



Joint Standing Committee on Electoral Matters

**Collated Hansard Transcript from the second reading debate in the House of Assembly
on the Electoral Amendment Bill 2025 (No. 62 of 2025)**

The following PDF is a collation of the entire second reading debate on the Electoral Amendment Bill 2025 (No. 62 of 2025) which took place in the House of Assembly on 28 May 2026, 11 August 2026 and 18 August 2026.

As the debate occurred across multiple days, the relevant pages of the Hansard Transcript for each relevant day have been replicated in full and merged into one file. This is that file. Noting the debate occurred over three days, a new cover page is included at the front of each new day on which the Bill was debated.

Please note that, at the time of the publication of this collated document, the Hansard Transcripts for 11 and 16 August 2026 are in their draft form. This is noted via a 'Draft' watermark on these pages. This should be taken into account with the Broadcast of Proceedings also available to consider as a verbatim record if required until such a time as the final version of the Transcripts are available.

As per the Standing Orders of the House of Assembly, the extracts taken from the Hansard Transcripts and included in this document are accurate and true representations of the debate.

28 August 2026



PARLIAMENT OF TASMANIA

HOUSE OF ASSEMBLY

REPORT OF DEBATES

Thursday 28 May 2026

REVISED EDITION

to extend or abridge a time, if a party to proceedings opposes the tribunal extending or abridging the time, that party could make submissions to the tribunal as to why it should not exercise its power.

In terms of who asked for the change, TASCAT itself asked for that amendment to the legislation. I think you asked about whether the Public Trustee consulted. I mentioned earlier and just confirm again that, yes, it was consulted. A copy of the draft bill was provided to the Public Trustee and it was invited to make a submission. It did not provide any comments on the bill or raise any concerns around the amendment or the bill.

Dr Woodruff - My other question was about whether there was any capacity to appeal or disagree with the decision of TASCAT to do either extension or shortening of time limits by the other party that didn't propose it.

Mr BARNETT - The other party?

Dr Woodruff - Well, an applicant or another party can, on their own initiative, make that proposal. What if the other party doesn't agree? Do they have the capacity to speak on that matter or appeal it?

Mr BARNETT - The answer is yes. If a party to the proceedings opposed the tribunal extending or abridging the time, that party could make submissions to the tribunal as to why it should not exercise its power. I'm advised that submission could be made and heard by the tribunal.

Dr Woodruff - Good. Thanks.

Mr BARNETT - Thank you all for the support and contributions, which are very positive. I commend the bill to the House.

Bill read the second time.

JUSTICE AND RELATED LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2026 (No 12)

Third Reading

Bill read the third time.

ELECTORAL AMENDMENT BILL 2025 (No. 62)

Second Reading

[4.30 p.m.]

Mr BARNETT (Lyons - Minister for Justice, Corrections and Rehabilitation) - Honourable Speaker, I thank members in this place for their patience. Just a heads up that I intend to move an Adjournment after the end of this second reading. I move -

That the bill now be read the second time.

This bill amends section 196 of the *Electoral Act 2004* to limit section 196 to applying only to 'how to vote' cards. The wording on section 196 will also be modified to ensure that the now limited prohibition extends to 'keeping on display', as well as the initial act of printing, publishing and distribution. Section 196 currently provides that:

- (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.

Section 196 is unique in Tasmania, with the original provision prohibiting just the use of the name without consent introduced into the electoral legislation in 1921. When the *Electoral Act 1985* was introduced, the equivalent provision was expanded to prohibit the use of a photograph or likeness of a candidate. While the original reason for introducing a restriction on the use of a name of a candidate has been lost over time, the Tasmanian Electoral Commission made a submission in 2019 to the review of the *Electoral Act* stating:

There is some conjecture that this provision was included in earlier versions of the Electoral Act primarily to address concerns about the use of 'how to vote' cards at House of Assembly elections.

This is quite unique to the Tasmanian context and the Hare-Clark system, where candidates are competing not only against candidates from other parties but also with candidates from their own party.

The Tasmanian Law Reform Institute (TLRI) made a submission to the *Electoral Act* review. The Tasmanian Law Reform Institute expressed concerns that section 196 could unduly restrict the dissemination and receipt of information, opinions and arguments concerning government and political matters contrary to the High Court decision in *Lange v Australian Broadcasting Corporation*. The TLRI indicated that it supports the removal of section 196, submitting that:

Any restrictions on political communication must be proportionate and necessary to address legitimate concerns. Candidates may be concerned by the potential publication of inaccurate material, including false 'how to vote cards'. However, the institute considers that requirements for authorisation of electoral material and prohibition on the publication of misleading and deceptive material are sufficient to protect against false statements being made about candidates on 'how to vote' cards.

