



Government Advertising

by Lenny Roth

1. Introduction

This e-brief is concerned with the regulation of government advertising to ensure that it is not used for party political purposes. In a 2007 report, the NSW Auditor-General commented:

Governments may legitimately use public funds for education or information campaigns to explain government policies, programs or services. Yet there is much controversy and debate around government advertising and its ability to promote the incumbent government and influence voter behaviour.¹

In NSW, government advertising is regulated by non-statutory guidelines. These guidelines were amended after the Auditor-General's 2007 report, and were revised again in 2010 to implement further recommendations made by the Auditor-General. One change was to require an independent person to be included on the peer review panel for advertising campaigns for whole of government initiatives.

The new Coalition Government has said that it will introduce legislation "to eliminate taxpayer funded political advertising".² The details of the proposed laws have not yet been released but it is to be noted that the new Premier introduced a Private Member's Bill on this issue in 2007. That Bill would have required the NSW

Auditor-General to review government publicity costing \$200,000 or more. In proposing this role for the Auditor-General, the Bill was similar to laws enacted in Ontario, Canada, in 2004.

The only Australian jurisdiction to have enacted relevant legislation is the Australian Capital Territory. The ACT laws, which were passed in 2009, require an independent person to review and report on government advertising campaigns costing over \$40,000. The reviewer is appointed by the Minister but the appointment requires the approval of a two-thirds majority of the Legislative Assembly.

All of the other States have guidelines on government advertising which provide that advertising should not be used for party political purposes.³ However, the guidelines do not require advertising campaigns to be reviewed by an independent person or body. On the other hand, the Commonwealth Government's guidelines require campaigns costing \$250,000 or more to be reviewed by an Independent Communications Committee.

2. New South Wales

2.1 Advertising expenditure: As outlined in a [report](#) by the NSW Auditor-General, in 2008-09 the NSW Government spent just over \$100

million on advertising (meaning media placement).⁴ This included:

- over \$70 million on campaign advertising (i.e. advertising to change community behaviour, attitudes or raise awareness);
- around \$30 million on non-campaign advertising (e.g. job vacancies, tenders and public announcements).⁵

In the decade from 1999 to 2009, total annual expenditure on government advertising ranged from around \$80 million to around \$120 million; with annual expenditure on campaign advertising ranging from around \$60 million to around \$80 million.⁶

In the year of the 2007 State election (i.e. 2006-07), there was an increase in campaign advertising expenditure of around \$10 million compared to the previous year. Conversely, in the year of the 2003 State election, there was a decrease in campaign advertising expenditure of over \$10 million compared to the previous year.⁷

Reports containing more recent information on government advertising expenditure have been published on the [website](#) of the NSW Department of Finance and Services (the reports show expenditure on all advertising campaigns in a particular year but do not show a total figure for the year).

2.2 Advertising guidelines: The [NSW Government Advertising Guidelines](#) have been amended on a number of occasions in recent years. The latest version of the guidelines was published in December 2010.

The guidelines contain a number of general principles and one of these is that "a reasonable person should not

interpret the message as serving party political interests".

The guidelines also contain statements on "appropriate use of NSW Government advertising" and "inappropriate use of publicly funded advertising". For example, advertising would be inappropriate if:

- The method or medium of advertising is excessive or extravagant in relation to the objective being pursued; [or]
- The message could reasonably be understood as being on behalf of a political party;

There is also a section on "Roles and Responsibilities", which outlines the roles of Government agencies, Director-Generals and Chief Executives. For example, government agencies are required to:

Demonstrate the specific need being addressed by the proposed advertising activity and explain the rationale for the chosen approach. Advertising with a total budget of \$1 million or more requires a cost benefit analysis or other appropriate economic appraisal for the chosen strategy, taking into account other potential media choices and available alternative approaches.

For all advertising campaigns submitted to the Cabinet Standing Committee for approval (see below), the relevant Chief Executive or Director-General must certify a number of matters including that the campaign complies with the guidelines and that the "purpose of and need for the campaign has been informed by appropriate analysis and research".

The section on "Review and Approval of Advertising", states (in part):

All NSW Government advertising other than public notices, with a total budget...of \$50,000 or more are subject

to Cabinet Standing Committee on Communications and Government Advertising approval.

