



Office of the Auditor General of Ontario

Government Advertising Review Guidelines

April 2019

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Summary

Background

Since 2005, the Office of the Auditor General of Ontario has been responsible under the *Government Advertising Act, 2004 (Act)* for reviewing most paid government advertising before it runs to ensure it is not partisan. Important amendments to the Act regarding our review of government advertising in general took effect in 2015. In addition, changes to the *Election Finances Act* in 2016 changed advertising rules for government during election periods.

These guidelines have been prepared to help ministry staff comply with the Act. They also detail the submission, review and approval process, and reflect legal requirements, practices and conventions.

Who Is Covered

The Act applies to “government offices,” defined as government ministries, Cabinet Office and the Office of the Premier. Other entities may be added by regulation. Government agencies, such as the LCBO, OLG and WSIB, are not covered by the Act.

What Is Covered

The Act covers, with some exceptions discussed below, advertisements in any language that government offices propose to pay to have published in a newspaper or magazine, broadcast on radio or television, displayed on out-of-home media, played in a cinema or displayed online. It also covers printed matter, generally referred to as “householders,” that government offices propose to pay to have distributed to some or all Ontario households, either by unaddressed bulk mail or by another method of bulk delivery. Advertising and householders covered by the Act are called “reviewable items.”

How It Works

Government offices must submit proposed advertisements to the Auditor General’s Office for review, and must receive a positive compliance opinion from the Auditor General, before they can be run. There are two types of submissions:

- Preliminary:** All television and cinema advertisements (in any language) and householders must be submitted for a mandatory **preliminary review**. Television and cinema advertisements may be submitted in storyboard form. Householders may be submitted in draft form with respect to their appearance, although contents should mirror the final proposed version as closely as possible. The Auditor General has **nine business days** to deliver a compliance opinion on a preliminary submission. Note that if these items receive a positive compliance opinion, they must still be submitted for final review and receive another positive compliance opinion (see below) before they can be used. Ads submitted for preliminary review that receive a negative compliance opinion can be modified and resubmitted for a second preliminary review. If a government office does not receive a compliance opinion from the Auditor General within the nine-day timeframe, an item is deemed to have been approved.
- Final:** All ads must be submitted for **final review**, and be in their final form (text, format, colours, etc.) This includes digital, print, radio, and out-of-home. In addition, householders and television and cinema ads that previously received a positive preliminary compliance opinion must also be submitted in finished form for final review. The Auditor General has **five business days** to issue a compliance opinion for final submissions. If a government office does not receive a compliance opinion from the Auditor General within the five-day timeframe, an item is deemed to have been approved.

Standards of the Act

The Act requires a government advertisement to meet certain standards in order to receive a positive compliance opinion. The Auditor General's Office applies the standards set out in the Act; advertisements that fail to meet any of the standards will be found in violation. The standards of the Act are:

- The item must include a statement that it is paid for by the Government of Ontario. The statement should include the clearly legible and visible (or audible, in the case of radio) words "Paid for by the Government of Ontario" or "Paid for in part by the Government of Ontario," as the case may be, and it must be in the same language as the advertisement. For television and digital advertisements, the "Paid-for" statement should remain on screen long enough to be read.
- The item must not be partisan. That is:
 - It must not include the name, voice or image of any member of the Executive Council or of the Legislative Assembly (except where the primary target audience is outside of Ontario).
 - It must not include the name or logo of a recognized political party in the Legislative Assembly.
 - It must not directly identify and criticize a recognized political party or member of the Legislative Assembly.
 - It must not include, "to a significant degree, a colour associated with the governing party," except when an item shows "a thing that is commonly depicted in a colour associated with the governing party."
- Any additional standards as may be prescribed by regulation.

Advertisements submitted for review cannot be broadcast, published, displayed or distributed until the Auditor General has issued a positive compliance opinion and an accompanying approval number. Any advertisement found by

the Auditor General to violate the Act cannot be broadcast, published, displayed or distributed. All decisions by the Auditor General are final.

Requirements of the Current Government Advertising Act, 2004

Items Subject to Review

Advertising items that must be submitted, and that require a positive compliance opinion from the Auditor before they can run, are those that a government office proposes to pay to have:

- published in a newspaper or magazine;
- displayed on out-of-home media, defined as static or digital ads on billboards, at street level, on transit vehicles and/or shelters, and in public indoor venues;
- displayed digitally on websites and mobile devices, including banner display ads (static or dynamic), digital video (for example, pre-roll), and interstitial ads (those that occupy the full screen between pages of an app or website). The Act exempts from review items intended for social-media websites, such as Facebook, Twitter or Instagram, and those that would be displayed on a website solely as a result of the use by the government office of a search-marketing service, such as Google AdWords;
- broadcast on radio or television, or shown in a cinema; or
- distributed to Ontario households by unaddressed bulk mail or another method of bulk delivery (known as householders).

