

# **Australasian Study of Parliament Group**

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### ***Session 2***

## **The Role of Parliamentary Committees in Public Accountability (2)**

### **The regulation of government advertising – increasing accountability**

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#### **1. Introduction**

For many years now, there has been a concern about the increasing use of public monies to fund government advertisements which are of a partisan nature. There is a general concern about adequate accountability for the expenditure of public money, and there is a concern for the integrity of the electoral process related to the disproportionate advantage partisan government advertising provides to incumbents, and the silencing (or more accurately the drowning out) of voices of dissent. In this paper, I outline the current system of self-regulation of expenditure on government advertising, argue that it is inadequate given the need to protect the integrity of the electoral process, and explore other more effective mechanisms for regulating government advertising.

#### **2. Outline of Paper**

1. Overview of guidelines for government advertising campaigns
  - a. The scope of current guidelines
  - b. Increasing accountability requirements within existing guidelines
  - c. The example of the Canadian model
  
2. The system of self-regulation
  - a. Current method of enforcing guidelines on government advertising
  - b. Labor's suggested reforms while in opposition (2000, 2004, 2007)
  - c. Critique of self-regulation
  
3. The use of independent bodies to enforce guidelines
  - a. The Ombudsman
  - b. The Auditor-General
  - c. Parliamentary committees

4. Other legislative limits on government advertising campaigns
  - a. Regulating appropriations
    - i. The *Combet* case and its implications
    - ii. The US example of ‘publicity or propaganda prohibitions’ in appropriations legislation
  - b. Criminalising improper uses of public money
  - c. Caps on expenditure for government advertising
  - d. Banning political advertising (revisited)
    - i. Political Broadcasts and Political Disclosures Act 1991 (Cth)
    - ii. The High Court decision of *Australian Capital Television v Commonwealth*
    - iii. The UK ban on political advertisements on the broadcast media.