



**LEGISLATION
COMMITTEE
UPON THE
GOVERNMENT
PUBLICITY
CONTROL
BILL 1992**

APRIL 1993

NSW LEGISLATIVE ASSEMBLY

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COMMITTEE MEMBERSHIP

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(Chairman)

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Mr Ian Glachan, M.P.

Ms Sandra Nori, M.P.

Mr Michael Knight, M.P.

Mr George Thompson, M.P.

COMMITTEE SECRETARIAT

Ms Catherine Watson - Project Officer

Ms Kendy McLean - Assistant Committee Officer

CLERK TO THE COMMITTEE

Ms Ronda Miller

FOREWORD

I am pleased to table the report of the Legislation Committee on the Government Publicity Control Bill 1992, having begun this inquiry in March 1992.

In the process of our inquiry, we found there was a scarcity of information relating to political advertising in NSW. There were also many areas of the proposed bill that required further clarification, such as whether legislation is the most effective way of ensuring guidelines for political advertising are accomplished, whether the overseeing committee was appropriate and who would be affected by the bill.

For this reason an issues paper was tabled in September 1992 which looked into government advertising in the context of its British and New Zealand counterparts in order to analyse the experience of models already developed. Although these offered insight into this area, none of these models were specifically adopted by the Committee as appropriate for NSW. However, certain guidelines suggested in these models could be applicable and have been noted in the Report.

Committee Members were unable to reach a consensus in the final analysis of the Bill. In that regard, the Government members have decided, after analysing the available literature and listening to evidence given, that they do not support the legislation proposed, although they support the introduction of administrative guidelines based on the British model to be oversighted by the Auditor-General.

The Opposition members support the Bill in a modified form.

Notwithstanding the result, I think that the Report canvasses many issues in a novel and informative way and I would like to commend the contributions my fellow Committee Members have made to this Report. I would also like to extend my appreciation to the witnesses who provided evidence at our Public Hearings, including the NSW Ombudsman Mr David Landa, the Electoral Commissioner, Mr Ian Dixon, and the Auditor-General Mr Anthony Harris.

I particularly thank Catherine Watson, Project Officer, Ronda Miller, Clerk to the Committee and Assistant Committee Officer, Kendy McLean for their time and effort in this inquiry.



Mr Andrew Tink, M.P.
Chairman

TERMS OF REFERENCE

The Legislative Assembly of New South Wales referred the Government Publicity Control Bill 1992 to a Legislation Committee for consideration. The Bill, introduced into the Legislative Assembly on 6 March 1992, has the following objectives:

- (a) to ensure that, as far as possible, public money is not expended on government publicity for a partisan political purpose; and
- (b) to constitute a committee to scrutinise, and formulate guidelines for government publicity which appears to the committee to have the capacity, in whole or in part, of being used for that purpose.

For the purposes of the Bill:

- (a) "government publicity" means any advertisement, promotional campaign, public relations campaign, announcement or means of publicising any government activities, programs or initiatives which is funded by public money (clause 4);
- (b) "government publicity for political purposes" means government publicity which appears to the [Government Publicity] Committee to have the capacity or to be likely to have the capacity, in whole or in part, to influence public support for a political party, a candidate for election or a member of a House of Parliament (clause 6);
- (c) the Government Publicity Committee comprises the Auditor-General, the Electoral Commissioner and the Ombudsman (clause 5).

The Legislation Committee was required to examine the Bill and to report to Parliament by 25 September 1992. A discussion paper on this issue was tabled in September 1992. The reporting date for the final report was later extended to 27 May 1993.

EXECUTIVE SUMMARY

The Government and Opposition Members of the Government Publicity Control Bill Legislation Committee are in disagreement as to the appropriateness of the Bill. Accordingly, the Government Members are providing this report on the Bill.

For many years, Government publicity was subject to two forms of abuse, particularly in the lead-up to the 1984 and 1988 State elections. In relation to both those elections, Government advertising campaigns were run in the period immediately preceding the election and, indeed, in a couple of instances, run into the election campaign itself.

In addition, many of those campaigns and campaigns run during off-election periods were politicised and personalised in the sense that Ministers of the Crown became personally associated with the advertisements by having their photographs and signatures displayed on the advertising material.

As recently as February 1993, a Government sponsored advertising campaign for Medicare was run by the Federal Government within days before a Federal election was announced.

The Government Members also acknowledge that in more recent times, there has been criticism of so-called "advocacy advertisements" relating to issues such as privatisation.

The Government Members believe, however, that since 1988 and pursuant to new guidelines and procedures introduced by Premier Nick Greiner, instances of the personalisation and use of Government advertising prior to State elections has been addressed, and the Committee received evidence to that effect.

Against the background of the State Government's privatisation advertisements, the Opposition introduced the Government Publicity Control Bill into the Parliament, the objects of which are:

- (a) To ensure that as far as possible public money is not expended on Government publicity for a partisan political purpose.
- (b) To constitute a Committee to scrutinise and formulate guidelines for Government publicity which appears to the Committee to have the capacity, in whole or in part, of being used for that purpose.

For the purposes of the Bill:

- (a) "Government publicity" means any advertisement, promotional campaign, public relations campaign, announcement or means of publicising any Governmental activities, programmes or initiatives which is funded by Government money.
- (b) "Government publicity for political purposes" means Government publicity which appears to the Committee to be likely to have the capacity in whole or in part to influence public support of a political Party, a candidate for election or a Member of a House of Parliament.

The Opposition proposes that this Committee, to be known as the Government Publicity Committee, should consist of the New South Wales Auditor-General, the New South Wales Electoral Commissioner and the New South Wales Ombudsman, or their nominated representatives.

The Government Members note that Opposition Members themselves have indicated that the Bill is flawed, and agree with this analysis. In particular, the Government Members have the following difficulties with the Bill:

- . Government publicity is too widely defined to include things such as Ministerial press releases, promotional literature, local government authorities and universities. Given that the Police Service alone issues about 1,300 press releases every year, the Government Members believe that this definition alone makes the Bill totally unworkable. Government Members also note that the Bill excludes the Opposition, which has made available to it approximately \$513,000 per year.
- . The Government Members are also concerned about the Bill's vacuum cleaner approach to vetting Government advertising, in the sense that the Bill casts a proactive duty on the Government Publicity Committee to vet all Government advertising. In that regard, the Minister responsible for Government advertising gave evidence that there are approximately 2,000 advertisements placed monthly by the Government Advertising Agency.
- . Therefore to vet this volume of work, the Bill would necessitate the establishment of a costly and bureaucratic structure which would not be commensurate with the limited benefits it would achieve in practice.
- . The Government Members also noted that the proposed nominees to the Government Publicity Committee were reluctant to participate. In that regard the Electoral Commissioner thought that it would be improper for him to do so.
- . The Ombudsman, whilst indicating that he would be willing to serve, indicated that the job as described would have a political flavour and that there was a

contrary point of view that he should not be involved in such an exercise, although he personally had no problems with it.

- . As far as the Auditor General was concerned, the current Auditor-General indicated that he would not have a problem, although his predecessor indicated that the Auditor-General should not be placed in a position of adjudicating on Government advertising and also laying down guidelines covering the format of such advertising, as currently proposed by the Bill.
- . The Government Members are also concerned that such a statutory Committee would probably not have the creative flair to be able to properly vet Government advertising, and this has turned out to be of particular difficulty in New Zealand where the Auditor-General, in taking upon himself the role of auditing Government advertising, has produced results which may actually be counterproductive in the sense that, whilst the advertisements provide all sides of an argument, they are less than attractive to catch the eye of a reader.

A number of other problems identified with the Bill are as follows:

- . Commercial and operational realities of many Government trading and commercial enterprises necessitate that they have freedom to advertise in relation to their commercial competition and that they not be constrained in terms of time or prior vetting by a Government Committee.
- . A lack of provision for procedures involved in the conduct of inquiries proposed.
- . A lack of provision for the funding and audit of the Government Publicity Committee.
- . The impracticality of statutory officers drawing up guidelines in this area.
- . The scope of the Bill which includes local government and universities, but not the State Opposition.

Whilst the Government Members do not support the Government Publicity Control Bill on the grounds that it is inappropriate and unworkable, they do support ethical controls over Government advertising and publicity and believe that the most appropriate way of coming up with such controls is through guidelines rather than through legislation.

The New Zealand guidelines which were approved on 20 November 1989 set out three broad criteria which all Government departmental publicity should meet:

1. It should be accurate, factual and truthful.

2. It should be fair, honest and impartial.
3. It should be lawful and proper.

The Government Members considered the New Zealand guidelines and the Auditor-General's experience in New Zealand in implementing them, but came to the view that the result in terms of advertising's primary purpose of catching attention and selling a message was in fact counterproductive, in that the New Zealand Auditor-General produced advertisements which were as informative as an encyclopaedia and about as exciting to read.

Central to the issue is the question of whether or not advocacy advertising is an appropriate activity for a Government to engage in, and the Committee heard evidence that it is not always easy in the first instance to determine what is advocacy advertising and what is not. Thus, in an area such as the promotion of beat policing, it on the one hand involves a very important community service, but on the other hand could be seen as supporting the policing policies of the Government of the day.

The Government Members do believe that there is a place for advocacy advertising in Government and are supported in this by comments from the Executive Director of the Advertising Standards Council of Australia speaking on behalf of himself and the Chairman, to the following effect:

"We consider that if a Government has been elected with a mandate to introduce new policies, it not only has the right, but also an obligation, to explain the implementation of these policies to the voting public."

Similarly, the Government Members believe that there is support for the concept of advocacy advertising, as indicated by Opposition Committee Member, Sandra Nori, M.P. during evidence on 26 October 1992, where she said in relation to any smoking advertisements depicting a girl with a fish-hook through her lip:

"I hadn't believed that that ad was so controversial and we are hitting on to something that really worries me because I think that Governments have a right to try and change attitudes when it comes to health in particular."

Thus, there is some bi-partisan and Advertising Standards Council support for the proposition that Governments have a right to try to change attitudes and advocate policy positions.

The British guidelines provide that:

1. The subject matter must be relevant to Government responsibilities.

2. The content tone of presentation should not be Party political.
3. Distribution of unsolicited material should be carefully controlled.
4. Costs should be justifiable.

The Government Members believe that these guidelines provide the best formulation for the better regulating of Government advertising and that such regulation is best done by executive administrative arrangement rather than by legislation. In particular, the Government Members believe that the British approach provides a proper basis for ensuring that there is room for the Government to explain its policies, whilst avoiding the Party political use of Government money.

The Government Members believe that control and oversight should firstly be with the executive arm of Government through the Director of Government Information, Advertising and Commercial Services, then to permanent heads, then to the Director-General of the Premier's Department, and finally to the Premier himself as far as internal control and oversight is concerned.

As far as external oversight is concerned, the Government Members believe that the Auditor-General is well able to look after oversight and provide external advice. As his own evidence to the Committee clearly indicates, this would be on a reactive ad hoc basis, and be an extension of his traditional auditing function of determining the effectiveness, efficiency and value for money of the expenditure of Government funds.

Most importantly, the Government Members note that it is an audit function to vet Government advertising in both New Zealand and Britain, where the guidelines for vetting Government advertising are most advanced. Moreover, in no other jurisdictions is there legislation or such detailed guidelines controlling Government Publicity.

With respect to the creative problems of the New Zealand Auditor-General, the Government Members believe the British guidelines provide a better guide for vetting advertising, and also believe that the Auditor-General's practice in New South Wales of obtaining expert advice on technical matters will ensure that expert creative and advertising advice will be available to the him in the usual way when considering the creative aspects of advertising.

The Government Members also note that there are other external controls on Government advertising. In particular, the Advertising Standards Council plays a role in vetting Government advertising by means of determining complaints against its code of ethics, which amongst other things, states:

"Advertisements should be truthful and should not be misleading or deceptive."

The Government Members note further that misleading or deceptive conduct in advertising by New South Wales Government departments is also covered by Section 42 of the Fair Trading Act 1987.

Finally, the Government Members believe that there is a strong case for the practice of advertising in the immediate pre-election period to be stamped out, and believe that with fixed term Parliaments now becoming a reality in New South Wales, it should be relatively easy to establish a quarantine period in the immediate lead-up to any future State election, of say four to eight weeks before the formal start of a campaign, to avoid problems that have occurred where Government advertising campaigns have run up to and in to election campaign periods.

Overall, the Government Members believe that the Government Publicity Control Bill is unworkable and that the need to tighten guidelines can be done on an administrative basis.

COMMITTEE REPORT

SINS OF THE PAST

Complaints about Government advertising in New South Wales and calls for its control have raged for years. On 19 November 1982, the Sydney Morning Herald editorialised as follows:

"The line between Government propaganda and the proper flow of information to the public is not always easy to draw. In a sense, virtually every attempt by a Government to publicise what it is doing can be seen as an effort to win the hearts and minds of the voters. But this is an unduly cynical reaction. A good deal of the \$35 million or so that is spent by the Federal Government on information programmes is of use to the community. Last June/July, for example, the Department of Health spent about \$800,000 on two campaigns, one publicising the tax deductibility of health fund contributions and the other concerning the quarantine campaign. Australia is particularly vulnerable to the importation of items that can carry disease to cattle, and there is sense in alerting the public to protect its own interest by being careful. The tax deductibility of health fund contributions is certainly a matter the public should be informed about. But depending on how it is handled, it could become an exercise in propaganda rather than in information."

In the New South Wales context, the dividing line is equally difficult to draw, although over the past decade there have been examples of Government advertising which clearly fall on the wrong side of the line.

For example, during the 1984 State election campaign in New South Wales, the Department of Motor Transport advertised a six per cent reduction in third party insurance in the Sydney Morning Herald of Wednesday, 14 March 1984. Polling day was 24 March 1984. A copy of the advertisement is annexed "1".

In the context of the DMT ad and other similar ads, the Sydney Morning Herald of 21 March 1984 editorialised as follows:

"It would hardly be an election without them. Three of the State's statutory authorities are now running their own flagrantly political publicity campaigns. We have an extensive advertising campaign by the Department of Motor Transport trumpeting the Government's reduction in third party insurance premiums There is no need for the Department of Motor Transport to be advertising compulsory third party insurance"

In his 1983/84 report to Parliament, the Auditor-General recommended that guidelines for advertising during election periods be established by Parliament. In response, Premier Wran stated that the establishment of such guidelines by Parliament could create an unworkable situation because the normal functions of Government could be obstructed during campaign periods and challenges to alleged breaches of the guidelines might not be capable of satisfactory resolution.

However, as a compromise, Premier Wran issued a ministerial memorandum on 15 November 1984 which stated:

"In view of the Auditor-General's concern I would be pleased if you would bring to the notice of all Departments and instrumentalities associated with your administration the need to ensure that advertisements placed during election campaign periods do not give ground that they are published for party political purposes."

Nevertheless, in his 1987/88 report covering the lead-up to the 1988 general election, the Auditor-General said that he could not remain a passive observer in an argument as to what may or may not be allowable as valid spending on advertising and exercised his final prerogative of reporting the facts to Parliament.

When the Auditor-General compared 1986/87 figures with 1987/88 figures, the records indicated a 59.6 per cent increase in advertising expenditure by the State Rail Authority, a 37.1 per cent increase by the Water Board, and a 423.1 per cent increase in advertising by the Department of Housing.

As indicated earlier, a State election was held on 19 March 1988 having been called on 21 February 1988. Annexed and marked "2" to "8" are clippings of Labor Government advertisements which appeared in the press on the dates stamped thereon between 28 January and 27 February 1988.

Under the heading "Unsworth's advertising rort", the Sydney Morning Herald of 5 February 1988 editorialised as follows:

"It hardly would be an election campaign without them - the Government departments and statutory authorities who on cue let fly with their highly partisan advertising campaigns. And as always the advertising is carefully targeted to either stress the Government's alleged achievements or hide its failures."

The Government Members are most concerned about the proximity of the placing of these ads to the campaign itself and to the personalisation of some of the ads which include photos and signatures of Labor politicians such as Barry Unsworth, Pat Hills and Mike Cleary.

One such advertising campaign was described in the Daily Telegraph of 23 January 1988 as follows:

"The State Government will mount a \$1 million advertising campaign to try to bolster community confidence in the public hospital system.

The health system will be a key issue in the State election and the Government is concerned some people believe public hospitals are in crisis

NSW Health Minister Peter Anderson is frustrated people still think public hospitals are a shambles, despite his recruiting new nurses and opening new beds."

Outside election periods, certain forms of Government advertising have also drawn considerable criticism.

Thus, in the Sunday Telegraph of 6 January 1985, Warren Owens wrote:

"A select group of State Government Ministers has spent a small fortune in Government funds on a rash of 'public interest' promotions - invariably featuring the Minister's own face in the advertisements. The common link in this rush to educate the public seems to be that each of the Ministers involved is a leading contender for the job of Premier or Deputy Premier - after Neville Wran departs of course."

RECENT COMPLAINTS

In more recent times, the State Opposition has strongly criticised the present New South Wales Government's advertising programme, especially in the area of its privatisation campaign. Examples of the privatisation advertisements are annexed and marked "9" and "10".

Thus in the Telegraph-Mirror of 5 February 1992, Labor's Michael Egan slammed the privatisation campaign calling it a "shameful waste of taxpayers' money".

"There can be absolutely no commercial or community justification for the advertisements," he said. "They are political propaganda, pure and simple."

Replying to Mr. Egan, a spokesman for Sports Minister George Souris was quoted as saying that the privatisation education campaign was designed to give the community information about the programme.

"Since the advertising campaign across TV, print and billboards began three weeks ago we have had over 2,000 calls to the privatisation hotline," he said.

Indeed, in relation to a complaint about those advertisements, the Advertising Standards Council Chairman considered that none were other than a statement of Government policy and intention and supporting arguments. Thus the essence of the complainant's complaint in that case was seen as a contrary viewpoint rather than as evidence of factual errors contained in the advertisements.

Moreover, the Government Members noted that these advertisements were not placed in the lead-up to an election campaign and were not personalised politically.

However, just before the 1993 Federal election campaign, the ALP ran a Medicare campaign. Annexed and marked "11" is a copy of a press release dated 1 February 1993 issued by Deputy Prime Minister, Brian Howe launching the "Medicare Entitlements Campaign". Mr. Howe said the campaign would include:

- ". a set of three brochures that explain your entitlements under Medicare
- . three television commercials featuring interviews by Carmel Travers which look at the strengths of our public hospital system for public patients
- . establishing a 008 020 013 information line for the public
- . and a community outreach programme which will distribute information through community groups and in shopping centres around Australia."

This launch, which preceded the announcement of the 1993 Federal election by only a few days was savaged in an Age editorial of 3 February 1993 under the heading "Medicare needs care, not false advertising", part of which is quoted below:

"The Keating Government's \$4 million Medicare advertising campaign is more than a blatant misuse of public money for political purposes, it is a cruel hoax. It is an insult to those who are aware and another example of the warped priorities of electioneering"

THE GOVERNMENT PUBLICITY CONTROL BILL

It is against this background that the Government Publicity Control Bill, 1992 was introduced into the New South Wales Parliament by the Opposition on 6 March 1992.

The objects of the Bill are:

- (a) To ensure that, as far as possible, public money is not expended on Government publicity for a partisan political purpose;
- (b) To constitute a Committee to scrutinise and formulate guidelines for Government publicity which appears to the Committee to have the capacity in whole or in part of being used for that purpose.

For the purposes of the Bill:

- (a) "Government publicity" means any advertisement, promotional campaign, public relations campaign, announcement or means of publicising any Governmental activities programmes or initiatives which is funded by Government money;
- (b) "Government publicity for political purposes" means Government publicity which appears to the Committee to have the capacity or be likely to have the capacity in whole or in part to influence public support of a political party, a candidate for an election or a Member of a House of Parliament.

The Opposition proposed that this Committee, to be known as the Government Publicity Committee, should consist of the New South Wales Auditor-General, the New South Wales Electoral Commissioner and the New South Wales Ombudsman, or their nominated representatives.

On 27 March 1992 the Bill was referred to a Legislation Committee. This Committee has now heard evidence and deliberated. The Government Members and Opposition Members were unable to agree and the Government Members are providing this report of their views to the Parliament.

A FLAWED BILL

It should be noted at the outset that the Opposition spokesman on legal matters, Mr. Paul Whelan, M.P. conceded as early as March 1992 that the Bill as drafted might be flawed, as reported in the Sydney Morning Herald of 21 March 1992 by Luis M. Garcia, and the Government Members certainly agree with that analysis.

A CATCH-ALL DEFINITION

One key concern of the Government Members is the width of the definition of 'Government publicity'.

In evidence to the Committee on 25 October 1992 Colleen Moore, the Director of the Government Information Advertising and Commercial Services Group, indicated that the definition of 'Government publicity' was wide enough to include things like Ministerial press releases put out by the personal staff of Ministers, promotional literature such as the pamphlets and brochures issued by Departments, and press releases issued by Government Members of the Parliament, as well as local Government authorities' publicity (Colleen Moore, evidence 25 October 1992, pages 3 and 4 of transcript).

Similarly, Suzanne Netterfield, Director of Marketing and Media of the New South Wales Police Service, gave evidence on 25 October 1992 at page 53 of the transcript to the following effect:

"The term 'publicity' is a catch-all term and it seems to me that if the Bill is seeking to control advertising, you should say 'advertising'. Publicity covers all of these other areas. In the Police Service we issue about 1,300 press releases every year. Clearly, many of those are strictly operational, about crimes of the evening and so on, but we would generate quite a lot of work for the Committee if each of those had to be vetted. The delay involved would often result in losing the opportunity to achieve its full potential impact (where time is of the essence)."

To the same effect, the Police Minister in his submission of 22 July 1992 expressed great concern about the definition of 'publicity' which he argued included all methods of publicising Government activities, programmes and initiatives which use public funds, meaning, in effect, all communication.

The Police Minister expressed major concern that this description technically covered all publicly released information, including media releases, promotional material, advertising, public relations, speeches, statutory information, announcements, or any means of communicating any activity programme or initiative.

The Minister said it was clear that any issue communicated using public funds could be used in a partisan way to benefit or damage, whether it be Government, Opposition or Independent. Some examples provided by the Minister of how this legislation is unworkable follow:

"Literally thousands of announcements are made by members of the Police Service every year and in many of these announcements which focus on community based policing initiatives official guests are asked to attend and speak. The presence of a politician at such a function under this Bill could be interpreted as creating a situation where there is the opportunity for a partisan political purpose to be achieved. This would mean the public would be denied access to their elected representatives through political or public functions.

"The above situation also applies to all media releases which include any comment from the Minister or any other politician with regard to any initiative, programme or activity."

The scope of the Bill was put in the following way by the then Leader of the Government in the Legislative Assembly, the Hon. Tim Moore, M.P. on 20 March 1992 in a debate in Parliament:

"It is absurd that all advertising and publicity of Government departments, instrumentalities, Ministers, local Councils, universities and the like, with one exception, are trapped by the Bill. The exception is \$513,000 made available to Her Majesty's loyal Opposition which does not engage in Government activities.

"Anything said by a Member of the Opposition is not subject to scrutiny (by the Bill), but anything said by me or one of my officers, even about something as uncontroversial as the impoundment of cattle taken out of the Guy Fawkes National Park, will require scrutiny. The definition of 'Government publicity' is so wide as to be bizarre.

"The Bill also enables or requires publicity expenditure by Sutherland Shire Council or Penrith City Council attacking the Government to be subject to approval by this Committee because that expenditure deals with Governmental activities, programmes or initiatives which is funded by Government monies and is made by public authorities set out under the legislation."

Government Members wholeheartedly agree with this analysis of the ambit of the Bill and believe that the definition of 'Government publicity' without more makes the Bill totally unworkable.

THE VACUUM CLEANER APPROACH

The next key issue raised by the Bill concerns the role of the Government Publicity Committee to be established to vet all Government publicity.

The present Auditor-General, Mr. Tony Harris agreed in evidence of 26 October 1992 at page 66 of the transcript, that the Bill as currently drafted has a vacuum cleaner type of approach to the vetting of Government publicity in the sense that it seems to require pro-active vetting of virtually all advertising. Thus the responsibilities placed on the Government Publicity Committee to pro-actively vet virtually all Government publicity would be very onerous indeed.

Similarly, in evidence to the Legislation Committee on 25 September 1992 Ms. Moore at page 4 of the transcript agreed with the proposition that the scheme of the Bill would require those administering it, particularly the proposed Committee, to be pro-active in seeking out all Government advertising.

Overall, the Government Members believe that the pro-active responsibilities cast upon Government Publicity Committee members to seek out all forms of Government advertising make the Bill administratively unworkable.

In that regard, the submission from the Director-General of the Premier's office of 30 July 1992 stated:

"The Bill would establish a costly and bureaucratic structure which would not be commensurate with the limited benefits it would achieve in practice."

The scope of the Government Publicity Committee's task can be appreciated in the context of a written statement of 21 July 1992 from the Minister responsible for the Government's Publicity Unit, the Hon. Anne Cohen, M.P.:

"There are presently over 2,000 advertisements placed monthly through the Government Advertising Agency. A significant number are statutory notices and public information relating to Government policy. There are over 40 major promotional campaigns placed per month which include lotteries, road safety, Land Commission, Darling Harbour and Sydney Cove. It would be impossible for the proposed Government Publicity Committee to review all of these. Public Authorities are defined in the Bill to include not only Government departments, but also statutory bodies such as State owned corporations, universities and local Councils. They are required to comply with guidelines to be established by the

Committee and with any order of the Committee. The practical effects of the inclusion of these bodies have not been assessed but are likely to be substantial."

