



Backgrounder

Government Advertising Act, 2004

What is the *Government Advertising Act, 2004*?

- Legislation making the Auditor General responsible to review most government advertising in advance of its use to ensure it is not partisan and meets other standards (see below). Government cannot use advertising without first getting approval from the Auditor General. By regulation, the Auditor General has seven business days to render a decision.

What does it cover?

- Advertising that a ministry proposes to pay to have broadcast on television and radio, printed in newspapers and magazines, reproduced on billboards, and printed materials delivered by non-addressed bulk distribution to homes (“householders”).

What’s not covered?

- notices to the public required by law;
- advertising on urgent matters affecting health or safety;
- job ads; and
- ads for requests for proposals and tenders.

What are the standards of the Act?

- Item must be a reasonable means of achieving one or more of the following purposes:
 - inform the public of current or proposed policies, programs or services available to them;
 - inform the public of its rights and responsibilities under the law;
 - encourage or discourage specific social behaviour in the public interest;
 - promote Ontario or any part of it as a good place to live, work, invest, study or visit, or promote any economic activity or sector of Ontario’s economy.
- Item must include a statement that it is paid for by the Government of Ontario.
- Item must not include the name, voice or image of a cabinet member or MPP (except if target audience is outside of Ontario).
- Item must not be partisan (where a primary objective of the item is to promote the political interests of the governing party).
- Item must not have a primary objective of fostering a positive impression of the governing party or a negative impression of a person or entity critical of the government.

How is “partisan” defined?

- The Act now says:
 - Section 6(3): An item is partisan if, in the opinion of the Auditor General, a primary objective of the item is to promote the partisan political interests of the governing party.
 - Section 6(4): The Auditor General shall consider such factors as may be prescribed, and may consider such additional factors as he or she considers appropriate, in deciding whether a primary objective of an item is to promote the partisan political interests of the governing party.

You can find more information about the way our Office applies the Act here:

http://www.auditor.on.ca/adreview/guidelines_oct2012.pdf