



Tasmanian
Electoral Commission

Tasmanian Parliamentary
& Local Government elections

Information for Printers, Publishers & Broadcasters

August 2005



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Introduction

Purpose of this booklet

The following information has been compiled to assist the media in complying with the advertising provisions contained in the *Electoral Act 2004*, *Local Government Act 1993* and *Local Government (General) Regulations 2005*. Further information of a more general nature can be found in the 'Information for Candidates' booklets published for House of Assembly, Legislative Council and Local Government elections.

For ease of reading, some sections of the various Acts and Regulations have been paraphrased. However, it is important to note that this booklet has **no legal status and should not be substituted for the Act itself**.

Role of the office of the Tasmanian Electoral Commission

The media, political parties and candidates should be aware that the role of the office of the Tasmanian Electoral Commission and Returning Officers is to **administer** the election in accordance with the relevant Tasmanian legislation. While interpretation of the Acts forms part of the daily function of the Electoral Commissioner and Returning Officers, it is not their role to provide legal advice.

It is in the best interests of printers, publishers and broadcasters to obtain legal interpretations from their own legal advisers.

Useful tips— Shaded boxes throughout the booklet highlight practical advice.

New electoral legislation

Please note that a new Electoral Act was passed by Parliament and commenced early in 2005. The *Electoral Act 2004* contains some new provisions in relation to electoral advertising and authorisation requirements for Parliamentary elections.

There were also some amendments made in 2005 to the advertising provisions in the *Local Government Act 1993*.

Legislation on the internet

Tasmanian legislation can be found on the internet at www.thelaw.tas.gov.au

The Commonwealth *Broadcasting Services Act 1992* can be found at www.austlii.edu.au

Guidelines on the requirements under this Act in relation to broadcasting political matter are available from the Australian Communications and Media Authority (ACMA) at www.acma.gov.au (from the homepage go to the following links—Radio&TV; Content regulation; Television; Content requirements; Political matter).

Purchasing legislation

The *Electoral Act 2004*, *Local Government Act 1993* and other relevant Tasmanian legislation can be purchased from the Printing Authority of Tasmania Bookshop.

Please contact the Bookshop for current prices of legislation (phone 03 6233 3289) or email bookshop@pat.tas.gov.au

(The Bookshop will be moving from 2 Salamanca Place, Hobart after August 2005.)

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Summary of this booklet

General

- Most electoral material at State and Local Government elections, whether written or broadcast, is required to be authorised.

The particular form of the authorisation depends upon the nature of the material and the type of election. Please refer to the relevant sections in this booklet for details.

- It is an offence to use a candidate's name, photograph or likeness in any printed electoral material without the written permission of that candidate.
- The restrictions relating to candidate expenditure are summarised below—

- **House of Assembly elections**

- There are no restrictions on electoral expenditure by candidates.

- **Legislative Council elections**

- Overall expenditure limitations apply and party expenditure is not allowed (see page 7).

- **Local Government elections**

- Restrictions apply to the time, space and cost of advertising purchased by candidates, and the size and number of signs erected. Production and other costs are not restricted.

- Both candidates and the media are required to lodge electoral advertising returns.

- A person must not purchase advertising time or space by or on behalf of a candidate without the written authority of that candidate (see page 12).

Parliamentary elections

- After the issue of the writ for an election, any letter, commentary or report appearing in a publication may require the name and address of the author (see pages 3-4).
- The publication and distribution of certain electoral matter on polling day is banned (see page 5).
- A broadcasting blackout applies to political advertising from midnight on the Wednesday prior to polling day, to the close of the polls (see page 6).

Section 1

Parliamentary

elections

References are to the *Electoral Act 2004* unless otherwise specified.

(At the time of publication, the value of a penalty unit is \$100.)

New Electoral Act

A new Electoral Act commenced in Tasmania in February 2005.

The *Electoral Act 2004* contains some new provisions in relation to electoral advertising and authorisation requirements for Parliamentary elections.

Please familiarise yourself with the provisions of the new Act relating to electoral advertising, some of which are summarised below.

Printed electoral matter

Campaign material to be authorised

(sections 4, 190 & 191)

Section 191 of the *Electoral Act 2004* provides that between the issue of the writ for an election and the close of poll for that election, a person must not print, publish or distribute, or permit or authorise another person to print, publish or distribute, any printed **electoral matter** without the name and address of the responsible person being printed at the end of the electoral matter in legible characters.