Similarly, in his written submission of 22 July 1992, the Police Minister stated:

"If the Police Service was to submit all communications for approval by the Committee there would be literally thousands of matters which would need to be considered, obviously a potential in the worst case to paralyse communication efforts of the Service."

Thus, the Government Members believe that the vacuum cleaner vetting proposal in the Bill is so onerous as to render it virtually unworkable.

A RELUCTANT COMMITTEE

Turning to the make-up of the Government Publicity Committee itself, the Bill nominates the Auditor-General, the Electoral Commissioner and the Ombudsman as proposed members of the Committee.

The Electoral Commissioner

By letter dated 19 March 1992, the Electoral Commissioner, Mr. E.I. Dickson wrote that it would be improper for him as Electoral Commissioner to be involved in formulating guidelines advising monitoring and reviewing expenditure and other related issues on promotional publicity of public authorities. Mr. Dickson also expressed concern about the lack of provision for funding in the Bill and indicated that it would be necessary from his office to have separate provision made for it.

The Auditor-General

By letter dated 19 March 1992, the former Auditor-General, Mr. Ken Robson indicated his belief that it would be improper for an Auditor-General to be placed in the position of adjudicating on Government advertising and also laying down guidelines governing the

format of such advertising. In that regard, Mr. Robson stated that the independence of an auditor, whether in the public or private sector, is at the heart of professional auditing standards, because the auditor must not only be independent; he must be seen to be independent.

However, in evidence to the Committee on 26 October 1992 at pages 85 and 86 of the transcript, the present Auditor-General, Mr. Harris stated a slightly different view. In particular, Mr. Harris said that he believed that the Auditor-General had a role to audit the expenditure of public money in the advertising area, as in any other area.

Moreover, Mr. Harris said that his job would be made easier by having guidelines set by the Government or Parliament. In the absence of these, he would have to formulate his own.

Mr. Harris made reference to the New Zealand Auditor-General who presently sets guidelines and vets advertising accordingly.

However, Mr. Harris stopped short of affirmatively embracing membership of the Government Publicity Control Committee established by the Bill.

The Ombudsman

In evidence given on 26 October 1992 the Ombudsman, Mr. David Landa indicated that his involvement in the proposed Government Publicity Control Committee tasked with vetting Government advertising would add a political flavour to the Ombudsman's office. Moreover, Mr. Landa said:

"The reality is that almost everything the Ombudsman deals with has a political flavour one way or the other. I just don't see it as being such as to rule out the use of an Ombudsman as an independent arbitrator in these situations."

This approach must be contrasted with that of a former Assistant Ombudsman in the Australian Capital Territory, Mr. Selby who in a written submission dated 30 June 1992 said:

"Government publicity exercises being inherently political and not mere administration shouldn't involve the Ombudsman in any way."

Mr. Selby said that the Ombudsman should be confined to his present ambit and that to move over into political determinations compromises the Ombudsman's independence, which may be reflected in future appointments.

Responding to Mr. Selby in oral evidence, Mr. Landa said:

"I don't deny that that's a point of view that many would take and I specifically take the view that the obligation that would be cast on the Office is not one that would be considered as a function that can be delegated."

Moreover, Mr. Landa expressed concern about the level of funding which would need to be provided to his Office to allow him to conduct this extra function.

It can be seen that none of the proposed statutory appointees to the Government Publicity Committee expresses unqualified support for the idea. Indeed the Ombudsman, who came closest, has concerns about revenue implications for his Office and concedes that there is a strong contrary point of view. Moreover, the Electoral Commissioner was implacably opposed and the Auditor-General seemed to hint that a preferred option might be to set guidelines to allow him to make judgements unaffected by any statute.

A LACK OF CREATIVE FLAIR

The Government Members also question whether or not the Auditor-General, the Electoral Commissioner or the Ombudsman have the necessary creative flair and experience from an advertising point of view to provide value for money in the final form of advertisements which have been vetted by them. This has proved to be a problem with the New Zealand Auditor-General vetting advertisements and is discussed in detail below at page 21.

The difficulty is that the application of statutory rules by senior public servants may result in an advertisement which provides as much information as an encyclopaedia but is about as exciting to read. In this way, value for money becomes a real problem, as illustrated by the examples on pages 25 and following.

By reason of the foregoing, the Government Members believe that the makeup of the Government Publicity Committee is not appropriate and it highlights the difficulty of the scheme of the Bill in seeking to use statutory office holders to vet advertising in this proactive way.

COMMERCIAL AND OPERATIONAL REALITIES

The Government Members believe that the Bill would have a most serious impact on the legitimate commercial operations of many public sector bodies, especially Government Trading Enterprises. Such bodies covered by the Bill could be very seriously handicapped in the open market place to the long term disadvantage of New South Wales taxpayers.

Operational matters affected include such things as the advertising of timetables, tenders and positions vacant.

The impact in these areas was best put by the Minister for Transport and Tourism, Hon. Bruce Baird in a written submission of 7 September 1992 as follows:

"The potential effect of this Bill on the activities of agencies within my administration is wide ranging. Broad definitions and powers outlined in the Bill may work against the commercial charters of agencies within the Transport portfolio - State Rail Authority, State Transit Authority, Maritime Services Board - and could possibly disadvantage the transport authorities within my administration which are in competition with the private sector in their fields of operation. In particular, the impact of strict guidelines and the review processes may interfere with the creative elements of marketing programmes developed within the Transport or Tourism portfolios. Commercial advantage may be lost if marketing is not able to respond quickly to opportunities. As a result, benefits with the expenditure of public money may be lessened or lost.

"The operational impact of the proposal must also be examined, the broad definition of 'publicity' may include operational activities such as the advertising of timetables or alterations, tenders and positions vacant."

Other relevant issues raised by Minister Baird which are attacked by the Bill include the statutory obligations of Authorities to publicise services and programmes such as initiatives by the Government to improve the quality of services provided to public transport users, for example the mandatory and the regular advertising of services. Operators contracted under the Passenger Transport Act are required to comply with standards set out in the regulations, and this raises the possibility of conflict between the statutory obligations observed by agencies within their own operating environment and the guidelines developed by the Government Publicity Committee.

Another problem outlined by Minister Baird is the way in which such legislation must be balanced against measures taken by the Government to minimise political interference

and increased accountability for expenditure, including corporatisation of GTE's, Treasury funding of non-commercial services, and clear responsibilities for Authority Boards.

OTHER PROBLEMS WITH THE BILL

The Government Members believe the Bill is defective in a number of other respects, including:

- . A lack of provision for procedures involved in the conduct of inquiries proposed.

In evidence given on 26 October 1992 at page 12 of the transcript, the Executive Director of the Advertising Standards Council, speaking for himself and the Chairman the Hon. Paul Toose, CBE, QC said:

"The proposed Committee's role in terms of the investigation of complaints appears to be highly subjective and offers little positive outcome."

A lack of provision for the funding and audit of the Government Publicity Committee .

The impracticality of statutory officers drawing up guidelines in this area.

The scope of the Bill which includes Local Government and Universities but not the State Opposition.

UNWORKABLE BILL

After careful consideration, the Government Members have come to the view that the Government Publicity Control Bill in its current or any likely varied format is unworkable. For those reasons, the Government Members do not support it.

The Government Members particularly note the comments of the Director-General of the Premier's Department in his submission to the Committee of 30 July 1992 as follows:

"It is far from clear that adding to the ever expanding volume of legislation is the best method of preventing public funding of politically partisan

advertising. There is no such legislation in the United Kingdom or apparently in other Australian jurisdictions. It may be preferable to rely on administrative guidelines which are more flexible and cheaper to apply. This approach would avoid difficulties which are inherent in attempting to legislate about distinctions which cannot be readily defined and about which views may differ."

GOVERNMENT GUIDELINES

Whilst the Government Members do not support the Government Publicity Control Bill on the grounds that it is inappropriate and unworkable, they do support ethical controls over Government advertising and publicity and believe that the most appropriate way of coming up with such controls is through guidelines rather than through legislation.

Indeed, there is also a need for Parliament, as suggested by Minister Moore in his speech on the Bill and by the Auditor-General in 1984, to have carriage of supervision and control over guidelines for Government publicity and advertising. However, this does not involve pursuing a Bill which is fundamentally flawed.

Recognising that progress has been made in the area of Government publicity control through non-legislative guidelines in both the United Kingdom and New Zealand, the Government Members looked to these jurisdictions for guidance but first considered the present New South Wales position.

At present, New South Wales Government Publicity guidelines are regulated pursuant to a memorandum of 4 March 1992 signed by the then New South Wales Premier, Nick Greiner, M.P. The full text of these guidelines is set out in Annexure 12.

Interestingly, in 1990 the Goss Labor Government in Queensland adopted similar guidelines.

RECENT IMPROVEMENTS

It could be said that, in New South Wales in the last couple of years, some significant advances have been made in the implementation of the guidelines brought in by Nick Greiner. For example, Colleen Moore, Director of the Government Information, Advertising and Commercial Services Group says that since 1988, the position with

respect to the way in which Government advertising is run in the vicinity of election campaigns has changed dramatically.

The following exchange took place between Colleen Moore and the Chairman of the Committee in evidence given on 25 October 1992 at pages 7 and 8 of the transcript as follows:

Chairman: "Would it be fair to say that there is less personalisation from a political point of view in Government advertising in New South Wales than there has been for a while."

Ms. Moore: "Yes."

Chairman: "And are the political messages in Government advertising less pronounced than they have been in the past?"

Ms Moore: "Yes, I think so. I can think back to leading up to elections in the past ten years. Political type advertising came through then from departments but that is less the case."

Chairman: "Is there a change in place now in the lead-up to elections in that period shortly before an election?"

Ms. Moore: "Once an election is announced a lot of advertising ceases. That is part of the Electoral Act as I understand it"

Chairman: "Were you in office in 1984? You can assume that there was an election on 24 March 1984. There was a 19 day campaign. Referring to this advertisement which I show you, I ask you to assume it correctly appeared in the Sydney Morning Herald ten days before the election on 14 March. If you look over the following page I think there is one of a series that the Sydney Morning Herald criticised in its editorial at that time. It was an ad run during the campaign, but would that sort of ad be now run in a campaign?"

Ms. Moore: "No, it would not. There was a direction on that question. I was advised by the Premier's Department to ensure that ads like that do not appear."

Further on in evidence in answer to a question by Mr. Glachan at page 16 of the transcript, the following exchange took place:

Mr. Glachan: "In your view are the current guidelines and safeguards adequate to stop any politically partisan advertising by the Parties?"

Ms. Moore: "Yes, I think they are but there will always be instances like this where there are ways around it."

Whilst these guidelines are a starting point, the Police Minister, Hon. Ted Pickering, M.L.C. in a written submission to the Committee of 22 July 1992 noted:

"The Government Advertising Agency already has a significant role to play in scrutinising all departmental advertising. Unfortunately there is a lack of specific guidelines provided to departments by the Government Advertising Agency. If this area of control is improved it may not be necessary to have a Bill such as the one proposed."

THE NEW ZEALAND GUIDELINES AND EXPERIENCE

The Government Members note that in the discussion paper put out by the Parliamentary Committee in September 1992, the New Zealand experience was examined at some length. The New Zealand guidelines which were approved on 20 November 1989 set out three broad criteria which all Government departmental publicity should meet:

1. It should be accurate, factual and truthful. Factual information should be outlined clearly and accurately. Comment on and the analysis of that information, to amplify its meaning, should be indicated as such.
2. It should be fair, honest and impartial. The material should be presented in unbiased and objective language, and in a manner free from partisan promotion of Government policy and political argument.
3. It should be lawful and proper. The material should comply with the law.

In a paper presented at a recent Brisbane conference the New Zealand Auditor-General amplified these criteria as follows:

"For material to be accurate, factual and truthful, it should conform to the ordinary meaning of the words. That which is held out as truth should be founded on ascertainable facts, carefully and precisely expressed in conformity with those facts. No claim or statement should be made which cannot be substantiated.

For material to be fair, honest and impartial, it should be complete in itself and presented in an unbiased and equitable manner. Specifically:

- * The recipient of the information should always be able to distinguish clearly and easily between facts on the one hand, and comment, opinion and analysis on the other.
- * When making a comparison, the material should not mislead the recipient about the situation with which the comparison is being made and it should state explicitly the nature of the comparison being made.
- * When dealing with, for example, a policy proposal, the information given should include both the pros and cons of the proposal as well as those of any alternative views.
- * Material may include a response to, but should not be aimed solely at, rebutting the arguments of others.
- * Material is legal and proper when:
- * It complies in every respect with the law. Even in cases when the material is not subject to the law, it should be prepared so as to conform to the principles of behaviour implicit in the law, it should be prepared so as to conform to the principles of behaviour implicit in that law.
- * It avoids political slogans and expressions or language bearing political connotations.

The key quantitative criterion is that of cost, or value for money. No information should be communicated regardless of the cost. The cost of the chosen scale and methods of communicating information must be justifiable in terms of achieving the identified objective(s) for the least practicable expense. Objectives which have little prospect of being achieved, or which are likely only to be achieved at disproportionate cost, should not be pursued without good reason.

Following are a series of Government advertisements relating to changes in the taxation laws which appeared in the New Zealand press during 1988 and were criticised by the Auditor-General.

The Auditor-General expressed his concerns about the advertisements in the following terms:

"A large volume of the available space is occupied by the picture and as a consequence, the amount of space available to convey information about the tax changes is somewhat restricted. The volume of useful information therefore could not be great, and many of the things said were of dubious informational value. For example, who are 'the very rich' and 'some of



**The new tax package.
What's in it for an ordinary taxpayer?**

Up till now, you've had to pay more than your fair share of tax. While some of our richest companies have got away scot free.

Now we're evening the score. And the result is more money in the kitty to reduce taxes for ordinary hard-working New Zealanders like you.

As you earn more, you keep more.

From 1 October, personal tax rates come down. You'll pay 24 percent up to \$30,875, and 33 percent on every dollar after that. This means you'll probably be paying less tax straight away, but that's not the only benefit.

You see, it's important to remember that you rarely stay on the same income for long. As you earn more you'll keep more of every extra dollar.

At last you have a real incentive to do that bit of overtime, work harder and get ahead. That's good for you. And the country.

Protection for low income earners.

If you earn \$9,500 or less, you'll be protected by a new Low Income Earner Rebate. Your tax will be adjusted so you continue to pay 15 percent instead of the new rate of 24 percent. As your pay rises your rebate will go down by 4 cents for every additional dollar you earn up to \$30,875.

More support for families that need it.

The more needy your situation, the more your Family Support will be going up from 1 October.

Work out your pay increases from this table

Annual Tax	Monthly Tax	Old Rate	New Rate	Annual Tax	Monthly Tax	Old Rate	New Rate
0	0	0	0	0	0	0	0
100	8.33	10	8	100	8.33	10	8
200	16.67	20	16	200	16.67	20	16
300	25.00	30	24	300	25.00	30	24
400	33.33	40	32	400	33.33	40	32
500	41.67	50	40	500	41.67	50	40
600	50.00	60	48	600	50.00	60	48
700	58.33	70	56	700	58.33	70	56
800	66.67	80	64	800	66.67	80	64
900	75.00	90	72	900	75.00	90	72
1000	83.33	100	80	1000	83.33	100	80
1100	91.67	110	88	1100	91.67	110	88
1200	100.00	120	96	1200	100.00	120	96
1300	108.33	130	104	1300	108.33	130	104
1400	116.67	140	112	1400	116.67	140	112
1500	125.00	150	120	1500	125.00	150	120
1600	133.33	160	128	1600	133.33	160	128
1700	141.67	170	136	1700	141.67	170	136
1800	150.00	180	144	1800	150.00	180	144
1900	158.33	190	152	1900	158.33	190	152
2000	166.67	200	160	2000	166.67	200	160
2100	175.00	210	168	2100	175.00	210	168
2200	183.33	220	176	2200	183.33	220	176
2300	191.67	230	184	2300	191.67	230	184
2400	200.00	240	192	2400	200.00	240	192
2500	208.33	250	200	2500	208.33	250	200
2600	216.67	260	208	2600	216.67	260	208
2700	225.00	270	216	2700	225.00	270	216
2800	233.33	280	224	2800	233.33	280	224
2900	241.67	290	232	2900	241.67	290	232
3000	250.00	300	240	3000	250.00	300	240
3100	258.33	310	248	3100	258.33	310	248
3200	266.67	320	256	3200	266.67	320	256
3300	275.00	330	264	3300	275.00	330	264
3400	283.33	340	272	3400	283.33	340	272
3500	291.67	350	280	3500	291.67	350	280
3600	300.00	360	288	3600	300.00	360	288
3700	308.33	370	296	3700	308.33	370	296
3800	316.67	380	304	3800	316.67	380	304
3900	325.00	390	312	3900	325.00	390	312
4000	333.33	400	320	4000	333.33	400	320

Work out your new Family Support entitlement from this table

Family Income	Family Support	Family Income	Family Support	Family Income	Family Support	Family Income	Family Support
0	0	0	0	0	0	0	0
100	10	100	10	100	10	100	10
200	20	200	20	200	20	200	20
300	30	300	30	300	30	300	30
400	40	400	40	400	40	400	40
500	50	500	50	500	50	500	50
600	60	600	60	600	60	600	60
700	70	700	70	700	70	700	70
800	80	800	80	800	80	800	80
900	90	900	90	900	90	900	90
1000	100	1000	100	1000	100	1000	100
1100	110	1100	110	1100	110	1100	110
1200	120	1200	120	1200	120	1200	120
1300	130	1300	130	1300	130	1300	130
1400	140	1400	140	1400	140	1400	140
1500	150	1500	150	1500	150	1500	150
1600	160	1600	160	1600	160	1600	160
1700	170	1700	170	1700	170	1700	170
1800	180	1800	180	1800	180	1800	180
1900	190	1900	190	1900	190	1900	190
2000	200	2000	200	2000	200	2000	200
2100	210	2100	210	2100	210	2100	210
2200	220	2200	220	2200	220	2200	220
2300	230	2300	230	2300	230	2300	230
2400	240	2400	240	2400	240	2400	240
2500	250	2500	250	2500	250	2500	250
2600	260	2600	260	2600	260	2600	260
2700	270	2700	270	2700	270	2700	270
2800	280	2800	280	2800	280	2800	280
2900	290	2900	290	2900	290	2900	290
3000	300	3000	300	3000	300	3000	300

Post to: Tax Changes, P.O. Box 6364, Te Anau, Wellington

Please send me more information on:
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Name _____
 Address _____

New Zealand Government
 Office of the Minister of Revenue

Tax rates are coming down.



The new tax package. What's in it for house buyers?

No more stamp duty

Under the old tax system, when you bought a house you had to pay a portion of the price in stamp duty. (As if the mortgage wasn't taxing you enough.)

On the average New Zealand house, the stamp duty worked out at about \$1,600.

On 17 March this year, stamp duty was abolished on residential dwellings.

These days our young couple can save their \$1,600 for more practical things - like new furniture.

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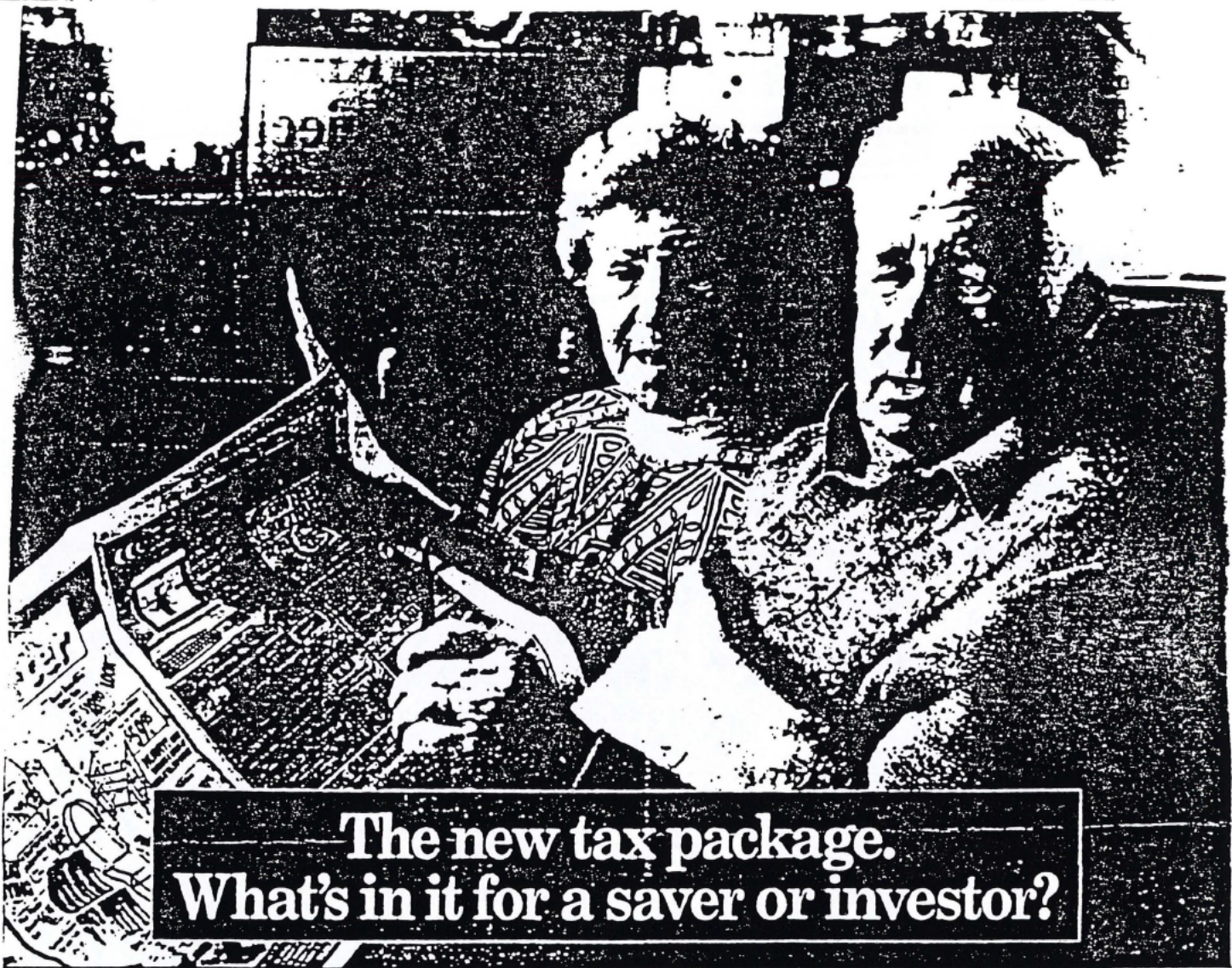
Name _____

Address _____



New Zealand Government
Office of the Minister of Revenue

Tax rates are coming down.



The new tax package. What's in it for a saver or investor?

Under the old tax system, too many enterprising New Zealanders were penalised for putting their money into productive investments. Now those penalties are being replaced by *incentives*.

The new tax laws will help our economy grow, provide jobs, and make New Zealand a much fairer place to invest. Which, if you're a typical saver or investor, will mean a higher return on your money.

New incentives to save

However you invest, you stand to profit three ways:

1. You'll pay less personal tax. The top marginal tax rate has been cut from 48 percent to 33 percent so you'll have more money to invest.

2. The company you invest with now pays less tax. 28 percent. (Down from 48 percent a year ago.) So it's got more money to re-invest, and can afford to give you a better return.

3. Dividends are no longer taxed twice. By a process called *imputation*, the tax on your investment will be the difference between what the company has already paid (28 percent) and your personal rate. So if your personal tax rate is 33 percent, you pay just 5 percent tax – 33 less 28. If your personal rate is 24 percent (4 percent less than the company rate) you get an imputation *credit* of 4 percent against your year's tax which will reduce your final tax bill.

Super pensions tax-free

If you're in a private superannuation scheme your long-term outlook is good. If you're nearing retirement you can look forward to a tax-free pension after 1 April 1990.

But, the tax advantages which have allowed you to treat super as a high-interest savings account – and withdraw your money decades before retirement – have gone.

(That's not what superannuation's all about, and it's not fair to expect ordinary taxpayers to pick up the tab.)

If, however, you do see your super scheme as a true retirement fund, then you stand to benefit from a general improvement in the investment climate between now and when you retire.

New laws like the removal of double taxation, lower marginal tax rates and tax free pensions promise a much better long-term return than you would have got from just the tax concession.

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New Zealand Government
Office of the Minister of Revenue

Tax rates are coming down.



The new tax package. What's in it for a small company?

There wasn't much justice in our old company tax system. More often than not small companies like yours would pay the full 48 percent tax while the corporate giants ended up paying very little.

From this year, big businesses will be shouldering their fair share of the tax burden. And most small businesses will pay a lot less tax.

Company tax rate almost halved

By closing the loopholes on business tax avoiders, we can afford to chop your company tax rate almost in half.

The new rate, introduced on 1 April this year, is 28 percent. One of the lowest company tax rates in the world (Australia's is 39 percent, Britain's 35 percent, USA's 34 percent).