The guidelines also state that:

An independent 'Peer Review' of advertising is conducted at 'concept stage' prior to the advertising being submitted for approval to the Cabinet Standing Committee on Communications and Government Advertising.

Peer reviews are conducted "by experienced advertising and communications practitioners drawn from across the NSW public sector". However, "peer reviews of advertising campaigns for whole of government initiatives" must include "a reviewer independent of the public sector". Peer reviewers examine advertising submissions against criteria covering:

- Need and timing of the advertising;
- Chosen creative and media options;
- Allocation of the budget, evaluation and risk management.

It should be noted that the guidelines do not specifically require the peer review panel to review government advertising campaigns to ensure that they comply with the guidelines.

Peer reviewers prepare a brief report for the responsible government agency for its information and response. A summary of the review report is also incorporated into the advertising submission for the Cabinet Standing Committee's approval.

The guidelines also set a quarantine period of two months prior to a State election during which agencies should cease all major advertising activities. Certain advertising activities (e.g. activities relating to public health and safety issues) are exempt.

The granting of exemptions is referred to in the guidelines, as follows:

Agencies will not be granted general exemptions to policy requirements outlined in this document. Exemption requests must demonstrate benefits in terms of community access to information, agency commercial imperatives, effective delivery of the message and value for money.

The Strategic Communications and Government Advertising unit within the Department of Services, Technology and Administration (now the Department of Finance and Services) is responsible for monitoring the implementation of the guidelines.

2.3 Auditor-General's 2009 Report:

In December 2009, the NSW Auditor General published a performance audit [report](#) on government advertising, which recommended changes to the guidelines.⁸ Recommendations that were designed to guard against party political advertising included:

- Requiring the Chief Executive of the relevant agency to certify that the purpose and need for the campaign has been supported by departmental analysis and research.
- Requiring the peer review panel to include an independent person for public awareness campaigns covering whole of Government initiatives.
- Requiring the peer review panel to attest that the campaign would not be seen as party-political and is not excessive.⁹

As can be seen from the above summary of the advertising guidelines, the NSW Government adopted the first

two of these recommendations. It did not adopt the third recommendation.

It is worth noting here that the Auditor-General was of the view that the independent peer review panel member should not be the current Auditor-General because:

This would limit the Auditor-General's ability to subsequently audit the procedures followed in the approval process and given an opinion on compliance with the Guidelines, the *Public Finance and Audit Act 1983* and the *Appropriation Act*.¹⁰

2.4 Reports on election funding: The issue of government advertising has been considered in a number of recent reports on election funding.

A June 2008 Legislative Council Select Committee [report](#) on Electoral and Political Party Funding concluded that government advertising:

... should be subject to greater oversight and regulation, to prevent it becoming an ersatz form of election funding. In addition, if spending caps were to be implemented [i.e. caps on election campaign spending by parties and candidates] it would be necessary to restrict government advertising to avoid the government effectively circumventing these caps.

The Committee therefore supports the Auditor-General being given oversight responsibility for government advertising along the lines of the scheme in Ontario, Canada...Government advertising should also be banned in a defined, pre-election period...¹¹

The two Labor Party members on the Committee disagreed with the Committee's recommendation to give the Auditor-General an oversight role. They argued that:

The Auditor General cannot accept responsibility for oversight for government advertising without impugning his role. It is against all accepted audit practices for an auditor to oversight expenditure that they are then responsible for auditing.¹²

A February 2010 [report](#) prepared for the NSW Electoral Commission on the political funding regime in NSW, recommended that:

measures should be taken in order to provide regular independent scrutiny of the implementation of the NSW Government Advertising Guidelines.¹³

The report suggested that two models could be used.¹⁴ One would involve the Auditor-General evaluating certain advertising campaigns against the guidelines. The alternative would be to strengthen the peer review system (as recommended by the NSW Auditor-General). The report stated that the merits of these two models "warrant further examination".

