## ELECTORAL AMENDMENT BILL 2024 (No. 25)

### Second Reading

[2.59 p.m.]

**Mr BARNETT** (Lyons - Minister for Justice) - Honourable Speaker, it is true that I am wearing a black and yellow badge in honour of rail safety, but it is also to acknowledge the mighty Richmond Tigers and the decision by Dusty Martin to resign. I pay him a tribute, three-time premiership player, Norm Smith medallist and Brownlow medallist.

**The SPEAKER -** I am very happy to quote the Pendlebury song if anybody would like it as well, if we are talking football.

**Mr BARNETT** - Thank you. It only happened a few hours ago and what an opportunity to pay a tribute to Dusty.

I move -

> That the bill now be read the second time.

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

Section 196 currently provides that:

> (1) A person must not between the issue of the writ for an election and the close of poll at that election print, publish or distribute any advertisement, "how to vote" card, handbill, pamphlet, poster or notice which contains the name, photograph or a likeness of a candidate or intending candidate at that election without the written consent of the candidate.

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

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

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

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

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

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

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

As part of our 2030 Strong Plan, the Government has committed to amend section 196 of the *Electoral Act 2004* to remove the prohibition on the use of names and images of candidates in advertising, and this bill will fulfil this commitment. I therefore commend the bill to the House.

[3.06 p.m.]

**Ms WHITE** (Lyons) - Honourable Speaker, I rise today on behalf of the Labor Party to make a contribution on the Electoral Amendment Bill 2024. I can indicate that the Labor Party's position on this has not changed. We supported it when the bill came to this place in 2021. It was included as a clause in that amendment bill. Obviously, we are dealing with the same matter again before the Chair today.

Having looked back through the consultation on the bill at that time, both the 2021 bill and the 2019 interim bill on the *Electoral Act*, there were no submissions that did not support this change that I could find in my reading through them. There were submissions that did support this change, including from Dr Kevin Bonham and the TLRI. The TLRI said:

> Consultation Issue 2 asks whether the current requirement under s.196 of the Act to obtain the consent of any candidate named in material published during an election campaign. The Institute shares the concerns outlined in the Issues Paper that this could unduly restrict the public from disseminating and receiving information, opinions and arguments concerning government and political matters contrary to *Lange v Australian Broadcasting Corporation* 1997 HCA 25.
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> Any restrictions on political communication must be proportionate and necessary to address legitimate concerns. Candidates may be concerned by

> the potential publication of inaccurate material, including false How to Vote cards. However, the Institute considers that requirements for authorisation of electoral material and prohibition on the publication of misleading and deceptive material are sufficient to protect against false statements being made about candidates or How to Vote cards.
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> We support the removal of s.196.

That was from their submission to the consultation that was undertaken by the Department of Justice on an earlier version of the bill. To my understanding, the department has not done any further consultation on this particular amendment that is before the Chair, largely due to the fact that it was considered as a part of an earlier piece of law reform undertaken in this place on the basis that this is largely very straightforward and we have discussed this previously in a previous term of parliament and the Labor Party supported its removal at that time.

I indicate the Labor Party support for this bill.

[3.09 p.m.]

**Dr WOODRUFF** (Franklin - Leader of the Greens) - Honourable Speaker, this electoral amendment bill before us has been to this place and discussed on a number of occasions. The Greens will be supporting this change to section 196 because we have long felt that it is constraining people's rights to speak freely and make political statements in an election period and that the explosion of social media and the changes in communications that have occurred since the act first was written in 2004 means that there is wide disparity between the intentions of what was trying to be achieved in 2004 and the reality of political campaigning in 2024.

I will make some points that Ms O'Connor, our Justice spokesperson, has made at a previous time in 2022 when the Electoral Matters (Miscellaneous Amendment) Bill came to this place and we made a number of amendments. We introduced four amendments to that bill, one of which was to make the changes to or changes in similar effect to section 196 that are before us today. We have long advocated for its repeal on freedom of speech grounds. The inability to be able to use a candidate's image or name without their permission during a campaign has led to many candidates in elections falling into hot water. Ms O'Connor, as a member of the Greens, was one such person on two occasions, but I remember from our previous conversations in the Chamber that other members piped up and said, 'Oh, you know, you're not'. Ms Haddad said previously, all of us.

