

BROADCASTERS AND PUBLISHERS

Funding and disclosure overview

Unless otherwise stated, all references to legislation are to the *Electoral Act 1992* (EA). The information in this fact sheet does not replace legislation. If you are concerned about your circumstances, you should seek independent legal advice.

This fact sheet applies to any broadcaster or publisher who runs an election advertisement relating to a state election during the election's capped expenditure period.

Who are broadcasters and publishers?

The EA defines a **broadcaster** for state election purposes as:

- the Australian Broadcasting Corporation (ABC)
- the Special Broadcasting Service Corporation (SBS)
- the holder of a licence under the *Broadcasting Services Act 1992* (Cth)
- the provider of a broadcasting service under a class licence under the *Broadcasting Services Act 1992* (Cth).

A **publisher** is anyone who publishes a journal – meaning a newspaper, magazine or other periodical, whether published for sale or for distribution with no charge.

What do broadcasters and publishers need to do for a state election?

After each state election, broadcasters and publishers are required to give the ECQ an election summary return of all election advertising that was broadcast or published on their platform with the authority of an election participant during the election's capped expenditure period.

An election participant could include a candidate, registered political party or other third party participating in the election.

A publisher is not required to give an election summary return if the total amount charged by the publisher for the publication of an advertisement (and any other advertisement relating to an election that took place on the same day) does not exceed \$1,000.

What is the capped expenditure period?

The capped expenditure period starts on:

- for the 2024 state government election – 2 April 2024
- for a by-election – the day the writ of the election is given.

The capped expenditure period ends at 6pm on election day.

Version: April 2024

More information

If you need more information relating to Funding, Disclosure and Compliance, please contact ECQ on 1300 881 665 or by emailing fad@ecq.qld.gov.au.



**Electoral
Commission**
QUEENSLAND

When is the election summary return due?

The election summary return must be lodged with the ECQ within **8 weeks** after election day.

What is included in the election summary return?

All advertising authorised by an election participant should be included in the election summary return.

It is not restricted to advertising that advocates a vote for or against a particular candidate or party. Advertisements raising awareness of issues related to an election without directly advocating for or against a candidate or party are also considered election advertising.

It also does not matter whether the broadcaster or publisher was inside or outside Queensland when the advertisement was run.

For a **broadcaster**, the election summary return must state the following for each advertisement:

- the broadcasting service that aired the advertisement
- the person who requested the advertisement be broadcast
- the election participant who authorised the advertisement for broadcast
- the date and time periods when the advertisement aired
- whether or not the broadcaster charged for the advertisement on each occasion it aired, including –
 - the amount charged
 - whether the charge was at the normal commercial rate.

For a **publisher**, the election summary return must state the following for each advertisement:

- the journal that published the advertisement
- the person who requested the advertisement be published
- the election participant who authorised the advertisement for publication
- the publication date of the advertisement
- the journal's page number and space occupied by the advertisement
- whether or not the publisher charged for the advertisement on each occasion it appeared, including –
 - the amount charged
 - whether the charge was at the normal commercial rate.

How to lodge an election summary return

Returns are lodged online using the ECQ's Electronic Disclosure System (EDS) at disclosures.ecq.qld.gov.au.

It is recommended that the ECQ's approved Excel spreadsheet is used for recording the information required to be disclosed in a return. A template for a bulk upload is available in the [Help & Downloads](#) section of EDS.

More information on state government elections

If you need more information relating to Funding, Disclosure and Compliance, please contact ECQ on 1300 881 665 or by emailing fad@ecq.qld.gov.au.

Record keeping requirements

Records must be kept and made available to the ECQ for inspection for a period of at least 5 years after the election. Broadcasters may have additional record keeping requirements under their relevant Commonwealth broadcasting legislation.

Compliance

The ECQ is responsible for administering and enforcing the EA which includes penalties for election participants who breach their disclosure obligations.

The compliance framework is available on the [ECQ website](#).

For further information

This fact sheet refers mainly to part 11, division 10 of the EA. The EA is available in full at legislation.qld.gov.au. Participants in the electoral process should ensure they understand their obligations under the EA.



RELATED FACT SHEETS

Fact sheet 4 – Record keeping requirements

Fact sheets can be found on the [ECQ website](#).

More information on state government elections

If you need more information relating to Funding, Disclosure and Compliance, please contact ECQ on 1300 881 665 or by emailing fad@ecq.qld.gov.au.