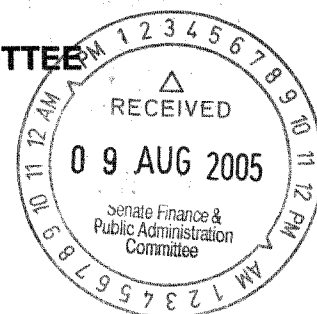


**ADDITIONAL SUBMISSION TO THE AUSTRALIAN SENATE,
FINANCE AND PUBLIC ADMINISTRATION REFERENCES COMMITTEE**

by

**Senator the Hon Eric Abetz
Special Minister of State**



This Additional Submission will address the issues raised in the submissions made by others to the Committee.

OVERVIEW

To begin with, I note that the terms of reference for this inquiry have changed since the reconvening of Parliament following the 2004 Federal Election. Senator Forshaw now appears to have deliberately sought to exclude examination of the advertising policies and practices of the State Labor Governments. If the Committee were interested in a genuine inquiry, then comparative government communications activities would be an essential element.

There were no structural problems with the previous terms of reference, so I can only conclude that Labor Senators are too scared of comparing the honest, open and accountable practices of the Australian Government with the activities of the Labor states. If I am wrong in this assessment, then perhaps Senator Forshaw could give a detailed explanation about why there was an absolute necessity to change the terms of reference between the two inquiries?

In relation to the submissions themselves, both the number and quality of submissions made to this inquiry can only be described as 'pathetic'. The fact that there were only seven submissions from people and entities outside of the Executive says much about the accusations from the critics regarding 'widespread concern' about Government information campaigns. Not one 'ordinary Australian' had anything to say about this matter.

Instead we are left with dissertations from two partisan Labor Party supporters; two academics from the same Law School at the same university in Queensland; a Left-wing NGO; another academic whose antipathy to me is on the public record, and the Clerk of the Senate, whose expertise is at best questionable.

Their submissions are riddled with falsities, errors and political 'spin'. It is only appropriate that this inquiry, which was set up for partisan purposes, should be so underwhelmed with submissions, even from the Left.

SUBMISSION #1 – Public Health Association

The Public Health Association is a Left-wing non-government organisation (NGO) which has repeatedly criticised the Howard Government, and aligned itself with opponents of the Government on issues which have nothing to do with public health, such as the Free Trade

Agreement¹ and the liberation of Iraq². As an aside, I assume the PHA opposes both our "Tough on Drugs" and "Strengthening Medicare" campaigns.

Fortunately, their submission is the shortest and thus contains mercifully fewer errors.

"The processes used by the ... MCGC are highly opaque and consequently are not conducive to either good administration or public accountability"

The PHA attempts to justify this assertion by reference to the 'Domestic Violence' campaign that, ironically, was subjected to many hours of detailed questioning in Senate Estimates.

"the outcomes that are achieved due to these campaigns are rarely assessed against the cost of undertaking them"

This is a false and unsupported assertion. All such campaigns are supported by appropriate independent research, which is fed back into the planning processes of, in the case in point, the Department of Health and Ageing. Often the cost of not undertaking them is high, in terms other than dollars, eg. domestic violence. In other cases, the cost is high because it encourages citizens to exercise their rights by accessing benefits.

"barely disguised political advertising ... the saturation campaign on the 'new' Medicare"

A false, unsupported assertion. Independent research found that people were unaware of the implications of the new system and, moreover, the Health Insurance Commission was not able to determine from the information that was already held by them, which people were in families for the 'safety net' component of 'Strengthening Medicare'. If widespread notification were not given, many people living in family situations would be incorrectly listed as 'singles' and would not obtain the benefit of the new threshold arrangements.

"the government has initiated several other very high profile advertising campaigns that may be considered by some to be more like party political advertising than government public information"

Which campaigns? "Considered by some" – who? Where is the quantitative evidence for that opinion? These undocumented and unsupported assertions are unfortunately indicative of the rush for rhetoric over reasoned rigour, as is the assertion:

"current reporting of costs of campaigns seems to be understated by the government"

In truth, the full cost of information activities, including production and research, can easily be ascertained in departments' Annual Reports.

¹ Media Release, 29 October 2003; see also Joint Statement with such groups as the ACTU, ACOSS, ACF, Doctors' Reform Society and Australian Writers' Guild, 2 August 2004, on the AMWU web site.

² <http://homes.jcu.edu.au/~edu-tmo1/tom/sainsbury.html>

SUBMISSION #2 – Graeme Orr

“Figures ... demonstrate what ordinary Australians have felt for years. We are bombarded by soft-soap government ad campaigns, particularly in the lead-up to elections”

Three points need to be made. Firstly, there is no quantitative evidence presented for what this academic purports as the view of “ordinary Australians”. Secondly, the use of pejoratives like “soft-soap” in the second paragraph immediately undermines any pretence of academic distance and objectivity. Thirdly, it is more likely that the timing of communications is a function of when announcements of the Budget are made, not when elections are held.

It is worth spending some time on this final point, to dispel the false syllogism that proximity equates to cause. There is an entirely different reason.

Since 1996, Budgets take place in May and Federal Elections have all taken place in the second half of the year. Major policy announcements that would necessitate Government information campaigns normally take place at Budget time.

Given the confidential nature of Budget planning, policy proposals cannot be sent out for development by advertising agencies before their release on Budget night. The announcement is made in May, but Ministerial approval, research, development of a campaign and finally MCGC approval may take several weeks or even months. Thus it is not surprising to find that many Government campaigns take place in mid-to-late year, but rather it is the expected outcome of the policy-development-production-release timeline. Indeed, an additional factor to consider is that many policies are time sensitive and commence at the start of the financial year, adding further pressure on the June-July period of time.

For that reason, those who seek to read something sinister into the timing of campaigns in the last 6 months before an Election are pre-supposing a level of cynicism and co-ordination that simply does not exist. They would be surprised to learn that, while multiple campaigns were running in the first two weeks of July 2004, there were no campaigns running in the last two weeks of August 2004. Such information comes as no surprise, however, to those familiar with the MCGC process. Why? Because the majority of programs announced in the 2004 Budget had been explained to their key audiences and could then go off air.

“They thus threaten to outflank the system of public funding of elections”

Again, a bland assertion without any foundation. Under the Howard Government, information campaigns are not for party political purposes and to conflate the two is, at best, misleading and, at worst, a slander on the name of those fine public servants who oversee the entire process of information campaigns. There is no competition between the two forms of advertising – they are entirely separate and do not cross into each other’s territory.

The MCGC does not perform any pro-active role – it merely examines material that is presented to it by individual Ministers and cleared by their Departmental officials. The

MCGC reacts to these approaches. It does not instigate them. Unless it is suggested that there is some body which co-ordinates advertising for political advantage, then such assertions are little more than unsubstantiated ramblings. I am not aware of any such body.

"We hear evidence from time to time of governments in Australia favouring polling companies and market research consultants because their party machine trusts them"

False and scurrilous and, yet again, notable for the fact that there is not one shred of evidence presented or one footnote to validate this assertion. In fact the reverse is arguably true. The Liberal Party places great credence on the work of the firm CrosbyTextor – yet they have never been invited to present to the MCGC. In my days at Law School, you would be penalised for lack of evidence to support an assertion, and the Committee has an obligation to test Dr Orr's unreferenced statements. The only favouritism I can recall is when the Labor Party used Bill Hunter in its 'Working Nation' advertisements, only to see him reappear in the 1996 Labor Party election campaign ads.

"A few, notably print journalists aside, [sic] that media has failed to do its job on the issue of government advertising"

This assertion can be easily disproved by a simple word search on the media clips section of the 'Parl Info' database. According to Parl Info, since 1 January 2000, there have been 1,524³ separate articles on 'government advertising', and that does not include syndicated stories and columns and the regular *faux* indignation indulged in by radio and TV journalists. This lack of basic research undermines the submission.

"immodest in size, cost or tenor"

As determined by whom? A representative group of law school academics, perhaps? The last two financial years of the Keating Labor government showed an average real spend of \$100m. In the last two full financial years of the current government, the spend averaged \$106m.⁴ Why, then, are our campaigns the subject of such criticism?

"Government does not exist to 'sell' us stuff"

Such self-serving assertions, which are not disputed, hardly add rigour to what is a submission by an academic. The Government does have an obligation to inform its citizens of their rights and their responsibilities. One of the fundamental tenets of the law is that there should be no 'secret' laws to entrap individuals. The days of the 'town crier' are gone, and their gap is now filled by legitimate Government communication activities.

Yet at times, especially on social change issues, the Government must try to "sell" its message, such as the campaigns to change behaviour on smoking, drinking, illicit drugs, domestic violence and even things such as Australian citizenship. In the latter, we are trying to 'sell' the idea that there are material and intangible benefits to be gained from taking out Australian citizenship. Does Dr Orr consider this to be an unworthy activity?

³ As of 9 August 2005

⁴ 'Federal Government Advertising', Dr Richard Grant, Research Note 62, Parliamentary Library, 2004.

"the 1998 promotion was much more clearly political"

Yet that was not the view of the Commonwealth Auditor General, who stated that "the ANAO concluded that the Government acted legally and officials acted ethically".⁵ Dr Orr, who was not a part of the detailed investigation, seeks to assert his less-informed judgement over that of the Auditor-General who had access to all available evidence.

"This implies that someone other than the government is at fault for 'misrepresentation' – as if the problem were in the eye of the beholder"

This is exactly the problem with the ANAO/JCPAA recommendations as written, as I demonstrated in my first submission. If, as they propose, an ad fails to meet the standard because it can be misinterpreted as "party political", then any ad could fail because the misinterpretation of the message as "party political" is in the eye of the beholder, not the Government (see pp.4-6 of my original submission for an expansion of this point).

"the political context, including whether the issue or theme of the ad is subject to partisan or public disagreement (especially between parties, but including wider political speech, such as debate in the media)"

Surely the most reckless of all Dr Orr's recommendations, unless it is his purpose to enact rules so as to ban all Government information campaigns. In the Senate, the Greens Party voted against the Government 97.5% of the time in divisions.⁶ And even assuming the Greens Party support anything the Government does – a fairly radical assumption – Dr Orr's plan would allow the advertising to be effectively vetoed by disgruntled opinion writers or partisan journalists.

Indeed, Dr Orr himself admits that it is a "subjective task of determining undue 'politicalness' in particular campaigns".⁷

"It can be hardly, then, be said that individual campaigns are to be scrutinised in isolation"

So how can they be judged? Surely Dr Orr is not suggesting you look at every campaign being run and go with 'the vibe'.