More opportunities, higher returns

Lightening your tax load will mean you've got more money to put back into your business.

You'll be able to invest in new equipment and more jobs. The opportunity for growth is there.

Company investors earn more

The new imputation law means company dividends will no longer be taxed twice. So a taxpaying company will be able to give a better return to its investors.

(Under imputation, the tax rate a company pays - 28 percent - is deducted from the shareholder's personal income tax rate. If this rate is 33 percent, the shareholder pays 5 percent tax on the dividend income. If the rate is 24 percent, the shareholder gets an *imputation credit* of 4 percent to deduct from their tax bill.)

New rules for provisional tax payers

You'll have already received a booklet outlining the main details of the new provisional tax laws.

In the past, provisional taxpayers had an unfair advantage over ordinary taxpayers by being able to defer payment to the next tax year. Now you'll be required to pay tax in the same year, based either on your last year's tax bill or an estimate of how much you'll earn this year.

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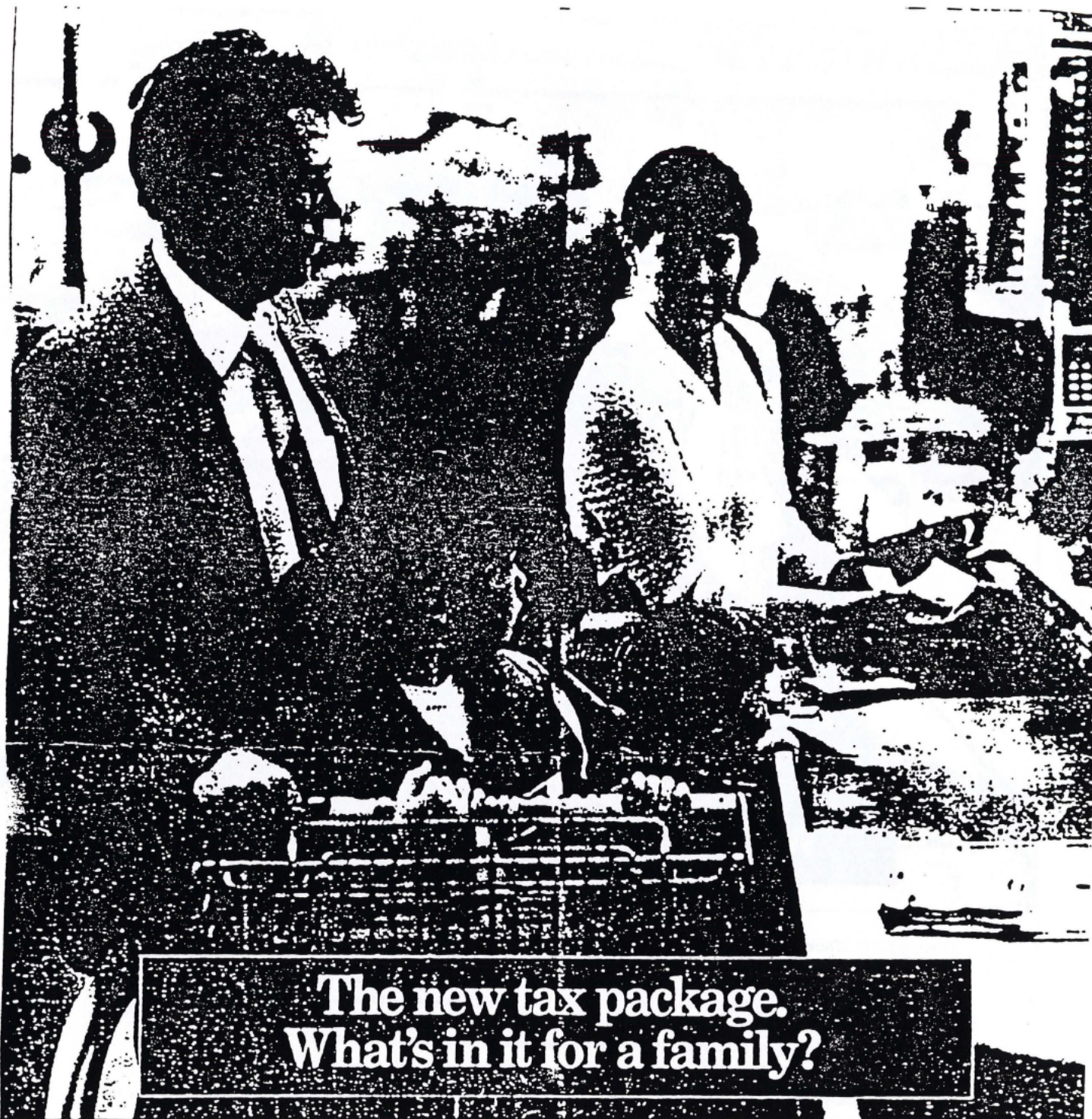
Name _____

Address _____



New Zealand Government
Office of the Minister of Revenue

Tax rates are coming down.



The new tax package. What's in it for a family?

Gross Weekly Family Income \$	Gross Annual Family Income \$	WEEKLY \$ ENTITLEMENT BY NUMBER OF CHILDREN					
		ONE	TWO	THREE	FOUR	FIVE	SIX
Up to 288	Up to 13,899	26	52	68	84	100	116
270 to 288	14,000 to 15,499	26	51	67	83	99	115
259 to 326	13,500 to 16,999	30	46	62	78	94	110
327 to 353	17,000 to 18,499	25	41	57	73	89	105
354 to 384	18,500 to 20,499	18	34	50	66	82	98
385 to 432	20,500 to 22,499	11	27	43	59	75	91
433 to 471	22,500 to 24,499	4	20	36	52	68	84
472 to 509	24,500 to 26,499	-	13	29	45	61	77
510 to 557	26,500 to 29,999	-	2	18	34	50	66
558 to 605	27,000 to 31,499	-	-	7	21	37	53

More Family Support.

The more needy your situation, the more assistance your family will receive from 1 October.

The Guaranteed Minimum Family Income has been increased \$30 per week and Family Support entitlements extended.

Work out your new Family Support entitlement from the table opposite.

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Please send me more information on:

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New Zealand Government
Office of the Minister of Revenue

Tax rates are coming down.

Tax Changes: The Facts.

There's been a lot of confusion about the coming tax changes and chances are you're wondering exactly what's going on. (Not to mention precisely what's in it for you.)

Over the next few weeks we'll be telling you in detail about the changes we've made, but here's the basic story:

Old system riddled with loopholes

Our old tax system was riddled with loopholes. It didn't catch the very rich - those who could most afford to pay. Some of New Zealand's biggest companies haven't paid a cent towards the running of our country for years.

Who's been paying their share? You have. You and the many small companies who don't have access to high-powered tax planners.

A fairer system

We're turning the tax system on its head and making it a whole lot fairer. Forcing the wealthy freeloaders to cough up so we can give relief to those who need it most.

Most of the changes will happen on 1 October. Some are already in place.

The Big Winners

Ordinary Kiwi Taxpayers. Most of you will pay less tax from 1 October. But more importantly, as you move up through the income levels, lower tax rates will let you keep more of every dollar you earn.

Families. The more needy your situation, the more your Family Support will go up.

Taxpaying Businesses. You may have noticed your tax rate is already 40 percent lower than this time last year. In April we introduced one of the world's lowest company tax rates, to give you an incentive to increase jobs and invest in new equipment.

Investors and Savers. Your dividends will no longer be taxed twice. Enjoy the bonus.

Home Buyers. The Stamp Duty, which added around \$1,600 to the average cost of buying a house, has been removed.

The Big Losers

Rich Tax Avoiders. Now the game's up. Loopholes have been closed. This year you will experience the novelty of paying tax, instead of relying on ordinary folk to pay your share.

What's happening on 1 October (and what's already happened)

1. Personal tax rates come down on 1 October. You'll pay 24 percent up to \$30,875 and 33 percent thereafter.
2. A Low Income Earner Rebate will make sure that if you earn \$9,500 or less, you'll continue to effectively pay 15 percent tax. If you earn more than \$9,500 your Low Income Earner Rebate will reduce by 4 cents for every additional dollar you earn up to \$30,875.
3. Family Support will be increased for those most in need from 1 October.
4. Company tax was lowered from 48 percent to 28 percent on 1 April.
5. Tax loopholes for rich companies and individuals have been closed.
6. Superannuation contributions will now be taxed - just like any other savings plan - but payouts will become tax-free from 1 April 1990.
7. Double taxation of investments has been removed. (This is what's meant by *imputation*.)
8. The incomes of superannuitants will be protected by the new tax laws.
9. Stamp duty on house sales, shares and other security transactions was abolished on 17 March.
10. Changes to the international tax laws give companies an incentive to return their profits to New Zealand.

What's NOT happening

- GST has not been increased.
- Charities are not being taxed.
- Honest provisional taxpayers are not being penalised.

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Name _____

Address _____



New Zealand Government
Office of the Minister of Revenue

Tax rates are coming down.

New Zealand's biggest companies"? And who is an 'ordinary Kiwi taxpayer'?

"The tone of some of the material was also questionable. Expressions such as 'wealthy freeloaders' and 'rich tax avoiders' are hardly justifiable in the absence of explanation. Aspersions were also cast on 'corporate giants' without explanation."

There were also two television commercials which were run as part of the campaign. The first featured a lady cleaner (complete with headscarf and duster) undertaking her duties in a large corporate boardroom. The only 'fact' offered about her circumstances was that in the last financial year she had earned \$12,000. There was then a voice over which said that the company paid less tax on the \$18 million it made than the cleaner paid on her \$12,000. The viewer was finally advised to read the newspaper advertisements.

The second television commercial featured a worker in a timber yard. Its primary purpose was to convey an explanation of the Government's taxation policy objectives and the Auditor-General saw no grounds to take exception to it.

The conclusions the Auditor-General came to on the advertising campaign were that, overall:

- * The requisite standards of objectivity and balance had not been met;
- * The content tone, and presentation of much of the material appeared designed to enhance the reputation of the Government rather than to inform those affected, and to explain, the taxation changes;
- * It was questionable whether the amount of expense incurred (\$2.5 million) was justifiable.

The Minister responsible for the campaign took strong exception to these conclusions:

"The Auditor-General's comments on the television and newspaper advertisements are hasty, ill-considered and absurd. He has made a serious general allegation but his only specific comments relate to the use of everyday language and photographs in the campaign.

His expertise clearly lies in auditing accounts and not in the assessment of communication techniques and in his opinion the Government should convey information in such a way that no-one would take any notice of it.

A boring public notice of a type apparently preferred by the Auditor-General would have been inaccessible to most of the public in the print media and totally ineffective on television. Such a campaign would be a

complete and utter waste of taxpayers' money regardless of how much was spent.

New Zealanders have a right to know about the extensive tax changes that have been put in place and the Government has a duty to inform them in the clearest and most accessible way possible and that is why we used people in real, everyday situations and simple, colloquial language in the campaign. A communication campaign aimed at an accountant who understands complex tax legislation would neither have been noticed or generally understood by the general public.

The Auditor-General's major concern appears to be that the advertisements have been designed to attract people's attention and refer them to where they can obtain more detailed information about the tax changes and how they affect them.

The Auditor-General also appears to have an aversion to the Government where the money is coming from to fund the tax cuts for the 'ordinary Kiwi taxpayer' and to increase assistance to families. This year's tax cuts will be funded by provisional taxpayers, the removal of tax concessions on superannuation and the phasing out of other business tax concessions. These concessions were predominantly exercised by larger companies and people on above-average incomes and the Government is proud that it is closing tax loopholes for the rich and companies. Such an overhaul of our taxation has long been overdue and in fact the Auditor-General stated last year in his Audit Office report that he supported the measures the Government had put in place to curtail tax avoidance.

The Auditor-General also displays his ignorance of the changes that have been put in place and also of the income that most people earn. He states in his letter to Simon Upton that there is an implication that 'an ordinary taxpayer' is one who earns no more than \$35,000 a year and I cannot understand his problem with that. More than 60% of New Zealanders do earn that or less and the advertisements address themselves to those ordinary taxpayers.

The Government is committed to keeping the people of New Zealand informed about its policies and changes that affect them and it will continue to use proven, effective means to do this."

Recently, the New Zealand Auditor-General was asked to comment on the first two editions Health Reforms Update, part of a contemporary publicity campaign for the Government's health services reforms. The Auditor-General considers that an important feature of these reforms is the way in which they are being developed, from bare principles through implementation structures to working details for full commencement on 1 July 1993 and the process is giving rise to a continuous stream of information and

a continuing need to keep the public informed. To meet that need, there has been a series of monthly paid advertisements, a selection of which are illustrated on the following pages:

Health Reforms Update

EDITORIAL

THE HEALTH reforms announced on Budget night do herald some big changes for our health system. Some people seem to think we're making these changes for the sake of it. But they're changes that are long overdue. At the heart of the reforms is the need to make our health system fairer and more sustainable - to put in place a system that will deliver affordable and accessible care for future generations of New Zealanders.

To do that we've got to get better value-for-money. Health care is not free. Last year the Government spent \$4 billion on health. That \$4 billion is not money out of a bottom-less pit. It is money that's been hard-earned by every taxpayer in

New Zealand. It's your money. And you have the right to expect that as Health Minister, I will spend it wisely on your behalf.

There are a couple of myths about the reforms that I'd like to correct. One is that the Government wants to move to an "American-style" health system and the other is that we're going to privatise the health system. Neither is true.

The big difference between the United States health system and our health system is that in the US lots of people aren't covered by the system - they fall through the gaps. They're the people who aren't poor enough to get welfare assistance, but who aren't rich enough to buy private medical insurance. They simply can't af-

ford to have medical treatment. In New Zealand no-one crosses out on health care and no-one will. Everybody will always be able to use the public system, but those who want to can supplement their health care by buying private insurance.

The Government has also given an assurance that New Zealand's health care system will not be privatised. At the moment 80 percent of all health care in this country is paid for by the Government. I don't see that changing. Some of the ways in which health care is delivered may change, but it will still be paid for by the Government. It will continue to be a publicly-funded health system.

Implementing these health reforms won't be



Minister of Health Simon Upton.

easy. Our health system is huge and can't be changed overnight. But I believe New Zealanders are ready to accept that challenge in return for a better health system - a system which is better able to meet our health needs. Simon Upton
Minister of Health

Access the key to core debate

ACCESS TO health services is at the heart of the core debate, says Health Minister Simon Upton.

But it's more than simply a question of whether we spend more on treating glue ear and less on heart transplants.

"Core health services are the health services to which we believe everyone should have access, on affordable terms and without unreasonable waiting time.

"Before we start deciding what health services we want to be part of the core we have to work out our broad priorities as a community. The first stage of the debate is deciding how we want to define the core. The choice we make here will govern where detailed decisions were made and by whom - at central government level, regional level, or the level of clinician and patient," he says.

Mr Upton says there are two main ways of defining a core list at the national level. One is to have a detailed, priority-ranked list of health services, which would mean

that the core would be uniform around the country and most of the decisions about what was on the core would be made at the national level.

At the other end of the spectrum is a general list - either positive or negative - which would specify the core in broad categories of health services at the national level, but leave more detailed decisions about priorities and how to use scarce health resources to the regional level.

"There are pros and cons to whichever system we choose," says Mr Upton.

(The issues which need to be considered in this first round of submissions on the core debate are outlined in a discussion document, "The Core Debate - Stage One: How We Define the Core". Copies of "The Core Debate" are available from the Health Reforms Communications Unit, ph (04) 474 8207. Submissions on this issue and the issue of how to finance health care close at 5 p.m. on 7 January 1992. They should be sent to Health Reforms Group, PO Box 55, Wellington.)

Local decision making to play vital role

DECISIONS ABOUT the framework of the new health system will be made in Wellington, but detailed decisions about local facilities will be made by local establishment boards, says the chairman of the National Interim Provider Board (NIPB), Sir Ronald Trotter.

"One thing is certain and that is that we don't have the information or knowledge to sit in Wellington and make decisions on a whole range of things that affect in detail local hospitals and their services," he told a media briefing in the Capital recently.

The NIPB board was appointed in August to oversee the transition of publicly-funded health services from the existing area health boards to the new health care provider structures - including Crown Health Enterprises (CHEs), community trusts, and public health agencies.

Over the last few months Sir Ronald and other board members have visited all area health boards in the country on a 'fact-finding' mission to get an understanding of the health system.

He said the board was finding a "deal of confusion" about the health reforms. While the NIPB was responsible for the provider side, the purchasing side was the responsibility of the Health Reforms Directorate.

"Our job is fairly straight forward and technical in the sense that it is largely a management issue. We are asked to look at the present structure of state-owned health providers, the hospitals etc, and advise how they might be organisationally set up to operate in this new environ-

Sir Ronald said behind the reforms was a desire to make the system more consumer responsive, to make it more efficient, to try and improve the general health status, and to get better value for the taxpayers' dollar.

The changes would be part of an evolutionary process - much of which was happening already in the health system, he said.

"The public are understandably sensitive about this change and do wonder what will happen to their facilities.

"But in the past we really have spent too much money on buildings and I think the public generally have come to equate bricks and mortar with health. They perhaps fail to see health as a positive thing best delivered when-

ever possible without admission to hospital. In many hospitals a lot of the wards are empty, but there has been a big expansion in day surgery and in out-patient and ambulatory services. I think there will be an evolutionary change in the smaller centres. They will get health care, but delivered in a somewhat different way.

"One of the positive things we're seeing evolving in the smaller communities is health clinics with visiting specialists and so on. It actually gives local people a better service, but when they are hospitalised they may have to travel a little bit further."

Sir Ronald said he was often asked about community trusts and what the criteria would be for setting them

up, but this had not been decided yet.

"We have decided, however, that a trust has got to be something the community asks for, that the big hospitals are not appropriate for trusts, and that the trust must be economically viable. In some cases this may be more likely under local management than under present structures. One of the main things is that people must know exactly what they are going into and they must really have done their own homework about what's possible.

"We'll set down some of these principles, but in the final analysis detailed decisions about local facilities have to be made by local establishment boards," he says.



National Interim Provider Board chairman Sir Ronald Trotter (left) with Southland Area Health Board Commissioner Alton Faulstich during the NIPB's fact-finding visit to the region.

Targeted help for most in need

HELPING THOSE who need it most is the aim of the new health subsidies for low income groups, according to Health Minister Simon Upton.

"A year ago, when I became Health Minister, the biggest concern among doctors was to find a way to improve access to health services for working people on low incomes. These were the people who were finding it most difficult to afford to visit the doctor because they got very little Government subsidy - only \$4.

"What we've done with the new health charges is target assistance to those people who need it most. That includes beneficiaries and people on low incomes. Unfortunately we can't afford to increase the subsidies across the board."

Mr Upton says critics of the scheme are focusing on the increase in charges, but ignoring the fact that more than one million people will be better off under the new system.

He says the new health card system is the only fair way of making sure people eligible for the subsidies get the subsidy.

"No-one has to use a health card. But if they don't use the card, they won't get

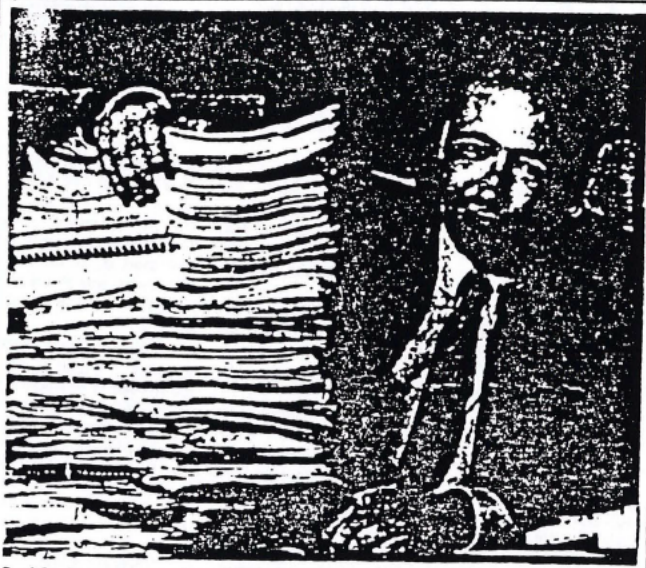
the extra subsidies. It's up to them to make that choice," says Mr Upton.

The new health charges come into effect on 1 February 1992. The Community Service Card will record which income group people are in and is being posted before Christmas to all beneficiaries. Letters are being sent to those low-income people who may be eligible for a card inviting them to make an application. The existing prescription exemption card system will continue, but will now be a small plastic card, called the Prescription Subsidy Card. The same sort of card will be used for the High Use Health Card which will replace the existing "Chronically III" system.

A new card, the Hospital Service Card, will be issued to record family members' paid visits for hospital inpatient and outpatient services. Two record cards, the GP Record Card and the Prescription Record Card will record how many times you visit the doctor and how many prescriptions you get.

More information on the Community Services Card and the health cards will be featured in this newspaper in mid-January.

Health Reforms Update



Paul Stocks, an advisory officer with the Department of Health's Strategic Health Policy unit, with some of the core health submission's records.

Submissions received

MORE THAN 1,300 written submissions on options for funding health services and stage one of the core debate had been received by the time submissions closed on 7 January.

Late submissions were still arriving last week and these will be included in the report being prepared for the Minister of Health, says Associate Health Minister Maurice Williamson.

"About 25 percent of the submissions are about funding options and the remainder on the core debate.

A small number of submissions cover both issues.

"Many of the submissions on the core are submissions in favour of the continuation of a particular service or services. While this preference is premature at this stage, all this information will be useful during later stages of the core debate."

Mr Williamson says this round of submissions is only the start of the core debate. The Minister of Health will be appointing the National Advisory

Committee on Core Health Services early this year and this committee will be required to consult with the public and advise the Government on what services to include in the core.

"By the end of the year we should have some general idea of what our core services are. But the debate will never be finished because medical technology is changing all the time and, in fact, our values and priorities as a community may change over time," he says.

People should determine health services

HE SERVICES a good public health system offers should be determined by the people who are using it, says Health Minister Simon Upton.

He says the aim of the health reforms is to re-organise the health system on the side of the people who use it. At present more emphasis is placed on the way services are provided than who the system is for.

"At Budget time, for example, emphasis is placed on how much money providers get, how big subsidy levels should be, how much money area health boards should be allocated, or what should be spent on pharmaceuticals."

"That is the way we have always thought about the system. Governments are said to people 'don't worry about the health system, we'll subsidise all these providers and at the end of the day there'll be a health care system for you'."

Mr Upton says people should be encouraged to think more about what serv-

ices are being offered and how access to those services can be improved.

"The debate on core health services will give a continuing opportunity for the public, specially those who don't turn out to public meetings, to have their say about what they want from the health service. It is a permanent forum for people to say where their priorities are," he says.

"A public health service is about inclusion. Surely the public should have a say in what they're entitled to?" Mr Upton says.

"If we really listen to what people have to say about their priorities, we'll make enormous progress and certainly greatly improve the public health system."

The use of surveys will be important because they will reach the silent majority - the people who haven't got an axe to grind and don't turn up to public meetings.

"There's this huge silent majority out there and their

health care is as important as everybody else's, so I think the use of surveys is going to be a key tool," Mr Upton says.

The debate will enable some hard questions to be asked. Why are we spending what we are spending on a particular service? What are the historical forces that have driven that level of expenditure? What are the gaps and what are the areas we're going to have to spend more on in future?

Under the existing system there is very little laid down about how the money that is being spent will secure the access to services and improvements in public health, Mr Upton says.

There are also many obvious gaps in services, such as in remote or rural areas or in low income suburbs, he says.

New Zealand needs to establish what it is doing and what it is not doing and what it might have to do five or 10 years down the track.

Many will pay less for doctor

MANY NEW Zealanders will pay less to visit the doctor when the new user part charges come into effect on 1 February, says Associate Health Minister Maurice Williamson.

"These new charges are designed to better target health care subsidies towards those who need them the most.

"Those who will gain the most from the new charge regime are low-income working adults who will effectively cut their doctor bills in half after 1 February with the new subsidy of \$15 for each GP visit. Previously this group had to pay the full cost of seeing the doctor. Beneficiaries and the elderly will also pay less to visit the doctor.

"Group two adults will also now receive a subsidy of \$12 per visit to the doctor whereas before they got nothing," says Mr Williamson.

He says non-beneficiaries and adults under retirement age in Groups one and two would also pay considerably less for their pharmaceuticals after 1 February.

"Where there have been new charges introduced, particularly for hospital-based services for people in groups two and three, the part charges are affordable and cover only a fraction of the real cost of services people are getting.

"The average cost of a night in hospital is around \$550 to \$600. We're asking

people in Group two to contribute \$35 a night and people in Group three to contribute \$50 of that cost, so we're only talking about a small part charge."

Mr Williamson said no family would pay for more than 15 prescription items in any one year, five outpatient visits, and 10 nights in hospital.

"The Government funds about 80 percent of all health care in this country and that will continue in the future.

"But no Government in the world can afford to provide every health service available completely free for every one of its citizens. What we're trying to do is to target help to those who need it most," he says.

Improvement in public health needed

LAST YEAR'S measles epidemic, which caused thousands of cases and several deaths, should not have happened in a country like New Zealand, says Public Health Commission Implementation Group chairman David Skegg.

"Epidemics like that shouldn't occur in countries with the economic resources of New Zealand," he says.