Any **electoral matter** which is published on the internet must also contain the name and address of the responsible person appearing at the end of the electoral matter.

'**Electoral matter**' is defined in section 4 of the *Electoral Act 2004*. An extract appears below.

'Address' is defined in section 190 as the address, other than a post office box or an electronic address—

- (a) at which the person resides; or
- (b) at or through which the person can be readily contacted.

'Responsible person' means the person who is taking responsibility for causing electoral matter to be printed, published or distributed.

Post office box addresses or electronic addresses are not permitted for authorisation of electoral matter.

Authorisation: If you are unsure whether a particular item contains electoral matter, it is advisable to authorise it to avoid committing an offence under the Act.

Examples of authorisations

Two examples of suitable authorisations are shown below.

Authorised by: John Citizen, 1 Long Road, Hobart

or

Authorised by: John Citizen, Parliament House, Hobart

Definition of 'electoral matter'

Section 4 of the *Electoral Act 2004*

- (1) 'Electoral matter' means matter which is intended to, is likely to or has the capacity to affect voting in an election.
- (2) Without limiting subsection (1), matter is to be taken to be intended or likely to affect voting in an election if it—
 - (a) contains an express or implicit reference to, or comment on—
 - (i) the election; or
 - (ii) the Government, the Opposition, a previous Government or a previous Opposition; or
 - (iii) the Government or Opposition, or a previous Government or Opposition, of the Commonwealth or a State or Territory; or
 - (iv) a member or former member of the Parliament of the Commonwealth or a State or of the legislature of a Territory; or
 - (v) a party, a branch or division of a party or a candidate or group of candidates in the election; or
 - (vi) an issue submitted to, or otherwise before, the electors in connection with the election; or
 - (b) contains—
 - (i) a photograph of a candidate in an election; or
 - (ii) a drawing or printed matter which purports to depict a candidate in an election or which purports to be a likeness or representation of any such candidate.

Authorisation not required on specified items

(section 192)

Section 192 of the Act provides that the requirement to authorise electoral matter does not apply to printed electoral matter which is printed on—

- (a) an item of clothing, lapel button or lapel badge; or
- (b) a pen, pencil or balloon; or
- (c) a business card or visiting card that promotes the candidacy of a person in an election; or
- (d) a letter or card on which the name and address of the sender appears; or
- (e) any other approved item.

Newspaper and periodical reportage and commentary

(section 193)

The requirement in section 191 to authorise electoral matter does not apply to electoral matter in reportage or commentary in an issue of a newspaper or periodical provided that the following condition is met—

- the issue must contain a statement to the effect that the editor or a person whose name and address appears in the statement has authorised the publication of all electoral matter contained in reportage or commentary in that issue.

'Reportage or commentary' is defined in section 193(2) as everything in the newspaper or periodical except advertisements and letters to the editor.

Letters to the editor

(section 194)

The requirement in section 191 to authorise electoral matter does not apply to a letter to the editor of a newspaper or periodical if—

- (a) the name of the author and the locality of the author's residence appears at the end; and
- (b) the editor of the newspaper or periodical—
 - (i) keeps, for 6 months after publication, a written record of the address of the author, as stated in the original of the letter sent to the editor, or as otherwise ascertained by the editor; and
 - (ii) provides, when requested by the Electoral Commission, a copy of a record kept under subparagraph (i).

It is sufficient to identify the locality of an author's residence by reference to either the suburb or town including, or nearest to, that residence or, in the case of a locality outside Tasmania, the State, Territory or other country of that residence.

Advertisements and advertorials in newspapers and periodicals

section 195

If payment, reward or compensation is made, or is to be made for the insertion of an advertisement, article or paragraph published in a newspaper or periodical, the proprietor must cause the word 'advertisement' to be printed as a headline, in letters not smaller than 10 point, to each advertisement, article or paragraph.

Penalty— A fine not exceeding 50 penalty units.

The word "**advertisement**" is to be printed as a headline to all electoral advertisements.

Offence to use candidate's name, photo or likeness without permission

(section 196(1))

Any person who, between the issue of the writ for an election and the close of poll at that election prints, publishes or distributes any advertisement, "how-to-vote" card, handbill, pamphlet, poster or notice which contains the name, photograph or a likeness of a candidate or intending candidate without that candidate's written consent, is guilty of an offence.