"a Parliamentary Committee on which it had a majority"

True, but there was also a highly critical, highly unusual and devastating dissenting statement from the only person on that committee who had any real knowledge and experience with Government information campaigns, Mr Petro Georgiou, MP.

*"Surely the over-arching principle ... should be **prudence** ... to err on the side of caution"*

No, the over-arching principle is that all Australians, not just law lecturers and other Government Gazette readers, should have access to information about their legal rights

⁵ ANAO Report No.12, 1998-1999, 'Taxation Reform: Community Education and Information Programme', p.14

⁶ "Voting Patterns in Divisions – Senate 2003", compiled by the Senate Statistics Unit, Senate Table Office

⁷ Submission, "Inquiry into Government Advertising", July 2004, p.10

and responsibilities. If the principle were prudential non-publication of any advertising which may be misinterpreted as “party political”, then there would be no Government information campaigns whatsoever.

“one-off family bonus”

This is a highly complex area, based on the circumstances of individual families. There was an undeniable need for those who had not received this payment, but were eligible for it, to be informed of its existence and the method of claiming it. There was also a need to inform recipients to expect this money, so as not to alarm people and jam call centres with unwarranted fears of overpayments.

“Strengthening Medicare ... a campaign designed to assist patients rather than ‘puff’ a government’s position would surely have focused itself on written information”

Assisting people is exactly what the campaign did – there was the mass media notification of the changes followed by a booklet, that was delivered to every household, which explained matters in detail. This is a standard and highly reasonable technique, namely raise awareness that changes have taken place and then provide detailed information that is relevant to particular categories of individuals in written form. Indeed, the booklet itself contained the essential registration form.

“domestic violence, whose motherhood nature is unexceptional”

Would that it were the case. In fact, around two-thirds of all letters I received on this matter were critical of the campaign – it was either “too feminist” or “not feminist enough”, depending on the letter writer’s gender. Ironically, if Dr Orr’s suggestions were followed about “public disagreement” being a voiding factor for a campaign, the ‘Domestic Violence’ campaign would never have been run, given the public debate between some feminists and some men’s-rights groups on these issues.

“a common sense and holistic approach”

By whose standards? Who judges these subjective terms? Labor’s proposal is to have an as-yet unnamed body made up of as-yet unnamed individuals to exercise quasi-judicial authority on highly subjective matters for judgement with no objective standards.

“If the tribunal is suitably independent, empowered and expert in both public service values and the media”

One already exists. It is called the Government Communications Unit and, under the existing 1995 Labor Guidelines, it ensures that “party political” advertising does not take place. If people want to create a new body, then they should say: Who will be on it? How will those people be appointed? How it will reach decisions? What powers it will have? Will its judgement be appealable? Or will it just be a Labor-appointed ‘kangaroo court’?

“an all-party committee vetting major campaigns”

Nobody has as yet proposed such an unworkable suggestion. If it is important to have an all-party committee for “major campaigns” – which Dr Orr notably fails to further define –

then why not have them for all Government policy? Of course, the reality is that there is already an all-Party Committee: it is called the Parliament of Australia.

"the real problem is not government advertising occasionally straying into the political, but the great inflation in expenditure on it"

Aside from the increase caused by the New Tax System campaign, there has been negligible real change in the annual levels of Government advertising since 1995.⁸ This is pretty good when you consider that the advertising costs have risen faster than the CPI over that period of time.

"unexceptional and recurrent types of advertising"

As determined by who?

"the cap could apply to monthly or quarterly expenditure, rather than annual"

A silly suggestion. How would the Government inform Australians about all the policy changes which flow on in those critical three months after each Budget? If Dr Orr's suggestion were to be put in place you would either have (a) a failure to advertise certain changes or (b) minor and ineffective advertising of all changes. Neither represents an effective and efficient use of taxpayers' money.

"We could label cap as a 'pocket money' approach"

An offensive statement that shows how much Dr Orr trivialises this matter. This implied elitism might be fine for information-rich and time-rich law lecturers, but most Australians rely on TV, radio and the newspapers for their information. I have never heard any Minister or official treat advertising as "pocket money". Rather, they consider that Australians should be informed in the most effective and fiscally prudent manner possible.

"Parliament is sovereign as regards appropriations"

And hence all Government advertising is subject to Estimates scrutiny, questions with and without notice, and is publicly included in agency annual reports.

"truly exceptional events"

As determined by whom? How would this work in practice? Is an event only exceptional if it gets support from a bare majority of, highly partisan, Senators?

"parliamentary goodwill"

How much do you get of this from a Party that votes for your policies 2.5% of the time? How much "goodwill" will you see from an opportunist Opposition that thinks it can exploit a weakness, even by opposing tax cuts?

⁸ 'Federal Government Advertising', Dr Richard Grant, Research Note 62, Parliamentary Library, 2004.

“a non-trivial amount”

Another imprecise, highly subjective term in Dr Orr’s proposal.

“tagging ... confirms the suspicion that much of such advertising has an undeniable political element ... its thoughtless application to unobjectionable ads also make a mockery of the purpose of tagging in distinguishing political from apolitical speech”

Firstly, and to continue on a theme, how does Dr Orr know for certain which ads are clearly “unobjectionable”?

In relation to the substance of the allegation, the Government has the highest level legal advice that, given the breadth of definition of ‘political matter’ and ‘election matter’ under, respectively, the *Broadcasting Service Act 1992* and the *Commonwealth Electoral Act 1918*, prudence (a concept with which Dr Orr is familiar) requires appropriate authorisation.

I look forward to hearing from Dr Orr if he (a) wishes to give the Government formal legal advice to the contrary; (b) volunteers to act *pro bono* should that advice be challenged in the courts; and (c) is willing to indemnify the taxpayers of Australia for any penalty which might ensue from a proven breach of the legislation.

This glaring lack of knowledge of the intricacies of his chosen topic highlights the political polemic of the submission, as opposed to a rigorous legal analysis. To make such an assertions without reference to the details of the applicable legislation is not worthy of an undergraduate, let alone a Doctor of Laws.

“there is no such entity as ‘the Australian Government’”

At best, this is pedantic legalism. At worst, it shows the lack of seriousness with which Dr Orr treats this inquiry.

“The law should, instead, provide that any advertising paid for by government revenues ... must be authorised by a responsible Minister”

This option has been considered and rejected by the Government because its net effect would, ironically, be to increase the opportunity to criticise advertising as “party political”, as it would boost the name recognition of the responsible Minister.

SUBMISSION #3 – Dr Sally Young

Dr Young is a highly partisan political commentator. She is not an independent, impartial academic. Her website lists her previous activities as a former Labor Ministerial staffer, a campaign worker for a Labor MP in the 2001 Federal Election, and a Media Adviser at Labor Campaign Headquarters during the 2002 Victorian Election. Dr Young is a Board Member of the Australian Fabian Society and has written a book that has been published by the Left-wing publishing house, Pluto Press.

Basically, Dr Young is a hard-core pro-Labor ideologue – which is clearly why she is criticising the Howard Government.

Dr Young, in a vein similar to a few other academics,⁹ complains long and bitterly to the effect that we do not publish enough information to allow her to write as many theses, books and articles as she would like to do. Academic partisans, already firmly clenched to the teat of public funding, seem to believe that the Government is obliged to provide them with primary material, the receipt of which can soon be followed, irrespective of objective analysis, by a publication which beats the Howard government over the head. These people are not true academics – they are partisans who only seek out material to damage or shock, thereby obtaining their twin objectives of boosting their own careers and damaging the Howard Government.

Indeed, one does not have to wait too long (only the second paragraph of the submission) before the expected lamentation commences:

“there is not enough accurate information being made available on an ongoing basis for public comment”

Not enough information for whom? For those few people who felt obliged to put pen to paper and make a submission to this inquiry?

“Some media reports estimated between \$200 to \$500 million”

Which just goes to prove that one should not believe everything one reads in the media, especially when it is founded on ill-informed speculation. And why would Dr Young choose to take the word of a New Zealand newspaper over that of a research paper done by the Parliamentary Library¹⁰, unless she was only interested in sensationalism? Her sources are less than robust.

“A lack of timely information about ad spending...”

A detailed account at each of the three or four Estimates per year is not timely? So how often would “timely” be?

“... hampers our ability to have a proper debate about government advertising spending”

Why would having full figures made available at least every four months, on average, hamper debate on the issue of Government advertising? And what does Dr Young mean by “our ability to have a proper debate”, given that she jumps at any media opportunity to criticise the Howard Government? Clearly, Dr Young does not let the absence of up-to-the-minute facts stop her from speaking her mind. So I cannot fathom what Dr Young means by the “lack of timely information”. How often does she suggest would be appropriate?

⁹ See submissions by Ms Anne Tiernan, Prof Patrick Weller, Dr Robyn Seth-Purdie and Dr John Uhr to the Senate Inquiry into Staff employed under the *Members of Parliament (Staff) Act 1984*, October 2003.

¹⁰ ‘Federal Government Advertising’, Dr Richard Grant, Research Note 62, Parliamentary Library, 2004.

"this information should be provided in a form that is accessible (... both annual reports as well as rolling updates) and publicly available for scrutiny"

Dr Young should be congratulated for boldly suggesting that we do exactly what happens under present arrangements. The advertising costs are presented in Annual Reports and updates are available via the GCU's or the home departments' appearances at Estimates, all of which are publicly available.

"This desire for ongoing clarity about precise figures ..."

This "desire" is very limited, in my experience, but the figures are available.

Dr Young then goes on to produce a list of "evidence" that she claims demonstrates that the advertising is "pseudo-political ... to shore up their re-election chances":

"the biggest advertiser"

A false syllogism. A simple addition of the quantum does not have any bearing on the nature of the content.

"advertising rises suspiciously in the months directly preceding an election"

This has been addressed above – proximity does not prove causality.

"lack of accountability and guidelines on spending"

A false statement. Clear and comprehensive guidelines already exist, and external accountability mechanisms come through Parliamentary and ANAO oversight.

"the content of many advertisements, as well as their timing, suggest that they are partisan in nature..."

Argument by unsubstantiated assertion. Which advertisements? No proof or examples are offered to support this statement.

"...designed to persuade rather than inform"

All campaigns are designed to "persuade" people to do something, hence the call to action which accompanies each ad – at least in Australian Government information campaigns. If Dr Young means that ads are designed to persuade people to vote for the Coalition, rather than inform, then I defy her to produce a single shred of evidence, a single Departmental memo, a single MCGC minute or a single Departmental witness who can support that assertion.