Many of us - many parties and individuals - have fallen foul of section 196 over time. Ms O'Connor provided the experience of volunteering as a campaigner for the Save Ralph's Bay campaign before the 2006 election and the community group had spoken to all the candidates for Franklin. They had their views on the Ralph's Bay proposal and they put out a newsletter, not a Facebook post, but a good old fashioned paper newsletter with multiple candidates, images and names. She had a call from the electoral commissioner at the time, Bruce Taylor, which scared her sitting at home in the living room to think at South Arm that she had had a call from the electoral commissioner and that she had fallen foul of the law.

It had been the case during the Legislative Council election for the seat of Huon that the Greens used Dr Bastian Seidel's name in relation to his party's - the Labor Party's - position on electronic gaming machines, given that Dr Seidel was then a general practitioner in Huonville

and he was campaigning, amongst other things, on the health and wellbeing of his constituents. The Facebook post put out by Pat Caruana, who was the Greens candidate for Huon, referred to Dr Seidel and the fact that he was standing for a party who had changed their election promise to Tasmanians and were supporting the Liberals was a matter that was ultimately the subject of a complaint made by the Labor Party to the Electoral Commission. The matter was then referred to the Director of Public Prosecutions for their consideration about whether it contravened the law.

Ms O'Connor sought some legal advice about the matter, and there were a couple of points worth reading in the legal advice that was provided by Roland Browne. He makes the obvious point that the post is a communication about political and government matters concerning candidates standing for a state electorate office in a pending election. It is the kind of communication that lies at the heart of the political communications that have long been recognised as essential elements of freedom of speech and democracy. It is the kind of speech that lies at the heart of the constitutionally implied freedom of political communication.

The approach of the courts to protecting that freedom from legislative intrusion was stated by *Gummow and Hayne JJ in Coleman v Power [2004]*. Relevant to the context of section 196, Browne quotes their judgment in relation to another act:

> First and foremost is the fact that s7(1)(d) creates a criminal offence. The offence which it creates restricts freedom of speech. That freedom is not, and never has been, absolute. But in confining the limits of the freedom, a legislature must mark the boundary it sets with clarity. Fundamental common law rights are not to be eroded or curtailed save by clear work.

He goes on to talk about the fact that the interpretation of section 196 in Tasmania has long been obscure, particularly as a result, especially in recent years, of rising social media communications. Publication by way of a Facebook post is not an advertisement, how-to-vote card, handbill, pamphlet, poster or notice under section 196, with the consequence that the post is not materially falling within the section.

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

As it was, in relation to Ms O'Connor, the Director of Public Prosecutions ultimately confirmed that he would not be pressing charges against the Greens over that particular Facebook post during the Huon campaign.

We make the point that, over the years, section 196 has consistently been used to prevent legitimate political discourse during election campaigns, and it was found to have been misapplied in that instance. We maintain that, over the years, it has had a chilling effect on the freedom of speech among community groups that do not have the resources to take on a case and have been over-assiduous in making sure they dampen down their comments or make no comments about the individual members' names in an election campaign. By doing so, they are restricting the information about the political views and positions of different candidates standing for an election. We argue that that is not advancing our democracy.

Following the Director of Public Prosecution's (DPP) decision, Electoral Commissioner Andrew Hawkey wrote to Ms O'Connor on 22 September 2020, saying that he understood the DPP would not be prosecuting the matter. In light of the process and the advice the Electoral Commissioner received from the DPP, he made a number of points which are relevant. Mr Hawkey said:

> The *Electoral Act 2004* became law before the development of social media and the use of social media for electoral and election discourse. While the act includes the definition, 'publish means published by any means, including by publication on the internet', section 1961 was written to primarily refer to physical actions of printing, publishing and distributing with physical items, advertisement, how-to-vote card, handbill, pamphlet, poster or notice. The act does not establish any similar restrictions on the use of a candidate's name in a political speech, personal conversation or on talk-back radio.
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> The relatively recent rise of social media appears to fall between the historical discourse of delivered material and verbal, social, personal communication. It may be arguable the Facebook post is political discourse that could be considered closer to a radio interview or public debate than a handbill, how-to-vote card or notice.