In its March 2010 [report](#) on *Public Funding of Election Campaigns*, the Joint Standing Committee on Electoral Matters examined the issue of government advertising "as part of a public funding model, that is, as a possible loophole to expenditure caps and not in general terms".¹⁵

The Committee recommended that the Premier present legislation providing for the pre-review of government advertising by an appropriate independent body *in the regulated election period* (nine months was proposed).¹⁶ The independent body would review government advertising to "ensure there is no 'partisan' or 'party political' content".¹⁷ The Committee also recommended that:

The Auditor-General conduct more regular reviews of government

advertising outside the regulated election period.¹⁸

2.5 Private Member's Bill: On 7 June 2007, the then leader of the NSW Opposition, Barry O'Farrell, introduced the [Government Publicity Control Bill 2007](#). The Bill was defeated at the agreement in principle [stage](#) on 18 October 2007.

Under the Bill, the head of a public authority would be required to ensure that the authority "does not incur expenditure on government publicity that does not comply with the guidelines". One of the Bill's three guidelines stated:

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

The Bill also provided for the Auditor-General to review any government advertising campaign costing \$200,000 or more; and the Auditor-General could also review any government publicity "that the Auditor-General considers may be government publicity for political purposes".

It is important to note that (unlike the Ontario laws) the Bill did not require government agencies to submit campaigns to the Auditor-General *prior to their release*. However, government agencies would be permitted to seek advice from the Auditor-General concerning proposed expenditure "that may be outside the guidelines".

After conducting a review, the Auditor-General could make an order to do one or more of the following:

- to immediately stop the dissemination of any government publicity that is for political

purposes and that does not comply with the guidelines;

- to modify the content, style or method of dissemination of any such government publicity so that it will comply with the guidelines;
- to stop expenditure on any such government publicity or to limit expenditure on any such government publicity so that it will comply with the guidelines.

The Auditor-General would also have the power to order a political party that is responsible for the government publicity to pay into a fund the amount of expenditure incurred by the public authority in relation to that publicity.

The Auditor-General would be required to report to Parliament on an annual basis detailing the Auditor-General's activities under the legislation.

3. Commonwealth

3.1 Advertising guidelines: In July 2008, the Commonwealth Government released new guidelines on Government advertising.¹⁹ Adopting a recommendation in a 2005 Senate Committee [report](#), the guidelines required advertising campaigns costing over \$250,000 to be reviewed by the Auditor-General prior to being launched. The Auditor-General would assess the campaign's compliance with the guidelines and provide a report to the responsible Minister.

One of the guidelines stated (in part):

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 Parliament, or a Cabinet decision which

is intended to be implemented during the current Parliament, should be the subject of an advertising campaign.

Another guideline stated (in part):

Material should be presented in a manner free from partisan promotion of government policy and 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 political party or promoting party political interests.

In early 2010, the Commonwealth Government asked Dr Allan Hawke (a former public servant) to conduct an independent review of government advertising arrangements. Dr Hawke's [report](#), which was released on 31 March 2010, recommended a number of changes to the guidelines.²⁰

On the same day, the Government released revised [guidelines](#), which incorporated most of the report's recommendations.²¹ A key change to the guidelines is that government advertising campaigns costing \$250,000 or more now need to be considered by an Independent Communications Committee (ICC) rather than by the Auditor-General.

The [ICC](#), which is comprised of three former public servants (including Dr Hawke), is required to provide a report to the responsible agency's Chief Executive on compliance with the principles in the guidelines. The Chief Executive must receive and consider this report before he or she can certify to the Minister that the campaign complies with the guidelines.

3.2 Comments on the role of the Auditor-General: The reason why the Hawke report recommended that an independent committee have the role of reviewing government advertising

campaigns (instead of the Auditor-General) was that the Auditor-General was placed "in a very difficult position with respect to conflict of interest".²² The report questioned:

whether the Auditor-General can conduct regular performance audits of Government advertising effectively when he is bound up in the process of developing and approving campaign advertising.²³

The Hawke report noted that in November 2007 the Auditor-General had proposed a model involving a small independent committee to assess proposals for compliance with the guidelines, with the Auditor-General conducting periodical audits.²⁴

In a [letter](#) dated 29 March 2010, the Auditor-General criticised the lack of consultation with him in relation to the review.²⁵ His letter also appears to disagree with the conclusion that he faced an unacceptable conflict of interest in his role as reviewer. He concludes the letter with the comment:

While undertaking the review role has not been without risk for my office, I have undertaken it because I believed we could manage the risks and contribute positively to better outcomes here for both public administration, government and the wider community. And, in my view, we have delivered on this.

