candidate names	Requested video be removed or amended.
27	HoA	Party	Link to anonymous X account mentioning candidate by name	No way to identify author, no action
28	HoA	Party	Link to anonymous Facebook page posting candidate image	No way to identify author, no action
29	HoA	Party	Further complaint regarding additional X post by member of public featuring image of candidate	Further email to address in X bio advising caution regarding s196.
30	HoA	Party	Anonymous X post featuring image of candidate	No action possible due to anonymity.

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31	HoA	Third party campaigner	Query regarding whether reposting news article featuring candidates would breach s.196	Advised reposting content unlikely to breach section but advised against editorialising or altering
32	HoA	Party	Link to website listing candidate names beside published statements indicating support or otherwise for particular issues	Emailed individual regarding application of s.196, who then proposed alternative approach. TEC confirmed this would be unlikely to breach section, page amended.
33	HoA	Party	Link to Facebook post by candidate discussing party's policy announcement, mentioning party candidate by name	Email sent to candidate requesting amendment. Name removed from post.
34	HoA	Party	Link to video where candidate clearly refers to party candidate, using name of cartoon character which shares first name.	Candidate advised TEC view is that context means this still risks breaching s.196. Video removed.
35	HoA	Party	Complaint regarding intended newspaper advertising that lists positions of surveyed candidates on particular issue	Advertisement only contains names of respondents to survey, TEC of view that consent was implicit and unlikely to constitute a breach
36	HoA	Public	Image of flyer received in letterbox clearly using candidate name without consent	Complainant advised TEC unable to act due to anonymity, but that distribution of material is being monitored
37	HoA	Party	Blog post discussing candidates and using names without permission	Author advised of s.196 obligations, and asked to amend or delete

Issue Count	Election type	Complainant type	Summary	Response/Outcome
38	HoA	Anonymous	Letter received with attached printout of Facebook page containing how-to-vote card featuring candidate names	No action – polling day passed, unable to locate online content, no way to contact complainant.