"the government's preference for advertising ... there are cheaper, possibly more effective, methods available "

Another unsubstantiated assertion. Cheaper does not necessarily mean better – in fact, it usually means lower reach or less effective communication. The Government Gazette is nice and cheap, but should we limit information to that source alone? Which campaign is

Dr Young alleging could have been done better without advertising? The Government regularly uses public relations and intra-Departmental resources for communications activities. We approach these matters in a holistic manner, seeking the advice of officials and experts as to the best strategy for communications.

“experienced media buyers have argued that the frenzied ad spending we have seen in 2004 was a waste of money ... it is counter productive”

Do these critics have any access to original research data or tracking data during the campaigns? Do they have quantifiable evidence that Government information campaigns are “irritating viewers”, or is that just more unsubstantiated opinion? Isn’t it the case that these media buyers are just disgruntled rivals of Universal McCann, who are seeking to undermine a competitor? Would Dr Young uncritically accept the word of a CEO of McDonalds who declared, “KFC is no good”?

In fact, the MCGC has always relied heavily on the advice of the successful media buyers as to whether a particular message requires a particular weight and the most effective method of reaching the target audience(s).

“when ads promote a policy that the government has been perceived to be weak on”

Another false syllogism. Published opinion polls show voters believe the Coalition is stronger than Labor on defence and national security issues. Does that mean, to use Dr Young’s ‘logic’ that when Labor ran defence recruitment ads, they were “pseudo-political advertising”?

“the Howard Government’s Strengthening Medicare ads”

As discussed above, this campaign was essential because there were a number of major changes, not the least of which was the circumstance where hundreds of thousands of people who were registered only as ‘individuals’ by HIC, when they should have been registered as part of a ‘family’. The HIC made it clear that there was no way of identifying, much less reaching, these people through methods other than a broadcast campaign.

“a policy that seemingly doesn’t need to be promoted in a high-spending fashion”

Two entirely subjective statements in one sentence. Who defines “doesn’t need” and “high-spending”? What are the objective criteria?

“because it doesn’t require voter to take any action or do anything in particular”

A ‘straw man’ argument. I know of no campaign conducted by the Howard Government which does not include a call to action. The only campaign I am aware of which would fall under this category was the totally vacuous ‘Government Schools’ campaign conducted by Dr Young’s ideological counterparts in the NSW Labor State Government.

Thus all eight dot points that Dr Young uses as “evidence” for “pseudo-political advertising” are hopelessly flawed. If that is all the evidence there is, then there is no evidence whatsoever to support her assertions.

"uncontroversial, routine, mundane"

Who defines these terms?

"lays the government open to charges that ads are being misused to persuade voters to support specific party political positions"

Again, more unsubstantiated argument. I defy Dr Young to produce any evidence that any campaign has been devised to support party politics.

"a very emotive image"

Throwing off chains was an effective communication image, because the policy represented a massive change that affected all Australians. In the clutter of messages produced by regular advertising, it often requires something to stand-out and gain people's attention, much as young academics 'on the make' like to create controversy to highlight themselves and raise their profiles from the usual obscurity of university employment.

"an extremely expensive campaign"

It was the biggest change to Australia's tax system since the Federal Government took over Income Tax during World War Two.

"there was little in the way of explicit information"

Here Dr Young displays either her gross ignorance or, more likely, a wilful partisan bias against the truth. Electronic advertising does not purport to provide detailed information. It notifies people that there is something of which they should be aware. It includes a call to action to find out more about their particular circumstances. That further information comes in other material, either in newspapers, flyers, help sheets, booklets, websites and call centres.

On the specific New Tax System campaign, there was a massive amount of written (and human) assistance provided after the initial launch phase. And given the nature of the BAS reporting requirement at that stage, there was a clear need to remind people when their lodgements were due, at least up to the first three lodgement deadlines. Dr Young is either unaware of these facts, or does not understand the way that any large campaign works in practice.

"a seemingly petty detail – the size of the pig"

Yet if it had stood uncorrected, I presume that Dr Young would have claimed that the ad was an example of the Government making overblown claims for its programs. If the visual cue is unrepresentative of the quantum of actual benefits provided, then the MCGC has a duty to request the creative material be redone so as not to mislead the Australian public. Surely doing so is worthy of praise, rather than the anti-intellectual approach of 'damned if you do and damned if you don't.'

"claims that other campaigns were delayed so that the timing was more fortuitous for the coming election"

Claims by whom? For which campaigns? And what evidence is there to support these totally baseless claims? The repetition of false assertions does not correct the falsehood, rather it perpetuates it.

"How can full page newspaper ads ... be justified?"

They can be justified quite easily on professional marketing advice. The fact that they exist and are used demonstrates that full-page newspaper advertisements are effective tools of communication. What evidence can Dr Young adduce which demonstrates that half- or quarter-page ads are better value? Clearly, she failed to convince Labor Party strategists of this view during her time at Labor campaign headquarters.

Dr Young seems to ignore the fact that this was a very complex communication task. Firstly, people are particularly sensitive to the problem of Centrelink 'overpayments' and the campaign was designed to allay fears caused by \$600 suddenly appearing in a person's bank account.

Secondly, there were around 100,000 Australians who were not FBT(A) recipients on Budget night who were, nevertheless, eligible to receive the payment, such as babies born after the Budget, and Abstudy recipients' children and Veterans' children who needed to be reassured that an administrative scheme would be established to cover families who are entitled to the Government's \$600 per child one-off payments, but had not been paid in the first tranche.

Thirdly, there was a call to action for those who would not receive the one-off payment in June, but whose individual circumstances and incomes meant that they were otherwise eligible.

Dr Young seems to forget that a responsible government informs all Australians, not just some Australians or most Australians, about their rights and responsibilities.

"a feel-good message"

We cannot be held culpable if Australians agree with the policy solutions that the Howard Government is implementing. What is Dr Young's suggested alternative? To ban information campaigns on policy initiatives with which the Australian people concur?

"how many people actually called that number and what information they were given ... whether the money spent was justified"

On each of the Natural Heritage Trust campaigns, literally thousands of individuals and community groups called for information on obtaining a grant for a local environmental project. It was a huge success, with a large oversubscription in each campaign. Criticism of this program, which was the greatest environmental program in Australia's history, is surprising.

"It is an extraordinary shift that modern governments ... feel the need to purchase expensive television advertising to tell citizens what policies they are implementing"

The days of the town crier are long since gone, and few Australians read either Hansard or the Government Gazette. In earlier years, when reporters actually reported, Governments may have been able to rely on the press to explain some of their policies and programs.

For example, look at the reporting of the New Apprenticeship Scheme. The NAS is a key policy for Australian youth, yet how many times has it been explained in the electronic media? How many times have there been articles on this program? How many articles have been written urging employers to take on apprentices?

The government still does send "information provided by the relevant government departments to those concerned with the change" but it is not always easy to identify these people. Broadcasting is used, in concert with targeted information, to ensure that as few people as possible 'slip through the cracks'.

"according to the Howard Government (when it argues for changes to cross-media ownership laws) when there is a proliferation of news, commentary, opinion and media choices"

This is now at least the third time that Dr Young¹¹ has resorted to this particular sarcastic device and no doubt it appears in its fourth incarnation in her book. Her homily, not surprisingly, dovetails nicely into the exact same ideological position of the Labor Party with regard to the cross-media ownership laws.

But the argument is false and the basic problem remains – even if we had 50 TV channels and 200 metro newspapers, there is no guarantee that any government policy communication would get through their editorial processes. And, ironically, with greater competition for audience share, there might even be less scope for 'routine' stories as each media outlet seeks to outdo each other on a diet of trivia and scandal. In Britain, which arguably has a more diverse media than in Australia, the Blair Labour government still uses paid information campaigns.

Indeed, Dr Young admits as much: "it is true that free media coverage will not necessarily include information about the specific details of entitlements".

"a 30-60 second TV ad does not include much specific detail about the entitlement"

Another 'straw man' argument. Firstly, electronic commercials are not meant to be information-rich, but 'awakeners' that then direct target audiences to additional detailed information, either through telephone services, websites or printed material. Secondly, Dr Young is not comparing like with like. For example, it is absurd to state that a 30 second news item, which would only play once on the evening news, is a valid tool for information purposes. What if a person gets home late from work and misses the item? What if they do not buy the following day's papers? How will they ever find out about the policy change?

¹¹ ABC Radio 774, 11 May 2004 and Canberra Times, 17 May 2004, being the other two.

To say that, because you get the same limited amount of information into a 30 second news item and a 30 second paid advertisement, you should not use the latter is simply ridiculous. It entirely fails to take into account key factors such as reach and repetition of message, two factors which can only be guaranteed by paid advertising.

"opens the government to accusations"

What accusations? Where is the evidence?.

"Massive spending on government ads..."

The Parliamentary Library figures demonstrate that when the GST campaign is excluded, spending has remained steady at around \$100M per annum – the same, in real terms, as it was under Labor in 1994-1995.¹² This important fact is, interestingly, omitted from submissions to the Committee.

"... is having a very damaging impact on public confidence in politicians and the political process"

Really? Where is the quantifiable evidence for that statement? In the flood of submissions to this inquiry? Hardly.

"I cannot comment much about this matter because I know little about the internal decision-making processes of either the Government Communications Unit or the ... MCGC"

Dr Young's admitted lack of knowledge does not surprise. Instead of making false claims based on a self-admitted ignorance, an academic should research and lift herself from this ignorance. Nevertheless, in her admitted ignorance, she goes on to claim:

"it seems that the MCGC is more concerned about the media plans of ads – where and when they will run..."

This statement is farcical and exemplifies Dr Young's gross ignorance on this subject. In my 4 years experience as Chairman of the MCGC, I cannot recall a single day that the discussion of media plans took up more than 5% of any meeting.

"... rather than the potential for ads to be misused for party political purposes"

Under the Howard Government, there is no such potential because each step of the process is overseen by independent, impartial public service officials in both the home department of the campaign and the GCU.

"appointments to the MCGC are partisan"

If Dr Young is lamenting that there are no Labor parliamentarians on the current MCGC she would do well to remember that there were no Liberal parliamentarians on its predecessor under the Labor Government, the MCGIA. The proposition of a non-partisan MCGC is

¹² 'Federal Government Advertising', Dr Richard Grant, Research Note 62, Parliamentary Library, 2004.

absurd. What sort of oversight committee would it be if there were people on the committee who, because of their partisan interests, were inimically opposed to a particular policy position and were doing everything in their power to ensure that the policy failed?

"I believe modern governments in Australia are obsessed with advertising because they have been steeped in its use as an election campaigning tactic"

Another unsubstantiated, undocumented assertion. It would be more accurate to say that it is necessary for the Government to fulfil the obligation to keep Australians notified of their rights and responsibilities by the best possible means. Given that the overwhelming majority of Australians receive their information through TV and, to a lesser extent, radio and newspapers, these are the appropriate media in which to provide the widest possible notification.