Some Notes about Reviewable Items

- Under the Act, some ads that have already received a positive compliance opinion may have to be resubmitted if a government office wishes to run them in a media other

than that for which approval was originally granted. For example, a government office wishing to use an already-approved pre-roll digital ad for television would have to resubmit the ad in a preliminary submission, obtain a positive compliance opinion, then resubmit it in a final version and obtain a new positive compliance opinion. Government offices can avoid this by anticipating all possible uses for an ad and seeking approval for all required media in the initial submission.

- Under a February 1, 2011, agreement between the government and the Auditor General, billboards at construction projects that have received provincial funding are reviewable if the following conditions are met:
 - the government provides funding for the project and requires signage; and
 - the government provides funds to a third party that are intended to pay, in whole or in part, for the sign production and costs for displaying the sign. (This agreement does not cover highway construction signs, which are not subject to review.)
- Any ad that a government office wants to place in an event program for conferences or trade shows that have received government funding or sponsorship is reviewable. (The section *What to Include in the Submission* on page 5 provides additional details.)
- Ads placed using payment in kind rather than a straight cash transaction are reviewable. An example of payment in kind would be a publication providing a ministry with “free” advertising space in return for making that publication available to the public at the ministry’s offices across the province.

Items Not Subject to Review

The Act specifically excludes certain types of messages from review by the Auditor General. These include:

- a notice to the public required by law (for example, notice of zoning changes on Crown lands);
- a job advertisement for a specific position (however, generic recruitment advertisements that aim to, for example, encourage people to apply to the Ontario Public Service are covered by the Act);
- advertisements regarding the provision of goods and services to a government office (for example, a call for tenders or RFP); or
- advertisements about an urgent matter affecting public health or safety (our Office expects government offices to notify us and provide a courtesy copy of the item whenever they seek to invoke this temporary exemption from the Act; where appropriate, government offices should provide supporting evidence of the determination of an urgent matter by an appropriate official, such as the Chief Medical Officer of Health).

In addition, it is understood that the following are not subject to the Act:

- printed materials such as brochures, newsletters, consultation documents, reports and other similar publications (note, however, that these items may be covered if they are used as a paid insert in newspapers or magazines, or sent by unaddressed bulk delivery to households);
- public service announcements (PSAs), which the CRTC defined in Public Notice CRTC 1999–205 as:

Messages of less than five minutes duration intended to educate the audience about issues of public concern, [or] encourage public support and awareness of a worthy cause.... These messages are not intended to sell or promote goods or commercial services. No payment is exchanged between broadcasters and producers for the broadcast of these messages.

- ministers' messages or greetings in event or conference programs;
- advertisements by government agencies, such as the WSIB, LCBO, OLG, etc. (however, if such agencies partner with a ministry on an advertising campaign, these ads could be subject to the Act. See *Third-Party Advertising* immediately following); and
- digital advertisements on social-media websites such as Facebook, Twitter and Instagram, and on a search-marketing service such as Google AdWords.

References to Websites, Social Media, Etc.

Under an agreement between our Office and the government, if an item submitted for review contains a URL, social-media icon, or similar pointer that directs the reader/viewer/listener to further information on a website, the Auditor General's Office will review the content of that web page (the "first click") in determining whether the item meets the standards. If the first click leads to a "gateway" or "splash" page—for example, a page that offers only a choice of languages—we will select English and review the next page.

Note that once approved, the first-click web page should not be changed during the life of the approved media buy without notifying the Auditor General's Office by e-mail.

We acknowledge that content on third-party websites may be beyond the control of a government office. As a result, these websites will be subject only to a cursory examination. If content is found that would violate the Act, the government office will be asked either to request a change to the website or to delete the URL from the advertisement.

Third-Party Advertising

We recognize that the government may occasionally fund some or all of the cost of advertisements by other organizations, also known as third parties. By agreement, the Auditor General is required to review these advertisements if they meet *all three* of the following criteria:

- a government office provides to a third party funds that are intended to pay, in whole or in part, the costs of broadcasting, publishing, displaying or distributing the item, *and*
- the government of Ontario grants permission for the use of the Ontario logo or another official provincial visual identifier in the item, *and*
- the government office has approved the item's content.

The Auditor General's Office will occasionally contact government offices for more information about certain advertisements, because it can sometimes be difficult to determine whether an item meets all three third-party criteria. Government offices are also encouraged to contact the Auditor General's Office when in doubt about whether third-party rules apply.

Advertising Before and During General Election Periods

Under changes in 2015 to the *Government Advertising Act, 2004*, the government cannot advertise as of the day when a writ is issued for a general election. As well, changes to the Election Finances Act that took effect on January 1, 2017, placed further limits on government advertising during a scheduled general election: such advertising is now prohibited 60 days before the writ is issued. The prohibitions end on polling day.

