

Senate Finance and Public Administration Legislation Committee
ANSWERS TO QUESTIONS ON NOTICE
ADDITIONAL BUDGET ESTIMATES 2011-2012

Finance and Deregulation Portfolio

Department/Agency: Australian Electoral Commission

Outcome/Program: 1/1.2

Topic: Political Party Advertising Campaign

Senator: Ryan

Question reference number: F77

Type of question: Written

Date set by the committee for the return of answer: Friday, 30 March 2012

Number of pages: 1

Question:

- a) Where a political party obtained free or discount rates for TV ad spots on the back of a company's TV ad campaign, or off the back of their combined 'adspend', who would be the "donor" of these free ads for the purposes of disclosure? Would it be the media buyer, the company, or another individual if they paid for some of the ads, or would it depend on circumstances?
- b) Can you confirm whether a political party accessing a discount due to the commercial contract arrangements or purchase of a service, such as advertising, by another party would constitute a gift that required declaration?
- c) If a company accessed cheaper or free ads on the back of the political party's ad campaign, would the party have to include the benefit to company in its calculation of total of payments in its disclosure return?

Answer:

This question appears to be a variation of the hypothetical question asked by Senator Abetz the answer to which appears at F75. Accordingly, reference should also be made to the answer provided to F75.

In relation to the additional issues raised in this question the following information is provided:

- a) Depending on the individual circumstances, including the terms of the contract, the state of knowledge of each of the parties and the value of the free or discounted TV spots to each of the parties, there may be some reporting obligations including by the media outlet providing the service, the company and the registered political party.
- b) This matter is fully dealt with in the answer to F75.
- c) Depending on the individual circumstances, due to the operation of sections 314AB, 314AC and the definition of "amount" in section 314AA of the *Commonwealth Electoral Act 1918*, it is theoretically possible that a registered political party would be required to disclose this as an "amount paid" in an Annual Return. The reasons for this are discussed in detail in the answer to F75.