"the current inadequate decision making processes"

Dr Young earlier admitted that she knows "little" about the MCGC's decision-making processes. How then can she honestly judge them to be "inadequate"?

"a veil of secrecy"

I do not recall Dr Young or any other Labor supporter complaining when the then Minister representing the Minister of Home Affairs told the Parliament, in a response to a question from Mr Charles Blunt, MP, about the activities of the MCGIA: "The details of the Committee's considerations are not released".¹³ They are not released for a very good reason, which is accepted by all governments – the internal deliberative processes of governments need a degree of confidentiality to ensure the full and frank expression of opinions.

"partisan appointments who often have some connection to election (political) advertising"

Who?

"it has been suggested ... those who oversee election campaign advertising have a responsibility to oversee subsequent publicity for public information"

Who has made this suggestion? Where is the reference or the evidence that allows Dr Young to believe this to be the case? Given that neither I nor any other member of the Committee oversee election campaign advertising – that it the job of the Federal Director of the Liberal Party – I cannot see how Dr Young could possibly make this wild assertion.

"There needs to be a clear separation between political and government advertising"

There already is, both in terms of content and personnel.

¹³ Hansard, 14 April 1988

"those who work on election ads are not given the keys to government coffers"

They are not – with the only possible exception being Labor's shameful use of Bill Hunter in its election ads.

"those who are responsible for government advertising are not partisan appointments only and/or are overseen by a process of independent scrutiny"

This already takes place, unless you wilfully seek to discount the fact that all government advertising is overseen by public servants in both home departments and the GCU. No campaign even comes to the MCGC without going through several rounds of scrutiny by officials alone. No tender is agreed to without official scrutiny. There is no secret conclave of decision makers that excludes apolitical public officials. Every stage of the process is oversighted, and I defy Dr Young or any other complainant to produce evidence to the contrary.

"the old ALP Guidelines ... say nothing at all about the potential for government advertising to be misused for party-political purposes"

In a strict sense that is true, but the problem of defining what is "party political" is exactly the problem that we have with the ANAO/JCPAA recommendations. Moreover, it should be noted that Dr Young's implication is invalid, because section 2.6 of the existing Guidelines requires that communications activities be "impartial". When this directive is combined with the general requirements set down in the APS Code of Conduct and APS Values, there is no question of any party political material being advertised.

"a great deal of controversy"

The same old assertion, but no new evidence to support it.

"the Howard government has called the proposed guidelines 'unworkable'"

That is because, as I explained in my first submission to the inquiry, they are unworkable as written (see pp.4-6 of my original submission for full details).

"even though it has had six years to develop better ones, it has not"

Why would we change them when the existing 1995 Guidelines work well? Why would we need to change them when we see that two State Labor Governments in 2002 (including one that Dr Young worked to re-elect in 2002) adopted Guidelines that were virtually identical to the 1995 Guidelines.

"a climate of concern about whether the Medicare system ... was being neglected or dismantled by stealth"

Interesting to note that 'impartial' Dr Young takes exactly the same line as Labor spin¹⁴ and yet provides no quantifiable evidence to support her assertion about a "climate of concern".

¹⁴ Julia Gillard, Sunday Sunrise, 8 August 2004; Sunday Telegraph, 16 August 2004. See also, Sharan Burrow, ACTU Press Release, 19 January 2004. Ironically (considering who made submissions to this inquiry), but not surprisingly, Peter Sainsbury of the Public Health Association repeated the exact same Labor line on Radio National, 29 April 2003.

"a 'watchdog' can still find it very difficult to distinguish between 'legitimate informational activity and proscribed publicity or propaganda'"

That is exactly the problem with the subjectivity of the ANAO/JCPAA recommendations. But the proposal for a "cap" has all the failings of the Orr recommendation.

"American political scientists"

Who?

"blatant electioneering"

Which ads?

"There were allegations [in Canada] that ads were used as political pay back for agencies linked to the government ..."

An irrelevant, 'straw man' argument, because this allegation has never been made in the awarding of research, public relations or advertising contracts for the Howard Government. The only vaguely comparable situation was when Labor employed Bill Hunter for \$250,000 for the Working Nation campaign, only to have Mr Hunter seamlessly pop up again in Labor election advertising at the 1996 Federal election.

"proper contracting and competitive tendering procedures were not followed"

Another 'straw man' and every bit as inapplicable to the Australian Government situation as the previous assertion. All contract selections and negotiations are overseen by officials and are listed in annual reports. Dr Young admits she is pedalling a 'furphy' in raising this issue because on the following page she says: "I am not suggesting that I know of any allegations of widespread problems with competitive tendering or fraudulent practices in Australia".

"This is the sort of information that we urgently need in Australia"

Only if you are writing a book on Government information campaigns. Reasonable accountability mechanisms are already in place.

"weak guidelines almost invite such scandals"

Except that the Australian guidelines are not "weak". There are already comprehensive and stringent guidelines across all government agencies, in the form of the Commonwealth Procurement Guidelines set by the Department of Finance and Administration, which are a statutory instrument and set the core principles which must be followed by CEO's in the development of their own procurement processes. There are also the statutory responsibilities under the *FMA Act* and the *Crimes Act*, and all these procurement processes are subject to Auditor General oversight and investigation.

And for the final word from Dr Young:

"The issue of government advertising..."

An issue that only drew seven submissions.

"... is having a dangerous impact ..."

Unsupported hyperbole.

"... on confidence in Australian politicians and government ..."

So Australian politicians were loved and trusted implicitly before governments started to advertise on television?

"For many members of the public, ..."

Unsupported assertion.

"... misuse of government advertising ..."

"Misuse" as defined by whom? You, a Labor Party ideologue?

"... ranks alongside travel rorts and pork-barrelling"

Evidence? Relevance of these matters?

This submission is not an analytical piece. It is largely opinion and much of that opinion is either factually incorrect or open to equally plausible contrary hypotheses. There is no recognition of this from Dr Young.

SUBMISSION #4 – Charles Stampford

Professor Stampford's submission is a recycled submission to a previous Committee, but at least it contains far fewer defects of thought than Dr Young's submission. Much of the submission is irrelevant and the ethical discussion that takes up the first 15 pages conflates issues surrounding government information campaigns and election advertising. Part 9 of the submission is the key section relating to matters before the Committee currently and is generally not objectionable.

The chief criticism is that it contains more 'straw men' than a scarecrow convention,¹⁵ and the 'on-the-one-hand, on-the-other-hand' moralising of Prof Stampford produces a final recommendation that possesses the strength and transparency of a *blancmange*: "a neutral arbiter". Who is that? How will he/she/they be appointed? Removed? Tenure? Powers?

¹⁵ Section 9.4, in particular.

Moreover, the suggested criteria in section 9.7 and 9.8 are already in practical effect through the combined requirements of the existing 1995 Guidelines and current administrative practices.

Section 10 is, ironically, a damning critique of the wording of the ANAO/JCPAA recommendations and I particularly draw the Committee's attention to sections 10.5, 10.11 and 10.33.

Submission #5 – Harry Evans

The Clerk of the Senate has done himself and the credibility of the Senate a grave disservice in commenting in a most ill-informed manner on the issues before this Committee, in particular the aspersions that he cast upon myself and my chairmanship of the MCGC.

“the perceived misuse of such campaigns for political purposes”

Perceived by whom? What is the evidentiary basis for this assertion? These are the words used when people cannot or will not make a specific allegation themselves.

“There is a widespread perception”

Again, what is the evidence for this assertion?

“The other problem which has been perceived...”

By whom?

“... in government advertising is the cross subsidising of party-political advertising”

What evidence is there to support this proposition as far as the current government is concerned? None. In fact, Mr Evans' statement is tantamount to alleging corruption against the Government and myself as the Chairman of the MCGC. That the Clerk of the Senate should assert this, without the slightest shred of evidence to support it, is an unprecedented and highly regrettable outburst.

“It is suspected...”

By whom? Mr Evans appears to lack the evidence to support this assertion or the courage to make it himself, hence the use of such weak and unconvincing language.

“... that advertising firms accept lower fees for advertisements paid for by the party in power with an assurance that more lucrative government advertising contracts will fall their way. In effect, the expenditure on the government advertising projects subsidises the party-political advertising of the government party”

An unsupported, scurrilous, slanderous, and totally false allegation, and one that confirms my view that Mr Evans has no idea what he is talking about. Unfortunately for Mr Evans and this grand conspiracy theory, the Liberal Party has not employed any advertising

agency since 1993. Let me say that again: the Liberal Party has not used any ad firm for its Federal Election campaigns since 1993.

So what examples of 'cross-subsidisation' can he name under the current government? If Mr Evans relies on the Bill Hunter fiasco, then he should say that and, in doing so, point out that the only identifiable example of 'cross-subsidisation' occurred under a Labor Government and that there is literally nothing since 1996 that he can adduce to support his claims.

"This is tantamount to corruption"

Well, it would be if it were true. As it is, the allegation is just a base untruth by the Clerk of the Senate against a sitting Senator, and in the absence of overt partisanship, must be borne out of a gross and culpable ignorance of the facts. Were I to have made this assertion about any of my Senate colleagues in the Senate, I am sure that Mr Evans would be instantaneously whirling around on his chair to instruct the President to have me unreservedly withdraw such a statement.

"Their application would involve a great deal of subjective judgement"

Which is exactly the problem that the Government identified years ago with the ANAO/JCPAA recommendations, and which makes them unworkable in practice.

"advertising projects may not be conducted by contract"

Uninformed speculation that, once again, is false. Every government information campaign is conducted by contract, meaning that if they are large enough, they fall within the 'Murray Motion'. But even if they did not, agencies are compelled to report all advertising in their annual reports, so there can be no valid complaint about a lack of public disclosure.

"The government is able to exercise its own subjective judgement about whether the guidelines have been adhered to"

Mr Evans would appear to suggest that the proposals of the ANAO/JCPAA should be nominally adhered to, but be effectively meaningless. Who benefits from such a futile process?

"its requirements for information extremely modest"

That is simply not true. The resolution proposes a reporting requirement that is not only overly complex and costly, but attempts to interfere in the basic procedures of Executive Government.

The Senate motion requires that a statement be tabled within five sitting days of the project being "approved". No other Government decision requires that the Executive notify the Parliament of that decision within five working days. It is a significant intrusion upon the internal working processes of the Executive by one branch of the Legislature.