Penalty—

A fine not exceeding 300 penalty units or imprisonment for a term not exceeding 12 months, or both.

Reproduction of published materials may require permission

Reproduction of published materials (eg. newspaper photos, headlines or articles) is likely to require the permission of the authors and publishers.

The status of the material should be clarified with the publisher to avoid breaching the Commonwealth *Copyright Act 1968*.

False information

section 197

It is an offence to—

- print, publish or distribute, or permit or authorise the printing, publishing or distribution of, any printed electoral matter; or
- publish on the internet, or permit or authorise the publishing on the internet of any electoral matter;

that is intended to, likely to or has the capacity to mislead or deceive an elector in relation to the recording of his or her vote.

Penalty—

A fine not exceeding 200 penalty units or imprisonment for a term not exceeding 6 months, or both.

The equivalent section in the *Commonwealth Electoral Act 1918* has been held in the High Court of Australia (in the case of Evans v Crichton-Brown [1981] 147 C.L.R. 169) to apply to the more mechanical aspects of obtaining and marking a ballot paper and depositing it in a ballot box and not to the formation of a judgment as to who to vote for. **That is, the truth or otherwise of the material is not covered by this section.**

Publication or distribution of electoral matter on polling day banned

(section 198)

It is an offence for a person to do the following on polling day—

- distribute any advertisement, “how to vote” card, handbill, pamphlet, poster or notice containing any electoral matter: or
- publish or cause to be published in a newspaper—
 - (i) an advertisement for or on behalf of, or relating in any way to, a candidate or party; or
 - (ii) a matter or comment relating to a candidate or a question arising from, or an issue of, the election campaign.

Penalty—

A fine not exceeding 100 penalty units or imprisonment for a term not exceeding 3 months, or both.

The above restriction does not apply to any matter printed, published or distributed by the Electoral Commission or the Electoral Commissioner in the course of promoting public awareness of elections and parliamentary matters.

Broadcast electoral matter

Tasmanian *Electoral Act 2004*

There are no requirements for broadcasting election advertising contained in the new Tasmanian Electoral Act.

There are requirements under Commonwealth legislation (see below).

False information

Under section 197 of the *Electoral Act 2004*, it is an offence to broadcast on radio or television, or permit or authorise the broadcasting on radio or television of, any electoral matter that is intended to, is likely to or has the capacity to mislead or deceive an elector in or in relation to the recording of his or her vote.

Penalty—

A fine not exceeding 200 penalty units or imprisonment for a term not exceeding 6 months, or both.

This section applies to the more mechanical aspects of obtaining and marking a ballot paper and depositing it in a ballot box and not to the formation of a judgment as to who to vote for. **That is, the truth or otherwise of the material is not covered by this section.**

Commonwealth *Broadcasting Services Act 1992*

The Commonwealth *Broadcasting Services Act 1992* also contains requirements for broadcast election advertising. The Act can be found at www.austlii.edu.au

Queries concerning the Commonwealth provisions should be directed to Commercial Television Australia (CTVA – formerly FACTS) or Commercial Radio Australia Ltd (formerly FARBS) through your local TV or radio station.

Alternatively contact the Australian Communications and Media Authority (ACMA).

Guidelines on the requirements under the *Broadcasting Services Act 1992* in relation to broadcasting political matter are available from the ACMA website at www.acma.gov.au (from the homepage go to the following links—Radio&TV; Content regulation; Television; Content requirements; Political matter).

Broadcasting blackout

(Commonwealth *Broadcasting Services Act 1992*)

The *Broadcasting Services Act 1992* prohibits broadcasters from broadcasting political advertisements from midnight on the Wednesday prior to polling day, to the close of the polls.

This does not prohibit news coverage of the election, discussion of political issues, or interviews with candidates.

Legislative Council candidate advertising expenditure

Party expenditure

(section 162)

No political party expenditure is allowed at Legislative Council elections. Printers, publishers and broadcasters should therefore be alert for any party advertisements or promotional material which appear to promote or procure the election of a Legislative Council candidate.

Expenditure by person other than candidate

(sections 159 & 199)

It is an offence for a candidate to authorise anyone other than his/her election agent to incur election campaign expenses on his/her behalf.

If a person other than a candidate seeks to incur advertising expenses, the printer, publisher or broadcaster should ensure that this person is the election agent of the candidate.

