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## CLEARADS PROCEDURES FOR REVIEW OF REFERENDUM ADVERTISEMENTS

<b>Referendum</b>	<b>2023 Australian Indigenous Voice Referendum</b>
<b>Referendum Date</b>	<b>14 October 2023</b>

### 1. ClearAds review of Referendum advertisements

Advertisements need to be submitted online at <https://oasis.clearads.com.au/>  
Further information regarding the application process is available at <https://www.clearads.com.au/information-hub/faqs/#oasis-submission>

ClearAds will review referendum advertisements prior to broadcast by commercial television stations for the purposes 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 the *Referendum (Machinery Provisions) Act 1984*; and
- protecting broadcasters from liability for publishing defamatory material.

ClearAds may require an advertiser to provide substantiation for statements in an advertisement but this will only be for the purposes of assessing whether the advertisement may be defamatory or whether it contains a false statement of fact regarding the personal character or conduct of a person. ClearAds does not otherwise require substantiation for the accuracy of statements and will not consider complaints where a statement could be considered misleading or deceptive. ClearAds will however review for potential breaches of section 122 of the *Referendum (Machinery Provisions) Act 1984* (Cth) in relation to misleading or deceiving electors in relation to the casting of a vote at the referendum.

ClearAds will issue a Classification Number (ClearAds Number) when it is satisfied the above criteria have been met. ClearAds numbers are issued subject to the terms set out on the ClearAds Online Application System.

The entity or person authorising the advertisement is expected to ensure that the advertisement complies with all relevant laws including the *Referendum (Machinery Provisions) Act 1984* and the laws of defamation. ClearAds reserves the right to require further substantiation of factual material or further material relevant to defamation assessment.

## 2. Authorisation tag

Appendix A below sets out a summary of the requirements of the *Broadcasting Services Act 1992* in relation to the content of an authorisation tag.

The content of an authorisation tag must be accurate. ClearAds must be notified as soon as possible of any change to the name of a political party or entity or the address forming part of the authorisation tag.

## 3. Multiplatform Review

For advertisements on platforms other than TV such as, print, social media or streaming services, different authorisation requirements to the *Broadcasting Services Act 1992* may apply under the *Referendum (Machinery Provisions) Act 1984*. For example, print advertisements will require a full street address in the authorisation tag. If you have an advertisement on any other platforms, we can review your advertisements for compliance with the *Referendum (Machinery Provisions) Act 1984*.

## 4. Review of pre-production scripts

It is strongly recommended that scripts are submitted for a pre-check prior to production where possible. This ensures that there is no unnecessary delay in processing the finished advertisement when submitted and allows for any necessary amendments (for example, to correct an authorisation tag) to be made PRIOR to despatch of material to television Networks.

Review of pre-production scripts is preliminary only and is subject to ClearAds' review of the finished advertisement. For further information on requesting a pre-check please refer to the information available at <https://www.clearads.com.au/information-hub/faqs/#pre-checks>.

ClearAds will ensure that all material (scripts, video) submitted to ClearAds is treated as confidential. ClearAds' obligation of confidentiality is set out in the terms of the ClearAds Online Application System.

## 5. Turnaround

You should try to allow at least 2 working days for review and classification of advertisements. Should you require a quicker turnaround, ClearAds provides Fast Track services to meet your last minute or tight deadlines.

ClearAds also provides After Hours services for late weekday applications, weekend, and public holiday requirements. More information on our Fast Track and After Hours services is available at <https://www.clearads.com.au/what-we-do/>.

The following needs to be considered when applying for a ClearAds Number:

1. Ensure you incorporate enough time to modify your advertisement if required
2. You may also need to allow time for captioning
3. Ensure you allow enough time for your advertisement to be despatched prior to your on-air date.

## 6. Contact Us

For any questions or further information on political or referendum advertising please contact:

### **ClearAds**

Email: [hello@clearads.com.au](mailto:hello@clearads.com.au)

Ph: (02) 8968 7200

Web: [www.clearads.com.au](http://www.clearads.com.au)

**Please make this document available to all relevant personnel and direct any enquiries regarding the review and classification of referendum advertisements to ClearAds.**

A handwritten signature in black ink, appearing to read 'Alison Lee', with a long horizontal stroke extending to the left.