A recent Joint Committee [report](#), which reviewed the role of the Auditor-General in scrutinising government advertising under the 2008 guidelines, concluded as follows:

...all Committee members agreed that being involved in the scrutiny of proposed advertising campaigns was not an appropriate role for the Auditor-General. They considered that it blurred the boundary between executive decision-making and audit review.²⁶

3.3 Exemptions from the guidelines:

The Commonwealth guidelines allow the Special Minister of State to exempt a campaign from compliance with the guidelines on the basis of "a national emergency, extreme urgency or other compelling reason". If an exemption is granted the ICC must be informed and the decision must also be reported to the Commonwealth Parliament.

On 28 May 2010, the Special Minister of State, Senator Joe Ludwig, notified the Parliament that he had granted the Treasurer an exemption from the guidelines for an advertising campaign on the proposed mining tax.²⁷ As a result, the campaign was not reviewed by the ICC. Senator Ludwig said:

I have accepted the Treasurer's advice that there is an active campaign of misinformation about the proposed changes to our tax system, and that Australians are concerned about how these changes will affect them. The community has expressed a very clear desire to know more about the reforms to our tax system and it's important to provide that information.

He also stated that Treasury was directed to adhere to the intent of the guidelines, including that "campaign materials should be objective and not directed at promoting party political interests".

3.4 Private Member's Bills: Over the years, a number of Private Member's Bills have been introduced into the Commonwealth Parliament to regulate government advertising.²⁸ The latest was introduced by Senator Bob Brown on 16 June 2010. The [Preventing the Misuse of Government Advertising Bill 2010](#) lapsed on prorogation but it was re-introduced on 29 September 2010.

The Bill proposes to establish a legislative framework for government advertising that was similar to the 2008 guidelines. It proposes to reinstate the

Auditor-General's role in reviewing advertising campaigns costing over \$250,000. Under the Bill, these campaigns could not proceed unless the Auditor-General had provided the relevant Minister with a report on compliance with the guidelines set out in the Bill. This report would also be provided to the Parliament. The Cabinet Secretary could grant an exemption from the guidelines only in the case of a "national emergency".

On 21 June 2010, the Senate Finance and Public Administration Legislation Committee published its [report](#) on the Bill.²⁹ The Committee recommended that the Bill "not proceed". The Committee noted that the 2010 guidelines reflected the Hawke review recommendations and it concluded:

...the 2010 guidelines meet the requirements of transparency and rigour with regard to the oversight of proposed government advertising.³⁰

The two Liberal Party Senators on the Committee agreed that the Bill should not proceed but they issued a separate report in which they stated:

To place the Auditor-General at the centre of decision-making will potentially risk the perceived independence of the office and also put at risk the ability of the Auditor-General to undertake performance audits on behalf of the Parliament.³¹

It is to be noted that the Committee received only four public [submissions](#) within the very short time frame for the inquiry. One of these was from the Auditor-General. He noted that the Bill drew on the 2008 framework and he stated that this framework "has been demonstrated to work effectively, albeit with scope for some improvement."

The other three submissions came from academics. Professor Charles

Sampford's view was that government advertising should be reviewed by an independent committee, which should be appointed on the recommendation of a parliamentary committee, and which should have guaranteed tenure.

Adjunct Professor Tim Smith and Associate Professor Ken Coghill made the following brief comment about the role of the Auditor-General:

The Auditor-General's role must be confined to auditing the process and must not extend to the approval of content.

Dr Graeme Orr's submission stated:

The biggest controversies in this area have involved large-scale campaigns promoting policy, where the policy still requires parliamentary approval via legislation: e.g. the first GST and Work Choices campaigns, and more recently the Mining Tax and Health Reforms.

He suggested that if such campaigns are to be allowed, they would be best regulated by capping expenditure on all such campaigns, or borrowing "the referendum model, in which pro and con campaigns would be run".

