

DETERMINATION

Authorisation of electoral material

Electoral Act 2002, section 83

Determination 010/2026

Keywords

Advertisement, authorise, cause, distribute, electoral communication, electoral material, exempt, flyer, leaflet, notice, pamphlet, permit, political advertising, poster, print, publish, social media

Preamble

This determination states how the Victorian Electoral Commission (VEC) intends to perform its duties and functions and exercise its powers specific to section 83 of the *Electoral Act 2002* (Vic) (Electoral Act).

Section 83 of the Electoral Act governs the authorisation requirements for the printing, publication and distribution of electoral material.

Electoral material requires ‘authorisation’, which means including the name and address of the person who authorised the electoral material. The name and address form an ‘authorisation statement’.

The VEC regulates authorisation to ensure members of the public are aware of the origins of electoral material. Authorisation ensures transparency and allows someone to decide for themselves how much they value or trust electoral material.

Failure to authorise electoral material in accordance with section 83 of the Electoral Act is an offence.

Audience

The main audiences for this determination include:

- registered political parties
- candidates
- elected members
- anyone printing, publishing or distributing electoral material.

Determination

I, Sven Bluemmel, Electoral Commissioner for the State of Victoria, make the following determination in accordance with section 9(3) of the Electoral Act.

1. *Electoral material that requires authorisation*

- 1.1. For this determination, 'electoral material' is:
 - 1.1.1. a paid advertisement that contains 'electoral matter'
 - 1.1.2. printed material (including a leaflet, flyer, pamphlet, notice or poster) that contains 'electoral matter'
 - 1.1.3. material produced by or on behalf of the following entities defined in the Electoral Act:¹
 - 1.1.3.1. a registered political party
 - 1.1.3.2. a candidate
 - 1.1.3.3. an elected member.
- 1.2. For this determination, an 'elected member' is a member of the Legislative Assembly or Legislative Council.
- 1.3. Electoral material may appear online, in digital or electronic format, or in print.
- 1.4. The VEC does not require the spoken or written words of a person to have an authorisation statement unless the words are represented as or in electoral material.

2. *What is 'electoral matter'?*

- 2.1. 'Electoral matter' is defined under section 4 of the Electoral Act and generally means electoral matter that is intended or likely to affect voting in an election.
- 2.2. Material made expressly for academic, artistic, educational or satirical purposes that is not intended or likely to affect voting in an election is not regulated by the VEC.

3. *What is 'contains' electoral matter?*

- 3.1. For electoral material to 'contain' electoral matter, the electoral matter must have a sufficiently strong connection to an election. Proximity to an election

¹ As a result of the High Court of Australia's decision in *Hopper v Victoria* [2026] HCA 11, material produced by or on behalf of the other entities listed in Electoral Act s 83(4)(c) are not currently operable in law.

day is relevant to whether the material has a sufficiently strong connection to the election.

4. What is ‘material’?

- 4.1. For the purposes of section 83(4)(c), material is any matter or thing capable of being printed, published or distributed online, in digital or electronic format, or in print.

5. What is ‘on behalf of’?

- 5.1. For the purposes of section 83(4)(c), material is produced ‘on behalf of’ an entity if the entity directs, invites, requests or accepts production or otherwise causes production.

6. What is an ‘advertisement’?

- 6.1. An ‘advertisement’ is anything that is made or intended to draw the attention of the public, or a section of the public, to a particular person, thing, event or movement.
- 6.2. An advertisement can appear in many forms, including online, by spoken, written or printed words, pictorial representation, light or sound, or by exhibition to the public.
- 6.3. The intention of the maker of the material is not relevant in determining if it is an advertisement.
- 6.4. An advertisement is not electoral material unless it contains electoral matter and is (or is to be) paid for.

7. What is a ‘leaflet’?

- 7.1. A ‘leaflet’ is printed material delivered by hand or mail, usually not more than a few pages.

8. What is a ‘flyer’?

- 8.1. A ‘flyer’ is a single sheet of printed material circulated to announce an event, promote a cause or advertise a product.

9. What is a ‘pamphlet’?

- 9.1. A ‘pamphlet’ is a printed document, which would ordinarily be available publicly.

