

From: Peter Lawler <relwalretep@gmail.com>
Sent: Friday, 27 February 2015 3:50 PM
To: TEC
Subject: LEGISLATIVE COUNCIL INQUIRY INTO THE TASMANIAN ELECTORAL COMMISSION
Attachments: attachment1.pdf; attachment2.pdf; attachment3.pdf; attachment4.pdf; attachment5.pdf; attachment6.pdf; attachment7.pdf; attachment8.pdf; attachment9.pdf; attachment10.pdf; attachment11.pdf; attachment12.pdf; attachment13.pdf; electoral_act.docx; electoral_act.odt; electoral_act.pdf

Mr Stuart Wright
Committee Secretary
Legislative Council
Parliament House
HOBART TAS 7000
tec@parliament.tas.gov.au

Legislative Council Government Administration Committee 'B'

Tasmanian Electoral Commission

Mr Wright,

I write in reference to the above inquiry.

I have previously written a number of web-log (blog) posts about Section 191 (1) (b) of the Tasmanian Electoral Act, specifically the 'Internet Provision'.

191. Campaign material to be authorised

(1) Subject to sections 192, 193 and 194, a person must not, between the issue of the writ for an election and the close of poll at that election –

(b) publish, or permit or authorise another person to publish, any electoral matter on the internet without the name and address of the responsible person appearing at the end of the electoral matter.

Before writing this submission to the inquiry, I have attempted to locate references in Hansard to this provision in second reading speeches from 2003 or 2004 when the bill was introduced. I have been unable to find any. I have been unable to ascertain whether this is due to my inability to correctly drive the Tasmanian Parliament Hansard search facility, whether the search facility itself is insufficient for the task or no such reference was made, as I am not overly familiar with it's mode of operation.

As such, I do not believe I can add much more than my previous blog writings on the matter, PDF dumps of which I have attached to this email.

What I would add would be that I had previously considered the possibility that the provision was added to aid in the 'accessibility' of online content. That is to say, people with visual difficulties utilising text-to-speech systems or other such devices wouldn't be hampered. However, upon more recent consideration I believe such reasoning is immaterial as such requirement is covered by legislation (Anti-Discrimination) in other Acts both at a State and Federal level.

In this letter I would like to emphasize my points in the attachments, any sufficiently technically knowledgeable person can render 191 (1) (b) unenforceable by publishing material outside the State. Whilst this may be

mischievous in intent, thus someone may still be liable, it does easily lead to the conclusion that there are several billion people for whom this section of legislation are not held accountable to – everyone who isn't in Tasmania. For example, a supporter of a Tasmanian candidate who may live in Japan may decide to spend money with an European online advertising agency to target Tasmanians online. I believe it would be impossible to enforce this section of the law upon anyone involved in the display of such a theoretical advertising campaign. An unenforceable law is a bad law. Bad laws should be removed.

Finally, I would like state clearly that I believe it is highly unlikely that this Tasmanian law itself is constitutional. I highly suspect that it unreasonably and impermissibly burdens the implied freedom of political communication found in the case of Lange v Australian Broadcasting Corporation in the High Court of Australia.

Regards,

Peter Lawler

Telephone:

+61 404 849 493

Address:

PO Box 195

Lindisfarne 7015

TASMANIA

Attachments:

electoral_act.odt

electoral_act.docx

electoral_act.pdf

attachment1.pdf – attachment13.pdf

Mr Stuart Wright
Committee Secretary
Legislative Council
Parliament House
HOBART TAS 7000
tec@parliament.tas.gov.au

Legislative Council Government Administration Committee 'B'

Tasmanian Electoral Commission

Mr Wright,

I write in reference to the above inquiry.

I have previously written a number of web-log (blog) posts about Section 191 (1) (b) of the Tasmanian Electoral Act, specifically the 'Internet Provision'.

191. Campaign material to be authorised

(1) Subject to sections 192, 193 and 194, a person must not, between the issue of the writ for an election and the close of poll at that election –

(b) publish, or permit or authorise another person to publish, any electoral matter on the internet without the name and address of the responsible person appearing at the end of the electoral matter.

Before writing this submission to the inquiry, I have attempted to locate references in Hansard to this provision in second reading speeches from 2003 or 2004 when the bill was introduced. I have been unable to find any. I have been unable to ascertain whether this is due to my inability to correctly drive the Tasmanian Parliament Hansard search facility, whether the search facility itself is insufficient for the task or no such reference was made, as I am not overly familiar with it's mode of operation.

As such, I do not believe I can add much more than my previous blog writings on the matter, PDF dumps of which I have attached to this email.

What I would add would be that I had previously considered the possibility that the provision was added to aid in the 'accessibility' of online content. That is to say, people with visual difficulties utilising text-to-speech systems or other such devices wouldn't be hampered. However, upon more recent consideration I believe such reasoning is immaterial as such requirement is covered by legislation (Anti-Discrimination) in other Acts both at a State and Federal level.

In this letter I would like to emphasize my points in the attachments, any sufficiently technically knowledgeable person can render 191 (1) (b) unenforceable by publishing material outside the State. Whilst this may be mischievous in intent, thus someone may still be liable, it does easily lead to the conclusion that there are several billion people for whom this section of legislation are not held accountable to – everyone who isn't in Tasmania. For example, a supporter of a Tasmanian candidate who may live in Japan may decide to spend money with an European online advertising agency to target Tasmanians online. I believe it would be impossible to enforce this section of the law upon anyone involved in the display of such a theoretical advertising campaign. An unenforceable law is a bad law. Bad laws should be removed.

Finally, I would like state clearly that I believe it is highly unlikely that this Tasmanian law itself is constitutional. I highly suspect that it unreasonably and impermissibly burdens the implied freedom of political communication found in the case of Lange v Australian Broadcasting Corporation in the High Court of Australia.

Regards,

Peter Lawler

Telephone:

+61 404 849 493

Address:

PO Box 195

Lindisfarne 7015

TASMANIA

Bleeter's Blog

If yer not pissed off at the world, yer just not payin' attention.

Feeds: [Posts](#) [Comments](#)

The arsehattery of restrictions upon open and free political discourse in Tasmania

17th February, 2010 by [bleeter](#)

"First of all, let me assert my firm belief that the only thing we have to fear is fear itself — nameless, unreasoning, unjustified terror which paralyses needed efforts to convert retreat into advance."

Preparatory legal junk

Before I go ahead, I'd urge you to read my earlier post about [Cleanfeed and censorship in Australia](#) (<https://bleeter.wordpress.com/2010/02/12/nocleanfeed-raise-the-double-standard/>). Whilst it's not essential for understanding this post, I'd like you to get an idea of where my head space is on the topic before I continue. Although I'll paraphrase shortly, I must strongly urge you to read (as laws go, the text isn't too bad) [Section 191](#) ('Campaign material to be authorised') (http://www.austlii.edu.au/au/legis/tas/consol_act/ea2004103/s191.html) and [Section 4](#) ('Electoral matter') (http://www.austlii.edu.au/au/legis/tas/consol_act/ea2004103/s4.html) of the [Tasmanian Electoral Act \(2004\)](#) (http://www.austlii.edu.au/au/legis/tas/consol_act/ea2004103/index.html). You are more than welcome, though, to skip straight in to the next paragraph. I've referenced these laws in my earlier post, they're the essential parts which I'm targeting more closely here. Further, whilst [190](#) ('Division 5 – Offences relating to advertising and other campaigning purposes of Division'), (http://www.austlii.edu.au/au/legis/tas/consol_act/ea2004103/s190.html) [192](#) ('Authorisation not required on specified items') (http://www.austlii.edu.au/au/legis/tas/consol_act/ea2004103/s192.html), [193](#) ('Newspaper and periodical reportage and commentary') (http://www.austlii.edu.au/au/legis/tas/consol_act/ea2004103/s193.html) and [194](#) ('Letters to the editor') (http://www.austlii.edu.au/au/legis/tas/consol_act/ea2004103/s194.html) are also advisable reads, I don't really consider them as essential (and if you haven't worked out how the [Austlii navigation system](#) (<http://www.austlii.edu.au/>) works by now, you should also consider taking a closer look – it's a wonderful resource). It's noteworthy that when I publishing this blog, there are no informational publications from the State on how it expects it's citizens to interpret these laws. We have such notices for [all manner of other things](#) (http://www.transport.tas.gov.au/licence_information/road_safety_rules/using_mobile_phones_and_visual_display_units), why this one's avoided is anyone's guess.

What the act says

I've spoken (unofficially and/or off the record) to three lawyers, two digital advocacy groups, party workers from both sides, the electoral commission and listened to the commissioner himself. After wading through all that, here's what I believe S191 means:

*If one makes any statement on the internet that may influence how one may think of any political candidate then such a statement **must** be followed up with 'Authorised by <Name>' as well as 'Full Address' (ie, **not suburb, PO Box, IP or email address**) for the person taking responsibility regarding that statement.*

(note, see postscript)

At first reading, this doesn't seem too onerous. People are used to providing a name and address to the editor of their daily paper, the editor duly records that and keeps it for 6 months but only publishes the suburb, as per the act (S194). So one may well hear argument that the stricter requirements in the act on internet comment is because of potential anonymity abuses online. But such a proposition is so blatant crock I have a hard time knowing where to start.

Why you worry?

A simple observation of vox-pops printed in the Hobart daily shows that the editors don't check addresses. Exaggerated example: the lead singer from Metallica or Ministry is under 16, standing in the 'bus mall' and offering opinions on bicycles on main roads. Not far from the reality that I read in our paper here on a weekly basis, if not in every major daily around the country where the pressure to publish has increased immensely over recent years. And even with one's standard letters to the editor, it'd seem fairly obvious under current legislation that as one merely needs to give an address to the editor where one is commonly contactable via – and yet in all my years of writing editor letters I've never had the address verified back to me – it would be fairly simple to fake this address, too.

With a mind about how fake-able the requirements are for non-online electoral commentary, let's look again at what the legislation says about online. Any comment likely to influence a vote must have the name and address next to it (I'll return to the fake letters to the editor soon). So that means I'm going to need an Authorisation at the bottom of this blog post. Oh and every time someone Comments, they'll have to give a Name and Address. Unless they don't in which case I'll have to decide whether I'm ready to take responsibility for their Comment and Authorise it. And even if they do provide, can I (as a simple single blogger without a global legal department to back me up) do better than Old Media and make sure that the Name and Address provided is genuine? After talking to lawyers they've said that even if I can't confirm, I could still publish but I'd still need it Authorised by myself.

