



# **Commonwealth Electoral (Authorisation of Voter Communication) Determination 2018**

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I, Tom Rogers, Electoral Commissioner, make the following determination.

Dated 21 February 2018

Tom Rogers  
Electoral Commissioner

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## Part 1—Preliminary

### 1 Name

This instrument is the *Commonwealth Electoral (Authorisation of Voter Communication) Determination 2018*.

### 2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	15 March 2018.	15 March 2018

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

### 3 Authority

This instrument is made under subsection 321D(7) of the *Commonwealth Electoral Act 1918*.

### 4 Definitions

In this instrument:

**digital banner advertisement** includes the following:

- (a) static or dynamic banners on websites accessed through internet browsers;
- (b) videos that stream when banner advertisements are hovered over.

**Electoral Act** means the *Commonwealth Electoral Act 1918*.

**journal** means a newspaper, magazine or other periodical, whether published for sale or for distribution without charge.

**Referendum (Machinery Provisions) Act** means the *Referendum (Machinery Provisions) Act 1984*.

**social media** includes social media that use pictures or other images.

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**streamed music** includes music streamed by Spotify, Google Play Music or Apple Music.

**telephony** includes the following:

- (a) communication by VoIP or Skype;
- (b) a communication generated by computerised auto-diallers.

**text message** means an electronic message (within the meaning of section 5 of the *Spam Act 2003*) that is sent to an electronic address in connection with a telephone account.

**video-sharing** includes video sharing through websites such as YouTube, but does not include streamed radio or television.

## **Part 2—Communications and circumstances**

### **5 This Part**

This Part is made for the purposes of paragraph 321D(7)(a) of the Electoral Act.

### **6 Electoral matter exceptions**

- (1) This section determines communications for the purposes of paragraph 321D(3)(b) of the Electoral Act.

*Graffiti and skywriting*

- (2) Section 321D of the Electoral Act does not apply in relation to electoral matter if the matter forms part of a communication that is:
- (a) graffiti; or
  - (b) skywriting.

### **7 Referendum matter exceptions**

- (1) This section determines communications for the purposes of paragraph 110C(3)(c) of the Referendum (Machinery Provisions) Act.

*Graffiti and skywriting*

- (2) Section 110C of the Referendum (Machinery Provisions) Act does not apply in relation to referendum matter if the matter forms part of a communication that is:
- (a) graffiti; or
  - (b) skywriting.

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## Part 3—Requirements and particulars

### 8 This Part

This Part is made for the purposes of paragraph 321D(7)(b) of the Electoral Act.

### 9 Electoral Act and Referendum (Machinery Provisions) Act

- (1) The following table determines requirements for notifying particulars for the purposes of the following provisions:
- (a) subsection 321D(5) of the Electoral Act;
  - (b) subsection 110C(5) of the Referendum (Machinery Provisions) Act.

<b>Requirements for notifying particulars—Electoral Act and Referendum (Machinery Provisions) Act</b>		
<b>Item</b>	<b>If the communication is ...</b>	<b>the particulars must be notified ...</b>
1	printed material	(a) at the end (or bottom) of the printed material; and (b) in a font size that can be read by a person with 20/20 vision without the use of any visual aid.
2	telephony	at the beginning of the communication.
3	a text message	(a) at the end of the message; or (b) if the particulars are too long to be included in the message—in a website that can be accessed by a URL included in the message.
4	by social media	(a) at the end of the communication; or (b) if the particulars are too long to be included in the communication—in: (i) a website that can be accessed by a URL included in the communication; or (ii) a photo included in the communication.
5	search advertising	(a) in the footer of the landing page from the URL; or (b) if the particulars are too long to be included in the word limit of the search advertising—in a website that can be accessed by a URL included in the search advertising.
6	streamed music	by being announced at the end of the communication in the language used for the rest of the communication.
7	a digital banner advertisement	(a) at the end of the banner; or (b) if the particulars are too long to be

<b>Requirements for notifying particulars—Electoral Act and Referendum (Machinery Provisions) Act</b>		
<b>Item</b>	<b>If the communication is ...</b>	<b>the particulars must be notified ...</b>
		included or embedded in the banner—in a website that can be accessed by a URL included in the banner.
8	a mobile phone application or a computer application	(a) at the bottom of the screen on which the application is open; or (b) if the particulars are too long to be included in the application—in a website that can be accessed by a URL included on the screen on which the application is open.
9	video-sharing	by being announced and shown at the end of the communication in the language used for the rest of communication.
10	cinema	by being announced and shown at the end of the communication in the language used for the rest of the communication.

*Placement of printer details*

- (2) However, item 1 of the table in subsection (1) does not require the following particulars to be notified at the end of printed material in a journal if those particulars are notified elsewhere in the journal:
- (a) the name of the printer who printed the printed material;
  - (b) the address of the printer.

Note: For *journal*, see section 4.

## 10 Broadcasting Acts

The following table sets out requirements for notifying particulars for the purposes of the following provisions:

- (a) subsection 79A(2) of the *Australian Broadcasting Corporation Act 1983*;
- (b) subclause 4(2) of Schedule 2 to the *Broadcasting Services Act 1992*;
- (c) subsection 70A(2) of the *Special Broadcasting Service Act 1991*.

<b>Requirements for notifying particulars—broadcasting Acts</b>		
<b>Item</b>	<b>If the communication is ...</b>	<b>the particulars must ...</b>
1	a broadcast by radio	be announced at the end of the communication in the language used for the rest of the communication.
2	a broadcast by television	be announced and shown at the end of the communication in the language used for the rest of the communication.