



	A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE
SUBMISSION NUMBER	13
DATE AUTH'D FOR PUBLICATION	18 June 09

**SUBMISSION
TO
ACT SELECT COMMITTEE
ON
CAMPAIGN ADVERTISING**

Submitted by
Jon Stanhope MLA
Chief Minister

May 2009

Introduction

The ACT Government opposes the Government Agencies (Campaign Advertising) Bill (the Bill) 2008 in its current form.

The Bill contains technical difficulties that would restrict the effectiveness of legitimate government advertising by prohibiting basic advertising techniques that are proven to attract and retain the attention of target audiences.

Further weaknesses in the Bill include; duplication of current Government advertising practices and existing authorisation; the need for greater clarification of the definitions; significant implications for Statutory Authorities; implications on the workload and role of the Auditor-General; and unacceptable restrictions on vital community information three months prior to an election.

The ACT Government is committed to providing all residents of the ACT with accessible and timely information about its key policies, services, programs and initiatives.

Government has the obligation to inform all members of the public about their rights, duties, responsibilities and entitlements.

As such, governments use public funds for information and education programs and campaigns to explain government policies, programs and services. Advertising is regarded as an integral part of the communication activities undertaken by government agencies.

This submission includes an alternative approach, for the Select Committee on Campaign Advertising's consideration, to provide timely and vital community information and clear guidance on the use of public money for Government advertising.

The ACT Government approach includes the appointment of an expert panel or individual with strong government, legal and/or media background as opposed to the ACT Auditor-General. The threshold that campaigns would be scrutinised is proposed to be \$100,000 however, campaigns seemed to be of a sensitive nature would also come under review.

These guidelines are based on the recently implemented Commonwealth Government guidelines and provide the basic principles that should be observed by all ACT Government departments and agencies in the planning, development and delivery of Government information campaigns.

The Chief Minister's Department, as the central agency, is responsible for the application and operation of these guidelines and for providing advice and a framework to departments and agencies which may be considering conducting advertising campaigns.

General principles

The use of public funds for ACT Government communications (campaigns) should be governed by the principles that:

- All members of the public have the right to equal access to information about government policies, programs and services;
- Public funds may legitimately be used for information, education programs community consultation and initiatives for public comment that explain the Government's policies, programs or services or that inform members of the public of their obligations, rights and entitlements;
- Government advertising campaigns should not be conducted for party political purposes;
- Campaigns should not be instigated unless the need is demonstrated and target recipients are clearly identified;
- The Government has responsibility for ensuring equity, fairness, probity, appropriateness and public responsibility in all of its communications;
- Communications material should be produced and distributed in an efficient, effective relevant and accountable manner with due regard to maximising community access;
- Individual agencies are responsible for developing and implementing communication of initiatives and actions which are within the agency's field of responsibility;
- Agencies subject to the Financial Management Act must comply with the guidelines;
- Ministers are responsible for authorising campaigns within their portfolios and for authorising campaign launches;
- Agency Chief Executives are responsible for certifying that any campaigns developed within their agency are compliant with the guidelines and related government policies; and
- Government advertising campaigns must comply with all legal requirements.
- The use of ACT public servants in advertising campaigns is permissible on the signing of a release by the public servant whose image and/or voice including approval by the relevant departmental Chief Executive.

The Government should not undertake campaign advertising when it is in Caretaker mode, unless the purpose of communication is related purely to public health, public safety, or achieving compliance with the law, ensuring

public safety, personal security, encouraging responsible behaviour or the preservation of order in a crisis or emergency.

Definition of Government Campaign Advertising

For the purpose of these guidelines, government campaigns do not include advertising for specific jobs, tender advertising or other similar routine advertising carried out by agencies in relation to their operational activities.

Campaign costs include those activities involved in the development, production and dissemination of information to the public about government programs, policies and matters which affect their benefits, rights and obligations.

Examples of these activities include:

- The use of market research agencies, public relations consultants, advertising agencies and other specialist consultants in the development of such materials; and
- The production of press, radio, television, cinema and on-line advertisements, other electronic media, audio-visual and printed material (pamphlets, explanatory booklets, etc).

Objectives of Government communications

Public funds may be used for Government communications campaigns in the pursuit of any of the following objectives:

- To maximise compliance with the law;
- To achieve awareness of a new or amended law;
- To raise awareness of a planned or impending initiative or to initiate community consultation;
- To ensure public safety, personal security or encourage responsible behaviour;
- To assist in the preservation of order in the event of a crisis or emergency;
- To promote awareness of rights, responsibilities, duties or entitlements;
- To encourage usage of, or familiarity with, Government products or services;
- To report on performance in relation to Government undertakings; and
- To encourage social cohesion, civic pride, community spirit, tolerance or to inform the community about a public policy outcome.