**Alison Lee**  
**Director of ClearAds, Free TV Australia**

## Appendix A

### Content of an authorisation tag

The requirements of Part 2 of Schedule 2 of the *Broadcasting Services Act 1992 (BSA) and the Referendum (Machinery Provisions) Act 1984* must be complied with, namely:

1. An authorisation must appear immediately after the advertisement. It must be separate from the content of the advertisement and included in the overall length. The authorisation must be written (see point 2) and spoken (see point 3).
2. The content required in an authorisation tag will depend on whether the TVC has been authorised by a 'disclosure entity', an entity that isn't a disclosure entity, or an individual. A 'disclosure entity' is defined in section 321B of the *Commonwealth Electoral Act 1918* and section 110A of the *Referendum (Machinery Provisions) Act 1984*. And generally refers to persons or entities such as political parties, associated entities, candidates and Senate groups, and persons that are (or will be) required to provide a return to the Australian Electoral Committee related to political expenditure or gifts over certain thresholds.
3. The spoken authorisation must include all the written information above. The spoken announcement must be at the same time as the written announcement and not commence before the written announcement appears. There should be no music or SFX under the spoken announcement.
4. The authorisation tag must be broadcast in the same language as the advertisement.

Examples:

#### **Format for authorisation tag where a commercial is authorised by a registered political party:**

<b>Video</b>	<b>Audio</b>
Cut to GRAPHIC with no other visual on screen	V/O to commence once the GRAPHIC appears with no music or SFX under
<i>Authorised by (name of the natural person responsible for giving effect to the authorisation) for the (the name of the party (the registered name) that is entered in the Register of Political Parties under the Commonwealth Electoral Act)), (relevant town or city of the entity)</i>	<i>Authorised by (name of the natural person responsible for giving effect to the authorisation) for the (the name of the party (the registered name) that is entered in the Register of Political Parties under the Commonwealth Electoral Act)), (relevant town or city of the entity)</i>

#### **Format for authorisation tag where a commercial is authorised by a disclosure entity (other than a registered political party) that is not a natural person:**

<b>Video</b>	<b>Audio</b>
Cut to GRAPHIC with no other visual on screen	V/O to commence once the GRAPHIC appears with no music or SFX under
<i>Authorised by (name of the natural person responsible for giving effect to the authorisation) for the (name of disclosure entity (as included in the most recent return given in relation to the entity under Part XX of the Commonwealth Electoral Act 1918, if a return has been given in relation to the entity under that Part)), (relevant town or city of the entity)</i>	<i>Authorised by (name of the natural person responsible for giving effect to the authorisation) for the (name of disclosure entity (as included in the most recent return given in relation to the entity under Part XX of the Commonwealth Electoral Act 1918, if a return has been given in relation to the entity under that Part)), (relevant town or city of the entity)</i>

**Format for authorisation tag where a commercial is authorised by a natural person:**

<b>Video</b>	<b>Audio</b>
Cut to GRAPHIC with no other visual on screen	V/O to commence once the GRAPHIC appears with no music or SFX under
<i>Authorised by (name of the person who authorised the broadcasting of the political matter), (relevant town or city of the entity)</i>	<i>Authorised by (name of the person who authorised the broadcasting of the political matter), (relevant town or city of the entity)</i>

**Format for authorisation tag where a commercial is authorised by an entity that is not a disclosure entity or a natural person:**

<b>Video</b>	<b>Audio</b>
Cut to GRAPHIC with no other visual on screen	V/O to commence once the GRAPHIC appears with no music or SFX under
<i>Authorised by (name of entity), (relevant town or city of the entity)</i>	<i>Authorised by (name of entity), (relevant town or city of the entity)</i>

**Abbreviations**

If an abbreviation of the name of a registered political party that has a registered branch or division, or a branch or division of a registered political party is entered in the Register of Political Parties under the Commonwealth Electoral Act, then the required particulars are taken to be either the particulars referred to in paragraph 1(3)(a) of Schedule 2 to the BSA, or the relevant abbreviation entered in the register.

**Authorisation Graphic**

The longest single line in the authorisation should not extend beyond the standard TV essential width. An authorisation graphic must be held on screen long enough and be large enough for the average viewer to read its contents. After the voice-over, the essential 0.5 seconds of silence at the end is in addition to this period. For further information please refer to Free TV Operational Practice 29, available at [www.freetv.com.au](http://www.freetv.com.au)

ClearAds recommends allowing a minimum of 0.2 seconds per word or 2 seconds minimum duration if less than 10 words for the authorisation graphic.

**Authorisation Audio**

As a general guide the acceptable speed for the spoken component of the authorisation graphic should be between 180 to 280 words per minute.