



ACT DEMOCRATS

A Submission from the Australian Democrats (ACT Division) to


LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

SELECT COMMITTEE ON CAMPAIGN ADVERTISING

Inquiry into the Government Agencies (Campaign Advertising) Bill 2008

Darren Churchill
President
Australian Democrats (ACT Division)
PO Box 4070
KINGSTON, ACT, 2604
Tel:0412 196 473

Joy Birch MLA
Chair
Select Committee on Campaign Advertising
GPO Box 1020
CANBERRA, ACT, 2601
Tel: 02 6205 0127

	A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE
SUBMISSION NUMBER	7
DATE AUTH'D FOR PUBLICATION	18 June 09

Australian Democrats, ACT Division, PO Box 4070, Kingston ACT 2604

ACT Democrats submission to the Select Committee on Campaign Advertising regarding the *Government Agencies (Campaign Advertising) Bill 2008*

The ACT Democrats believe that government advertising is a powerful tool that needs to be used judiciously, ethically and effectively.

Such use is critical in ensuring that the community remains confident in the government and its administrative integrity, and that incumbent governments do not wield an unfair advantage in elections, and that taxpayers do not inadvertently fund politically-motivated advertising at the opportunity cost of other public priorities.

As such, the ACT Democrats are supportive of the *Government Agencies (Campaign Advertising) Bill 2008* (the Bill).

We also make the following recommendations:

1. Expand the Bill's coverage

Expand the definition of **government campaign** for the purposes of this act to include other forms of government advertising that are both (1) necessary in certain cases, and (2) could conceivably be misused to become a channel for taxpayer-funded political advertising.

For example, the stated definition of **government campaign** (8.a – 8.c), including:

“...the dissemination by a government agency of information to members of the public about a government program, policy or matter which affects their entitlements, rights or obligations...”

should expand such that it would include advertising for the purpose of (for example):

Coverage area	Potential real-world example
Mitigating a risk to public health and safety	Bushfire preparedness, epidemic/pandemic response measures, occupational health and safety awareness-raising, road safety campaigns, etc
Encouraging desirable behaviours for the benefit of the community	Water-use reduction behaviours, public transport awareness campaigns, anti-littering campaigns.
Marketing of the ACT for the economic and social benefit of the community	Advertising campaigns to attract skills, investment or tourism to the ACT

This will make it more likely that the legislation is not bypassed by governments that

Australian Democrats, ACT Division, PO Box 4070, Kingston ACT 2604

design a campaign that is legitimate, but falls outside the given definition, and therefore outside of the Auditor-General's scrutiny.

2. Prohibit the publication of "electoral matter" as defined in the electoral act.

Section 8.c of the Bill defines things that cannot be included in a government campaign. We propose the addition of a point (iv) that prohibits the publication of "electoral matter" as defined in the electoral act.

The Electoral Act 1992 only stops the publication of "electoral matter" by parties and candidates during election campaigns, but the ACT Democrats suggest the definition in Section 4 of the Electoral Act can be used here, and that government departments should never publish defined "electoral matter".

3. Rephrase "advertising techniques" restrictions to capture the intent being sought without potentially reducing campaign effectiveness.

13.3.c restricts the use of *advertising techniques* such as jingles and slogans. We feel that this is too general a statement – "advertising techniques" could refer to a wide range of generally accepted techniques which significantly increase the emotional and cognitive impact of a campaign (eg those seeking community behavioural shifts), and therefore its overall effectiveness.

Presumably, the intent behind this provision is that the government should not use advertising techniques that either influence or could reasonably be seen to influence the public's opinion on a government policy in a partisan way, or on a widely controversial issue.

This intent needs to emerge explicitly from the Act, such that its provisions do not limit the use of advertising techniques that are legitimate and are in the public's interest.

4. Increase the visibility of the Auditor-General's report where there are findings of non-compliance with the Act relating to a campaign being progressed.

In cases where an Auditor-General report makes a finding of non-compliance with the Act and the government decides to proceed with the campaign regardless, the Auditor-General report should be tabled in the Assembly, along-side a ministerial response, in a reasonably swift manner, and prior to the campaign's commencement.

This would ensure that there is current debate and additional public scrutiny on

Australian Democrats, ACT Division, PO Box 4070, Kingston ACT 2604

campaigns of a questionable nature.

The ACT Democrats thank you for your consideration of our submission.

Yours sincerely,

D. M. Churchill

D M CHURCHILL

Please refer correspondence regarding this submission to:

Darren Churchill
President
Australian Democrats (ACT Division)

darrenchurchill@act.democrats.org.au
0412 196 473
PO Box 4070, Kingston, ACT, 2604
28th May 2009

Australian Democrats, ACT Division, PO Box 4070, Kingston ACT 2604