Permitted electoral expenditure

(sections 160 & 199)

It is an offence for a Legislative Council candidate or his/her election agent to spend more than the 'expenditure limit' on their election campaign within the 'expenditure period' (see below).

The 'expenditure limit' for 2005 and the next 3 years is shown below—

Year	Permitted maximum amount
2005	\$10 000
2006	\$10 500
2007	\$11 000
2008	\$11 500

Candidates spending more than the expenditure limit will be liable to a penalty. In addition, if an elected candidate exceeds the expenditure limit by more than \$1000, **their election may be declared void.**

Expenditure period

(sections 3 and 5)

The 'expenditure period' is defined to be:

- in the case of a Council periodic election, the period beginning on 1 January in the year in which the election is to be held and ending at the close of poll; or
- in the case of a by-election, the period beginning on the day on which the seat of a Member of the Council becomes vacant and ending at the close of poll.

Expenditure which was incurred before the expenditure period in respect of goods and services which are to be supplied, provided to, or made use of during the expenditure period, is included in the definition of electoral expenditure (section 5).

Candidate's return of electoral expenditure

(sections 161,165 & 199)

All candidates must file an accurate return of their electoral expenditure with the Electoral Commissioner, within 60 days of the result of the election being declared (with receipts for all items over \$20). If a candidate does not file his/her return within the time specified, he/she is subject to a penalty. In addition, elected candidates who do not file their returns on time **may have their election declared void.**

The Electoral Commissioner has the power to require information, records, explanation of records and answers to questions relating to candidate expenditure where he believes that a person is in possession of relevant information.

Polling day and night

Persons permitted at a polling place

(section 120)

Candidates are not permitted to take part in any way in the conduct of polling at the polling place other than to cast their vote.

Photographing or filming: Prior arrangements to photograph or film inside a polling place should normally be made through the Returning Officer. In any case, photographers are only permitted into a polling place at the discretion of the election official in charge of that polling place.

Photographs of candidates inserting their ballot paper (vote concealed) into the ballot box may be taken by party workers or the press.

Electors recording their vote should not be filmed.

After close of the poll

After the close of the poll, a provisional count is conducted at each polling place.

For House of Assembly elections, a tally room will be provided with areas for candidates, parties, media and the public. The provisional primary votes for each Division will usually appear on tally boards progressively when available from polling places.

House of Assembly tally room location: The office of the Tasmanian Electoral Commission will arrange a meeting with media at the tallyroom location to discuss technical and other requirements prior to polling day.

Progressive results will be available on the Tasmanian Electoral Commission website at www.electoral.tas.gov.au for House of Assembly and Legislative Council elections.

Section 2

Local Government elections

References are to the *Local Government Act 1993* and
Local Government (General) Regulations 2005
unless otherwise specified.

(At the time of publication, the value of a penalty unit is \$100.)

Advertising

Amendments to the *Local Government Act 1993* and regulations

Amendments to the advertising provisions of the *Local Government Act 1993* which came into effect on 1 July 2005 are incorporated into this booklet.

The *Local Government (General) Regulations 2005*, which are relevant to local government elections, also came into effect on 1 July 2005.

Please familiarise yourself with the electoral advertising provisions of the Act and regulations, some of which are summarised below.

Requirements for printed electoral advertisements (section 311)

The Act imposes obligations on any person who prints, publishes or distributes election articles. The requirements are set out in full in section 311 of the *Local Government Act 1993* and are summarised below.

Any article relating to an election, printed or published between the notice of election and the end of the polling period (the 'prescribed period'), must contain the **true name and address of the person taking responsibility for the article**.

Penalty— A fine not exceeding 5 penalty units.

'Address' is defined to mean an address, other than a post office box or an electronic address—

- (a) at which the responsible person resides; or
- (b) at or through which the responsible person may be readily contacted.

'Article' includes any **advertisement, direct mail item, sign, circular, pamphlet, handbill, poster, sticker, dodger, and report**.

This requirement does not apply to the printing or publication of -

- a leading article; or
- an article that consists solely of a report of a meeting and does not contain any comment (other than comment made by a speaker at the meeting) on a candidate at an election or on the issues being submitted to the electors at the election.

Authorisation: If you are unsure whether a particular article relates to an election, it is advisable to authorise it (eg business cards or mail merge letters).

