

**SUBMISSION TO CONSULTATION DRAFT OF THE *ELECTORAL AMENDMENT BILL 2019***

**14 JANUARY 2019**

News Corp Australia and Nine appreciates the opportunity to make a submission to the Consultation Draft of the *Electoral Amendment Bill 2019* (the Consultation Bill) regarding the Bill and the Electoral Act Review Interim Report.

As you know News Corp Australia publishes the *Mercury* and Nine Publishing and Australian Community Media publishes *The Examiner* and *The Advocate*. For the purposes of continuity we note that until recently *The Examiner* was published by Fairfax Media.

**Support for the removal of section 198(1)(b)(ii) of the *Electoral Act***

We support the recommendation in the Electoral Act Review Interim Report – and as replicated in the Bill – to remove the prohibition on newspaper reporting on Election Day by repealing section 198(1)(b)(ii).

We also support this amendment being included in the first tranche of amendments to be introduced to Parliament in early 2019.

Further regarding timing, given the ‘administrative’ nature of the amendments contained in the first tranche Bill, we request that the Parliament pass the Bill expeditiously, particularly so the prohibition is not in force on the 2019 Legislative Council Election Day.

Background

In July 2018 News Corp Australia and Fairfax Media made a joint submission to the Review of the Tasmanian Electoral Act.

In that detailed submission we recommended that section 198(1)(b)(ii) of the *Electoral Act 2004 (Tas)* be removed expeditiously as it prevents newspapers reporting on election issues and candidates on polling day. Again, to be clear, that prevention covers all editorial content and images in newspapers, and their online presence, reporting on election issues and candidates on polling day.

As we expressed in our joint submission to the Review, such a provision is self-evidently anachronistic and particularly so in the modern media environment where newspapers – both in print and online – are restricted from publishing election day content but other media is not; and is inconsistent with all other Australian jurisdictions.

**Removal of section 198(1)(b)(i) of the *Electoral Act***

We note the Electoral Act Interim Report poses consideration for repealing section 198(1)(b)(i) of the Electoral Act, to remove the prohibition on newspaper advertising on polling day.

We support the removal of the prohibition on newspaper advertising, both in print and online, on polling day.

We support this for similar reasons as provided for the removal of section 198(1)(b)(ii), being:

- Publishers are criminalised for carrying political advertising on polling day; and
- The prohibition is anachronistic
  - With changes to the media environment the prohibition is blatantly unfair as it penalises newspapers relative to other advertising mediums such as online search engines and social media<sup>1</sup>;
  - The prohibition implies that Tasmanians cannot be trusted to make up their minds;
  - As increasing numbers of people are pre-polling, a prohibition limited to polling day also is no longer effective; and
- Tasmania is an outlier – no other Australian jurisdiction prohibits print advertising in newspapers, in print or online, on polling day.

Recommendation – we support the removal of the ban on newspaper advertising on polling day, consistent with other Australian jurisdictions, by repealing section 198(1)(b)(i) of the *Electoral Act*.

---

<sup>1</sup> Data contained in the Australian Competition and Consumer Commission's Digital Platforms Inquiry Preliminary Report shows that (i) increasingly consumers are accessing news websites via links, whether from digital platforms [such as Google and Facebook] or from other websites (p30); 53 percent of traffic to newspaper websites comes from Google and Facebook (p31); and Google and Facebook receive the majority of digital advertising revenue in Australia, and have captured more than 80 percent of growth in digital advertising in the past three years (p66)