

## Legislative Council

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### CONSTITUTION (GOVERNMENT ADVERTISING) AMENDMENT BILL

**The Hon. A. BRESSINGTON** (17:51): I rise today to speak to the second reading of the Constitution (Government Advertising) Amendment Bill. Advertising is certainly a very important part of government procedure but, as suggested by the Hon. Mark Parnell in his amendment bill, it is very easily abused. However, there are very important campaigns that should be run by government, the most important one being advertising to reduce the risk to life or serious injury. There are others, such as the obvious ones, which would include information and which would cover the likes of the campaign for the closure of the Gawler rail line, for example. Then there are advisory campaigns which, as an example, would be the anti-gambling campaign.

These are just two categories (and, of course, there are many more), but it shows that they are important messages for the general public and the purpose of the campaign is obvious. It should certainly not be a blatant advertising push for the government of the day. As has been suggested, the recent campaign run by the federal government in the battle with the mining sector is a prime example. That was an advertising campaign which, of course, should never have been funded by the Australian taxpayers. It was a battle of wits, if you like, between the government of the day and the mining industry and was a precursor to the federal election—a little like the advertising campaign for our big new hospital before our state election.

As most of us would know, advertising campaigns these days are extremely expensive. In cases where taxpayer money is used by the government, it should first be subject to scrutiny before it is allowed to proceed. If these partisan campaigns are allowed to continue, they will become a huge drain on the public purse—and probably have.

I think overwhelmingly the voting public is more politically savvy in this day and age and, for the most part, we are aware of when and where taxpayer money is being used. Governments are expected, of course, to use public funds for the benefit of the people and not to promote themselves. It would appear that enough time has been given to governments to self-regulate their advertising expenditure, but at this stage it seems to no avail. So, now it is perhaps time to try something different.

Legislation, it would seem, is the only course of action available. However, that said, I have concerns about the model being proposed by the honourable member. While I support enshrining the permissible parameters of government advertising in legislation, I would also like to see a mechanism developed that allows an advertising campaign to be approved prior to it commencing – perhaps even by the Auditor-General, a mechanism that prevents the abuse of public funds, rather than simply reacting to abuse once the money has been spent.

The bill before us would channel all disputes about a particular advertising campaign to the courts and, as the bill amends the constitution, specifically to the Supreme Court. This is by no means within reach of the ordinary citizen, and I would suggest would be available only to the parliamentary opposition of the day. Complex and lengthy legal arguments would ensue, with the court asked to determine the scope of each category in the new section 10B(2) and whether the particular campaign complies.

The only way to curb this waste of public funds, as pointed out by the Hon. Mark Parnell, is to make sure that any advertising campaign put forward by the government is in accordance with a form of statutory public benefits test. However, as I said, in my opinion the legislation must be preventative and not simply channel disputes to the courts.

We see more and more legislation being drawn up in here where all roads lead to the courts, and very rarely is there a reasonable outcome. While I commend the honourable member and offer my support to the idea of legislative action restricting government advertising, I will not support the model proposed in this particular bill.