During an election period, there are laws about misleading electors. Misinformation and disinformation can be concerning. There are a few simple ways you can check information that comes to you.

Ask yourself:

- Is it from a reliable source?
- Is it current? When was it published?
- Is it ‘fake news’ or a scam?

If you are in any doubt about something you read, see or hear relating to the voting process, contact WA Electoral Commission (WAEC).

Communications

Election communication is an important part of the democratic process. It can help electors decide who to vote for by informing them about candidates and their policies. However, with this communication, comes a responsibility not to mislead electors.

Responsibility of Communicators

In Western Australia, it is the responsibility of each candidate, party or other person or organisation making communications about State elections to ensure their electoral communications comply with the relevant laws, including not misleading electors, and ensuring materials are appropriately authorised.

Authorising Electoral Material

All election material must be authorised with a person’s name and street address. This means that anyone can contact that person if they believe the material is untrue or misleading. It is an offence in Western Australia to mislead electors in the process of voting.

Misleading and Deceptive Material

Section 191A of the Electoral Act 1907 in Western Australia prohibits material that is likely to mislead or deceive an elector in relation to the casting of the electors vote.

The term misleading in this context has been narrowly defined by the courts as relating to the voter’s understanding of the effect of their vote. For example electoral material suggesting numbering the candidates on a ballot paper in a particular order would be a vote for a particular candidate when, in fact, that order would result in the candidate getting the last preference would likely be misleading.

Whereas electoral material putting forward a perspective on an issue that can be freely contested by electoral material putting forward a differing or opposing view on the issue is not, by itself, going to be misleading.

Broadcasters

Media representatives and social media organisations have a role to play in the appropriate creation and distribution of election communications. Television and radio broadcasters have obligations in relation to political communications under broadcasting laws.

Broadcasting Blackout Periods

The broadcasting blackout period is a provision under the Broadcasting Service Act 1992 (Cth), administered by The Australian Communications and Media Authority (ACMA). Election advertisements cannot be broadcast on television and radio from the end of the Wednesday before election day until the close of poll on election day. This does not apply to election information advertisements from WAEC.

Text Messages and Phone Calls

ACMA has previously advised that the SPAM Act 2003 and Do Not Call Register Act 2006 and “junk mail” post arrangements do not apply to political or electoral communication. They are also not subject to the requirements of the Privacy Act 1988 (Cth). This means they can contact you with campaign messaging. WAEC offers an opt-in subscription service for election reminders. See more information here.

WAEC does not disclose landline or mobile telephone numbers or email addresses of electors.
Social Media
Social media channels can be used to spread electoral information quickly and widely. That also means the channels can be misused to spread disinformation designed to mislead or confuse electors. Social media companies have platform policies, community guidelines and tools to help electors ask questions about electoral information on their platforms. More recently, social media companies have taken steps to remove material and groups from their platforms when the information and posts were designed to mislead and misinform electors.

All election material on social media must be authorised.

Campaigning at a Polling Place
All campaign activities must take place at least six metres away from the entrance to the polling booth. Due to COVID-19 there are restrictions about what can be handed out. You do not have to take campaign material or how-to-vote cards. It is your choice.

How to vote cards must be authorised and must not contain anything that misleads electors.

Postal Vote Applications
Political parties are able to contact electors about applying for a postal vote. If an elector chooses to use this service and returns the completed form to the party, the party must immediately relay the postal vote application on the elector’s behalf to the Commission.

Electors have the choice whether or not to be involved in this process. Electors who prefer to apply to WAEC directly can do so at https://www.elections.wa.gov.au/postal-vote-apply or by phoning WAEC call centre on 13 63 06.

The best way to guarantee receiving your postal vote as quickly as possible is to apply online.

Postal vote applications close on 10 March 2021. All postal ballots will be sent after the close of candidate nominations, the ballot paper order draw, and the printing of ballot papers.

WAEC's Role
WAEC is an independent statutory authority established under the Electoral Act 1907 and is responsible for:

- the impartial conduct of State, local and industrial elections and referendums in Western Australia
- the regulation of electoral funding and disclosure requirements, and
- the reviewing of state electoral boundaries.

WAEC’s responsibilities and functions are determined by the Act and WAEC will respond to concerns that fall within its jurisdictions.

WAEC can refer matters to various parties including:

- an authoriser of electoral material – all electoral material during an election period should carry the name and address of the authoriser
- a political or third party
- Australian Communications and Media Authority
- the police.

Making a Complaint
WAEC accepts complaints made in writing and via utilising an online form which allows you to directly submit a complaint. Supplementary evidence should be submitted where possible with a complaint. WAEC’s website provides more information on the complaints process.

Complaints can be made:
Email complaints@waec.wa.gov.au