The measles epidemic is one example of a serious breakdown in what might be called the "public health function" of New Zealand, he says.

Another example is cancer which causes a greater loss of potential years of working life than any other cause of death, including heart disease and road accidents, he says.

Yet despite recommendations from the World Health Organisation and examples from other countries, New Zealand has never developed a national programme for controlling cancer.

The lack of information about New Zealand's health status and lack of co-ordinated effort to improve public health is one of the reasons why the Government has decided a Public Health Commission is needed. The Commission, which will be an independent unit operating from within the Department of Health, is being set up as part of the health reforms.

Public health activities include monitoring the health of the community and identifying new disease problems, safeguarding environmental health and pro-

moting sound nutrition, Professor Skegg says.

They also include educating people and society about issues such as smoking, alcohol, exercise, controlling infectious diseases and other major health problems, such as heart disease and cancer, and attending to the needs of special groups in the community.

Such activities cannot be left to individual responsibility, he says.

"It's not enough to have your child immunised against measles if other people don't have their children immunised. We rely on each other to protect the community as a whole from measles."

"The point is, if nearly everyone has their child immunised there won't be an epidemic. In other countries where immunisation rates are much higher, measles epidemics on the scale that we've experienced just don't occur."

Professor Skegg says one of the advantages of having a Public Health Commission is that decisions about the treatment of the sick and investing in health for the future will be kept separate. At present the two jobs are done by the same bodies - area health boards - and it's difficult for the same body to make those decisions.

The Commission will be charged with the responsibility of developing goals and objectives for public health, assessing what the main problems are and what public health goals New Zealand should be trying to achieve.



David Skegg (Photo: Otago Daily Times).

The Commission will be a fairly small body that is concerned with priorities and objectives and it should consume a relatively small proportion of the funds. While it will develop public health policy, it won't be responsible for implementing that policy. The Commission will purchase services from other agencies. In particular a Public Health Agency which will be owned by the Crown and deliver public health services nationally and on a local level.

"The Public Health Commission will be an accountable body and I think at least people will be able to see what we are doing and what we are not doing in public health in New Zealand so that it is quite clear what investment we are making and what we are seeking to achieve," Professor Skegg says.

Professor Skegg says the Implementation Group is looking forward to having the Commission established during this year, 1992, but doesn't expect it to be fully operational until the beginning of 1993.

Health Reforms Update

Doctors support new health authorities



General Practitioners say they support many elements of the health reforms.

THE NEW ZEALAND Medical Association (NZMA) supports several aspects of the health reforms, says Association Chairman Dr Alistair Scott.

"In particular, the NZMA believes the establishment of Regional Health Authorities (RHAs) with the explicit function of purchasing appropriate health services for the public has merit," Dr Scott said in a recent press statement.

Four RHAs will buy core health services for the people in their areas. RHA Establishment Boards are being set up this year and the RHAs will be fully operational from July 1, 1993.

Dr Scott said there would need to be continuing consultation concerning the implementation of RHAs.

The experience gained during the implementation of the interim charging regime must be studied and used to ensure that the systems designed by the RHAs, when they came into being in 16 months' time, could be accepted by the community as being just and fair, Dr Scott said.

The Association was also pleased that extra financial assistance had been provided to those seriously impoverished patients who had been experiencing real financial difficulty in getting to see their GP.

"This is a new and unfamiliar system which many do not approve of, but for the sake of our patients there must now be a commitment to make it work," Dr Scott said.

GP Support

The New Zealand General Practitioners' Association has also reiterated its support for many of the elements of the Government's health reforms.

The Association said in a recent press statement that it was especially pleased that the Government had met its request to target assistance towards patients who were less well off.

Association Chairman Dr Tom Marshall said there was a commitment by his Association to see that the interim charging regime functioned smoothly.

RHAs key part of new health system

THE FOUR REGIONAL Health Authorities (RHAs) are the single most important component in the restructured health system, according to the Deputy Commissioner for the Auckland Area Health Board, Gary Taylor.

RHAs will be funded by the Government to buy health services for the people in their area.

"The key benefit to the public (of the reforms) will undoubtedly be the integration of all Government health funding into four RHAs, which will act as agents to purchase all the health care needs for their populations, whether for sickness or for accident, primary or secondary care.

"Each authority will have a clear consumer focus, concerned with maintaining the health and well-being of its people," he said in a recent Dominion newspaper article.

When buying health services, the RHAs would

not have a vested interest in using any particular provider, said Mr Taylor.

The authorities will not own or run any services. They will be planning bodies, focusing on assessing people's health needs, buying the services required from hospitals and other providers, both public and private, and seeing that proper standards of care are maintained."

He said integrated funding would create opportunities for new and exciting ways of delivering primary health care: for example, community-based clinics with a range of general and special skills may become the norm.

But he warned that in order for the authorities to realise their potential, the Government must not create inhibiting and restrictive regulations. In the new health system there may be scope for limited privatisation of some state-owned health providers and

related services, but privatisation of the authority itself should be avoided.

"The United States health service fails, not because there are private providers, but because there are private funders, and many of them.

"In the United States, if you can't afford health insurance, the residual state-provided services are often overloaded and third-rate. Even if you can afford insurance, or your employer buys it for you, there are limits to the spending it covers. New Zealand must avoid privatisation of the buying role."

Mr Taylor said a consensus was needed on how health services should be structured.

"A good start would be bipartisan political agreement on the fundamentals. What the health service cannot stand is a perpetual cycle of reform."

Why 'one cent solution' won't work

Some critics of the new health charges have suggested that an increase of one cent to the tax rate would solve New Zealand's health funding problems. They argue that when the Government asked for submissions on how our health system should be funded, a key choice was between income taxes or user part charges. In this article, Health Minister Simon Upton explains why he doesn't accept the 'one cent' argument.

ADDING ONE CENT to the top tax rate seems so much simpler than the health user part charges. It would bring in another \$80 million compared to about \$40 million from the health charges. But is it really such a convincing argument?

As Minister of Health I have lots of health groups coming to me wanting more money for their particular area. In fact, the shopping list that has been presented to me is a little bit longer than \$80 million. Some of the items on it include:

- \$25m for further funding of community mental health services
- \$200m to extend Group 1 subsidies to everybody
- \$10m for water supply subsidies
- \$6m for new vaccination initiatives

- \$48m to restore area health board funding to its 1988 peak
- \$12.5m to further fund community support services agencies

And so it goes on. Many worthy community groups would be satisfied with another \$50,000 to \$100,000 each.

If the Cabinet offered me another \$80 million I wouldn't spend it rescinding the new charges. I'd choose from the items which have been proposed to me. And I'd try to see that as much of it as possible reached the community rather than the pockets of health professionals.

But there's another hitch. My other portfolio is Research, Science and Technology and I could easily spend another \$5m -

\$10m there. Teachers would like a 1:20 teacher/pupil ratio. That would cost \$30 million. Catching up on just 10 percent of the deferred maintenance in our schools would cost \$35 million.

The elderly would like Guaranteed Retirement Income to be adjusted for inflation and that would cost \$200 million this year alone. The Anglican Church's Social Responsibility Commission wants the Government to increase the top tax rate by six cents to inflate benefit levels.

There are many worthy causes for the money in social welfare, education, and other areas of Government spending. How can we say that health has got a priority over anything else?

Health Reforms Update

Radio work prepares Crosbie well for health job

BROADCASTER SHARON Crosbie says she believes spending two years as a radio talkback host has prepared her well for her new health reforms appointment.

Ms Crosbie has been selected to chair the National Advisory Committee on Core Health Services (NACCCHS).

One day for the last two years I've sat in a radio studio, and I have heard confusion, and upset about health, and other things as well, but health particularly. It seems to me that I don't know the answers, the public don't know the answers and when I discovered that the politicians don't know the answers either, it seemed to me time something was done.

Ms Crosbie sees herself very much as the public representative on a committee which encompasses people with academic and health backgrounds. "I'm a lay person on the committee there's no question about that."

In my job I've always wanted to ask the right questions, the questions that people want answered, not the expert questions necessarily, but the questions that are on people's minds. I think this is the most satisfying thing I'm going to be able to do because there are quite a few I want answered at

health reforms is ensuring that New Zealanders have access to core health services which all people should be able to gain on affordable terms without having to wait for unreasonable lengths of time.

The committee has been set up to advise the Minister of Health about the health services that are currently funded by the Government, including looking at how existing services are provided. Its first job is a "stock-take" - to figure out what people have got access to now and where the gaps are.

"Once we have that information, there are some crucial questions we will be asking. Are the right services being provided? Are they being provided in the right quantities? To the right people? In the right places? And are the services provided of acceptable quality?"

"We all realise that is going to take time and that the data is going to have to be interpreted very carefully," Ms Crosbie says.

NACCCHS will consult with the public and health professionals about the health services currently provided and the way services are distributed, seek views on which services the Government should ensure are purchased and on any desired changes to improve people's access to services.

Ms Crosbie says a point frequently made by commu-

nications and consultation be members is the need for information and consultation to be widely available to the public and health professionals through the process of deciding core health services.

"We will be giving consumers plenty of notice that we're coming to talk to them before we arrive. And, we'll be circulating information in advance of our visits to let people know the sort of issues we all need to be thinking about, and finding answers to."

The committee has to recommend to the Minister of Health annually which core health services should be distributed and the terms of access on which they should be available.

Public submissions were called for last year on how the core should be defined.

The submissions are being analysed.

"They will provide us with a first cut of the public's understanding and attitudes on this issue," she says.

The other committee members are: Dr Jane Chenery, Senior Lecturer in the Christchurch School of Medicine; Department of Community Health; Professor Moun Durie; Head of the Massey University Department of Maori Studies; Professor Peter Glendon, Head of the Auckland University Department of Paediatrics; Lynette Jones, a Liaison Counsellor at Havelock with the New Zealand Red Cross; and Professor Peter Sarge, Professor of Law and Dean of the Otago University Faculty of Law.

RHA members announced

ASSESSING PEOPLE'S health needs, communication and consultation, developing planning plans and starting governing work are some of the tasks facing the four new Regional Health Authority Boards.

The members of the boards were announced last week and have the job of making sure that the Regional Health Authorities (RHAs), which will buy health care services for the people in their regions, are ready to go on July 1 next year.

Until now the Government has handed out the funding for health services either through the area health boards or by way of subsidies for health services, such as those provided by CTA.

Under the new system, the four RHAs will hold at least the entire Government contribution for health - close to \$4 billion a year. They will be required to buy health services for their regions including primary, or community-based, care such as the services provided by CTA and the medicines that people

need, to secondary, or hospital-based, care.

The aim of each RHA will be to make the maximum contribution it can to improving the health of the people in its region.

The location of the four RHAs will be decided once boards have had a chance to meet and assess their work programmes.

The four Regional Health Authorities Establishments are:

- Northland and Auckland:** Members - sitting in the Auckland and Auckland Area Health Boards. Population 1,062,600.
- Herald Titter, Otago:** Herald Titter, Chairman; Auckland Commissioner of the Auckland Area Health Board.
- Bay of Plenty:** Donald Beasley, Whangarei, Chairman; Auckland Commissioner of the Northland Area Health Board.
- Waikato:** Lesley Ferguson, Auckland, Chairman; Auckland Commissioner of the Bay of Plenty, Northland and Auckland Area Health Boards.
- Southland:** Members - sitting in the Southland and Otago Area Health Boards. Population 501,600.
- Bay of Plenty:** Premier Peter Ngati Poro, Chairman; New Zealand Commissioner of the Bay of Plenty, Northland and Auckland Area Health Boards. Population 601,600.
- Waikato:** Sir Ross James, Chairman; Auckland Commissioner of the Waikato Area Health Board.
- Bay of Plenty:** Sir Colin Gidycz, Hamilton, Chairman; Auckland Commissioner of the Waikato Area Health Board.
- Southland:** Chairman and chief executive of Callaghan Group, Neil Lambert; New Plymouth, Dairy farmer, Chairman; Kaitiaki Co-operative, Chairman.
- Waikato:** Sir Ross James, Chairman; Auckland Commissioner of the Waikato Area Health Board.
- Bay of Plenty:** Sir Colin Gidycz, Hamilton, Chairman; Auckland Commissioner of the Waikato Area Health Board.
- Southland:** Chairman and chief executive of Callaghan Group, Neil Lambert; New Plymouth, Dairy farmer, Chairman; Kaitiaki Co-operative, Chairman.

CHE advisory committees to be set up

ADVISORY COMMITTEES will be set up to decide how many Crown Health Enterprises there will be in the reformed health system, and how they will be organised. Crown Health Enterprises (CHEs) will initially be based around larger hospitals and other services area health boards provide.

CHEs will be run in a business-like way and are expected to make a return on their assets, but the return will go directly back to the health sector.

The Government will be appointing 14 CHE advisory committees, which will work with the National Inpatient Provider Board (NIPB) and area health

boards, to decide the number of CHEs and their organisational structure.

The NIPB believes eventually there will be between 20 and 25 CHEs throughout New Zealand.

For the smaller area health boards, there will be four to five people on the advisory committee. Larger boards will have a committee made up of five or six people. Each of the 14 committees will have one member from the NIPB, or a NIPB consultant.

It is planned that the advisory committees will be set up and running by July. They will be reporting back to the NIPB by the end of September.

of the Auckland School of Medicine.

Bay of Plenty: Sir Ross James, Chairman; Auckland Commissioner of the Waikato Area Health Board.

Waikato: Lesley Ferguson, Auckland, Chairman; Auckland Commissioner of the Bay of Plenty, Northland and Auckland Area Health Boards.

Southland: Members - sitting in the Southland and Otago Area Health Boards. Population 501,600.

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Bay of Plenty: Sir Colin Gidycz, Hamilton, Chairman; Auckland Commissioner of the Waikato Area Health Board.

Southland: Chairman and chief executive of Callaghan Group, Neil Lambert; New Plymouth, Dairy farmer, Chairman; Kaitiaki Co-operative, Chairman.



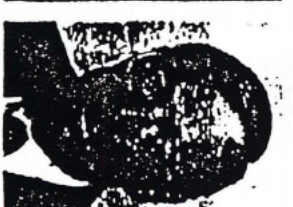
Herald Titter



Sir Ross James



Hurston Peacock



Ian Fernett

Health Reforms Update is produced by the Health Reforms Group Communications Unit, which is part of the Department of the Prime Minister and Cabinet. To keep people up-to-date with changes to the health system. The Health Reforms Group was set up by the Government to implement the health reforms. If you have any queries about the health reforms, please contact the anti-communications advisors.

The Auditor-General's assessment of these advertisements was principally favourable, but he noted:

"A not inconsequential portion of the material seemed to comprise matters of opinion or conversation pieces rather than statements having an obvious informational value. We also expressed a reservation about a few of the statements made in relation to the need for accuracy and fairness in presentation. I will give you an example from our response:

The headline 'Many will pay less for doctor', and the following statement that 'Many New Zealanders will pay less to visit the doctor when the user part changes come into effect', while accurate in themselves, are part only of the full story. It is also the case that many New Zealanders will pay more; a point reinforced by the statements to the effect that Government spending on health care will not change from the current 80% of all spending on health care.

Edition No. 4 was the subject of two complaints to us from the public. In this case we came to a 'split decision' of a different kind:

The lower half of the page we had no problem with. However, the upper half the page presented some conflict between the criterion of providing accurate, balanced and useful information, and the overall need to present the material in a way which successfully retained the attention of the reader.

Edition No. 5, however, seems to have the formula about right."

In evidence to the Committee on 26 October 1992 at page 19 of the transcript the Executive Director of the Advertising Standards Council said in relation to Editions 4 and 5:

"..... My own personal view is that ads in that particular form are deadly dull and boring and not likely to be read by most people."

Similarly, Mr. Cormack, Federal Director and Chief Executive Officer of the Advertising Federation of Australia, giving evidence on 25 October 1992 at page 33 said:

"It would be very easy to take comments such as those made by the Auditor-General (of New Zealand) as quite farcical and totally failing to grasp the nature of advertising and what it does. Looking at an advertisement and saying 'Good heavens, half that space is taken up with

a photograph, tut, tut.' Advertising effectiveness is a very serious topic. To be effective advertisements must be seen or heard or read and also there must be some message taken away either on one time or more, usually after continued exposure. The greatest set of words on poor information is absolutely of no point at all if the person to whom it is directed does not notice the advertisement, let alone read some or all of it."

The Government Members believe that the New Zealand guidelines and the Auditor-General's approach to them have created a result which is totally unsatisfactory as far as Government advertising is concerned. The fundamental questions which arise at this point are what is the purpose of Government advertising and what is effective value for money in Government advertising.

WHAT IS PARTISAN AND WHAT IS NOT?

In his written submission of 22 July 1992 the then Police Minister, the Hon. Ted Pickering, M.L.C. indicated that Government communications relating to Neighbourhood Watch, Safety House, beat policing, reduction of car theft, encouraging the reporting of domestic violence or child abuse, the communication of the role of police to improve the image of police and enhance their relationship with the public and encourage greater co-operation, can all in one sense be seen as having a clear potential to be used in a partisan way, but at the same time, failing to communicate these issues may have a detrimental effect on community based policing.

This was developed in oral evidence on 25 September 1992 at page 54 of the transcript by Ms. Netterfield, the Media Director of the Police Service, who had the following exchange with the Chairman:

Chairman: "Take beat policing, community based policing. Rightly or wrongly there is a perception that beat policing is an initiative of the present Government. It may be because of advertising. It may be that the service, quite independently of political interests, considers that it needs to get out to the people. It may be necessary for people to come to understand the concept of beat policing and all the rest of it. How do you draw the line between what is partisan and what is not?"

Ms. Netterfield: "It is extremely difficult for an outsider to draw the line. In developing the brief for that beat policing advertising, the advertising had two stages. The first stage was extremely localised and is ongoing as beats are introduced into other localities. The beat police are introduced to the people in those areas, and it is an extremely localised activity. In choosing the advertising

that responded to our brief, we selected from a number of advertising agencies, and we decided not to go with television advertising, because to do that would create an expectation that we would have beat police on every corner, which is never going to happen.

"One of the Police Services' corporate objectives is to reduce the level of fear in the community, as well as reducing crime itself. We know that many people have a disproportionate level of fear, particularly old people - fear for their safety that is out of proportion to their actual risk of being a victim of crime. So the beat policing programme has for one of its objectives, to reduce the level of fear. The other objective is to get the community to work with the police. The advertising was focussed to achieve both those objectives.

"One of the reasons it would be misrepresented is that any initiative that was part of a political promise in the lead-up to an election, following which there was some sort of political advertising. That is where the confusion comes up. What is the purpose of this advertising? From the Police Services' point of view, the purpose of the advertising is to maximise the operational effectiveness of beat policing by ensuring the maximum benefit in terms of the reduction is achieved."

Therefore the Government Members believe that, insofar as the New Zealand guidelines adopt the concept of impartiality and partisanship, they are likely to create great problems in the New South Wales context in key advertising groups such as the Police Service. To again quote Ms. Netterfield at page 56 of the transcript:

Ms. Netterfield: "I do agree however that some of these programmes involve significant expenditure by all sorts of people and to leave out the communication component means that you are not getting the full benefit of that expenditure. That is the cost of not advertising. Setting up an enormous structure when Neighbourhood Watch was put up, there would have been an enormous number of people all over the State who would have been ready to participate. In the absence of sufficient communication funding being available to get as many people as possible involved, that programme would not have been so successful."

A DEFENCE OF ADVOCACY ADVERTISING

Following on from the question of partisanship is the key issue of whether or not there is or should be any place for advocacy advertising by Government of its programme.

Of particular significance to the Government Members on the question of advocacy advertising was evidence given on 26 October 1992 by the Executive Director of the

Advertising Standards Council, Colin Harcourt, on his own behalf and on behalf of the Chairman, Hon. Paul Toose at page 12 of the transcript:

"We consider that if a Government has been elected with a mandate to introduce new policies it not only has the right, but also an obligation to explain the implementation of these policies to the voting public."

Support for the concept of the advocacy advertising and Government policy in this way was forthcoming from an Opposition Member of the Committee, the Member for Port Jackson, Ms. Sandra Nori, M.P., who is quoted in the transcript of 26 October 1992 at page 29 as saying in relation to anti-smoking advertisements depicting a girl with a fish-hook through her lip:

"I hadn't believed that that ad was so controversial and we are hitting on to something that really worries me because I think that Governments have a right to try and change attitudes when it comes to health in particular."

Thus there is some bi-partisan and Advertising Standards Council support for the proposition that Governments have a right to try to change attitudes and advocate policy positions.

Of course, there will always be strong disagreement about particular policies such as smoking and privatisation. In that regard, the Government Members believe that this policy disagreement is at the heart of opposition to the privatisation advertisements rather than opposition to advocacy advertising as such.

The shortcomings of the New Zealand guidelines vis a vis the question of Government advocacy advertising are best highlighted in evidence given on 25 October 1992 at page 38 of the transcript Mr. McCormack, Federal Director and Chief Executive Officer of the Advertising Federation of Australia as follows:

"I think that the Auditor-General (of New Zealand) has most improperly interposed his view on a valid, legitimate communication of an elected Government. The Government was elected to carry out a policy, and subsequently launched a policy while it was in Government. While I have actually done these things, I would say it is virtually impossible not to have some political - in the sense in which this community understands the word - overtones of the presentation of Government policy."

By reason of the foregoing, the Government Members are of the view that the New Zealand model especially as interpreted by the New Zealand Auditor-General does not provide a suitable basis for Government guidelines in New South Wales.

The next model for consideration is the British Central Government Conventions on Publicity and Advertising.

THE BRITISH GUIDELINES

In 1985 these Conventions were first stated in a memorandum submitted as evidence before the Widdicombe Committee. These Conventions purported to be a mere restatement of long standing internal practice. They establish four basic tests that Government publicity must pass:

1. The subject matter must be relevant to Government responsibilities. The specific matters dealt with should be ones in which Government has direct and substantial responsibilities.
2. Content, tone and presentation should not be 'party political'. The treatment should be as objective as possible, should not be personalised, should avoid political slogans and should not directly attack (though it may implicitly respond to) the policies and opinions of opposition parties or groups.
3. Distribution of unsolicited material should be carefully controlled. As a general rule, publicity touching on politically controversial issues should not reach members of the public unsolicited except where the information clearly and directly affects their interests. Generally they may only be issued in response to individual requests, enclosed with replies to related correspondence or sent to organisations or individuals with a known interest in the area.
4. Costs should be justifiable. The Government are accountable to Parliament for the use they make of public funds for publicity as for any other purpose. The Accounting Officer for the Vote concerned has a particular responsibility to the Public Accounts Committee.

These Conventions apply to both campaign and non-campaign publicity and include items which are sold to recover publication costs and are thus not directly financed by public funds. While ultimate responsibility rests with each department and the relevant Minister, Cabinet Office and Treasury are available to provide necessary advice and guidance.

Debate has ensued in the House of Commons between Government and Opposition regarding the need for these Conventions to be given legislative force. As has been the case in NSW, considerable controversy arose when the Government mounted large privatisation advertising campaigns. For the year 1988-89 the British Government was ranked No. 1 among the top 100 advertisers in Britain spending approximately 200 million pounds.

Arguments put forward by the Opposition in support of giving the Conventions a statutory force include: allegations that they are constantly disregarded, purportedly often by unwilling civil servants at the command of their Ministers; the fact that there is a lack of common law redress because publicity is conducted as a prerogative power of Government, an area which courts have traditionally regarded as not justiciable; the argument that Government is creating an exception for itself by imposing degrees of statutory restraint on all bodies undertaking publicity other than itself; criticism that the Conventions impose no disciplinary or pecuniary sanctions on department or their Ministers who overstep the mark.

The British Government in turn has argued that the Conventions have never been relaxed and are actually far stricter and more onerous than the restrictions placed on local Government. A counter argument has also been put that there is a specific need for statutory restraint on local authorities as they, unlike central Government, are not directly accountable in Parliament through a Minister.

In reconciling these conflicting arguments, the Government Members note in particular that the National Audit Office in its 1989 Report did not identify any examples of publicity expenditure which lay outside the boundaries set down by the Conventions and was satisfied that Government departments were well aware of their content and importance and were careful to review the substance of all campaigns against their requirements.

OTHER JURISDICTIONS

In January 1990 the Labor Government in Queensland implemented a new policy on Government advertising which made no reference to the Party political content of Government advertisements but was more along the lines of the Greiner Government's guidelines dealing with the way in which advertisements were to be placed and governing relations with advertising agencies and such like. However, the issue of advertising guidelines has not apparently been addressed in guidelines or legislation either the United States or Canada.

Overall, the Committee recognises that there is considerable room for improvement in the guidelines being used for Government publicity in New South Wales. In that regard, Government Members believe that whilst advocacy advertising is appropriate, the party politicisation of advertisements with Ministers' photos and signatures is not, nor is the use of extensive Government advertising campaigns in the lead-up to elections, both of which were much in evidence in the lead-up to the 1988 campaign in New South Wales with the Labor Government.

BRITISH GUIDELINES SUPPORTED

Of all the options considered, the Government Members believe the British guidelines provide the best precedent to build on in the New South Wales context. In that regard, the Government Members believe that the British approach provides a proper basis for ensuring that there is room for the Government to explain its policies whilst avoiding the Party political use of Government money. In particular, the sort of excesses which have been seen in the past involving Party political advertising, especially the personalisation of ads by Ministers and such like, would be prohibited by the second of the British guidelines.