These prohibitions apply even to items that have previously received approval from the Auditor General and are already in market. A government office must withdraw such ads from market within the timeframes set out above.

However, the government may continue to use items that deal with government revenue-generation (for example, tourism or promotion of Ontario agricultural products), or those that are time-sensitive, such as notice of the timeframe for provincial government programs.

Process: From Submission to Compliance Opinion

What to Include in the Submission

Once a government office has completed its internal processes for creating an advertisement and obtaining sign-offs, it must prepare a submission for review by the Auditor General's Office. Government offices should factor into their planning the five-business-day window for the Auditor General's review of a final submission, and nine business days for a preliminary review. In order to be considered complete, and to avoid delays in the review process, a submission must include the following:

- *A completed Advertising Review Submission Form*, available on our website at auditor.on.ca/images/adsubmission.pdf. Please note for the purposes of the submission form that each non-English version of an ad counts as a separate ad, that television, radio or video ads of differing running times count as separate items, and that each digital banner ad counts as a separate item.
- *A version of the advertisement in its **finished form*** (for final submissions). This version must be identical in every practical way to the version intended for broadcast, publication, display or distribution. For example, it must be in the exact colours of its intended appearance, but it need not be the exact size (as in the case of billboards or transit posters). Where print advertisements are intended to run in multiple sizes, please supply the ad in its smallest size. Broadcast and digital items should be submitted on USB memory sticks. Static digital items may be submitted in printed form.
- *A script and/or storyboard* (for preliminary submissions involving television or cinema items, or householders). This early version should provide a reasonable idea of what is intended for the final version.
- *A description of the advertisement and campaign*, which should include the following:
 - the title of the campaign, along with the title of each individual ad;
 - background information about the ad's topic, its objectives and the key messages to be conveyed to the audience;
 - the target audience;
 - a link to the URL referenced in the ad or, if the URL is not yet live, a mock-up of the URL page;
 - the media schedule and plan; and
 - an estimate of the total costs for the item, including a breakdown of costs for creative and media. (Government offices must provide actual final costs at the end of the fiscal year; see *Annual Expenditure Reporting* on page 7.) Where the government pays no money directly for the item's placement (for example, when free advertising space is provided in the program published for an event to which the government has made a financial contribution), the government office must provide an *imputed value*—an estimate of what it would normally have cost to place the advertisement.
- *An English-language translation of any item in another language*. The translation must be submitted with a signed certification from the translator and from an authorized person in the government office that the item is a true and accurate translation of the original and is identical to what will be broadcast, published, etc. Certification forms are available on our website at auditor.on.ca/images/translationcertificate.pdf. The Act applies to

reviewable items in all languages, and each non-English-language advertisement in a single campaign counts as a separate item. If an advertisement is to be broadcast, published, displayed or distributed in languages other than English, a certificate signed by the translator and by the ministry certifying that the item is a true translation of the English-language version is required for each language in a final submission. Government offices may submit the English-language and the other-language versions at the same time, or they can submit an English-language advertisement for approval first and then submit versions in additional languages later.

Other Information That May Be Required

The Auditor General may also request additional information or clarification beyond that included in the submission. The contact person listed on the submission form should be knowledgeable about the submission and the advertising-review process. This person should be available during the five- or nine-business-day review period, and should have the authority to discuss the submission with our Office. Government offices should provide any requested information as quickly as possible to permit the Auditor General's Office to complete its review within the mandated period.

Under the Act, the Auditor General also has the authority to examine the records of a government office at any time for the purpose of determining whether the government office has contravened the Act.

Where and How to Send Submissions and Related Information

Government offices can send their submissions in person, by mail, or by courier (not by email)

to the Auditor General's Office Monday to Friday, between 8:30 a.m. and 5 p.m., at:

Government Advertising Review
Office of the Auditor General of Ontario
20 Dundas Street West, Suite 1530
Toronto, Ontario M5G 2C2

Confirmation That a Submission Has Been Received

Upon receipt of a complete submission, the office will date- and-time-stamp the Ad Review Submission Form. The five- or nine-business-day review period will start as of the date and time stamped on the form. The Auditor General's Office will email the stamped form to the contact person(s) identified on the submission form (no more than two people, please). This will confirm that the our Office has received the submission and all the necessary supporting documentation.

If the submission is incomplete and/or incorrect, the Auditor General's Office will advise the contact person(s) by phone or email of the missing documentation or error, and confirmation will be withheld until the submission is complete and/or correct. Note that the review period does not begin until the Auditor General's Office has received a complete submission.

The Review and Notification of the Auditor's Opinion

Within five business days after receiving a complete final submission, the Auditor General's Office will notify the deputy minister by email of the results of its review. This email message will also be copied to the contact person(s) named on the Ad Review Submission Form. If the Auditor General's Office does not give its opinion within five business days, the item is deemed to have met the Act's standards and may be placed into market. Approvals are valid for the length of the media campaign specified by the government office in its submission.

