

## SECTION 191(1)(b) SUMMARY

Below is a summary of the complaints and respective actions taken since the issue of the writs for the 2010 House of Assembly Election on 19 February 2010 under section 191(1)(b) of the *Electoral Act 2004* (the Act). The content included in the summary was determined in accordance with the *Right to Information Act 2009*.

Each complaint received is assessed on a case by case basis. Evidence on any alleged breach of the Act is required to enable consideration and, if required, further investigation of a matter. In determining what action to take, if any, elements such as the facts of the matter, attempts to rectify mistakes or omission of authorisation, any mitigating circumstances, and the seriousness of any alleged breach are considered. Section 237 provides the TEC with prosecutorial discretion in relation to illegal practices under the Act.

Election	Complaint Received	Action Taken
Legislative Council 2018	Complaint regarding a Facebook post of a 30 second video breaching s191(1)(b).	<ul style="list-style-type: none"> <li>• Written request for the video;</li> <li>• examination of said video;</li> <li>• written warning advising of potential breach and requirement to authorisation electoral matter.</li> </ul>
House of Assembly 2018	<p>Complaint that authorisation was included on a website and Facebook page, but not individual videos featured on these mediums. The complainant voiced concern that if the videos are “shared on Facebook” then the authorisation will no longer be attached or visible.</p> <p>Complainant responded to TEC response arguing their interpretation of s 191 is to include a name and address on each post.</p>	<ul style="list-style-type: none"> <li>• Written response informing the complainant doesn’t appear to be a breach of section 191;</li> <li>• 2<sup>nd</sup> written response to complainant reiterating no breach.</li> <li>• Referencing the TEC website, advises those with posting electoral matter on social media such as Facebook pages to include an authorisation text on their personal site such as in the “About” section.</li> </ul>
House of Assembly 2018	Complaint regarding a sponsored Instagram post (advertisement) lack of authorisation.	<ul style="list-style-type: none"> <li>• Written warning, requesting that the current advertisement is authorised or removed and that all electoral matter they publish on the internet is authorised.</li> </ul>
House of Assembly 2018	Complaint regarding the use of a television advertisement on a website not meeting the authorisation requirements.	<ul style="list-style-type: none"> <li>• Written warning advising that individual responsible for the website that the authorisation requirements for electoral matter</li> </ul>

		on the internet is different to that on radio and television. Recommended to include the authorisation on each page of the website where ad appears, eg in the footer.
House of Assembly 2018	Received complaints about two Facebook pages breaching s191	<ul style="list-style-type: none"> <li>• Verbal &amp; written warning</li> <li>• recommending the authorisation is included in the “About” sections of the Facebook page.</li> </ul>
House of Assembly 2018	Complaint regarding signage photographed and posted on a Facebook page.	<ul style="list-style-type: none"> <li>• Written warning to author of Facebook page;</li> <li>• <u>advised</u> that the authorisation is included in the ‘Info’ or ‘About’ section of the page.</li> </ul>
Pembroke By-Election 2017	Complaint regarding unauthorised Twitter account / post	<ul style="list-style-type: none"> <li>• 1<sup>st</sup> written warning</li> <li>• 2<sup>nd</sup> written warning after response from the author that they don’t believe s191 applies to their account. Advised that failure to comply with the authorisation requirements that the matter would be referred to the DPP.</li> </ul>
Legislative Council 2017		
Legislative Council 2016		
Legislative Council 2015		
Legislative Council 2014		
House of Assembly 2014	Complaint regarding authorisation on a website.	<ul style="list-style-type: none"> <li>• Verbal warning</li> <li>• 1<sup>st</sup> written warning</li> <li>• Further written correspondence further clarifying the application of s191(1)(b).</li> </ul>
House of Assembly 2014	Complaint that a website relating to the Tasmanian election were not authorised.	<ul style="list-style-type: none"> <li>• Written warning</li> </ul>

Legislative Council 2013		
Legislative Council 2012		
Legislative Council 2011		
Legislative Council 2010		
House of Assembly 2010	Complaint about unauthorised website.	<ul style="list-style-type: none"> <li>• Verbal warning</li> <li>• 1<sup>st</sup> written warning</li> <li>• 2<sup>nd</sup> written warning clarifying authorisation requirements, advising no further action will be taken but ensure that authorisation appear in future.</li> </ul>
House of Assembly 2010	Complaint about an unauthorised Facebook page	<ul style="list-style-type: none"> <li>• Submitted report to Facebook.</li> </ul>