Guidelines for Campaign Advertising

Consideration should be given to public information requirements during policy development and program planning.

The subject matter of material to be communicated to the public should be directly related to the Government's responsibilities. As such, only policies or programs underpinned by legislative authority, appropriation of the Legislative Assembly or a Cabinet decision which is intended to be implemented during the current Assembly should be the subject of an advertising campaign.

The target audience should have a convenient means of contacting the originating government agency so that questions, complaints or requests for further information may be dealt with promptly.

Guideline 1

Relevance of campaign material

Some examples of suitable uses for government campaign advertising include:

- Informing the public of new, existing or proposed government policies or policy changes;
- Providing information on government programs or services or changes to programs or services which the public can access;
- Disseminating important health and safety information;
- Assisting in the preservation of order in the event of an emergency or crisis;
- Raising awareness of a new or amended law;
- Ensuring public safety, personal security or encouraging responsible behaviour;
- Encouraging usage of, or familiarity with, government products or services; and
- Reporting on the performance of government to facilitate accountability to the public.

Guideline 2

Presenting campaign material in an objective, fair and accessible manner

All government campaign material must be presented in a fair, objective and accessible manner. Specifically, information in campaigns should be directed at the provision of objective, factual and explanatory information and enable the

recipients of the information to reasonably and easily distinguish between facts, on the one hand, and comment, opinion and analysis on the other.

Where information is presented as a fact, it should be based on accurate, verifiable facts, and expressed in conformity with those facts. No factual claim should be made which cannot be substantiated.

Pre-existing policies, services, activities and products should not be presented as new.

Special attention should be paid to communicating with disadvantaged groups and individuals which are identified as being within the designated target audience. Particular attention should be given to the communications needs of people with disabilities, young people, the aged and those for whom English is not a convenient language in which to receive information.

There should be recognition of the full participation of women, ethnic and Indigenous communities by realistically portraying their interests, lifestyles and contributions to Australian society. Care should be taken that this is not done in a stereotypical way.

Guideline 3

Material should not be directed at promoting party political interests

Government campaign material should be presented in a manner free from partisan promotion of political argument, and in objective language.

The dissemination of information using public funds should not be directed at fostering a positive impression of a particular party or promoting party political interests.

Public funds should not be used for Government communications campaigns where:

- The party in Government is mentioned by name;
- A reasonable person could misinterpret the message as being on behalf of a political party or other grouping;
- A political party or other grouping is being disparaged or held up to ridicule;
- Members of the Government or political candidates are named, depicted or otherwise promoted in a manner that a reasonable person would regard as excessive;
- There are references or links to the websites of Ministers or political parties.

Guideline 4

Avoiding the misuse of public funds

Campaign material should be produced and distributed in an efficient, effective and relevant manner, with due regard to accountability.

Public funds should not be used on campaigns where:

- The method or medium of communication is manifestly excessive or extravagant in relation to the objective being pursued; and
- There is no clear line of accountability, appropriate audit procedures or suitable purchasing process; and

Guideline 5

Complying with legal requirements

Government campaigns and related material, the manner of presentation and the delivery of the campaign must comply with all relevant laws including:

- Privacy laws;
- Electoral laws;
- Broadcasting and media laws;
- Intellectual property laws;
- Trade practices and consumer protection laws; and
- Workplace relations laws.

The Review Framework

The Chief Minister's Department, as the central agency, is responsible for the application and operation of these guidelines and for providing advice and a framework to departments and agencies which may be considering conducting advertising campaigns.

The framework requires each advertising campaign to be certified as complying against the new guidelines by the Chief Executive of the commissioning department or agency.

In addition, an agreed expert panel or individual provides a review of all government campaigns with expenditure in excess of \$100,000, which will report to the relevant Minister on the proposed campaign's compliance with the guidelines.

A Minister or Chief Executive responsible for a campaign with expenditure of \$100,000 or less may ask the expert panel to review that campaign's compliance with these guidelines where the campaign is of a sensitive nature or the Minister or Chief Executive considers that such a review is appropriate.

The reviews undertaken by the expert panel is not an audit, but is designed to provide limited assurance through inquiry, observation and analysis of key documents and information that the government's guidelines have been adhered to.

Funding for the expert panel or individual (paid a nominal per diem) will be included as part of the overall budget for all campaigns in excess of \$100,000. CMD Communications and Engagement Unit will provide secretariat support to the expert panel.

Summaries of reviews of government campaigns against the guidelines by the expert panel will be undertaken on an annual basis and tabled annually for scrutiny in the Legislative Assembly.