

ALLOCATION OF FREE BROADCAST TIME TO POLITICAL PARTIES DURING ELECTION PERIODS

Statement of policy approved by the
Australian Broadcasting Corporation Board



LEGISLATIVE AND POLICY BACKGROUND

Under Section 79A of the *Australian Broadcasting Corporation Act 1983*, the ABC may determine to what extent and in what manner it will broadcast political matter.

The ABC supports fundamental democratic principles, among them parliamentary democracy. Since its inception in 1932, the national public broadcaster has facilitated the democratic process by making broadcast time available to registered political parties so that they may have an opportunity to explain directly to the electorate the policies for which they are seeking voters' support.

The ABC Board has determined that free broadcast time shall be allocated to political parties during election periods according to the eligibility and allocation criteria set out in this document.

The criteria and guidelines to be applied in allocating free election broadcast time are founded on some basic propositions:

- For the proper functioning of representative government in a democracy, it is essential that the public are fully informed on issues of current debate and on the policies of those parties competing for political office.
- The public is entitled to hear a range of principal relevant perspectives on matters of public importance.
- Providing opportunities for the expression of a diversity of perspectives is inherent in the concept of impartiality, which is among the ABC's statutory duties.
- Exchange of opinion is one of the safeguards of free institutions and of democracy itself.

The ABC Board reserves the right to grant or withhold free broadcast time to political parties, including those not currently represented in the Parliament, on the basis of the number of seats contested, the measure of demonstrated public support and any other factors deemed relevant.

Free time election broadcasts are quite separate from the ABC's news and current affairs coverage of elections. Their transmission does not imply ABC support for the views contained in them.

SCHEDULING AND PRODUCTION

Free time election broadcasts comprise parties' policy announcements and, for the Government and official Opposition, final pitches in the last week of the election period. The ABC aims to give eligible parties maximum possible freedom in how they use their time, consistent with the proper operation of a public broadcaster. Production guidelines issued by the ABC from time to time set out conditions for the lawful and efficient administration of free time election broadcasts.

Allocations are made in general election campaign periods and not in by-elections, local elections or elections involving only the upper house of a parliament.

An “election period” runs from the day the writ is issued until the close of polling on election day. Although the ABC is not required to comply with the election blackout under the *Broadcasting Services Act 1992 (Cth)*, the ABC has determined as a matter of policy to observe the blackout period and accordingly will not schedule free time election broadcasts after midnight on the Wednesday before polling day.

Free time election broadcasts are broadcast on ABC1 Television and ABC Local Radio. Once broadcast on ABC1 Television or ABC Local Radio, the ABC may at its discretion post or otherwise make available the election broadcast on any of the ABC’s other broadcasting or digital media services. If the party agrees and it is practicable, the ABC may make an election broadcast available on a digital media service, such as abc.net.au, earlier than its formal scheduled broadcast time on the television or radio service for which it was made.

ALLOCATION OF FREE BROADCAST TIME TO THE GOVERNMENT AND THE OFFICIAL OPPOSITION

1. Automatic eligibility for grant of time

The Government and the official Opposition in an outgoing Federal, State or Territory Parliament or Assembly are granted equal time by the ABC for election broadcasts within the relevant jurisdiction during election campaigns. When political parties are in coalition, either as a Government or as the official Opposition, the ABC will provide an equal allocation of time to the Government and to the official Opposition, leaving it to the parties which are in coalition to divide the time between them as they see fit.

The “official Opposition” means the second largest political party or coalition of parties after the Government in the Lower House which stands ready to form a government should it win a majority at a general election.

In assessing whether a minor party is “in coalition” with the Government or official Opposition parties, regard will be given to factors such as any formal agreement in place between the parties, public statements about the nature of the parties’ affiliation, and the extent to which the parties have agreed to act in a unified way on legislative and policy matters.

2. Time allocated

In **federal elections**, the Government and official Opposition parties will be granted 31 minutes 30 seconds of free time on ABC1 Television and 31 minutes 30 seconds on ABC Local Radio. The time is allocated as follows:

- 18 minutes for policy announcements on television and radio, divided into twelve 90-second spots on ABC1 and six 3-minute spots on ABC Local Radio; and
- 13 minutes 30 seconds for the party’s final pitch in the last week of the election period.

In **state and territory elections**, the Government and official Opposition parties will be granted 22 minutes of free time on ABC1 Television and 22 minutes on ABC Local Radio. The 22 minutes are allocated as follows:

- 12 minutes for policy announcements on television and radio, divided into eight 90-second spots on ABC1 and four 3-minute spots on ABC Local Radio; and
- 10 minutes for the party’s final pitch in the last week of the election period.