Critically, "approved" is not further defined and is highly ambiguous. Approved by the relevant Department or Minister? Approved for initial tender by the MCGC? Approved for

further development by the MCGC? Approved by the MCGC, subject to minor revisions?
Approved for final publication by the MCGC?

There is no accountability argument to justify this motion. Any Senator may obtain detailed costings of all campaigns at each Estimates from the officials of the Department of Prime Minister and Cabinet or the relevant home department that is running the information campaign – and you can see the results by simply reading the Finance & Public Administration Committee's Estimates Hansard.

"The rationale of the [Murray] resolution"

I have no doubt about the bona fides of Senator Murray. Labor, however, only supported the motion because of their prurient interest in these matters and the possibility of yet more opportunities to put out 'cheap shot' press releases, just as they have done previously.¹⁶

"if a large contract was let without tenders being called"

This simply does not occur and cannot occur without violating existing Government procurement principles.

Mr Evans then goes on to suggest his own ideas for the process of Government information campaigns. Bizarrely, these requirements are less stringent than those already in place! The internal Departmental/Ministerial processes suggested by Mr Evans are already substantially replicated in existing administrative procedures. Mr Evans' suggestion, however, fails to include the existing safeguard of internal scrutiny of communications proposals by the Executive itself, namely the MCGC.

"the great potential for misuse of government advertising"

This "potential" does not exist, due to the scrutiny by apolitical public service officials during all stages of the communications project. Mr Evans is proposing a solution for a problem that does not exist.

Can I respectfully recommend that the Clerk of the Senate should have limited himself to informing the Committee of any relevant Senate motion and any relevant debate. To involve himself in this debate demeans his position as a non-partisan official.

SUBMISSION #6 – Professor Stephen Bartos

Prof Bartos has very kindly included a disclosure statement at the front of his submission. Unfortunately, I believe Prof Bartos has failed to disclose two key facts that have a vital bearing on the understanding of the motivation behind his submission:

1. he was a senior member of the ACT Labor Party, and served on the National Executive of the Labor Party; and

¹⁶ Senator Faulkner, Press Releases, 13 March 2001, 30 May 2001, 17 February 2004, 4 April 2004, 26 May 2004; Bob McMullin, Press Release, 13 July 2004;

2. he was involved in a bitter year-long battle with OGIA (the forerunner of the GCU) when he, unsuccessfully, sought to disband the unit and have its functions devolved to individual agency levels.

Possibly, the Committee could clarify this with the professor. With a clearer understanding of these key (but previously undisclosed) facts, I am sure the Committee will give Prof Bartos' views the weighting they truly deserve.

"in the period from October 1997 to November 1988 ... It was transferred to the Department of the Prime Minister and Cabinet in 1988"

A simple typographical error, but one that does not auger well for accuracy and attention to detail in the rest of the submission.

"It is the nature of the advertising itself that determines whether or not it is sensitive"

And thus totally subjective.

"to further their own political ends"

Evidence for this statement?

"a line has to be drawn between acceptable and unacceptable use of these power"

A platitude that Prof Bartos fails to further deliver on when he refuses to give his own objective set of criteria to determine this distinction.

"What would be most useful would be data on annual spending"

Which is currently available through Estimates, Parliamentary Questions and Annual Reports.

"a sharp spike ... six months or thereabouts immediately prior to a Federal election"

This conspiracy theory has been addressed above, and has more to do with the timing of the Budget than the timing of an Election.

"It would not be surprising to discover that the 2004-05 [financial year] spend on government advertising in the first six months ... exceeds the total spending on government advertising in all of 2003-04"

It might not be surprising to those who see conspiracies lurking behind every corner, but those of us who prefer the facts to fanciful speculation will be relieved to find that Prof Bartos is massively wrong in his musings. The 2003/04 ad spend was \$97m, whereas the spend for July-December 2004 was only \$53m, of which \$20m was non-campaign advertising. So Prof Bartos is wrong again.

"The decision-making roles of the GCU and MCGC are in many ways inconsistent with the overall framework for Australian government agencies"

This is simply not true and belies an ignorance of the role of the GCU and MCGC. GCU and MCGC do not say to Departments: "You must run a campaign on XYZ". What they do is assist those agencies that come to them and say, in effect, "We need to run a campaign on XYZ, we need to do it as cheaply as possible, but we also need it to be as effective as possible".

The role of both bodies is to assist Departments when they have an information campaign to run. Their roles are complementary, in that they make the expenditure by Departments more efficient and effective, both in terms of the production of material and the buying of media slots. Rather than detracting from accountability, they assist CEOs to meet their *FMA Act* obligations by providing expert opinion and coordination of information campaign, which is especially needed by those agencies that are not regular advertisers.

"media analysts have been reported as asserting that much of the spending was wasted"

As mentioned above, this is the unsupported opinion of a competitor to Universal McCann, the latter being the Government's current media buyer.

"These views, if correct..."

Which they are not.

"...imply that the spending on this campaign would not meet the test of being either efficient or effective"

This statement fails because it rests on an incorrect prior assumption. The Government is always conscious of the cost of buying media placements, and thus campaigns do not run at high weights unless there is a clear and compelling reason for doing so, and in reaching this assessment we rely on objective advice from our independent media buyers.

"lend the land a hand' is virtually devoid of semantic content"

That is untrue. The campaign sought to educate people on the very real environmental issues that face the nation and to encourage participation in local environmental projects.

"the arguably misleading claim that the current government is spending more on the environment than any other (a highly contestable political claim)"

The claim in the ad is absolutely true. This government has spent more money on the environment than any other Government in Australia's history. The only people who would deny the factuality of this statement are political partisans who do not wish the truth to be stated. People may well 'contest' the government's claim for their own political advantage but, by the same token, saying that the Earth is flat does not make it so. Notably, no evidence is advanced by Prof Bartos to support this assertion. A check of relevant budget papers speaks for itself.

"There are many other examples that could be added to the list"

A lazy undergraduate's argument. What examples are they?

"the advertising decisions are effectively out of their hands and instead rest with the MCGC"

This is simply wrong, as their relevant Ministers are voting members of the MCGC, and departmental officials are present for the meeting of the MCGC. And it must be remembered that, ultimately, the decision to advertise or not rests with the relevant Minister, acting on advice of his or her Department.

"It is hard to think of any other area where the use of departmental expense budgets is subject to this sort of secondary decision making"

Another argument based on a false premise. But if Prof Bartos does want an analogous situation, he may wish to consider the use of AGS for legal advice, or OLD for the drafting of Bills. If AGS suggests that a Department's desire to perform a certain action is legislatively unwise, does that represent an imposition on the Department or is it a useful piece of information for the CEO and the Minister on which to base any decision?

"the MCGC intervenes on the timing, style, content and use of the advertising to a degree that effectively takes the decision making power away from the Chief Executive"

This is nonsense. Relevant departmental officials are always present at the MCGC meetings. There are no 'secret' meetings. A Minister can withdraw a campaign at any time. If officials are concerned about possible changes proposed by the GCU or the MCGC they can and do (based on my long experience) raise objections. They can also raise their objections with their Secretary or their Minister who, by the way, always sits as a voting member of the MCGC. Most of the time, however, these officials are grateful for the specialised and professional advice that they can then use to improve the effectiveness and efficiency of their campaigns. Thus, the use of the pejorative term "intervenes" is misleading, and Prof Bartos should correct his statement by using the word "assists".

"While sometimes funds are specifically approved for an advertising campaign ... in other cases they have to be found within existing departmental budgets"

It is not unusual for agencies, especially those with which have limited experience with advertising, to have difficulty in estimating the level of spending needed to achieve a reasonable level of reach and impact. The GCU and Universal McCann can then provide them with expert advice on how much they would need. Like any program, if the costs have been wrongly estimated, agencies would be expected to either seek approval for supplementation or make do from existing resources.

"the FMA Act ... is undermined"

It is clearly not, for the reasons given above.

“whether or not the MCGC itself is accountable – and the evidence suggests that it is highly unaccountable”

Accountable to whom? What is all that questioning at every Estimates about if it is not “accountable”? If Prof Bartos means that the individual decisions are not discussed in detail in public, then that is a highly reasonable position and one that was adopted by the previous Labor government.¹⁷ Indeed, it is accepted by all sensible parties that internal discussions, advice and documentation are not appropriate items for public release.

“The MCGC does not answer to Parliament for its actions”

It does, at Estimates, subject to the limitation raised above.

“It is difficult to find out what its charter is or who its members are”

It is only difficult if you make no effort to do so. The duties of the MCGC are set out in the 1995 Guidelines. The membership is not difficult to find if you can read a newspaper or two,¹⁸ read the Estimates transcripts,¹⁹ check out the (slightly outdated) online Parliamentary Library research notes,²⁰ or even make a simple telephone call to my office.

“without the normal accountability mechanisms”

There is full accountability through questions at Estimates.

“Were it a committee of Ministers – who are accountable to Parliament via question time”

Ministers are accountable for their own portfolio areas, not for discussions and decisions of internal Executive advisory committees on which they sit. If the question relates to particular campaigns, then any answer would be up to the Minister of the line department that is running the campaign.

“the name ‘Ministerial Committee’ is a misnomer – only one member is a Minister”

That is not true, because at least two Ministers (myself and the Minister responsible for the Department proposing the campaign, or their representative) sit on the MCGC. It is anyway a fairly pedantic point from Prof Bartos given that, under Labor, the Hon Frank Walker, MP, was the only Minister on the MCGIA.

“The other members are [sic] two MPs and a Prime Ministerial staffer”

There are actually four other MPs, plus the relevant Minister or their representative, but how does this differ from Frank Walker’s MCGIA, which apart from him was made up of backbenchers like Warren Snowdon, MP, and staffers like David Epstein of the infamous ANiMaLS?

¹⁷ See the previously cited position of the Labor Government: “The details of the Committee’s considerations are not released”, Hansard, 14 April 1988.

¹⁸ *Age*, 29 May 2004 and *Australian Financial Review*, 31 May 2004

¹⁹ Senate Finance and Public Administration Committee, 16 February 2004

²⁰ <http://www.aph.gov.au/library/pubs/RN/2003-04/04rn62.pdf>

“the staffer must be assumed to exercise considerable power within the MCGC”

Considering that this is an Executive committee and the staffer represents the Prime Minister's interests on that committee, that is hardly surprising.

“despite not being answerable to an electorate or indeed anyone other than the Prime Minister”

It was Labor's *Members of Parliament (Staff) Act 1984* that makes staff accountable to their MPs, not to the Parliament or the electorate. If Prof Bartos were genuinely concerned about the activities of MoP(S) staff, then he had the opportunity to provide a submission to this Senate Committee's previous inquiry on the subject. I note, however, that he chose not to do so.