The Auditor General's opinion is in the form of two documents. The first is a cover letter, and the second is a Report on Compliance. This Report outlines the Auditor General's findings and opinion, the responsibilities of the submitting ministry and, if applicable, a section on "Other Matters" that discusses any concerns the Auditor General may have about an advertisement.

Approval Number

The Auditor General's Office will assign an approval number to every approved submission. This number demonstrates to media and media placement agencies that an item complies with the Act's standards. (Note: Although the media and third parties may not be liable or accountable under the Act, media, particularly broadcasters, have a legislated responsibility not to transmit anything contrary to law. They therefore have an interest in knowing that government advertising complies with and does not contravene the Act. Thinktv (formerly Telecaster), which provides advertising services to the country's private broadcasters and the CBC, will usually check with the Auditor General's Office when presented with an advertisement, including a third-party item, that does not include an approval number.)

Please note that approval numbers issued for an item submitted for preliminary review may not be used to place the item with media until the item has received final approval.

Extending Media Buys

Government offices planning to make additional media buys beyond those in the original approved submission must provide details of these additional buys to the Auditor General's Office, along with the original approval number. This can be done by email.

Renewals

Each item approved by the Auditor General may be used for no more than the length of the media campaign as specified in the submission. Government offices wishing to broadcast, publish, display or distribute an item beyond that period, but within a year of approval, must first notify our Office via email and obtain our approval. Government offices wanting to use an item more than a year after approval was issued must resubmit the item using the same process as outlined earlier for original submissions, and the item's original approval number must be provided with the new submission, along with a new media plan.

Annual Expenditure Reporting

The *Auditor General Act* requires the Auditor General to report annually to the Legislative Assembly on expenditures for each item reviewable under the *Government Advertising Act, 2004*. This is done each year in a chapter devoted specifically to the review of government advertising in our Annual Report.

The Auditor General's Office sends a reporting form to government offices soon after the end of each fiscal year to help them compile expenditure information.

In order to test the completeness and accuracy of reported advertising expenditures, the Auditor General's Office may review selected ministries each year. Ministries are chosen for review based on how often they advertise, how much they spend on advertising and when the Auditor General's Office last examined their advertising activities. In addition to examining financial records, the Office also reviews documentation to assess compliance with the Act's requirements. If your ministry is chosen for this review, we will contact your communications director.

Frequently Asked Questions

1. Can I withdraw a submission after I've sent it in?

Yes. In such cases, please contact the Auditor General's Office.

2. Do I need to submit a "householder" that's not being sent to the entire province?

Yes. The Act requires a preliminary and a final review of all printed matter that a government office proposes to pay to have distributed to households in Ontario either by bulk mail or by another method of bulk delivery. The Act does not distinguish between "some" or "all" households.

3. Can I send a submission by email?

We do not accept electronic submissions. All submissions must be delivered by hand, courier or mail.

4. Can I change my ad once it has been submitted?

We can usually accommodate timely requests for minor factual or editorial corrections and updates during the review period; please call us to discuss these. Alternately, a submission can also be withdrawn and submitted again at a later date.

5. Can I change an ad after it has been approved?

We may allow minor changes to be made to advertisements after they have been approved. However, anything of greater significance usually requires a new submission. Please contact the Auditor General's Office to discuss the changes being proposed.

6. What happens if my advertisement is found to be in violation?

If an ad is not approved, you can revise it and send it in for another review. The Act requires the Auditor General to report all violations of the Act to the Legislature. This is done in a chapter of our Annual Report devoted specifically to Advertising Review.

7. What's the process for radio ads read "live to air" by an announcer?

Include the script in your submission. We may also require taped air checks during the life of the media buy to ensure that only the approved message was read and that the "paid-for" statement was not dropped.

8. Is an "advertorial" (a paid message written like a news or feature article) covered by the Act?

Yes. If you are paying a third-party to have it published in print or on-line, then it is covered and must be submitted to our Office for review like any other print advertisement. In addition, all advertorials must include the "paid-for" statement.

9. Is an email "blast" covered by the Act?

Yes. If you are paying to have it sent out, then it is covered and must be submitted to our Office for review. In addition, all such emails must include the "paid-for" statement.