CONTROL AND OVERSIGHT

As far as control and oversight of the guidelines is concerned, the Committee believes that it is appropriate for the Government media unit to be responsible to the Director-General of the Premier's Department for the implementation of those guidelines. In that regard, the evidence of Ms. Moore on 26 October 1992 at page 13 of the transcript outlines the present chain of command along the following lines:

Mr. Knight: "What happens if you send an ad back and the Department or Minister wants to bat on with it?"

Ms. Moore: "I take it up with the Premier's Department."

Mr. Knight: "With whom?"

Ms. Moore: "With the Director-General."

Mr. Knight: "Of the Department or the Cabinet Office?"

Ms. Moore: "The Department. I would fax him copies of the ad and give him my advice and concern."

Mr. Knight: "Who decides whether it goes ahead?"

Ms. Moore: "The decision would be made by the Director-General in consultation with the Premier."

Mr. Knight: "It goes to that higher level?"

Ms. Moore: "Yes."

The Government Members believe that this system would work with the new guidelines.

EXTERNAL ADVICE ON GUIDELINES

As far as external advice is concerned, the Committee noted the evidence of the Auditor-General, Mr. Harris on 26 October 1992 at page 76 of the transcript as follows:

Mr. Knight: "Just as a follow-up on the infamous Privatisation ad, say the Premier of the day came to you before it was run and said, 'Look we're planning to run these ads', do you think you would give him an opinion?"

Mr. Harris: "Yes."

Mr. Knight: "You would do that?"

Mr. Harris: "Yes."

Mr. Knight: "And so any Minister can come to you in that way?"

Mr. Harris: "Yes."

Mr. Knight: "Even though you acknowledge that if you say 'yes' then you are going to be involved in a political controversy, because as soon as the Opposition complains about the ads the Minister will say 'I cleared them with the Auditor-General'?"

Mr. Harris: "Yes. Just as if a Department wanted to set up on a more cross basis an information system on a management control system. Am I asked to say these parameters are good enough for you in terms of your aura of responsibilities, and we say 'yes'."

Mr. Knight: "Do they do that often?"

Mr. Harris: "Not as often as we would like perhaps in some sense of that word, but they do that and we should get an opinion, even though it might bind us, and in fact we both bind ourselves in error. The system approved by us might indeed be inadequate but that is our problem as well."

In this way the Government Members believe that the Auditor-General can be available to provide advice on Government advertising to the Premier and other Ministers in relation to the guidelines.

EXTERNAL OVERSIGHT OF GUIDELINES

Central to the question of any guidelines which may be promulgated outside a statutory scheme is the question of their enforcement and policing. In that regard, the Government Members believe that the Auditor-General already has a significant role in this area which can be developed and enhanced in an informal but nevertheless very effective way.

As an external monitor, the Auditor-General would also be an important part of the monitoring of non-legislative guidelines. In that regard, Mr. Harris gave the following evidence to Mr. Cochran on 26 October 1992 at page 73 of the transcript.

Mr. Harris: "The Auditor-General would be able to look at the issue even if there was no community adverse reaction to it. I suppose typically the attention is drawn when it becomes a matter of controversy. If the Auditor-General's office is aware of some advertising which seems not to be effective or efficient or to suit the purpose of the agency that is undertaking the advertising, the Auditor-General can undertake an inquiry, review and examination on his or her own criteria.

Elsewhere the Auditor-General may declaim that these criteria would in turn depend upon the guidelines which are otherwise established."

In that context Mr. Harris gave the following evidence on 26 October 1992 at page 61 of the transcript:

Mr. Harris: "That is right. So perhaps the first question is if the Parliament had a view about whether or not the Government use taxpayers' money for policy advocacy advertising, they could say 'Yes, the Government does have the right and the ability to inform the citizens, the taxpayers especially, of the implications of the policy that the Government is adopting.

Now pardon me, if Parliament thinks that is alright, then obviously all the advertising associated with policy advocacy is okay. Within bounds, but you certainly don't need to have even balance. You don't need to have impartiality. You're allowing the Government to explain to the taxpayers the benefits of its policies. Once that is permitted, that makes a major issue much clearer. On the other hand, Parliament might say 'No, taxpayers' funds ought not to be used for

policy advocacy advertising, in which case they qualify as a reasonable amount of the discussion as well.

In the GIO advertising - the Privatisation campaign - because it was associated with the subsequent GIO privatisation issue, there is more a debated issue on whether or not it ought to have been there, but Parliament and/or the Government can help by including or excluding a whole raft of advertising from examination."

In evidence on 26 October 1992 at page 55 of the transcript the Auditor-General, Mr. Harris said:

"Without speaking for Mr. Robson, I think I can say that if Parliament enacted or if the Government adopted guidelines relating to advertising, it would certainly help in any audit of advertising the Auditor-General's Office may be favoured with.

"In the absence of such guidelines the Auditor-General's Office could either develop ad hoc criteria for each review that it might do, or I haven't contemplated going down the route of the New Zealand Auditor-General where he promulgated general guidelines for advertising. I suppose in the main because I am waiting to see the outcome of Parliament and the Government's consideration of this Bill. But certainly, if we are to look at advertising as we have done in the past and as we presumably shall do in the future, one needs guidelines self-developed or assisted by others providing them."

Further on, Mr. Harris added:

"The questions of effectiveness, economy and lawfulness I suppose are ones that we can examine. The latter matter with the help of the Crown Solicitor, but with this question of what is proper advertising for an agency and what is political advertising or advertising of a partisan political nature is an issue where the guidelines may be of some assistance."

And further:

"Yes, I think the Auditor-General can lay down guidelines, and indeed must, when the Auditor-General is looking at particular advertising campaigns. In the absence of guidelines the Auditor-General must formulate his or her own guidelines. I think the Auditor-General can be well versed in doing that in respect to economy efficiency and effectiveness and can receive assistance on the matter of lawfulness.

"The difficult question is laying down guidelines on what is political advertising and what is not political advertising. In your own discussion

paper you have seen examples where our colleague in New Zealand has come under criticism for imposing his own standards and guidelines on a campaign complete with the guidelines of the agencies in question. That is a most difficult area.

OTHER EXTERNAL CONTROLS

Apart from the role of the Auditor-General, it must be remembered that the Advertising Standards Council plays a role in vetting Government advertising. In that regard, the Executive Director of the Advertising Standards Council said in evidence on 26 October 1992 at page 12 of the transcript:

"The Advertising Standards Council is well able to determine complaints concerning Government advertising regardless of the source of complaints. Currently most such complaints are considered under Clause 7 of the Code of Ethics which as I said before states:

'Advertisements shall be truthful and shall not be misleading or deceptive'."

In addition, the Government Members note that misleading or deceptive conduct in advertising by NSW Government Departments is already governed by Section 42 of the Fair Trading Act 1987.

THE AUDITOR AS MONITOR ELSEWHERE

In the two jurisdictions where guidelines have been established, it is interesting to note that the policing of the guidelines is seen as an audit function. Thus in the United Kingdom where the central Government agencies have established guidelines, it is the National Audit Office which keeps an eye on their implementation, and in New Zealand the New Zealand Auditor-General performs a similar function. Accordingly, the Government Members believe that, particularly given the comments of the present Auditor-General, it is appropriate and consistent with best practice overseas for the Auditor-General to be involved in this area.

The key question then is the nature of the guidelines and precise content of the guidelines to be incorporated and this goes to the heart of the question of what is appropriate advertising for the Government to be involved in and what is not.

Government Members therefore believe that the Auditor-General would be well able to consider guidelines promulgated by the Parliament or the Government and to be able to reach views on them in particular situations, and this is indeed an extension of his function as it exists now.

CREATIVE ADVICE FOR THE AUDITOR-GENERAL

One concern of the Government Members was the experience of the New Zealand Auditor-General in interpreting such advertisements. However, in New South Wales, the Auditor-General has a long history of obtaining expert advice on matters relating to audits of particular areas.

The then NSW Auditor-General, Mr. Ken Robson said in evidence to the Public Accounts Committee on 31 October 1989 noted in Report No. 49 on the NSW Auditor-General's Office, page 41:

"I need people with some management skill as far as administration is concerned. I don't see a need to employ on a full-time basis engineers and doctors and that type of person. I think that you should get those people on a need basis. If we were doing a review of, I don't know, I'll pick on operations or something like that, but I would have to get a doctor in and sometimes it may be that if I was looking at the sewerage outfall or something like that I would probably have to get an engineer in to assist me, but if I had an engineer on full-time employment I don't think he could be utilised effectively."

The Government Members believe that expert advice from bodies such as the Advertising Standards Council would be available to the Auditor-General in the same way that he seeks specialist advice from time to time on engineering and medical matters in conducting audits.

PARLIAMENTARY OVERSIGHT

Last but not least, it should be noted that the Auditor-General is an officer of the Parliament and reports to and is responsible to the Parliament. In that sense, there

would be Parliamentary oversight of Government advertising if the proposals of the Government Members were adopted.

The Government Members overall believe that the statutory regime of setting up a Committee with all the costs and bureaucracy attendant upon it is not necessary and that the Auditor-General could perform that function with respect to guidelines based on the British model in a reactive rather than a pro-active way as an extension of his present duties and responsibilities to the Parliament.

PRE-ELECTION ADVERTISING

The Government Members believe that Government advertising in pre-election periods of the type which occurred in the lead-up to the 1984 and 1988 elections in New South Wales needs to be dealt with. Examples of this advertising have been referred to earlier and are annexed 1 to 8.

In his written submission of 19 March 1992 the Electoral Commissioner said:

"I should mention that it has not been uncommon for public criticism to be made of Governments placing advertising material of this nature in periods leading up to an election and actually during an election period. It would seem that proper legislation to overcome the concerns of the public to such promotion/advertising could be resolved by an appropriate amendment to the existing legislation preventing promotional advertisements of such a nature during an election period.

Examples of this nature have been advertisements with direct reference to Government policy or the appearance of the Minister of such public authority in the advertisement when he is standing as a candidate for election."

Notwithstanding that the 1990 State campaign in New South Wales was free of this sort of Government publicity, the Government Members note that the Federal Government ran Medicare advertisements within days prior to the announcement of the 1993 Federal election. Accordingly, the Government Members believe that the position of election advertising in the pre-election period in New South Wales should be clarified.

With changes to the law in New South Wales in relation to the setting up of fixed terms, it should now be possible to carve out a period of say two months in the lead-up to an election campaign which is free of Government advocacy advertising.

CONCLUSION

The Government Members do not support the Government Publicity Control Bill as moved by the Opposition in the Parliament and believe that it is seriously defective in a number of respects, including the extraordinarily wide scope of the Bill's application by virtue of the definition of "Government publicity", the vacuum cleaner approach to vetting advertising necessitated by the pro-active role which the Bill casts on the Government Publicity Committee and the unwillingness and unsuitability of the membership of the proposed Committee, particularly given that the Bill leaves to them the role of setting up the standards for judging advertising.

The Government Members, however, believe that there is a need to tighten up on advertising procedures, even though since 1988 stricter guidelines have been enforced.

Issues of particular concern to the Government Members are the use of Government advertising in the lead-up to elections and during election periods and we believe that this practice, prevalent in the 1984 and 1988 election campaigns, should be prohibited for some period short of the formal election campaign which with the changes in fixed term Parliaments will be easier to put together.

In addition, the Government Members believe that the personalisation of Government advertising is inappropriate in the form particularly in which it was practised prior to 1988 when Ministers' photographs and signatures appeared all over Government advertising. The Government Members believe that Government administrative guidelines are the appropriate way to tackle the issue and note that this is done elsewhere in jurisdictions where some control of Government advertising is seriously attempted.

The Government Members believe that the New Zealand guidelines, particularly as interpreted by the New Zealand Auditor-General, have been counterproductive and produce results which, whilst providing information at a certain intensive level, lack sufficient creative content to make them at all attractive or readable by the general public.

The Government Members believe that the best precedent in this area is the British model which provides a workable balance between prohibiting Party political advertising, particularly advertising promoting individual Ministers by photographs, signatures and so forth, but which at the same time allows advocacy advertising of Government programmes.

Finally, the Government Members believe that the policing of such guidelines should ultimately be oversighted by the Auditor-General, and again note that this is done in

other jurisdictions in this fashion, noting also that the Auditor-General will take appropriate expert creative advice as is his normal practice in consulting experts as and where necessary.

ANNEXURES

An announcement from the
 N.S.W. Department of Motor Transport Third Party Insurance Scheme

6%

reduction in Third Party Insurance

■ Third Party Personal Accident Insurance is going to change, and it's a change for the better. In future, Third Party Insurance will be financed within a social scheme and not as a commercial arrangement. The benefits are immediate and apparent to all motorists.

■ Under the old commercial scheme the cost of a typical Motor Vehicle Third Party Insurance premium was to be increased by another \$15 to \$183.

■ Under the new initiative not only has this been avoided, but a further \$10 will be carved off a typical premium to \$158 from April 1st, 1984.

■ Both these measures will represent a reduction of 13½%.

■ This has been made possible by a variety of cost-saving initiatives, including a change in the financial structure of the scheme, control of inflated payouts, and, happily, improved road safety.

■ Procedures for paying Third Party premiums will remain unchanged for the vast majority of motorists.

■ The exceptions will be NRMA Insurance clients who will need to insure under the Department of Motor Transport scheme as their third party policies fall due for renewal. The procedure is very simple.

■ The way the new scheme is to be administered will provide continuing benefits to all N.S.W. motorists.



Govt Inform

Original not to be removed from Library

The New South Wales Government welcomes participants to the 1988 International Youth Skill Olympics.



Sydney is host to 400 of the world's finest apprentices in Darling Harbour's prestigious new Exhibition Centre.

From 18-21 February, young people from all over the world will be competing in the 29th International Skill Olympics - the largest ever.

Australia's most spectacular

exhibition venue will bring together the world's best young tradespeople representing 19 nations in more than 40



occupations from the building industry to industrial electronics.

An open invitation is issued to all, particularly young people and parents, to

view this competition of the skills of today's youth.

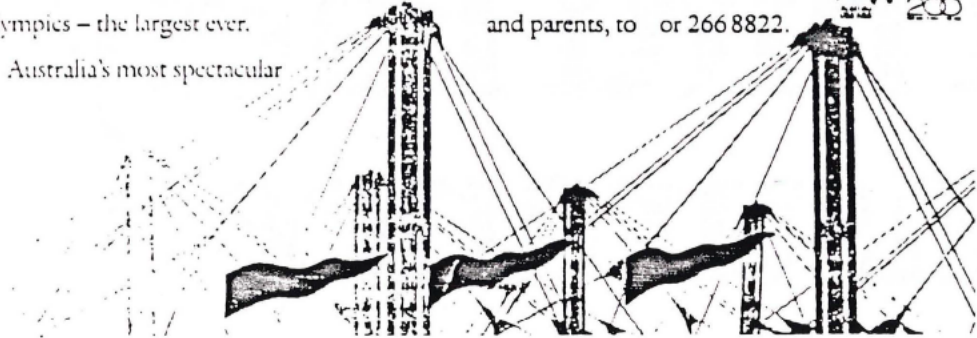
For more information on NSW apprenticeships contact



the Apprenticeship Directorate Department of Industrial Relations

and Employment. Phone

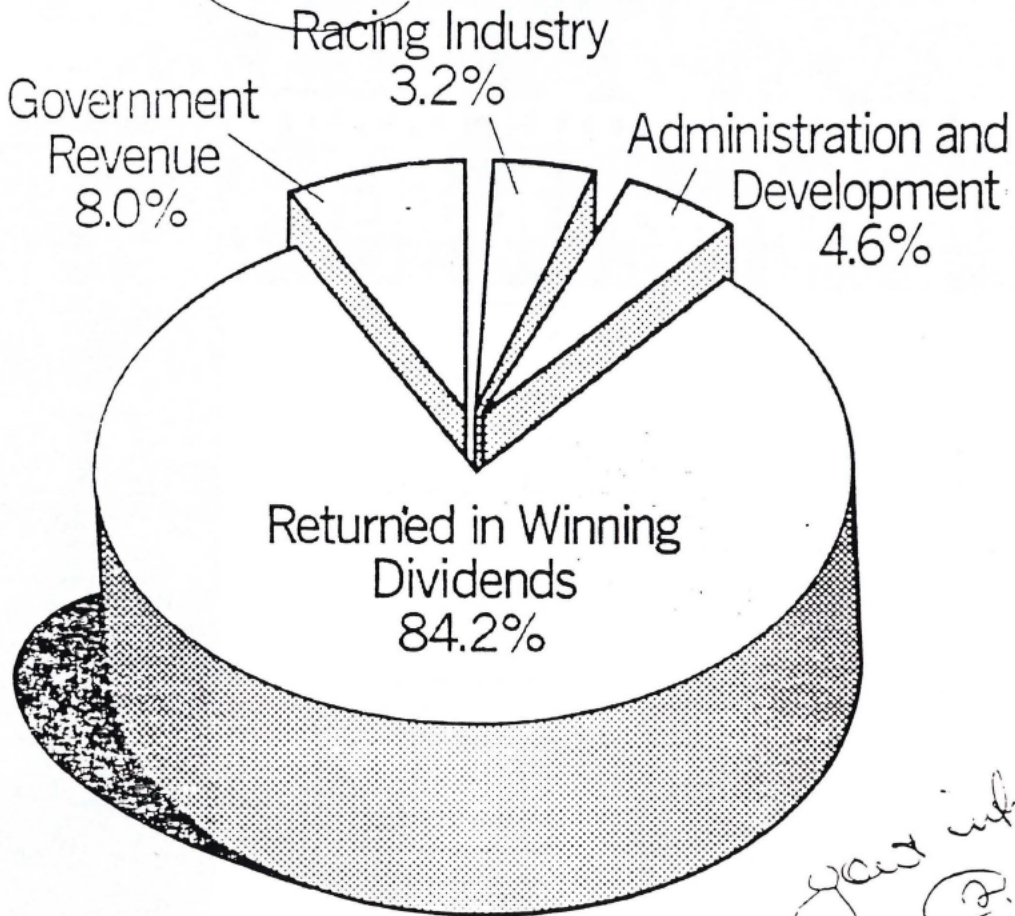
(02) 266 8811 or 266 8822.



Govt info

Original not to be removed from library

It's nice to know where your TAB dollar goes.



Govt info

The pie-chart tells the full story and it has been a similar picture since 1964, our first year.

By far the biggest slice is returned in winning dividends -- more than 84% of every dollar invested in 1986-87.

While winners take the largest share, the community enjoys the next portion. 8% was contributed to State Revenue. State Revenue provides the overall funds needed to finance the cost of government, including such essential community services as education, health and public transport.

The next 3.2% was set aside for the development of racing in city and country. It was distributed to racing clubs to help cover



operating costs and the provision of improvements to tracks, public amenities and the like.

The balance of 4.6% was used largely to provide and maintain modern premises and computer based selling systems for over 1100 TAB outlets throughout New South Wales, together with the salaries, wages and fees paid to the TAB people who operate them.

Michael C. Gray

Minister for Racing



Why the Water Board is in a growth industry.

Sydney keeps growing and growing and that means more 'sludge'.

Sludge is the material that settles out during the Water Board's sewage treatment processes. 115 tonnes (dry weight) is currently produced each day, and by the end of the century that will be 220 tonnes per day.

That's a lot of sludge.

At the moment we 'digest' this sludge in anaerobic tanks, or incinerate it or bury it. Which is expensive and perhaps wasteful because, like water, sludge could be one of Sydney's most precious natural resources.

At two of our sewage treatment plants we are experimenting with turning sludge into fertiliser. So far, using stringent guidelines provided by the Health Department, we have been very successful, producing results at least as good as similar projects in the U.S.A.

In fact each month we sell 300 tonnes of composted sludge from our St. Marys plant to local landscapers, and we have applied to the Health Department to increase this to some 1500 tonnes a month.

Soon we hope to be able to produce a compost product that can be sold to amateur gardeners. Our experiments have shown that 'Orgo-Natural', as we call it, produces results up to two times better than chemical fertilisers. When you're in a growth industry, that's a very satisfying rate of growth indeed.

WATER BOARD SLUDGE RECYCLING PROJECT

Another part of the New South Wales Government's Beach Protection Programme

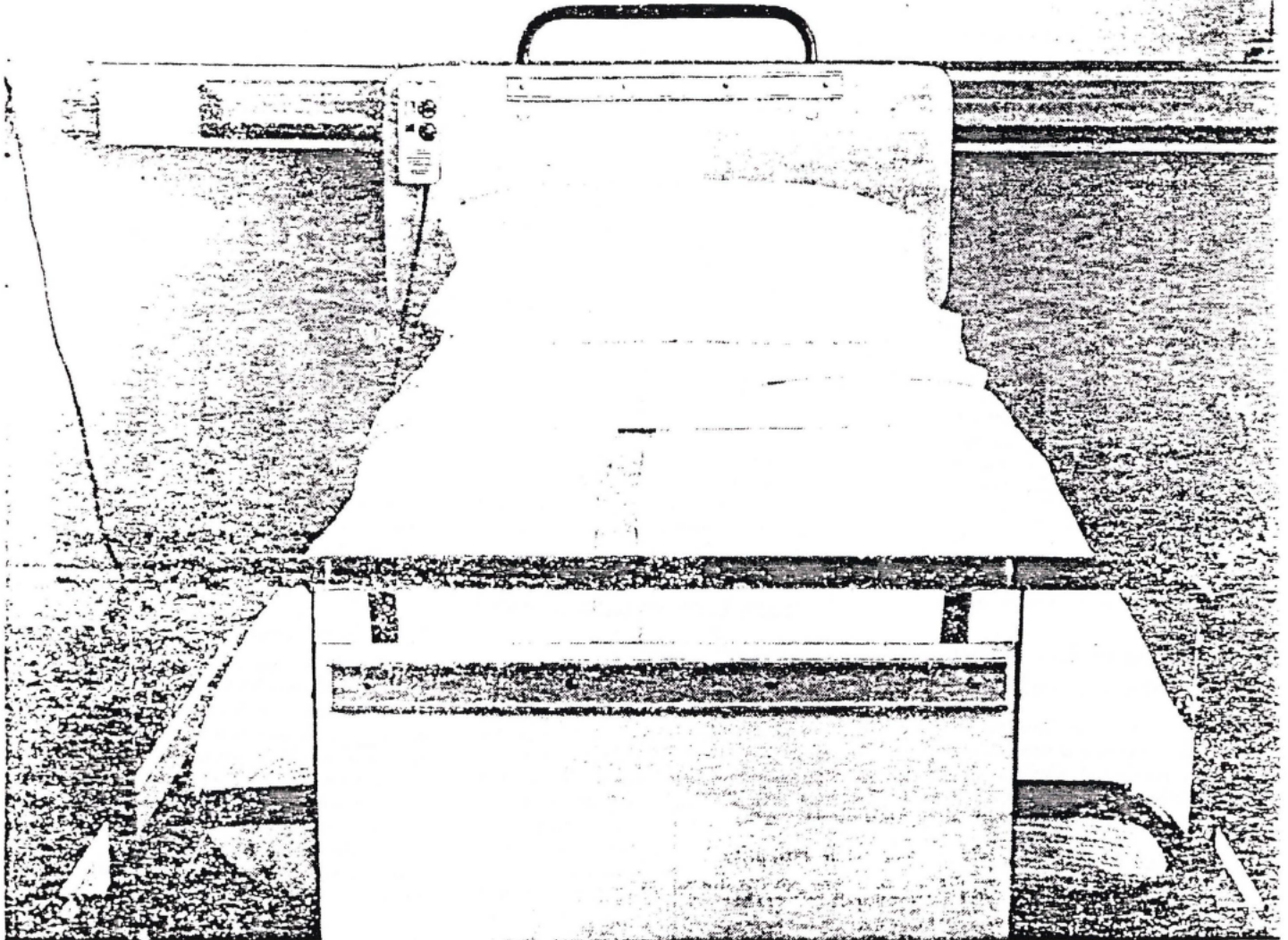


A New South Wales Government Initiative

THE SILVER PARTNERSHIP MWB722

Original not to be removed from Library

Nearly a million people will sleep
in this bed this year.
And they don't even know each other.



Well not exactly the same bed but certainly a similar bed.

This is a hospital bed.

There are over 25,000 of them in NSW public hospitals.

We need them because this year NSW public hospitals will treat nearly a million patients for every known medical condition.

Each bed will be used at the highest possible turnaround rate.

Why?

Well most people don't like staying in hospital. They would prefer to be somewhere else. We quite understand that, and we try to help by giving them the fastest

possible treatment commensurate with sound medical procedures. There's another good reason.

Modern medical practice says that recovery times can be quicker when patients are in surroundings that they're more comfortable with. Like their own home.

This is especially true of children and older people. So it makes medical sense for them to spend as little time in hospital as possible.

The last good reason is extremely compelling. The less time you spend in hospital the less it costs. That is good for everybody.

For all these good reasons we'd rather you were out of hospital than in. If you think about it, it's a very healthy attitude. For all of us.

Call Healthline for more information.