“Were the government to allocate a grant of \$100m to a member of the Prime Minister's staff to be used for political purposes then there would be – rightly – a considerable public outcry”

Three 'straw men' and a false syllogism all in one sentence! The funding comes from individual departments that drive their own specific campaigns, as advised above. Nobody on the Committee exercises any powers that could even vaguely be comparable to an authority to “grant”. No money is spent by the MCGC on “political purposes”. And the fact that not one 'ordinary Australian' has bothered to make a submission to this inquiry says a lot about whether there is any sort of “public outcry” about current government information campaigns. Prof Bartos' argument is a worthless mish-mash of ignorance and partisanship.

“without clearer safeguards and accountability mechanisms”

Such as what? There are already Estimates, Parliamentary Questions and Annual Report disclosures. What specifically is Prof Bartos suggesting?

“it is difficult to avoid perceptions that at least some proportion of it is being used politically”

Yet more uncorroborated assertion. Whose perceptions? A former member of the ALP's National Executive? Is that an impartial perception? What quantifiable evidence is there that other people perceive government information campaigns as 'party political'? What specific and practical changes is he suggesting that would guarantee that people would never find a Government communications campaign 'political'?

“Public confidence that government advertising is not being used politically would be enhanced if the MCGC were abolished”

What studies has Mr Bartos undertaken to support this assertion? What proportion of the Australian community even knows that the MCGC exists, much less considers it to be a malevolent force? This is a ridiculous argument for Mr Bartos to make, but one that he feels must necessarily be made, because it dovetails into his long-standing, but unconsummated, desire to abolish the GCU and the Central Advertising System (CAS).

Mr Bartos was the head of that part of the Department of Finance and Administration that took over OGIA when DAS was merged with Finance, in October 1997. For the next year, Mr Bartos attempted to have OGIA dissolved and its responsibilities devolved to individual agencies. Mr Bartos' proposal was nothing short of a recipe for disaster and was comprehensively rejected by the then Minister. This submission is, in a very clear sense, merely a self-justification of what he no doubt sees as a worthy but unappreciated policy position he held 7 years ago.

"It is doubtful if there are in fact savings in net terms as a result of the system"

More unsupported assertion.

"any savings on the advertising rate are likely to be more than offset by the additional costs of having to go through the CAS and GCU processes ... they involve additional expenditure within agencies associated with the time and effort involved in shepherding proposals through the process"

Another argument that is not supported by any evidence. The current advertising processes do a multiplicity of things. Foremost, they ensure that government information campaigns are accurate, efficient and effective. But the process also ensures that agencies which have limited experience with information projects are not being ripped-off by advertising, PR and research firms. The process also ensures that agencies are not driven into a bidding war for air-time that would needlessly inflate their costs and the expense for taxpayers.

This last point is dismissed by Prof Bartos, without any real appreciation of two key factors. Firstly, if the processes were to be devolved, you would have each agency tendering for their own media buyer. If there are a number of campaigns due to go to air at a particular time, as I have made clear, such as in the period after a budget, you would have an uncoordinated rush of advertising which would almost certainly find agencies competing against each other for air-time and, consequently, driving up costs. The current system prevents this from occurring by prioritising communications activities so as to obtain best value for money.

But there is a second factor that Prof Bartos neglects. If there were to be uncoordinated media buying at an agency level, you could well fall into the situation of saturation government advertising coverage. Yet this is exactly the situation which Mr Bartos, and other contributors to this inquiry, claim is so damaging to the public's confidence in government communications activities. Without the CAS, how do you prevent this situation from occurring? Informal arrangements between Departments? And if you are to go down that path, then why not retain the existing transparent, formalised GCU process?

Finally, it is important to remember that there are no real "additional costs" for going through the GCU/MCGC process, because even if Prof Bartos got his way and these processes were devolved to an agency level, similar sorts of documentation and consultation would be required, if internal accountability mechanisms were to be maintained.

"some risk to delivery of government programs given the delays they entail"

Another unsupported argument. Any approvals process that maintains accountability through an audit trail of documentation and decisions will inevitably involve some "delay", whether it is done at an agency level or via the GCU/MCGC process. But there is a more fundamental point – "delay" in and of itself is not a bad thing if it is to correct a mistake or deficiency in the information campaign. Of course, it is preferable if campaigns can come to fruition speedily, but this Government would rather a delayed campaign that got it right than one that was rushed through and failed in its task or was misleading.

"there is specialised knowledge involved in purchasing advertising time..."

Exactly my point.

"...but with other types of purchasing, advice is available from consultants..."

So why not stick with the corporate knowledge and economies of scale that come from the present CAS?

"... or can be sourced in house by large purchasers"

Where is the evidence that any Departments actually want this non-core responsibility?

This whole argument is based on a furphy – that devolution is axiomatically a 'good thing'. I am the first to admit that some devolution is good, because it allows agencies to tailor outcomes to their specific requirement. But there is also some argument for whole-of-government activity. The one that I am most familiar with is the Commonwealth Fleet arrangements, which is a massive contract to supply all 8,000 Commonwealth vehicles through a centralised arrangement, run by Finance. This is not only administratively efficient, but it saves taxpayers' money and frees agencies from having to establish their own fleet monitoring bodies, their own contractual (or purchasing) arrangements and their own costly, non-core administrative structures.

Similar arguments hold true for other whole-of-government agencies such as AGIMO and Comcover.

"why is it that the CAS only applies to those agencies under the FMA Act"

This is a ridiculous argument, which seeks to compare apples with oranges. CAC Act agencies operate as businesses in their own right and they make their own advertising decisions based on commercial requirements, not public information requirements. They are not Departments and are not seen by the public as Government instrumentalities. Direct intervention by the Executive in any aspect of their commercial processes, including advertising decisions, would be rightly seen as an unjustified interference in their business.

"pre-election advertising spikes"

Proximity does not prove causality, as I have demonstrated above.

"There is in fact little prospect of government advertising competing for media time and space – except in the period of the pre-election advertising spike"

Prof Bartos adduces no evidence for this opinion and for the very good reason that his statement is completely false. There are times during the year where it is difficult and/or expensive to purchase airtime, and these periods have nothing to do with elections, most notably the pre-Christmas period.

"If there were no such spike, this justification for centralised purchasing would be much less plausible"

The only implausible thing here is Prof Bartos' desperate search for any argument, even ones that are factually incorrect, to justify his long-held desire to abolish the GCU.

"Given there is a large, transparent and open market for such services, it is hard to see the reason for such a register"

The reason is quite clear. A register allows agencies to find companies that have particular talents or expertise in their area of interest. In the absence of the GCU, how does a government agency obtain impartial and independent advice on which firms would be best suited to their requirements? Web-surfing? Paying a consultant? How can they then be sure the consultant is impartial?

"An exclusive register..."

That is just nonsense. Any advertising, public relations or research agency can present their credentials and go on the GCU register – all they have to do is fill out a simple form. Hardly "exclusive".

"... does not assist that process and in fact impedes it by excluding potential tenderers (those not included on the register for whatever reason)..."

The only reason firms would not be on the register is because the firm has decided it does not want to go on the register, i.e. it does not want Commonwealth government work.

"...from being included in the competitive process"

This is a completely false argument. Any firm can get on the register. If it has skills in a particular area it will nominate those skills to the GCU. If these skills match the requirements of a Department, the firm will be short-listed for consideration at first instance by officials only – not the MCGC. That way, an independent body can marry up proffered skills and experience with required skills and experience. Frankly, if a firm does not want to present its credentials to the independent GCU, then we do not want to waste officials' time and taxpayers' money on them.

"It is hard to avoid the suspicion..."

Cheap commentary without evidence.

"...that the register allows the government of the day to reward or punish particular consultants"

A totally false allegation and notably unsupported by the slightest shred of evidence from Prof Bartos. The register is not administered by the MCGC, but by the GCU and Prof Bartos' claim impugns the credibility of those honest public servants.

"The committee could confirm whether there is any possibility by asking the GCU whether the register of consultants is discussed with the MCGC..."

It has never been an item for discussion in the 4½ years I have chaired the MCGC.

"...and if members of the MCGC have ever expressed views on whether particular consultants should or should not be included on the register"

This rhetorical question is based on the false premise that the register is 'exclusive'. Any firm can go on the register. If the question is whether any firms have been favoured, the contrary argument is that the MCGC does not even know about the short-listed firms until they have been decided on by the GCU. Additionally, the final shortlist of the two firms selected to present their 'pitch' to the MCGC is not decided by the MCGC, but by an inter-departmental committee comprising the GCU and the home department running the communications campaign. How then can the MCGC possibly exercise any malign influence over a process in which they are not included at key decision points and about which they are not even informed about until after the key decisions have been reached?

"The conclusion from this analysis of the GCU..."

Which is entirely predicated on false assumption and uncorroborated opinion.

"...is that were government advertising to be strictly apolitical..."

Which it is.

"i.e. without a pre-election spike and without MCGC oversight..."

Are those the only two criteria he uses to judge what is 'apolitical' or not? So if we (a) abolished the MCGC and (b) had each Minister direct their Department to run ads evenly throughout the year, with no 'spikes', would everything be legitimate government advertising under Prof Bartos' logic?

"... then there would be arguably be no need for the GCU"

Which is the only thing that really matters as far as Prof Bartos is concerned. He is not interested in the serious issues of government advertising. He simply wishes to 're-fight the last war'. He wants the GCU abolished, whether or not there is any legitimate reason to do so.

"There seems no good reason for the government to reject [the ANAO/JCPAA guidelines] if government advertising is apolitical"

For reasons repeatedly explained, the ANAO/JCPAA guidelines are unworkable in practice, which is why they have been rejected by both the Government and, notably, a key figure on the JCPAA itself.

"in some cases the need may be so obvious that market research is not required"

And who defines what is "so obvious"? Indeed, this suggestion from Prof Bartos actually opens up the process to real politicisation and abuse, because Ministers could seek to advertise on a whim, rather than with a rigorously-tested knowledge base.

"a reasonable person"

And who is this? Who defines and judges this standard? Who makes that decision and is the decision-maker subject to AAT and Federal Court oversight?

"making them explicit may lead to greater willingness for them to be applied"

The fundamental problem of the complete subjectivity of these notions is insuperable. However redefined they may be, there will always be a problem for those officials who are supposed to sign off that their advertising meets these imprecise, subjective criteria. The ANAO/JCPAA recommendations are practically unworkable unless they are 'qualified' into meaninglessness, as Mr Evans suggests in his submission.