There does not appear to be any reason to retain the section 196 prohibition more generally, other than for 'how to vote' cards. There was general consensus during consultation on the terms of reference for the *Electoral Act* review that the provision is problematic. It was also noted that these restrictions do not apply in other Australian jurisdictions.

Recommendation 1 of the *Electoral Act* review final report included amending this clause. In line with the final report, an attempt was made to amend Section 196 as part of the Electoral Matters (Miscellaneous Amendments) Bill 2022. However, this clause was voted down in the Legislative Council in 2023.

A standalone amendment bill was introduced in 2024 to amend 196. This bill passed the House of Assembly unamended, but did not pass the Legislative Council prior to the dissolution of parliament in June last year. The government has committed to re-table legislation that lapsed due to the dissolution of parliament. This bill would be another step towards fulfilling this commitment.

I'd like to note my intention to refer the matter to the Joint Standing Committee on Electoral Matters. Members may be aware that this bill was previously referred to the committee for consideration. I know other members support this bill again being referred, as does the government, and we will move that referral.

We consider it appropriate for the Joint Standing Committee to consider the amendments further and therefore, I commend the bill to the House. My intention, as I have foreshadowed, is that I will move that the matter be referred to the Joint Standing Committee on Electoral Matters. I foreshadow that. I haven't moved that. I move -

That the debate be adjourned.

Debate adjourned.

ADJOURNMENT

Mr ABETZ (Franklin - Leader of the House) - Speaker, I move -

That the House do now adjourn.

Answers to Questions - Budget - North West Hospitals Masterplan

Tabled Paper - TT-Line Correspondence

Tabled Paper - Documents Ordered by Motion 101 of 2026

[4.38 p.m.]

Mr ABETZ (Franklin - Treasurer) - Speaker, I have three matters in relation to the questions received this morning from the shadow treasurer in relation to the North West Regional Hospital.

I can indicate the government remains committed to funding \$174.8 million to deliver the entire first stage of the North West Hospitals Masterplan, as per the election commitment. Initial works are already progressing with upgrades to the ambulance drop-off area and the emergency department entry, expected to commence in the second half of 2026. The development application for the \$40 million North West Mental Health Precinct was also approved this week, with tenders to be released imminently.

PARLIAMENT OF TASMANIA
DEBATES OF THE HOUSE OF ASSEMBLY

DAILY HANSARD

Tuesday 11 August 2026

Preliminary Transcript

This draft transcript of debates is issued in advance of the final Hansard for the use of the members of the House of Assembly and copies made from this may not be protected by parliamentary privilege.

UNCORRECTED PROOF

LAND USE PLANNING AND APPROVALS (MISCELLANEOUS AMENDMENTS) BILL 2026 (No. 22)

Third Reading

Bill read the third time.

ELECTORAL AMENDMENT BILL 2025 (No. 62)

Second Reading

Resumed from 28 May 2026, page 79.

[5.37 p.m.]

Mr BARNETT (Lyons - Attorney-General) - Honourable Speaker, I rise to speak briefly to conclude my contribution to the Electoral Amendment Bill 2025. The government supports the bill and the intent of the bill and remains committed to seeing it proceed. Just to recap, the bill aims to address the long-standing concerns about section 196 of the *Electoral Act 2004* by limiting its operation to how to vote cards. That's an important, sensible reform that responds to recommendations arising from the *Electoral Act* review so I want members of the House to have the opportunity to speak to the bill and place their views on the parliamentary record before there's a potential referral to another committee and the referral should not be interpreted in any way as the government weakening its support for the bill or its intent. Just to foreshadow that the Leader of the House will move a motion to refer the bill, once members' contributions have concluded. I will wrap-up there, through you, Speaker, and welcome the contributions of other members in this place, listen carefully, and as I say, I've foreshadowed that the Leader of the House will move a motion to refer the bill once those contributions have been made.

[5.39 p.m.]