Any unworkable law is a stupid law that should be ignored

Wait wait wait. I'm getting ahead of myself. If there's going to be an Authorisation after every comment, what about my Facebook page? If I say in a Status that I want to tear [David Bartlett](http://en.wikipedia.org/wiki/David_Bartlett) (http://en.wikipedia.org/wiki/David_Bartlett), his '@team_barlett' (https://twitter.com/team_barlett) and the [Tasmanian Labor Party](http://www.tas.alp.org.au/) (<http://www.tas.alp.org.au/>) a new hole for such a half-arsed attempt at blocking me, or think that [Will Hodgman](http://www.willhodgman.com.au) (<http://www.willhodgman.com.au>) and the [Tasmanian Liberal Party](http://www.tas.liberal.org.au) (<http://www.tas.liberal.org.au>) needs a kicking for letting former One Nation candidate [Jacqui Petrusma](http://www.jacquiepetrusma.com.au) (<http://www.jacquiepetrusma.com.au>) on the ticket or that I'd wish [Nick McKim](http://www.tas.greens.org.au/elected_greens/state/FRANKLIN/Nick_McKim) (http://www.tas.greens.org.au/elected_greens/state/FRANKLIN/Nick_McKim) and his hippie mates from the [Tasmanian Greens](http://www.tas.greens.org.au) (<http://www.tas.greens.org.au>) woke up to themselves, threw away their [coltan based devices](http://news.bbc.co.uk/2/hi/2036217.stm) (<http://news.bbc.co.uk/2/hi/2036217.stm>) went back to the caves... would I need to Authorise that? All indications are that I would. And if someone commented on my statement? Yup, they'd need to Authorise as well. What if they just wrote a smiley? Yup, Authorise. 'Liked'? You guessed it. Each and every response an Authorised status message gets on FB? Should be separately Authorised.

You'd think this is about the end of it, but believe me the madness and insanity doesn't end here. I've barely started. Can't I just place an Authorised comment in the Info page where the Address details are showing? Well, that's one click away – it's not 'at the end of'. How about the Infobox on the left page? Well, that's certainly closer but still not 'at the end'. But there's a more fundamental issue here – I'm only considering one user interface. My phone's FB UI has both the Info tab and box on separate pages that could be up to three clicks away from any Comment (Bad UI design on the App creator [more than two clicks from anything is bad]), but I can't help that. I can't know how every 3rd party application developer will lay out my comments. To be responsible to The Act, the only clean and proper way would be to include my name and address at the end of the comment (or in the case of 'Like' on Facebook, immediately authorise afterwards). I would argue that this would explain why the act is so unambiguous on this point.

lolwut?

Hopefully now you're with me in what a mess FB should technically become during the Tasmanian election. And now to fulfill the promise second sentence of the previous paragraph. I've barely started. What about newer social systems than FB. How about, Twitter. A one to many SMS gateway. It's more popularly known these days for the web and 3G interfaces, but at the core it started out as SMS only. SMS is limited to 160 characters and no graphics. Twitter's limited to 140 (the missing 20 chars are used for routing). Does this mean that under ... the ... letter of the law ...? Ah huh. If you excuse the Twitter pun, you're following me now. There are candidates and citizens who are attempting to put the authorisation in to their profile picture, or on their background image. Where does this leave people using clients that don't render these images in a large enough format to read? In the case of background images, some Authorisations are only visible if one has a sufficiently large screen to expand the browser, or in cases where one doesn't is patient enough to expand and the browser size beyond screen dimensions. Even still, this doesn't help text to speech converters. I think that the wording of the act is to make sure people with sight difficulties are not disadvantaged, which is more than fair enough. That there are a number of candidates blatantly disadvantaging certain interfaces I can almost live with. But such disregard for sight challenged people by violating a law that would seem to encourage compliance with [web recommendation that's over 10 years old](http://www.w3.org/TR/WCAG10/) (<http://www.w3.org/TR/WCAG10/>) is unforgivable and needs to be prosecuted to the full extent of the act. And while I'm talking minorities, I find it hard to believe the act means to force persecuted minorities to fully identify themselves if they wish to speak out during a campaign. 100 years ago when means of transport and communication were not as common place as today, this would have been an entirely different matter. But in

2010 when one can organise a riotous posse in a morning's rant on a radio program and arrive at the other side of the country that afternoon ready for some of the old ultra-violence, it should be of concern to legislators.

Totally mad

Not that I think proper Authorisation on Twitter's impossible, just it's important that it's available to all in an easily reachable format common to all. Twitter can form a conversation that changes perceptions (see last year's Australian Liberal Party '#spill' between Abbot and Turnbull). Wait, what did I just mention? Electronic conversations! Yes, dear reader. Instant messaging, chatrooms and emails all must be Authorised. I said at the start when explaining the legislation, '*any statement on the internet*'. To briefly combine Facebook and Twitter conversations, would the act cover chat rooms? More than likely. Particularly given, for example, how GTalk and FB Chat both use web technologies instead of more traditional proprietary technologies. And you thought I was overstating things.

Back to the issue of faking details, though. As I've mentioned before, the pressure to publish in today's media environment is intense. There are claims that in many news offices, time to check facts is insufficient. Could this explain why 'Red of Neck' is making comment on the local News Corp website (http://www.themercury.com.au/article/2010/02/16/128295_tasmania-news.html)? Although the legislation states that authorisation's not required until writs are formally issued and these aren't out at the time of that article's publication, we can see a number of things with this article. While the article calls for the government to sack the head of health, there's no Authorisation for the article at the end. And 'Red of Neck' is so clearly a fake name, it's hard to believe that the editor of the daily will leave this up there after writs are done. But then again, this is not too dissimilar to what the national broadcaster's also doing (<http://www.abc.net.au/news/stories/2010/02/16/2820989.htm>). I can't see anything apparently Authorising their entire local page, let alone any story on here that might influence a vote. It would seem that the online editors of the News Corp site have taken to defining 'newspaper' and 'periodical' to include online content that is separate to that of the printed version, as they would seem to me to be using the rules for printed material for their website (http://www.themercury.com.au/article/2010/02/17/128515_tasmania-news.html). '*All comments on election stories must contain your real name (Christian name and surname) and suburb*' (I'll skip over the obvious 'Christian name' issues here). Seems some sort of double standard going on here. How does a newspaper, or TV and radio broadcaster, website differ from any other internet site? My reading of the act is that it doesn't.

I've offered to blog for an interstate crowd during the election. Best I can tell, whilst the blog publisher can Authorise what I write, he won't need to Authorise comments made outside of Tasmania, but will need to Authorise the ones inside. As per the Act I've discussed. I suspect he'd rather just turn off comments than do IP checks, etc. I wouldn't blame him, even if it does largely defeat the purposes of blogging. This act's intent may not be, but it's effect if followed through would be, to stifle any commentary. Who would bother? To be fair, it's up to the prosecutors to decide whether to go ahead based upon the public interest test, whether we need it. I'd say with this much doubt surrounding the act, there's every need to test the laws in court so that the public knows exactly where it stands with regards to the madness.

Stop hitting me

Sometime around now, my brain is hurting. To quote a national twitter political wonk phrase, hurting #alot. Yours is probably hurting equally merely for having read this far. I'll try to be brief from here on in, I've just culled another 1000 words to go in to a later post hopefully early next week.

I'm left wondering what on Earth is going on in Tasmania? We've got an election law that, I believe, is breaking new ground for internet where no one on the 'big island' seems to be paying attention (<https://bleeter.wordpress.com/2010/02/12/nocleanfeed-raise-the-double-standard>) (apart from getting it repealed in the other state where they've tried to bring in a milder form). Well, I can live with the big islanders being (by and large) a bunch of bigoted hypocritical tools (<http://tourtasmania.com/tasfaq/people/heads.html>), that's what they're good at after all. It doesn't explain the local media and candidates behaviour. Unless... maybe just maybe. It occurred to me that maybe they're all aware of the issues and charging on ahead hoping no one will complain to the Commissioner or if they do they'll just change their practice or pay the fine. But that's just a bit silly as it means that the general population may be left open to challenges that, unlike the corporates, they're incapable of defending. That's fairly malicious and nasty. But what if one applies that maxim about not putting down to malice what can be put down to stupidity? Maybe the corporates and candidates are just too stupid to realise that they're all about to walk in to a big pile of turds head first and with mouths open. Sure, they've smelt it from a mile away. But they had no idea it was so deep nor so runny.

All this before we get to the political machinations of an election under the Hare-Clark system (http://en.wikipedia.org/wiki/Single_transferable_vote) where most pundits are predicting a result in which no party will be capable of forming a majority (<http://blogs.abc.net.au/antonygreen/2010/02/2010-tasmanian-election-the-key-seats.html>). In such a case, complaints to the Commissioner become even more important as candidates seek to eliminate others. Potentially from their own party structures, too (though highly unlikely). When I started writing this blog, I commenced with the thought that these laws were really bad and should be repealed before the writs are formally issued. But I've since changed my mind. They're so darned stupid, every effort should be made to have them challenged in the system so that such stupidity is never born by Tasmanian netizens again. The Attorney-General (Judy Jackson) and Premier (Paul Lennon) who got this crap on the books need a dang good slapping. Pity they're still not in parliament so I can Authorise a Twitbot to explain what they've done.

Oh dear

From a political, legislative and geek point of view I believe that in the coming weeks Tasmania will be ground breaking in terms of what's permitted with regards to online behaviour during an the democratic process, not merely despite the insane requirement placed upon commentary – but because of them.

And as a online citizen of some more than 25 years, that puts some fear in to me.

Authorised by:
(ABC Online interpretation)

(News Corp interpretaion)
Peter Lawler, Hobart
(My interpretation)
Peter Lawler, 57 Landers Rd, Lane Cove, NSW

Postscript:

A [message from the Commissioner this morning \(http://bit.ly/dd64cH\)](http://bit.ly/dd64cH), regarding S191 (I note that there's no solution yet regarding alternate UIs (particularly the Twitter issues), email or chatrooms etc.)

Electoral Commissioner

Authorisation of electoral matter on the internet

Under section 191(1)(b) of the Electoral Act 2004, all electoral matter published on the internet between the issue of the writ for an election and the close of poll at that election must contain the name and address of the responsible person at the end.

Address means a street address (not a post office box or an electronic address) at which the responsible person resides or can be readily contacted.

Responsible person means the person taking responsibility for causing electoral matter to be published.

The Electoral Commissioner recommends that at a minimum, candidates and other persons with websites (including 'facebook' pages) containing electoral matter, should ensure that the name and address of the responsible person appears on each page.

Eg, an appropriate place to include authorisation on a website would be on a footer, or on a 'facebook' page, may be in the box where you can "write something about yourself", which appears under the photo spot in the top left hand corner.

edit: I must apologise for not having noticed some worthy commentary from [a couple of days ago by Kathryn Crosby \(http://bit.ly/bjUsdd\)](http://bit.ly/bjUsdd).

