



OMA Political Advertising Guidelines

All members of the OMA are committed to responsible advertising. When it comes to political advertising, OMA members only endorse the display of copy that complies with regulations and aligns with community standards as outlined in the AANA *Code of Ethics*.

The regulations applied to political advertising are confined to proper authorisation, information regarding casting a vote and defamation.

There is little regulation regarding the content of political advertising. There is no legal requirement for the content of political advertising to be factually correct, and no agency takes responsibility for ensuring the accuracy of claims or the appropriateness of content of political advertising. The content of political advertising falls outside the charter of the Advertising Standards Bureau (ASB).

Despite this lack of regulation, OMA members affirm in the OMA *Code of Ethics*:

3.9 “We only endorse political advertising that complies with regulations and aligns with community standards outlined in the AANA Code of Ethics”.

Background

1.1 What is political advertising?

The ASB defines political advertising as “*advertising that attempts to influence or comment upon a matter which is currently the subject of extensive political debate.*”

Political advertising includes:

1. Advertising about a particular party, representative or candidate.
2. Advertising about political and community issues, and Government policies.
3. Advertising undertaken by Government, political parties, interest groups or lobby groups (although not all such advertising is considered political, as it may instead be considered educational or informational).
4. Election advertising, which is defined as:
 - a. political advertising with design or content that “*is intended or likely to affect voting*” in an upcoming election; and
 - b. political advertising outside of an election period if there is significant connection to an election.

1.2 Regulations applied to political advertising

1.2.1 Authorisation

The Australian Electoral Commission (AEC) is responsible for ensuring that election advertising is properly authorised to ensure voters have information regarding the source of political advertising. Election advertising must be properly authorised at all times (not only during the lead-up to an election). The authorisation that must be part of all printed matter should contain the:

- a) Name of the person who authorised the advertisement.
- b) Street address of the person who authorised the advertisement.
- a) Name and place of business of the printer.

For digital signage, the OMA recommends that members provide the same authorisation as a static billboard, substituting the producer of the display screen for the printer for (c).

All states in Australia require that billboards display (a) for election advertising; however, the requirements for (b) and (c) can vary between states. For further information, contact the relevant State Electoral Commission.

1.2.2 Information on how to cast a vote

Under the *Commonwealth Electoral Act 1991*, it is an offence for political advertising to provide false or misleading information on the way in which to cast a vote.

1.2.3 Blackout period

According to the *Broadcasting Services Act 1992*, an election advertising blackout period is observed for “all electronic media” advertising from midnight on the Wednesday before an election until the end of polling day. During this time political advertising cannot be broadcast on television or radio. However, this blackout is not applied to print or online advertising, and there is no precedence for applying it to OOH.

1.2.4 Defamation

As of 2007, defamation is no longer noted as an offence under the *Commonwealth Electoral Act 1918*. Candidates may seek redress under the applicable statutory or common law.

The Act previously stated: *A person shall not make or publish, or authorise to be made or published, a false and defamatory statement about the personal character or conduct of a candidate.*

This was not considered an offence if it was established that the defendant believed on reasonable grounds that the relevant statement was true.

1.2.5 AANA Code of Ethics

The AANA *Code of Ethics* applies to advertising by government or political organisations if the advertising is considered informational or educational rather than political.

Despite this, OMA members are committed to only displaying political advertising that complies with the AANA *Code of Ethics*, as these have been developed to meet community standards.

1.3 Complaints about political advertising

Complaints are often made regarding the accuracy or truth of statements made in political advertising. As noted above, the ASB considers complaints about political and election material to be outside the charter of the Board.

The Australian Competition and Consumer Commission (ACCC) regulates against misleading and deceptive claims made in advertising. However, the *Trade Practices Act 1974* only covers advertisements issued in trade or commerce and as such the ACCC will not assess the legitimacy or truthfulness of any political claims.

In general, complainants are suggested to contact their local Member of Parliament, the advertiser, or the person, political party or group responsible for a particular advertisement with any complaints.

Commitment

OMA members only display political advertising that complies with all applicable regulations. Members are committed to ensuring the content of political advertising aligns with community standards. To achieve this, OMA members undertake the following practices:

1. OMA members only endorse political advertising that is properly authorised, meaning in general it will display:
 - b) Name of the person who authorised the advertisement.
 - c) Street address of the person who authorised the advertisement.
 - d) Name and place of business of the printer.
2. OMA members will not display political advertising that contains any misinformation regarding how to cast a vote.
3. OMA members will not knowingly display political advertising that amounts to defamation.
4. OMA members only endorse political advertising that complies with the AANA *Code of Ethics*.
5. If an OMA member has any concerns about a proposed political advertisement, they will seek copy advice from the OMA in accordance with the *OMA Content Review Policy*.

Further resources

ASB “Political and election advertising”:

<http://www.adstandards.com.au/process/theprocesssteps/specificproductsandissues/politicalandelectionadvertising>

ACMA “Election Guidelines”: <http://www.acma.gov.au/theACMA/About/The-ACMAstory/Regulating/political-matter-tv-content-regulation-i-acma>

AEC “Electoral Backgrounder: Electoral advertising”:

http://www.aec.gov.au/About_AEC/Publications/backgrounders/electoral-advertising.htm

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