Ms HADDAD (Clark - Leader of Opposition Business) - Honourable Speaker, I have shared with colleagues my view that I think - I'm happy to be corrected - but I suspect that section 196 of the Tasmanian *Electoral Act* has probably had the most parliamentary and committee scrutiny of any standalone section of any piece of legislation in the history of Tasmania's parliament. Just to refresh members' memories, originally this was removed in the 2022 legislation that was brought in by former attorney-general Elise Archer, to update the *Electoral Act*. It was reinserted by our esteemed colleagues in the upper House and I'm not reflecting on them in any way, just giving a bit of a historical recap. That then led to it coming back to this Chamber for consideration. At that point, it was referred to the, at that time, relatively new Joint Standing Committee on Electoral Matters (JSCEM). Then the committee began some work, held public hearings into the operations of section 196, took written submissions and so on. Then the parliament was prorogued and that work had to cease, and now here we are debating this, I think maybe for the fourth time.

I note the Attorney-General said at the conclusion of his second reading contribution that the Leader of the House will move to refer this bill back to the Joint Standing Committee, and we will support that referral, Speaker, and I look forward to participating in that work again on the committee. Likewise, to what we heard the Deputy Premier say, referring it back to the JSCEM doesn't indicate, from the Opposition's perspective, a lack of support for the removal

of section 196. We have long supported the removal of section 196 and I know that that's been the position of both the Liberal Party and the Greens in this place before.

I'll share a little bit from the submission that I made to that original piece of work being conducted by the JSCEM. It was before I was on that committee, I'm now on that committee, but it's still relevant information. In that submission, I shared that Tasmanian Labor supported the removal of section 196 in the original amending act in 2022. We believe that it's an important part of the political process to be able to hold politicians and candidates to account and section 196 is anti-democratic as, during an election campaign, incumbent members of parliament should be held to account for their voting record and policy positions. The provision as it stands is out of date and does not reflect the way elections are conducted. The provision is impractical to follow, and difficult to monitor through online and social media and other modern forms of campaigning. Indeed, that section was inserted into the *Electoral Act* long before social media or online communication was even anticipated.

I also said in that submission that it's important to note that section 196 is only applied during the issuing of the writs. In other words, it only applies in that way of constraining political debate during the period of time where the writ is issued and before the writ is returned at the end of an election. I know there are some who believe that section 196 provides some protection in the vein of truth in advertising type legislation, that's not a view that I share or that the Labor Party shares. Indeed, even if that was the case, it would only provide that protection during the period of the writs. What that actually means in practical terms is that in a four-year period between an election, or usually four-year period, the use of a candidate's name, likeness or photograph without the candidate's written consent is permitted. This fact makes section 196 an archaic provision, as in modern-day politics the fate of governments and the public sentiment towards it is generally formed and determined before the official five-week campaign. Well, usually five weeks. The fact that section 196 only applies during the issue of the writs, not the entire four-year term of a government shows that it is obsolete, inconsistent and should be removed.

The use of opponent's names and images is commonplace in today's political landscape. To disallow this after the writs are issued is outdated and serves no tangible purpose. Continuing to use an opponent's image or name would not change the tenor or the way elections are conducted. In relation to concerns about misuse or manipulation of a person's name or image, those kinds of things should never be permitted, and I dare say that that's the Deputy Premier's view as well. That's not what I'm arguing for, or we are arguing for, in terms of supporting this bill. Misuse of somebody's name or image can always be followed up through other protections including, for example, defamation laws. This is not about providing protection from the misuse of somebody's name or image because it only provides that protection during the period of the writs. It actually serves to curtail political debate during that time. I think when people's names and images are genuinely shared, for example, by civil society organisations, who will often issue materials during an election campaign to demonstrate somebody's voting record, or a party's voting record. They'll do that on issues that are important in civil society at that time, for that election. For example, they might have a particular issue they're campaigning on. You've all seen the columns listing each political party, candidate or member of parliament and how that person has previously voted or statements they've made about that issue. That's currently not allowed during the period of the writs. The name of a party can be shared but not the name of individual members of parliament. That is anti-democratic because all of us should be held accountable for our voting record. That's the view that we shared in previous debate on this bill.

I will also briefly share some of Kevin Bonham's views. Dr Bonham is a well-respected commentator not just on Tasmanian politics, though that's his particular expertise and passion; he is nationally recognised and appreciated for his work analysing electoral laws and politics.

