

**SENATE STANDING COMMITTEE ON  
EDUCATION, EMPLOYMENT AND WORKPLACE RELATIONS  
REFERENCES COMMITTEE**

**Reference: Primary Schools for the 21st Century program**

**QUESTIONS ON NOTICE**

**Outcome/Agency**                    **2**

**DEEWR Question No.**            **9**

Senator Barnett asked on Monday 30 November 2009, EEWWR Hansard page 24:

**Question**

*Can you provide a copy of that advice, please? I mean the advice from the Electoral Commission.*

**Answer**

On 3 September 2009, the Special Minister of State, Senator the Hon Joe Ludwig, issued a media release, *Australian Government Signs*, which included:

‘Advice received from the Australian Electoral Commission suggests authorisation of the Nation Building signs may be necessary for some signs under the provisions of the *Commonwealth Electoral Act*.’

A copy of the media release is attached.

On 7 September 2009, the Australian Electoral Commission (AEC) issued a media release, *National Building – Economic Stimulus Plan school signage*.

The information contained in the AEC’s media release reflects discussions held between the Department and the AEC on this matter.

A copy of the media release is attached.

# Media Release

33/2009  
3 September 2009

## Australian Government Signs

The Australian Government will authorise all signage associated with the *Nation Building – Economic Stimulus Plan*.

Successive Australian Governments have required projects funded by the Commonwealth to carry signage for the life of the project.

This signage usually provides details of the project and its funding sources.

Under conventions followed by successive governments this signage has not usually carried an authorisation statement.

Advice received from the Australian Electoral Commission suggests authorisation of the Nation Building signs may be necessary for some signs under the provisions of the *Commonwealth Electoral Act*.

In light of the impending Bradfield by-election and out of an abundance of caution an authorisation will be affixed to the signs already in place. Future signs will be produced with the requisite authorisation.

Additionally, the Government will ensure these signs are not displayed within six metres of the entrance to a polling booth on the day of a Federal election or by-election.

Advice received by the Government suggests authorisation requirements may extend to material associated with the ordinary activities of government not previously thought to require authorisation. This material may include:

- signage associated with other Australian Government programs, including signage erected under previous governments;
- posters and notices issued by the Australian Government;
- Australian Government brochures and other printed material; and
- Australian Government websites.

So as to remove doubt, the Government will ask the Department of Finance and Deregulation to review the Commonwealth's current authorisation policy.

The Australian Government will write to States, Territories and Local Government to advise that they may also need to assess their authorisation policies for publications, signage, posters and notices.

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[www.cabinetsecretary.gov.au](http://www.cabinetsecretary.gov.au)  
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# National Building – Economic Stimulus Plan school signage

7 September 2009

The AEC has examined the signs for the “Nation Building – Economic Stimulus Plan” and formed the view that they are in breach of the requirements of the *Commonwealth Electoral Act 1918* (Electoral Act).

As was indicated in the media release issued by the Special Minister of State on 3 September 2009, the AEC has advised the Government that it is of the view that the present signs include “electoral matter” and the absence of the authorisation details on the signs gives rise to the breach of section 328 of the Electoral Act. Section 328 of the Electoral Act depends on the particular facts to determine whether an advertisement contains “electoral matter”. This is not a simple issue to resolve, as the scope of “electoral matter” can change over time.

The AEC is also of the view that there is no current breach of paragraph 340(1)(e) of the Electoral Act in relation to election signs appearing within “6 metres of the entrance to a polling booth”. This is because the prohibition only applies on the actual day of polling in a federal election and that placing the signs on school fences does not result in those signs being within 6 metres of the entrance to a polling booth.

The AEC will be reviewing two of its “Electoral Backgrounder” publications to provide more detailed guidance on this matter and is providing input into the review of the Commonwealth’s authorisation policy that the Department of Finance and Deregulation is now undertaking.

The AEC considers that the measures announced by the Special Minister of State will address the issues raised about the signs and remove the risk of non-compliance with the Electoral Act.

The AEC notes that there is a lack of full clarity in relation to the operation of electoral advertising laws and this has been previously raised in its submissions to the federal parliamentary Joint Standing Committee into Electoral Matters.

## Media contact

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