Posted in [Boggle](#), [Censorship](#), [Geek](#), [IANAL](#), [Whine](#) | Tagged [accessability](#), [commission](#), [disability](#), [election](#), [internet](#), [legislation](#), [media](#), [S191](#), [standards](#), [Tasmania](#), [writ](#) | 21 Comments

21 Responses

Veronica

on [17th February, 2010 at 17:05](#) | [Reply](#)

0



0

i
Rate This

My eyes hurt now. And my brain. T'would be nice to get a straight answer out of someone, ANYONE about what actually needs doing legally to cover us.

bleeter

on [17th February, 2010 at 17:57](#) | [Reply](#)

0
0



i
Rate This

Veronica, the Commissioner's thankfully addressed the FB issue to some degree. See my postscript. I note that he doesn't cover alternate UI's. Nor does he address Twitter, email or chatrooms, etc.

Stephen Estcourt

on 17th February, 2010 at 17:52 / Reply

0
0



i
Rate This

It's simple Veronica as I have said before – put your full name and residential address at the end of every comment and you can't go wrong. It's called complying with the law. Pete's point is that it is a stupid and practically speaking, unworkable law.

jon

on 17th February, 2010 at 19:04 / Reply

0
0



i
Rate This

Politely put, it does seem to need a bit more thinking through.

Aaron

on 17th February, 2010 at 20:24 / Reply

0
0



i
Rate This

I guess the thing I don't understand after listening and watching this whole fiasco unfold, is why the Australian citizenry is arguing from the position of "oh well its too hard to do" or "we cant implement that"
Why not argue on the side of the truth which is that these laws are nothing short of oppressive intimidation tactics by people in elected office that are designed to censor the free flow of information to the end that they can usurp power from where it belongs...the people.
It is a reactionary attempt to stop the results of the shift of power that occurs when a society's exchange of information can no longer be controlled. Its nothing short of Fascism, and the rest of the world is looking on in horror as an example of a free society like Australia is having its basic freedoms attacked by the very people they elected to preserve them. I wonder if the next step is to limit all interaction with unsanctioned internet sources.

bleeter

on 17th February, 2010 at 21:52 / Reply

1
0



i
Rate This

I'm with you there, Aaron. Since it dawned on me a couple of weeks ago, I've been agitating for traction. At times I've thought myself insane for imagining the consequences of S191 etc. A limited few people have reassured me, though, that I'm correct. It'd seem that tonight, finally there's a bit of traction on this with some international and national attention now this post has gone up. One candidate (David O'Byrne, Labor, Franklin) has called the law 'a farce, unworkable and undemocratic' on my Facebook page. Let's see what the morning brings.
Thanks for your comments. Peace 😊

tacitus

on 17th February, 2010 at 20:25 | Reply

1



0

i
Rate This

...and if the said person does't reside in Tas, or Aus for that matter....yet decides to comment?

Perversely outsiders would have more scope to influence the Tas elections than native Tasmanians.

bleeter

on 17th February, 2010 at 21:56 | Reply

0



0

i
Rate This

Depends where the 'approval' takes place. It's total madness. While I'm sitting at my chair in Hobart, I have to Authorise. If I were to take a one hour plane flight for an afternoon, I wouldn't.

And yes, I'd agree that national and international players have a large part to play in influencing the outcome of the election, yet cannot be subject to this law.

Veronica

on 17th February, 2010 at 20:58 | Reply

0



0

i
Rate This

Stephen and Pete – I understand leaving my address/name at the end of each comment (not that daft!), I meant in relation to twitter (not enough characters to leave my full name and address at the end).

Post script – well that clears up websites and *possibly* Facebook.

I maintain that it's a safety issue putting your address on the internet – internet people can be (no offence) a little insane. I'd really prefer to leave the crazy people in the internet and not have them turning up on my doorstep.

And now I'm off to check out the relevant 'authorisation' on various candidates pages.

Training Instructor

on 18th February, 2010 at 01:07 | Reply

0



2

i
Rate This

People everywhere can be insane. The big problem with internet nutters is they can be really annoying while staying effectively anonymous. It gives people an environment where they can say boo to passing geese in perfect safety, if they know what they're doing, and in my experience the practiced ones do.

Anyway, to law and the unworkable... I believe Bacon back in 1620 had something to say about laws and pronouncements and committees etc. in general, he suggested it wasn't so much important that they were right about anything, as it was so much that they actually pronounced upon things, thus giving them the appearance and bearing of authority from which a genuine authority would follow. So, it don't matter what you say, it's the way that you say it. Phew 😊

BB

waterfriend

on 18th February, 2010 at 01:43 | Reply

0

0



i
Rate This

i do not have faith in democracy.
read my essay "democratic disfunction" in my blog

accident lawyer

on 18th February, 2010 at 11:15 | [Reply](#)

0



0

i
Rate This

Good thread. Cheers!!

jon

on 18th February, 2010 at 12:56 | [Reply](#)

0



0

i
Rate This

Another big problem with internet nutters is when they get hold of your home address. I suppose it helps ensure that they heave the brick through the right window, but surely there's a better way.

Andrew Skegg

on 18th February, 2010 at 14:46 | [Reply](#)

2



0

i
Rate This

Excuse my ignorance here, but since when did my personal views (as expressed from time to time though various technological channels such as blogs, Facebook, Twitter, Youtube, and podcasts) become "campaign material" as detailed in section 119? Unfortunately, the Act omits a definition of what constitutes "campaign material"

Or do I fall under the classification as "a person" who must not "publish, or permit or authorise another person to publish, any electoral matter on the internet without the name and address of the responsible person appearing at the end of the electoral matter."?

In my view these laws serve no purpose whatsoever beyond building dossiers on political commentators and stifling free speech. As such, dear politician, you can go stick your head in a pig.

Written and authorised by.... meh. You can wait till Friday.

Training Instructor

on 18th February, 2010 at 17:25 | [Reply](#)

0



0

i
Rate This

"In my view these laws serve no purpose whatsoever beyond building dossiers on political commentators and stifling free speech"

Jeez, what have I just said? The point of banging out laws is that the lawmakers re-assert their place in the pecking order. They order, you obey. The laws don't have to be sensible or workable for that, and given the kind of people irresistably drawn to authority you probably shouldn't expect them to be.

BB

jon

on 18th February, 2010 at 18:39 | [Reply](#)

0



0

i

Rate This

Hey BB, it wasn't what you said, it was the way you said it.

Azenis

on 18th February, 2010 at 20:58 | [Reply](#)

0



0

i

Rate This

BB

If the lawmakers and powers that be can only elevate themselves in the pecking order by silencing others, then maybe they should reassess the job they are doing and wonder why they are not getting the respect they feel they deserve.

Silencing the people is not the right way.

Training Instructor

on 18th February, 2010 at 22:53 | [Reply](#)

0



1

i

Rate This

Azenis, I know and this is what I'm pointing out and it seems Bacon has suggested things were the same back in the 1600s, Jon, nobody loves a smart-arse... but wait! I see we have Tacitus among us! Tacitus, pray remind us of what you wrote in The Life of Agricola, speaking of the conquered Britons circa a few years AD, "In their ignorance they call it civilisation, when it was but part of their servitude".

BB

Working in your head in the cloud – online journalism during Tasmanian elections « Bleeter's Blog

on 19th February, 2010 at 17:56 | [Reply](#)

0



0

i

Rate This

[...] it's intent we're realised that due to privacy concerns we should shut up our Facebook, close off our Twitter and disable our Wikipedia we realise might be able to get some work done. For the busy online [...]

weez

on 24th February, 2010 at 16:52 | [Reply](#)

0



0

i

Rate This

What interest have govt got in a commenter's identity, beyond retribution? If govt disagree with a comment, they can rebut.

The answer to speech you disagree with is more speech, not repression via a chilling effect.

Anonymous political comment is not just legal but a constitutionally protected form of speech in the USA.

bleeter

on 25th February, 2010 at 07:25 | [Reply](#)

0



0

i
Rate This

There is an implied freedom of speech in the Australian constitution. However where this would include anonymous speech is not known, and would require a case to be prosecuted then the outcome taken all the way to the High Court of the country to find out.

[Comments RSS](#)



[Create a free website or blog at WordPress.com.](#)

[The MistyLook Theme.](#)

⊕ Follow

Follow "Bleeter's Blog"

Build a website with WordPress.com



Bleeter's Blog

If yer not pissed off at the world, yer just not payin' attention.

Feeds: [Posts](#) [Comments](#)

Living under the thumb of S191 – Giving up Facebook privacy

18th February, 2010 by [bleeter](#)

In my [previous lengthy write-up](https://bleeter.wordpress.com/2010/02/17/the-arsehattered-restrictions-of-open-and-free-political-discourse-in-tasmania/) (<https://bleeter.wordpress.com/2010/02/17/the-arsehattered-restrictions-of-open-and-free-political-discourse-in-tasmania/>), I covered the reasons why I believe [S191 of the Tasmanian Electoral Act](http://www.austlii.edu.au/au/legis/tas/consol_act/ea2004103/s191.html) (http://www.austlii.edu.au/au/legis/tas/consol_act/ea2004103/s191.html) is bunk, however I left many of the consequences alone. Also, since composing and publishing that post the Tasmanian Electoral Commissioner has published [some guidance](http://www.electoral.tas.gov.au/pages/ElectoralInformation/TECInternetPolicy.html) (<http://www.electoral.tas.gov.au/pages/ElectoralInformation/TECInternetPolicy.html>) about internet commentary, but these barely answer any of the issues that exist with the Act. Here, I'll attempt to delve further down the abyss of Nietzsche's madness to see what we can find with specific regards to Facebook.

The Commissioner has instructed anyone who might make a comment on an electoral matter (this includes comments from 'The current Premier's no good', to 'The price of bananas is good at the moment') that we should put our address *'on a footer'*, or in the case of Facebook *'may be in the box where you can "write something about yourself"'* (the 'About Us' box). First off, let's just note as an aside his use of the word 'may' leads me to believe he's unsure about whether this is enough. From my understanding, until S191's internet clause has been to the Supreme Court, any advice he gives is guesswork. One could argue it's the most educated guesswork in the land, but guesswork nevertheless. Still, this is a startling admission that the structure of the default web Facebook interface doesn't give a method by which citizens can comply with the act.

