

# Authorisation of campaign material

## Legislative Assembly

*Disclaimer: This factsheet is a general overview provided by the Northern Territory Electoral Commission (NTEC) and should not substitute legal advice. Unless specified otherwise, all references are to the Electoral Act 2004 effective from 1 July 2021. Please consult the legislation and seek independent legal advice as necessary.*

## Why are there rules for campaign material?

Laws regulate campaign material to protect the integrity of elections. Authorisation rules are in place to:

- enhance transparency by allowing people to know the origin and funding of the campaign material, and
- allow people to decide for themselves how much they value or trust the campaign material.

There are significant penalties for non-compliance with campaign material rules.

## What is campaign material?

Campaign material is defined as an advertisement, document or any other thing that is intended to promote the electoral prospect of a particular candidate or group of candidates for an election, including (but not limited to):<sup>1</sup>

- an electoral advertisement;
- a printed document containing electoral matter (for example, a handbill, pamphlet or how-to-vote card);
- a message containing an electoral matter sent by telephone or broadcast by electronic means;
- published materials containing electoral matter
- car stickers or decals.

An electoral matter is a matter that is intended or likely to affect voting at an election.<sup>2</sup>

## What is required to authorise campaign materials?

**All campaign material**, both printed and in electronic format, must have an authorisation statement in a sufficient font size to be read by the intended audience containing:<sup>3</sup>

1. the **name** and **address** of the person authorising the publication or distribution (a post office box is not permitted), and
2. if printed, the name and address of the printing company, and
3. if the material is double sided, the above authorisations must appear on both sides, and
4. the source of the funding for that material (candidate, party, associated entity, third-party campaigner or otherwise).

Even if the candidate includes their name in the campaign material, it must still have an authorisation statement.

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<sup>1</sup> See section 268A

<sup>2</sup> See section 7

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<sup>3</sup> See section 270

Examples:

- *Authorised by J Day, Smith Street Darwin, NT. Printed by Armadillo Printing, 25 Winnellie Road, Winnellie, NT.*
- *Authorised by A Smith, Party A, 6/10 Gregory Terrace Alice Springs, NT. Printed by Anteater Publishing, 25 Stott Terrace, Alice Springs, NT.*
- *Authorised by Y Li, Friends of Katherine, Giles St Katherine NT. Paid for by Safe Electrical, 96 Lambrick Avenue Zuccoli, NT. Printed by Aardvark Printing, 68 Haddock Street, Tennant Creek, NT.*

## What are the address requirements?

Address requirements include:

- **If the authoriser is a person:** the street name and locality of the person's residence (a post office box does not satisfy the requirement). For example Smith Street Darwin, NT.
- **If the authoriser is an organisation:** their business address (in full) or the address of their primary office. For example 10 Smith Street Darwin, NT.

## Rules for specific types of campaign material

There are specific rules for campaign material types, including:

- video communications such as social media video ads (e.g. YouTube videos)
- broadcast advertising (radio and television advertising)
- social media
- websites
- newspaper advertising
- letters to the editor
- emails and letters
- newsletters and stickers
- push polling
- SMS.

There are also exemptions for authorisation requirements.

### Video communications such as social media video ads (e.g. YouTube videos)

The authorisation statement must be **announced and shown** at the end of the communication. The locality (suburb/town) can be used in place of a full address.

## Broadcast advertising (radio and television advertising)

The authorisation must be:

- **announced** at the end of the communication if on radio, podcast or other audio platforms, or
- **announced and shown** if on television or other visual platforms at the end of the communication.

The locality (suburb/town) can be used in place of a full address.

Broadcasting and televising of election advertisements are prohibited from midnight on Wednesday before election day until 6pm on election day. For the 2024 Territory Election the blackout period is from midnight on Wednesday 21 August until 6pm on Saturday 24 August.

## Social media

There are several ways to authorise social media content including:

- an authorisation statement in the social media account's bio or profile information, or
- pinning a post with the authorisation statement to the top of the profile, or
- a link in the post to a website containing the authorisation statement.

If an image can be separated from its original authorisation and still remain a clear election ad for the electoral participant, then the complete authorisation must be embedded in the image.

The same rules apply whether the material is paid or unpaid.

## Websites

An authorisation should be placed on each webpage on a campaign-specific website. For a general website, the authorisation only needs to be placed on web pages containing electoral matters.

## Newspaper advertising

In addition to the authorisation, newspaper advertising must have the word 'advertisement' printed as a headline, in letters not smaller than 10 point font.<sup>4</sup>

## Letters to the editor

A letter to the editor must be signed by the author or have the name and author stated at the end of the article. If the author is a natural person they only need to name their locality, not the street address.

## Emails and letters

An authorisation statement must be included in distributed emails and letters. However, an authorisation is not needed in a reply to a letter or email from a person.

## Newsletters and stickers

Newsletters and stickers containing electoral matters must include an authorisation statement.

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<sup>4</sup> See section 272

## Push polling

Before conducting any push-polling, a person must clearly state the name and address of the person authorising the push-polling.<sup>5</sup>

## SMS

SMS communications containing electoral matters must contain an authorisation statement. It is an acceptable alternative to include a hyperlink to a website where the full authorisation is published if the website remains active for the election period.

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

The following campaign materials do not require an authorisation statement:

- t-shirts, buttons, badges, pens, pencils or balloons
- a business or visiting card that promotes the candidacy of a person in an election
- a card on which the name of the sender appears
- a media release published by or on behalf of a candidate.

## Exemptions for distribution of electoral articles

Unless the campaign material includes the representation of a ballot paper, an exemption to sign or state the particulars of the author applies on the following items:<sup>6</sup>

- a letter from a Member of the Legislative Assembly (MLA) that includes the name of the MLA and an indication that the person is an MLA
- a press release published by, or for, an MLA that includes the name of the MLA and an indication that the person is an MLA
- a business or visiting card that promotes the candidacy of a person in an election.
- an annual report required under an Act or another publication of an agency. Publication of an agency does not include a publication that is published for the first time within 6 months immediately before a general election if the publication includes a picture of an MLA.

Version	Date	Author	Changes made
2.0	12 June 2024	Chris Brack, Financial Disclosure and Compliance Manager	Updated for 2024 Territory Election

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<sup>5</sup> See section 271

<sup>6</sup> See section 274