There has been two or three different iterations of this bill. In one of his submissions, Dr Bonham saw several problems with section 196, including that it limits political debate of a form that normally occurs in other Australian elections. He said the original reason for the section had not been established and that attempts to apply the section to internet material had produced bizarre interpretations, particularly surrounding what is a notice and what is an advertisement. He said:

Because it's impossible to understand how nebulously this section is going to be interpreted if someone complains, it is impossible for electoral actors - either political parties, candidates or civil society organisations, to know what is permitted and what is not permitted, and that is no way to run an election. [tbc]

He suspects that the section is likely to be unconstitutional because it limits free electoral debate in a way that is not well adapted to any particular purpose, especially as it is unknown what its actual purpose is. He gave an example from the 2024 election, I believe it was. He believes that one of the most significant incidents of that campaign involved a satirical mock advertisement produced by Juice Media. Juice Media is an online platform that creates mock tourism and other similar ads, and uses them to attack politics in the areas they cover. He said that the commentary is typically left wing or environmentalist and the videos are rather heavy-handed and contain frequent swearing. These items have a large social media following, mostly outside Tasmania.

The Juice Media video issued on 15 March during that election campaign briefly contained an image of Premier Rockliff over a headline referring to him as 'pledging a government with heart'. Juice Media received an email from the TEC stating that the video was likely an advertisement and requesting that the photo be removed as it was used without permission, therefore contravening section 196. Dr Bonham said that was a mistake by the TEC as the video was obviously a mock advertisement, not an electoral advertisement as normally would be understood, and was produced as political commentary to the election. Whatever the case, the episode exposed Tasmanian electoral laws to ridicule in a follow-up video that, at last count, at the time that he was putting this submission in, had over 306,000 views. Section 196, in Dr Bonham's esteemed view, makes Tasmania a laughing stock.

He argues that it has long been overdue for review as it is not only unnecessarily and probably unconstitutionally limiting free speech, but also that it does so in a way that the TEC has struggled to interpret clearly. The interpretation problem arises from the section's outdated references to 'advertisement, how to vote card, hand bill, pamphlet, poster or notice' in an act that supposedly applies to online publications. He said that presents significant difficulty to be able to determine what constitutes an advertisement or a notice in the internet age.

I agree with much of what Dr Bonham put forward in his several submissions on section 196. I recall a time before I was a member of parliament - it might have been the 2018 election, which is the first election I ran in, or it might have been the election prior to that, where the ALP and, I suspect, other parties were asked by the electoral commission to scroll

back through months of online Facebook, Instagram and other platform pages and remove posts that could be seen to contradict section 196 after the writs had been issued. However, the posts had been made long before the writs were issued.

It's a very impractical section to apply to an online campaigning environment when political parties, quite rightly, are making comments about the statements we make, the ways that we vote in this place and the policies we commit to. We should be able to withstand scrutiny of those decisions and, indeed, I think all of us do. That's perfectly lawful up until when the writs are issued but after that time, that kind of debate needs to be curtailed. But not only that: because of the inflexibility of the act, it meant that posts which had been legitimately posted before the writs were issued and were not offending any legislation at that time had to, nonetheless, be removed. That's a pretty onerous and impractical task to expect of anyone.

I understand from reading the submissions to the various pieces of work that the Joint Standing Committee on Electoral Matters has conducted into this section so far, that it's a view shared by the three political parties represented in this place, the Liberal Party, the Labor Party and the Greens. The Shooters and Fishers Party is now represented here, but wasn't at the time of those submissions being held. No doubt they'll have some views to share with the Joint Standing Committee on Electoral Matters after this bill is referred to that committee.

Hopefully, the work done previously by the committee can be revived because there were some valuable submissions from members of the public, academics and lawyers. I've read a little bit from Dr Bonham's submission today, but there was a lot from other passionate electoral participants, such as the Tasmanian Constitution Society, the honourable Duncan Kerr, UTAS, and many others who provided their views on the unworkability of section 196. I'm looking forward to taking part in that committee's work, assuming that the Leader of the House's motion to refer the bill passes this Chamber. The opposition will be supporting that referral motion.

[5.53 p.m.]

Dr WOODRUFF (Franklin - Leader of the Greens) - Honourable Speaker, this Electoral Amendment Bill, as the honourable member for Clark, Ms Haddad, has noted in her contribution, has been discussed on a number of occasions now. The Greens will definitely be supporting this change to section 196. We've long argued it unfairly constrains people's right to speak freely and make political statements during an election period. This section of the act represents a repressive and outdated restriction on political communication and discourse during election campaigns.