His guideline would seem indicate that as long as the structure and layout of the website is beyond one's direct control, it's fine to directly break the act as long as one can find a creative way to attempt to comply. As it's now OK that the Authorisation address is one click away from any electoral matter, I believe we might have a solution to the issue of how to Authorise Twitter, IM and group chat comments. But this then relies on third-party websites away from where the comment's made being 'up' at the same time as where the matter's published and remaining so afterwards so people can link the two. We now have the situation where there are various number of clicks and possibly, hosts depending on which platform, between the electoral matter and the authorisation.

What is a real worry, though, is that the Commissioner is requesting that every Tasmanian who makes a comment about an electoral matter (price of eggs) during the election campaign must have minimum privacy settings which expose some personal data. The Canadian Privacy Commissioner famously beat FB into submission about its original settings and yet [is still pursuing them](http://www.mercurynews.com/cj_14280162) (http://www.mercurynews.com/cj_14280162). However, the Tasmanian Electoral Commissioner wants to go in the other direction. He has indicated that any Tasmanian who makes a comment which might affect how someone votes ('price of water'), **must** change their Account->Privacy Settings->About Me to 'Everyone', and pop their physical contact address in the About Me box. Now, I haven't tested whether this makes an unclick-able profile click-able. I'm going out on a limb and guessing that it does. However, if it doesn't there's yet another setting that needs to be changed somewhere for people who usually get around with full 'shields up' privacy.

Congratulations. The Commissioner has told each Tasmanian who may make a comment on an Electoral Matter to hand their physical contact address to every member of every group and fan page they're a member of, irrespective of whether these groups or fan pages have anything to do with Tasmania or the election. ['10mil Nutters to Smother Themselves in Jelly & Roll Around in Peanut Butter](http://www.facebook.com/group.php?gid=316519815982) (<http://www.facebook.com/group.php?gid=316519815982>)'? You'd better believe it.

Welcome to the Tasmanian Election 2010, digital style.

You May Like



- 1. [7 Pairs of Surprising Celebrity Twins](#) a week ago [youngbuzzing.com](#)
[YoungBuzzing.com](#)

Posted in [Boggle](#), [Geek](#), [IANAL](#), [Whine](#) | Tagged [Canada](#), [commissioner](#), [election](#), [facebook](#), [privacy](#), [S191](#), [Tasmania](#) | 21 Comments

21 Responses

samedog

on [18th February, 2010 at 11:10](#) | [Reply](#)

0



0

i
Rate This

Welcome to The Island 2010.

Kathryn Crosby

on [18th February, 2010 at 16:04](#) | [Reply](#)

0



0

i
Rate This

Hmm I don't think he is asking you to change your settings to open to everyone, but anyone can see the about me box under facebook's current settings. Still bad for privacy and democracy.

bleeter

on [18th February, 2010 at 16:17](#) | [Reply](#)

0



0

i
Rate This

As described in the article, About Me is controlled by privacy settings. Since the recent changes, many people have checked them over. I believe most people would have it set to 'only friends', however he's requesting that the minimum be 'Friends of Friends', if not 'Everyone' to encompass Groups and Fan pages. I wrote this for Tasmanian Attorney General Lara Giddings, and while it doesn't mention Groups and Fan pages I think it's fairly obvious there are issues.

*Bob is Friends with Greg. Jane is Friends with Greg. Bob and Jane are NOT Friends.
Bob posts an Electoral Matter to Greg's wall. Jane cannot see Bob's Authorisation as he has privacy set like (Lara's). So Greg needs to Authorise. However Greg doesn't know of Bob's privacy level so Jane has to ask Greg, but as Greg doesn't live in Tasmania he tells Jane which Privacy Tree to take a flying leap out of.*

ambrose

on [18th February, 2010 at 16:07](#) | [Reply](#)

0



0

i
Rate This

Eww.

thewetmale

on [19th February, 2010 at 00:46](#) / [Reply](#)

0



0

i
Rate This

Nice posts Bleeter, respect to you for digging through this stuff.

Out of interest, do these laws only apply to Tasmanians, Australians, or anyone in the world making a comment on the Tasmanian election?

bleeter

on [19th February, 2010 at 00:51](#) / [Reply](#)

0



0

i
Rate This

They apply to Tasmanians posting in Tasmania from the time writs are issued, 6PM 19th Feb 2010, making comment anywhere online, until the close of the polls. Interstate and overseas people may (remotely) be effected insofar as being required to be witnesses to prove any alleged offender was in Tasmania at the time (eg, most, if not all [it's been a few years since I worked in that industry directly] ISP NOCs are interstate, so any IP records would have to come from there). Building upon the posts I've made, as well as the comment here about ISP NOCs, I've already planned one or two more very soon that will cover far more 'nasty' scenarios such how the law would interact with technologies such VPNs, VOIP and co-operative cloud systems.

Veronica

on [19th February, 2010 at 14:28](#) / [Reply](#)

0



0

i
Rate This

I'm not sure what I want to comment is exactly polite. So I'm going to refrain from swearing like a trooper here and instead go and rant to my partner.

Veronica

on [19th February, 2010 at 14:29](#) / [Reply](#)

0



0

i
Rate This

Oh and my understanding of the 'write something about yourself' box, is the little one underneath your Profile picture that you can add about 200chars to.

Gibbot5000

on [19th February, 2010 at 15:26](#) / [Reply](#)

0



0

i

Rate This

Nice work, iBleeter. Now the big question. Are you taking a righteous stand on this?

If so, count me in to front your bail.

bleeter

on [19th February, 2010 at 15:50](#) | [Reply](#)

0



0

i

Rate This

I'll be taking what I believe to be appropriate steps to comply with the spirit and intent of the law for my Blog and my Twitter. Facebook still has me beaten. I shan't be editing WP, or streaming to Qik/UStream. Still undecided about Youtube. Will probably take myself off IRC as well.

Chad C Mulligan

on [19th February, 2010 at 15:27](#) | [Reply](#)

0



0

i

Rate This

Exactly how are the Powers-That-Be going to police this?

bleeter

on [19th February, 2010 at 15:51](#) | [Reply](#)

0



0

i

Rate This

Given what I saw in TEC last week indicated to me that they don't have an IT branch, also further the Commissioner's statements are fairly clearly bunk, I'd say that they have no idea and are hoping to wing it.

A clever, kind, connected Tasmania, well maybe kind... okay, probably not kind either. Forget I said anything. | Kudelka Cartoons

on [19th February, 2010 at 17:36](#) | [Reply](#)

0

0

i

Rate This

[...] Some thoughts on the matter from Digital Tasmania here and another quite clever fellow here. [...]

Working in your head in the cloud – online journalism during Tasmanian elections « Bleeter's Blog

on [19th February, 2010 at 17:56](#) | [Reply](#)

0



0

i

Rate This

[...] to follow S191 to it's intent we're realised that due to privacy concerns we should shut up our Facebook, close off our Twitter and disable our Wikipedia we realise might be able to get some work done. [...]

1

0

i
Rate This

What a stupid situation. What does our attorney general Madame LaLa have to say ? Nothing ? Does she even know ? Has she ever used the Interweb ?

Ooops, that's election comment isn't it ? Can I expect the Gestapo at my door now, or maybe undercover operatives from the Electoral Commission ?

It's all just so silly.

This election comment written and Authorised by:

Miss Pogo
1080 Heavy Metal Road,
Rosebery,
The Intelligent Island



bleeter

on 19th February, 2010 at 20:07 | Reply

0



0

i
Rate This

Clearly you're operating under a VPN via Launceston, no one in their right mind would write such stuff. At least I'm authorising you anew, if you'd previously been authorised and I'd gone AFK for three weeks you could say any old junk and I'd be in trouble.

David O'Brien

on 20th February, 2010 at 01:10 | Reply

0



0



i
Rate This

South Australia's Attorney General attempted something very similar in relation to blogging and election comment and was crushed under an avalanche of outrage so great he has retracted the legislation.

bleeter

on 20th February, 2010 at 01:21 | Reply

0



0

i
Rate This

I've got a few ideas why Tasmanians aren't as freaked out by this, but would hesitate to make them public at this stage. Sometimes history is a dangerous thing to discuss. The convict stain still runs deep here.

scuzzi

on 20th February, 2010 at 01:11 | Reply

0



0

i

Rate This

How about Tasmanians just add the electoral commissioner as a friend. Then the electoral commissioner can figure out if you are repeatedly subversive or have an opinion to express.

Goes well with a national infrastructure and a filter.

Just my 2.2c worth (inc GST)

bleeter

on 20th February, 2010 at 01:20 / [Reply](#)

1



0

i

Rate This

So many Bruce Taylors, so little time to work it out... 😊

scuzzi

on 20th February, 2010 at 01:56 / [Reply](#)

0



0

i

Rate This

Well I s'pose one would keep an eye on the statistics for the increase in burglaries etc, associated with those Tasmanians on facebook.

I'm sure the electoral commission will be willing to act as an insurer for any increase, as people make the information they currently share only with friends and family, available to the criminal element.

perhaps replacing "Bruce Taylor" with "Ballot Box" in the above address will work. 😊

[Comments RSS](#)

[Blog at WordPress.com.](#)

[The MistyLook Theme.](#)

Follow

Follow "Bleeter's Blog"

Build a website with WordPress.com

Bleeter's Blog

If yer not pissed off at the world, yer just not payin' attention.

Feeds: [Posts](#) [Comments](#)

Burning the history books. S191 – Wikipedia Style

18th February, 2010 by [bleeter](#)

If you're a local budding Tasmania history buff, you want to help make sure that the 2010 Election here will be recorded for posterity on that quintessential tome of online knowledge known as Wikipedia. Thankfully, someone's [started the effort for you](#) (http://en.wikipedia.org/wiki/Tasmanian_state_election_2010). But you hear something that's should be recorded and feel like jotting it down. Be warned, though, as from 6PM Friday 19th February 2010 you're in for some very nasty requirements. If you follow them to the letter of the law, you'll probably get your [account banned by the WP Admins](#) (<http://en.wikipedia.org/wiki/Wikipedia:EW>). If you don't you could end up with a [\\$10,000 fine or spend 3 months](#) (http://www.austlii.edu.au/au/legis/tas/consol_act/ea2004103/s191.html) at Her Majesty's pleasure (http://en.wikipedia.org/wiki/At_Her_Majesty%27s_pleasure) inside Risdon (<http://www.abc.net.au/am/content/2009/s2770406.htm>).

Following on from [my other posts](#) (<http://en.wordpress.com/tag/s191/>) describing [S191 of the Tasmanian Electoral Act](#) (http://www.austlii.edu.au/au/legis/tas/consol_act/ea2004103/s191.html), it stands to reason that some, if not many, edits to WP will fall under the guise of an [Electoral Matter](#) (http://www.austlii.edu.au/au/legis/tas/consol_act/ea2004103/s4.html). If one's to follow the letter of the act, we could easily end up a complete mess with names and addresses interspersed in the middle of sentences and paragraphs.

