



Legislative Assembly for the
Australian Capital Territory

Standing Committee on the Integrity
Commission and Statutory Office
Holders

Submission Cover Sheet

Inquiry into the Government Agencies (Campaign Advertising) Amendment Bill 2025

Submission number: 004

Submitter: ACT Government

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Chair
Standing Committee on the Integrity Commission and Statutory Office Holders
ACT Legislative Assembly
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Dear Mr ~~Cocks~~ ^{Ed}

Thank you for the opportunity to make a submission to the Committee's inquiry into the Government Agencies (Campaign Amendment) Bill 2025.

I am writing to provide the Committee with a submission on behalf of the ACT Government with information relevant to the inquiry's terms of reference and highlight the ACT's already comprehensive framework.

ACT Context

The Australian Capital Territory operates under a unique governance model that blends responsibilities typically divided between state and local governments. Established under the *Australian Capital Territory (Self-Government) Act 1988 (Cth)*, this framework positions the ACT Government as both a state-level authority and a municipal administrator.

Unlike other jurisdictions where local councils deliver municipal services and exercise regulatory functions, the ACT Government retains direct responsibility for matters such as urban planning, waste management, local infrastructure, community services, and regulatory oversight.

The Current ACT Framework

To balance the dual responsibilities outlined above, the ACT already maintains a robust, statutory framework that governs and ensures publicly funded advertising campaigns are conducted in the public interest and are not for party-political purposes.

act.gov.au

Its primary objective is to safeguard public sector impartiality, prevent the misuse of taxpayer resources for political advantage, and maintain public confidence in government campaigns and advertising.

The *Government Agencies (Campaign Advertising) Act 2009* establishes a strong structural safeguard through the appointment of an independent Campaign Advertising Reviewer to provide oversight of ACT Government advertising campaigns. The Reviewer, appointed by the Minister for a term of up to three years, must:

- not be a public servant;
- have experience or expertise in one or more of the following areas:
 - media and advertising,
 - legal practice, or
 - government administration.

This appointment requires approval by a two-thirds majority of the Legislative Assembly, reinforcing the Reviewer's independence.

Government agencies are required to submit proposed advertising campaigns to the Reviewer where anticipated campaign costs exceed \$40,000. Agencies may (and do) seek a review of lower-cost campaigns where the subject matter is sensitive or where a review is otherwise considered appropriate. Where a campaign is referred, the Reviewer must assess compliance with the Act (including applicable guidelines) and report the outcome to the responsible person.

The Reviewer is also required to report biannually to the Legislative Assembly on campaign reviews, including details of campaign expenditure, dissemination methods, and the reasons for review decisions. The ACT Government already undertakes additional reporting above and beyond the legislation (including during election periods).

The Act also imposes additional restrictions during a Territory pre-election period, as defined under the *Electoral Act 1992*, to prevent the use of public resources for electoral advantage. These provisions include limitations on initiating or continuing campaigns that could influence voting behaviour.

Section 17 of the Act requires the Minister to make Guidelines to ensure government campaigns are relevant to current government responsibilities, factual, objective and non-political. The Guidelines require campaigns to avoid promotional or partisan content, be accessible and inclusive, be delivered efficiently and accountably, be clearly identified as government communications, and comply with all applicable ACT laws. These Guidelines are captured in a Disallowable Instrument, providing an avenue to amend and update the framework in a streamlined manner.

Impacts

While the work of the Committee will explore the proposed amendments, consideration should also be given to the potential for unintended consequences. This may include public resources directed to unnecessary administrative work, reduced quality of community engagement through compliance-driven processes, and/or other unforeseen impacts, which may not deliver improved outcomes for the community.

Introducing additional restrictions could undermine the government's commitment to transparency and limit the community's early awareness of, and subsequent engagement on issues affecting them.

The current arrangements establish a clear, comprehensive and structured framework for assessing and scrutinising Government advertising, which is supported by the Guidelines, the independent Campaign Advertising Reviewer, and Legislative Assembly oversight.

The Government is particularly concerned from the proposed amendment 5 – New Section 17 (3) (aa). As it is currently drafted, this amendment could lead to unintended consequences that diminish transparency. Without the ability to inform residents about significant proposed changes, before they are finalised, the opportunity for the community and stakeholders to consider the issues, prepare and provide informed feedback or fully understand potential impacts may be diminished.

I thank the Committee for its work and look forward to engaging further with the inquiry process.

Yours sincerely

Andrew Barr MLA
Chief Minister

30 January 2026