10. What is a ‘notice’?

- 10.1. A ‘notice’ is an item that conveys a brief piece of information to the public or a section of the public, by written or printed word. A notice may be accompanied

by an image. A notice does not include audio or a moving visual image, such as a video or a digital media file.

11. What is a ‘poster’?

- 11.1. A ‘poster’ is a large placard or bill, often incorporating photographs or illustrations, and displayed for advertisement or publicity or for decorative purposes.

12. Who should authorise electoral material?

- 12.1. Any person who prints, publishes or distributes the electoral material (or causing the same) must include the relevant authorisation.
- 12.2. A person ‘printing, publishing or distributing’ electoral material (or causing the same) may include:
- 12.2.1. causing electoral material to appear on an electronic billboard, electric road sign or other similar device
 - 12.2.2. posting electoral material on a website or social media platform accessible by the public or a section of the public
 - 12.2.3. sending electoral material to a group (or groups) of strangers by electronic transmission, such as an email, text message, messaging application or social media.
- 12.3. Where electoral material is deliberately separated from its authorisation statement, and proximity between the electoral material and its authorisation no longer exists, the person who prints, publishes or distributes the separated electoral material should authorise it.

13. What should be included in an authorisation statement?

- 13.1. Electoral material must include the name and address of the person who authorised the electoral material. A person authorising electoral material can be a natural person, body politic or a body corporate (e.g. a political party, company organisation).
- 13.2. If electoral material is published or distributed online, the electoral material must contain an authorisation statement (e.g. on the account holder’s account profile page or a pinned post that includes an authorisation statement) or link to a website which has an authorisation statement.

Name requirements

- 13.3. The full or registered name of the person, body politic or body corporate who authorised the electoral material is required. A person, body politic or body corporate may use a name they are generally known by, provided they can be

easily identified by the public.

- 13.4. An abbreviated name or alias, account name, username or social media handle is not a name, unless it is clearly attributable to the full name of a person. An initial and last name is accepted as clearly attributable to the full name of a person.

Address requirements

- 13.5. The geographical address of the person (typically a street address and suburb) must be visible in the authorisation statement. A post office box is not an acceptable address under the Electoral Act.
- 13.6. While the address listed in the authorisation statement must be the person's usual address, it does not need to be a residential address. It can include the address of an office, such as a company or business address, or the address of an election campaign office. The address may be within or outside of the State of Victoria.
- 13.7. The person authorising the material needs to have more than sporadic or ad hoc access to the address, and the address must not be for a vacant parcel of land at the time of the authorisation.

Language requirements

- 13.8. An authorisation statement must be in accordance with the following language requirements:
 - 13.8.1. If the electoral material is only in English – the authorisation statement must be in English.
 - 13.8.2. If the electoral material is in a language other than English – the authorisation statement must be in English and the language used in the material.
 - 13.8.3. If the electoral material is in 2 or more languages – the authorisation statement must be in English and all other languages used in the material.

Format requirements

- 13.9. The authorisation statement must be formatted in a way that ensures it is reasonably prominent. It must:
 - 13.9.1. be legible at the distance at which the electoral material is intended to be read
 - 13.9.2. be in a text that contrasts with the background on which the authorisation statement appears

- 13.9.3. be printed in a way that the authorisation statement will not fade, run or rub off
- 13.9.4. not be placed over backgrounds that detrimentally impact its legibility (e.g. complex pictorial or multi-coloured backgrounds).

15. *Exempt item as electoral material*

- 15.1. If an item or thing referred to in section 83(2) of the Electoral Act (an 'exempt item') is made into a paid advertisement, or a leaflet, flyer, pamphlet, notice or poster and is intended or likely to affect voting in an election, it is no longer an exempt item. It becomes electoral material and requires authorisation.

Revocation of previous instrument

Determination 002/2025 ('Authorisation of electoral campaign material') made by the Electoral Commissioner on 1 July 2025 is revoked and replaced by this determination.

Commencement of this determination

This determination commences on 25 May 2026 and remains in effect until such time as it is amended, revoked, superseded, or otherwise replaced.

Sven Bluemmel
Electoral Commissioner
Victorian Electoral Commission

25 May 2026

Document details

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