Parties will not be permitted to divide up or combine their allocations, for example to make one 90-second spot into three 30-second spots or to make two 90-second spots into a 3-minute spot.

ALLOCATION OF FREE BROADCAST TIME TO ELIGIBLE MINOR PARTIES

The following criteria have been established by the ABC Board to determine whether a minor party is eligible for a grant of free election broadcast time.

1. Threshold Criteria: Registered political party standing a requisite number of candidates

To qualify for an allocation of free election broadcast time, a political party must be registered with the electoral commission in the jurisdiction in which the election is to be held. Parties must stand candidates in at least 10% of vacant seats in the House of Parliament in which the party is contesting seats.

In a Federal Election, there is an additional criterion. Parties must stand candidates in the majority of States and Territories. This means that parties must stand candidates in at least five of the eight States and Territories.

2. Additional Criteria: Demonstrated public support

A minor party, whether it is already established or a new party, must satisfy the threshold criteria and also demonstrate electoral support in the jurisdiction in which the election is being held according to the criteria set out below.

Established minor parties – being parties, other than those in coalition with the Government or the official Opposition, which have contested a previous election in the jurisdiction in which the election is being held – must demonstrate electoral support according to any one of the following criteria:

- election of at least one member to the Parliament concerned at the immediately preceding election or in the case of the Senate, at the previous Senate election; or
- the polling of at least 5% of first preference votes cast for either House at the immediately preceding election for the Parliament concerned; or
- having at least 5% nationwide, State-wide or Territory-wide support (depending on the election concerned) in a recent, recognised, and published independent poll.

New parties – being those parties which have not previously contested an election in the jurisdiction in which the election is being held – must demonstrate either:

- having at least 5% nationwide, State-wide or Territory-wide support (depending on the election concerned) in a recent, recognised, and published independent poll; or
- having as a member of their party a member of Parliament who left a party that contested the previous election and, while remaining a member of Parliament, has joined the new party.

3. Time allocated

If an eligible minor or new party meets the twin criteria of contesting at least 10% of vacant seats in an election and demonstrates at least 5% public support in votes cast or in a recent recognised and published independent poll, or has at least one member in the existing parliament, then the party may be granted two 90-second spots on ABC1 Television and one 3-minute spot on ABC Local Radio for policy announcements.

If an eligible minor or new party meets the twin criteria of contesting at least 20% of vacant seats in an election and demonstrates at least 10% public support in votes cast or in a recent recognised and published independent poll, then the party may be granted two additional 90-second spots on ABC1 Television and an additional 3-minute spot on ABC Local Radio for policy announcements.

FACTORS THE BOARD MAY CONSIDER IN EXERCISING ITS DISCRETION TO ALLOCATE FREE BROADCAST TIME

Whether or not a party meets the criteria set out above and is granted one or an additional allocation, the ABC Board retains a discretion to allocate free election broadcast time.

In assessing whether – and how much – time to grant to a minor party, the Board has determined factors relevant to the exercise of its discretion include:

- the number of candidates the party fielded in the immediately preceding election in one or both Houses of Parliament;
- the percentage (above 10%) of vacant seats the party is contesting in the current election;
- the percentage of first preference votes obtained at the immediately preceding election in the House in which the party stood candidates;
- the proportion of electorates in which the party obtained at least 5% of first preference votes at the immediately preceding election;
- the number of seats won by the party at the immediately preceding election;
- whether seats were won in the lower House of Parliament where government is formed;
- any change, since the immediately preceding election, in the number of sitting members of Parliament who were members of that political party;
- any relationships that exist between a political party and any other political party, such as an agreement to enter into or withdraw from an affiliation with another party;
- any special recognition given to the party under the relevant Parliamentary rules and orders in force during the immediate past session of Parliament, such as questions allotted to the party during Question Time or the time allocated to the party's members for Private Members Business;
- the results of any recent, recognised and published independent poll;
- any change in poll results since the immediately preceding election; or
- the desirability of providing a fair opportunity – relative to each party's level of demonstrated public support – to eligible political parties to convey their policies to the electorate.

Enquiries about the details of the allocation of election free time on ABC radio and television should be directed to Mark Tapley, Chairman, ABC Election Coverage Review Committee, on telephone (03) 9626-1854 or (03) 9626-1631, by facsimile on (03) 9626-1598, or by email to abc.ecrc@abc.net.au.