

30 September 2024

Joint Standing Committee on Electoral Matters  
Attention: Hon Meg Webb, Chair

By email: [electoralmatters@parliament.tas.gov.au](mailto:electoralmatters@parliament.tas.gov.au)

Dear Ms Webb

Thank you for the opportunity to provide a submission to the Committee in relation to the 2024 Tasmanian Election.

By and large, the Tasmanian Electoral Commission (TEC) performed well. It was also pleasing that despite the increase in the size of Parliament, Tasmania's unique and cherished Hare-Clark system handled the increase admirably.

There are two matters that I would suggest the Committee might consider:

**1. The uncertainty around s196 of the *Electoral Act 2004* (The Act), and the Electoral Commissioner's apparently varying interpretations of this section.**

It is noted that Parliament is currently considering amending the Act, however the Committee might consider reviewing:

- (a) Whether a clear interpretation of s196 of the Act was in place prior to the Election, and how this was communicated to political parties and TEC staff; and the effectiveness of the communication;
- (b) Whether the interpretation of s196 changed during the election campaign; and
- (c) Whether the internal processes of the TEC are robust enough to deal with any changes to the Act or legislation such as the *Electoral Disclosure and Funding Act 2023*.

In my view, the TEC's interpretation of the definition of s196 appeared to change through the campaign. The application of whether material on the internet was considered to falling within the definition of "publish" or "broadcast" appeared to change depending on the hosting website.

For instance, the same video posted to Facebook and Tik Tok, received different treatment by the TEC at the start of the Campaign.



As I understand, material on Facebook was “published” but material on Youtube and Tik Tok was “broadcast”. However, later in the Campaign, the TEC regarded videos on Tik Tok as “publishing” and therefore subject to s196 of the Act.

I have **attached** correspondence from the TEC in this regard.

Despite possible changes to s196, the internal processes of the TEC in administering complex legislation will be sorely tested as the *Electoral Disclosure and Funding Act 2023* comes into effect.

All Tasmanians must have confidence the TEC is up to the task of administering these complex new changes.

**2. The Labor Party’s use of election signage on Polling Booths, and the lack of timely response by the Tasmanian Electoral Commission staff at each Polling Booth.**

I have **attached** a letter of complaint to the TEC.

I am aware and have evidence of signs erected by the Labor at polling booths in all electorates, and the evidence has previously been provided to the TEC.

Given that most booths are held at State Schools, there is also the need for schools to remain apolitical, and the erection of party-political signage is a serious concern.

The Committee might review what action was taken in relation to the brazen breach of the Act.

Should the Committee see any further material as useful, I am happy to assist as needed.

Yours sincerely



Peter Coulson  
State Director