



# **Commonwealth Electoral (Authorisation of Voter Communication) Determination 2021**

---

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

Dated 30 June 2021

Tom Rogers  
Electoral Commissioner

---



---

# Contents

<b>Part 1—Preliminary</b>	1
1 Name.....	1
2 Commencement .....	1
3 Authority.....	1
4 Schedules .....	1
5 Definitions .....	1
<b>Part 2—Electoral and referendum matter exceptions</b>	3
6 Purpose of this Part .....	3
7 Electoral matter exceptions .....	3
8 Referendum matter exceptions.....	3
<b>Part 3—Requirements for notifying particulars</b>	4
<b>Division 1—Purpose of this Part</b>	4
9 Purpose of this Part .....	4
<b>Division 2—Requirements relating to notifying particulars for the purposes of the Electoral Act and Referendum (Machinery Provisions) Act</b>	5
10 Purpose of this Division.....	5
11 Requirements relating to notifying particulars for printed communications .....	5
12 Requirements relating to notifying particulars for communications other than printed communications.....	6
<b>Division 3—Requirements relating to notifying particulars for the purposes of certain Broadcasting Acts</b>	8
13 Purpose of this Division.....	8
14 Requirements relating to notifying particulars for communications broadcast by radio .....	8
15 Requirements relating to notifying particulars for communications broadcast by television.....	8
<b>Schedule 1—Repeals</b>	9
<i>Commonwealth Electoral (Authorisation of Voter Communication) Determination 2018</i>	9



## Part 1—Preliminary

### 1 Name

This instrument is the *Commonwealth Electoral (Authorisation of Voter Communication) Determination 2021*.

### 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	The day after this instrument is registered.	7 July 2021

Note: This table relates only to the provisions of this instrument as originally made.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 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

### 5 Definitions

Note: A number of expressions used in this instrument are defined in the Electoral Act, including *electoral matter*.

In this instrument:

***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.

***notifying entity***:

Section 5

---

- (a) in relation to electoral matter that is communicated to a person—has the meaning given by section 321D of the Electoral Act; and
- (b) in relation to referendum matter that is communicated to a person—has the meaning given by section 110C of the Referendum (Machinery Provisions) Act.

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

***referendum matter*** has the same meaning as in the Referendum (Machinery Provisions) Act.

***social media service*** means an electronic service that satisfies the following conditions:

- (a) the sole or primary purpose of the service is to enable online social interaction between 2 or more end-users;
- (b) the service allows end-users to link to, or interact with, some or all of the other end-users;
- (c) the service allows end-users to post material on the service.

## **Part 2—Electoral and referendum matter exceptions**

### **6 Purpose of this Part**

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

### **7 Electoral matter exceptions**

- (1) This section determines communications for the purposes of paragraph 321D(3)(b) of the Electoral Act.
- (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; or
  - (c) a media release that contains the name and address of the notifying entity for that media release; or
  - (d) an envelope that has written on it the name and address of the notifying entity for that envelope.

### **8 Referendum matter exceptions**

- (1) This section determines communications for the purposes of paragraph 110C(3)(c) of the Referendum (Machinery Provisions) Act.
- (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; or
  - (c) a media release that contains the name and address of the notifying entity for that media release; or
  - (d) a letter or card that contains the name and address of the notifying entity for that letter or card; or
  - (e) an envelope that has written on it the name and address of the notifying entity for that envelope.

**Part 3** Requirements for notifying particulars

**Division 1** Purpose of this Part

Section 9

---

**Part 3—Requirements for notifying particulars**

**Division 1—Purpose of this Part**

**9 Purpose of this Part**

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



## **Division 2—Requirements relating to notifying particulars for the purposes of the Electoral Act and Referendum (Machinery Provisions) Act**

### **10 Purpose of this Division**

This Division determines requirements for notifying particulars in relation to a communication for the purposes of:

- (a) subsection 321D(5) of the Electoral Act; and
- (b) subsection 110C(5) of the Referendum (Machinery Provisions) Act.

### **11 Requirements relating to notifying particulars for printed communications**

- (1) This section applies if the communication is a printed communication.

*Where the particulars must be notified*

- (2) The particulars must be notified:
  - (a) if the communication is published in a journal—at the end of the communication (except in relation to the name of the printer who printed the communication and the address of that printer which may be notified at the end of the communication or elsewhere in the journal); or
  - (b) in any other case—at the end of the communication.