Mr Hawkey concludes by saying:

> A breach of section 196 is a criminal offence which has severe consequences, that is, a fine not exceeding 300 penalty units or imprisonment for a term not exceeding 12 months, or both. A wide interpretation of the term 'notice' -

The term of imprisonment, he means.

> - to include such comments could be seen as seriously infringing freedom of speech and political communications.

The Electoral Commissioner did recognise the potential chilling effect of section 196.

He concludes by saying he has an important role to encourage and enforce compliance with all electoral laws and review and respond to breaches:

> I will continue to ask individuals to refrain from actions that could possibly breach section 196. I am currently of the view that some publications on social media, including those in the nature of the Facebook post in question, are not likely to present a sufficiently compelling case to seek the commencement of criminal prosecution.

It is clear the Electoral Commissioner has an appetite for the clarity this amendment provides so that people can go about their business of honestly campaigning and representing the views of other candidates; honestly, as community groups, reflecting the diversity of views of candidates, particularly the ones that align with the areas their groups are trying to prosecute or achieve, and fairly criticising candidates who have views that do not seek to achieve what individuals, community groups or organisations are trying to get as an outcome on the election.

That is what a robust democracy looks like. It looks like people having conversations. I think of a Facebook post, and most people would agree, as being a bit like being in a public town hall meeting. The point is about whether the comments that are made are true, whether they are not misleading about the words or the intention a person has, or a position that they have prosecuted. They are separate matters.

We have long campaigned for the change and are pleased that is finally going through - I mean, it has been through, but we hope will conclude. We thank the minister for bringing it on.

What we have remaining is how-to-vote cards. Minister, can you confirm that there will be no problem for people who would be doing what many community groups now do, which is to present views in an election campaign and how they line up with their interests, for example, in tick-a-box lists ranking them? I understand the change before us today would mean that form of communication, like other communications that mention a candidate's name, would be a valid form of communication and would not fall foul of the law any more. Therefore, people would be able to rest themselves at the next election, whenever that may be, and feel comfortable reflecting the views they have heard from candidates, and not being charged for doing so.

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

[3.25 p.m.]

**Mr FAIRS** (Bass) - Honourable Speaker, I am pleased to rise today to speak on this bill. As part of the 2030 Strong Plan, the government committed to amend section 196 of the *Electoral Act 2004* to remove the prohibition of the use of names and images of candidates in advertising. In February 2021, the *Electoral Act* review final report was released. Recommendation 1 of the report identified amending section 196 of the *Electoral Act 2004*. It is important to note that both the Tasmanian Electoral Commission and the Tasmanian Law Reform Institute both provided submissions which informed the *Electoral Act* review final report, including specific comments about amendments to section 196.

The Tasmanian Law Reform Institute noted:

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

The Tasmanian Electoral Commission stated that section 196 prohibits the use of the candidate's name, photograph or likeness without authority between the issue of a writ and

close of poll for an election. This section specifies, 'print, publish or distribute any advertisement'. As a definition of 'publish' under section 3 of the act includes anything published on the internet, the authorisation requirements extend to the multitude of matter published online during the election period. However, there is uncertainty whether the section includes material published online prior to an election period but accessible during that period.

Further, the Tasmanian Electoral Commission noted there is some conjecture that this provision, section 196, was included in earlier versions of the *Electoral Act* primarily to address concerns about the use of how-to-vote cards, or HTV cards, at House of Assembly elections.

The Tasmanian government has listened to the feedback from the Tasmanian Law Reform Institute and the Tasmanian Electoral Commission. To implement the recommendations of the *Electoral Act* review, two pieces of legislation were originally tabled in parliament. One of those pieces of legislation, the Electoral Matters (Miscellaneous Amendments) Bill 2022, included an amendment to section 196 of the *Electoral Act 2004*. In its initial debate in November 2022, it is my understanding that the amendments to section 196 within the Electoral Matters (Miscellaneous Amendments) Bill 2022 drew strong support. Former leader of the Greens, Cassy O'Connor, spoke in strong favour of the amendment. As my colleague, the Honourable Guy Barnett MP, Attorney-General and Minister for Justice, noted in his second reading speech:

> Unfortunately, the Electoral Matters (Miscellaneous Amendments) Bill 2022 was voted down in the Legislative Council in November of 2023.