"Publication is of itself a virtual guarantee that an unacceptably partisan advertising campaign proposals would never in practice be put forward"

So on that reasoning, "publication" via the current regular disclosures at Estimates and the reporting requirements in agencies' annual reports ensures that current advertising is legitimate and, thus, there is no need for any change.

"a campaign could be called off [if] it attracted criticism sufficient to cause it to be reconsidered"

What is 'sufficient criticism'? Who defines such a vague, subjective term? Who does the reconsideration? The relevant Minister? What if the Minister is determined to run a campaign irrespective of any criticism? Or, as is more likely, what if a worthy campaign is 'dingoed' by a small but vocal minority that is the favourite of the press gallery? Are either of those two probabilities good public policy outcomes?

"ongoing scrutiny not only by Senators but the media and interested members of the public"

Which they can get every four months or so through Estimates, if they are genuinely "interested".

"This information should arguably be made public, as an assurance that it is not in fact being used to bolster party political opinion polling"

Another nasty and unsupported imputation by Prof Bartos. Nothing of the sort happens and nothing of the sort would be allowed to happen because of the oversight by departmental officials. Indeed, Prof Bartos knows there is not a skerrick of evidence to support this slur, and is forced to concede: "There is no evidence that government advertising market research is used in this way..." but he cannot resist another cheap shot:

"but equally, given it is kept confidential, no evidence that it is not"

Surely a Senate Committee is deserving of higher evidentiary standards.

"assuming it is not designed to meet partisan political ends"

Another unsubstantiated cheap shot. Prof Bartos knows full well that internal working documents used in the formulation of policy are not regularly released because it would compromise their confidentiality, and hence the fullness and frankness of the advice, of the policy process. This market research has not been released under either this or previous governments, and there is no good public policy reason for this to now occur.

"Publication of the market research would also be highly valuable in providing evidence to the public..."

"The public" has no interest in these matters judging by the submission list to this inquiry.

"... that the government advertising in question is meeting a genuine need for government information and not serving a political purpose"

Prof Bartos should just state clearly which advertising he believes to be partisan.

"The introduction of the authorisation was, it has to be assumed, prompted by concern on the part of either Ministers or government agencies that the advertising for the GST was in fact political in nature"

Here Prof Bartos personally demonstrates the dangers of uninformed speculation. The commercials were not "political" in nature but, following the 1998 ANAO report, there was greater scrutiny of the legislation surrounding Government information activities. Part of that investigation identified the possibility that any government advertisement could, as mentioned above, fall foul of the provisions of both the *Broadcasting Services Act 1992* and the *Commonwealth Electoral Act 1918*. Hence the taglines were included as a matter of prudence on all government electronic advertising, except defence force recruitment.

"If there was legal advice to that effect, it has not ... been made public"

As Prof Bartos would know perfectly well from his time in Finance, we do not release our legal advice. But we have advised that there was a change of approach based on legal advice.

“there is no impediment under the Broadcasting Services Act to blatant political advertising by the government – so it is more likely to be tempted to undertake such advertising”

This is a non sequitur. How does the absence of a prohibition of on “blatant political advertising” (not further defined by Prof Bartos) in the BSA make the possibility of it happening more likely, if it is prevented by both the 1995 Guidelines and the public service practices of the GCU and home departments?

“A better course would be for government advertising not to be authorised...”

This is essentially Dr Orr’s thesis, but one which, if implemented, could just as easily open the government to partisan accusations that it is not complying with the two relevant Acts.

“... which would leave government advertising open to challenge were it to become party political in nature. This would mean that any government department commissioning advertising would need to consider the implications of a possible challenge...”

This pre-supposes that there is an agreed and objective standard by which an advertisement can be adjudged to be “party political”. There is none. That is the whole problem – it is a matter of subjective, partisan interpretation and, hence, no honest and reasonable public servant is going to seek to interpose their interpretation as the correct one in an atmosphere of political debate – they immediately make themselves a target for partisan attacks from the Opposition. Officials will not be asking: “Is this needed?” They will be asking themselves: “Am I destroying my career by approving this campaign, which may not be supported by the Opposition or the minor parties?”

“... Thus there would be an inbuilt incentive for them to ensure that government advertising was apolitical”

On the contrary, there would be an inbuilt incentive for officials simply to never recommend any advertising. It would be nothing more than prohibition by stealth.

SUBMISSION #7 – Professor Tony Harris

Prof Harris, formerly the NSW Auditor General, is a long-standing critic of the Howard Government and has been personally vituperative towards me.²¹ Prof Harris’ submission can be summarised: ‘The Commonwealth Auditor General did a bad job, but if it were me, I would be doing a good job’.

Prof Harris’ submission contains many of the same errors of other submissions and is unduly repetitive but, for the sake of completeness, I will critique each point once again:

²¹ See articles from the *Australian Financial Review*, 21 August 2001, 27 September 2002 (which I had to correct on 1 October 2002), 3 December 2002 and 2 September 2003.

"the practice of recent governments to use public moneys for advertising campaigns that advance non-government (that is, party-political) purposes"

Unsubstantiated assertion. What is Prof Harris' definition of 'party political'? To which campaigns is he referring?

"considerable expenditure on government advertising would not meet one or more of the audit tests for efficiency, economy or effectiveness"

Another unsubstantiated assertion. More importantly, it is an assertion that was explicitly rejected by the Commonwealth Auditor General in his 1998 Report.

"until the government introduces policies which ban party-political or party-politically tainted government advertising"

Again, no definition of what he means by 'party political' but, more importantly, he is just plain wrong. The 1995 Guidelines make it quite clear that "information programs conducted by departments should be as impartial and as complete as practicable".²² This is further strengthened by the APS Values, the first of which requires the APS to be "apolitical, performing its functions in an impartial and professional manner".²³ So Prof Harris is wrong in his assumption – the prohibition on "party political" advertising already exists.

"because it misconstrued legal advice"

On the contrary, the advice given to the ANAO by AGS is quite clear and the ANAO has taken the correct meaning from that clear advice.²⁴ Prof Harris' self-appointed capacity to construe legal advice is interesting but not persuasive.

"as subsequent public legal advice has made clear, this is a mistaken position"

What advice is he referring to? I am aware of no legal advice that contradicts the original advice given to the ANAO. The Committee might seek its production.

"Advertising political promises is not a valid purpose of a government"

Again, a failure to define what he means. What is a 'political' promise? Prof Harris is constructing a 'straw man' argument whose foundations are based on a simple prejudice, namely that he disagrees with the legal advice given by AGS and which was accepted by the ANAO in 1998.

"it is within the mandate of auditors-general to audit and comment on government advertising campaigns that address non-governmental purposes"

A definition that relies on circularity: 'political' campaigns are 'non-governmental' and 'non-governmental' activities are 'political'. While this is neat, the absence of clear objective criteria for assessing 'political' renders the definition useless. The truth of the matter is that

²² Section 2.6 of the 1995 Guidelines.

²³ <http://www.apsc.gov.au/values/index.html>

²⁴ See pp.25-26 of ANAO Report No.12, 1998-1999, 'Taxation Reform: Community Education and Information Programme'

all Government information campaigns are for legitimate 'governmental' purposes, or they would not make it past preliminary departmental scrutiny.

"for the next few election cycles the auditor-general audit the legality, economy, efficiency and effectiveness of government advertising campaign expenditures..."

But this already happens at a departmental level.

"... in the lead up to general elections"

This statement gives Prof Harris' game away. He clearly has a preconceived notion that Government advertising campaigns are in some way used to advantage the Government in the period before a general election. As demonstrated earlier in this submission, that accusation is simply false.

"where the auditor-general has formed a prima facie view that a government advertising campaign is aimed at or includes party-political goals..."

To be clearly and objectively defined as what?

"... he issue an announcement to that effect indicating his intention to conduct an audit to confirm or deny that view"

A redundant suggestion, because such a campaign would not make it past the scrutiny of either the home Department or the GCU. Sadly, the process suggested by Prof Harris works on the (lack of) principle: "smear first, investigate later".

"there is a correlation between approaching general elections and the amount of expenditure directed to Government advertising"

As I have demonstrated previously, proximity does not prove causality.

"most egregious examples of politically tainted advertising are the 1998 federal advertisements for the GST"

This is simply ill-informed personal opinion. The ANAO, which had full access to all relevant materials, stated:

that expenditure of public funds on the program was for the purpose of the Commonwealth to provide information on Government policy to the community. The ANAO therefore concludes that the expenditure of public funds on the taxation reform education program was within the terms of the Constitution.²⁵

So whose opinion are we to believe: former state Auditor General who is antagonistic toward the Federal Coalition Government and has seen none of the relevant documents, or the independent Commonwealth Auditor General, who has had access to all relevant material?

²⁵ ANAO Report No.12, p.26

"The GST campaign concentrated on selling the government's intention, if re-elected in the 1998 election, to introduce the GST ..."

This is more unsubstantiated assertion – there was no 'selling'. The ANAO report makes it clear that the campaign was merely to provide "a comprehensive information campaign explaining proposals for reform of the taxation system" which was based on a similar campaign conducted in 1985.²⁶

"... notwithstanding the Senate's stance that it would not agree to proposed GST legislation"

What relevance has this? Is Prof Harris implying that government communications activities must have the prior approval of the Senate?

"The political import of that advertising is supported by documents which showed that the Commonwealth government reviewed each week the response of focus groups to the advertising"

This is a false syllogism. Quantitative and/or qualitative assessment of government information campaigns is a routine part of all Government advertising, because it allows departmental officials to assess whether the campaign has been an effective and efficient use of taxpayers' money. It is not 'political' to try to determine whether a campaign reached its target audience and provided appropriate information – it is good public administration.

"Immediately following the point where a majority of those in the focus groups supported a GST, [sic] write were issued for the general election"

Without wishing to divulge details of the research, this is simply untrue and the implication contained in the statement is solely based on false, uncorroborated opinion.

"Many auditors-general"

Whom?

"Perhaps reflecting such concerns"

Wrong again. The Auditor General makes it clear that he acted after he received a letter from Labor Senator John Faulkner.²⁷

"This opinion was misinterpreted by ANAO ..."

There is no basis for this assertion, other than Prof Harris' own contrary opinion. Also, it should be noted that the ANAO sought not just AGS advice but also "other legal advice".²⁸

²⁶ ANAO Report No.12, p.19, my italics

²⁷ ANAO Report No.12, p.7

²⁸ ANAO Report No.12, p.26

“... which took it to mean that that the Community Education and Information Program ... was a lawful use of public monies”

This is a misreading of what the ANAO actually said. The ANAO set out to investigate “the legal and ethical processes” – not just the legal, but the ethical too, it should be noted – and “public accountability”.²⁹ Not only did the ANAO agree that there had been no breach of the broadcasting and electoral laws, it went further and added an additional statement “that the expenditure of public funds on the program was for the purposes of the Commonwealth to provide information on Government policy to the community”.³⁰ That statement is not a conditional reading of the electoral and broadcasting laws, but a judgement of the campaign itself by the Auditor General.