I'm fairly certain such behaviour would be against WP rules. But then, if the Electoral Commissioner's telling people to [put one's name and contact address in the About box on Facebook](#) (<http://tec.tas.gov.au/pages/ElectoralInformation/TECInternetPolicy.html>), maybe we could create an Infobox on WP inside the articles about Tasmania's 2010 election? Somehow, don't think that'd fly with WP's admins, but nothing ventured I guess. Anyone willing to volunteer to propose it to WP and try to get it through by close of business today?

I guess then we should have a backup plan. How about just putting the old address in the User page. But it wouldn't seem to satisfy the Commissioner who's indicating that the address and Electoral Matter have to exist on the same page as each other. Gouge my eye out with a spork, please. Then there's the entire issue that, unlike printed matter, the address and the article will never degrade over time. Forever the Tasmanian names and street addresses will out there well past [the 6 month limit that's required for printed material](#) (http://www.austlii.edu.au/au/legis/tas/consol_act/ea2004103/s194.html) as the Commissioner cannot force WP to remove the data at any future stage.

My recommendation: No Tasmanian should edit WP articles that may be considered to remotely contain an Electoral Matter during the Tasmanian election. It's the only way to be sure.

Posted in [Boggle](#), [Geek](#), [IANAL](#), [Whine](#) | Tagged [commissioner](#), [election](#), [fine](#), [jail](#), [law](#), [legislation](#), [prison](#), [privacy](#), [S191](#), [Tasmania](#), [wikipedia](#) | 5 Comments

5 Responses

Monica

on [19th February, 2010 at 10:51](#) | [Reply](#)

0

0

i
Rate This

With the way WP works, you need to cite your sources. Therefore what you put onto WP would in most cases be a regurgitation of say a news story, or something from one of the polliie's own websites or electoral material... Therefore, while this is an electoral matter, it couldn't possibility be able to 'change people's votes' as the information was

not originally your opinion. My understanding of this law is when you publish your own opinion on electoral matters, not just citing something from another person's opinion.

bleeter

on [19th February, 2010 at 11:32](#) / [Reply](#)

0



0

i
Rate This

It's not about publishing one's opinion, it's material that may affect the way someone will vote. It's also about 'permits to publish'. By editing the content in to the story, one's permitting it to be published.

Veronica

on [19th February, 2010 at 11:37](#) / [Reply](#)

0



0

i
Rate This

You know, I specifically got rid of my sporks, just to get rid of the eye gouging temptation. So if you want your eyes gouged, you need to provide your own spork.

I've got a handy brick wall for banging my head against though.

I shared this via FB – hope you don't mind.

Veronica

on [19th February, 2010 at 11:38](#) / [Reply](#)

0



0

i
Rate This

Oh! And I just noticed my link in the sidebar. Hehe, thankyou.

Working in your head in the cloud – online journalism during Tasmanian elections « Bleeter's Blog

on [19th February, 2010 at 17:56](#) / [Reply](#)

0



0

i
Rate This

[...] realised that due to privacy concerns we should shut up our Facebook, close off our Twitter and disable our Wikipedia we realise might be able to get some work done. For the busy online journalist, who's just [...]

[Comments RSS](#)

Follow

Follow "Bleeter's Blog"

Build a website with WordPress.com



Bleeter's Blog

If yer not pissed off at the world, yer just not payin' attention.

Feeds: [Posts](#) [Comments](#)

Tas Election Commissioner makes nonsense statement then says will take common sense approach

19th February, 2010 by [bleeter](#)

Over the past week, I've blogged extensively about [S191](https://bleeter.wordpress.com/tag/s191/) (<https://bleeter.wordpress.com/tag/s191/>) of the Tasmanian Electoral Act. I'll be super brief in this post.

The northern Tasmania newspaper, The Examiner, quotes the Commissioner referring to his unclear, far from informative and qualified advice (<http://tec.tas.gov.au/pages/ElectoralInformation/TECInternetPolicy.html>) and says he'll take a common sense approach (<http://www.examiner.com.au/news/local/news/politics/details-required-for-online-electoral-matter/1755232.aspx?src=rss>) to policing the act. Given that a number of people versed in the relevant fields (<http://www.digitaltasmania.org/news/18/58>) (as well as concerned citizens) feel that there no common sense about this law, I would say that his statement is utter nonsense and merely serves to confuse those well versed in internet technologies yet not versed in the legal operations of his Commission or the Supreme Court.

I would suggest that the issue here is that the Electoral Commission has not been funded to use a technologist to advise the Commissioner.

About these ads (<http://wordpress.com/about-these-ads/>)

You May Like



- 1. [7 Pairs of Surprising Celebrity Twins a week ago youngbuzzing.com YoungBuzzing.com](#)

Posted in [Boggle](#), [Geek](#), [IANAL](#), [Whine](#) | Tagged [accessability](#), [commissioner](#), [election](#), [internet](#), [privacy](#), [S191](#), [Tasmania](#) | 1 Comment

One Response

[An Open letter to My Willy](#) « [Bleeter's Blog](#)

on [2nd March, 2010 at 19:44](#) | [Reply](#)

0



0

i
Rate This

[...] being fined then thrown in jail. But that's just me. I know that there's the issue of what the Commissioner reportedly told the newspaper and how that's different to the advice on but really. Maaaate. [...]

[Comments RSS](#)

[Blog at WordPress.com.](#)

[The MistyLook Theme.](#)

 Follow

Follow “Bleeter's Blog”

Build a website with WordPress.com



If yer not pissed off at the world, yer just not payin' attention.

Feeds: [Posts](#) [Comments](#)

Working in your head in the cloud – online journalism during Tasmanian elections

19th February, 2010 by [bleeter](#)

For the online Tasmanian citizen, after attempting to follow S191 to its intent we've realised that due to privacy concerns we should [shut up our Facebook](https://bleeter.wordpress.com/2010/02/18/living-under-the-thumb-of-s191-giving-up-facebook-privacy/) (<https://bleeter.wordpress.com/2010/02/18/living-under-the-thumb-of-s191-giving-up-facebook-privacy/>), [close off our Twitter](https://bleeter.wordpress.com/2010/02/17/the-arsehattered-restrictions-of-open-and-free-political-discourse-in-tasmania/) (<https://bleeter.wordpress.com/2010/02/17/the-arsehattered-restrictions-of-open-and-free-political-discourse-in-tasmania/>) and [disable our Wikipedia](https://bleeter.wordpress.com/2010/02/18/burning-the-history-books-s191-wikipedia-style/) (<https://bleeter.wordpress.com/2010/02/18/burning-the-history-books-s191-wikipedia-style/>) at least now we might be able to get some work done. For the busy online journalist, who's just jetted in for the day to cover the visit of, say, the Deputy Prime Minister to spruik some sod turning on behalf of the incumbents, they'd be eager to get their story filed as soon as possible. Email or post (I dunno precisely how, can't you tell I'm no big shot interstate journo by now?) the story before they board the flight at Launceston airport and jet home.

My understanding of the law (and I must once again stress that I am not a lawyer), is that by uploading your story from Launceston, they must include a contact address alongside the story. Here's the law provisions again:

'a person must not publish, or permit or authorise another person to publish (any matter which is intended to, is likely to or has the capacity to affect voting in an election) on the internet without the name and address of the responsible person appearing at the end of the matter.'

Given the sole purpose of news is to information the consumer who then at election time chooses candidates, it would seem clear to me that online news contributions, published without Authorisation, violate the law unless accompanied by authorisation.

The scary part is that the above 'jet in jet out' scenario is an easy one, if not the more bizarre. What about the legions of ABC Journalists who report daily for the national broadcaster. Does the ABC have some limited power of editing here in Tasmania? If so, are they permitting people from outside to make such unauthorised matters available within the state boundaries? Should they authorise articles written and produced from outside the state? I'll restate that I'm not a lawyer, but to me it's not entirely clear. It is this lack of clarity that feeds distrust and uncertainty, the very things which ultimately stifles robust and energised democratic discussion.

About these ads (<http://wordpress.com/about-these-ads/>)

You May Like



- 1. [7 Pairs of Surprising Celebrity Twins](#) a week ago [youngbuzzing.com](#)
[YoungBuzzing.com](#)

Posted in [Boggle](#), [Geek](#), [IANAL](#) | Tagged [commissioner](#), [election](#), [law](#), [legislation](#), [privacy](#), [S191](#), [Tasmania](#) | 1 Comment

One Response

[Tas Stacey](#)

on [20th February, 2010 at 07:37](#) | [Reply](#)



i

Rate This

Newspapers usually blanket authorise all their content behind the name and work address of the editor, not unlike the pollies using the party secretary.

the only chumps who have to post their home address for all to see are the 'amateurs'. Journos, pollies & lobbyists can all keep their privacy.

Auth by Tas Stacey, 41 Benvenue Rd St Leonards TAS. FASCISTS!

[Comments RSS](#)

[Blog at WordPress.com.](#)

[The MistyLook Theme.](#)



[Follow](#)

Follow "Bleeter's Blog"

Build a website with WordPress.com



Bleeter's Blog


If yer not pissed off at the world, yer just not payin' attention.

Feeds: [Posts](#) [Comments](#)

S191's admitted flaws – When useless laws weaken the necessary laws

20th February, 2010 by [bleeter](#)

On page 11 of the printed copy of today's [Mercury](http://www.themercury.com.au/)*, [Tasmanian Electoral Commissioner](http://tec.tas.gov.au/) Bruce Taylor talks about [S191](https://bleeter.wordpress.com/tag/s191/). In amongst statements from [DigitalTasmania](http://www.digitaltasmania.org/), the following paragraph appears:



Internet poses election puzzle

(<https://bleeter.files.wordpress.com/2010/02/mercury-feb-20th-2010-scaled.png>)

Electoral Commissioner starts to backpeddle?

'Electoral Commissioner Bruce Taylor acknowledged the law was flawed with regards to chat sites and Twitter posts "We are not going out there as the internet police trying to track down every site. We're not going to say 'ignore the law' but I wouldn't expect to be interfering in normal chit chat on blog sites. But if people set a website up for ... discussing an election, they should endeavour to authorise it, which is not terribly difficult."