Publication on the internet: While the Act does not specifically mention publication of electoral article on the internet, the definition of "publishing" may include making available on the internet. Candidates may therefore wish to ensure that an electoral article published on the internet is properly authorised to avoid the possibility of challenge.

Example of authorisation

An example of a suitable authorisation is shown below.

Authorised by: John Citizen, 1 Long Road, Hobart

'Relevant period'

(section 3)

The '**relevant period**' for electoral advertising is defined in the Act as the period starting on the 30th day before the date of notice of election and ending at the end of the polling period.

Offence to use candidate's name without permission

(section 278(3))

Note: this provision is new to local government elections.

A person, within the **relevant period**, must not print, publish, broadcast or distribute any electoral advertising that contains the name, photograph or a likeness of a candidate or intending candidate at an election without the written consent of the candidate or intending candidate.

Penalty— A fine not exceeding 50 penalty units.

Note: this does not apply to—

- any matter printed, published or distributed by or on behalf of the Electoral Commissioner in the exercise or performance of his or her powers or functions;
- any electoral advertising by means of any broadcast by radio or television.

Requirements for radio and television advertisements

Tasmanian Local Government Act 1993

Following amendments to the Act in 2005, there are no authorisation requirements for broadcasting election advertising contained in the Tasmanian *Local Government Act 1993*.

There are requirements under Commonwealth legislation (see below).

Commonwealth Broadcasting Services Act 1992

The Commonwealth *Broadcasting Services Act 1992* contains requirements for authorising broadcast election advertising. The Act can be found at www.austlii.edu.au

Queries concerning the Commonwealth provisions should be directed to Commercial Television Australia (CTVA – formerly FACTS) or Commercial Radio Australia Ltd (formerly FARBS) through your local TV or radio station.

Alternatively contact the Australian Communications and Media Authority (ACMA).

Guidelines on the requirements under the *Broadcasting Services Act 1992* in relation to broadcasting political matter are available from the ACMA website at www.acma.gov.au (from the homepage go to: Radio&TV->Content regulation->Television->Content requirements->Political matter).

Note: the 'broadcasting blackout' on political advertising contained in the Commonwealth *Broadcasting Services Act 1992* apply only to Parliamentary elections and not to local government elections.

Advertising time and space

(section 278 & regulation 22)

Regulation 22(1) and 22(3) of the *Local Government (General) Regulations 2005* prescribe that a person must not purchase advertising time or space in relation to the election of a candidate without the written authority of that candidate. Therefore if a person other than a candidate purchases advertising time or space, broadcasters and publishers are advised to sight written consent from the candidate concerned.

Other provisions in Regulation 22 of the *Local Government (General) Regulations 2005* which deal with advertising time and space are set out in full below—

22(2) A candidate must not purchase or permit to be purchased advertising time on television or radio in relation to the election of the candidate if the advertising time during the **relevant period** is likely to exceed-

- 10 minutes on television; or
- 50 minutes on radio.

22(4) A candidate must not purchase or permit to be purchased advertising space in relation to the election of the candidate if the advertising space, during the **relevant period** is likely to exceed a total of-

- a) 2 pages of advertising in a daily newspaper circulating in the municipal area; or
- b) 5 pages in any other newspaper circulating in the State.

22(5) The total expenditure for the purchase of advertising time or space by or on behalf of a candidate must not-

- a) in respect of a single election, exceed a total amount of \$5000; and
- b) in respect of an election for a councillor and an election for a mayor or deputy mayor, exceed a total amount of \$8000.

Note: this is expenditure incurred in the '**relevant period**' (refer to 278(1) of the Act).

22(7) A candidate who authorises a person to conduct electoral advertising on his or her behalf relating to an election is taken to have personally undertaken that advertising.

Production costs: these restrictions apply only to advertising time and space and not to production or other costs.

Joint electoral advertising

Regulation 22(6) provides that a candidate is taken to have incurred the *total* time and space of, and expenditure involved in advertising which promotes that candidate, irrespective of whether the advertisement also promotes another candidate.

In other words, in the case of joint advertising, all candidates involved are required to declare the total time and space and expense of any advertisements in their electoral advertising returns.

Media electoral advertising returns

(section 279)

Section 279(3) of the *Local Government Act 1993* obliges anyone who prints, publishes or broadcasts electoral advertising to lodge an electoral advertising return, showing details of electoral advertisements published or broadcast during the '**relevant period**'.

As stated above, the '**relevant period**' starts on the 30th day before the notice of election and finishes on polling day (s.3).