10. Who can I contact for more information?

You can contact Ann Lehman-Allison, Director of Advertising Review, Acting, at 647.326.2176 or at ann.lehman-allison@auditor.on.ca

Advertising Review Submission Form



Office of the Auditor General of Ontario
Bureau de la vérificatrice générale de l'Ontario

AD REVIEW SUBMISSION FORM

Please complete this form and submit it with a copy of the item(s) to be reviewed, and supporting documentation to:

**Government Advertising Review
Office of the Auditor General of Ontario
20 Dundas Street West, Suite 1530
Toronto, Ontario M5G 2C2**

FOR OFFICE USE ONLY	
File Number [][][][][] - [][][][][]	Approval Number [][][][][] - [][][][][]

MINISTRY INFORMATION	
Ad Title	Campaign (if applicable)
Name of Ministry	Date (dd/mm/yy)
Contact Person(s)	Phone #
Email	

SUBMISSION TYPE	TOTAL # OF ITEMS (for each medium)	LANGUAGE (check all that apply)
<input type="checkbox"/> Preliminary <input type="checkbox"/> Final <input type="checkbox"/> Revised <input type="checkbox"/> Renewal – Supply approval number _____	___ Television/Cinema ___ Digital ___ Radio ___ Print ___ Billboard/Transit Ads ___ Print material for mass distribution	<input type="checkbox"/> English <input type="checkbox"/> French <input type="checkbox"/> Other Note: A translation certificate is required for each ad in a language other than English.

<p><i>Preliminary:</i> TV ad, cinema ad, or householder in an early stage of development. This stage is mandatory. Review period can take up to nine business days.</p> <p><i>Final:</i> Ad is fully developed and ready to print, broadcast, display or distribute. Review period can take up to five business days.</p>	<p><i>Revised:</i> Ad that was reviewed and not approved. Revised item must be submitted for a subsequent review and approved before use.</p> <p><i>Item for renewal:</i> Approved ad approaching or past its one-year approval expiration date.</p>
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DOCUMENTATION (please ensure your submission includes the following):	
Estimated media costs (including creative production) for this submission \$ _____	<input type="checkbox"/> Copy of each advertisement and printout of any URL used in the ad
<input type="checkbox"/> Background information including campaign description and objectives, key messages, target audience, and media	<input type="checkbox"/> Translation Certificate for each language other than English (if applicable)

For more information on ad submissions, reviews and approvals, please consult the [Government Advertising Review Guidelines](#), or contact us at (416) 327-2336.

Translation Certificate



Office of the Auditor General of Ontario
Bureau de la vérificatrice générale de l'Ontario

TRANSLATION CERTIFICATE For Non-English-Language Items (see page 2 for instructions)

CERTIFICATION BY TRANSLATOR/TRANSLATION COMPANY

When signed by the person identified below, this will certify to the Auditor General's Office that, for the advertisement or printed matter submitted for review, the attached non-English-language version of the item is a true and accurate translation/version of the attached English-language version of the item.

Date: _____

Ad Title: _____

Medium: _____

Language: _____

Name of translator/translation company: _____
Print

Signature: _____ Title: _____

Business Address: _____

Telephone: _____ Email: _____

CERTIFICATION BY MINISTRY

On behalf of and as authorized by the ministry identified below, I hereby:

1. declare that I have read the certification from the translator; and
2. certify that the non-English-language version that is attached to the translator's certification is the finished version of the item that will be published, displayed, broadcast or distributed.

Name of Ministry: _____

Name: _____
Print Signature

Title: _____

Telephone: _____ Email: _____

Translation Certificate (Continued)

INSTRUCTIONS FOR COMPLETING THE TRANSLATION CERTIFICATE

The Office of the Auditor General requires that non-English-language items be certified by both the translator and the submitting ministry. This requirement assures that the non-English-language version is an accurate translation of the English version of the item. If the English version is compliant with the *Government Advertising Act, 2004*, then the non-English-language version is also compliant.

NOTE: This form may be completed and saved electronically.

The ministry should:

- complete the top portion of the “TRANSLATION CERTIFICATE” and send to the translator/translation company;
- have the translator/translation company fill out the middle portion of the form and return it with the translation to the ministry;
- complete the bottom portion of the certificate;
- attach the translated version of the item;
- attach the English version (or script) of what was translated; and
- include the form and attachments with the ad review submission.

Government Advertising Act, 2004

S.O. 2004, Chapter 20

Consolidation Period: From January 1, 2017 to the e-Laws currency date.

Last amendment: 2016, c. 22, s. 59.

Legislative History: 2015, c. 20, Sched. 14; 2015, c. 38, Sched. 8; 2016, c. 22, s. 59.

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Interpretation

1. (1) In this Act,

“government office” means a ministry, Cabinet Office, the Office of the Premier or such other entity as may be designated by regulation; (“bureau gouvernemental”)

“item” means an advertisement, printed matter or message to which section 2, 3 or 4, as the case may be, applies; (“document”)

“prescribed” means prescribed by the regulations; (“prescrit”)

“regulations” means regulations made under this Act; (“règlements”)

“standards” means the standards established under section 6. (“normes”) 2004, c. 20, s. 1 (1); 2015, c. 20, Sched. 14, s. 1.

