

Mr Stuart Wright  
 Committee Secretary  
 Legislative Council  
 Parliament House  
 HOBART TAS 7000

Dear Mr. Wright,

I am writing regarding the Legislative Council Inquiry into the Tasmanian Electoral Commission.

This submission relates to item 3 of the Terms of Reference, "Any deficiencies with the Electoral Act 2004", specifically section 191, which states:

**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 -**

**(a) print, publish, keep on display or distribute, or permit or authorise another person to print, publish, keep on display or distribute, any printed electoral matter without the name and address of the responsible person being printed, in legible characters, at the end of the electoral matter; or**

**(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.**

Item (1) (b) regarding publication of electoral matter on the internet is incredibly broad and ill-defined, given the wide range of means of publishing information on the internet, and the many varied forms of communication possible online. The TEC subsequently attempted to clarify this provision at <http://www.electoral.tas.gov.au/pages/ElectoralInformation/TECInternetPolicy.html> where it stated:

***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.

**Electoral matter** means matter which is intended or likely to affect voting in an election. The Electoral Commissioner recommends that 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.**

For example, an appropriate place to include authorisation on a website would be on a footer, or on 'Facebook' at the end of a post that contains electoral matter.

Requiring a physical address be appended to any electoral matter posted on the internet is deeply problematic for various reasons:

1. Once published online, data can be reasonably assumed to live forever. It will be screen captured and copied by others, it will be stored in search engine caches and so forth. This can be a serious privacy concern for individuals, if their physical address is effectively published in perpetuity. Individuals with these privacy concerns will thus be unable to participate in online political discourse without being in violation of the act.
2. It is simply not possible with certain technologies to append an address to each post. If we take the TEC's Facebook example above and try to apply it to Twitter, it can be seen that with Twitter's 140-character per post limit, that adding an address to each post is impossible. Are we then prohibited from using Twitter during an election period?
3. Any Tasmanian who wanted to circumvent the internet provision could do so anyway by publishing electoral material online, but outside the state or even the country, and possibly under a pseudonym.

To resolve this, I would suggest that the requirement for including an address with electoral material published on the internet be discarded entirely.

If this is not possible, I would suggest relaxing this clause such that it:

1. Only applies to candidates (both in political parties, and independents), organisations, companies, lobby groups, etc. *not* to people acting in an individual capacity, and,
2. The address information need only appear on that person or organisation's profile/bio/summary page/footer, where the online service used provides for such things. If the online service being used does not have such facilities, the requirement to provide an address is waived.

I am happy to discuss the above matters further if necessary, and please feel free to publish this submission in its entirety; nothing here should be considered confidential.

Regards,

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