There's been an explosion of digital media since the act came into force in 2004. That has fundamentally reshaped our personal, traditional and political communication. What this means is that for years there's been a wide disparity between the intentions of what the act sought to achieve in 2004 and the reality of political campaigning in 2026.

I'll make some points that Ms O'Connor, our justice spokesperson, made in 2022 when the Electoral Matters (Miscellaneous Amendments) Bill came to this place and we made a number of amendments to the bill at that time. We introduced four amendments to the 2022 bill. One of them was to make similar changes to section 196 that are before us today. We have long advocated to repeal this section on freedom of speech grounds. As it stands, we believe it's unconstitutional.

Section 196 prohibits a candidate's image or name being used without their permission during an election campaign. It's led to many candidates during elections falling into hot water and the honourable member for Hobart, Ms O'Connor MLC, for example, as a member of the Greens, was one such person on two occasions. But I remember from our previous conversations in the Chamber that many other members, when we spoke about this at the time, piped up and said, 'Oh, you know, you're not the only one.' So, certainly many members, many parties and individuals have fallen foul of section 196 over time and many more recently.

Ms O'Connor had the experience when she was volunteering as a campaigner for the Save Ralphs Bay campaign before the 2006 election. The community group had spoken to all candidates for Franklin. They had their views on the Ralphs Bay proposal, and they put out a newsletter - not a Facebook post, but a good old-fashioned paper newsletter - with multiple candidates' images and names. Ms O'Connor had a call from the electoral commissioner at the time, Bruce Taylor, which scared her, sitting at home in the living room at South Arm, to think that she'd had a call from the electoral commission and had fallen foul from the law.

It had been the case during the Legislative Council election for the seat of Huon that the Greens also at the time used Dr Bastian Seidel's name in relation to his party's, the Labor Party's, position on electronic gaming machines, given that Dr Seidel was then a general practitioner in Huonville and he was campaigning, amongst other things, on the health and wellbeing of his constituents. A Facebook post that was put out by Pat Caruana, who was the Greens candidate for Huon, referred to Dr Seidel and the fact he was standing with the party that had changed their election promise to Tasmanians and was supporting the Liberals' pro-pokies position. This post was ultimately the subject of a complaint the Labor Party made to the Electoral Commission. The matter was subsequently referred to the Director of Public Prosecutions for consideration about whether it contravened the electoral law under section 196.

Ms O'Connor sought some legal advice about the matter, and there are a couple of points worth reading from the legal advice provided for her by Roland Browne. He made the obvious point that the post was a communication about political and government matters concerning a candidate standing for a state electorate office in a pending election. This is the kind of communication that lies at the heart of the political communications long recognised as an essential element in freedom of speech, a foundation of our Westminster democracy. It's an example of a speech that lies at the heart of the right implied within the Australian Constitution to have freedom in political communications.

Courts have protected these freedoms from intrusion through legislation, and this is stated, for example, by Gummow and Hayne JJ, in *Coleman v Power* [2004] Relevant in their statement in relation to section 197, Mr Browne quoted this judgment in relation to another act:

First and foremost is the fact that section 7(1)(d) creates a criminal offence. The offence which it creates restricts freedom of speech. That freedom is not, and never has been, absolute. But in confining the limits of the freedom, a legislature must mark the boundary it sets with clarity. Fundamental common law rights are not to be eroded or curtailed, save by clear work.

In underscoring the 2004 judgment, Mr Browne noted that the interpretation of section 196 in Tasmania has long been obscure, but it's become increasingly less clear in recent years because of the increase in social media communications. Making a publication by way

of a Facebook post is not an advertisement. It's also not a how-to-vote card, a handbill, a pamphlet, a poster, or a notice under section 196, and as a result, a social media post does not materially fall within the section.

The second point Mr Browne made, which the Attorney-General has also made, is that section 196 is unique to Tasmania. There is no similar provision in electoral legislation in the Commonwealth, New South Wales, Victoria, Queensland, South Australia, the Australian Capital Territory, the Northern Territory or Western Australia.

In relation to Ms O'Connor's matter, the DPP confirmed that he would not be pressing charges against the Greens over the Facebook post made during the Huon campaign. Following the DPP's decision, the Electoral Commissioner, Andrew Hawkey, wrote to Ms O'Connor on 22 September 2020 saying that he understood the DTP would not be prosecuting the matter.

