



HON ELLA HADDAD MP
SHADOW ATTORNEY GENERAL
SHADOW MINISTER FOR JUSTICE
SHADOW MINISTER FOR INTEGRITY

Hon Meg Webb MLC
Committee Chair
Joint Standing Committee on Electoral Matters
via email: electoralmatters@parliament.tas.gov.au

Dear Chair,

Electoral Amendment Bill – s196

I am pleased to provide a submission on the Electoral Amendment Bill 2024 (no.25) on behalf of the Labor Party in relation to s.196.

As you would be aware, Tasmanian Labor voted against the provisions of Section 196 being referred to Committee. Labor's position has been for some time that Section 196 should be removed.

Tasmanian Labor believes an important part of the political process is being able to hold politicians and candidates to account. Section 196 is anti-democratic as during an election campaign incumbent Members of Parliament should be held to account for their voting record and policy positions.

The provision as it stands is out of date and does not reflect the way elections are conducted. This provision is impractical to follow and difficult to monitor through online and social media campaigning.

It should be noted Section 196 is only applied during the issuing of the writs. Therefore, in the four-year period before an election, the use of a candidate's name, likeness, or photograph, without the candidate's written consent is permitted. This fact makes Section 196 an archaic provision as in modern day politics, the fate of governments and the public's sentiment towards it, is generally formed and determined before the "official" five week campaign. The fact that Section 196 only applies during the five-week election period and

not the four years of the term of a government shows that it obsolete, inconsistent and should be removed.

The use of opponents' names and images is commonplace in today's political landscape. To disallow this after writs are issued is outdated and serves no tangible purpose. Continuing to use an opponent's image or name would not change the tenor of the way elections are conducted.

In relation to concerns about the misuse or manipulation of a person's name or image, any such use is likely covered through protections such as defamation laws.

Yours sincerely,



Ella Haddad MP
Shadow Attorney General
Shadow Minister for Justice
Shadow Minister for Integrity

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