This is the crux of the matter. Prof Harris complains that the ANAO did not examine the veracity of the campaign outside the context of the electoral and broadcasting laws. But the ANAO did exactly that. Indeed that also is spelled out later in the report:

The ANAO's findings on the legal *and ethical* processes raised are as follows:

Was the CEIP for a Commonwealth purpose?

The short answer is yes.³¹

Additionally, the ANAO said:

there was no breach of the Public Service Regulations or the Financial Management and Accountability Act. The role of the Commonwealth officers was limited to providing factual information and explanations.³²

Not only was the expenditure legal, it was so obviously legal that:

a refusal by an agency head or his or her officers to undertake work associated with the program could have been regarded as a failure to perform his or her duty under the Public Service Act 1922.³³

Thus the ANAO came to a considered judgement on the legal and ethical merits of this matter, based on viewing all relevant materials. The real trouble with the ANAO Report, as far as Prof Harris is concerned, is that it does not concur with his own ill-informed opinion.

“Subsequently, [AGS] prepared advice on another advertising campaign [sic] which advice has been published. It found that, in the absence of legislative action, it is not proper for a government to expend money on an advertising campaign on proposed government policy”

I am unaware of any such advice existing. Notably, it is neither footnoted, named nor further elaborated upon by Prof Harris.

²⁹ ANAO Report No.12, p.8

³⁰ ANAO Report No.12, p.26

³¹ ANAO Report No.12, p.9, my italics

³² ANAO Report No.12, p.47

³³ ANAO Report No.12, p.46

"This advice ... would have led the federal auditor-general to conclude that that advertising was invalid"

Advice that does not exist is hardly the basis for a credible argument.

"I have not been able to find any [ANAO] statement that corrects its earlier erroneous audit finding"

Perhaps because this is because the ANAO has no reason to correct anything it said.

"This AGS advice"

Which does not appear to exist.

"it would not be proper for such advertising to advocate a proposed policy"

Unsubstantiated opinion, and contradicted by advice from the ANAO, the AGS and the GCU.

"where there is a dispute between the two houses of parliament"

Is this the test for 'political' being proposed? Does this amount to a proposed veto on government communications campaigns? Given the changed make-up of the Senate, as determined by the Australian people, one wonders if this remains his view.

"citizenship, apprentices, superannuation, travel smart, the environment, and domestic violence"

Is Prof Harris saying that these campaigns are OK? If so, it just shows the arbitrariness and subjectivity of the 'party-political' designation, because others have criticised the environment, superannuation and domestic violence campaigns as being used for 'party political' purposes. Or is he saying that all of these campaigns are 'party-political', but the Medicare campaign is simply the most egregious case? If so, I find it incredible that anyone could find any 'party political' message in the domestic violence campaign.

"the title of the campaign"

A fatuous point. Is he saying that if the campaign had simply been titled 'Medicare', with all the same design elements, it would have been acceptable to him? And for the record, the proposals actually were strengthening Medicare as a system, so the title was completely factual in that regard.

"advertising showing typical voters approving the government's changes to Medicare"

The majority of the script in the commercial involved actors asking questions that, through our research, we knew Australians were asking about the changes to Medicare. Prof Harris might be a good 'bean counter' but I note that he has no practical experience in advertising. We were faced with the task of explaining a series of complex changes to the system in a way that would be readily understandable for most people. The creative work,

involving actors who look like 'typical people' asking relevant questions, was clearly the best way of doing this.

"armour-plated surrounds"

Prof Harris is critical of a minor design feature. Would he have preferred a floral garland? A plain black border? These criticisms are hardly worthy of consideration.

"Unless advertisements offer the alternative view ..."

How about "Don't become an Australian citizen!"; "Smoke more cigarettes!"; "Binge Drink!"; "Beat you spouse!"; "Ignore overseas travel warnings!" and "Don't become an apprentice!" as 'alternative view' campaigns? These suggestions would be laughable – except that it is seriously being put forward by Prof Harris in his submission.

"... it should be adopted as a universal rule that all advertisements which aim to induce viewer (that is voter) approbation should be ruled invalid"

This really is a bizarre suggestion. Prof Harris is suggesting that the Government not be permitted to communicate on matters about which people might be likely to agree or approve. The point with many of our programs is that they seek to instil 'social change' messages that have community support, and to suggest that these messages must be diluted with opposing views (see above) or be automatically considered invalid as a "universal rule" is preposterous.

"There is nothing to prevent the federal auditor general from auditing this crop of advertisements"

That is correct but Prof Harris has missed the real importance of this fact. The power is there but the Auditor General has chosen not to do so – presumably because he can find nothing objectionable in current Government advertising.

"allowed the government to misuse public monies"

Prof Harris appears to have already rendered his verdict on the advertisements without having to go through the necessity of examining them further. I trust this was not his approach as an Auditor General.

"party-political advantage"

Defined as what?

"on the eve of a general election"

Once again, proximity does not prove causality.

"it gives no indication of the results of that monitoring for any of the campaigns"

Campaign research is conducted under the auspices of individual departments, not GCU, and all campaigns are assessed for effectiveness and efficiency.

"it is difficult to see how departments can objectively measure the effectiveness of campaigns"

That is why the research is done externally and independently, and the results are then presented to the department.

"without infringing on the prohibition set out by the Prime Minister's department against public servants being involved in political matters"

That statement only makes sense if you make the incorrect and unsubstantiated *a priori* assumption that government information activities are 'party political'. No 'party political' campaign would make it through the initial departmental checks and balances, much less the GCU process.

"It is also difficult for the public – on the information provided by departments on their web sites – to assess effectiveness"

Firstly, it has never been the policy of any Federal government to release quantitative or qualitative research on campaigns. It is unnecessary in any event, given that our advertising always has a call to action and can, therefore, be measured by publicly available quantitative results.

For example, if you want to see how effective the 'Citizenship' campaign was, you simply have to find out the number of people who either (a) took out citizenship and/or (b) inquired about citizenship and compare it with previous data from non-advertising years. None of this is secret and can be obtained from relevant departments, if it has not already been disclosed through parliamentary processes, such as Estimates or question time.

"neither of these indicators allows an accurate judgement of the success of the campaign"

But notably, Prof Harris refuses to state what he would consider to be the appropriate criteria for determining the success or otherwise of a campaign.

"brand awareness is not a sufficient indicator of effectiveness"

This is a 'straw man' argument. I know of no communication activity that has sought 'brand awareness' as the primary objective of the campaign, so I fail to see Prof Harris' point. Awareness about the actual content of the campaign is a key performance indicator and this may well be tagged to a memorable concept, but the motif is not the totality of the message and never has been.

"That there have been more than 28,000 [calls] in response to the advertisements about the National Security Hotline is also not a sign of success if they were mostly irrelevant or harmful"

A very silly statement. Even if only 1% of calls yield useful information, that is still 280 more pieces of information about threats to Australia than our security services had before

the campaign commenced. Presumably, Prof Harris' solution would be no campaign – and no calls – at all.

“the government’s aims”

Which Prof Harris appears to have no understanding of because he then goes on to say...

“Information suggesting that none of these calls has lead to prosecution for terrorism”

The aim is to prevent terrorism from happening, not prosecute those responsible (if they are even still alive!) after the fact. And how does Prof Harris know that information obtained has not assisted our intelligence services? It is hardly the sort of thing that the security services are likely to announce in a blaze of publicity. Yet evidence from overseas, which was presented to the MCGC, indicated that these types of campaigns were most helpful.

“few, if any, calls provided intelligence leading to terrorism charges ...”

Again, he cannot know this to be true, but even if it were true he still makes the incorrect assumption that that is the sole rationale for the campaign.

“...indicates that the campaign was ineffective”

An assertion based on a false hypothesis. Prof Harris damns the campaign even though he misconstrues the motive for the campaign, nor has he seen the top secret assessments of information obtained – the sort of information, by the way, that no intelligence agency in its right mind would ever release to the public. Nevertheless, that information can be obtained *in camera* at relevant parliamentary committees.

“public concern over the amount and aims of those campaigns”

Which has drawn a massive total of seven submissions to this committee, not one of which is from a ‘typical person’.

“if ANAO does not examine the legality and efficiency of government advertising, it is difficult to see what other agency or person will”

What about the individual departments that run the campaigns? What about the GCU, which oversees the process? What about Senate Estimates? And, in fact, the ANAO can and does examine these sorts of issues, something that Prof Harris himself admits in the immediately preceding paragraph of his submission!

“the public service is not well positioned to act on their view that an advertising campaign is politically biased or not for government purposes”

Unsubstantiated and untrue. Most public servants would not seek to breach the APS Values and if they were aggrieved, there are both internal and external processes for dealing with such matters. A more plausible explanation is that there have been no

complaints because public servants are intimately involved with campaigns from the first instance and thus can ensure that 'party political' advertising does not take place.

"those public servants intimately involved in the preparation of advertising campaigns are not legally trained and their views would have no standing"

This argument is both nonsensical and patronising. With whom would they need 'standing'? They are departmental officials and have all the standing they need to affect an outcome within their own departments.

"it is ministers who make the key decisions on advertising campaigns"

Prof Harris does not seem to understand the process (which was explained in reference to an earlier submission) of recommending, developing and creating a government information campaign, nor does he appreciate the high level of involvement by officials in all stages of a campaign. Yet despite his basic ignorance of the process, Prof Harris feels free to condemn it as disempowering for officials. Nothing could be further from the truth. Which is why PM&C officials can rightly point to "the avoidance by public servants of any activity that is directed at the support of a particular political party".

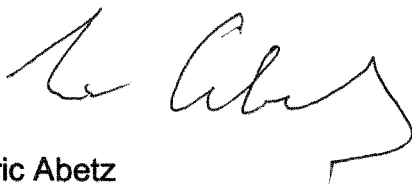
Unfortunately, Prof Harris' submission is less than rigorous, borne out of his lack of familiarity with the actual processes of government information activities. He no doubt sees himself as a better and more ruthless auditor general than the previous incumbent.

CONCLUSION

Thank you for the opportunity to provide this additional submission.

This Government has run a transparent, efficient, accountable and effective public information process, free of political partisanship, for many years now, and will continue to do so in the future.

I, of course, will be happy to appear before the Committee should this be required.



Eric Abetz
Special Minister of State
Senator for Tasmania

9 August 2005