Toll Free (008) 04 3120

Toll Free (008) 04 3159

N.S.W. HEALTHLINE

Taking Better Care

Another NSW Government Initiative

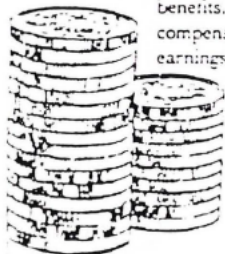
GOVT INFORMATION

If you're injured in a transport accident, this is how TransCover will take good care of you.

Get ~~information~~ ^{information} of most service incidents

What is TransCover?

In July 1987, TransCover replaced the old Third Party Insurance scheme. TransCover is designed to provide a cost effective balance between benefits for accident victims and the cost of premiums to motorists. TransCover covers people against injuries caused in transport accidents which are the fault of another owner or driver involving motor vehicles, buses, Government ferries and trains.



TransCover provides a wide range of benefits, including regular compensation for lost earnings, a lump sum benefit for permanent impairment, payment of hospital and medical expenses, payment of nursing and other attendant

care costs, car, home and workplace modifications and death benefits for the dependants of the deceased.

What makes TransCover cost effective?

With TransCover, the main emphasis is on providing compensation and support to those people unfortunate enough to sustain serious injury. Early access to rehabilitation programmes is encouraged so that accident



victims are restored to a productive and meaningful life as quickly as possible. TransCover will also allow more control over fraud and exaggeration of injuries and will settle claims promptly without recourse to long and expensive legal proceedings.

Efficient

Under TransCover, eligibility and most benefit entitlements are determined within eight weeks of a completed claim form being lodged.

TransCover sees that you receive prompt and regular compensation for lost earnings. In addition, the cost of hospital, medical and ancillary services will be paid direct as they are required. This avoids the worry of having to meet these expenses out of your own pocket.

In cases of emergency or special need, TransCover will make an interim decision on compensation, which is later formalised.



Fair

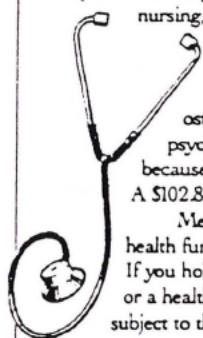
TransCover doesn't merely award compensation and then forget about you. TransCover is dedicated to rehabilitation and a return to the workforce or at the very least, a comfortable and independent life.

Regular payments are made, if necessary, on a lifetime basis, so you don't have to worry about having to survive on a dwindling lump sum. Friendly advice and assistance is always available from TransCover. If there is a dispute about TransCover benefits, you can appeal through an independent medical tribunal or through the District Court.

TransCover takes good care of you.

Medical assistance.

TransCover will pay for all reasonable hospital, medical, pharmaceutical, dental, nursing, ambulance, physiotherapy, occupational therapy, home nursing, chiropractic, optometry, osteopathic and psychological services needed because of a transport accident. A \$102.80 excess is applied.



Medicare or your private health fund may cover this amount. If you hold a health benefits card or a health care card, you are not subject to this excess.

Financial assistance.

TransCover will compensate you for lost earnings, for as long as you are unable to work.

This compensation is paid fortnightly, at a rate of 80% of pre-accident gross earnings, up to \$1,028.20 per fortnight. All TransCover payments are indexed twice yearly to ensure that compensation keeps up with the cost of living. TransCover also provides for a lump sum permanent impairment benefit up to a maximum of \$125,400, in addition to all other payments.

Help when you need it.

TransCover will pay for necessary modifications to your home, workplace and car if you are seriously impaired.



TransCover will also arrange for household help and home nursing if necessary.

Death benefit.

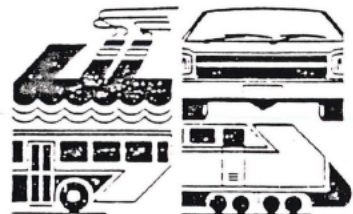
Various benefits are available to the dependants of the deceased. For example, a lump sum up to \$82,500 is paid to the dependants, plus assistance with funeral expenses. A range of income support and other benefits are available to dependent spouses and children.

Who is covered?*

TransCover covers NSW residents in transport accidents in NSW and in some accidents outside NSW. It also covers interstate and overseas residents involved in such accidents in NSW in some circumstances.

Compensation is paid to those who can prove the fault of another person. In some cases, compensation may not be payable or will be reduced where the injured person has in some way contributed to the accident or injury.

As you can see, TransCover is an innovative and equitable compensation system which is designed to be fair, efficient and take good care of you. For more information, contact TransCover, 70 Pitt Street, Sydney 2000 on toll free 008 042 164 or any GIO regional office.



TRANSCOVER

- it takes good care of you.

* N.B. The information contained herein is a summary of your rights and entitlements which are provided under the Transport Accidents Compensation Act and Regulations.

- 8 FEB 1988

AUSTRALIAN

Original not to be removed from Library

There's a population explosion in New South Wales Public Hospitals.

good info @

The number of patients we're caring for increased by 28,800 last year to almost 900,000, and it's rising even further.

The growth in our nursing population is equally amazing. This year, we have over 1,700 new nurses in the workforce.

We have trained 1,158 new nurses in our college training programme - nurses who are now taking care of patients.

In addition, we have recruited 545 fully qualified nurses from overseas in the past few months. They, too, have started work in our hospitals.

Many former nurses have also chosen to return to the public hospital workforce, swelling nursing ranks even further.

Our new nurses are working in all parts of the public hospital system - in maternity, cardiac, casualty, general surgery - everywhere.

Yet there's even better news.

All these extra nurses mean we can open even more public hospital beds.

So far, we have opened over 600 - and there's more to come.

We expect to treat another 40,000 extra patients this year.

What a good job we've got over 6,000 more nurses in training right now!

Nobody likes going to hospital, we know. Quite frankly we'd rather have you out of hospital than in.

But if you do need public hospital treatment,

we want to be sure you get the best possible care. Which is why we're training all these new nurses and opening these new beds.

When you think about it, it's a very healthy attitude.

Call Healthline for more information.

Toll Free (008) 04 3120

Toll Free (008) 04 3159

N.S.W. HEALTHLINE

Taking Better Care

Another NSW Government initiative

THE SILVER PARTNERSHIP 2110 558

Photocopy made with acknowledgement to News Ltd.

Govt info

GOUT-WFD

Original not to be removed from Library

The 21st Century arrives today.



Starting today, the first of the world's finest suburban trains will take Sydney passengers for a remarkable free ride into the future, when Tangara begins its schedule of public proving trials.

Over the next eight years, 450 new Tangara railcars will take pride of place throughout the Sydney System - at the rate of one new car every eight days.

Your new train will give the world a fresh benchmark for urban train development, and provide thousands of Sydneysiders with a smooth, comfortable, and super-quiet reason for leaving the car at home.

Check the list of FREE inspection rides, and take your new car for a joy-ride.

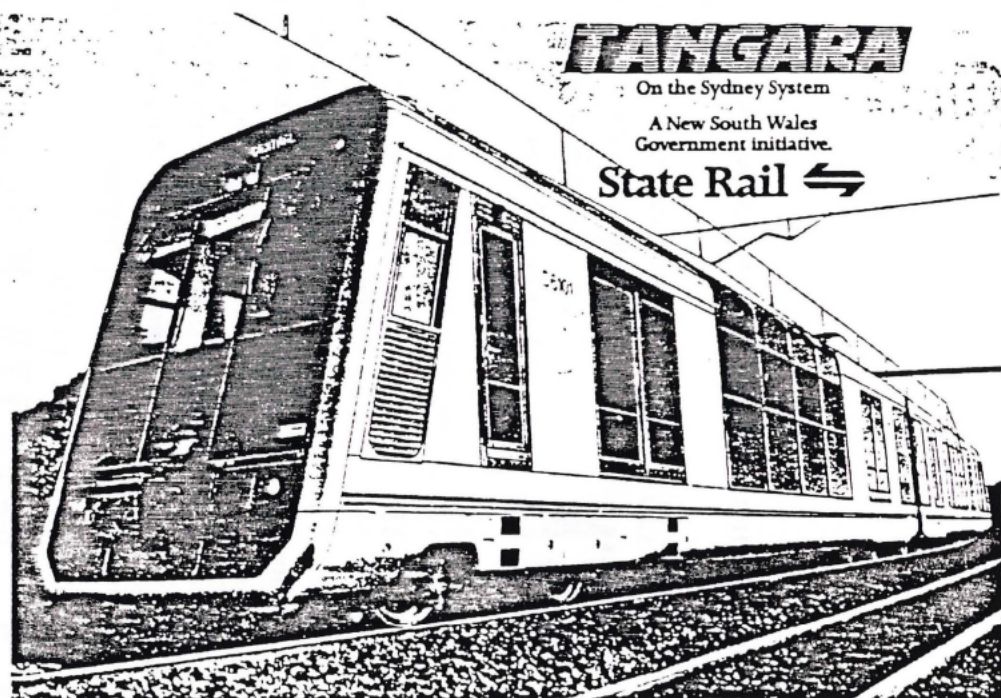
GOUT-WFD

FREE Inspection Rides

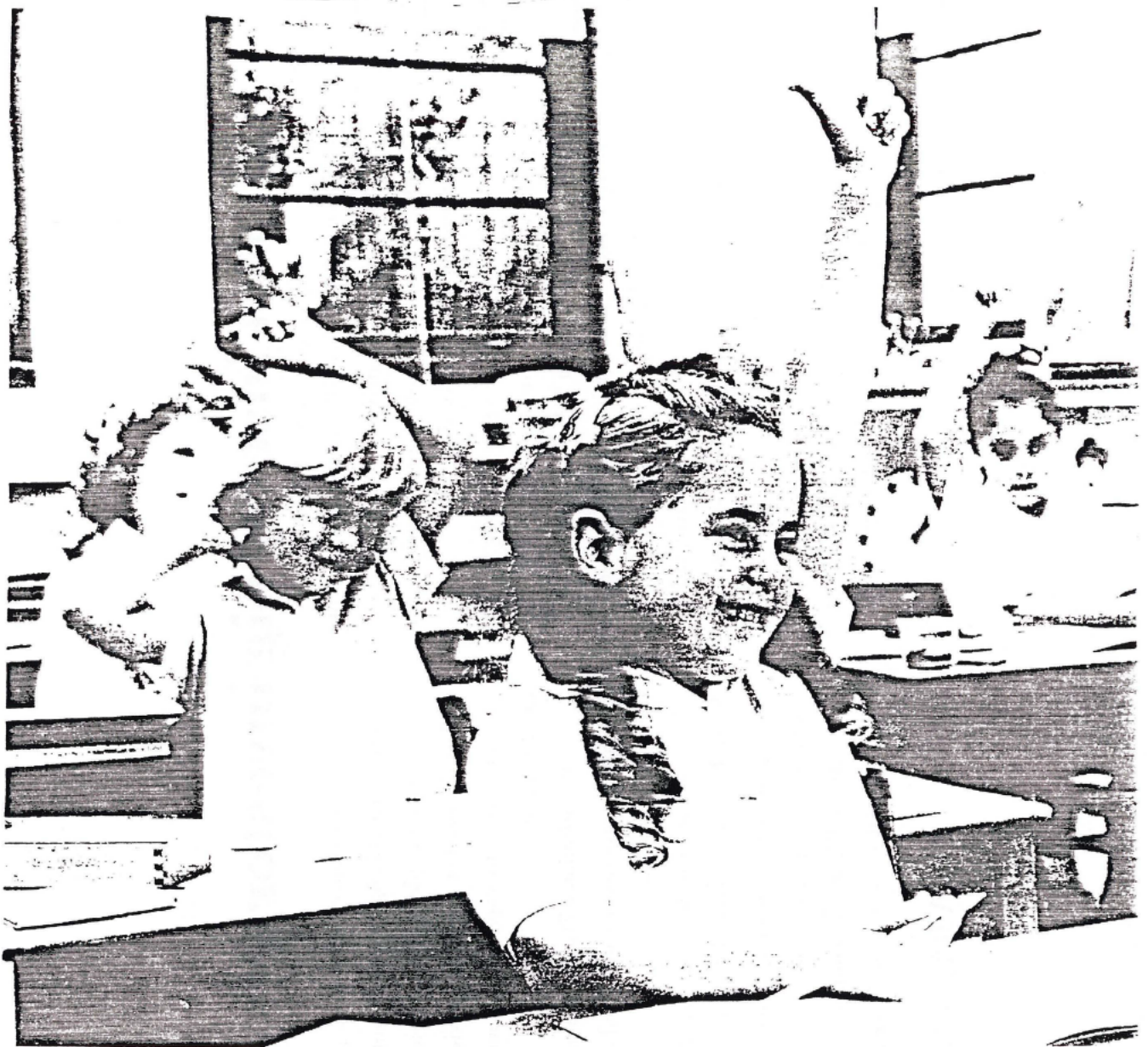
Tangara operates from

Armidale	Thu 10th Jan
Blue Ridge	Sat 12th Jan
Castroland	Sun 13th Jan
Warrumbungle	Sun 14th Jan
Albury	Sat 16th Jan
Brinda Australia	Sat 16th Jan
Liverpool	Thu 17th Jan
Lambton Downs	Thu 17th Jan
Wagga Wagga	Thu 17th Jan
Rocky Hill	Sat 19th Jan
Orange	Sat 19th Jan
Wentworth	Thu 21st Jan
Parramatta	Thu 21st Jan
Blue Ridge	Thu 21st Jan
Wagga Wagga	Thu 21st Jan
Warrumbungle	Thu 21st Jan
Armidale	Thu 21st Jan
Castroland	Sat 23rd Jan
Wagga Wagga	Sat 23rd Jan

Free tickets can be obtained from the appropriate railway offices. Some routes may be subject to change. All routes are subject to the availability of the train. For further information, contact State Rail.



Privatisation is for everyone.



It means more money for education.

GOVERNMENT INFORMATION

WE WOULD all like to see the Government spend more on education and less on things like interest payments for our state debts.

By privatising certain government businesses, the NSW Government will be able to do just that, because the money privatisation raises will help reduce the burden of state debt and free more funds for important community needs like schools, hospitals, the police and roads.

Privatisation is the process of selling all or part of a government business into the community.

Governments around the world have come to see that in a highly competitive age, they no longer need to be involved in business enterprises such as airlines, communications, banking or insurance.

Instead they need to focus their attention on governing and managing the community's social and economic needs.

Worldwide, over the last decade or so, privatisation programmes in over 80 countries have raised nearly A\$500 billion.

In Australia it is just beginning.

In addition to the millions of dollars in state interest payments that will be saved, there are many other benefits from privatisation. Every part of the community stands to win.

Overseas experience has shown that once privatised, most government businesses have a better opportunity to grow and prosper. A higher standard of services to customers and new opportunities for staff members are produced.

Markets are strengthened by increased competitiveness, new investment and increased liquidity.

Of course the community continues to benefit because company tax revenues increase as businesses grow. In the next few months thousands

of Australians will have the opportunity to participate in the future of a major NSW Government business.

And millions of people throughout NSW will benefit from increased community services made possible by privatisation.

If you'd like to find out more about privatisation, call 008 806 806 (toll free) or we'll send you information about how you can share in the future of New South Wales. Mail this coupon.

Yes, please send me information about NSW Government Privatisation Programmes.

Name _____

Address _____

Mail to: NSW Government Privatisation
Information Office
GPO Box 707, Sydney, NSW 1585



SHARE IN THE FUTURE OF NSW

28 FEB 1992

N.S.W. Parliamentary Library

THE AUSTRALIAN

FINANCIAL REVIEW

Original not to be removed from Library

Not just for big investors, but small investors too.

② ^{GOVERNMENT INFORMATION}
THROUGHOUT THE world, in over 80 different countries, privatisation of government business is providing opportunities for large and small investors alike.

In the UK, for example, share ownership by individuals in the community has grown from just 9% to 25% largely due to the British Government's privatisation programme over the last decade.

In Australia's first major privatisation, the public float of one third of the Commonwealth Bank, nearly 197,000 Australians bought shares, many of them for the first time.

While share ownership by individuals in Australia is comparatively low (9%), the

overseas experience shows that privatisation will increase this figure significantly.

More people buying and selling shares makes the market stronger, providing greater access to capital for companies that need to grow.

Privatisation will also encourage our ever expanding superannuation funds to further invest in Australia.

In the next few months thousands of Australians will have the opportunity to participate in the future of a major NSW Government business.

And millions of people throughout NSW will benefit from increased

community funding made possible by privatisation.

If you'd like to find out more about privatisation, call 008 806 806 (free call) and we'll send you information about how you can share in the future of New South Wales, or mail this coupon.

Yes, please send me information on the NSW Government Privatisation Programme.

Name _____

Address _____

Postcode _____

Mail to: NSW Government Privatisation Information Office
GPO Box 7011 Sydney NSW 2001



SHARE IN THE FUTURE OF NSW

NEWS RELEASE

Brian Howe

Deputy Prime Minister
Minister for Health, Housing and Community Services

BH23/93

1 February 1993

MINISTER LAUNCHES MEDICARE ENTITLEMENTS CAMPAIGN

Public Rows - Politics

Medicare's ninth anniversary marks the start of a national community program to inform Australians of their entitlements under Medicare.

The Prime Minister, Paul Keating, and the Deputy Prime Minister and Health Minister, Brian Howe, launched the campaign at the Bankstown Medicare office today.

"Medicare is there to help all Australian residents have the health care they need," Mr Howe said.

"Everyone pays for health services under Medicare through their taxes so they don't have to worry about upfront costs when they go to the doctor or a public hospital," Mr Howe said.

"We have a world-class health system and we can be proud that Medicare allows Australians to receive the health care they need, no matter who they are.

"There are few countries in the world where people can get the health care they need, including access to public hospital services and priority treatment if there's an emergency - and not have to worry about a bill.

"Australians should know how the system works and what their entitlements are.

"This is the aim of the Medicare Entitlements Campaign."

Mr Howe said the campaign would demonstrate how the three arms of Medicare - public hospitals, Medicare benefits and the Pharmaceutical Benefits Scheme - work together to give comprehensive health care.

"Many people are still not fully aware that they are entitled to free or subsidised treatment by a General Practitioner, medical specialist and some optometrist services, to free treatment as a public patient in a public hospital and to subsidised prescription drugs," he said.

"The Medicare Entitlements Campaign will answer the questions that are most often asked about Medicare".

Mr Howe said the campaign would include:

- . a set of three brochures that explain your entitlements under Medicare
- . three television commercials featuring interviews by Carmel Travers which look at the strengths of our public hospital system for public patients
- . establishing a 008 020 613 information line for the public
- . and a community outreach program which will distribute information through community groups and in shopping centres around Australia.

Mr Howe said most Australians contribute to Medicare through the tax system.

"They are entitled to know what they are paying for and what they can expect from Medicare."

Mr Howe said the theme of the campaign, which will cost around \$4.3 million, is Medicare: The Care You're Entitled To.

For further information:

Contact: Ross Gardiner, Mr Howe's office, Phone: 018 622 060
Noel Turnbull, Turnbull Fox Phillips,
Phone: (03) 289 9555



Premier of New South Wales
Australia



MEMORANDUM NO. 92/5

GOVERNMENT ADVERTISING POLICY

(Memo to all Ministers)

This Memorandum replaces all memoranda previously issued on the subject of government advertising policy and procedures.

The NSW Government Advertising, a unit of the Commercial Services Group, has completed its assessment of the advertising rates obtained by media operators to apply for the next year. The new rates will be advised to organisations shortly.

This opportunity has been taken to examine again the policies applying to Government advertising in the interest of ensuring that, consistent with achieving the greatest level of economy possible, the policies allow individual Ministers and Chief Executive Officers the maximum discretion and flexibility to achieve their operational objectives.

The current Master Media and Media Placement arrangements are to continue to operate and to be co-ordinated through the Government Advertising Agency. The maintenance of these arrangements will ensure that the significant savings and efficiencies resulting from the operation of those agreements will continue to be enjoyed by the NSW Government. Government rates are currently running at a conservative 20% average discount level across the board.

The Government Advertising Agency will continue to co-ordinate the placement and billing for all NSW Government advertising, either directly or through the operation of contracted agencies.

Campaign Advertising

Campaign advertising is defined as any promotional advertising where an accredited advertising agency has been engaged to develop concepts, artwork, scheduling etc. All campaign advertising must be referred by the Government organisation concerned to the Government Advertising Agency with details of:

- (i) the campaign objective and concept;
- (ii) copy/scripts to be used;
- (iii) media schedule proposed, including total cost; and
- (iv) advertising order form.

Copy to Office Managers / Dept. Heads / Committees / Section Heads.

Seen & read.

The creative agency concerned should contact the Government's Master Media Agent, Media Decisions Pty Ltd, in relation to booking schedules.

It is expected that all NSW administrations will critically examine the need for any proposed campaign advertising, in order to ensure that continuing economies are achieved in Government advertising expenditure. When campaign schedules are being developed, organisations should ensure that appropriate cost effective media are selected.

Recruitment Advertising

All Chief Executive Officers are asked to authorise personally any recruitment advertising undertaken or have it authorised by an appropriate senior executive.

Display advertisements are only to be used for positions of Chief Executive Officer and their deputies. Such advertisements should be a maximum size of two columns by 14cm.

With some exceptions which are outlined in points (i) to (iii) below, all other positions should be advertised in the composite recruitment classified advertisement which will continue to be published in both the Sydney Morning Herald and the Telegraph Mirror on Saturdays. Advertisements for vacant positions in the composite recruitment classified advertisement are restricted to 13 lines in length with a maximum of 52 characters per line, including both typed characters and spacing. The 13 line advertisement does not include the departmental address or remuneration package statement.

In the case of SES positions, size restrictions are 18 lines in length with a maximum of 52 characters per line.

The following exceptions to appearing in the Sydney Morning Herald and Telegraph Mirror Saturday composite recruitment classified advertisement are available.

- 1) The NSW Government health vacancies advertisement will continue to appear in the Sydney Morning Herald and the Telegraph Mirror every Thursday.
- 2) Base grade recruitment may occur through advertisements in local newspapers without also being placed in the composite recruitment classified in the Sydney Morning Herald and Telegraph Mirror, if so desired. Such advertisements must still be placed using Government Advertising Agency procedures for placement of advertising.

Base grade advertisements for single positions should conform to the same size restrictions as for composite recruitment classified advertisements. In cases where there are multiple vacancies to be filled, however, the advertisement can be up to 26 lines long and 52 characters wide, excluding departmental address and remuneration package statement. This concession applies to base grade recruitment only.

- 3) In extremely unusual cases approval to not run a composite classified advertisement in both newspapers can be sought from Ms Colleen Moore, Director, Government Information and Advertising. To justify such an approach, well documented cases will need to be submitted.

In cases where regional or national coverage can be justified, these advertisements should be placed in conjunction with the Saturday composite recruitment classified advertisement in the Sydney Morning Herald and the Telegraph Mirror. Advertisements requiring regional or national coverage should be classified advertisements wherever possible, but may take the form of a display advertisement with a maximum size of two columns by 10cm where no classified advertisements are accepted. Where organisations wish to advertise regionally/nationally, a detailed rationale must be submitted to the Government Advertising Agency to support the request.

General Classified Advertisements

Classified advertisements appearing in the metropolitan press (whether lineage or display classifieds) are to continue to appear in the Sydney Morning Herald only. The only exceptions are:

- (i) positions vacant appearing in the composite recruitment classified advertisement on Saturdays and the health vacancies advertisement on Thursdays; and
- (ii) State Electoral Office notices.

Tenders

Advertisements relating to tenders have previously appeared only in the Sydney Morning Herald. Agencies may decide whether they wish in future to advertise such tenders in either the Sydney Morning Herald or the Telegraph Mirror.

Promotional Advertising

Promotional advertising is only to be undertaken in the case of revenue raising activities, tourism, tax collection and health/safety matters. Organisations involved in these activities are expected to critically review their advertising and place it in the cost-effective manner available.

Statutory and Essential Public Information

This type of advertising may continue as required, but should be critically assessed for need and cost effectiveness. Metropolitan statutory and essential public information advertising which is placed as classified advertising can only appear in the Sydney Morning Herald. This restriction does not apply to State Electoral Office notices which may appear in the classified section of both the Sydney Morning Herald and the Telegraph Mirror.

Statutory and Essential Public Information

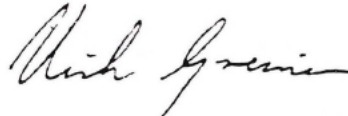
This type of advertising may continue as required, but should be critically assessed for need and cost effectiveness. Metropolitan statutory and essential public information advertising which is placed as classified advertising can only appear in the Sydney Morning Herald. This restriction does not apply to State Electoral Office notices which may appear in the classified section of both the Sydney Morning Herald and the Telegraph Mirror.

Use of State Government Crest and Theme

Administrations are reminded of the requirement to use the State Government Crest and Theme "Putting people first by managing better" in all Government advertising.

Any additional information required by organisations on procedures to be followed is available from the Government Advertising Agency on telephone (02) 339 7539.

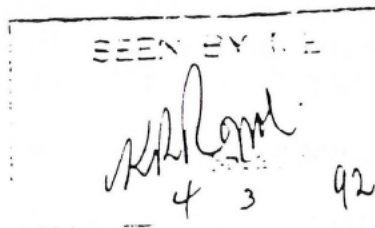
It would be appreciated if you could ensure that this memorandum is brought specially to the attention of all organisations within your administration.



