



Dr Rosalie Woodruff MP
Leader of the Tasmanian Greens
Greens Member for Franklin

Tuesday, 18 August 2026

Hon Meg Webb MLC
Chair
Joint Standing Committee on Electoral Matters
Level 5, Salamanca Building
Salamanca Place, Hobart, 7000
Via Email: electoralmatters@parliament.tas.gov.au

Dear Chair,

We write following the referral of the *Electoral Amendment Bill 2025* to the Joint Standing Committee on Electoral Matters.

We note that Members have raised concerns regarding the amendment of section 196 of the *Electoral Act 2004* without the addition of 'truth in political advertising' provisions.

On this basis, as foreshadowed in the Greens' second reading contribution on this bill, we have prepared draft amendments to include such provisions in the bill.

Accompanying this letter, we have provided these draft amendments. We hope the Committee will be willing to consider these amendments as part of their deliberations on this Bill, and provide such recommendations in respect of these amendments in their report as the Committee considers appropriate.

Thank you for your consideration.

Yours sincerely,

A black rectangular box redacting the signature of Dr Rosalie Woodruff.

Dr Rosalie Woodruff MP
Leader of the Tasmanian Greens

A black rectangular box redacting the signature of Cassidy O'Connor.

Cassidy O'Connor MLC
Greens' Democracy and Integrity spokesperson

ELECTORAL AMENDMENT BILL 2025
(Bill No. 62)

Amendment (Dr Woodruff)

NEW CLAUSE A

To follow clause 4.

A. Section 197 substituted

Section 197 of the Principal Act is repealed and the following sections are substituted:

197. Communication of misleading electoral matter

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

- (a) is intended, is likely, or has the capacity, to mislead or deceive an elector in or in relation to the recording of elector's vote; or
- (b) contains incorrect or misleading information about whether a person is or is not –
 - (i) a candidate; or
 - (ii) a candidate for a particular division; or
 - (iii) a registered member of a registered party or a party; or

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- (iv) registered party; or
- (c) uses –
 - (i) the name, an abbreviation or acronym of the name, or a derivative of the name, of a registered party (or a name or abbreviation resembling such a name, abbreviation, acronym or derivative) in a way that is intended, or is likely, to mislead an elector; or
 - (ii) the word "independent" and the name or an abbreviation or acronym of the name, or a derivative of the name, of a registered party in a way that suggests or indicates an affiliation with that party; or
- (d) could result in an elector casting an informal vote; or
- (e) contains a statement, whether express or implied, to the effect that voting is not compulsory; or

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- (f) contains a statement intended, or likely, to mislead an elector in relation to whether the electoral matter is an official communication from the Commissioner or the Commission.

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

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

- (1) In this section –

electoral advertisement means electoral matter that is published on the payment or transfer, or the promise of payment or transfer, of consideration or other reward or compensation.

- (2) A person must not authorise, or cause or permit, the publication of an electoral advertisement if the advertisement contains a statement that –

- (a) is, or purports to be, a statement of fact; and
- (b) is inaccurate or misleading in respect of a material particular.

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

- (3) It is a defence in proceedings for an offence under subsection (2), in respect of an electoral advertisement, if the defendant establishes that –
 - (a) the defendant did not have the authority, or permission, to correct the material particular, in the electoral advertisement, that was misleading, inaccurate or incorrect; or
 - (b) the defendant did not know, and could not reasonably be expected to know, that the material particular, in the electoral advertisement, was inaccurate or misleading; or
 - (c) the electoral advertisement was published for a dominant purpose that is satirical, academic or artistic.
- (4) In the proceedings for an offence under subsection (2) in respect of an electoral advertisement, the relevant court for the proceedings may, in addition to making any other order or imposing a penalty or sanction in respect of the offence, make one or more of the following orders:

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- (a) that the defendant is to withdraw the advertisement from further publication;
 - (b) that the defendant is to publish a retraction in the manner, and on the terms, specified in the order;
 - (c) that the defendant is to pay the costs of another person, as specified in the order, that were reasonably incurred by the other person in correcting, or contesting or disproving, the inaccurate or misleading material particular in the advertisement.
- (5) If the Commissioner is satisfied that an electoral advertisement is inaccurate or misleading in respect of a material particular, the Commissioner may require the person who authorised, or published, the electoral advertisement to do one or more of the following:
 - (a) to withdraw the advertisement from further publication;
 - (b) to publish a retraction in the manner, and on the terms, as specified by the Commissioner;
 - (c) to pay the costs of another person, as specified by the Commissioner, that the Commissioner is satisfied

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were reasonably incurred by the other person in correcting, or contesting or disproving, the inaccurate or misleading material particular in the advertisement.

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

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