

Guide for Broadcasters and Publishers

HANDBOOK

FOR STATE ELECTIONS AND BY-ELECTIONS



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Introduction

This handbook is issued by the Electoral Commission of Queensland (ECQ) to assist broadcasters and publishers with their reporting obligations pursuant to the *Electoral Act 1992* (the Act) and the *Electoral Regulation 2013* (the regulation).

Disclaimer

ECQ publications are not intended as a substitute for the Act or the Regulation. The Act and Regulation are available on the Queensland legislation website: www.legislation.qld.gov.au

Care should be exercised that it is the latest version of any document being referred to. Current handbooks and forms are available on the ECQ's website: www.ecq.qld.gov.au

It may be prudent for broadcasters, publishers and other stakeholders to seek independent professional advice in relation to funding and disclosure matters.

Inquiries and contact details

The ECQ's funding and disclosure unit is available for general guidance on funding and disclosure matters. Specific legal, financial or other professional advice cannot be given by ECQ officers.

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Overview

Overview

The core objectives of the funding and disclosure provisions of the Act and Regulation are to:

- require financial disclosure by stakeholders participating in the electoral process; and
- allocate public funds to registered political parties and candidates for State election campaigning.

Reporting period

The reporting period for publishers and broadcasters aligns with the election period; i.e. commencing the day after a writ for election is issued until 6pm polling day.

Due date

Broadcasters and publishers are required to give the ECQ a return within eight weeks after polling day.

Election participants

References to election participants are to be read as meaning any organisation or person playing a part in the election. They may be registered political parties, candidates, third party campaigners or other entities who engage in electoral activity.

Election advertising

All advertising related to the election should be included in the disclosure return. It is not restricted to advertising that advocates a vote for or against a particular candidate or party. Advertisements raising awareness of issues without directly advocating for or against a candidate or party are election advertising.

What is a broadcaster?

The Act defines a broadcaster for Queensland electoral purposes as:

- the Australian Broadcasting Corporation established under the *Australian Broadcasting Corporation Act 1983* (Cwlth); or
- the Special Broadcasting Service Corporation established under the *Special Broadcasting Service Act 1991* (Cwlth), section 5; or
- the holder of a licence under the *Broadcasting Services Act 1992* (Cwlth); or
- the provider of a broadcasting service under a class licence under the *Broadcasting Services Act 1992* (Cwlth).

What is a publisher?

A publisher is anyone who publishes a journal carrying an advertisement relating to an election is required to give the ECQ a return for the election.

The Act gives a meaning for the word journal; however, it leaves the words publish and publisher to be understood in the common usage of the English language. Publishing traditionally relates to printed works, but it is recognised that the term now refers to electronic equivalents of those traditional forms.

Lodging a return

Each broadcaster/publisher of an election advertisement must give the ECQ a return through the Electronic Disclosure System (EDS) stating:

- the type of publication or broadcasting service;
- the person at whose request the advertisement was broadcasted/published;
- the participant in the election who authorised the advertisement;
- dates, time and duration of broadcasts or the journal page and space; and
- whether a charge was made for broadcasting/publishing the advertisement, including:
 - + the amount charged; and
 - + whether the amount charged was less than the normal commercial rate.

Statements by candidates, registered political parties and third parties (or on behalf of them) as a community service or free are reportable as well. The amount charged may be shown as nil.

Disclosure

Audit

Disclosure returns by broadcasters or publishers for an election do not require certification by an auditor.

Amending returns

The ECQ may amend a return to the extent necessary to correct a formal error or remove a formal defect. A broadcaster/publisher who gives the ECQ a return may request permission of the ECQ to make a specified amendment to the return to correct an error or omission. The request must be submitted to the ECQ through the EDS in such instances.

Late returns

Every effort should be made to give the ECQ a return by the due date. However, applications for extension of the due date may be granted. An extension application must set out in writing the reasons for the extension and be given to the ECQ before the due date for the return.

Extension applications are considered on a case by case basis.

Offences and penalties

The ECQ promotes voluntary compliance with funding and disclosure requirements.

Penalties are prescribed for infringing funding and disclosure laws.



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