

SCRUTINY OF GOVERNMENT PUBLICITY BILL 2005

EXPLANATORY MEMORANDUM

(Introduced by Mr Matt Birney)

Overview of Bill

The objectives of this Bill are:

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

Clause 1

Short Title

This Act may be cited as the *Scrutiny of Government Publicity Act 2005*

Clause 2

Commencement

This clause provides for this Act to come into operation on the day on which it receives Royal Assent

Clause 3

Objectives

The objective of this Bill is to restrict the expenditure of public money on government publicity for a partisan political purpose; that is, to stop taxpayer's money being spent on government publicity that is specifically designed to change perception, influence and manipulate, public support for the government of the day.

To constitute a committee to scrutinise Government publicity that appears to the committee to have the capacity or to be likely to have the capacity, in whole or in part, to be used for that purpose.

Clause 4 Definitions

This Clause defines certain words and expressions used in the proposed Act.

Clause 5 Government Publicity Committee

This clause provides for the constitution of the Committee (including membership) and procedure of the Committee.

Clause 6 Review Of Government Publicity For Political Purposes

This Clause outlines the functions of the Committee and its primary responsibility being to make a determination as to whether material is for public information or for partisan political purposes. In exercising its functions the Committee must have regard to the guidelines in Schedule 2.

Clause 7 Other Functions Of The Committee

This clause sets out other functions of the Committee including (but not limited to) monitoring and reviewing expenditure on government publicity that appears to be for partisan political purposes.

Clause 8 Amendment Of Guidelines

This Clause provides for the Committee to make recommendations regarding amendments to Schedule 2 by regulation.

Clause 9 Compliance With Guidelines

This Clause places responsibility with the head of a public authority to ensure that the public authority does not incur expenditure on government publicity that does not comply with the guidelines. It also exempts public authorities from liabilities where the Committee determines material breaches guidelines and, for example, the Committee orders advertising be stopped immediately.

Clause 10 Reports On Expenditure

This Clause provides for the Committee to be able to require public authorities to submit a report to it detailing expenditure on government publicity that the Committee believes may be government publicity for political purposes.

Clause 11 Complaints

This Clause outlines the provision for complaints to be made by any person regarding possible breaches and for that complaint to be investigated where the Committee believes it is justified.

Clause 12 Use Of Staff

This Clause provides for staffing to enable the Committee to fulfil its duties.

Clause 13 Annual Report Of Committee To Parliament

This Clause provides for the Committee to report to Parliament and the details to be provided in that report.

Clause 14 Special Report

This Clause provides for the Committee to provide Parliament with a special report on any matter relating to the function of the Committee that, in the opinion of the Committee, should be brought to the attention of Parliament.

Clause 15 Provision Relating To Reports

This Clause provides for reports to be tabled and made public.

Clause 16 References to Presiding Officer

This Clause clarifies the meaning of "presiding officer".

Clause 17 Part 3- Miscellaneous

This part provides for regulations to be made to assists with the operation functions of the Committee.

Clause 18 Review of the Act

This Clause provides for the Bill to be reviewed as soon as possible after a period of 5 years after assent of the Act.

Schedule 1 Membership and Procedure of Committee

This schedule provides the composition of the Committee and other items including remunerations for Committee members.

Schedule 2 Guidelines for Government Publicity

This schedule provides for the guidelines to ensure any promotional material is partisan and is clearly not for political gain.

This schedule sets out the Guidelines for accurate, factual, and truthful advertising. It states that no claim or statement should be made that cannot be substantiated.

As Government advertising is not subject to the same test that Corporations are this schedule recognises the need for such restraint and provides for it.

Misleading advertising will now be scrutinised by this Committee.