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'The Guidelines will assist all concerned in determining what is or is not political matter for the purposes of the *Broadcasting Services Act 1992*,' Professor David Flint, ABA Chairman said.

It is a condition of commercial, narrowcasting and community broadcasting licences that if a licensee broadcasts political matter at the request of another person, the broadcast must be accompanied by the required particulars, the 'written and authorised by' tag. The tag is to assist the general public in their identification of broadcasts which are political and to prevent anonymous or falsely attributed political matter being broadcast.

What is or is not political matter is an objective test and must be determined on a case-by-case basis. To be political matter, the matter broadcast must be capable of being properly characterised as participation in the political process or an attempt to influence or comment upon that process, the administration of government or those who participate in these activities.

Any matter broadcast which

advocates a certain point of view with regard to government and its policies, or political parties and their policies, would fall within the definition of political matter regardless of when it is broadcast. However, matter which is simply promoting a product or service would not fall within the definition of political matter merely because it refers to something which is political.

Legislative requirements

Clause 4 of Part 2 of Schedule 2 of the Act requires broadcasters to identify certain political matter. Specifically, clause 4 provides:

Identification of certain political matter

(1) In this clause, broadcaster means:

- (a) a commercial television broadcasting licensee; or
- (b) a commercial radio broadcasting licensee; or
- (c) a community broadcasting licensee; or
- (d) a subscription television broadcasting licensee; or
- (e) a person providing broadcasting services under a class licence.

[Note: services provided under class licences include subscription



and open narrowcast services.]

(2) If a broadcaster broadcasts political matter at the request of another person, the broadcaster must, immediately afterwards, cause the required particulars in relation to the matter to be announced in a form approved in writing by the ABA.

(3) A broadcaster must, in relation to political matter broadcast at the request of another person, keep a record of the name, address and occupation of the person or, if the person is a company, the name and the address of the principal office of the person for the required period and must give to the ABA any particulars of the record that the ABA, by written notice, requires.

(4) For the purposes of this clause, a person authorises the broadcasting of political matter only if the person is responsible for approval of the content of the political matter and the decision to present it for broadcasting.

Definitions

Clause 1 of Part 1 of Schedule 2 provides a number of relevant definitions.

Political matter means any political matter, including the policy launch of a political party; *required particulars*, in relation to a political matter that is broadcast, means:

(a) if the broadcasting was authorised by a political party:

- (i) the name of the political party;
 - (ii) the town, city or suburb in which the principal office of the political party is situated;
 - (iii) the name of the natural person responsible for giving effect to the authorisation; and
- (b) if the broadcasting of the political matter was authorised by a person other than a political party:

- (i) the name of the person who authorised the broadcasting of the political matter; and
- (ii) the town, city or suburb in which the person lives or, if the person is a corporation or association, in which the principal office of the person is situated; and

(c) the name of every speaker who, either in person or by means of a sound recording device, delivers an address or makes a statement that forms part of that matter;

election advertisement, in relation to an election, means:

- (a) an advertisement:
 - (i) that contains election matter that relates to that election; and
 - (ii) in respect of the broadcasting of which the relevant licensee has received or is to receive, directly or indirectly, any money or other consideration; or