

House of Assembly—No 6

As laid on the table and read a first time, 13 May 2010

South Australia

**Electoral (Publication of Electoral Material)
Amendment Bill 2010**

A BILL FOR

An Act to amend the *Electoral Act 1985*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Electoral (Publication of Electoral Material) Amendment Act 2010*.

5 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

10 Part 2—Amendment of *Electoral Act 1985*

4—Insertion of section 112C

After section 112B insert:

112C—Publication of matter regarding candidates

- 15 (1) If, in any matter announced or published, or caused to be announced or published, by a person on behalf of any association, league, organisation or other body, it is—
 - (a) claimed or suggested that a candidate in an election is associated with, or supports the policy or activities of, that association, league, organisation or body; or
 - 20 (b) expressly or impliedly advocated or suggested—

(i) in the case of a Legislative Council election—that a voter should place in the square opposite the name of a candidate on a ballot paper a number not greater than the number of members to be elected; or

(ii) in the case of a House of Assembly election—that that candidate is the candidate for whom the first preference vote should be given,

that person is guilty of an offence.

Maximum penalty:

(a) If the offender is a natural person—\$1 000;

(b) If the offender is a body corporate—\$5 000.

(2) Subsection (1) does not apply if the person proves that he or she is authorised in writing by the candidate to announce or publish the thing claimed, suggested or advocated.

(3) Where any matter, the announcement or publication of which by any person without the written authority of a candidate would be an offence against subsection (1) on the part of that person, is announced or published by or on behalf of, or with the support of, any association, league, organisation or other body, every person who was an officer of the association, league, organisation or body at the time of that announcement or publication is guilty of an offence against subsection (1).

(4) For the purposes of this section, where any matter purports, expressly or impliedly, to be announced or published by or on behalf of, or in the interests or with the support of, any association, league, organisation or other body, the matter will, in the absence of proof to the contrary, be deemed to be announced or published by or on behalf, or with the support, of the association, league, organisation or other body.

(5) Nothing in this section applies to or in relation to any announcement or publication made or authorised by a bona fide political party respecting a candidate who, by public announcement, has declared his or her candidature to be a candidature on behalf of, or in the interests of, that party.

5—Amendment of section 116—Published material to identify person responsible for political content

(1) Section 116(1)—delete "in a journal published in electronic form on the Internet"

(2) Section 116(1)—delete "or broadcast on the Internet"

(3) Section 116(2)(a)—delete "(including a journal published in electronic form on the Internet)"

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- (4) Section 116(2)(c)—delete paragraph (c) and substitute:
- (c) the publication in a journal of an article, letter, report or other matter if the journal contains a statement to the effect that a person whose name and address (not being a post office box) appears in the statement takes responsibility for the publication of all electoral matter published in the journal;
- (5) Section 116(2)(d)—delete "or broadcast on the Internet"

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