Nick Greiner, MP

Issued: Director-General's Unit

Date: 4/3/92



DISSENTING REPORT

Minority report from the ALP Members of the Legislation Review Committee on the Government Publicity Control Bill.

INTRODUCTION

The three ALP Members of the Committee produce this dissenting report with great regret. We had hoped that common ground could be found between the Government and Opposition Members which could form the basis of an agreed Bill. Throughout the Committee's extensive deliberations it appeared that we were moving in such a direction. Indeed, the Committee staff produced a first draft of a report for the Committee which encapsulated what both they and the Opposition Members felt was the emerging consensus.

However, our approach to a consensus on a modified Government Publicity Control Bill proved to be illusory with the 3 Government Members finally voting that there should not be any such Bill.

The Opposition Members support the need for legislation in this area. Our commitment is not related to which Party (or Parties) is in government. As the next election draws closer, and the Opposition moves closer to the prospect of becoming the Government, our support for this Bill is not diminished. For the Labor Party this Bill is not simply a tool to restrain the Coalition Government (though some of its behaviour which provoked the drafting of this Bill clearly needs to be restrained) but a mechanism to see that all Governments adhere to proper standards with regard to paid Government advertising.

THE ESSENTIAL DIFFERENCES

The Coalition position is that there should be no legislation to control a Government's use of taxpayers' funds for publicity purposes.

The Labor Members believe that such a restraint is essential. While we have modified our position on many details in the draft Bill, we are resolute about five matters:

- (1) This highly controversial area, which is open to abuse by Governments of all political persuasions, needs legislation to regulate it.
- (2) There must be an impartial Committee which has the power to vet paid Government publicity but that its role should be essentially reactive rather than proactive.

- (3) That Committee should administer clear, publicly available, guidelines about what is permissible in paid Government publicity.
- (4) Anyone with a grievance should have the right to complain to that impartial Committee which must then consider the complaint (and where appropriate investigate it).
- (5) Any part of the Government apparatus should have the option of submitting publicity in advance to the Committee to gain approval but that there be no requirement that it do so.

In summary, what the Labor Members want is a Bill which sets up an impartial Committee which then administers clear guidelines on Government publicity. Anyone who believes certain paid Government publicity is in breach of those guidelines can complain to the Committee. And anyone in Government who is concerned that a piece of proposed publicity may breach the guidelines can choose to have it vetted in advance.

INADEQUACY OF THE CURRENT SYSTEM

The internal guidelines for government advertising by NSW government departments are set by the government of the day and their compliance is monitored by the Government Information and Advertising Agency. The Agency is supposed to ensure that all departmental advertising complies with what the government of the day deems appropriate and does not compete with other government departments.

However, the Director, Government Information and Advertising Agency, Ms Colleen Moore, revealed in evidence before the Committee the inadequacy of this system. She acknowledged that the Agency's powers were purely recommendatory and the final say on whether to proceed with an individual advertisement or advertising campaign always lay with the government of the day.

Mr Knight: Are you saying that in spite of the existence of your agency, in spite of the existence of the guidelines, if the politicians of the day of whatever party say "What the hell! We are going to put in a political ad", that happens?

Ms Moore: That is so.

Mr Knight: There is no control?

Ms Moore: That is correct.

Mr Knight: What happens if you send an ad back and the department or the Minister wants to bat on with it?

Ms Moore: I would take it up with the Director General of the Premier's Department.

Mr Knight: Who decides whether it goes ahead?

Ms Moore: The decision would be made by the Director General in consultation with the Premier

In essence, what is permissible is whatever the Government of the day considers appropriate. There is nothing to prevent a Government using taxpayers' money to run blatantly partisan political advertising under the guise of providing Government information as a community service.

Ms Moore's evidence supports the view of the Labor Members of the Committee that there must be an impartial body to regulate Government advertising.

RECOMMENDATION 1.

That a Government Publicity Committee be constituted under legislation to review government publicity issued in NSW.

WHO SHOULD BE ON THE COMMITTEE?

The original Bill proposed a Committee of 3 persons:

- . The NSW Electoral Commissioner
- . The NSW Ombudsman
- . The NSW Auditor General

In a letter to the Director General of the NSW Cabinet Office, the Electoral Commissioner, Ian Dickson, stated his objections to serving on such a Committee:

"It would be improper for me, as Electoral Commissioner to be involved in formulating guidelines, advising, monitoring, and reviewing expenditure and other related issues on the promotional publicity of public authorities."

Although Mr Dickson softened his position in evidence to the Committee - and even stated that the "Bill is commendable in trying to come to grips with this problem of government publicity"- he is clearly uncomfortable with the prospect of being given a role on the Government Publicity Control Committee. Despite the benefits that the impartiality of his office and the accumulated skills and knowledge which such an appointment would bring to that Committee, the Labor Members respect the wishes of the Electoral Commissioner.

RECOMMENDATION 2.

That the provisions for the Electoral Commissioner as a permanent member of this Government Publicity Committee be deleted and consideration be given to this officer serving this committee in a purely advisory capacity only.

The NSW Ombudsman, David Landa, when giving evidence before the Committee reaffirmed his willingness to participate in the Government Publicity Control Committee.

The position of the Auditor General is more equivocal. At the time that this Bill was first introduced the then Auditor General, Kenneth Robson, was opposed to serving on the proposed Government Publicity Control Committee. However, his successor, Tony Harris, was not so dismissive of the proposal. While Mr Harris did raise some practical difficulties he saw merit in the Auditor General having some role in auditing public funds spent on Government advertising.

The Auditor General already has a role in examining Government advertising, though this is done long after the money has been spent and the advertising has had its effect. As such, the Auditor General's existing role is insufficient to deal with the real and immediate problems which this Bill seeks to address.

However, because of the expertise being built up in his office and because of the Statutory independence of that office, it is sensible for the Auditor General to be a member of the Government Publicity Control Committee. Frankly, it would be pretty silly to have such a Committee without the involvement of the Auditor General.

The non-participation of the Electoral Commissioner creates a vacant position on the Government Publicity Control Committee. However, in view of the evidence given before the Legislation Committee this vacancy is quite fortuitous.

A full page advertisement which is largely devoted to a photograph of the Premier of the day, a text which suggests he (or she) is warm, caring, honest, lovable, clever and approachable but which incidentally mentions services available for senior citizens is a misuse of public money.

In many cases it would also be misleading advertising.

However, a full page of text in tiny print with enormous factual detail about the services available to senior citizens would also be a waste of public money. Advertising which fails to attract the attention of the people to whom it is pitched is ineffective and wasteful no matter how correct the information contained in it nor how scrupulously non partisan its presentation.

Therefore, to get maximum value for the taxpayer's dollar, Government advertising must be truthful, non partisan and interesting.

With the greatest respect to both the Ombudsman and the Auditor General it is unlikely that they alone would have the skills to judge the efficacy of advertising styles. For this reason the Labor members have been influenced by the evidence before the Committee to modify our views concerning the composition of the Government Publicity Control Committee. We believe that the third member should be a person with a significant personal background in advertising.

The question of how to choose such a person is more difficult. One option is to give that power to the Premier. But what if he chose the head of the Government Party's own advertising agency? Another option would be to let the Parliament choose but this is a very cumbersome process and quite out of character with the normal activities of Parliament.

A third option would be to have an outside body like the Advertising Standards Council of Australia nominate a person. On balance, the Labor Members believe a hybrid to be the best option.

RECOMMENDATION 3.

That s 5 (1) of the legislation be amended to include in this committee at least one member who possesses a substantial

6.

background in the advertising industry.

That this person be appointed by the Premier from a list of three persons submitted by the Advertising Standards Council of Australia.

REASSESSMENT OF THE GOVERNMENT PUBLICITY COMMITTEE'S TERMS OF REFERENCE

Section 4 (1) defines "government publicity" to mean "any advertisement, promotional campaign, public relations campaign, announcement or means of publicising any governmental activities, programs or initiatives which are funded by government money."

Significant problems arise with a committee of this size and type pre-vetting all publicity as defined under the Bill. All witnesses agreed that apart from the onerous workload it would place on the committee members and secretariat, the additional burden government departments would face by being forced to submit all types of publicity for scrutiny by the committee and the resulting delay in getting government information into the public and private arena would be ultimately counterproductive.

The legislation committee thus received evidence from various government departments that the terms "government publicity" as defined by s4 of the Bill was unnecessarily wide.

The Labor Members were persuaded by this evidence and now recommend that for practical reasons of an administrative nature the definition of "government publicity" in s4 of the Bill be limited to "paid" advocacy style advertising by government departments.

RECOMMENDATION 4.

That the statutory definition of "government publicity" in s4 of the bill be narrowed to only "paid" government advertising issued in an advocacy style.

Most parties giving evidence expressed concern over the amount of work created by the pre-vetting scheme proposed under the Bill. The Government Information and Advertising Agency alone currently handles over 2000 "paid" advertisements per month and has submitted that it would require at least one extra staff member to assist the committee. The fact cannot be overlooked that at least two of the three proposed members of the Government Publicity Committee already have full time positions which place great demands on their time. Pre-vetting has the advantage of stopping controversial advertising before significant costs are incurred and before the offensive publicity has received any public exposure. However, apart from the immense workload it produces and the time delay it places on publicity, concerns were raised regarding the difficulties parties inexperienced with advertising may have in envisaging how the finished product will look.

Therefore a primarily reactive type of approach which only targets advertising previously identified as potentially falling

within the statutory definition of "government publicity for political purposes" in s4 and outside the guidelines seems to be most desirable. The Opposition Members feel that s6 of the Bill should be amended to redefine the Government Publicity Control Committee's primary functions as being to initiate its own review of any government publicity, at whatever stage in production, which it identifies as being outside the guidelines and to respond to external complaints received about specific issued government publicity.

We also believe that any part of the apparatus of Government should have the capacity to ask the Government Publicity Control Committee to pre-vet some publicity which they are concerned may be controversial

RECOMMENDATION 5.

That s6 of the legislation be amended to redefine the Government Publicity Control Committee's primary functions as solely to initiate its own review of government publicity which it considers to fall within the scope of the s4 legislative definition of "government publicity for political purposes" and in contravention of the formulated guidelines and to respond to external complaints received about particular issued government publicity.

However, nothing in this recommendation shall be construed so as to prevent any Government department or instrumentality from seeking a prior approval from the Government Publicity Control Committee for a particular piece of advertising.

SETTING THE GUIDELINES

The NSW Auditor General expressed reluctance to be involved in the formulation of guidelines. He views the task as a quasi-legislative function which goes beyond his traditional powers. Concern was raised that a separation of powers issue may arise when a committee such as this performs quasi-legislative, quasi-judicial and quasi-executive functions.

The submission of 24 September 1992 received from NSW Auditor-General said:

"It would thus be of assistance if the Government endorsed guidelines (or the Parliament enacted legislation) to assist the Auditor-General's evaluation process on the difficult question of 'propriety'."

The Auditor-General later expanded this point on his appearance before the Legislation Committee on 26 October 1992 -

Chairman: Now am I correct in thinking that the things that Mr Robson (the previous Auditor-General) was emphasising in his reports to Parliament was the lack of any guidelines on the nature of Government advertising which should be allowed?

Mr Harris: Without speaking for Mr Robson, I think I can say that if Parliament enacted, or if the Government adopted guidelines relating to advertising, it would certainly help in any audit of advertising the Auditor-General's Office may be favoured with.

Enactment of the guidelines in the legislation may allow for greater Parliamentary accountability, scrutiny and control. However, legislative enactment will have the effect of making the matter justiciable. The courts will be able to examine a complaint in light of any statutory definitions and in the absence of such definitions the courts will interpret in light of their own definitions. If the guidelines were formulated internally by the Committee then such interpretation by the courts would not take place.

Guidelines for government publicity have been enacted in legislation in the United Kingdom in the Local Government Act 1986 (U.K.) but in far less detail than the internal conventions governing the United Kingdom Civil Service.

Possible Legislative Options

- i. The guidelines could be enacted as a section or a schedule in the Bill and only able to be changed or abolished by amending legislation.

- ii. The guidelines could be placed in a schedule to the Bill with an associated clause in the Bill empowering the Committee to amend the guidelines by way of regulation.
- iii. The guidelines could be left entirely to the Committee to formulate (with perhaps greater guidance regarding form and content provided in the legislation) and a proviso placed in the Bill that such guidelines must be tabled in Parliament and subject to a 14 day disallowance period under the terms of the Interpretation Act 1901.

It is submitted that it is most desirable that the guidelines be formulated not by the Government Publicity Committee but by officers appointed by Parliament and drafted by Parliamentary Counsel as a schedule to the legislation with an associated clause empowering the Committee to make amendments by way of regulation.

5.2. CONTENT OF THE GUIDELINES

The Labor Members submit that the three broad criteria set out in the New Zealand Government advertising guidelines should be adopted in NSW.

- (1) It should be accurate, factual and truthful. Factual information should be outlined clearly and accurately. Comment on and the analysis of that information, to amplify its meaning, should be indicated as such.
- (2) It should be fair, honest and impartial. The material should be presented in unbiased and objective language, and in a manner free from partisan promotion of Government policy and political argument.
- (3) It should be lawful and proper. The material should comply with the law.

RECOMMENDATION 6.

That the government publicity guidelines be formulated by Parliamentary appointed officers external to the Government Publicity Committee and drafted by NSW Parliamentary Counsel in a schedule to the relevant legislation with an associated clause empowering the Committee to make amendments by way of regulation.

RECOMMENDATION 7.

That the New Zealand Government advertising guidelines form the basis of these NSW guidelines.

MACHINERY MATTERS. PROVISION FOR AUDIT OF THE COMMITTEE

As raised by the previous NSW Auditor-General in his letter of 19 March 1992 there is no provision made for this in the Bill and the legislation committee considers it desirable to provide for these to maximise the future independence and effectiveness of operation of the proposed committee.

RECOMMENDATION 8.

That provision be made in the legislation for audit of the Government Publicity Committee.

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There is a lack of detail contained in the Bill as to Government Publicity Committee procedure compared with other legislation setting up similar committees such as those established under the Regulation Review Act 1987 (N.S.W.) and the Public Finance and Audit Act 1983 (N.S.W.) and problems may potentially arise if the proposed committee procedure conflicts with the wishes of Parliament, e.g., if the committee proposes to call meetings only once a year. As the procedures for the Committee are contained in a schedule rather than in the body of the Bill more detailed procedures could be spelt out here with an associated clause in the legislation empowering the Committee to make changes by way of regulation. This would ensure procedural flexibility to the Committee while making any specific expectations of Parliament clear at the outset.

RECOMMENDATION 9.

That the legislation contain more detail as to the procedure of the Government Publicity Committee.

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Section 9 (2) of the Bill enables the Government Publicity Committee to limit expenditure on any government publicity which does not comply with the guidelines but it is not clear what this means. It would appear preferable to state that the committee should have the power to stop expenditure altogether.

If the Committee is to take the proposed reactive-type approach to advertisements which have already received public exposure then further powers must be given to the committee to immediately prevent advertisements from receiving any further public exposure.

As media is controlled by the Federal Government under Section 51 (v) of the Australian Constitution, it would be unlikely due to Section 109 of the Constitution that NSW would attempt to exercise much legislative control here. It is suggested that NSW Crown Solicitor advice be sought on how best to approach the issue. One answer may be that the legislation could contain a provision that all advertising contracts entered into by government departments be subject to a clause in the legislation which provides that they may be immediately withdrawn by the Committee if they are subject to an adverse ruling.

RECOMMENDATION 10.

That s9 (2) (c) of the Bill be amended to empower the Government Publicity Committee to not only limit expenditure on any government publicity which does not comply with the guidelines but to stop expenditure altogether.

RECOMMENDATION 11.

That the committee be equipped with the power to immediately withdraw advertisements which have received adverse Committee rulings from further public exposure within the shortest period of time possible and NSW Crown Solicitor's advice be sought on how best to do this.

Section 11(3) gives the Committee the power to choose not to investigate complaints. This section appears to be somewhat at odds with Sections 6 and 7 as there is no mention of a contravention of the guidelines. If Sections 6 and 7 are meant to be exhaustive of the powers given to the Committee it would appear that Section 11(3) should contain a subclause allowing the Committee to decline to investigate publicity which it considers either falls within their guidelines or outside the jurisdiction provided by their guidelines, particularly as Section 7(e) specifically gives the Committee the authority to inquire into complaints about publicity that is outside the guidelines.

In the interests of procedural fairness it may be useful to insert a subclause into Section 11(3) requiring the Committee to provide a statement of reasons on request to the complainant as to why they have declined to investigate a particular complaint, particularly as Section 11(3)(e) appears to give them such a large degree of flexibility in deciding not to investigate. This point will become extremely important if it is decided the Committee proceed purely on a reactive basis.

RECOMMENDATION 12.

That a subclause be inserted into S11(3) allowing the committee to decline to investigate publicity which it considers either falls within the guidelines or outside the jurisdiction provided by the guidelines.

RECOMMENDATION 13.

That another subclause also be inserted into s11(3) requiring the Committee to provide a statement of reasons on request to the complainant as to why the Committee has declined to investigate their particular complaint.

SPECIFIC EXCLUSIONS

Problems may exist with the lack of formal definition of the term "local authority" within the defined term "public authority" and a separate definition of this term may be desirable here. It is difficult to find a legislative definition of this term and it may be useful for future statutory interpretation to define this term in Section 4 or list in a schedule to the Bill the specific authorities effected.

Currently local government advertising is not conducted through the NSW Government Advertising Agency and separate controls may be needed in the legislation to bring it within the scope of Government Publicity Committee scrutiny. The general philosophy of the proposed Local Government Bill 1992 (NSW) which incorporates provisions which will make councils increasingly accountable to their local communities rather than to the NSW Government should also be kept in mind.

The previous NSW Auditor-General thus expressed concern about whether local government should be covered by the Bill arguing that it is "usually regarded as a separate tier of government and not part of the State Government arena".

The Committee however, heard evidence from the NSW Electoral Commissioner that a significant amount of complaints are received by him regarding local government advertising.

Mr Dixon: Many complaints I get refer to local government areas, where annual reports will be sent out during an election period by councils, and about the use of council letterhead by alderman, and the opening of government functions during an election period. Those are matters that are quite often raised with me.

Should the Government Publicity Committee follow the recommended reactive-style approach it may be administratively possible for the committee to consider local government publicity. However, on balance, it is probably best to exclude Local Government from the ambit of this Bill.

UNIVERSITY ISSUED PUBLICITY

The question was raised in Parliamentary debates on the Bill on 20 March 1992 as to whether tertiary institutions should be subject to the Bill. Clause 4 indicates that these institutions are subject to the Bill although this is not clearly spelt out in the definition of "public authority" in Section 4.

Most of the same arguments may be raised for the exemption of universities from the scheme as have been raised regarding the inclusion of local government particularly as tertiary institutions are not large advertisers and unlikely to conduct advertising of a partisan political nature.

RECOMMENDATION 14.

That local government and university publicity be excluded from the scope of the Bill.

Minority report from the ALP Members of the Legislation Review Committee on the Government Publicity Control Bill.

INTRODUCTION

The three ALP Members of the Committee produce this dissenting report with great regret. We had hoped that common ground could be found between the Government and Opposition Members which could form the basis of an agreed Bill. Throughout the Committee's extensive deliberations it appeared that we were moving in such a direction. Indeed, the Committee staff produced a first draft of a report for the Committee which encapsulated what both they and the Opposition Members felt was the emerging consensus.

However, our approach to a consensus on a modified Government Publicity Control Bill proved to be illusory with the 3 Government Members finally voting that there should not be any such Bill.

The Opposition Members support the need for legislation in this area. Our commitment is not related to which Party (or Parties) is in government. As the next election draws closer, and the Opposition moves closer to the prospect of becoming the Government, our support for this Bill is not diminished. For the Labor Party this Bill is not simply a tool to restrain the Coalition Government (though some of its behaviour which provoked the drafting of this Bill clearly needs to be restrained) but a mechanism to see that all Governments adhere to proper standards with regard to paid Government advertising.

THE ESSENTIAL DIFFERENCES

The Coalition position is that there should be no legislation to control a Government's use of taxpayers' funds for publicity purposes.

The Labor Members believe that such a restraint is essential. While we have modified our position on many details in the draft

Bill, we are resolute about five matters:

- (1) This highly controversial area, which is open to abuse by Governments of all political persuasions, needs legislation to regulate it.
- (2) There must be an impartial Committee which has the power to vet paid Government publicity but that its role should be essentially reactive rather than proactive.

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- (3) That Committee should administer clear, publicly available, guidelines about what is permissible in paid Government publicity.
- (4) Anyone with a grievance should have the right to complain to that impartial Committee which must then consider the complaint (and where appropriate investigate it).
- (5) Any part of the Government apparatus should have the option of submitting publicity in advance to the Committee to gain approval but that there be no requirement that it do so.

In summary, what the Labor Members want is a Bill which sets up an impartial Committee which then administers clear guidelines on Government publicity. Anyone who believes certain paid Government publicity is in breach of those guidelines can complain to the Committee. And anyone in Government who is concerned that a piece of proposed publicity may breach the guidelines can choose to have it vetted in advance.

INADEQUACY OF THE CURRENT SYSTEM

The internal guidelines for government advertising by NSW government departments are set by the government of the day and their compliance is monitored by the Government Information and Advertising Agency. The Agency is supposed to ensure that all departmental advertising complies with what the government of the day deems appropriate and does not compete with other government departments.

However, the Director, Government Information and Advertising Agency, Ms Colleen Moore, revealed in evidence before the Committee the inadequacy of this system. She acknowledged that the Agency's powers were purely recommendatory and the final say on whether to proceed with an individual advertisement or advertising campaign always lay with the government of the day.

Mr Knight: Are you saying that in spite of the existence of your agency, in spite of the existence of the guidelines, if the politicians of the day of whatever party say "What the hell! We are going to put in a political ad", that happens?

Ms Moore: That is so.

Mr Knight: There is no control?

Ms Moore: That is correct.

Mr Knight: What happens if you send an ad back and the department or the Minister wants to bat on with it?

Ms Moore: I would take it up with the Director General of the Premier's Department.

3.

Mr Knight: Who decides whether it goes ahead?

Ms Moore: The decision would be made by the Director General in consultation with the Premier

In essence, what is permissible is whatever the Government of the day considers appropriate. There is nothing to prevent a Government using taxpayers' money to run blatantly partisan political advertising under the guise of providing Government information as a community service.

Ms Moore's evidence supports the view of the Labor Members of the Committee that there must be an impartial body to regulate Government advertising.

RECOMMENDATION 1.

That a Government Publicity Committee be constituted under legislation to review government publicity issued in NSW.

WHO SHOULD BE ON THE COMMITTEE?

The original Bill proposed a Committee of 3 persons:

- . The NSW Electoral Commissioner
- . The NSW Ombudsman
- . The NSW Auditor General

In a letter to the Director General of the NSW Cabinet Office, the Electoral Commissioner, Ian Dickson, stated his objections to serving on such a Committee:

"It would be improper for me, as Electoral Commissioner to be involved in formulating guidelines, advising, monitoring, and reviewing expenditure and other related issues on the promotional publicity of public authorities."

Although Mr Dickson softened his position in evidence to the Committee - and even stated that the "Bill is commendable in trying to come to grips with this problem of government publicity"- he is clearly uncomfortable with the prospect of being given a role on the Government Publicity Control Committee. Despite the benefits that the impartiality of his office and the accumulated skills and knowledge which such an appointment would bring to that Committee, the Labor Members respect the wishes of the Electoral Commissioner.

RECOMMENDATION 2.

That the provisions for the Electoral Commissioner as a permanent member of this Government Publicity Committee be deleted and consideration be given to this officer serving this committee in a purely advisory capacity only.

The NSW Ombudsman, David Landa, when giving evidence before the Committee reaffirmed his willingness to participate in the Government Publicity Control Committee.

The position of the Auditor General is more equivocal. At the time that this Bill was first introduced the then Auditor General, Kenneth Robson, was opposed to serving on the proposed Government Publicity Control Committee. However, his successor, Tony Harris, was not so dismissive of the proposal. While Mr Harris did raise some practical difficulties he saw merit in the Auditor General having some role in auditing public funds spent on Government advertising.

The Auditor General already has a role in examining Government advertising, though this is done long after the money has been spent and the advertising has had its effect. As such, the Auditor General's existing role is insufficient to deal with the real and immediate problems which this Bill seeks to address.

However, because of the expertise being built up in his office and because of the Statutory independence of that office, it is sensible for the Auditor General to be a member of the Government Publicity Control Committee. Frankly, it would be pretty silly to have such a Committee without the involvement of the Auditor General.

The non-participation of the Electoral Commissioner creates a vacant position on the Government Publicity Control Committee. However, in view of the evidence given before the Legislation Committee this vacancy is quite fortuitous.

A full page advertisement which is largely devoted to a photograph of the Premier of the day, a text which suggests he (or she) is warm, caring, honest, lovable, clever and approachable but which incidentally mentions services available for senior citizens is a misuse of public money.

In many cases it would also be misleading advertising.

However, a full page of text in tiny print with enormous factual detail about the services available to senior citizens would also be a waste of public money. Advertising which fails to attract the attention of the people to whom it is pitched is ineffective and wasteful no matter how correct the information contained in it nor how scrupulously non partisan its presentation.