It would seem the Commissioner is conceding that, contrary to his [published advice on Wednesday](http://tec.tas.gov.au/pages/ElectoralInformation/TECInternetPolicy.html), not all persons with websites containing Electoral Matter need to authorise content. But who does and doesn't remains a bit of a sliding scale. Once again, I am not a lawyer but I'd guess the Commissioner refers to occasional and/or incidental commentary. How a member of the public are meant to judge what this is, without any clear earlier cases being prosecuted, would be hard to say. Reports in the newspaper seemingly contradicting the Commissioner's own statements on his website make this all the more difficult for the average person in the street to work out. Therefore, I suggest, I'd agree with the reporter's opening statement. The Commissioner is tacitly admitting that he's coming to realise that the law's flawed. Hopefully, as reading between the lines here leads me to believe, he will only attempt to warn and prosecute clear and flagrant violations of the act. As such, I once again call the law a useless one. It does nothing to give certainty or guidance for the members of public about how the overall Tasmanian community expects them to behave.

There is now every reason for any candidate in the upcoming election to support a review of the act during the sitting of the next parliament so that as to remedy the act's clear, obvious and fundamental failures.

I have sought comment from [DigitalTasmania](http://www.digitaltasmania.org/) and will update this post if it comes to hand.

*I'll keep an eye out for an online version and link it in if needs be, sometimes they differ from that which appears in print.

You May Like



- 1. [7 Pairs of Surprising Celebrity Twins](#) a week ago [youngbuzzing.com](#)
[YoungBuzzing.com](#)

Posted in [Boggle](#), [IANAL](#), [Whine](#) | Tagged [accessability](#), [commissioner](#), [digg](#), [internet](#), [legislation](#), [S191](#), [Tasmania](#) | 4 Comments

4 Responses

[formeika](#)

on [20th February, 2010 at 13:37](#) | [Reply](#)

0



0

i
Rate This

See i said there was nothing to worry about, they can't stick us all in prison. We jsut have to say it's unreasonable and following twitter posts is a bit like policing the odd remark in pubs.

[bleeter](#)

on [20th February, 2010 at 14:51](#) | [Reply](#)

0



0

i
Rate This

An unworkable law that potentially makes your statements illegal is better than no law at all? I don't buy that for an instant. May as well have unenforceable road laws 'Illegal to drive above 500km/h' and make the rest up as we go along.

[Miss Pogo](#)

on [21st February, 2010 at 00:37](#) | [Reply](#)

0

0

i
Rate This

It's making Tasmanians look (even more) stupid. I long ago lost my faith that anyone in the current government (or their appointed goons) know the first thing about the web.

Authorised by Miss Pogo
191 Unenforcable Avenue
Intelligent Island

[Oliver Townshend](#)

on [21st February, 2010 at 10:23](#) | [Reply](#)

0

0

i



Rate This

Conroy has the technology! If not him, then Google (after all, it works for the Chinese).

Don't have to authorise, don't live in Tassie. na na na na naa.

[Comments RSS](#)

[Create a free website or blog at WordPress.com.](#)

[The MistyLook Theme.](#)

[Follow](#)

Follow "Bleeter's Blog"



Build a website with WordPress.com



If yer not pissed off at the world, yer just not payin' attention.

Feeds: [Posts](#) [Comments](#)

Tas Election Internet Laws – Sockpuppets and Party Hacks

23rd February, 2010 by [bleeter](#)

It would seem officially unofficial: the first part of the [S191](https://bleeter.wordpress.com/tag/s191/) fight is over. All three major party leaders have publicly agreed that the law's a pig and needs urgent review as soon as possible after the election. Premier Bartlett [stated as much on Monday morning](http://twitter.com/digitaltasmania/status/9470160059) on ABC Tasmania Statewide Mornings hosted by Tim Cox thus prompting [my earlier post](https://bleeter.wordpress.com/2010/02/22/did-the-tasmanian-premier-just-stifle-debate-on-the-tasmanian-electoral-act/).

A little later in the day at the [Australian Computer Society](http://acs.org.au/) luncheon at the [Hobart Function and Conference Centre](http://www.hfcc.com.au/), the leaders of the Liberal and Green parties also called for changes to the law within the sitting of the next parliament (I'm not able to link audio, I believe it's paywalled at ACS – haven't heard it but I did manage to gatecrash the event and hear it with my own ears). I am hoping that [Digital Tasmania](http://digitaltasmania.org/) can get the three leaders to agree to a co-signed public statement before the election. Right now, the declarations are around the 'net and I think it'd be a great show of the leaders' professed intent on the digital future for this state if they could at least agree to this on the one piece of paper.

At [Hobart 'Tech Tuesday'](http://groups.google.com/group/tech-tuesday-tasmania) this week, I briefly covered the S191 situation with some of the 'doers' in the industry within the state's capital. We were looking at the situation from a practical level, as the act is still in place and theoretically some of us could be called upon to give evidence. Our conversation inevitably wandered on to the result of the law. There seemed general agreement that, to varying levels, the fundamental reason for S191 (to make it difficult for anonymous party activists to skew the electoral debate) is fair and reasonable. In politics, they're likely party hacks. Online, we're used to the term 'tentacles' or 'sock-puppets' or 'trolls'. And as tech folks we know they're the bane on any informed commentary (early in a geek's career, one experiences [flame wars](http://www.catb.org/jargon/html/F/flame-war.html) conducted about different technology platforms). But here in the area of fakery is where the Tasmanian Electoral Commissioner's in a bit of a pickle.

Personally I cannot see how the Commissioner can put aside attempting to police S191.1.b during this election, as to announce an intention to do so would invite many troublesome sites. Yet even as I write this there are high-profile candidates from the three parties who *still* aren't in compliance with my most basic understanding of the law. As I've said before, if after the vote we end up without a clear majority as [many are predicting](http://www.abc.net.au/elections/tas/2010/guide/preview.htm), it will be open season for the candidates to attempt to dislodge others from the count using any means available. And this will probably include attempting to get the Commissioner to use S191.1.b – in which case it's not entirely implausible that the outcome of the vote will end up in the Supreme Court. This second phase of the problems with S191 would be fairly lengthy, as it stands now I can't see a way around it. Only time will tell what happens.

But even still, after all this, we're left with the very real issue of how to deal with online election commentary where that is easily faked. The law for authorisation is for a different age, of newspapers and journals that took days to circulate the state. When there'd only be one John Smith of South Hobart (and if there were two, everyone in South Hobart would know both). Not for an era where a comment can fuel random Facebook hate sites with tens of thousands of fans before the 'fact' is proved false and the person allegedly authorising the comment turns out to be from [FakeNameGenerator](http://www.fakenamegenerator.com/). Curiously enough, identification is the very same issue that's at the cutting edge of national security and modern commerce.

How does one guarantee who one's allegedly dealing with, either in person or online, is who they claim and codify this within law? If the political parties and leaders are truly committed to fixing S191's issues, then maybe – just maybe – Tasmania can have a proper enquiry in to this and we can come up with a solution that evenly balances civil liberties and state's interest in such a way that the public are content to encourage the new commerce that will prosper from such a solution.

Finding such a solution would be the truly sensible outcome of the corner that we find ourself painted in to. Anything short of such a solution would be just as full of fail as the current situation we find ourselves in.

Posted in [Boggle](#), [Geek](#), [IANAL](#), [Whine](#) | Tagged [commissioner](#), [election](#), [internet](#), [legislation](#), [lobbyist](#), [privacy](#), [S191](#), [Tasmania](#) | 2 Comments

2 Responses

[Veronica](#)

on [24th February, 2010 at 12:55](#) | [Reply](#)

0



0

i
Rate This

Is it bad that my head hurts? Also that the government appears to be reading my blog now.

I will be interested to see what happens through the rest of the campaign. You can see that it's unworkable and so can I, and as much as they *say* they can see it, we all know how great the government is with putting their head in the sand about things.

bleeter

on 24th February, 2010 at 15:08 | [Reply](#)

0



0

i
Rate This



Depends whether it's hurting because of what I've written, or how I've written it. Gotta say, this speech recognition's bloody annoying. Well, it's cute but so easy to forget that spoken and written language are so wildly different. Also, gotta say... I need another coffee ☺

[Comments RSS](#)

[Blog at WordPress.com.](#)

[The MistyLook Theme.](#)

[Follow](#)

[Follow "Bleeter's Blog"](#)

Build a website with [WordPress.com](#)

Bleeter's Blog

If yer not pissed off at the world, yer just not payin' attention.

Feeds: [Posts](#) [Comments](#)

Tas2010 political agitators including former State Crown Solicitor allegedly breach s191, site promoted on ABC TV News

28th February, 2010 by [bleeter](#)

There's a tweet getting around that [Damon Thomas](http://www.sourcewatch.org/index.php?title=Damon_Thomas) (http://www.sourcewatch.org/index.php?title=Damon_Thomas), former head of [Tasmanian Chamber of Commerce and Industry](http://www.tcci.com.au/) (<http://www.tcci.com.au/>), political candidate in a recent council election (although afaik not in the upcoming state 2010 vote), as well as former State Crown Solicitor talked about the launch of [iElect](http://www.ielect.com.au/) (<http://www.ielect.com.au/>) tonight on ABC TV News. I've been all over the website concerned, as well as the [DNS servers](http://whois.ausregistry.com.au/whois/whois_local.jsp?tab=0) (http://whois.ausregistry.com.au/whois/whois_local.jsp?tab=0) and [ASIC records](http://abr.business.gov.au/%28nbibop45fzrmd454du0zd55%29/abnDetails.aspx?History=True&abn=57820081438&ResultListURL=) (<http://abr.business.gov.au/%28nbibop45fzrmd454du0zd55%29/abnDetails.aspx?History=True&abn=57820081438&ResultListURL=>), and cannot find anyone taking responsibility for the electoral comment beyond a name (Stephen James Reid) and a PO Box (GPO Box 1861 Hobart TAS 7001). It's impossible to say whether this is a TCCI front, or independent, or precisely what (I'll note that a Google search for Mr Reid and the PO Box turns up a document about [Bellerive Oval Action Group](http://www.belleriveovalactiongroup.com/petition/petition.pdf) (<http://www.belleriveovalactiongroup.com/petition/petition.pdf>)). It's certainly well organised and a professional job. (I'll also note that their graphic for a ballot ticket is completely wrong in regards to Tasmania's Hare-Clark system, but that's a minor gripe)

Sure, there's [Greg Barns](http://en.wikipedia.org/wiki/Greg_Barns) (http://en.wikipedia.org/wiki/Greg_Barns) and [Andrew Scobie](http://au.linkedin.com/in/andrewscobie) (<http://au.linkedin.com/in/andrewscobie>) writing for it and they're as easy to track down as a dodgy water sample in the St Helens catchment area, there's also [iElect's Facebook page](http://www.facebook.com/pages/iElect/331099198429) (<http://www.facebook.com/pages/iElect/331099198429>) which seems to have one person cheersquad – perhaps Scobie's son – but that's it. Before the site went on ABC News I didn't link it here, but now it's been mentioned in a broadcast sense I feel more confident linking it here.