Head of an office

(2) For the purposes of this Act, the deputy minister of a ministry is the head of the ministry, the Secretary of the Cabinet is the head of Cabinet Office and the head of the Office of the Premier, and the regulations may specify the person who is the head of such other government offices as are designated by regulation. 2004, c. 20, s. 1 (2).

Section Amendments with date in force (d/m/y)

2015, c. 20, Sched. 14, s. 1 - 16/06/2015

Advertisements, printed matter, messages

1.1 (1) Nothing in this Act, other than subsection 8 (3), prevents or limits the ability of a government office to publish, display or broadcast an advertisement, distribute printed matter to Ontario households, or convey a message to the public, if the advertisement, printed matter or message meets the standards or is not subject to review under this Act. 2015, c. 20, Sched. 14, s. 2.

Examples

(2) Examples of reasons for which a government office may choose to communicate to the public in a manner described in subsection (1) include,

- (a) informing the public about existing, new or proposed government programs, plans, services or policies, including fiscal policies such as policies respecting pensions or taxes;
- (b) informing the public about changes or proposed changes to existing government programs, plans, services or policies;
- (c) informing the public about the goals, objectives, expected outcomes, or results of, or rationale for, a matter referred to in clause (a) or (b);
- (d) informing the public of their rights and responsibilities under the law;
- (e) encouraging or discouraging specific social behaviour, in the public interest;
- (f) promoting Ontario or any part of Ontario as a good place to live, work, invest, study or visit;
- (g) promoting any economic activity or sector of Ontario's economy or the government's plans to support that economic activity or sector; and
- (h) informing the public about Ontario's relationships with other Canadian governments, including promoting Ontario's interests in relation to those governments. 2015, c. 20, Sched. 14, s. 2.

Section Amendments with date in force (d/m/y)

2015, c. 20, Sched. 14, s. 2 - 16/06/2015

Requirement for preliminary review of advertisements

Application

2. (1) This section applies with respect to any advertisement that a government office proposes to pay to have,
- (a) published in a newspaper or magazine;
 - (b) displayed on a billboard or as a public transit advertisement;
 - (c) displayed digitally in a prescribed form or manner; or
 - (d) broadcast on radio or television, or in a cinema. 2015, c. 20, Sched. 14, s. 3.

Submission for preliminary review

(2) The head of the government office shall give a copy of the advertisement to the Office of the Auditor General for preliminary review. 2015, c. 20, Sched. 14, s. 3.

(3), (4) REPEALED: 2015, c. 20, Sched. 14, s. 3.

Non-application

(5) This section does not apply with respect to a notice to the public that is required by law, an advertisement about an urgent matter affecting public health or safety, a job advertisement or an advertisement about the provision of goods or services to a government office. 2004, c. 20, s. 2 (5).

Section Amendments with date in force (d/m/y)

2015, c. 20, Sched. 14, s. 3 - 16/06/2015

Requirements re printed matter

Application

3. (1) This section applies with respect to printed matter that a government office proposes to pay to have distributed to households in Ontario either by bulk mail or by another method of bulk delivery. 2004, c. 20, s. 3 (1).

Submission for preliminary review

(2) The head of the government office shall give a copy of the printed matter to the Office of the Auditor General for preliminary review. 2015, c. 20, Sched. 14, s. 4.

(3), (4) REPEALED: 2015, c. 20, Sched. 14, s. 4.

Non-application

(5) This section does not apply with respect to a notice to the public that is required by law or printed matter about an urgent matter affecting public health or safety or about the provision of goods or services to a government office. 2004, c. 20, s. 3 (5).

Interpretation

(6) For the purposes of this section, printed matter is distributed by bulk mail or another method of bulk delivery if, when it is distributed, it is not individually addressed to the intended recipient. 2004, c. 20, s. 3 (6).

Section Amendments with date in force (d/m/y)

2015, c. 20, Sched. 14, s. 4 - 16/06/2015

Requirements re additional classes of messages

Application

4. (1) This section applies with respect to such additional classes of messages as may be prescribed that a government office proposes to convey to the public in such circumstances as may be prescribed. 2004, c. 20, s. 4 (1).

Submission for preliminary review

(2) The head of the government office shall give a copy of the message to the Office of the Auditor General for preliminary review. 2015, c. 20, Sched. 14, s. 5.

(3), (4) REPEALED: 2015, c. 20, Sched. 14, s. 5.

Non-application

(5) This section does not apply with respect to a message that is a notice to the public that is required by law, that concerns an urgent matter affecting public health or safety, that is a job advertisement or that concerns the provision of goods or services to a government office. 2004, c. 20, s. 4 (5).

