

Standing Committee on Finance and Public Administration

ANSWER TO QUESTION ON NOTICE

Supplementary Budget Estimates Hearing – October 2008

Australian Electoral Commission

Finance and Deregulation Portfolio

Outcome 2, Output 2.1.1

Topic: Stickers on newspapers under s 328

Question reference number: F10

Type of Question: Hansard F&PA 16, 21 October 2008

Date set by the committee for the return of answer: 5 December 2008

Number of Pages: 1

Senator Abetz asked:

Senator ABETZ— ..[Regarding the small sticker that appeared on the front of the *Canberra Times* two days before the ACT election with the authorisation on the back] ...Time is unfortunately running away from us, so, if I may break in there: would it be possible for you to get an opinion to advise the political parties in relation to this as to whether it is appropriate under the Commonwealth Electoral Act to behave in this way? If it is, it may well be a matter for JSCEM to look at for an amendment to the section—323, did you say?

Mr Pirani—328. I will take that on notice.

Answer:

Where an electoral advertisement is in the form of a sticker attached to a newspaper, section 328(1) of the *Commonwealth Electoral Act 1918* requires that the name and address of the person who authorised the advertisement appear “at the end thereof”. If a sticker contains an electoral advertisement on two sides of the one page, it will be a question of fact as to where the end of the advertisement is, and therefore where the authorisation is required to be placed. Section 328(1) also requires that, if an electoral advertisement is printed otherwise than in a newspaper, the name and place of business of the printer appear “at the end thereof”. It will be a question of fact, depending on the circumstances involved, as to whether a given electoral advertisement is printed otherwise than in a newspaper.