Section 196 of the *Electoral Act 2004* is dated and unique to Tasmania, with the original version of the provision prohibiting just the use of a name without consent introduced into electoral legislation in 1921. How times have changed since then.

In summary, the Electoral Amendment Bill 2024 is a short bill but a good bill, which will limit section 196 of the *Electoral Act 2004* to apply only to how-to-vote cards. I am pleased to support this bill.

[3.29 p.m.]

**Mrs BESWICK** (Braddon) - Honourable Speaker, this amendment is minor in nature, with wide-ranging effects. I appreciate that there are some very good advantages detailed by people here today. However, I need to point out the activities of those, particularly in the Liberal Party, in the recent election and voice my mistrust in the election period for future thinking on behalf of campaign managers and decision makers that making this change in such a piecemeal fashion may not be the best way to do this.

Tasmanians expect transparency in the democratic process to elect their parliament. In a time where trust in political institutions is waning and the influence of money in politics is increasingly scrutinised, it is essential that our House takes a tangible stance to enhance transparency and accountability within our political system.

There are currently three separate investigations being undertaken into electoral matters in our space, including: Legislative Council Committee A's consideration of the amendment recently put forward by the Greens; an investigation by the Integrity Commission into how public funds were used in this year's election campaign; and the investigation by a joint

committee into the conduct in recent elections. With so much scrutiny at the moment, I do not believe that this is quite the time to be changing them.

During the March election, the Liberal team created a fake JLN website aiming to discredit the network with the hope that this would win them more votes through ours being less. It is impossible to be sure of how much influence this particular strategy had. However, it is clear that the response of most of the electorate was unanimous - that this was unacceptable. Under the current law, this strategy was deemed acceptable, or rather not illegal, as the site did not specify the candidates - using Senator Lambie's image and the general feel of the network style, so this change is not directly affected. However, giving more allowance to those who have shown they are capable of these decisions does not sit well with me. I am concerned about the message this activity has given to two key audiences: small businesses and internet trolls.

As a small business owner who had internet trolls claim all sorts of horrors on social media over the years and had no way to address or defend against nasty comments and blatant lies, I am concerned about ensuring the protection of small businesses and organisations against the kinds of behaviour which can be incredibly damaging and disheartening. To have the government of the day - because let us face it, there is no way to clearly distinguish between the incumbent government and the party who approves these campaigns - choose to create a copy of a small business website and put forward their own message under that pretence, how is the business community to be confident that they are not going to turn around and do the same to them?

Governments are here to protect and support businesses through law and action, and this action went completely against this. What message does this send to the internet community? That it is okay to fake other's websites, steal their sales and take their customers? When groups do this to Telstra, eBay, banks and other service providers and businesses, it is called fraud. As this did not include any financial transactions, I do not believe that this falls into that category. However, I fear the message this sends out is that it is okay to do whatever you want on the internet and the Tasmanian government does not expect honesty, integrity and protections to be delivered in this space.

My teammates and I signed an agreement with the government to review political donations legislation with an eye to greater transparency of political donations, including reporting requirements for political entities and donation caps. We are hoping the current inquiries underway will fulfil this commitment and we will make a judgment call once reports are handed down, but in addition to improved donation transparency, legislated honesty in political advertising is essential. This proposed amendment does nothing to improve honesty and integrity and gives individuals, independents and small parties less control and less safety in election campaigns.

This change will deter good, honest, hardworking people who could be excellent candidates and add so much value to this House. I am not saying this group is not good enough, but this amendment does deter people from putting their hands up and taking this risk. Large parties and big organisations have the resourcing and capacity to counter aspersions and claims made by others, whereas small parties and independents do not have the resources available for this.

In the world we currently live in, with scammers trying relentlessly to steal our identity, and in a society where it is getting harder to identify what is real, what is AI, why would I allow

someone else to use my image and be allowed to misrepresent me for their gain? We need to be sure we have good, healthy laws in this arena to support good political debate and safe structures for elections and candidates in parliament.

I am on the fence with this one. I agree that it is helpful for freedom of speech and for organisations to be able to say, 'Miriam did this while she was in the House'. That is important. We need to be able to say honest things, but I am concerned that people will use this against people disrespectfully and dishonestly.

[3.35 p.m.]