What gets me going, though, is that it's one thing where citizens cannot make public comment without fear of breaching privacy – I feel quite right to rant against that. However it's completely different when the business lobby – with help of a former State Solicitor – so clearly break [S191](https://bleeter.wordpress.com/tag/s191/) (<https://bleeter.wordpress.com/tag/s191/>) without due regard of the Commissioner's directive. Maybe they have the money to fight the law in courts? I believe this is akin to the recent 'win' by corporates in the US Supreme Court where corporations were found free to spend as much money as they like without regard to undue political interference. These people hide behind some corporate mask and talk the talk of democracy and freedom, yet can barely think and chew gum at the same time.

I don't think it's hypocritical of me to call for revocation of S191's internet clauses for private citizens, yet complain about such a flagrant clear breach takes place by the paid corporate political lobby within the state.

I admit I didn't see all the short news report. I had to take a phone call, and then blinked and missed hearing the guts of the story. As well as my earlier comment about the site's dud graphic, I'll also note that the site still has 'Lorem Ipsum' text in at least one place – where they ask for your *full name and postcode*. As such, I encourage people to [sign up with as much fake detail as possible](http://www.ielect.com.au/user/signup.php) (<http://www.ielect.com.au/user/signup.php>).

UPDATE: Would seem in the last few minutes (around 22:00 2010/02/28), iElect have finally admitted to taking responsibility for their website. The notice is on their front page. But it's still dubious. More on this in a post during this coming week.

About these ads (<http://wordpress.com/about-these-ads/>)

You May Like



- 1. [7 Pairs of Surprising Celebrity Twins a week ago youngbuzzing.com YoungBuzzing.com](#)

2 Responses

[Veronica](#)

on [28th February, 2010 at 22:19](#) | [Reply](#)

0



0

i
Rate This

I like this bit "Plus you could be one of ten lucky participants to be invited to attend an election night party in Hobart on 20 March 2010 with the iElect team!"

Because YES! That's exactly how I want to spent an evening, celebrating an election in Hobart. Wheee.

No house number on their authorisation though, am fairly sure that you need to have a number. Unless Raleigh Court is the name of a giant mansion, not a street.



[bleeter](#)

on [28th February, 2010 at 22:26](#) | [Reply](#)

0



0

i
Rate This

I'm guessing Aus Post could find it fairly quickly, looks a short street to me. The thought struck me the other day when looking at an Authorisation for another candidate. He's using about 4 addresses. One address has no street number, another would appear to be a vacant block of land (although that may be old sat imagery playing tricks there – it's a fair way out I'm not necessarily driving that far...)

P.S. Only way I'd spend Election Night celebrating in Hobart would be if I got to hug Antony Green (and a snap to prove it).



[Comments RSS](#)

[Blog at WordPress.com.](#)

[The MistyLook Theme.](#)

[Follow](#)

Follow "Bleeter's Blog"

Build a website with [WordPress.com](#)

Bleeter's Blog

If yer not pissed off at the world, yer just not payin' attention.

Feeds: [Posts](#) [Comments](#)

Will Hodgman – who are the bastards hidden away who write the lines that get you to say?

2nd March, 2010 by [bleeter](#)

The [Tasmanian Liberals](http://tasliberal.com.au/) (<http://tasliberal.com.au/>) have [recently announced](http://twitter.com/TasLiberal/status/9855682791) (<http://twitter.com/TasLiberal/status/9855682791>) their second 'Shape your State (<http://tasliberal.com.au/shape-your-state>)' session. This is one of those 'Cover It Live (<http://www.coveritlive.com/>)' applications which is basically a chat session embedded in a web browser, where the chat is able to be 'replayed' later.

Here's a transcript of the first [Libs Shape Your State #1](https://bleeter.files.wordpress.com/2010/03/libsshapeyourstate.pdf) (<https://bleeter.files.wordpress.com/2010/03/libsshapeyourstate.pdf>). What you'll probably notice is that there's apparently no attempt to verify the identities of those posing the questions or making commentary. I can grok not having an address, but it would seem anyone can use a pseudonym and as long as the question is able to be spun in the Liberal leader's favour, it's OK to go. Some of those questions are so clearly sugar-coated [Dorothy Dixers](http://en.wikipedia.org/wiki/Dorothy_Dix) (http://en.wikipedia.org/wiki/Dorothy_Dix), it makes me want to vomit. It's an interesting case where they're authorising their own commentary without adhering to the spirit of [s191](https://bleeter.wordpress.com/tag/s191/) (<https://bleeter.wordpress.com/tag/s191/>)'s paper publication clauses, let alone the tighter internet clause.

It will be interesting to see if the second Shape Your State shall be run any differently.

Footnote: Post title courtesy of [TISM](http://en.wikipedia.org/wiki/TISM) (<http://en.wikipedia.org/wiki/TISM>)'S BFW rant (<http://home.vicnet.net.au/~moretism/bfw.htm>) from '[De Rigueur](http://www.last.fm/music/TISM/De+Rigueurmortis)' (<http://www.last.fm/music/TISM/De+Rigueurmortis>)mortis (<http://www.last.fm/music/TISM/De+Rigueurmortis>)'

Posted in [Boggle](#), [IANAL](#), [Whine](#) | Tagged [commissioner](#), [election](#), [internet](#), [S191](#), [Tasmania](#) | [Leave a Comment](#)

[Comments RSS](#)

[Create a free website or blog at WordPress.com.](#)

[The MistyLook Theme.](#)

[Follow](#)

Follow "Bleeter's Blog"

Build a website with [WordPress.com](#)

Bleeter's Blog

If yer not pissed off at the world, yer just not payin' attention.

Feeds: [Posts](#) [Comments](#)

Oh Mr Bartlett, what haven't you done?

5th March, 2010 by [bleeter](#)

Just a quick post in the tradition of the [famous Pro Hart advert](http://www.youtube.com/watch?v=8qb4n8yc2so) (<http://www.youtube.com/watch?v=8qb4n8yc2so>), which I used somewhere else recently so I apologise if it was here...



(<https://bleeter.files.wordpress.com/2010/03/bartlett-s191.png>)
David Bartlett tweets, unauthorised?

I give you David Bartlett's [most recent Twitter update](#).

(<http://twitter.com/DavidBartlettMP/status/10011129091>) I'm certain that this is the first time he's used his 'personal' twitter account since writs came out. All Labor Twitter stuff relating to him so far in the campaign seems to have come via [@Team Bartlett](http://twitter.com/Team_Bartlett) (http://twitter.com/Team_Bartlett) and as such it's plausible he's forgotten to get his own account Authorised (or if authorisation's there, it's obscured). But really, by now after I [beat on Will earlier this week](https://bleeter.wordpress.com/2010/03/02/an-open-letter-to-my-willy/) (<https://bleeter.wordpress.com/2010/03/02/an-open-letter-to-my-willy/>)... and the response to my awareness raising that S191 received from [around the traps](http://www.google.com.au/search?q=internet+191+tasmania+election) (<http://www.google.com.au/search?q=internet+191+tasmania+election>), including I may add Mr Bartlett's clear knowledge of the situation, one would think someone in his office would be able to get it together if not the man himself.

UPDATE #1: See my reply to the first comment.

UPDATE #2: Still waiting on [Michael Ferguson](http://twitter.com/fergusonmichael) (<http://twitter.com/fergusonmichael>)...



(<https://bleeter.files.wordpress.com/2010/03/dhulme-twitter1.png>)
Daniel Hulme's Unauthorised Twitter account

UPDATE #3: Would seem [Daniel Hulme](http://twitter.com/danielhulmemp) (<http://twitter.com/danielhulmemp>)'s not got the message either, despite frequent tweets since writs were issued.

Posted in [Boggle](#), [Geek](#), [IANAL](#), [Whine](#) | Tagged [election](#), [internet](#), [S191](#), [Tasmania](#) | 6 Comments

6 Responses

[Veronica](#)

on [5th March, 2010 at 17:04](#) / [Reply](#)

0



0

i
Rate This

Thank god for screenshots, he's privatised his twitter stream now.

David Bartlett, you are a SOOK.

bleeter

on 5th March, 2010 at 18:06 | Reply

0



0

i
Rate This

Not much gets past Twitter Search ... <http://search.twitter.com/search?q=from%3ADavidBartlettMP>
Oh, well maybe it does. Just be thankful most people don't have that much of an idea what 'private' or 'blocked' mean on Twitter... <http://users.on.net/~bleeter/DavidbartlettMP-twitter.htm>

edit: On second thoughts, our inability to read some stuffs and it's appearance as 'locked' is likely to be related to his sad attempt at 'blocking' us. Of course the 'workaround' for that is to ... well.. you get the rest.

Veronica

on 5th March, 2010 at 19:04 | Reply

0



0

i
Rate This

It's funny though, he still follows my other account AND allows it to see his 'private' tweets, despite me using it to ask why he blocked SleeplessNights.

Methinks he's jealous because I have more followers than him. 😊

bleeter

on 5th March, 2010 at 19:09 | Reply

0



0

i
Rate This

There's only two politicians I've seen in this entire campaign use Social Networking in any manner that's got me half convinced they know what they're doing online. One's mastered FB, the other Twitter. Neither from the same party. Still trying to work out if that's significant. Hence, shan't name them for now. Well, 'cept for the obvious 'neither of them are Bartlett'

Chuq

on 6th March, 2010 at 17:44 | Reply

0



0

i
Rate This

My guess is the FB one is Lisa Singh?

bleeter

on 6th March, 2010 at 17:46 | Reply

0



0

i
Rate This

Nah, not giving my thoughts away on that at this stage 😊 I'll do a blog post about it towards the end of next week, much closer to the ballot.

[Comments RSS](#)

[Blog at WordPress.com.](#)

[The MistyLook Theme.](#)

[Follow](#)

Follow “Bleeter’s Blog”

Build a website with WordPress.com



Bleeter's Blog

If yer not pissed off at the world, yer just not payin' attention.

Feeds: [Posts](#) [Comments](#)

Has the Electoral Commission ignored the law with the ALP Cold Calls?

16th March, 2010 by [bleeter](#)

On Tuesday 16th March, the ALP started 'cold calling' Tasmanians with a warning about 'what a vote for the Green party means'. This post is not intended as a critique of the call's content. This is a critique of the Tasmanian Electoral Commission and their possible failure to police the Electoral Act.

The ALP's state secretary, Mr John Dowling, has indicated that the company producing the calls is in Sydney. ABC Hobart reported that The Mercury (News Corp's local rag) identified the name on the voice as a person from the Hobart suburb of Montrose who'd written 5 recent ALP positive letters to the editor. Mr Dowling claimed that the TEC had approved the cold calling.