Forms are available from the office of the Tasmanian Electoral Commission, by phoning 1800 801 701 or from the website (www.electoral.tas.gov.au). Examples of the forms appear at the end of this booklet.

The Act provides that returns are to be lodged with the Electoral Commissioner within 90 days after the day on which the certificate of election is given.

The declaration on the return that the information given is true, complete and accurate should be signed by the broadcaster or publisher in front of a Justice of the Peace or Commissioner for Declarations.

Completed returns will assist in the verification of the compliance of candidates with the legislation. If there is no electoral advertising to declare, a nil return must still be lodged. All returns will be made available for public inspection for a twelve month period.

It is an offence under the Act to fail to lodge a return within the time specified.

Penalty— A fine not exceeding 30 penalty units.

If the Electoral Commissioner is not satisfied that a return is authentic or complete, he may require further information.

Broadcaster's returns

The return of a broadcaster should include the following information in relation to each advertisement—

- Name of firm or person lodging advertisement (eg advertising agency) **and** name and address of person authorising the advertisement;
- Name of candidate(s) promoted in the advertisement;
- Identification number of advertisement (if timesheets/schedules are attached)
- Duration of advertisement;
- Date and time of each broadcast;
- Amount of charge, and
- Whether the amount was charged the normal commercial rate.
- Production and other costs should not be included.

Publisher's returns

The return of a publisher should include the following information in relation to each advertisement—

- Name of firm or person lodging advertisement (eg advertising agency) **and** name and address of person authorising the advertisement;
- Name of candidate(s) promoted in the advertisement;
- Pages/folio and space occupied by advertisement (shown as pages or fractions);
- Date advertisement was published;
- Amount of charge, and whether the amount was charged at the rate.
- Production and other costs should not be included.

'Prescribed' and 'relevant' periods

Below is a summary only of some of the periods relating to restrictions on advertising by candidates at Local Government elections.

Section/ regulation	Subject	Period
s.311 <i>Local Government Act 1993</i>	<p>Authorisation of electoral 'articles'.</p> <p>Electoral 'article' includes any advertisement, direct mail item, sign, circular, pamphlet, handbill, poster, sticker, dodger and report.</p>	<p>'prescribed period' – means the period commencing on the day on which the notice of election is advertised and ending on the closing day (s. 311).</p> <p>'closing day' is the day on which the poll closes for an election in respect of all councils – the last Tuesday in October in any uneven year (s.253 & s.268A).</p>
s.3, s.278 & s.279 <i>Local Government Act 1993</i> & reg 22 <i>Local Government (General) Regulations 2005</i>	<p>Limit on some 'electoral advertising' expenditure.</p> <p>Reporting of 'electoral advertising'.</p> <p>'Electoral advertising' means any advertising in respect of a campaign for election by a candidate or intending candidate by any of the following means:</p> <ul style="list-style-type: none"> (a) any notice, sign or poster; (b) any pamphlet or handbill; (c) any "how-to-vote" card; (d) any print medium; (e) any broadcast by radio or television. 	<p>'relevant period' – starts on the 30th day before the notice of election and finishes at the end of the polling period (s.3).</p>

Broadcaster's Electoral Advertising Return

*Relevant period – 11 August 2005 to 10am 25 October 2005

Please attach supporting documentation.

PLEASE PRINT

This return must be completed and lodged with the Electoral Commissioner no later than the beginning of February 2006. You will be advised of the exact date, which will be 90 days after the day on which the Returning Officer gives a certificate of election.

A separate return must be completed for each publication.

Tasmanian Electoral Commission Level 2, Telstra Centre, 70 Collins Street, Hobart GPO Box 300 HOBART TAS 7001

Details of person completing return

Full name: _____ Position: _____

Business phone number: _____

Details of station covered by this return

Station call sign: _____

Business name: _____

Business address: _____

(Acknowledgement of receipt will be sent to this address)

Were electoral advertisements broadcast by the station during the relevant period?

YES / NO

Circle whichever applicable

(If YES complete details overleaf)

DECLARATION

I declare that the information I have given on this form and all attached supporting documentation is true, complete and accurate.

Signature of person completing form _____

Declared before me this _____ day of _____ 20 _____

Signature of Justice of the Peace or Commissioner for Declarations

NOTE:

This information is sought in accordance with section 279(3) of the *Local Government Act 1993* which states—

Any person who prints, publishes or broadcasts electoral advertising is to lodge a return in an approved form with the Electoral Commissioner within 90 days after the day on which the returning officer give a certificate of election.