Therefore, to get maximum value for the taxpayer's dollar, Government advertising must be truthful, non partisan and interesting.

With the greatest respect to both the Ombudsman and the Auditor General it is unlikely that they alone would have the skills to judge the efficacy of advertising styles. For this reason the Labor members have been influenced by the evidence before the Committee to modify our views concerning the composition of the Government Publicity Control Committee. We believe that the third member should be a person with a significant personal background in advertising.

The question of how to choose such a person is more difficult. One option is to give that power to the Premier. But what if he chose the head of the Government Party's own advertising agency? Another option would be to let the Parliament choose but this is a very cumbersome process and quite out of character with the normal activities of Parliament.

A third option would be to have an outside body like the Advertising Standards Council of Australia nominate a person. On balance, the Labor Members believe a hybrid to be the best option.

RECOMMENDATION 3.

That s 5 (1) of the legislation be amended to include in this committee at least one member who possesses a substantial

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background in the advertising industry.

That this person be appointed by the Premier from a list of three persons submitted by the Advertising Standards Council of Australia.

REASSESSMENT OF THE GOVERNMENT PUBLICITY COMMITTEE'S TERMS OF REFERENCE

Section 4 (1) defines "government publicity" to mean "any advertisement, promotional campaign, public relations campaign, announcement or means of publicising any governmental activities, programs or initiatives which are funded by government money."

Significant problems arise with a committee of this size and type pre-vetting all publicity as defined under the Bill. All witnesses agreed that apart from the onerous workload it would place on the committee members and secretariat, the additional burden government departments would face by being forced to submit all types of publicity for scrutiny by the committee and the resulting delay in getting government information into the public and private arena would be ultimately counterproductive.

The legislation committee thus received evidence from various government departments that the terms "government publicity" as defined by s4 of the Bill was unnecessarily wide.

The Labor Members were persuaded by this evidence and now recommend that for practical reasons of an administrative nature the definition of "government publicity" in s4 of the Bill be limited to "paid" advocacy style advertising by government departments.

RECOMMENDATION 4.

That the statutory definition of "government publicity" in s4 of the bill be narrowed to only "paid" government advertising issued in an advocacy style.

Most parties giving evidence expressed concern over the amount of work created by the pre-vetting scheme proposed under the Bill. The Government Information and Advertising Agency alone currently handles over 2000 "paid" advertisements per month and has submitted that it would require at least one extra staff member to assist the committee. The fact cannot be overlooked that at least two of the three proposed members of the Government Publicity Committee already have full time positions which place great demands on their time. Pre-vetting has the advantage of stopping controversial advertising before significant costs are incurred and before the offensive publicity has received any public exposure. However, apart from the immense workload it produces and the time delay it places on publicity, concerns were raised regarding the difficulties parties inexperienced with advertising may have in envisaging how the finished product will look.

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within the statutory definition of "government publicity for political purposes" in s4 and outside the guidelines seems to be most desirable. The Opposition Members feel that s6 of the Bill should be amended to redefine the Government Publicity Control Committee's primary functions as being to initiate its own review of any government publicity, at whatever stage in production, which it identifies as being outside the guidelines and to respond to external complaints received about specific issued government publicity.

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However, nothing in this recommendation shall be construed so as to prevent any Government department or instrumentality from seeking a prior approval from the Government Publicity Control Committee for a particular piece of advertising.

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The NSW Auditor General expressed reluctance to be involved in the formulation of guidelines. He views the task as a quasi-legislative function which goes beyond his traditional powers. Concern was raised that a separation of powers issue may arise when a committee such as this performs quasi-legislative, quasi-judicial and quasi-executive functions.

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Most of the same arguments may be raised for the exemption of universities from the scheme as have been raised regarding the inclusion of local government particularly as tertiary institutions are not large advertisers and unlikely to conduct advertising of a partisan political nature.

RECOMMENDATION 14.

That local government and university publicity be excluded from the scope of the Bill.

GOVERNMENT PUBLICITY CONTROL BILL 1992

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are:

- (a) to ensure that, as far as possible, public money is not expended on government publicity for a partisan political purpose; and
- (b) to constitute a committee to scrutinise, and formulate guidelines for, government publicity which appears to the committee to have the capacity, in whole or in part, of being used for that purpose.

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 contains a brief description of the objects of the proposed Act.

Clause 4 defines the expressions used in the proposed Act. These include "government publicity" (which is defined to include all methods of publicising governmental activities, programs and initiatives that are funded by public money) and "public authority" (which is defined to include not only government departments but also statutory bodies such as state owned corporations, universities and local councils).

PART 2—SCRUTINY OF PUBLICITY AND GUIDELINES

Clause 5 provides for the constitution of the Government Publicity Committee. The Committee is to consist of the Auditor-General, the Electoral Commissioner and the Ombudsman.

Clause 6 requires the Committee to identify government publicity which appears to the Committee to have the capacity or to be likely to have the capacity, in whole or in part, to influence public support for a State political party, candidate for election or member of a House of Parliament.

Government Publicity Control 1992

Clause 7 sets out the other functions of the Committee. These include the formulation of guidelines for government publicity and the scrutiny of expenditure on government publicity.

Clause 8 specifies the matters which may be covered by the guidelines. The Committee is authorised to include recommendations as to the appropriate content, style, method of dissemination and cost of government publicity. The guidelines are to be published in the Government Gazette.

Clause 9 requires the head of a public authority to ensure that the public authority complies with the guidelines and any orders made by the Committee in connection with deviations from the guidelines.

Clause 10 enables the Committee to require a public authority to submit a report to it detailing expenditure on government publicity and the purposes of that publicity.

Clause 11 enables complaints to be made to the Committee in relation to government publicity and provides for the Committee to inquire into such a complaint if the Committee believes the complaint is justified.

Clause 12 enables the Committee to use the services of the staff or facilities of a public authority.

Clause 13 enables members of the Committee to nominate senior officers within their own authorities as their alternates on the Committee.

Clauses 14–17 require the Committee to make an annual report to each House of Parliament and enable it to make special reports to Parliament in relation to matters concerning its functions which it feels should be brought to the public notice.

Clause 18 provides for the making of regulations. The regulations may exempt a public authority from compliance with any provision of the proposed Act but such a regulation may only be made on the recommendation of the Committee.

Schedule 1 makes provision for procedural matters such as the quorum for meetings of the Committee.

GOVERNMENT PUBLICITY CONTROL BILL 1992

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are:

- (a) to ensure that, as far as possible, public money is not expended on government publicity for a partisan political purpose; and
- (b) to constitute a committee to scrutinise, and formulate guidelines for, government publicity which appears to the committee to have the capacity, in whole or in part, of being used for that purpose.

PART 1—PRELIMINARY

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent.

Clause 3 contains a brief description of the objects of the proposed Act.

Clause 4 defines the expressions used in the proposed Act. These include "government publicity" (which is defined to include all methods of publicising governmental activities, programs and initiatives that are funded by public money) and "public authority" (which is defined to include not only government departments but also statutory bodies such as state owned corporations, universities and local councils).

PART 2—SCRUTINY OF PUBLICITY AND GUIDELINES

Clause 5 provides for the constitution of the Government Publicity Committee. The Committee is to consist of the Auditor-General, the Electoral Commissioner and the Ombudsman.

Clause 6 requires the Committee to identify government publicity which appears to the Committee to have the capacity or to be likely to have the capacity, in whole or in part, to influence public support for a State political party, candidate for election or member of a House of Parliament.

Government Publicity Control 1992

Clause 7 sets out the other functions of the Committee. These include the formulation of guidelines for government publicity and the scrutiny of expenditure on government publicity.

Clause 8 specifies the matters which may be covered by the guidelines. The Committee is authorised to include recommendations as to the appropriate content, style, method of dissemination and cost of government publicity. The guidelines are to be published in the Government Gazette.

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Clause 12 enables the Committee to use the services of the staff or facilities of a public authority.

Clause 13 enables members of the Committee to nominate senior officers within their own authorities as their alternates on the Committee.

Clauses 14–17 require the Committee to make an annual report to each House of Parliament and enable it to make special reports to Parliament in relation to matters concerning its functions which it feels should be brought to the public notice.

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FIRST PRINT

GOVERNMENT PUBLICITY CONTROL BILL 1992

NEW SOUTH WALES



TABLE OF PROVISIONS

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SCHEDULE 1—PROCEDURE OF THE COMMITTEE

GOVERNMENT PUBLICITY CONTROL BILL 1992

NEW SOUTH WALES



No. , 1992

A BILL FOR

An Act to provide for the scrutiny of, and guidelines for, government publicity which has or is likely to have the capacity, in whole or in part, to influence public support for a political party or its candidates or for a member of a House of Parliament; and for other purposes.

Government Publicity Control 1992

The Legislature of New South Wales enacts:

PART 1—PRELIMINARY

Short title

1. This Act may be cited as the Government Publicity Control Act 1992.

Commencement

2. This Act commences on the date of assent.

Objects

3. The objects of this Act are:

- (a) to ensure that, as far as possible, public money is not expended on government publicity for a partisan political purpose; and
- (b) to constitute a committee to scrutinise, and formulate guidelines for, government publicity which appears to the committee to have the capacity or to be likely to have the capacity, in whole or in part, of being used for that purpose.

Definitions

4. (1) In this Act:

“**candidate**”, in relation to an election, means a person nominated as a candidate at the election in accordance with the Parliamentary Electorates and Elections Act 1912;

“**Committee**” means the Government Publicity Committee constituted by this Act;

“**election**” means an election of any member or members of the Legislative Assembly or a periodic Council election (within the meaning of section 3 of the Constitution Act 1902);

“**Electoral Commissioner**” means the Electoral Commissioner for New South Wales appointed under the Parliamentary Electorates and Elections Act 1912 and includes a person duly acting as the Electoral Commissioner;

“**government publicity**” means any advertisement, promotional campaign, public relations campaign, announcement or means of publicising any governmental activities, programs or initiatives which is funded by public money;

“**guideline**” means a guideline formulated under section 7;

Government Publicity Control 1992

“party” means a body or organisation, incorporated or unincorporated, having as one of its objects or activities the promotion of the election to Parliament of a candidate or candidates endorsed by it or by a body or organisation of which it forms part, and includes any coalition of bodies or organisations having such objects or activities;

“public authority” means a public or local authority constituted by or under any Act, a government department or a statutory body representing the Crown or subject to the control and direction of a Minister, and includes a person exercising functions on behalf of the authority, department or body.

(2) In this Act:

- (a) a reference to a function includes a reference to a power, authority and duty;
- (b) a reference to the exercise of a function includes, where the function is a duty, a reference to the performance of the duty.

PART 2—SCRUTINY OF PUBLICITY AND GUIDELINES

Government Publicity Committee

5. (1) There is constituted by this Act a Government Publicity Committee.

(2) The Committee is to consist of:

- (a) the Auditor-General, who is to be Chairperson of the Committee; and
- (b) the Electoral Commissioner; and
- (c) the Ombudsman.

(3) Schedule 1 has effect with respect to the procedure of the Committee.

Identification of government publicity for political purposes

6. The Committee is to identify government publicity which appears to the Committee to have the capacity or to be likely to have the capacity, in whole or in part, to influence public support for a political party, a candidate for election or a member of a House of Parliament.

Other functions of Committee

7. The Committee also has the following functions:

- (a) to formulate guidelines for government publicity;

Government Publicity Control 1992

- (b) to provide advice, at the request of a public authority, as to whether any publicity on which it proposes to incur expenditure meets the guidelines;
- (c) to monitor and review expenditure by public authorities on government publicity;
- (d) to examine and review the practices and procedures of public authorities in securing government publicity;
- (e) to inquire into any complaint made to it that expenditure has been incurred by a public authority on government publicity that is outside the guidelines.

Content of guidelines

8. (1) The guidelines are to recommend the matters to be taken into account by public authorities in determining whether to incur expenditure on government publicity.

(2) The guidelines may include recommendations regarding the appropriate content and style, method of dissemination and cost of government publicity.

(3) The Committee may amend the guidelines.

(4) The guidelines and any amendments to the guidelines are to be published in the Gazette.

Compliance with guidelines

9. (1) The head of a public authority must ensure that the public authority complies with the guidelines and with any order made by the Committee under this Act.

(2) The Committee may order a public authority to do any one or more of the following:

- (a) to stop the dissemination of any government publicity that does not comply with the guidelines and for which it has incurred or will incur expenditure;
- (b) to modify the content, style or method of dissemination of any such government publicity so that it will comply with the guidelines;
- (c) to limit expenditure on any such government publicity so that it will comply with the guidelines.

(3) For the purposes of this Act, the “**head of a public authority**” for:

- (a) a government Department—is the appropriate Department head; and
- (b) a public authority which is an individual—is the individual; and

Government Publicity Control 1992

- (c) a public authority which is a corporation sole—is the corporation sole; and
- (d) any other public authority—is the person who exercises the functions of chief executive officer of the authority.

Reports on expenditure

10. The Committee may require a public authority to prepare and submit to the authority a report detailing its expenditure on government publicity and the purposes of that publicity.

Complaints

11. (1) Any person may complain to the Committee that a public authority has improperly incurred expenditure on government publicity.

(2) A complaint must be in writing.

(3) The Committee need not inquire into a complaint made to it if, in the opinion of the Committee:

- (a) the government publicity is not of a kind identified by it under section 6; or
- (b) the complaint is frivolous or vexatious; or
- (c) the subject-matter of the complaint is trivial; or
- (d) the conduct complained of occurred too long before the complaint to justify an inquiry; or
- (e) it would for any other reason be inappropriate to do so.

(4) The Committee is to notify the head of the public authority concerned before it conducts an inquiry into a complaint against the public authority.

Use of staff

12. The Committee may arrange for the use of the services of any staff (by secondment or otherwise) or facilities of any public authority.

Alternate members

13. (1) A member of the Committee may nominate an appropriate officer to exercise the functions of the member under this Act.

(2) For the purposes of this section, an “appropriate officer” for:

- (a) the Electoral Commissioner—is a senior officer of the State Electoral Office; and

Government Publicity Control 1992

- (b) the Auditor-General—is a senior officer in the Auditor-General's Office; and
- (c) the Ombudsman—is a senior officer of the Ombudsman's Office.

Annual report of Committee to Parliament

14. (1) As soon as practicable after 30 June (but not later than 31 December) in each year, the Committee is to prepare and forward to the Presiding Officer of each House of Parliament a report of its activities for the 12 months ending on 30 June in that year.

(2) A report is to include the following:

- (a) a description of any expenditure on government publicity which, in the opinion of the Committee, was improperly incurred by a public authority;
- (b) a description of any government publicity which was the subject of complaint to and inquiry by the Committee;
- (c) a description of any government publicity which the Committee is satisfied does not comply with the guidelines or that has been disseminated in disregard of any order of the Committee.

Special report

15. The Committee may, at any time, prepare and forward to the Presiding Officer of each House of Parliament a special report on any matter relating to the functions of the Committee which, in the opinion of the Committee, should be brought to the attention of Parliament.

Provisions relating to reports

16. (1) A copy of a report forwarded to the Presiding Officer of a House under this Part is to be laid before the House within 15 sitting days of the House after it is received by the Presiding Officer.

(2) The Committee may include in a report a recommendation that the report be made public as soon as possible.

(3) The Presiding Officer may make public a report including such a recommendation whether or not the House is in session and whether or not that report has been laid before the House.

(4) A report that is made public by the Presiding Officer of a House before it is laid before the House attracts the same privileges and immunities as if it had been laid before the House.

Government Publicity Control 1992

References to Presiding Officer

17. (1) References in this Part to a Presiding Officer are references to the President of the Legislative Council or the Speaker of the Legislative Assembly.

(2) The reference to the President is taken to be a reference to the Clerk of the Legislative Council during a vacancy in the office of President.

(3) The reference to the Speaker is taken to be a reference to the Clerk of the Legislative Assembly during a vacancy in the office of Speaker.

Regulations

18. (1) The Governor may make regulations, not inconsistent with this Act, for or with respect to any matter that by this Act is required or permitted to be prescribed, or that is necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

(2) The regulations authorised by this section include regulations that make provision for or with respect to:

- (a) requiring the making, keeping and auditing of records of expenditure by public authorities on government publicity; and
- (b) requiring or otherwise providing for the production, examination and copying of those records; and
- (c) the exemption of any public authority or of acts, matters or things from all or any of the provisions of this Act; and
- (d) the disciplinary proceedings or disciplinary action that may be taken against any officer of a public authority responsible for a failure to meet the guidelines or the requirements of this Act.

(3) A regulation under subsection (2) (c) may be made only on the recommendation of the Committee.

SCHEDULE 1—PROCEDURE OF THE COMMITTEE

(Sec. 5 (3))

General procedure

1. The procedure for the calling of meetings of the Committee and for the conduct of business at those meetings is to be as determined by the Committee.

Quorum

2. The quorum for a meeting of the Committee is 2 members of the Committee, one of whom must be the Chairperson.

Government Publicity Control 1992

SCHEDULE 1—PROCEDURE OF THE COMMITTEE—*continued*

Voting

3. A decision supported by a majority of the votes cast at a meeting of the Committee at which a quorum is present is the decision of the Committee.

Presiding member

4. The Chairperson has a deliberative vote and, in the event of an equality of votes, has a second or casting vote.

First meeting

5. The Chairperson is to call the first meeting of the Committee.

Member with interest in government publicity

6. (1) A member of the Committee who has an interest in any government publicity of a public authority because the member is an officer of the authority must not take part in any decision of the Committee with respect to the government publicity.

(2) A contravention of this clause does not invalidate any decision of the Board.

LEGISLATION COMMITTEE UPON THE GOVERNMENT PUBLICITY CONTROL BILL 1992

Proceedings of the Hearing on 25 September, 1992

Parliament House

Present:

Mr A A Tink (Chairman)
Mr P L Cochran, MP
Mr I Glachan, MP

Mr M Knight, MP
Ms S Nori, MP
Mr G E Thompson, MP

The committee met at 9.00am and the hearing was opened to the public.

Ms Colleen Jeanette Moore, Director, Government Information and Advertising, Commercial Seminars Group was sworn and acknowledged receipt of summons. The witness was examined and then withdrew.

Mr Edward Ian Dixon, Electoral Commissioner for New South Wales, was sworn and examined and then withdrew.

Mr Terry Ryan, Policy Director, NSW Farmers Association was sworn and examined. The witness then withdrew.

Ms Suzanne Amalia Netterfield, Director, Marketing and Media, NSW Police Service, was Sworn and examined. The witness then withdrew.

The committee adjourned at 1.20pm.



Chairman



Clerk



PARLIAMENT OF NEW SOUTH WALES
LEGISLATIVE ASSEMBLY

**COMMITTEE ON THE GOVERNMENT PUBLICITY
CONTROL BILL 1992**

Minutes of the Meeting held 3 September, 1992 at
6.00pm in Parliament House, Sydney

Mr Tink, MP (Chairman)

Mr Glachan, MP
Mr Knight, MP

Mr Thompson, MP
Mr Cochran

Apologies: Ms Nori

The Chairman spoke to the draft Discussion Paper, which had previously been circulated.

The Committee discussed the draft report and agreed that the draft document, as amended, shall be printed and tabled on the next sitting day.

Arrangements for the hearing on 25 September were discussed.

Meeting adjourned 7.10pm, until 25 September, 1992.

Chairman

Clerk

Mr Tink made his acknowledgements to the Committee.

Procedural Motions

Resolved, on the motion of Mr Cochran, seconded by Ms Chikarovski:

"That the procedural motions, as circulated, be agreed to".

Staffing Arrangements

The committee discussed staffing needs and

Resolved, on the motion of Mr Cochran, seconded by Ms Nori:

"That a temporary Project Officer be appointed and the Clerk-Assistant (Committees) conduct interviews to recommend a candidate for approval by the Chairman and Committee".

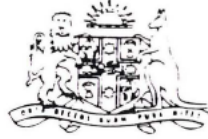
Timetable

The committee agreed to examine the background material provided and to meet again at 9.30 a.m. on Monday 18th May to discuss a timetable for the inquiry and identify contentious matters.

There being no further business, the Committee adjourned at 3.55 p.m. until Monday 18th May, at 9.30 a.m.

.....
Chairman

.....
Clerk



PARLIAMENT OF NEW SOUTH WALES
LEGISLATIVE ASSEMBLY

LEGISLATION COMMITTEE ON THE GOVERNMENT PUBLICITY
CONTROL BILL 1992

PROCEEDINGS

Friday 8 May, 1992
At 3.30pm, Parliament House, Sydney

MEMBERS PRESENT

Ms Chikarovski	Mr Cochran
Mr Knight	Ms Nori
Mr Thompson	Mr Tink

Also in attendance: Russell Grove, Clerk of the Legislative Assembly, Ronda Miller, Clerk-Assistant (Committees), Amanda Olsson, Project Officer, Kendy McLean, Assistant Committee Officer

The Clerk of the Legislative Assembly opened the meeting and referred to the following:

Portion of entry no 5, Votes and Proceedings of the Legislative Assembly, 27 March, 1992:

(2) Mr Whelan move, pursuant to a resolution of the House on 26 March 1992, That-

(1) The Government Publicity Control Bill be referred to a legislation committee.

(2) Such committee consist of-

(a) 3 members supporting the Government nominated by the Premier in writing to the Clerk of the Legislative Assembly;

(b) 3 members not supporting the Government nominated by the Leader of the Opposition in writing to the Clerk of the Legislative Assembly; and

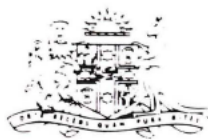
(3) The committee report by 25 September 1992.

Question put and passed.

Election of a Chairman

Resolved, on motion of Ms Chikarovski, seconded by Mr Cochran:

"That Mr Tink be elected Chairman of the Committee".



PARLIAMENT OF NEW SOUTH WALES
LEGISLATIVE ASSEMBLY

COMMITTEE ON THE GOVERNMENT PUBLICITY CONTROL BILL 1992

**Proceedings of the Hearing on 26 October, 1992 in the
Waratah Room, Parliament House.**

Present:

Mr Andrew Tink, MP, (Chairman)

Mr Peter Cochran, MP
Mr Michael Knight, MP

Ms Sandra Nori, MP
Mr George Thompson, MP

Apologies: Mr Ian Glachan, MP

The hearing opened at 11.00am.

Mr Colin John Harcourt, Executive Director, Advertising Standards Council, was sworn and acknowledged receipt of summons. The witness tabled his submission and was then examined by the Committee.

Mr Anthony Clement Harris, Auditor-General of NSW was sworn and acknowledged receipt of summons. The witness tabled his submission and was then examined by the Committee.

Mr David Evatt Landa, NSW Ombudsman, took the oath and acknowledged receipt of summons. The witness was examined by the Committee.

The meeting then went into deliberative mode.

The Committee adjourned at 1.25pm.

Chairman

Clerk



SELECT COMMITTEE ON GOVERNMENT PUBLICITY

CONTROL BILL 1992

MINUTES OF PROCEEDINGS

25 November 1992

Waratah Room, Parliament House

Members Present

Peter Cochran, MP	Andrew Tink, MP(Chairman)	Michael Knight, MP
Ian Glachan, MP		George Thompson, MP

The Chairman spoke to the Salient Issues Paper, which had previously been circulated to Members.

The Committee agreed that the Project Officer should expand on those issues from the submissions and hearing evidence received by the Committee and that this would be circulated by the Chairman to the rest of the Committee for comment.

Resolved, on the motion of Mr Glachan, seconded by Mr Knight:

"That all necessary steps be taken to extend the Committee's reporting date until 31 March 1993 and the Committee be permitted to meet over the adjournment of the House."

There being no further business, the Committee adjourned at 4.10pm.



Chairman



Clerk



SELECT COMMITTEE ON GOVERNMENT PUBLICITY

CONTROL BILL 1992

MINUTES OF PROCEEDINGS

1st April, 1993

Room 812/813, Parliament House

Present: Andrew Tink, MP(Chairman)
Peter Cochran, MP
Ian Glachan, MP
Michael Knight, MP
Sandra Nori, MP
George Thompson, MP

Also present were the Project Officer, Catherine Watson and Assistant Committee Officer Kendy McLean.

The meeting commenced at 9.15am.

After discussion on the report prepared by the Project Officer, the Chairman noted the difficulties in gaining consensus. As the Government members decided to reject the legislation, Mr Michael Knight noted that he would be preparing a dissenting view.

The Committee agreed to meet on 21 April, 1993 to consider the Chairman's draft report.

Chairman

Clerk



SELECT COMMITTEE ON GOVERNMENT PUBLICITY

CONTROL BILL 1992

MINUTES OF PROCEEDINGS

21st April, 1993
Room 1136, Parliament House

Present

Andrew Tink, MP(Chairman)

Peter Cochran, MP
Ian Glachan, MP

Michael Knight, MP
Sandra Nori, MP

Also present were the Project Officer, Catherine Watson and Assistant Committee Officer Kendy McLean.

The meeting commenced at 9.35am.

Resolved, on motion of Mr Glachan, seconded by Mr Cochran:

"That the Chairman's draft report be adopted".

The Committee also resolved the motion moved by Mr Knight, seconded by Ms Nori:

"That the Committee adopt a dissenting report".

The Committee decided that the minority report would be made available on Tuesday, 27 April.

The meeting closed at 9.40am.

Chairman

Clerk