However, given the company producing the call campaign is (according to Dowling) in Sydney and the voice is of someone in Montrose, it'd be reasonable to presume that the internet usage at some stage during production of the calls, either in preparation (eg, voice recording and transmission to Sydney), or the calling itself (eg, utilising VOIP to make the calls in to Tasmania).

With these reasonable presumptions in mind, as well as the [TEC's clear and concise request on the 13th of this month that everyone, including those interstate and overseas, respect Tasmanian law](#) (<http://twitter.com/digitaltasmania/status/10495873585>), it's not unreasonable to ask the TEC the following questions:

Can the TEC confirm that the internet was not used at all in the production or delivery of any of the now infamous 'ALP cold call'. This includes, but is not limited to:

- o transport of the audio to the company in phone company in Sydney that ALP secretary John Dowling says they used
- o utilising VOIP to call Tasmanians from Sydney (or indeed TCP/IP usage on the backbone switching required to make the calls)
- o transport of the "sound file" (Dowling's phrase) from the Sydney company back to Dowling as indicated in his ABC Northern Tasmania interview
- o transport of the sound file from Dowling to others, including the media
- o if the TEC cannot confirm that the internet was not used, what steps will the TEC take to make sure trust in the Commission's oversight of other Internet commentary during the election

Whilst I appreciate that Dowling sought TEC's approval of the campaign, and that straight up cold calling campaigns do not need authorisation, I cannot see how it'd be possible to do the above in 2010 without using the internet in some way and thus not be subject to S191.

(I'll return and tidy up this a bit later when I can start linking in source materials, I've just banged this out ASAP as a heads up for those interested)



<https://bleeter.files.wordpress.com/2010/03/kestersaysnointernet.png>
ALP supporter denies internet involvement in cold calls

Update: ALP Candidate's Authorised FB page carries statement from supporter saying internet was not used anywhere in production or transmission of

cold calls. I'm curious what supporting evidence he has, given my queries above.

Update 2: After a brief analysis of an audio sample of the call that fell in to my lap, I'm happy to say a few of things about it.

[Infamous Tas Labor Cold Call – How many crickets can you hear? \(http://twaudio.io/audio/4Cx\)](http://twaudio.io/audio/4Cx)

1. It's an accurate reproduction of the voice and words that was broadcast on ABC Radio this afternoon

2. There is ambient noise
3. It is unclear during cursory inspection whether the ambient cricket noise was in the pre or post production (that is, recorded at the voice source, by the person recording the call, or added in to the mix at production stage to mask edits). Such an examination is beyond my amateur butt, and should be left to experts (or the TEC).

About these ads (<http://wordpress.com/about-these-ads/>)


You May Like



- 1. [7 Pairs of Surprising Celebrity Twins](#) a week ago [youngbuzzing.com](#)
[YoungBuzzing.com](#)

Posted in [Boggle](#), [Geek](#), [Whine](#) | Tagged [commissioner](#), [election](#), [internet](#), [legislation](#), [privacy](#), [S191](#), [Tasmania](#) | 1 Comment

One Response

-  [Has the Tasmanian Electoral Commission failed in their role of policing the 2010 election](#) « [Bleeter's Blog](#) on *19th March, 2010 at 23:45* | [Reply](#)

0

0

i
Rate This

[...] odds for the cited websites of local TV stations). As I wrote the other day, there's even a possibility that the Commission completely ignored the law when providing advice to one of the major political parties. The Commission even went as far as [...]

[Comments RSS](#)

[Create a free website or blog at WordPress.com.](#)

[The MistyLook Theme.](#)

 Follow

Follow "Bleeter's Blog"

Build a website with [WordPress.com](#)

If yer not pissed off at the world, yer just not payin' attention.

Feeds: [Posts](#) [Comments](#)

Has the Tasmanian Electoral Commission failed in their role of policing the 2010 election?

19th March, 2010 by [bleeter](#)

There are still some tangental frayed story cords that I'd like to tidy up after the election as it looks like this crap sammich will still have legs well in to this year, with all parties promising to make sure the law reform takes place during the life of the next parliament. But for now...

With less than 12 hours to go before opening of polls in the Tasmanian election, candidates are settling in for the wait. New tweeps are [coming out of the woodwork](http://twitter.com/#search?q=%23tas2010) and the [Facebook pages](http://www.facebook.com/Melonye) are having their [profile pictures](http://www.facebook.com/Jezza46) changed despite section S191 (<https://bleeter.wordpress.com/tag/s191/>). A well-known political action group [seem unaware of S191's requirements](http://www.facebook.com/pages/GetUp/13527056454) and a famous national blog got in on the action and hosted an [unauthorised live blog](http://blogs.crikey.com.au/electioncentral/2010/03/19/election-eve-live-chat/). This Possum corrected this so that things could continue. Then there's the [TV stations running apparently unauthorised polls on their websites](http://www.wintv.com.au/national/news/item/25281)...

With everything I've written about S191 and how Tasmania entered the election phase with such a mad law in place, with stuff written by [national](http://www.zdnet.com.au/tassie-protests-its-anonymous-comment-law-339301239.htm) tech [journals](http://www.zdnet.com.au/expect-more-closet-laws-like-tassie-s-339301302.htm) published by the national broadcaster ([one](http://www.abc.net.au/unleashed/stories/s2848297.htm)) one can really only reach the conclusion that the Electoral Commission has selectively enforced the law, and further have bent at right angles it where it's faced the smallest of hurdles (eg, websites of newspapers, advice completely at odds for the cited websites of local TV stations). As I wrote the other day, there's even [a possibility that the Commission completely ignored the law](https://bleeter.wordpress.com/2010/03/16/has-the-electoral-commission-ignored-the-law-with-the-alp-cold-calls/) when providing advice to one of the major political parties. The Commission even went as far as releasing the numbers of complaints against the 'Robocalls' (http://www.themercury.com.au/article/2010/03/18/134611_election.html), yet point-blank [refused to release similar numbers for S191](http://twitter.com/digitaltasmania/status/10495873585).

With all this, one can reach the reasonable following conclusions:

1. The commission wasn't sufficiently technically literate when S191.1.b was introduced
2. Despite point one, the commission wilfully remained technically illiterate
3. Because of points one and two, the commission utilised the tools of FUD to keep critics in a place where they cannot evaluate S191's (and thus the Commission's) enforcement during the election
4. Possibly due to three, candidates and lobbyists were not ready to spend effort and time in comprehensive modern campaigning techniques as seen executed by the US Democrats in the 2007 Presidential Election (specifically Obama)

Because of point four, I believe that the election, whilst taking place in a fair way, may well be considered not to be free.

Posted in [Boggle](#), [Geek](#), [Whine](#) | Tagged [commissioner](#), [facebook](#), [internet](#), [law](#), [legislation](#), [lobbyist](#), [privacy](#), [S191](#), [standards](#), [Tasmania](#), [twitter](#) | [Leave a Comment](#)

[Comments RSS](#)

[Follow](#)

Follow "Bleeter's Blog"

Build a website with WordPress.com



Bleeter's Blog

If yer not pissed off at the world, yer just not payin' attention.

Feeds: [Posts](#) [Comments](#)

Elwick contest and Tasmania's internet laws

27th April, 2010 by [bleeter](#)

Blink and you'd miss it (<http://www.google.com.au/search?q=tasmania%20elwick&um=1&tbo=u&tbs=nws:1>), but unionist Tim Jacobson (<http://www.facebook.com/profile.php?id=100000162150648>), Greens advisor Kartika Franks (<http://www.facebook.com/pages/Kartika-Franks-for-Elwick-2010/117168411632553>) and Mayor Adriana Taylor (<http://www.facebook.com/profile.php?id=1204612855>) are currently contesting a [Tasmanian upper-house seat](http://www.electoral.tas.gov.au/pages/LegislativeCouncil/LC2010/LC2010Main.html) (<http://www.electoral.tas.gov.au/pages/LegislativeCouncil/LC2010/LC2010Main.html>). As usual, interesting to note who has and who hasn't complied with the [Tasmanian Electoral Act](http://www.austlii.edu.au/au/legis/tas/consol_act/ea2004103/index.html#s191) (http://www.austlii.edu.au/au/legis/tas/consol_act/ea2004103/index.html#s191) as well as who doesn't meet [basic accessibility](http://en.wikipedia.org/wiki/Web_accessibility) (http://en.wikipedia.org/wiki/Web_accessibility). The ultimate irony being the [Commission's own failure to meet basic accessibility](http://www.electoral.tas.gov.au/pages/HouseOfAssembly/HoA2010/HoA2010MainPage.html) (<http://www.electoral.tas.gov.au/pages/HouseOfAssembly/HoA2010/HoA2010MainPage.html>).

For the record, I suspect I've written [a great number of tweets](http://twitter.com/iBleeter) (<http://twitter.com/iBleeter>) that may not have been Authorised. Not living in an electorate that's now at the polls lead to a situation where I was blissfully unaware [I may have broken the law](http://www.austlii.edu.au/au/legis/tas/consol_act/ea2004103/s191.html) (http://www.austlii.edu.au/au/legis/tas/consol_act/ea2004103/s191.html). Is this a case for a unicameral system? I have no idea. I do know [if the Commissioner wants to stop me](http://www.electoral.tas.gov.au/pages/ElectoralInformation/TECInternetPolicy.html) (<http://www.electoral.tas.gov.au/pages/ElectoralInformation/TECInternetPolicy.html>), he should already know where I live. He's got my name and address on his electoral roll.

For the blood and gore, there's [Antony Green](http://twitter.com/AntonyGreenABC) (<http://twitter.com/AntonyGreenABC>)'s blog about [the contest for Elwick](http://blogs.abc.net.au/antonygreen/2010/04/elwick-2010-tasmanian-legislative-council-elections.html) (<http://blogs.abc.net.au/antonygreen/2010/04/elwick-2010-tasmanian-legislative-council-elections.html>).

About these ads (<http://wordpress.com/about-these-ads/>)

You May Like



- 1. [7 Pairs of Surprising Celebrity Twins](#) a week ago [youngbuzzing.com](#)
[YoungBuzzing.com](#)

Posted in [Boggle](#), [Censorship](#), [IANAL](#), [Whine](#) | Tagged [accessability](#), [commissioner](#), [election](#), [facebook](#), [internet](#), [law](#), [legislation](#), [privacy](#), [S191](#), [Tasmania](#), [twitter](#) | [Leave a Comment](#)

[Comments RSS](#)

[Create a free website or blog at WordPress.com.](#)

[The MistyLook Theme.](#)

[Follow](#)

Follow "Bleeter's Blog"