

**ALL ELECTION PARTICIPANTS****Offences relating to electoral advertising**

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 relates to any person who undertakes advertising as part of a Queensland state general election or by-election.

**Offences relating to electoral advertising**

Section 185 of the EA prohibits any person from:

- distributing anything that is intended or likely to mislead an elector about the ways of voting during an election period
- distributing anything that purports to be a representation of a ballot paper during an election period, if it's likely to induce an elector to cast an informal vote.

Distribution in this instance means via publication, print, broadcast or online. Any such distribution of misleading election materials or how-to-vote cards is an offence under section 185 of the EA which carries a maximum penalty of 40 penalty units (\$6,192 as of 1 July 2023).

Election material distributed during an election period must also be properly authorised under section 181 of the EA. See [Fact sheet 1 – Authorisation of election material](#) for more information.

The distribution of how-to-vote cards is permitted under the EA, provided they meet the requirements set out in sections 182 and 183 of the EA. It is an offence for a person to distribute a how-to-vote card that was not submitted to and accepted by the ECQ.

Distribution of a how-to-vote card that has not been accepted by the ECQ carries a maximum penalty of 20 penalty units (\$3,096 as at 1 July 2023). Keep in mind that not everything distributed at a polling booth will be a how-to-vote card – it could be ordinary election material which does not require ECQ approval.

**The ECQ's compliance approach**

It is common for the ECQ to receive complaints about electoral advertising which discusses another candidate. However, the ECQ has a limited remit to investigate these matters.

Section 185 of the EA limits the ECQ to only investigating conduct which involves knowingly publishing (in print or online) a false statement of fact about the personal character or conduct of a candidate, for the purpose of affecting the election of the candidate.

Investigations of this nature can take significant time and are unlikely to be resolved before election day. Further information about how these matters are prioritised can be found in the ECQ's [compliance approach](#).

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](mailto:fad@ecq.qld.gov.au).



**Electoral  
Commission**  
QUEENSLAND

Investigations of this nature will need to establish:

1. The published material contained a false statement of fact (as opposed to an opinion)
2. That the statement of fact was about a candidate's *personal* character or conduct (as opposed to their professional or public character or conduct)
3. The publisher's intent in publishing the material was to affect the election of that candidate (and not for some other purpose)
4. The person who published the material *knew* it contained a false statement of fact.

It is not sufficient to demonstrate that the statement of fact was incorrect – the motives and knowledge of the publisher must be established to substantiate an offence against section 185 of the EA.

### Who to contact about potential breaches

Electoral participants may also be subject to laws enforced by other government agencies. The ECQ does not regulate:

- decisions of members of parliament made in their capacity as elected officials
- the behaviour or conduct of candidates or their workers when behaviour does not affect the conduct of the election
- content of political advertising (other than ensuring proper authorisation or the matters above)
- the placement of signs except around polling places
- complaints about corrupt conduct.

Any person who wishes to report potential non-compliance (including self-reporting) should contact the relevant authority, including:

Issue	Contact
Disclosure and bank account requirements (including notifications about potential non-compliance)	Electoral Commission of Queensland Funding, Disclosure and Compliance <a href="mailto:fad@ecq.qld.gov.au">fad@ecq.qld.gov.au</a> 1300 881 665
Expenditure caps	
Political donation caps	
Prohibited donations	
Accessing and using the Electronic Disclosure System	
Third-party campaign activity (including registration of third parties)	
Authorisation of election material	
Placement of signs at polling places	
Candidate / candidate worker conduct	

### 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](mailto:fad@ecq.qld.gov.au).

Issue	Contact
Stolen or damaged election signs	Queensland Police Service
Placement of election signs other than at polling places	On local roads – the local council On a State controlled road – Department of Transport and Main Roads ( <a href="http://www.qld.gov.au/transport/safety/signs/election-signs">www.qld.gov.au/transport/safety/signs/election-signs</a> )
Complaints about corrupt conduct	Crime and Corruption Commission <a href="http://www.ccc.qld.gov.au">www.ccc.qld.gov.au</a>
Complaints about online abuse or bullying	eSafety Commissioner <a href="http://www.esafety.gov.au">www.esafety.gov.au</a>

### For further information

This fact sheet mainly refers to part 10, division 2 of the EA. The EA is available in full at [legislation.qld.gov.au](http://legislation.qld.gov.au). Participants in the electoral process should ensure they understand their obligations under the EA.



#### RELATED FACT SHEETS

Fact sheet 1 – Authorisation of election material  
Fact sheet 2 – Election signage

Fact sheets can be found on the [ECQ website](http://ecq.qld.gov.au).

### 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](mailto:fad@ecq.qld.gov.au).