4. Legislation in the ACT

In December 2009, the Australian Capital Territory Assembly passed the [Government Agencies \(Campaign Advertising\) Act 2009](#), which aims to prevent the use of government advertising for party political purposes. The Act commenced on 1 July 2010.

The Act provides that a responsible person for a government agency (e.g. the relevant Minister) may conduct a government campaign only if that person certifies that the campaign complies with the Act. A further requirement is that, if the campaign costs are likely to exceed \$40,000, the

campaign advertising reviewer must report to the responsible person on the campaign's compliance with the Act.

The Act provides for the Minister to appoint a person to be a campaign advertising reviewer. This reviewer must not be a public servant and must have experience in the areas of: media and advertising; legal; or government administration. The person must not be appointed unless the Legislative Assembly approves of the appointment by a resolution passed by a majority of at least two-thirds of the members.

The Minister is required to make guidelines for the Act and these must include certain provisions including that "information in a government campaign must not be directed at promoting the government or party political interests in any way". Such [guidelines](#) are in place, with one of these stating that:

Public funds should not be used to disseminate information in circumstances where a reasonable person would interpret the information as being given on behalf of a political party, or as directed at influencing public support for a political party rather than as communicating a factual message.

The Act also prohibits government agencies from conducting an advertising campaign in the "pre-election period" (which means the period of 37 days ending on the end of polling day for an election).

The Act permits the Minister to exempt a campaign if the Minister is satisfied that it is appropriate due to an emergency, extreme urgency, or other extraordinary circumstances. The Minister must inform the Legislative Assembly about any exemption and the reasons for the exemption.

Changes to the original Bill were made following a Select Committee's [report](#) in August 2009.³² For example, the original Bill proposed that the Auditor-General would review government advertising campaigns costing over \$20,000. The Select Committee recommended that this role should instead be undertaken by an independent expert panel.³³

5. Proposals in other States

5.1 South Australia: In February 2009, Robert Brokenshire MLC (Family First Party) introduced the [Regulating Government Publicity Bill 2009](#). The Bill was not debated and it lapsed on prorogation.

Under the Bill, a person must not authorise the use of more than \$50,000 of public funds for a government advertising campaign without an authorisation from the Government Publicity Committee. The Committee could only grant an authorisation if the campaign complied with the guidelines in the Bill.

The model in the Bill is different to the Commonwealth and ACT schemes. In those schemes, campaigns are reviewed by an independent panel, the panel then reports to the Minister, and the Minister can make the final decision on the campaign. In Mr Brokenshire's Bill, the Committee would have the final say on whether a campaign could go ahead.

The Government Publicity Committee would consist of the Auditor General, the Ombudsman, and a person with knowledge and experience in advertising appointed by the Auditor General. The Auditor-General and Ombudsman may be represented on the Committee by a delegate.

A December 2009 report by a Legislative Council Select Committee recommended changes to the guidelines but did not recommend legislation at this stage.³⁴ The guideline changes that were proposed included requiring that, before being launched, government advertising campaigns costing over \$50,000 be assessed by the Auditor General.³⁵ However, the final decision on the campaign would remain with the responsible Minister. The two Labor Members dissented from the report's recommendations.

5.2 Victoria: In September 2010, David Davis MP (Liberal Party) introduced the [Government \(Political Advertising\) Bill 2010](#). The Bill passed through the Legislative Council but was defeated in the Assembly.

Under the Bill, a government agency could only conduct an advertising campaign costing over \$50,000 if the agency had been issued with a notice of compliance by the Independent Government Advertising Campaign Review Panel. The Panel would be required to assess whether the advertising campaign is consistent with the advertising principles in the Bill: e.g. it must not be "party political".

As with the Private Member's Bill introduced in South Australia, the Panel would have the final say on whether a campaign could proceed.

The Panel would consist of at least 5 members appointed by the Governor on the recommendation of the Minister. The Chair would need to be a former judge of the Supreme Court or County Court and the Panel would also need to have at least one member drawn from each of the following categories: a former public sector auditor; a former public service senior employee; and a senior academic with

relevant experience. Other persons could also be appointed.

The Bill would also prohibit a government advertising campaign from being conducted in a pre-election period (60 days before an election).