**Mr BARNETT** (Lyons - Minister for Justice) - Honourable Speaker, I thank all members for their contributions to the Electoral Amendment Bill 2024. It is an important bill and is consistent with the government's 2030 Strong Plan for Tasmania's Future, which was laid out clearly at the state election, and consistent with past legislative measures in just the last few years. I acknowledge all those remarks from the state opposition, the Greens Leader and likewise, Bob Fairs, Liberal member for Bass, and thank him for his strong support for this bill. I acknowledge Mrs Beswick on behalf of JLN for her contribution and understand the remarks and where they are coming from.

I will go through a few key points to urge the member to consider this amendment bill as being worthy of support. There has been reference to a number of inquiries, both the parliamentary inquiry in this place that I appeared before last Friday on behalf of the government and the joint parliamentary committee of inquiry, and the member referenced a third inquiry referring to the Integrity Commission's work and their investigation.

That work is important, and in due course this parliament will have an opportunity to consider their various reports and recommendations about the issues of concern during the election campaign the member raised. I put that on the record and acknowledge that. It is a concern that JLN has and is a valid one from their perspective, and I see where the member is coming from.

My point is that this particular amendment bill is separate to that. It is specifically relating to section 196 and is certainly consistent with the plan put at the election to limit section 196 to applying only to how-to-vote cards. Why is it that the section is being amended? I will go back to fundamentals in summing up for colleagues and for those in another place who might consider the merit of this bill. It is the same as proposed in the Electoral Matters (Miscellaneous Amendments) Bill 2022. That amendment bill passed through this House of Assembly but was voted down in the other place. I will not reflect on that vote other than to say that we then brought it back at the last election.

We made that commitment as part of our 2030 Strong Plan, and we also said that we would reintroduce this amending bill within the first 100 days of re-election, which we have done. We made that commitment and have delivered. A few weeks ago, the Premier outlined how we have delivered on every single one of those first 100-day commitments.

What we have said we will do, we are doing. We are delivering on those commitments. I am a pleased and proud minister and Attorney-General to say that all those commitments in my portfolio areas and across the government have been delivered in that first 100 days, and now we are moving into the second 100 days. Yes, there is more to do, and we will roll that out. We can have debates and discussion about it, but at least we are following through.

*The Electoral Act Review Final Report* recommended the removal of the provision for all material except how-to-vote cards. This amendment was supported by the submission of the Tasmania Law Reform Institute, which was mentioned earlier today by my shadow and others. There are no other Australian jurisdictions with a comparable provision.

What is a how-to-vote card? Under the *Electoral Act 2004*, a how-to-vote card is defined as follows:

> ***how to vote card*** means a card, handbill or pamphlet (or an electronic document or electronic representation of a card, handbill or pamphlet) -
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> (a) that -
>
> (i) is, or includes, a representation of a ballot paper, or part of a ballot paper, for an election or is apparently intended to represent a ballot paper, or part of a ballot paper, for an election; and
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> (ii) is apparently intended to affect, or is likely to affect, how votes are cast for any or all of the candidates in the election; or
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> (b) that lists the names of 2 or more of the candidates or registered parties in an election, with a number indicating the order of voting preference in conjunction with the names of 2 or more of the candidates or parties; or
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> (c) that otherwise directs or encourages the casting of votes in an election in a particular way, other than a card, handbill or pamphlet that only relates to first preference votes or that only relates to last preference votes.

That is the definition. That is the legal position. In regard to why section 196 has retained the provision for how-to-vote (HTV) cards, the final report of the *Electoral Act Review* said the following:

> The Review acknowledges that the Tasmanian Act currently contains other provisions that apply to HTV cards. Under section 191, HTV cards are subject to the authorisation requirements. Section 177 prohibits canvassing or soliciting for votes within 100 metres of a polling place, which would include the distribution of HTV cards. Section 197 prohibits the printing, publishing and distributing of any printed electoral matter that is intended, likely to or has the capacity to mislead or deceive an elector in or in relation to the recording of his or her vote.
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> However, as was noted in the Interim Report, it is thought that one of the original reasons for the introduction of section 196 was to address concerns about misleading or fake HTV cards in the context of the Hare-Clark system.