ADJOURNMENT

Tabled Paper - TT-Line Documents

[6.00 p.m.]

Mr ABETZ - Speaker, I table the following:

- Correspondence to the Minister for Infrastructure and Transport, and the Treasurer, from Mr Ken Kanofski, Chairman, TT-Line, dated 5 August 2026.

Paper tabled.

Comments Made by Member for Franklin, Mr George

Dr BROAD (Braddon) - Thank you. One thing that really disappoints me in this place is when people stand up and smash the reputations of experts, and we saw it again today in Question Time when the member for Franklin, Mr Peter George, described John Whittington as the 'salmon industry spin merchant'. And the question said was to the Minister for Primary Industries.

Since you've held your ministerial office, how many times have you met with scientists and communities who have genuine, well-informed concerns about the impact on the state's inland waterways, marine life, et cetera?

So, dismissing John Whittington as simply the 'salmon industry spin merchant'. Well, John Whittington, actually, is Dr John Whittington. Dr John Whittington, has a PhD in Algal Physiology from the University of Adelaide. He also has postdoc experience in Australia and the USA and working with the Cooperative Research Centre (CRC) for Freshwater Ecology.

Dr Woodruff - It is such a pity he has become a spin doctor then.

The SPEAKER - Order.

PARLIAMENT OF TASMANIA
DEBATES OF THE HOUSE OF ASSEMBLY

DAILY HANSARD

Tuesday 18 August 2026

Preliminary Transcript

This draft transcript of debates is issued in advance of the final Hansard for the use of the members of the House of Assembly and copies made from this may not be protected by parliamentary privilege.

Ms Brown
Ms Burnet
Ms Butler
Mr Di Falco
Ms Dow
Mr Ellis
Mr Fairs
Mr Ferguson
Ms Finlay
Mr Garland
Mrs Greene
Ms Haddad
Mr Jaensch
Mr Mitchell
Mr O'Byrne
Ms Ogilvie
Mr Pearce
Mr Shelton
Mr Vermey
Mr Willie
Ms Howlett (Teller)

Dr Woodruff
Mr George (Teller)

Bill read the second time.

Bill read the third time.

ELECTORAL AMENDMENT BILL 2025 (No. 62)

Resumption of Debate – Second Reading

[3.44 p.m.]

Dr WOODRUFF (Franklin - Leader of the Greens) - Honourable Speaker, following the Director of Public Prosecutions' (DPP's) decision, the Electoral Commissioner, Andrew Hawkey, wrote to Ms O'Connor on 22 September 2020 saying that he understood the DPP would not be prosecuting the matter. In light of the process, and the advice the Electoral Commissioner received from the DPP, he made a number of points which are relevant to this bill. Mr Hawkey said:

The Act became law before the development of social media and the use of social media for electoral and election discourse.

While the definition of "publish" in the Act includes by publication on the internet, section 196(1) was written to primarily refer to physical actions (print, publish, and distribute) with physical items (advertisement, "how-to-vote" card, handbill pamphlet, poster or notice).

The Act does not establish any similar restrictions on the use of a candidate's name in a political speech, personal conversation, or on talk back radio.

The relatively recent rise of social media appears to fall between the historical discourse of delivered material and verbal social/personal communication.

It may be arguable that the Facebook post is political discourse that could be considered closer to a radio interview or public debate than a handbill, "how-to-vote" card or notice.

A breach of section 196 is a criminal offence which has severe consequences: that is a "fine not exceeding 300 penalty units or imprisonment for a term not exceeding 12 months, or both."

A wide interpretation of the term notice to include such comments could be seen as seriously infringing freedom of speech and political communications.

Over the years, section 196 has consistently been used to prevent legitimate political discourse during election campaigns, and it was found to have been misapplied in that instance. Over the years, it has had a chilling effect on the freedom of speech among community groups that do not have the resources to take on a case. Such groups are typically over-assiduous in making sure they avoid any risk of falling foul of the law, which can result in no reference being made of any individual member's names in relation to their policy positions during an election campaign. By not providing this information to voters, community members and groups are effectively restricting the information available to voters about the political views and positions of different candidates putting their hand up to represent them in an election. That does not promote truth and transparency or accountability at a following point for positions that people have publicly stated. It does not advance our democracy.