Penalties (*Local Government Act 1993*)

- for failure to lodge a return in an approved form within 90 days of the day on which the returning officer issues a certificate of election - a fine not exceeding 30 penalty units.
- for failure upon receiving written notice from the Electoral Commissioner to provide further information, records or answers - a fine not exceeding 10 penalty units.
- for knowingly furnishing false or misleading information in a return, or in response to a written notice from the Electoral Commissioner requiring the supply of further information - a fine not exceeding 10 penalty units or a term of imprisonment not exceeding 3 months.

Note: The current value of a single penalty unit is \$100.

Broadcaster's Electoral Advertising Return

Complete the columns below in relation to each electoral advertisement broadcast during the "relevant period", that is 11 August 2005 – 25 October 2005.

1	2	3	4	5	6	7
Name of firm or person lodging advertisement (e.g. advertising agency) AND Name and address of person authorising the advertisement	Name of candidate(s) promoted in the advertisement	Identification number of advertisement (if time sheets / schedules are attached)	Duration of advertisement (eg 30 seconds)	Date and time of each broadcast	Amount of Charge (if network, show only your station's share)	Was amount charged normal commercial rate? (YES/NO)

Publisher's Electoral Advertising Return

*Relevant period – 11 August 2005 to 10am 25 October 2005

Please attach supporting documentation.

PLEASE PRINT

This return must be completed and lodged with the Electoral Commissioner no later than the beginning of February 2006. You will be advised of the exact date, which will be 90 days after the day on which the Returning Officer gives a certificate of election.

A separate return must be completed for each publication.

Tasmanian Electoral Commission Level 2, Telstra Centre, 70 Collins Street, Hobart GPO Box 300 HOBART TAS 7001

Details of person completing return

Full name: _____ Position: _____

Business phone number: _____

Details of newspaper covered by this return

Name of newspaper: _____

Publisher's business name: _____

Business address: _____

(Acknowledgement of receipt will be sent to this address)

Were electoral advertisements published in the publication or journal during the relevant period?

YES / NO

Circle whichever applicable

(If YES complete details overleaf)

DECLARATION

I declare that the information I have given on this form and all attached supporting documentation is true, complete and accurate.

Signature of person completing form _____

Declared before me this _____ day of _____ 20 _____

Signature of Justice of the Peace or Commissioner for Declarations

NOTE:

This request for information is in accordance with section 279(3) of the *Local Government Act 1993* which states—

Any person who prints, publishes or broadcasts electoral advertising is to lodge a return in an approved form with the Electoral Commissioner within 90 days after the day on which the returning officer give a certificate of election.

Penalties (*Local Government Act 1993*)

- for failure to lodge a return in an approved form within 90 days of the day on which the returning officer issues a certificate of election - a fine not exceeding 30 penalty units.
- for failure upon receiving written notice from the Electoral Commissioner to provide further information, records or answers - a fine not exceeding 10 penalty units.
- for knowingly furnishing false or misleading information in a return, or in response to a written notice from the Electoral Commissioner requiring the supply of further information - a fine not exceeding 10 penalty units or a term of imprisonment not exceeding 3 months.

Note: The current value of a single penalty unit is \$100.

Publisher's Electoral Advertising Return

Complete the columns below in relation to each electoral advertisement published during the "relevant period", that is 11 August 2005 – 25 October 2005.

1	2	3	4	5	6	7
Name of firm or person lodging advertisement (e.g. advertising agency) AND Name and address of person authorising the advertisement	Name of candidate(s) promoted in the advertisement	Identification number of advertisement	Size of advertisement— in column cms or fractions of a page	Date of each publication of advertisement	Amount of Charge	Was amount charged normal commercial rate? (YES/NO)



Tasmanian Electoral Commission

Level 2 Telstra Centre
70 Collins Street Hobart

GPO Box 300 Hobart 7000

Phone 1 800 801 701 or 03 6233 2000

Fax 03 6224 0217

email ballot.box@electoral.tas.gov.au

website www.electoral.tas.gov.au

All electoral forms mentioned in this booklet
can be obtained from the office of the
Tasmanian Electoral Commission (TEC)
or the TEC website at www.electoral.tas.gov.au