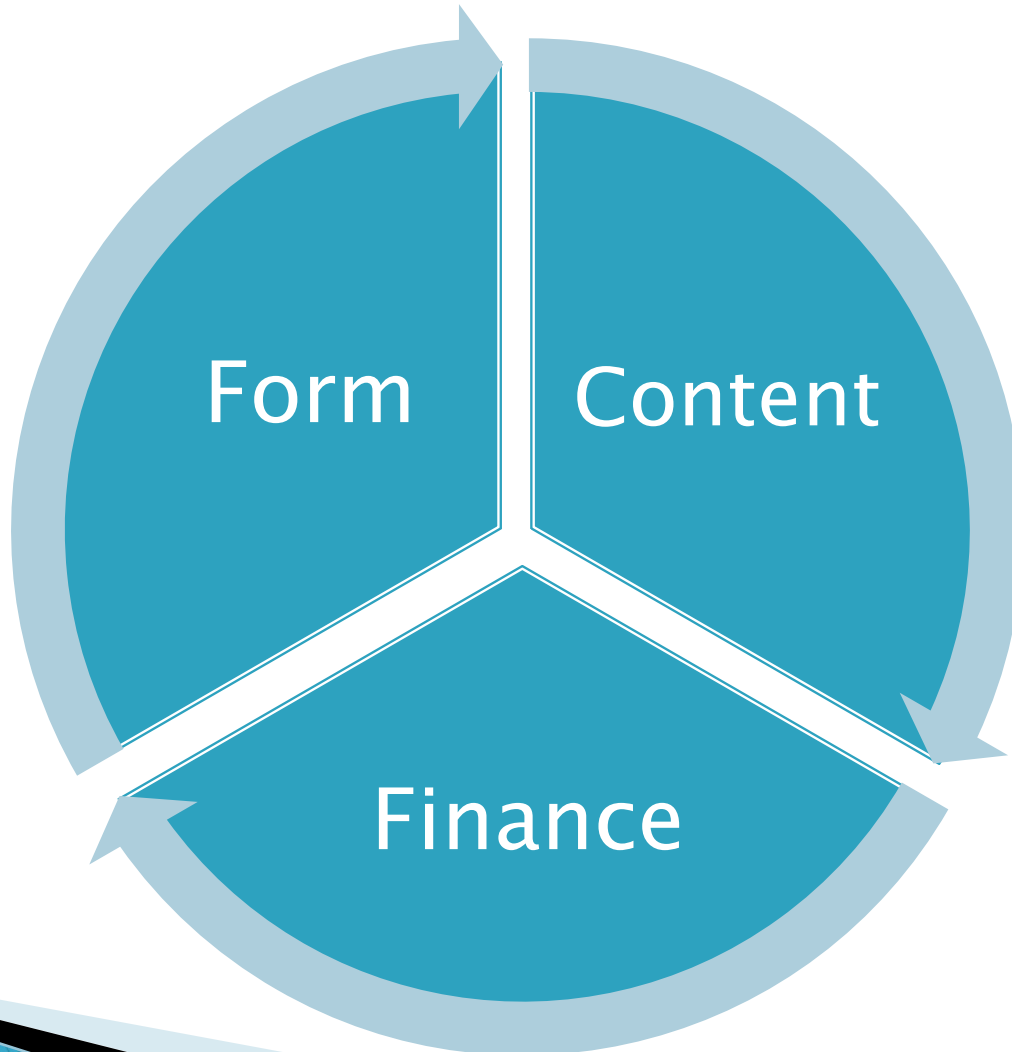


Regulation of Campaigning

Professor Graeme Orr g.orr@law.uq.edu.au
Sydney Policy Lab workshop
18 October 2019

Election Campaign Laws



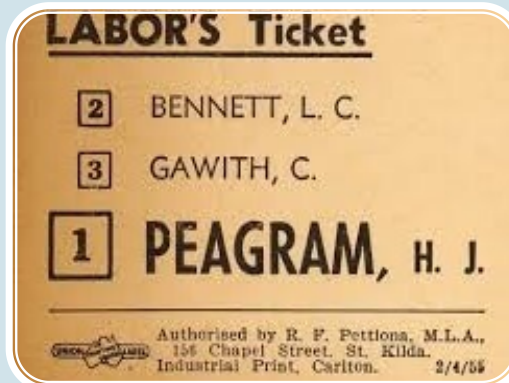
Form



3 Day
Broadcast
Blackout



6m Cordon
Sanitaire

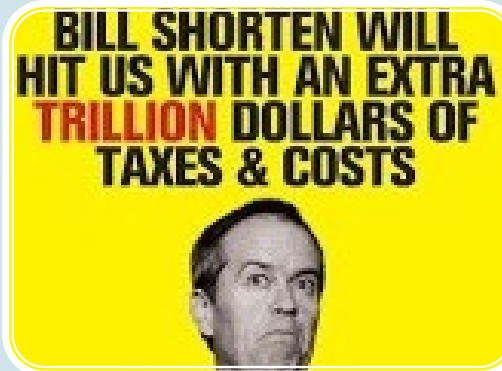


Authorisation

Content



General law –
defamation,
offensiveness



No truth in
political
advertising law
(outside SA/NT)



Misleading
electors in
'casting' vote

Issue Advertising – ‘electoral matter’?



Probably not
(Commonwealth dominant purpose test)



Probably yes
(*if* around election time)

Finances and Disclosure

'Political Campaigner'

- Predominant activity OR \$0.5m 'electoral' spend
- Register.
- Disclosure, foreign gift limit ~ parties.

'3rd party'

- \$13.8k pa 'electoral' spend.
- Disclose spend, relevant gifts
- No foreign gift over \$13.8k for electoral spend.

Others

- Disclose outward political donations

3rd party election spending cap

- \$1 m cap, 6mth before polling
- \$2k pa : register.

Donation limits – campaign account

- Over \$2900 pa, one source
- Foreign, property/ alcohol/tobacco ban

Biannual disclosure

- If registered or caught by \$2k pa spending cap
- Nil return common

'Transparency Register'
Commonwealth Electoral Act 1918

Donation and spending caps
Electoral Act 2017 NSW

Discrimination for 'political belief'



Neutrality: services
(physical or ad space)

Anti-Discrimination Act 1977 No 48 [NSW]

Anti-Discrimination Act 1977 No 48



An Act to render unlawful racial, sex and other types of discrimination in certain circumstances and to promote equality of opportunity between all persons.

Part 1 Preliminary

1 Name of Act

This Act may be cited as the *Anti-Discrimination Act 1977*.

2 Commencement

- (1) This section and section 1 shall commence on the date of assent to this Act.
- (2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3 (Repealed)

4 Definitions

- (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—
 - accommodation* includes residential or business accommodation.
 - associate* of a person means—
 - (a) any person with whom the person associates, whether socially or in business or commerce, or otherwise, and
 - (b) any person who is wholly or mainly dependent on, or a member of the household of, the person.

NSW Act
No protection

The Law of Politics

(2nd edition, 2019)

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