



Advertising responsibilities – NT Legislative Assembly elections

Candidates, political parties, commentators, publishers, broadcasters and the media are advised to familiarise themselves with the electoral offences listed in the [Electoral Act 2004](#).

The information provided about campaigning and advertising offences is a guide only. Alleged offences under the Electoral 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.

Authorisation

All campaign material or electoral matter, both printed and in electronic format, must clearly state:

- the name and address of the person authorising the advertisement (a PO Box is not permitted)
- if printed, the name and address of the printing company stated at the end
- if the material is intended to be viewed from two sides, the above-mentioned authorisations must appear on both sides
- the source of the funding for that material, whether an associated entity, candidate, political party, third-party campaigner or otherwise.

What is campaign material or electoral matter? (section 268A - [Electoral Act 2004](#))

Campaign material or electoral matter includes any advertisement or document intended to promote the electoral prospect of a particular candidate or group of candidates for an election, including:

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

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

An address of the author means:

- if the author is the registered officer of a registered political party - the party's address
- if the author is the proprietor of a newspaper or an employee of the proprietor of a newspaper - the proprietors business address
- otherwise - the street name and locality of the authors residence

Note: 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

Based on legal advice received, the Electoral Commission's position is that the reference to 'contain an untrue or incorrect statement' operates only in relation to campaign material that is likely to mislead, deceive or improperly interfere with a voter casting a vote. The provision captures statements which affect a voter in recording and giving effect to their vote (the process of casting their vote), rather than statements which affect a voter when they decide who they intend to vote for (the political judgement). The provision is **not** a truth in political advertising clause.

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

The requirement to authorise campaign material or electoral matter does not apply to any of the following items; unless the item includes the 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 a candidate

Note: Car stickers must be authorised.

Internet, radio and television advertising

All internet (including social media), radio and television advertisements must carry official authorisation tags.

Schedule 2 of the [Broadcasting Services Act 1992](#) requires that political matter broadcast must include:

- if the broadcasting was authorised by a political party:
 - the name of the political party
 - the town, city or suburb in which the principal office of the political party is situated, and
 - the name of the natural person responsible for giving effect to the authorisation.
- if the broadcasting was authorised by a person other than a political party:
 - the name of the person who authorised the broadcasting of the political matter, 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 of the person is situated.
- the name of every speaker who, either in person or by means of a sound recording device, delivers an address or makes a statement that forms part of that matter.

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

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 candidates, this must be clearly authorised.

Blackout period

Schedule 2 of the Broadcasting Act requires that a broadcaster must not broadcast an election advertisement from the end of the Wednesday before Election Day until the close of voting on Election Day.

The election advertising blackout applies to broadcasters, including:

- commercial television broadcasting licensees
- commercial radio broadcasting licensees
- community broadcasting licensees

- subscription television broadcasting licensees
- providers of broadcasting services under class licences.

The election advertising blackout only applies to broadcasters. It does not include non-broadcasting platforms, for example printed material, online streaming and on-demand services, including when such platforms are operated by licensed broadcasters.

Review of election advertisements prior to broadcast by commercial television stations

[ClearAds](#) 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 Service Act 1992 and complies with other requirements on broadcasters under applicable electoral acts (Commonwealth, State or Territory)
- protecting broadcasters from liability for publishing defamatory material.

More information:

- [Australian Communications and Media Authority](#)
- [Broadcasting Services Act 1992](#)
- [ClearAds](#)
- [Candidate handbook](#)
- [Political and election matter guidelines](#) (ACMA)
- [Electoral Act 2004](#)

Newspaper advertising

A newspaper means a newspaper published or distributed in the Northern Territory.

Advertisement means:

- an article or paragraph containing electoral matter
- a report of a speech of a candidate in an election.

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

Heading of advertisements (section 272 - [Electoral Act 2004](#))

The proprietor of the newspaper must ensure the word 'advertisement' is printed as a headline, in font not smaller than 10 point, to the advertisement.

Electoral articles to be signed or state particulars of author (section 273 - [Electoral Act 2004](#))

A person must not distribute a circular, pamphlet or handbill containing an electoral article unless:

- the article is signed by the author
- the true name and address of the author is stated at the end of the article.

The proprietor of a newspaper must ensure an electoral article published in the newspaper contains the true name and address of the author at the end of the article.

Electoral article means an article, report, letter or other matter, or part of an article, report, letter or other matter, commenting on a candidate or political party or the issues being submitted to, or otherwise before, the electors at an election.

Exemptions for distribution of electoral articles (section 274 - [Electoral Act 2004](#))

Unless the electoral article includes the representation of a ballot paper, an exemption to sign or state the particulars of the author apply on the following items:

- a letter from an 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
- an annual report required under an Act or another publication of an Agency*
- a business or visiting card that promotes the candidacy of a person in an election.

* In this section; publication, of an Agency, does not include a publication that is published for the first time within six months immediately before a general election if the publication includes a picture of an MLA.