The Electoral Commissioner has also discussed the potential chilling effect of section 196, and it's clear the commissioner has an appetite for the clarity that this amendment in the bill before us provides. It will allow people to go about their business of honestly campaigning and representing the views of other candidates honestly, as community groups reflecting the diversity of views of candidates, particularly the ones that align with the areas their groups are trying to achieve, and fairly criticising candidates who have views that do not seek to achieve what individuals, community groups or organisations are trying to get as an outcome during an election.

This is what a robust democracy needs. It looks like people having conversation. I think of a Facebook post, and most people would agree it's a bit like being in a public town hall meeting. The point is about whether the comments being made are true or false, whether they mislead about the words or intention of a candidate. These are related and important matters. I want to acknowledge that a number of members of the Legislative Council, and also the organisation The Australia Institute, have previously raised concerns about removing section 196 from this act without also accompanying the change with the addition of truth and political advertising laws. The Greens understand their concerns. We have long advocated for truth in political advertising. We have previously proposed an amendment to this bill to introduce truth in political advertising.

On the basis of previous comments, we've had a conversation with the Chair of the Joint Standing Committee on Electoral Matters recently, to ascertain whether it would be appropriate to refer this amendment to that committee for them to consider - an amendment to the matter of truth in political advertising, I mean. The Chair has indicated that that would be appropriate.

It was our intention, as we have previously flagged, that at this point we would move an amendment to this bill to refer the Electoral Amendment Bill to the Joint Standing Committee on Electoral Matters for them to consider our proposed amendment to insert a new clause to deal with truth in electoral advertising. As it happens, the minister has since indicated that the government will be moving that the bill gets referred to the joint standing committee to consider this very matter. We are pleased to hear that. That's a fantastic outcome.

I have spoken to members previously about our proposed amendment, that we would refer this bill to the joint standing committee to look at. I've circulated it for people to view. As I've said before, I'm not moving this as an amendment to this bill, but Ms O'Connor, who has the integrity and democracy portfolio, and myself will write to the Chair to formally refer this to them for their consideration in the matter that the government will be referring this bill to discuss. I will read our proposed motion in now, which would be a new clause A to follow clause 4 in the electoral amendment bill before us:

A, section 197 substituted:

Section 197 of the Principal Act is repealed and the following sections are substituted:

197. Communication of misleading electoral matter.

A person must not communicate or permit or authorise the communication of any electoral matter that -

- (a) is intended, is likely, or has the capacity, to mislead or deceive an elector in or in relation to the recording of electors' votes; or
- (b) contains incorrect or misleading information about whether a person is or is not,
 - (i) a candidate; or
 - (ii) a candidate for a particular division; or
 - (iii) a registered member of a registered party, or a party; or
 - (iv) a registered party; or
- (c) uses -
 - (i) the name, an abbreviation or acronym of the name, or a derivative of the name of a registered party, or a name or abbreviation resembling such a name, abbreviation, acronym, or derivative in a way that is intended or is likely to mislead an elector; or
 - (ii) the word *independent* and the name or an abbreviation or acronym of the name, or a derivative of the name, of a registered party in a way that suggests or indicates an affiliation with that party; or
- (d) could result in an elector casting an informal vote; or

- (e) contains a statement, whether express or implied, to the effect that voting is not compulsory; or
- (f) contains a statement intended or likely to mislead an elector in relation to whether the electoral matter is an official communication from the Commissioner or the Commission.

Penalty: Fine not exceeding 200 penalty units, or imprisonment for a term not exceeding 6 months, or both.

197A. A person not to authorise or publish misleading electoral advertising

- (1) In this section *electoral advertisement* means electoral matter that is published on the payment or transfer, or the promise of payment or transfer, of consideration or other reward or compensation.
- (2) A person must not authorise, or cause, or permit the publication of an electoral advertisement if the advertisement contains a statement that -
 - (a) is or purports to be a statement of fact; and
 - (b) is inaccurate or misleading in respect of a material particular.

Penalty: Fine not exceeding 200 penalty units, or imprisonment for a term not exceeding 6 months, or both.

- (3) It is a defence in proceedings for an offence under subsection (2) in respect of an electoral advertisement if the defendant establishes that -
 - (a) the defendant did not have the authority or permission to correct the material particular in the electoral advertisement that was misleading, inaccurate or incorrect, or
 - (b) the defendant did not know, and could not reasonably be expected to know, that the material particular in the electoral advertisement was inaccurate or misleading, or
 - (c) the electoral advertisement was published for a dominant purpose that is satirical, academic or artistic.