*Formatting and placement of particulars*

- (3) The particulars must:
  - (a) be reasonably prominent; and
  - (b) be legible at a distance at which the communication is intended to be read; and
  - (c) not be placed over complex pictorial or multicoloured backgrounds; and
  - (d) be in a text that contrasts with the background on which the text appears; and
  - (e) be printed in a way that cannot be removed or erased under normal conditions or use; and
  - (f) be printed in a way that the particulars will not fade, run or rub off.

*Language requirements*

- (4) The particulars must be notified in accordance with the following language requirements:
  - (a) if the communication is only in English—the particulars must be notified in English;
  - (b) if the communication is only in a language other than English—the particulars must be notified in both:
    - (i) English; and
    - (ii) the language used for the rest of the communication;

**Part 3** Requirements for notifying particulars

**Division 2** Requirements relating to notifying particulars for the purposes of the Electoral Act and Referendum (Machinery Provisions) Act

**Section 12**

---

- (c) if the communication is in 2 or more languages—the particulars must be notified in both:
  - (i) English; and
  - (ii) at least one of the languages (other than English) used in the communication.

**12 Requirements relating to notifying particulars for communications other than printed communications**

- (1) This section applies if a communication is a communication other than a printed communication.

*Where or when the particulars must be notified*

- (2) The particulars must be notified:
  - (a) if the communication is communicated in the form of speech, music or other sounds and no other form—by being announced at the beginning of the communication; or
  - (b) if the communication is communicated in the form of moving visual images with speech, music or other sounds and in no other form—by being announced and shown at the end of the communication; or
  - (c) if the communication is communicated in the form of an electronic billboard, electric road sign or other similar devices—at the end of the communication; or
  - (d) if the communication is communicated in a form other than a form mentioned in paragraph (a), (b) or (c)—in one or more of the following ways:
    - (i) at the end of the communication;
    - (ii) on a webpage that can be accessed by a URL that is included, either in whole or as a hyperlink, at the end of the communication;
    - (iii) if the communication is on a webpage—in the footer of the webpage;
    - (iv) if the communication is communicated on or using a social media service and the notifying entity for the communications is an individual—in the “About Us” or “Contact Us” section (however described) that relates to the individual and that is directly linked to, or can be accessed by clicking a link in, the communication.

*Formatting and placement of particulars*

- (3) The particulars (other than particulars that are required to be announced under paragraph (2)(a) or (b)) must:
  - (a) be reasonably prominent; and
  - (b) be legible at a distance at which the communication is intended to be read; and
  - (c) not be placed over complex pictorial or multicoloured backgrounds; and
  - (d) be in a text that contrasts with the background on which the text appears.

*Language requirements*

- (4) The particulars must be notified in accordance with the following language requirements:
- (a) if the communication is only in English—the particulars must be notified in English;
  - (b) if the communication is only in a language other than English—the particulars must be notified in both:
    - (i) English; and
    - (ii) the language used for the rest of the communication;
  - (c) if the communication is in 2 or more languages—the particulars must be notified in both:
    - (i) English; and
    - (ii) at least one of the languages (other than English) used in the communication.

## **Division 3—Requirements relating to notifying particulars for the purposes of certain Broadcasting Acts**

### **13 Purpose of this Division**

This Division determines requirements for notifying particulars in relation to a communication for the purposes of:

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

### **14 Requirements relating to notifying particulars for communications broadcast by radio**

- (1) This section applies if the communication is broadcast by radio.

*When the particulars must be notified*

- (2) The particulars must be notified by being announced at the end of the communication.

*Language requirements*

- (3) The particulars must be notified in accordance with the following language requirements:
  - (a) if the communication is only in one language—the particulars must be notified in that language;
  - (b) if the communication is in 2 or more languages—the particulars must be notified in English.

### **15 Requirements relating to notifying particulars for communications broadcast by television**

- (1) This section applies if the communication is broadcast by television.

*Where and when the particulars must be notified*

- (2) The particulars must be notified by being announced and shown at the end of the communication.

*Language requirements*

- (3) The particulars must be notified in accordance with the following language requirements:
  - (a) if the communication is only in one language—the particulars must be notified in that language;
  - (b) if the communication is in 2 or more languages—the particulars must be notified in English.

## **Schedule 1—Repeals**

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

#### **1 The whole of the instrument**

Repeal the instrument.