Section Amendments with date in force (d/m/y)

2015, c. 20, Sched. 14, s. 5 - 16/06/2015

Requirement for final review

4.1 (1) The head of the government office shall give a copy of any item that the government office proposes to publish, display, broadcast, distribute or convey to the Office of the Auditor General for final review if,

- (a) after the Auditor General's preliminary review of the item, the Office of the Auditor General,
 - (i) gives notice to the head of the office that the item meets the standards, subject to subsection (2),
 - (ii) gives notice to the head of the office that there was insufficient information to determine whether the item meets the standards, or
 - (iii) does not give notice to the head of the office within the time specified by subsection 7 (1); or
- (b) the item is exempted from preliminary review by the regulations. 2015, c. 20, Sched. 14, s. 6.

Exception

(2) Subclause (1) (a) (i) does not apply if the notice indicates that a final review of the item under subsection (1) is not required. 2015, c. 20, Sched. 14, s. 6.

When revised version does not require preliminary review

(3) If a government office proposes to use a revised version of an item that has been reviewed by the Auditor General, the head of the office may, in the following circumstances, give the revised version to the Office of the Auditor General for review under subsection (1):

1. The head of the office received notice that the item did not meet the standards.
2. Subsection (2) applied to the item. 2015, c. 20, Sched. 14, s. 6.

Section Amendments with date in force (d/m/y)

2015, c. 20, Sched. 14, s. 6 - 16/06/2015

Review by Auditor General

5. (1) The Auditor General shall review every item given to the Office of the Auditor General under this Act to determine whether it meets the standards. 2015, c. 20, Sched. 14, s. 7.

Decision

(2) The decision of the Auditor General is final. 2004, c. 20, s. 5 (2).

Section Amendments with date in force (d/m/y)

2015, c. 20, Sched. 14, s. 7 - 16/06/2015

Required standards

6. (1) The following are the standards that an item is required to meet:
1. It must include a statement that the item is paid for by the Government of Ontario.
 2. It must not be partisan, as determined under subsection (2).
 3. It must meet any additional standards that may be prescribed. 2015, c. 20, Sched. 14, s. 8.

Partisan advertising

- (2) An item is partisan if,
- (a) it includes the name, voice or image of a member of the Executive Council or of a member of the Assembly, unless the item's primary target audience is located outside of Ontario;
 - (b) it includes the name or logo of a recognized party, within the meaning of subsection 62 (5) of the *Legislative Assembly Act*;
 - (c) it directly identifies and criticizes a recognized party or a member of the Assembly; or
 - (d) it includes, to a significant degree, a colour associated with the governing party, subject to subsection (4). 2015, c. 20, Sched. 14, s. 8.

Reference to title

(3) Clause (2) (a) does not prevent the use of a member's title. 2015, c. 20, Sched. 14, s. 8; 2015, c. 38, Sched. 8, s. 1.

Exception, colour

(4) Clause (2) (d) does not apply to the depiction of a thing that is commonly depicted in a colour associated with the governing party. 2015, c. 20, Sched. 14, s. 8.

Section Amendments with date in force (d/m/y)

2015, c. 20, Sched. 14, s. 8 - 16/06/2015; 2015, c. 38, Sched. 8, s. 1 - 10/12/2015

Notice

7. (1) The Office of the Auditor General shall notify the head of the government office of the results of a preliminary review under section 2, 3 or 4 within the prescribed number of days after receiving the item for preliminary review. 2015, c. 20, Sched. 14, s. 8.

Same

(2) The Office of the Auditor General shall notify the head of the government office of the results of a final review under subsection 4.1 (1) within the prescribed number of days after receiving the item for review under that subsection. 2015, c. 20, Sched. 14, s. 8.

Deemed notice

(3) If notice is not given within the period specified under subsection (2), the head of the government office is deemed to have received notice that the item meets the standards. 2015, c. 20, Sched. 14, s. 8.

Section Amendments with date in force (d/m/y)

2015, c. 20, Sched. 14, s. 8 - 16/06/2015

Prohibitions

On use pending review

8. (1) A government office shall not publish, display, broadcast, distribute or convey an item before the head of the office,

- (a) receives notice, or is deemed to have received notice, of the results of a review of the item under subsection 4.1 (1); or
- (b) in the case of an item to which subsection 4.1 (2) applies, receives notice from the Office of the Auditor General that the item meets the standards and that a final review is not required, subject to subsection 4.1 (3). 2015, c. 20, Sched. 14, s. 8.

On use if standards not met

(2) A government office shall not publish, display, broadcast, distribute or convey an item if the head of the office receives notice from the Office of the Auditor General that the item does not meet the standards. 2015, c. 20, Sched. 14, s. 8.

On use during election periods

(3) Despite notice or deemed notice that an item meets the standards, a government office shall not publish, display, broadcast, distribute or convey the item, unless permitted under subsection (4), during the following periods:

- 1. The period beginning on the day of the issue of a writ under the *Election Act* for a general election and ending on polling day, in the case of any general election.
- 2. The additional period of 60 consecutive days ending on the day of the issue of a writ under the *Election Act*, in the case of a general election held in accordance with subsection 9 (2) of the *Election Act*. 2016, c. 22, s. 59.

