

Dissenting Report by Senator Xenophon

'Ads Nauseum – the need for legislative reform of Government advertising'

- 1.1 The Government Advertising (Accountability) Bill 2011 was introduced following the Government's announcement that it was going to spend \$12 million of taxpayers' money on an advertising campaign about their plans to price carbon, well before the legislation had been introduced into Parliament, let alone passed into law.
- 1.2 This Bill represents community frustration about the use of taxpayer funds on party policies that are not yet legislated for; from the GST and WorkChoices ad campaigns under the Howard Government, to the mining tax and carbon price plan more recently.
- 1.3 Indeed, this Bill mirrors comments made in 2005 in the Senate Finance and Public Administration References Committee Report, *Government advertising and accountability*, which stated that:

"... no expenditure of public money for mass media advertising should be undertaken until the government has obtained passage of the legislation giving it authority to implement the relevant policy, program or service. Where a proposed public information or education campaign covers a matter which does not require legislation, an appropriation for the specific purpose of the campaign must be obtained. The requirement should not be enforced in situations where major issues of public health, safety or public order have arising at short notice".
- 1.4 In its submission to the Inquiry, the Accountability Round Table said:

"Government public information advertising should be reserved for the provisions of information in the public interest and should not be used by the Executive in the interests of its political party or coalition".
- 1.5 It is noted that Government advertising is currently subject to the *Guidelines on Information and Advertising Campaigns by Australian Government Departments and Agencies*, which was introduced in 2008.
- 1.6 These guidelines are designed to ensure that:

* members of the public have equal rights to access comprehensive information about government policies, programs

and services which affect their entitlements, rights and obligations;

*governments may legitimately use public funds to explain government policies, programs or services, to inform members of public of their obligations, rights and entitlements, to encourage informed consideration of issues or to change behaviour; and

* government campaigns must not be conducted for party political purposes.

- 1.7 There is a distinct difference between Government's spending taxpayer funds on advertising policies which are initiatives that are underway, as opposed to those which are party specific, such as in the case of the carbon price.
- 1.8 Under this Bill, Governments will be banned from using taxpayer funds to advertise policy, unless the policy has been enacted in legislation, except in particular circumstances such as by resolution of the Parliament or with the consent of the Leader of the Opposition in the event of a national emergency.
- 1.9 This Bill will strengthen the transparency of government expenditure on advertising and ensure that millions of dollars of taxpayer funds aren't spent on policies that are not yet passed into law.

Recommendation

That the Bill be passed.

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