The Minister would be able to grant an exemption in relation to a campaign but only in certain circumstances: e.g. in an emergency, or in "other extraordinary circumstances".

6. Legislation in Ontario, Canada

The Ontario [Government Advertising Act, 2004](#) requires the office of the Auditor General to review government advertising in advance of its public release (there is no cost threshold). Government offices cannot proceed with an advertising campaign until the Auditor General determines that it meets the standards of the Act.

One of the standards in the Act is that the advertising "must not be partisan", and the Act states that "an item is partisan if, in the opinion of the Auditor General, a primary objective of the item is to promote the partisan interests of the governing party".

The only exception in the Act – in relation to campaign advertising – is for advertising "about an urgent matter affecting public health or safety".

The Ontario Auditor-General's [2010 Annual Report](#) notes that he has engaged external advisers to provide assistance and advice in the review of advertising items.³⁶ He also reported that in the 2009/10 year:

...we reviewed 600 individual advertising items, in 159 submissions, with a total value of more than \$40 million. In all but one case, we provided our decision within the required seven-day window.³⁷

The Auditor-General noted that two advertising submissions relating to a new sales tax were rejected because:

they were deemed to violate subsection 6(1)5 of the Act. Specifically, the Advertising Review Panel believed that messaging in the ads was focused mainly on persuading the audience of the benefits of the proposed tax changes, rather than on informing Ontarians of the tax changes and related impacts, and therefore they promoted the partisan political interests of the governing party.³⁸

7. Conclusion

Some important issues to consider in assessing a regulatory framework on government advertising are:

- Should the framework be contained in guidelines or laws?
- What do the laws/guidelines say about the use of advertising for political purposes?
- Do the laws/guidelines contain any criteria for assessing whether advertising is being used for political purposes?
- Are advertising campaigns subject to review by an independent person or body to ensure that they comply with the guidelines/laws?
- In what circumstances can exemptions be granted?

The NSW guidelines on government advertising can be compared with the different models that have been adopted in other jurisdictions, including the Commonwealth guidelines and the laws in the ACT and Ontario. Various other models have been proposed in Private Member's Bills. The Table below presents a summary of the review mechanisms in the models that have been adopted and proposed.

Summary of review mechanisms in the different models

Jurisdictions	Review person/body	Pre or post launch review	Cost threshold	What can the reviewer do?
Guidelines				
NSW guidelines	Peer review, and review by Cabinet Standing Committee. For campaigns on whole of government initiatives, peer review panel must include a person independent of public sector. Note that the peer review panel is required to consider the need and timing of the campaign but it is not required to attest that the campaign complies with the guidelines.	Pre-launch	\$50,000	Peer review panel reports to Cabinet Committee. The Committee can approve or reject.
CTH guidelines	Independent Committee – the guidelines do not refer to its composition but 3 former public servants have been appointed.	Pre-launch	\$250,000	Report to agency Chief Executive
Laws				
ACT laws	A person who is not a public servant and who has relevant experience. Appointed by the Minister but needs approval of two-thirds of the Assembly.	Pre launch	\$40,000	Report to Minister or Chief Executive; and to Parliament.
Ontario laws	Auditor-General	Pre-launch	None	Approve/reject
Bills				
NSW 2007 Bill (Defeated)	Auditor-General	Not specified	\$200,000	Make orders
CTH 2010 Bill	Auditor-General	Pre-launch	\$250,000	Report to Minister and to each House of Parliament.
SA 2009 Bill (Lapsed)	Committee comprised of the Auditor-General, the Ombudsman, and a person with advertising experience appointed by the Auditor-General.	Pre-launch	\$50,000	Approve/reject
VIC 2010 Bill (Defeated)	Panel comprised of a former judge, a former public sector auditor, a senior academic, and as many other persons as the Minister considers necessary.	Pre-launch	\$50,000	Approve/reject

¹ Audit Office of NSW, *New South Wales Auditor-General's Report: Performance Audit – Government Advertising*, August 2007, p2

² NSW Government, *100 Day Action Plan*, March 2011.