Exceptions

(4) Subsection (3) does not apply if the item,

- (a) relates to a revenue-generating activity,
- (b) is time sensitive, or
- (c) meets any other criteria that may be prescribed. 2015, c. 20, Sched. 14, s. 8.

Pre-existing publication, etc.

(5) Subsection (3) requires a government office to cease any ongoing or continued publication, display, broadcasting, distribution or conveying of an item that began before the beginning of the period referred to in that subsection, unless, in the opinion of the head of the office, it is not practicable to do so. 2015, c. 20, Sched. 14, s. 8.

Section Amendments with date in force (d/m/y)

2015, c. 20, Sched. 14, s. 8 - 16/06/2015

2016, c. 22, s. 59 - 01/01/2017

Reports to the Assembly

Annual report

9. (1) Each year, the Auditor General shall report to the Speaker of the Assembly about such matters as the Auditor General considers appropriate relating to his or her powers and duties under this Act. 2004, c. 20, s. 9 (1).

Same

(2) In the annual report, the Auditor General shall notify the Speaker about any contraventions of section 2, 3, 4, 4.1 or 8. 2004, c. 20, s. 9 (2); 2015, c. 20, Sched. 14, s. 9.

Special report

(3) The Auditor General may make a special report to the Speaker at any time on any matter that in the opinion of the Auditor General should not be deferred until the annual report. 2004, c. 20, s. 9 (3).

Tabling of reports

(4) The Speaker shall lay each annual report or special report of the Auditor General before the Assembly forthwith if it is in session or, if not, not later than the 10th day of the next session. 2004, c. 20, s. 9 (4).

Section Amendments with date in force (d/m/y)

2015, c. 20, Sched. 14, s. 9 - 16/06/2015

Access to records

10. The Auditor General may examine the records of a government office at any time for the purpose of determining whether section 2, 3, 4, 4.1 or 8 has been contravened, and the Auditor General or his or her designate shall be given access to such records as he or she considers necessary for that purpose. 2004, c. 20, s. 10; 2015, c. 20, Sched. 14, s. 10.

Section Amendments with date in force (d/m/y)

2015, c. 20, Sched. 14, s. 10 - 16/06/2015

Immunity

11. (1) No action or other proceeding shall be brought against a person who publishes, displays or broadcasts a reviewable advertisement on the sole ground that, under this Act, a government office was not permitted to use it to communicate with the public. 2004, c. 20, s. 11 (1).

Same

(2) No action or other proceeding shall be brought against a person who distributes reviewable printed matter on the sole ground that, under this Act, a government office was not permitted to distribute it. 2004, c. 20, s. 11 (2).

Same

(3) No action or other proceeding shall be brought against a person who conveys to the public on behalf of a government office a reviewable message on the sole ground that, under this Act, a government office was not permitted to convey it to the public. 2004, c. 20, s. 11 (3).

Regulations

12. (1) The Lieutenant Governor in Council may make regulations,
- (a) designating an entity or class of entities as a government office and specifying who is the head of the government office for the purposes of this Act;
 - (a.1) setting out forms or manners of digital display for the purposes of clause 2 (1) (c);
 - (a.2) governing the manner in which an advertisement prescribed under clause (a.1) may be given to the Office of the Auditor General for review under this Act, including providing that variations of such an advertisement may be specified or described rather than submitted individually;
 - (a.3) exempting items from preliminary review under section 2, 3 or 4;
 - (b) prescribing additional classes of messages and circumstances for the purposes of subsection 4 (1);
 - (c) prescribing additional standards for the purposes of paragraph 3 of subsection 6 (1);
 - (d) prescribing numbers of days for the purposes of subsection 7 (1) and for the purposes of subsection 7 (2);
 - (e) defining or clarifying the meaning of terms used in clause 8 (4) (a) or (b);
 - (f) setting out criteria for the purposes of clause 8 (4) (c). 2004, c. 20, s. 12; 2015, c. 20, Sched. 14, s. 11 (1-3).

Same

(2) A regulation made under clause (1) (d) may prescribe different numbers of days for advertisements, printed matter and messages, and for different classes of each of them. 2015, c. 20, Sched. 14, s. 11 (4).

Section Amendments with date in force (d/m/y)

2015, c. 20, Sched. 14, s. 11 - 16/06/2015

- 13. OMITTED (AMENDS OR REPEALS OTHER ACTS). 2004, c. 20, s. 13.
- 14. OMITTED (PROVIDES FOR COMING INTO FORCE OF PROVISIONS OF THIS ACT). 2004, c. 20, s. 14.
- 15. OMITTED (ENACTS SHORT TITLE OF THIS ACT). 2004, c. 20, s. 15