4. In the proceedings for an offence under subsection 2 in respect of an electoral advertisement, the relevant court for the proceedings may, in addition to making any other order or imposing a penalty or sanction in respect of the offence, make one or more of the following orders -

(a) that the defendant is to withdraw the advertisement from further publication.

(b) that the defendant is to publish a retraction in the matter and on the terms specified in the order.

(c) that the defendant is to pay the costs of another person, as specified in the order, that were reasonably incurred by the other person in correcting or contesting or disproving the inaccurate or misleading material particular in the advertisement.

5. If the Commissioner is satisfied that an electoral advertisement is inaccurate or misleading in respect of a material particular, the Commissioner may require the person who authorised or published the electoral advertisement to do one or more of the following -

(a) to withdraw the advertisement from further publication;

(b) to publish a retraction in the manner and on the terms as specified by the Commissioner;

(c) To pay the costs of another person, as specified by the Commissioner, that the Commissioner is satisfied were reasonably incurred by the other person in correcting or contesting or disproving the inaccurate or misleading material particular in the advertisement.

6. If the Commissioner requires a person to take an action under subsection 5, the person must comply with that requirement.

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding six months, or both.

Honourable Deputy Speaker, we look forward to hearing the consideration of the Joint Standing Committee for Electoral Matters on this and any other matter related to truth in political advertising they see fit. The Greens have long campaigned for the change in this bill and we're pleased to see it finally going through, albeit with a little circuitous route through the joint standing committee. It's well past time. The most recent example of the ridiculous application of section 196 was during the last election.

Finally, a question about how-to-vote cards. Minister, can you confirm that there will be, for the avoidance of doubt, no problem for people who would be doing what many community groups do, which is to present candidates' views in an election campaign and how they line up with the community group's interests, for example, through a tick-a-box kind of list ranking them, or a cross-tick sort of scorecard. I understand the change before us today in section 196, would mean that that form of communication, like other communications that mention a candidate's name, would be a valid form of communication and would not fall foul of the law anymore. Therefore, people would be able to rest easy at the next election, whenever that may be, and feel comfortable in accurately reflecting the views they've heard from candidates and not being charged for doing so.

In closing, I give particular thanks to our Electoral Commissioner, Andrew Hawkey, for his professionalism and integrity, for the team he leads and the work they do. They are an essential guardian of our democratic processes in elections in Tasmania, and we are lucky to have their hard work, perseverance, good humour and thorough decency in the work that they do. It's always a pleasure engaging with them. I think all of us in this place understand that we are here as a result of an impeccable process of election management and counting, and that rigour puts us in stark contrast to many other countries around the world with democracies that are in a parlous state. Long may it remain that way.

[3.59 p.m.]

Mr ABETZ (Franklin - Treasurer) - Deputy Speaker, the government supports the intent of this bill and remains committed to seeing it proceed. The bill aims to address longstanding concerns about section 196 of the *Electoral Act 2004* by limiting its operation to how-to-vote cards. This is an important and sensible reform that responds to recommendations arising from the *Electoral Act* review. However, the bill was referred, in the last parliament, by the other place, to the Joint Standing Committee on Electoral Matters. It is appropriate that the committee resume that work and report back to the parliament. The Attorney-General committed to supporting the referral. At the same time, he quite properly wanted members of this House to have the opportunity to speak to the bill and place their views on the parliamentary record before the referral occurred. That opportunity is now being provided.

The referral should not be interpreted as any weakening of the government's support for the intent of the bill. The committee's consideration will allow the relevant legal, practical and electoral issues to be examined while providing an opportunity for interested parties to contribute to the inquiry. The government looks forward to receiving the committee's report and progressing this important reform.

Therefore, Acting Deputy Speaker, I move, in the amendment that I understand has been circulated in my name –

Leave out all words after 'that'

Insert instead 'The Electoral Amendment Bill 2025 (No 62) be referred to the Joint Standing Committee on Electoral Matters for inquiry and report thereon.'

I understand that has the support of the House.

Amendments agreed to.

Motion, as amended, agreed to.

TASMANIAN COMMUNITY FUND AMENDMENT BILL 2025 (No. 55)

Second Reading

[4.02 p.m.]

Mr JAENSCH (Braddon - Minister for Community and Multicultural Affairs) – Thank you, honourable Deputy Speaker. I move –