³ See Victorian Government, [Advertising and Communication Guidelines](#), December 2009; Queensland Government, [Queensland Government Advertising Code of Conduct](#), August 2010; Western

Australia Government, [Guidelines for Government of Western Australia Advertising and Communications](#), April 2009; South Australia Government, [Advertising Policies and Guidelines](#), February 2010

⁴ Audit Office of NSW, *New South Wales Auditor-General's Report: Performance Audit – Government Advertising*, p2 & p12.

⁵ Audit Office of NSW, n4, p12.

⁶ Audit Office of NSW, n4, p12.

⁷ Audit Office of NSW, n4, p12.

- ⁸ Audit Office of NSW, n4, p5.
⁹ Audit Office of NSW, n4, p5 & p17-20.
¹⁰ Audit Office of NSW, n4, p17.
¹¹ Select Committee on Electoral and Political Party Funding, *Electoral and Political Party Funding in New South Wales*, June 2008, p74-75.
¹² Select Committee, n11, p258
¹³ Dr J Tham, *Towards a More Democratic Political Funding Regime in New South Wales*, February 2010, p90.
¹⁴ Dr Tham, n13, p90-91.
¹⁵ Joint Standing Committee on Electoral Matters, *Public Funding of Election Campaigns*, March 2010, p169.
¹⁶ Joint Standing Committee, n15, p26.
¹⁷ Joint Standing Committee, n15, p26.
¹⁸ Joint Standing Committee, n15, p27.
¹⁹ See Hon John Faulkner and Hon Lindsay Tanner MP, 'New Advertising Guidelines', [Media Release](#), 2 July 2008. See also Commonwealth Government, [Guidelines on Campaign Advertising by Australian Government Departments and Agencies](#), June 2008.
²⁰ Dr Allan Hawke, *Independent Review of Government Advertising Arrangements*, 26 February 2010.
²¹ Commonwealth Government, [Guidelines on Campaign Advertising by Australian Government Departments and Agencies](#), March 2010.
²² A Hawke, n20, p21.
²³ A Hawke, n20, p21.
²⁴ A Hawke, n20, p15
²⁵ I McPhee, *Letter to Senator the Hon Joe Ludwig*, 29 March 2010.
²⁶ Joint Committee of Public Accounts and Audit, *The Role of the Auditor-General in Scrutinising Government Advertising*, March 2011, p49.
²⁷ Senator Joe Ludwig, 'Approval of exemption from Guidelines on Information and Advertising campaigns by Australian Government Departments and Agencies', [Media Release](#), 28 May 2010.
²⁸ The [Charter of Political Honesty Bill 2000](#) (Senator Andrew Murray); The [Government Advertising \(Objectivity, Fairness and Accountability\) Bill 2001](#) (Kim Beazley MP); The [Government Advertising \(Prohibiting the Use of Taxpayers' Money on Political Advertising\) Bill 2005](#) (Kelvin Thompson MP)
²⁹ Senate Finance and Public Administration Legislation Committee, *Preventing the Misuse of Government Advertising Bill 2010*, June 2010.
³⁰ Senate Committee, n29, p20

- ³¹ Senate Committee, n29, p20
³² Select Committee on Campaign Advertising, *Inquiry into the Government Agencies (Campaign Advertising) Bill 2008*, August 2009.
³³ Select Committee, n32, pvii
³⁴ Legislative Council Select Committee, *Report of the Select Committee on Tax-Payer Funded Government Advertising Campaigns*, December 2009
³⁵ Select Committee, n34, p3.
³⁶ Office of the Auditor-General of Ontario, *2010 Annual Report*, Fall 2010, Ch 5.
³⁷ Auditor-General of Ontario, n36, p401.
³⁸ Auditor-General of Ontario, n36, p401.

Information about Research Publications can be found on the Internet at the:

[NSW Parliament's Website](#)

Advice on legislation or legal policy issues contained in this paper is provided for use in parliamentary debate and for related parliamentary purposes. This paper is not professional legal opinion.

© 2011

Except to the extent of the uses permitted under the *Copyright Act 1968*, no part of this document may be reproduced or transmitted in any form or by any means including information storage and retrieval systems, without the prior written consent from the Librarian, New South Wales Parliamentary Library, other than by Members of the New South Wales Parliament in the course of their official duties.