



Advertising responsibilities – Local Government (Council) elections

Advertising responsibilities

Candidates, publishers, broadcasters and the media are advised to familiarise themselves with the electoral offences listed in the [Local Government Act](#).

This information provided about campaigning and advertising offences is a guide only. Alleged offences under the *Local Government Act* are assessed on a case-by-case basis and, ultimately, it is for the courts to decide in any particular case. Accordingly, if you are in doubt about the interpretation of the law in particular circumstances, you should seek independent legal advice.

There is no electronic media blackout for council elections.

Authorising electoral matter

Electoral matter is any matter, in printed or electronic form, intended, or likely, to affect voting at an election. For Local Government elections, all campaign material and electoral matter must clearly state the name and address of the person authorising the publication or distribution. Requirements for authorisation also apply to broadcasters, newspapers and printers of electoral matter.

Authorisation requires the use of the name and address at which the person can usually be contacted. The use of a post office box is not permitted. An address of the authoriser means:

- the town, city or suburb in which the person lives is deemed sufficient or, if the person is a corporation or association, in which the principal office is situated.

Campaign material includes any advertisement or document etc., intended to promote the electoral prospects of candidates for an election, for example:

- an electoral advertisement
- a printed document such as a handbill, pamphlet, how-to-vote card
- a message containing electoral matter that is sent by telephone or broadcast by electronic means
- published material containing electoral matter.

Campaign material, both printed and in electronic format, must have:

- the name and address of the person authorising the advertisement and
- if a printed document, the name and address of the printer printed at the end.

Where the material is to be viewed from two sides, the authorisation and printer details are required on both sides.

Letters to the editor of a newspaper, if published, require the name and address of the author.

A person must not publish or distribute any campaign material that is likely to:

- mislead an elector
- deceive an elector
- improperly interfere with an elector casting a vote
- contain an untrue or incorrect statement in relation to administration of the election.

Electronic advertising - social media

The NTEC takes a common-sense approach to advertising on social media. Where a candidate is advertising and commenting on their own social media account, they have clearly authorised the use of that material. However, if electoral matter appears on a social media feed other than the candidate's, this must be clearly authorised just like any other electoral matter.

In addition, internet advertising must carry the name and address of the authoriser.

Advertising on television and radio

The *Commonwealth Broadcasting Services Act 1992* Schedule 2 requires that political matter broadcast by a person other than a political party should state and record in word images on screen (if using television):

- the name of the person authorising the broadcast, and
- the town, city or suburb in which the person lives or, if the person is a corporation or association, in which the principal office is situated.

The required particulars must be broadcast in the same language as the political matter.

Review of election advertisements by commercial television stations

ACMA reviews election advertisements prior to broadcast by commercial television stations for the purpose of:

- classifying the advertisement under the commercial television industry code of practice
- ensuring the advertisement includes the authorisation tag required by the *Broadcasting Services Act 1992* (clause 4 of Part 2 of schedule 2) and complies with other requirements on broadcasters under applicable electoral acts (Commonwealth, State or Territory), and
- protecting broadcasters from liability for publishing defamatory material.

See information sheet on broadcasting and communication of political and election matter available at www.acma.gov.au.

For further information contact the **Australian Communications and Media Authority:**

PO Box Q500, Queen Victoria Building, Sydney NSW 1230. **Telephone:** (02) 9334 7700.

What electoral matter does not need to include an authorisation statement?

The requirement to authorise electoral matter does not apply to electoral matter on any of the following items, unless the item includes a representation of a ballot paper:

- T-shirt, button, badge, pen, pencil or balloon
- a business or visiting card that promotes the candidacy of a person in an election
- a letter or card on which the name of the sender appears
- a letter or media release published by or on behalf of candidate.

Note that car stickers do have to be authorised.