> Given this, this Review considers that there is merit in retaining section 196 in respect of HTV cards and, in light of changes in technology, any material that seeks to direct a voter as to how they should vote, including that distributed through social media or telephone calls, as it provides a further deterrent to fake or misleading HTV material - an issue which has been of concern to candidates in the past.

That is a very good summary. Our amendment is consistent with that report and recommendation. In regard to the amendment, and whether it will result in any more defamatory or offensive campaigning during election campaigns, section 196 currently only provides a basis for a complaint where the candidate's name or image is used without permission. The provision in itself does not prevent attack campaigning per se.

The electoral materials with the same defamatory remarks could still be published using references such as 'the candidate' or 'the current member', or by using another title or attribute such as 'the former mayor' or 'the Greens candidate', et cetera. These would not be covered by section 196. Section 196 is not designed and does not effectively work to force candidates to campaign in a respectful manner. The government does not endorse offensive or defamatory attacks on candidates or a member seeking re-election. However, section 196 is not the solution to any concerns about the quality of political campaigning. That was my point earlier. That is another debate for another time in due course, and various enquiries are being undertaken as we speak.

There was a reference in earlier remarks in the second reading debate to the Tasmanian Electoral Commission's submission. I will not read through their quotes, but they are supportive of the approach that we are taking. Likewise, what the Tasmanian Law Reform Institute said in relation to the bill before us is broadly supportive.

To Dr Woodruff's questions about community groups expressing views, there is a level of assurance that I can provide on behalf of the government that they can provide that material without falling foul, as it were, of the remnants of section 196.

**Dr Woodruff** - Effectively a digital how-to-vote card - a digital scorecard.

**Mr BARNETT** - Yes.

**Dr Woodruff** - They are specifically not how to vote. They are a scorecard.

**Mr BARNETT** - Yes. That is to my point that there is a difference between a how-to-vote card and a scorecard. My assurance relates to the scorecard. On behalf of the government, thank you for the question about scorecards and people expressing a different view. The community groups have a scorecard about Greens, Labor-Greens, JLN, whoever, so there are no issues there with respect to this amending bill. I can definitely provide that assurance.

In conclusion, a lot of this is to do with the importance of free speech and implied free speech. We have debated that before about the High Court and its views. I have had a longstanding support for free speech. I am happy to quote Voltaire, the famous philosopher, who said words to the effect of, 'I totally disagree with what you're saying but I'll fight to the death for your right to say it'.

That is a principle that has guided my thinking in federal and state politics and in the community, but you always have to balance those rights to free speech with the right to protection from defamation and damage to reputation, to ensure that the interests of the public are protected. It must be reasonable and it must be necessary if that impairment on free speech is to apply.

You heard from the Electoral Commissioner in relation to being reasonable and necessary, so we have to weigh that up as a parliament in relation to getting that balance right. We have come a long way today if we can progress this bill with regard to the right to express a view, to hear the arguments for and against, and then during the election period for the voters to democratically express their views accordingly. Is it not a wonderful thing where we can do that in Australia without bloodshed or physical harm? We do not want that to happen.

We know what happened yesterday where the threat levels have increased from possible to probable, and that is a concern for all of us. We do not want to be living in a community heading in that direction. We absolutely support the right to express a view and maintain that opportunity for Australians young and old, to express a view, to stand up for their community and put their views forward. That is a wonderful thing and something that we should fight for and preserve with every fibre of our bodies. I support -

**Dr Woodruff** - By interjection, minister, I assume you will be communicating the results of today's proceedings, vote, et cetera, to the Electoral Commissioner and all that information?

**Mr BARNETT** - Yes. This is on the public record. Recently, I had a meeting with the Electoral Commissioner. I commend the Electoral Commissioner and the Chief Commissioner. I thank them for their work. They are an independent entity. They have important work to do. On Friday, in the House committee, chaired by Ms White, I shared my views more directly on the public record about these important matters.

I will conclude by acknowledging and thanking the Tasmanian Electoral Commission for their work, which I have just done, so I will repeat that. Likewise, to my department, the Department of Justice. Thank you very much to Bruce Paterson and, likewise, to Felicity Poulter and your team. Thank you again for your support for myself and my office. Likewise, to Pete, thanks very much for your support in my office. It is appreciated.

To one and all, I commend the bill to the House.

**Bill read the second time.**

## Third Reading

**Bill read the third time.**