

01 PURPOSE

Under the Outdoor Media Association (OMA) Code of Ethics, all OMA members must comply with the Australian Association of National Advertisers (AANA) Code of Ethics and other relevant self-regulatory codes that cover advertising content.

While most other self-regulatory codes are silent on political advertising, the OMA has developed the following Policy to provide a framework for OMA members for the display of political advertising.

VERSION: May 2024

02 SCOPE

This Policy applies to any advertising considered to be political advertising. Ad Standards generally regards political advertising as being “advertising that attempts to influence or comment on political matter.”

Political advertising may include:

- Advertising about a particular party, representative or candidate.
- Advertising about political or community issues, and government policies.
 - NB: not all such advertising is considered political for example, a sustainable brand that includes messaging about climate change as part of its product marketing.
- Advertising undertaken by a government, political parties, interest groups or lobby groups.
 - NB: not all such advertising is considered political, as it may be considered educational or informational.
- Election advertising or Electoral matter, “is matter that is communicated, or intended to be communicated, for the dominant purpose of influencing the way electors vote in an election”.

03 OMA POLITICAL ADVERTISING POLICY

Clause 5.10 of the *OMA Code of Ethics* affirms: “OMA members only endorse political advertising that complies with regulations and aligns with community standards outlined in the *AANA Code of Ethics*”.

To achieve this, OMA members will:

- 3.1 Only display political advertising that is properly authorised.
- 3.2 Not display political advertising that contains any misinformation about how to cast a vote.
- 3.3 Not knowingly display political advertising that amounts to defamation.
- 3.4 Only endorse political advertising that complies with the *AANA Code of Ethics*.

3.5 If an OMA member has any concerns about displaying a political advertisement, they will seek advice from the OMA in accordance with the *OMA Advertising Content Policy*.

04 REGULATIONS

The regulations applied to political advertising are confined to advertising relating to electoral matter which requires proper authorisation and information regarding casting a vote.

There is little regulation regarding the content of political advertising and the content of political advertising falls outside the remit of Ad Standards. There is no legal requirement for the content of political advertising to be factually correct (unless it pertains to factual instructions on how to complete a voting ballot), and no agency takes responsibility for ensuring the accuracy of claims or the appropriateness of content of political advertising.

The authorities that oversee political advertising, and may provide further assistance, are the Australian Communications and Media Authority (ACMA), the Australian Electoral Commission (AEC) and the relevant state/territory Electoral Commissions.

4.1 Electoral Advertising vs. General Political Advertising

It is important to draw a distinction between advertising relating to an election (whether it is leading up to an election or not) and general political advertising, as they have different rules.

Generally, electoral advertising is advertising which is communicated, or intended to be communicated, for the purpose of influencing the way electors vote in an election.

General political advertising is any advertising which does not pertain to an election. An ad is considered general political advertising if it is principally directed towards influencing public opinion on a matter of public controversy, or promotes the interests of a group organised to influence public opinion.

For further information please contact OMA:

Outdoor Media Association / Suite 504, 80 William Street, East Sydney NSW 2011
Telephone: 02 9357 9900 / Email: info@oma.org.au / Web: oma.org.au

4.2 Authorisation

Under state and *federal law*, Out of Home advertising for elections must have proper authorisations.

The authorisation should contain the:

- Name of the person who authorised the advertisement.
- Street address of the person who authorised the advertisement.

The authorisation message must be clearly visible and legible.

4.3 Information on How to Cast a Vote

It is also an offence for political advertising to be likely to mislead or deceive a person regarding how to vote.

This pertains specifically to factual information about completing a ballot and does not include 'how to vote' information typically provided by parties at an election that may suggest voters vote in a particular way by numbering the boxes in a specific order (otherwise known as a How to Vote Card).

For example, an advertisement that instructs a person to fill in a ballot paper contrary to the advice of the Australian Electoral Commission or state/territory electoral commissions, thereby invalidating it, would be against the *law*.

4.4 Blackout Period

According to the *Broadcasting Services Act (Cth) 1992*, the 'blackout period' is defined as the period where "no political advertising is allowed on television or radio during the three days prior to an election".

This blackout is not applied to print or online advertising and does not apply to Out of Home advertising.

4.5 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.

4.6 Complaints

As noted above, Ad Standards considers complaints about political and election material to be outside of their scope.

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

For more information visit:

Ad Standards Political and Public Opinion Advertising: <https://adstandards.com.au/issues/political-and-election-advertising>

ACMA Election and Political Matter Guidelines: <https://www.acma.gov.au/publications/2019-08/guide/guidelines-broadcast-political-matter>

AEC Electoral Advertising Backgrounder: https://www.aec.gov.au/About_AEC/Publications/backgrounders/authorisation.htm